

# Proposed Rules

Federal Register

Vol. 76, No. 123

Monday, June 27, 2011

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL TRADE COMMISSION

### 16 CFR Part 312

#### Children's Online Privacy Protection Rule; Aristotle International, Inc.'s Application for Safe Harbor Proposed Self-Regulatory Guidelines

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

**ACTION:** Third party submission of proposed "safe harbor" guidelines; request for public comment.

**SUMMARY:** The Federal Trade Commission publishes a notice and request for public comment concerning proposed self-regulatory guidelines submitted by Aristotle International, Inc. (Aristotle) under the safe harbor provision of the Children's Online Privacy Protection Rule.

**DATES:** Written comments must be received by August 8, 2011.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "Aristotle Application for Safe Harbor, Project No. P-114509" on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/aristotle>, by following the instructions on the Web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex B), 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Phyllis Marcus, Attorney, (202) 326-2854, or Mamie Kresses, Attorney, (202) 326-2070, Division of Advertising Practices, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

#### SUPPLEMENTARY INFORMATION:

### Section A. Background

On October 20, 1999, the Commission issued its final Rule<sup>1</sup> pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. 6501 *et seq.*, which became effective on April 21, 2000.<sup>2</sup> The Rule requires certain Web site operators to post privacy policies, provide notice, and obtain parental consent prior to collecting, using, or disclosing personal information from children. The Rule contains a "safe harbor" provision enabling industry groups or others to submit to the Commission for approval self-regulatory guidelines that would implement the Rule's protections.<sup>3</sup>

Pursuant to Section 312.10 of the Rule, Aristotle has submitted proposed self-regulatory guidelines to the Commission for approval. The full text of the proposed guidelines is available on the Commission's Web site, at <http://www.ftc.gov/os/2011/06/110621aristotlerequest.pdf>.

### Section B. Questions on the Proposed Guidelines

The Commission is seeking comment on various aspects of the proposed guidelines, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. Responses to these questions should cite the numbers and subsection of the questions being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Please provide comments on any or all of the provisions in the proposed guidelines. For each provision commented on please describe (a) The impact of the provision(s) (including any benefits and costs), if any, and (b) what alternatives, if any, Aristotle should consider, as well as the costs and benefits of those alternatives.

2. Do the provisions of the proposed guidelines governing operators' information practices provide "the same or greater protections for children" as those contained in Sections 312.2-312.8 of the Rule?<sup>4</sup> Where possible, please

cite the relevant sections of both the Rule and the proposed guidelines.

3. Are the mechanisms used to assess operators' compliance with the guidelines effective?<sup>5</sup> If not, please describe (a) how the proposed guidelines could be modified to satisfy the Rule's requirements, and (b) the costs and benefits of those modifications.

4. Are the incentives for operators' compliance with the guidelines effective?<sup>6</sup> If not, please describe (a) how the proposed guidelines could be modified to satisfy the Rule's requirements, and (b) the costs and benefits of those modifications.

5. Do the guidelines provide adequate means for resolving consumer complaints? If not, please describe (a) how the proposed guidelines could be modified to resolve consumer complaints adequately, and (b) the costs and benefits of those modifications.

### Section C. Invitation To Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 8, 2011. Write "Aristotle Application for Safe Harbor, Project No. P-114509" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any "[t]rade secret or any commercial or

<sup>1</sup> 64 FR 59888 (1999).

<sup>2</sup> 16 CFR part 312.

<sup>3</sup> See 16 CFR 312.10; 64 FR at 59906-08, 59915.

<sup>4</sup> See 16 CFR 312.10(b)(1); 64 FR at 59915.

<sup>5</sup> See 16 CFR 312.10(b)(2); 64 FR at 59915.

<sup>6</sup> See 16 CFR 312.10(b)(3); 64 FR at 59915.

financial information which is obtained from any person and which is privileged or confidential," as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, don't include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>7</sup> Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <http://ftcpublic.commentworks.com/ftc/aristotle>, by following the instructions on the Web-based form. If this Notice appears at <http://www.regulations.gov/#/home>, you also may file a comment through that Web site.

If you file your comment on paper, write "Aristotle Application for Safe Harbor, Project No. P-114509" on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex B), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 8, 2011. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

<sup>7</sup> In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

By direction of the Commission.

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

[FR Doc. 2011-16007 Filed 6-24-11; 8:45 am]

**BILLING CODE 6750-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 101

[Docket No. FDA-2011-F-0171]

#### Food Labeling; Calorie Labeling of Articles of Food in Vending Machines; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of April, 6, 2011 (76 FR 19238). To implement the vending machine labeling provisions of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), FDA proposed requirements for providing calorie information for certain articles of food sold from vending machines. The document published with several errors including an incorrect contact phone number and an incomplete address. This document corrects those errors.

**FOR FURTHER INFORMATION CONTACT:** Daniel Y. Reese, Center for Food Safety and Applied Nutrition (HFS-820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-2371.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2011-8037, appearing in the **Federal Register** of April 6, 2011 (76 FR 19238), the following corrections are made:

1. On page 19238, in the second column, under **FOR FURTHER INFORMATION CONTACT** the phone number "301-436-2371" is corrected to read "240-402-2371".

2. On page 19239, in the third column, in the last paragraph, the last sentence, "'Act' is defined as the Federal Food, Drug, and Cosmetic Act." is removed.

3. On page 19243, in the first column, beginning in the 29th line, the phrase "FDA is proposing in § 101.8(c)(2)(i)(B) and § 101.8(c)(2)(i)(C) that the calorie declaration \* \* \*." is corrected to read "FDA is proposing in § 101.8(c)(2)(i)(C) that the calorie declaration \* \* \*."

4. On page 19243, in the second column, in the first full paragraph, "§ 101.8(c)(2)(ii)(B)" is corrected to read "§ 101.8(c)(2)(ii)(C)".

5. On page 19255, in the first column, in proposed § 101.8(d)(3)(v), the phrase, "FDA, White Oak Building 22, Rm. 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993." is corrected to read "FDA, CFSAN Menu and Vending Machine Labeling Registration, White Oak Building 22, Rm. 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993."

Dated: June 21, 2011.

**Leslie Kux,**

*Acting Assistant Commissioner for Policy.*

[FR Doc. 2011-15983 Filed 6-24-11; 8:45 am]

**BILLING CODE 4164-01-P**

## NATIONAL LABOR RELATIONS BOARD

### 29 CFR Parts 101, 102, 103

RIN 3142-AA08

#### Representation Case Procedures

**AGENCY:** National Labor Relations Board.

**ACTION:** Proposed rule; notice of meeting.

**SUMMARY:** The National Labor Relations Board (NLRB or Board) invites interested parties to attend an open meeting with the Board and its staff on July 18, 2011. The Board meeting will be held from 9 a.m. until 4 p.m. The meeting will be held in the Margaret A. Browning Hearing Room (Room 11000), National Labor Relations Board, 1099 14th Street, NW., Washington, DC 20570. During the public meeting, interested persons may share their views on the proposed amendments to the Board's rules governing representation case procedures, published at 76 FR 15307 (June 22, 2011) and make other proposals for improving representation case procedures.

**DATES:** The meeting will be held on Monday, July 18, 2011, from 9 a.m. to 4 p.m. A second day of meetings may be scheduled for Tuesday, July 19, 2011, if necessary. Due to time and seating considerations, persons desiring to attend the meeting, or to make a presentation before the Board, must notify the NLRB staff, no later than 4 p.m. on Friday, July 1, 2011.

**ADDRESSES:** The public meeting will be held in the Margaret A. Browning Hearing Room (Room 11000), National Labor Relations Board, 1099 14th Street, NW., Washington, DC 20570. Requests to attend the meeting must be addressed to Mary Meyers, Administrative Assistant to the Chairman, National