

corrective action.<sup>1</sup> A “determination” for purposes of triggering the 15 business days is either: (1) notification to the person or entity of legal guidance prepared by the Office of General Counsel (“OGC”) at the request of the Reports Analysis Division recommending the corrective action; or (2) the end of the Committee’s Audit Exit Conference response period.

Any request for consideration by a Committee during the report review process or the audit process shall be limited to questions of law on material issues, when: (1) The legal issue is novel, complex, or pertains to an unsettled question of law; (2) there has been intervening legislation, rulemaking, or litigation since the Commission last considered the issue; or (3) the request to take corrective action is contrary to or otherwise inconsistent with prior Commission matters dealing with the same issue. The request must specify the question of law at issue and why it is subject to Commission consideration. It should discuss, when appropriate, prior Commission matters raising the same issue, relevant court decisions, and any other analysis of the issue that may assist the Commission in its decision-making. The Commission will not consider factual disputes under this procedure, and any requests for consideration other than on questions of law on material issues will not be granted.

All requests, including any extension requests, should be directed to the Commission Secretary, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, and must be received within 15 business days of the determination of corrective action. Upon receipt of a request, the Commission Secretary shall forward a copy of any request to each Commissioner, the General Counsel, and the Staff Director.

Any request for an extension of time to file will be considered on a case-by-case basis and will only be granted if good cause is shown, and the Commission approves the extension request by four affirmative votes within five business days of receipt of the extension request. Within five business days of notification to the Commissioners of a request for consideration of a legal question, if two or more Commissioners agree that the Commission should consider the request, OGC will prepare a

recommendation and, within 15 business days thereafter, circulate the recommendation in accordance with all applicable Commission directives.

After the recommendation is circulated for a Commission vote, in the event of an objection, the matter shall be automatically placed on the next meeting agenda consistent with the Sunshine Act, 5 U.S.C. 552b(g), and applicable Commission regulations, 11 CFR part 2. However, if within 60 business days of the filing of a request for consideration, the Commission has not resolved the issue or provided guidance on how to proceed with the matter by the affirmative vote of four or more Commissioners, the OC may proceed with the matter. After the 60 business days has elapsed, any requestor will be provided a copy of OGC’s recommendation memorandum and an accompanying vote certification, or if no such certification exists, a cover page stating the disposition of the memoranda. Confidential information will be redacted as necessary.

After the request review process has concluded, or a Final Audit Report has been approved, a copy of the request for consideration, as well as the recommendation memorandum and accompanying vote certification or disposition memorandum, will be placed with the Committee’s filings or audit documents on the Commission’s website within 30 days. These materials will also be placed a Commission webpage dedicated to legal questions considered by the Commission under this program.

This procedure is not intended to circumvent or supplant the Advisory Opinion process provided under 2 U.S.C. 437f and 11 CFR part 112. Accordingly, any legal issues that qualify for consideration under the Advisory Opinion process are not appropriate for consideration under this new procedure. Additionally, this policy statement does not supersede the procedures regarding eligibility and entitlement to public funds set forth in Commission Directive 24 and 11 CFR 9005.1, 9033.4, 9033.6 or 9033.10.

## II. Annual Review

No later than July 1 of each year, the OC and OGC shall jointly prepare and distribute to the Commission a written report containing a summary of the requests made under the program over the previous year and a summary of the Commission’s consideration of those requests and any action taken thereon. The annual report shall also include the Chief Compliance Officer’s and the General Counsel’s assessment of whether, and to what extent, the

program has promoted efficiency and fairness in both the Commission’s report review process and in the audit process, as well as their recommendations, if any, for modifications to the program.

The Commission may terminate or modify this program through additional policy statements at any time by an affirmative vote of four of its members.

Dated: July 26, 2011.

**Cynthia L. Bauerly,**

*Chair, Federal Election Commission.*

[FR Doc. 2011–19312 Filed 7–29–11; 8:45 am]

**BILLING CODE 6715–01–P**

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Notice

July 25, 2011.

**TIME AND DATE:** 10 a.m., Thursday, August 4, 2011.

**PLACE:** The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument in the following matters: *Big Ridge, Inc.*, Docket Nos. LAKE 2011–116–R, et al., and *Peabody Midwest Mining, LLC*, Docket Nos. LAKE 2011–118–R, et al. (Issues include whether the Commission should grant an application for temporary relief from orders issued by the Secretary of Labor requiring that mine operators provide certain information and records to the Secretary.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen (202) 434–9950 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

**Emogene Johnson,**

*Administrative Assistant.*

[FR Doc. 2011–19462 Filed 7–28–11; 11:15 am]

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## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Submission for OMB Review; Comment Request

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

<sup>1</sup> Many disputes involving corrective action requests hinge on questions of fact rather than questions of law, and thus are not appropriate for this procedure.

**ACTION:** Notice; and request for public comment.

**SUMMARY:** The FTC intends to conduct a survey of consumers to advance its understanding of the prevalence of consumer fraud and to allow the FTC to better serve people who experience fraud. The survey is a follow-up to two previous surveys—the first was conducted in May and June of 2003 and the second in November and December of 2005. Before gathering this information, the FTC is seeking public comments on its proposed consumer research. The information collection requirements described below are being submitted to the Office of Management and Budget (“OMB”) for review, as required by the Paperwork Reduction Act (“PRA”).

**DATES:** Comments must be submitted on or before August 31, 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 “Consumer Fraud Survey, Project No. P105502” on your comment, and file your comment online at: <https://ftcpublic.commentworks.com/ftc/fraudsurvey2>, 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 J), 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be addressed to Keith B. Anderson, Economist, Bureau of Economics, Federal Trade Commission, 600 Pennsylvania Avenue NW., Mail Stop NJ-4136, Washington, DC 20580. Telephone: (202) 326-3428.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

On September 1, 2010, the FTC sought comment on the information collection requirements associated with the proposed Fraud Survey (75 FR 53697). No comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501-3521, the Commission is providing this second opportunity for public comment. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before August 31, 2011.

In 2003, OMB approved the FTC’s request to conduct a survey on consumer fraud. The FTC completed the

consumer research in June 2003 and issued its report, “Consumer Fraud in the United States: An FTC Survey,” in August 2004 (<http://www.ftc.gov/reports/consumerfraud/040805confraudrpt.pdf>).

In November 2005, OMB approved the Commission’s request to reinstate this clearance. The second survey was conducted in November and December 2005. A report, “Consumer Fraud in the United States: The Second FTC Survey,” detailing the results of that survey, was issued in October 2007 (<http://www.ftc.gov/opa/2007/10/fraud.pdf>). The 2005 survey asked about consumers’ experiences during the previous year with 14 specific and two more general types of fraud. Among frauds covered by the survey were whether the person had purchased a weight-loss product that did not work as promised, whether the person had fallen victim to an advance-fee loan scam, and whether the person had paid someone to remove derogatory information from his or her credit report. According to the survey results, 30.2 million adults in the United States—13.5 percent of all adults in the country—had been a victim during the previous year of one or more of the frauds included in the survey.

Among the 14 specific frauds included in the survey, the most frequently reported was the purchase of a weight-loss product that the seller represented would allow the user to easily lose a substantial amount of weight or lose the weight without diet or exercise. In fact, consumers who tried the product found that they only lost a little of the weight they had expected to lose or failed to lose any weight at all. This was experienced by 4.8 million adults—2.1 percent of the adult population.

**2. Description of the Collection of Information and Proposed Use**

The FTC proposes to conduct a telephone survey of 3,600 randomly-selected consumers nationwide age 18 and over—100 in a pretest and 3,500 in the main survey—in order to gather specific information on the incidence of consumer fraud in the general population. To obtain a more reliable picture of the experience of demographic groups that the earlier surveys found to be at an elevated risk of becoming victims of consumer fraud—including Hispanics, African Americans, and Native Americans—the survey may oversample members of these groups. All information will be collected on a voluntary basis, and information on the identities of individual participants will not be collected. Subject to obtaining OMB

clearance, the FTC will work with a consumer research firm to identify consumers and conduct the survey. The results will assist the FTC in determining the incidence of consumer fraud in the general population and whether its type or frequency is changing. This information will inform the FTC about how best to combat consumer fraud.

The FTC intends to use a sample size similar to that used in the 2005 survey. Many of the questions will be similar to the 2005 survey so that the results from it can be used as a baseline for a time-series analysis.<sup>1</sup> The FTC may choose to conduct another follow-up survey in approximately five years.

**3. Estimated Hours Burden**

The FTC will pretest the survey on approximately 100 respondents to ensure that all questions are easily understood. This pretest will take approximately 17 minutes per person<sup>2</sup> and 28 hours as a whole (100 respondents × 17 minutes each). Answering the consumer survey will require approximately 15 minutes per respondent and 875 hours as a whole (3,500 respondents × 15 minutes each). Thus, cumulative total burden hours will approximate 903 hours.

**4. Estimated Cost Burden**

The cost per respondent should be negligible. Participation is voluntary and will not require start-up, capital, or labor expenditures by respondents.

**5. Request for 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 31, 2011. Write “Consumer Fraud Survey, Project No. P105502” 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 does

<sup>1</sup> The survey instrument for the 2005 Consumer Fraud Survey is attached to the 2007 report (referenced above) as Appendix B.

<sup>2</sup> Staff originally estimated 15 minutes to complete the pretest, the same time as that needed for the actual survey. The revised estimate takes further into account the presumed added time required to respond to questions unique to the pretest itself.

not 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 does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or 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, do not 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>3</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 <https://ftcpublishcommentworks.com/ftc/fraudsurvey2>, 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 "Consumer Fraud Survey, Project No. P105502" 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 J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

<sup>3</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).

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 31, 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>.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395-5167.

**David C. Shonka,**

*Acting General Counsel.*

[FR Doc. 2011-19367 Filed 7-29-11; 8:45 am]

**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

[File No. 111 0083]

### **Perrigo Company and Paddock Laboratories, Inc.; Analysis of Agreement Containing Consent Orders 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 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 August 26, 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 "Perrigo Paddock, File No. 111 0083" on your comment, and file your comment online at <https://ftcpublishcommentworks.com/ftc/perrigopaddockconsent>, 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 D), 600 Pennsylvania Avenue, NW., Washington, DC 20580.

#### **FOR FURTHER INFORMATION CONTACT:**

Christine Palumbo (202-326-3330), FTC, Bureau of Competition, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 the Commission 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 thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for July 26, 2011), on the World Wide Web, at <http://www.ftc.gov/os/actions.shtm>. 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.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 10, 2011. Write "Perrigo Paddock, File No. 111 0083" on your comment. Your comment B including your name and your state B 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 does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state