a police report.<sup>7</sup> Thus, staff estimates that the Rule will enable those victims who previously were unable to file reports with local law enforcement to now file reports with a state or federal law enforcement agency. Second, 4.261 million victims annually contact an information furnisher.8 Staff estimates, based on its knowledge of identity theft trends, that the Rule will result in an increase of 10%, or 426,000, of these victims obtaining an identity theft report. Third, 646,000 victims do not take any action even though their information was used to open new accounts or to commit other frauds.9 Staff estimates, based on its knowledge of identity theft trends, that the Rule will likely result in 75%, or 485,000, of these victims obtaining identity theft reports. In sum, staff estimates that the Rule will increase by 1.529 million the number of individuals obtaining identity theft reports (618,000 + 426,000 +485,000).

586,000 hours (rounded to the nearest thousand).

In its 2004 notice of proposed rulemaking and corresponding submission to OMB, FTC staff estimated, based on the experience of the Commission's Consumer Response Center, that an individual would spend an average of 5 minutes finding and reviewing filing instructions, 8 minutes filing the law enforcement report with the law enforcement agency, and 5 minutes submitting the law enforcement report and any additional information or documentation to the information furnisher or consumer reporting agency, resulting in an average of 18 minutes for each identity theft report.

Staff now estimates, based on the ongoing experience of the Commission's Consumer Response Center, that an individual will spend 5 minutes finding and reviewing filing instructions, 13 minutes filing the law enforcement report with the law enforcement agency (due to added entry fields), and 5 minutes submitting the law enforcement report and any additional information or documentation to the information furnisher or consumer reporting agency, resulting in an average of 23 minutes for each identity theft report. Thus, the annual information collection burden

for the estimated 1.529 million new identity theft reports due to the Rule will be 586,000 hours. [(1.529 million  $\times$  23 minutes)/60 minutes]

(rounded to the nearest thousand).

Commission staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. According to the Bureau of Labor Statistics survey from June 2005, the average national wage for individuals was \$18.62. 10 Applying this average national wage to the 586,000 burden hours results in an estimated \$10.911 million labor cost burden on individuals who obtain identity theft reports (\$18.62 × 586,000 hours).

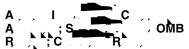
\$0 or minimal.

Staff believes that the Rule's paperwork burden imposes negligible capital or other non-labor costs, as an identity theft victim is likely to have the necessary supplies and/or equipment already (telephone, computer, paper, envelopes) for purposes of obtaining the identity theft report and submitting it to information furnishers or consumer reporting agencies.

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[FR Doc. E7–5818 Filed 3–28–07; 8:45 am]

## FEDERAL TRADE COMMISSION



**AGENCY:** Federal Trade Commission. **ACTION:** Notice.

SUMMARY: The Federal Trade
Commission ("FTC" or "Commission")
is seeking public comments on its
proposal to extend the current Office of
Management and Budget ("OMB")
clearance for information collection
requirements contained in its Contact
Lens Rule ("Rule") from April 30, 2007
through April 30, 2010. The information
collection requirements described below
will be submitted to OMB for review as
required by the Paperwork Reduction
Act ("PRA").

DATES:

 $<sup>^{7}\,</sup>$  , . (24% of the 2.577 million victims who contacted law enforcement did not obtain a copy of a police report).

<sup>&</sup>lt;sup>8</sup> . . at 50 (43% of all 9.91 million victims contact an information provider).

<sup>&</sup>lt;sup>9</sup> Based upon staff's analysis of data collected in the survey, these types of victims constitute 20% of the 3.23 million victims each year whose information is used to open new accounts or commit other frauds.

<sup>10</sup> The hourly rates are based on average annual Bureau of Labor Statistics National Compensation Survey data, June 2005 (with 2005 as the most recent whole year information available, and June the focal median point).

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<sup>&</sup>lt;sup>1</sup> Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. Commission Rule 4.9(c), 16 CFR

on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy at # :// . . . . / . /

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Karen Jagielski, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2509. 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, keep 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 the opportunity for public comment while awaiting OMB action on the Commission's request to extend the existing paperwork clearance for the regulations noted herein.

In its first Notice published in the  $R_{\perp \varphi}$ on December 18, 2006, 71 FR 75754, the FTC sought public comments on its proposal to extend through April 30, 2010 its current OMB clearance for information collection requirements contained in its Rule. The FTC has received no public comments. The FTC is providing this second opportunity for public comment while seeking OMB approval to extend the existing paperwork clearance for the Rule. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before April 30, 2007.

The Rule, 16 CFR part 315, was promulgated by the FTC pursuant to the Fairness to Contact Lens Consumers Act ("FCLCA"), Pub. L. 108-164 (December 6, 2003), which was enacted to enable consumers to purchase contact lenses from the seller of their choice. The Rule became effective on August 2, 2004. As mandated by the FCLCA, the Rule requires the release and verification of contact lens prescriptions and contains recordkeeping requirements applying to both prescribers and sellers of contact

Specifically, the Rule requires that prescribers provide a copy of the prescription to the consumer upon the completion of a contact lens fitting and verify or provide prescriptions to authorized third parties. The Rule also mandates that a contact lens seller may sell contact lenses only in accordance with a prescription that the seller either:

(a) Has received from the patient or prescriber; or (b) has verified through direct communication with the prescriber. In addition, the Rule imposes recordkeeping requirements on contact lens prescribers and sellers. For example, the Rule requires prescribers to document in their patients' records the medical reasons for setting a contact lens prescription expiration date of less than one year. The Rule requires contact lens sellers to maintain records for three years of all direct communications involved in obtaining verification of a contact lens prescription, as well as prescriptions, or copies thereof, which they receive directly from customers or prescribers.

The information retained under the Rule's recordkeeping requirements is used by the Commission to substantiate compliance with the Rule and may also provide a basis for the Commission to bring an enforcement action. Without the required records, it would be difficult either to ensure that entities are complying with the Rule's requirements or to bring enforcement actions based on violations of the Rule.

Commission staff estimates the paperwork burden of the FCLCA and Rule based on its knowledge of the eye care industry. Staff believes there will be some burden on individual prescribers to provide contact lens prescriptions, although it involves merely writing a few items of information onto a slip of paper and handing it to the patient, or perhaps mailing or faxing it to a third party. In addition, there will be some recordkeeping burden on contact lens sellers—including retaining prescriptions or records of "direct communications"—pertaining to each sale of contact lenses to consumers who received their original prescription from a third party prescriber.

Estimated total annual hours burden: 950,000 hours (rounded to the nearest thousand).

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<sup>&</sup>lt;sup>2</sup> See Statistics on Eyeglasses and Contact Lenses, All About Vision, August, 2006, available at See also Barr, J. "2004 Annual" Report," Contact Lens Spectrum, Jan. 2005, available at  $\frac{1}{4}$  =12733.