

# Proposed Rules

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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

RIN 3084-AB20

#### Children's Online Privacy Protection Rule Proposed Parental Consent Method; AssertID, Inc. Application for Approval of Parental Consent Method

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

**ACTION:** Request for public comment.

**SUMMARY:** The Federal Trade Commission requests public comment concerning the proposed parental consent method submitted by AssertID, Inc. ("AssertID") under the Voluntary Commission Approval Processes provision of the Children's Online Privacy Protection Rule.

**DATES:** Written comments must be received on or before September 20, 2013.

**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 "AssertID Application for Parental Consent Method, Project No. P-135415" on your comment, and file your comment online at <https://ftcpublish.commentworks.com/ftc/copparuleassertidapp>, 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 E), 600 Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Kandi Parsons, Attorney, (202) 326-2369, or Peder Magee, Attorney, (202) 326-3538, Division of Privacy and Identity Protection, Federal Trade Commission, 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> On December 19, 2012, the Commission amended the Rule, and these amendments became effective on July 1, 2013.<sup>3</sup> The Rule requires certain Web site operators to post privacy policies and provide notice, and to obtain verifiable parental consent, prior to collecting, using, or disclosing personal information from children under the age of 13. The Rule enumerates methods for obtaining verifiable parental consent, while also allowing an interested party to file a written request for Commission approval of parental consent methods not currently enumerated.<sup>4</sup> To be considered, the party must submit a detailed description of the proposed parental consent method, together with an analysis of how the method meets the requirements for parental consent described in 16 CFR 312.5(b)(1).

Pursuant to Section 312.12(a) of the Rule, AssertID has submitted a proposed parental consent method to the Commission for approval. The full text of its application is available on the Commission's Web site at [www.ftc.gov](http://www.ftc.gov).

#### Section B. Questions on the Parental Consent Method

The Commission is seeking comment on the proposed parental consent method, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the Commission's consideration of the petition 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 number of the question being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Is this method already covered by existing methods enumerated in Section 312.5(b)(1) of the Rule?

2. If this is a new method, provide comments on whether the proposed parental consent method meets the requirements for parental consent laid

out in 16 CFR § 312.5(b)(1). Specifically, the Commission is looking for comments on whether the proposed parental consent method is reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

3. Does this proposed method pose a risk to consumers' personal information? If so, is that risk outweighed by the benefit to consumers and businesses of using this method?

#### 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 September 20, 2013. Write "AssertID Application for Parental Consent Method, Project No. P-135415" 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 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, such as 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, including 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 . . . privileged or confidential," as discussed 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

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

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

<sup>3</sup> 78 FR 3972 (2013).

<sup>4</sup> 16 CFR 312.12(a); 78 FR at 3991-3992, 4013.

you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>5</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/copparuleassertidapp>, 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 "AssertID Application for Parental Consent Method, Project No. P-135415" 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 E), 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 September 20, 2013. 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>.

By direction of the Commission.

**Richard C. Donohue,**  
*Acting Secretary.*

[FR Doc. 2013-20243 Filed 8-20-13; 8:45 am]

**BILLING CODE 6750-01-P**

<sup>5</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).

## DEPARTMENT OF DEFENSE

### 32 CFR Part 68

[Docket No. DOD-2013-OS-0093]

RIN 0790-AJ06

#### Voluntary Education Programs; Correction

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On Wednesday, August 14, 2013 (78 FR 49382-49400), the Department of Defense published a proposed rule titled Voluntary Education Programs. Subsequent to the publication of the proposed rule in the **Federal Register**, DoD discovered an error in § 68.5(f)(1) on page 49388. This proposed rule corrects this error.

**DATES:** This correction is effective on August 21, 2013.

**FOR FURTHER INFORMATION CONTACT:** Patricia Toppings, 571-372-0485.

**SUPPLEMENTARY INFORMATION:** Section 68.5(f)(1) is corrected to read as follows:

#### § 68.5 [Corrected]

On page 49388, in the second column, in § 68.5(f)(1), in the fourth line, "paragraph (f) of this section" should read "paragraph (f) of § 68.6."

Dated: August 16, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013-20366 Filed 8-20-13; 8:45 am]

**BILLING CODE 5001-06-P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Parts 3001 and 3035

[Docket No. RM2013-5; Order No. 1803]

#### Market Tests of Experimental Postal Products

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Proposed rule.

**SUMMARY:** The Commission is proposing a set of rules to address Postal Service filings concerning market tests of experimental products. The proposed rules address the contents of market test filings, describe how the filings will be reviewed, and discuss related matters. The Commission invites public comments on the proposed rule.

**DATES:** Comments are due September 20, 2013. Reply comments are due October 10, 2013.

**ADDRESSES:** Submit comments electronically via the Commission's

Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

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#### I. Introduction

The Commission proposes to establish rules governing market tests of experimental products to implement the requirements of the standards for market tests established by Congress in 39 U.S.C. 3641.

#### II. Statutory Authority

The Postal Accountability and Enhancement Act (PAEA)<sup>1</sup> authorizes the Postal Service to conduct market tests of experimental products. See 39 U.S.C. 3641(a)(1). Such tests are not subject to 39 U.S.C. 3622, 3633, or 3642, or regulations promulgated thereunder. *Id.* 3642(a)(2). An experimental product may not be tested unless it satisfies each of the following conditions:

- Significantly different product: The product is, from the viewpoint of the mail users, significantly different from all products offered by the Postal Service within the 2-year period preceding the start of the test.
- Market disruption: The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns.
- Correct categorization: The Postal Service identifies the product, for the purpose of a test, as either market-dominant or competitive.

39 U.S.C. 3641(b).

The Postal Service must file notice with the Commission and publish the notice in the **Federal Register** at least 30 days before initiating a market test. *Id.* 3641(c)(1). The notice must describe the nature and scope of the market test and explain why the Postal Service believes that the market test is covered by section 3641. *Id.* 3641(c)(1)(A) and (B). The duration of a market test of an

<sup>1</sup> Public Law 109-435, 120 Stat. 3198 (2006).