Staff also believes that, based on its knowledge of the industry, this burden will fall primarily on mail order and Internet-based sellers of contact lenses, as these are the entities in the industry most reliant on obtaining or verifying contact lens prescriptions. Based on conversations with the industry, staff estimates that these entities currently account for approximately 10% of sales in the contact lens market and, by extension, that approximately 3.8 million contact lens wearers in the United States—purchase their lenses from them.

At an estimated five minutes per sale to each of 3.8 million contact lens sales, contact lens sellers will spend a total of 316,667 hours complying with the recordkeeping requirement. [(3.8 million × 5 minutes)/60 minutes = 316,667 hours] This estimate likely overstates the actual burden, however, because it includes the time spent by sellers who already keep records pertaining to contact lens sales in the ordinary course of business. In addition, the estimate may overstate the time spent by sellers to the extent that records (e.g., verification requests) are generated and stored automatically and electronically, which staff understands is the case for some larger online sellers. *Estimated labor costs: $32,819,000 (rounded to the nearest thousand).*

Commission staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. Staff estimates, based on its knowledge of the industry, that optometrists account for approximately 75% of prescribers. Consequently, for simplicity, staff will focus on their average hourly wage in estimating prescribers’ labor cost burden.

According to Bureau of Labor Statistics from May 2005, salaried optometrists earn an average wage of $45.91 per hour and clerical personnel earn an average of $11.82 per hour.* With these categories of personnel, respectively, likely to perform the brunt of the disclosure and recordkeeping aspects of the Rule, estimated total labor cost attributable to the Rule would be approximately $32.8 million. [(45.91 × 633,333 hours) + ($11.82 × 316,667 hours) = $32,819,322]

The contact lens market is a multi-billion dollar market; one recent survey estimates that contact lens sales totaled $2.37 billion from Jan 1, 2006 to Dec 31, 2006. Thus, the total labor cost burden estimate of $32.8 million represents approximately 1% of the overall market.

*Estimated annual non-labor cost burden: $0 or minimal.*

Staff believes that the Rule’s disclosure and recordkeeping requirements impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (e.g., prescription pads, patients’ medical charts, facsimile machines and paper, telephones, and recordkeeping facilities such as filing cabinets or other storage).

William Blumenthal, General Counsel, [FR Doc. E7–5819 Filed 3–28–07; 8:45 am]

FEDERAL TRADE COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Trade Commission (FTC).

ACTION: Proposed routine use; request for public comment.

SUMMARY: The FTC proposes to adopt a new routine use that would permit disclosure of FTC records governed by the Privacy Act when reasonably necessary to respond and prevent, minimize, or remedy harm that may result from an agency data breach or compromise.

DATES: The deadline for public comments is April 30, 2007. Comments received after that date will be considered at the FTC’s discretion.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to “Privacy Act of 1974; System of Records: FTC File No. P072104” to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission, Room H–135 (Annex H), 600 Pennsylvania Ave., NW., Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Moreover, because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, as prescribed below. However, if the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled “Confidential.”

Comments filed in electronic form should be submitted by following the instructions on the web-based form at https://secure.commentworks.com/PrivacyAct1974. To ensure that the Commission considers an electronic comment, you must file it on the web-based form at https://secure.commentworks.com/PrivacyAct1974 weblink. If this notice appears at www.regulations.gov, you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this matter as appropriate. All timely and responsive public comments will be considered by the Commission and will be available to the public on the FTC Web site, to the extent practicable, at www.ftc.gov. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments 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 http://www.ftc.gov/ftc/privacy.htm.

FOR FURTHER INFORMATION CONTACT: Alex Tang, Attorney, FTC, Office of General Counsel.

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3 The FTC’s February 2005 study, “The Strength of Competition in the Rx Sale of Contact Lenses: An FTC Study,” cites various data that, averaged together, suggest that approximately 10% of contact lens sales are by online and mail-order sellers. The report is available online at http://www.ftc.gov/reports/contactlenses/050214contactlensesrpt.pdf.

4 Optometrist hourly wages are drawn from the Bureau of Labor Statistics (BLS) Occupational Employment and Statistics Survey, May 2005, based on BLS-sampled data it collected over a 3-year period. See http://www.bls.gov/news.release/pdf/ocwage.pdf (Table 1). Relevant clerical hourly rates are unavailable from that survey, however, and are drawn instead from the BLS National Compensation Survey, June 2005 (with 2005 as the most recent whole year information available, and June the focal median point). See http://www.bls.gov/ncs/occ/sp/nccb0812.pdf (Table 1.1).

5 The Vision Council of America and Jobson Optical Research have conducted large scale continuous consumer research under the name VisionWatch, which reports on the vision care industry. The basis for this statistic is on file with the Federal Trade Commission.
CAPTAIN'S CARGO

--The cargo of the ship--

The cargo of the ship consists of various items, including

1. Cotton textiles
2. Steel ingots
3. Electronic components
4. Timber
5. Chemicals

The ship is loaded with these items to transport them to their destination.

--End of cargo list--