individuals, not small or large businesses.

A unique characteristic of the Age Search service is its self-supporting status. Congress passed a law in 1952 that stipulated that this service be funded by the individuals requesting the service. By enactment of this law, the National Processing Center does not receive any federal appropriations or tax monies for the Age Search service. Consequently, the searching process of the census records and associated operating costs are funded by the fees received with the applications.

Due to an increase in operating costs since the last Age Search fee increase on February 1, 1993, and in order to help maintain the self-supporting financial status, it has become necessary to propose a fee increase from $40 to $65 per search of one census year for one person only. The projected number of individual Age Search cases is 2,620 for fiscal year 2004. Most, if not all, of these requests are authorized and initiated by individuals. In addition, we are requesting an additional charge of $20 for expedited cases (results within one day), typically for a small percentage of individuals requesting proof of citizenship for passports. The additional $20.00 charge for expedited cases represents the estimated cost to the Census Bureau for this service.

Executive Orders
This rule has been determined to be not significant for purposes of Executive Order 12866. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Paperwork Reduction Act
Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current Office of Management and Budget (OMB) control number. The Census Bureau proposes to increase the fee structure from $40.00 to $65.00 on searches of one census for one person and one transcript, and to add an additional charge of $20.00 per case for expedited requests requiring search results within one day. The form used to request age searches, Form BC 600, has been cleared under OMB Control Number 0607–0117.

On March 24, 2004, the Census Bureau published in the Federal Register (69 FR 13810) a proposed collection and comment request on the change. As discussed in that notice, the estimated total number of respondents affected by this proposed change is 2,620 individuals. The estimated time per response is estimated at 12 minutes.

List of Subjects in 15 CFR Part 50
Census data, Population census, Statistics.

For reasons set out in the preamble, part 50 is proposed to be amended as follows:

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

1. The authority citation for 15 CFR Part 50 is revised to read as follows:

2. Revise §50.5 to read as follows:

§50.5 Fee structure for age search and citizenship information.

<table>
<thead>
<tr>
<th>Type of service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Searches of one census for one person and one transcript</td>
<td>$65.00</td>
</tr>
<tr>
<td>Each additional copy of census transcript</td>
<td>2.00</td>
</tr>
<tr>
<td>Each full schedule requested</td>
<td>10.00</td>
</tr>
</tbody>
</table>

*Each full schedule requested is in addition to the $65.00 transcript fee.

Note: An additional charge of $20.00 per case is charged for expedited requests requiring search results within one day.

Charles Louis Kincannon, Director, Bureau of the Census.
[FR Doc. 04–9661 Filed 4–29–04; 8:45 am]
BILLING CODE 3510–07–P

FEDERAL TRADE COMMISSION

16 CFR Part 310
RIN 3084–0098

Telemarketing Sales Rule Fees

AGENCY: Federal Trade Commission.
ACTION: Notice of proposed rulemaking; request for public comment.

SUMMARY: The Federal Trade Commission (the "Commission" or "FTC") is issuing a Notice of Proposed Rulemaking ("NPRM") to amend the Telemarketing Sales Rule ("TSR") to revise the fees charged to entities accessing the National Do Not Call Registry, and invites written comments on the issues raised by the proposed changes.

DATES: Written comments must be submitted on or before June 1, 2004.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to "TSR Fee Rule, Project No. P003405," 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 to the following address: Federal Trade Commission/Office of the Secretary, Room H–159 (Annex K), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form. 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.

An electronic comment can be filed by (1) clicking on http://www.regulations.gov; (2) selecting "Federal Trade Commission" at "Search for Open Regulations;" (3) locating the summary of this Notice; (4) clicking on "Submit a Comment on this Regulation;" and (5) completing the form. A given electronic comment, any information placed in the following fields—"Title," "First Name," "Last Name," "Organization Name," "State," "Comment," and "Attachment"—will be publicly available on the FTC Web site. The fields marked with an asterisk on the form are required in order for the FTC to fully consider a particular comment. Commenters may choose not to fill in one or more of those fields, but if they do so, their comments may not be considered.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments with all required fields completed, whether filed in paper or electronic form, 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:
David M. Torok, Staff Attorney, (202) 326–3075, Division of Marketing Practices, Bureau of Consumer
The Commission recently amended the TSR to require telemarketers to access the national registry at least once every 31 days, effective January 1, 2005. See 69 FR 16368 (Mar. 29, 2004).

Amended TSR. The Commission determined that the fee structure would be based on the number of different area codes of data that an entity wished to access annually. The Original Fee Rule established an annual fee of $25 for each area code of data requested from the national registry, with the first five area codes of data provided at no cost. The maximum annual fee was capped at $7,375 for entities accessing 300 area codes of data or more. See 41 FR 45140. It noted that this estimate of the number of entities that would be required to pay for access to the National Do Not Call Registry was based on the “best information available to the agency” at that time. 68 FR at 45140. The Commission noted, however, that it received virtually no comments providing information supporting or challenging these assumptions. Id. As a result, the Commission anticipated that these fees may need to be reexamined periodically and adjusted, in future rulemaking proceedings, to reflect actual experience with operating the registry. Id. at 45142.

1The Commission recently amended the TSR to require telemarketers to access the national registry at least once every 31 days, effective January 1, 2005. See 69 FR 16368 (Mar. 29, 2004).

2 Once an entity requested access to area codes of data in the national registry, it could access those area codes as often as it deemed appropriate for one year (defined as its “annual period”). If, during the course of its annual period, an entity needed to access data from more area codes than those initially selected, it would be required to pay for access to those additional area codes. For purposes of these additional payments, the annual period was divided into two semi-annual periods of six months each. Obtaining additional data from the registry during the first semi-annual period required a payment of $25 for each new area code. During the second semi-annual period, the charge for obtaining data from each new area code requested during that six-month period was $15. These payments for additional area data would provide the entity access to those additional area codes of data for the remainder of its annual term.
The Commission noted that such a fee
the national registry.

only require access to a small portion of
maximum amount charged to access the entire
area code would be reduced to $32, while the
additional area codes scheduled to become active
approximately 280 active area codes, with
currently in active service, but are reserved for use
codes in the nation, virtually all of which include
the charges for access to the registry with the
is proposing this revision to more closely correlate
registry, and make the appropriate reductions to the
Should this assumption prove incorrect, the
have no effect on the calculation of the revised fees.
Nonetheless, the
Commission continues to seek comment on this issue.
The Commission also proposes to
continue allowing “exempt” organizations, as discussed in footnote 3, above, to obtain free access to the
national registry. The Commission
believes that any exempt entity, voluntarily accessing the national registry to avoid calling consumers who
do not wish to receive telemarketing
calls, should not be charged for such
access. Charging such entities access
dees, when they are under no legal
obligation to comply with the “do-not-
call” requirements of the TSR, may
make them more likely to access to the
national registry in the future,
resulting in an increase in unwanted
calls to consumers. As with free access to five or fewer area codes, the
Commission seeks comment on this
issue as well.

III. Invitation To Comment
All persons are hereby given notice of the
opportunity to submit written data,
views, facts, and arguments addressing
the issues raised by this Notice. Written
comments must be submitted on or
before June 1, 2004. Comments should
refer to “TSR Fee Rule, Project No.
P034305,” 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 to the
following address: Federal Trade
Commission/Office of the Secretary,
Room H–159 (Annex K), 600
Pennsylvania Avenue, NW.,
Washington, DC 20580. If the comment
contains any material for which
confidential treatment is requested, it
must be filed in paper (rather than
electronic) form, and the first page of
the document must be clearly labeled
“Confidential.” 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.

An electronic comment can be filed by (1) clicking on http://
www.regulations.gov; (2) selecting
“Federal Trade Commission” at “Search
for Open Regulations”; (3) locating the
summary of this Notice; (4) clicking on
“Submit a Comment on this
Regulation;” and (5) completing the
form. For a given electronic comment,
any information placed in the following fields—“Title,” “First Name,” “Last
Name,” “Organization Name,” “State,”
“Comment,” and “Attachment”—will
be publicly available on the FTC Web
site. The fields marked with an asterisk on the form are required in order for the
FTC to fully consider a particular
comment. Commenters may choose not
to fill in one or more of those fields, but
if they do so, their comments may not
be considered.

The FTC Act and other laws permit
the collection of public comments to
consider and use in this proceeding as
appropriate. All timely and responsive
public comments with all required
fields completed, whether filed in paper
or electronic form, will be considered by
the Commission, and will be available
to the public on the FTC Web site, to the
extent practicable, at http://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

IV. Communications by Outside Parties to Commissioners or Their Advisors
Written communications and
summaries or transcripts of oral
communications respecting the merits
of this proceeding from any outside
duly to any Commissioner or
Commissioner’s advisor will be placed

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6 Telemarketers were first able to access the
national registry on September 2, 2003. As a result,
the first year of operation will not conclude until
August 31, 2004. The Commission realizes that a
small number of additional entities may access the
national registry for the first time prior to
September 1, 2004, and should be considered in
calculating the revised fees. However, the
Commission does not, if not virtually all of
those new entrants will be smaller entities
accessing five or fewer area codes, and thus will
have no effect on the calculation of the revised fees.
Should this assumption prove incorrect, the
Commission will adjust the assumption to reflect
the actual number of entities that have accessed the
registry, and make the appropriate reductions to the
fees, at the time of issuance of the Final Rule.

6 The proposed fee structure would reduce the
maximum number of area codes for which an entity
would be charged from 300 to 280. The Commission is
proposing this revision to more closely correlate the
charges for access to the registry with the
number of area codes in use in the country
today. There are approximately 317 available area
codes in the nation, virtually all of which include
registered telephone numbers. However,
approximately 35 of those area codes are not
currently in active service, but are reserved for use
in the future. (Telephone numbers from those area
codes that have been added to the national registry
include numbers to be activated in the future and
numbers that are currently active for billing or other
purposes.) As a result, there are currently
approximately 280 active area codes, with
additional area codes scheduled to become active
in the future.

7 If all entities accessing the national registry were
charged for the first five area codes of data, the cost
per area code would be reduced to $32, while the
maximum amount charged to access the entire
national registry would be $8960.
V. Paperwork Reduction Act

The proposed revised fee provision does not create any new recordkeeping, reporting, or third-party disclosure requirements. However, the Commission now has data based on the operation of the National Do Not Call Registry indicating that 52,000 entities will access the registry each year. The Commission has increased its estimate of the total paperwork burden accordingly, and the Office of Management and Budget ("OMB") has adjusted the existing clearance, OMB Control No. 3084-0097.

Any entity that accesses the National Do Not Call Registry, regardless of whether it is paying for access, must submit the minimal identifying information that the Commission deems necessary. The proposed rule does not change the information to be collected from these entities or the frequency of collection. The staff continues to estimate, as it did in the Original Fee Rule NPRM, that it should take no longer than two minutes for each entity to submit this basic information, and that each entity would have to submit the information annually.

Because of the increased estimate of the number of entities accessing the registry, this requirement will result in 1,733 burden hours (52,000 entities × 2 minutes per entity = 104,000 minutes, or 1,733 hours). In addition, the staff continues to estimate that possibly one-half of those entities may need, during the course of their annual period, to submit their identifying information more than once in order to obtain additional area codes of data. This would result in an additional 867 burden hours (26,000 entities × 2 minutes per entity = 52,000 minutes, or 867 hours). Thus, the staff estimates that the revised fee provision will impose a total paperwork burden of approximately 2,600 hours per year. This is an increase of 2,225 hours from the previous estimate of 375 hours.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 604(a), requires an agency either to provide an Initial Regulatory Flexibility Analysis ("IRFA") with a proposed rule, or certify that the proposed rule will not have a significant economic impact on a substantial number of small entities. The FTC does not expect that the rule concerning revised fees will have the threshold impact on small entities. As discussed in section III, above, this NPRM specifically proposes charging no fee for access to data included in the registry from one to five area codes. As a result, the Commission anticipates that many small businesses will be able to access the national registry without having to pay any annual fee. Thus, it is unlikely that there will be a significant burden on small businesses resulting from the adoption of the proposed revised fees. Nonetheless, the Commission has determined that it is appropriate to publish an IRFA in order to inquire into the impact of this proposed rule on small entities. Therefore, the Commission has prepared the following analysis.

A. Reasons for the Proposed Rule

As outlined in section II, above, the Commission is proposing to amend the fees charged to entities accessing the national registry in order to raise sufficient amounts to offset the current year costs to implement and enforce the Amended TSR.

B. Statement of Objectives and Legal Basis

The objective of the current proposed rule is to collect sufficient fees from entities that must access the National Do Not Call Registry. The legal authority for this NPRM is the 2004 Appropriations Act, the Implementation Act, and the Telemarketing Act.

C. Description of Small Entities To Which the Rule Will Apply

The Small Business Administration has determined that "telemarketing bureaus" with $6 million or less in annual receipts qualify as small businesses. See 13 CFR 121.201. Similar standards, i.e., $6 million or less in annual receipts, apply for many retail businesses which may be "sellers" and subject to the proposed revised fee provisions outlined in this NPRM. In addition, there may be other types of businesses, other than retail establishments, that would be "sellers" subject to the proposed rule.

As described in section II, above, more than 45,500 entities have accessed five or fewer area codes of data from the national registry at no charge. While not all of these entities may qualify as small businesses, and some small businesses may be required to purchase access to more than five area codes of data, the Commission believes that this is the best estimate of the number of small entities that would be subject to the proposed revised fee rule. The Commission invites comment on this issue, including information about the number and type of small business entities that may be subject to the revised fees.

D. Projected Reporting, Recordkeeping and Other Compliance Requirements

The information collection activities at issue in this NPRM consist principally of the requirement that firms, regardless of size, that access the national registry submit minimal identifying and payment information, which is necessary for the agency to collect the required fees. The cost impact of that requirement and the labor or professional expertise required for compliance with that requirement are discussed in section V, above.

As for compliance requirements, small and large entities subject to the revised fee rule will pay the same fees to obtain access to the National Do Not Call Registry in order to reconcile their calling lists with the phone numbers maintained in the national registry. As noted earlier, however, compliance costs for small entities are not anticipated to have a significant impact on small entities, to the extent the Commission believes that compliance costs for those entities will be largely minimized by their ability to obtain data for up to five area codes at no charge.

E. Duplication With Other Federal Rules

None.

F. Discussion of Significant Alternatives

The Commission recognizes that alternatives to the proposed revised fee are possible. For example, instead of a fee based on the number of area codes that a telemarketer accesses from the national registry, access could be provided on the basis of a flat fee regardless of the number of area codes accessed, or on a fee that does not permit free access for one to five area codes. The Commission believes, however, that those alternatives would likely impose greater costs on small businesses.
businesses, to the extent they are more likely to access fewer areas codes than larger entities. Accordingly, the Commission believes its current proposal is likely to be the least burdensome for small businesses, while achieving the goal of covering the necessary costs to implement and enforce the Amended TSR.

Despite these conclusions, the Commission welcomes comment on any significant alternatives that would further minimize the impact on small entities, consistent with the objectives of the Telemarketing Act, the 2004 Appropriations Act, and the Implementation Act.

List of Subjects in 16 CFR Part 310

Telemarketing, Trade practices.

Proposed Rule

Accordingly, for the reasons stated in the preamble, the Federal Trade Commission proposes to amend part 310 of title 16 of the Code of Federal Regulations as follows:

PART 310—TELEMARKETING SALES RULE

1. The authority citation for part 310 continues to read as follows:


2. Amend §310.8 by revising paragraphs (c) and (d) to read as follows:

§310.8 Fee for access to do-not-call registry.

(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is $45 per area code of data accessed, up to a maximum of $12,375; provided, however, that there shall be no charge for the first five area codes of data accessed by any person, and provided further, that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing the National Do Not Call Registry without being required under this Rule, 47 CFR 64.1200, or any other Federal law. Any person accessing the National Do Not Call Registry may not participate in any arrangement to share the cost of accessing the registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider. (d) After a person, either directly or through another person, pays the fees set forth in §310.8(c), the person will be provided a unique account number which will allow that person to access the registry data for the selected area codes at any time for twelve months following the first day of the month in which the person paid the fee ("the annual period"). To obtain access to additional area codes of data during the first six months of the annual period, the person must first pay $45 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, the person must first pay $25 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

By direction of the Commission.

Donald S. Clark, Secretary.

[FR Doc. 04–9848 Filed 4–29–04; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF THE TREASURY

31 CFR Part 1

Privacy Act of 1974, Proposed Implementation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of the Treasury gives notice of a proposed amendment to this part to exempt a new Internal Revenue Service (IRS) system of records entitled "IRS 42.031—Anti-Money Laundering/Bank Secrecy Act (BSA) and Form 8300 Records" from certain provisions of the Privacy Act.

DATES: Comments must be received no later than June 1, 2004.

ADDRESSES: Please submit comments to the Office of Governmental Liaison and Disclosure, 1111 Constitution Avenue, N:ADC:C, NW., Washington, DC 20224. Comments will be made available for inspection at the IRS Freedom of Information Reading Room also located at 1111 Constitution Avenue, NW. The telephone number for the Reading Room is (202) 622–5164.


SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system is investigatory material compiled for law enforcement purposes. The IRS is hereby giving notice of a proposed rule to exempt IRS 42.031—the Anti-Money Laundering/Bank Secrecy Act (BSA) and Form 8300 Records, from certain provisions of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k)(2). The proposed exemption is from provisions 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) because the system contains investigatory material compiled for law enforcement purposes. The following are the reasons why this system of records maintained by the IRS is exempt pursuant to 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974.

1. 5 U.S.C. 552a(c)(3). These provisions of the Privacy Act provide for the release of the disclosure accounting required by 5 U.S.C. 552a(c)(1) and (2) to the individual named in the record at his/her request. The reasons for exempting this system of records from the foregoing provisions are:

(i) The release of disclosure accounting would put the subject of an investigation on notice that an investigation exists and that such person is the subject of that investigation.

(ii) Such release would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to which disclosure was made. The release of such information to the subject of an investigation would provide the subject with significant information concerning the nature of the investigation and could result in the altering or destruction of documentary evidence, the improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(iii) Release to the individual of the disclosure accounting would alert the individual as to which agencies were investigating the subject and the scope of the investigation and could aid the individual in impeding or compromising investigations by those agencies.

2. 5 U.S.C. 552a(d), (e)(4)(G), (e)(4)(H), and (f). These provisions of the Privacy Act relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requested access to records, the agency procedures relating to access to records and the content of the information contained in such records and the civil remedies available...