

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 to 612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, title II of Public Law 104-121, 110 Stat. 847. The Commission's agenda follows guidelines and procedures issued January 6, 2006, by the Office of Management and Budget in accordance with the provisions of Executive Order No. 12866 "Regulatory Planning and Review" of September 30, 1993, 58 FR 51735 (Oct. 4, 1993), as amended by Executive Order No. 13258 of February 26, 2002, 67 FR 9385 (Feb. 28, 2002).

The Commission has responded to the optional information requirement to identify rulemakings that are likely to have some impact on small entities but are not subject to the requirements of the RFA. The current rulemakings that are likely to have some impact on small entities include: (1) the Smokeless Tobacco Rules, 16 CFR part 307; (2) the Pay-Per-Call Rule, 16 CFR part 308; (3) the Telemarketing Sales Rule, 16 CFR part 310; (4) Test Procedures and Labeling Standards for Recycled Oil, 16 CFR part 311; (5) Children's Online Privacy Protection Rule, 16 CFR part 312; (6) Privacy of Consumer Financial Information, 16 CFR part 313; (7) Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM) Rules, 16 CFR part 316; (8) Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television

Receiving Sets Rule, 16 CFR part 410; (9) the Franchise and Business Opportunities Rule, 16 CFR part 436; (10) the Business Opportunity Rule, to be codified at 16 CFR part 437; (11) the Funeral Rule, 16 CFR part 453; (12) the Used Motor Vehicle Trade Regulation Rule, 16 CFR part 455; (13) certain rules adopted pursuant to the Fair and Accurate Credit Transactions Act of 2003 (FACTA), 16 CFR parts 602, 603, 604, 610, 611, 613, 614, 682, and 698; and (14) rulemakings pursuant to the Energy Policy Act of 2005.

In addition, the Agency has responded to the optional information question that corresponds to Executive Order 13132, "Federalism," of August 4, 1999, 64 FR 43255 (Aug. 10, 1999), which does not apply to independent regulatory agencies. The Commission believes to the extent that any of the rules in this agenda may have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government" within the meaning of E.O. 13132, it has consulted with the affected entities. The Commission continues to work closely with the States and other governmental units in its rulemaking process, which explicitly considers the effect of the Agency's rules on these governmental entities.

Additionally, the Commission's submission references the Web site www.regulations.gov in the rule abstracts where appropriate. This is the Governmentwide Web site where members of the public can find, review, and submit comments on Federal rulemakings that are open for comment and published in the **Federal Register**, the Government's legal newspaper.

Some of the rulemakings listed on the following agenda are being conducted as

part of the Commission's plan to review and seek information every 10 years about all of its regulations and guides, including their costs and benefits and regulatory and economic impact. These reviews incorporate and expand upon the review required by the RFA and regulatory reform initiatives directing agencies to conduct a review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. Each projected date of action reflects an assessment by the FTC staff of the likelihood that the specified event will occur during the coming year. No final determination by the staff or the Commission respecting the need for, or the substance of, a trade regulation rule or any other procedural option should be inferred from the notation of projected events in this agenda. In most instances, the dates of future events are listed by month, not by a specific day. The acquisition of new information, changes of circumstances, or changes in the law may alter this information.

FOR FURTHER INFORMATION CONTACT: For information about specific regulatory actions listed in the agenda, contact the contact person listed for each particular proceeding. Comments or inquiries of a general nature about the agenda should be directed to Sandra M. Vidas, Attorney, telephone: (202) 326-2456; e-mail: svidas@ftc.gov; or G. Richard Gold, Attorney, telephone: (202) 326-3355; e-mail: rgold@ftc.gov, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

By direction of the Commission.

Donald S. Clark,
Secretary.

Federal Trade Commission—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3926	Regulatory Review	3084-AA47
3927	Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986	3084-AA48
3928	Trade Regulation Rule on Funeral Industry Practices	3084-AA82
3929	Fair and Accurate Credit Transactions Act of 2003	3084-AA94
3930	Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets Rule	3084-AB01
3931	Used Motor Vehicle Trade Regulation Rule	3084-AB05
3932	Test Procedures and Labeling Standards for Recycled Oil	3084-AB06

FTC

Federal Trade Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3933	Trade Regulation Rule on Franchising and Business Opportunity Ventures	3084-AA63
3934	Premerger Notification Rules and Report Form	3084-AA91
3935	Rules Implementing the CAN-SPAM Act of 2003	3084-AA96
3936	Telemarketing Sales Rule	3084-AA98
3937	The Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA)	3084-AA99
3938	Rulemakings Pursuant to Energy Policy Act of 2005	3084-AB03
3939	Business Opportunity Rule	3084-AB04

Federal Trade Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3940	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992	3084-AA78
3941	Privacy of Consumer Financial Information	3084-AA97

Federal Trade Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3942	Children’s Online Privacy Protection Rule	3084-AB00

Federal Trade Commission (FTC)

Prerule Stage

3926. REGULATORY REVIEW

Priority: Other Significant

Legal Authority: 15 USC 41 et seq

CFR Citation: 16 CFR 1 et seq

Legal Deadline: None

Abstract: The Commission continues its review of current rules and guides to identify any that should be modified or rescinded. The Commission will continue to consider ways to streamline and improve the review program. No determination about whether to modify or rescind a rule, guide, or interpretation or any other procedural option should be inferred from the Commission’s decision to publish a request for comments. In certain instances, the reviews may also address other specific matters or issues, such as proposed amendments. Finally, the Commission may modify the rule review timetable as circumstances warrant. On December 29, 2005, the Commission published a notice announcing the two rules and one guide it plans to review in 2006 and modifying the 10-year schedule for its

regulatory review program (70 FR 77077).

Timetable:

Action	Date	FR Cite
Notice of Rules and Guides To Review in 2000	01/19/00	65 FR 2912
Notice of Rules and Guides To Review in 2002	03/04/02	67 FR 9630
Notice of Rules and Guides To Review in 2003	01/17/03	68 FR 2465
Notice of Rules and Guides To Review in 2004	01/27/04	69 FR 3867
Notice of Rules and Guides To Review in 2005	01/12/05	70 FR 2074
Notice of Rules and Guides to Review in 2006	12/29/05	70 FR 77077
Notice of Rules and Guides to Review in 2007	01/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3084-AA47

3927. REGULATIONS UNDER THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 4401

CFR Citation: 16 CFR 307

Legal Deadline: None

Abstract: The Comprehensive Smokeless Tobacco Health Education Act of 1986 requires health warnings on all packages and advertisements for smokeless tobacco. The Act directs the Commission to issue implementing rules governing the format and display