

Federal Trade Commission.

ACTION: Notice of intent to request public comments and request for information and comment.

SUMMARY: As part of its ongoing systematic review of all Federal Trade Commission rules and guides, the Commission announces a revised ten-year regulatory review schedule. No Commission determination on the merits, or the substance of, the rules and guides listed below should be inferred from the notice of intent to publish requests for comments. The Commission further invites written comments regarding the Commission's longstanding regulatory review program and how to improve the process.

DATES: Written comments must be submitted on or before September 6, 2011.

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 "Regulatory Review Schedule" on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/regulatoryreviewschedule>, 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 (Anne N), 600 Pennsylvania Avenue, NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Jock Chung, (202) 326-2984, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room M-8102B, 600 Pennsylvania Ave, NW, Washington, DC 20580, regarding the regulatory review schedule. Further details about particular rules or guides may be obtained from the contact person listed below of the rule or guide.

SUPPLEMENTARY INFORMATION: In a rapidly changing marketplace, agency regulations can become outdated, ineffectual, and unduly burdensome. Therefore, it is important to systematically review regulations to ensure that they continue to achieve their intended goals without unduly burdening commerce. Since 1992, the FTC's regulatory review program has done just that. The Commission schedules its regulations and guides for review on a ten-year cycle; *i.e.*, all rules and guides are scheduled to be reviewed ten years after implementation and ten years after completion of a regulatory review. The Commission publishes this schedule annually with adjustments in response to public input, changing the marketplace, and resource demands.

The FTC recently has accelerated review of three rules and a guide to account for changes in the marketplace and to reduce burdens on industry. Specifically, because of recent increases in the use of environmental marketing claims, in 2009 the Commission accelerated its review of its Guides for the Use of Environmental Marketing Claims, also known as the Green Guides, 16 CFR Part 260. In 2010, the Commission accelerated its review of the Children's Online Privacy Protection Rule, 16 CFR Part 312, to address rapid changes in technology and children's use of online media and the Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles, 16 CFR Part 309, to address potentially unnecessary or duplicative labeling requirements and harmonize FTC rules with the rules of a sister agency. And most

recently, the Commission announced a new Premerger Notification and Report Form, which was the result of an acceleration in 2010 of the review of the Hart-Scott-Rodino Antitrust Improvements Act ("HSR") Transmittal Rule, 16 CFR Part 803, to more rapidly alleviate any unnecessary burden on filers during these difficult economic times.

The Commission is now announcing acceleration of reviews of additional rules. First, the Commission is accelerating its review of portions of the HSR Coverage Rule, 16 CFR Part 801, from 2013 to 2011. Second, the Commission is accelerating review of the Appliance Labeling Rule, 16 CFR Part 305, from 2018 to 2012, to address rapid changes in appliance technology and the increasing cost of energy.

When the Commission reviews a rule or guide, it publishes a notice in the Federal Register seeking public comment on the continuing need for the rule or guide as well as the rule's or guide's costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden. Using this process, the Commission has repealed 37 rules and guides, and updated dozens of others over the past two decades.

For the first time, this year the Commission is seeking input on ways to improve its regulatory review program and the procedure used for reviewing the agency's rules and guides. Through comments suggesting improvements to its systematic regulatory review, the Commission seeks to ensure its implementing a review process that accurately measures the effectiveness, efficiency, and consequences of its rules and guides in the face of changing marketplace conditions, evolving consumer behavior, and technological developments. To solicit such comments, this notice sets forth specific questions, and also invites all relevant

(2) Rules and Regulations under the Wool Products Labeling Act of 1939, 16 CR 300.

Agency Contact: Robert M. Fisby, (202) 3262098, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave, NW, Washington, DC 20580.

(3) Rules and Regulations under the Fur Products Labeling Act, 16 CFR 301 Agency

Contact: Matthew J. Wshire, (202) 3262976, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave, NW, Washington, DC 20580.

(4) Rules and Regulations under the Textile Fiber Products Identification Act, 16 CFR

303. Agency Contact: Robert M. Fisby.

(5) Retail Food Store Advertising and Marketing Practices Rule [Unavailability Rule], 16

(10) Hart-Scott-Rodino Antitrust Improvements Act Coverage Rules, 16 CFR 801.

Agency Contact: Robert Jones, (202) 326-2740, Federal Trade Commission, Bureau of Competition, 600 Pennsylvania Ave, NW, Washington, DC 20580.

Due to resource constraints, the Commission is postponing review of the following matters previously scheduled

²These nine matters transfer to CFPB pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111-203, Sec. 1061(5), 124 Stat. 2004 (July 21, 2010). To the extent they apply to motor vehicle dealers, the Commission will retain rulemaking authority for seven other rules that are being transferred to the CFPB pursuant to sections 1029(a) and (c) of the Act: Privacy of Consumer Financial Information Privacy Rule, 16 CFR 313; Duties of Creditors Regarding Risk-Based Pricing 16 CFR 640; Duties of Users of

Finally, the Commission is removing Smokeless Tobacco Regulations, 16 CFR 307, from its review schedule because the Commission rescinded these regulations in 2010. 75 FR 59609 (September 28, 2010).

A copy of the Commission's revised regulatory review schedule for 2011 through 2020 is appended. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

REQUEST FOR COMMENT

Questions

We invite comment to help the Commission continue to improve its regulatory review process. All relevant comments will be considered, but we are particularly interested in obtaining your views on the following questions. When responding, please include any available evidence that supports your response.

- 1) Should the Commission continue to review its rules and guides every ten years? If not, what interval makes sense? Why?
- 2) Should different rules and guides be reviewed at different intervals? If so, which should be accelerated and which decelerated and on what basis?
- 3) In what other ways can the Commission modify its regulatory review program to make it more responsive to the needs of consumers and businesses?
- 4) What can the Commission do to streamline its regulatory review process?

Consumer Reports Regarding Address Discrepancies, 16 CFR 641; Present Opt-Out Notice 16 CFR 642; Duties of Furnishers of Information to Consumer Reporting Agencies 16 CFR 660; Affiliate Marketing 16 CFR 680; Model Forms and Disclosures, 16 CFR 698.

- 5) Are there any federal, state, or foreign agencies with regulatory review programs that the Commission should study to improve its own program? If so which agencies, and what do they do that is superior to the Commission's program?
- 6) How should the Commission identify those rules and guides that can and should be modified, streamlined, expanded, or repealed? What factors should the Commission consider in selecting and prioritizing rules and guides for review? Why?
- 7) Does the Commission have rules or guides that duplicate or conflict with other agencies' requirements? Does the Commission currently collect information that it does not need or use effectively to achieve regulatory objectives? If so, what information is not needed? Why not?
- 8) Are there rules or guides that have become unnecessary and can be withdrawn without impairing the Commission's regulatory programs? If so, which rules and guides? Why?
- 9) Are there rules or guides that have become outdated and, if so, how can they be modernized to better accomplish their regulatory objectives? If so, which rules and guides? Why are they outdated?
- 10) Are there rules or guides that are still necessary but have not operated as well as expected such that a modified, stronger or slightly different approach is justified? If so, which rules and guides? Why and how should they be changed?
- 11) Are there rules or guides that have been or will soon be overtaken by technological developments? If so, which rules or guides? Why? How can they be modified to accommodate or utilize such technologies?

explained in FTC Rule 4.9(c), 16 CFR 4.9(c).³ 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://ftcpublic.commentworks.com/ftc/regulatoryreviewschedule>, by following the instruction on the web-based form. If this Notice appears at <http://www.regulations.gov/#!home>, you also may file a comment through that website.

If you file your comment on paper, write "Regulatory Review Schedule" 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 N), 600 Pennsylvania Avenue, NW, Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Website at <http://www.ftc.gov> to read this Notice and the message 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

³In 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).

before September 8, 2011. 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>.

AUTHORITY: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark
Secretary.

APPENDIX
REGULATORY REVIEW
MODIFIED TEN-YEAR SCHEDULE

16 CFR PART	TOPIC	YEAR TO REVIEW
254	Guides for Private Vocational and Distance Education Schools	Under Review
259	Guide Concerning Fuel Economy Advertising for New Automobiles	Under Review

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16 CFR PART	TOPIC	YEAR TO REVIEW

16 CFR PART	TOPIC	YEAR TO REVIEW
436	Disclosure Requirements and Prohibitions Concerning Franchising	2018
681	Identity Theft [Red Flag] Rules	2018
24	Guides for Select Leather and Imitation Leather Products	2019
453	Funeral Industry Practices Rule	2019
14	Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements	2020
255	Guides Concerning Use of Endorsements and Testimonials in Advertising	2020
313	Privacy of Consumer Financial Information Rule	2020
317	Prohibition of Energy Market Manipulation Rule	2020
318	Health Breach N	