

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

they are likely to have a significant economic impact on a substantial number of small entities (5 USC 602) and any rules that the Agency has identified for periodic review under section 610 of the RFA. For fall 2014, the Commission has no proposed rules that would be required to be published in the Federal Register. E \ W K H 5 g e n e r a l requirements.

The Commission's agenda also references the website www.regulations.gov where appropriate. This is the Government-wide website 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 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 but are not subject to the requirements of the RFA are: (1) Rules and Regulations Under the Wool Products Labeling Act of 1939, 16 CFR 300; (2) Fur Products Labeling Act Rules, 16 CFR 301; (3) Rules and Regulations Under the Hobby Protection Act, 16 CFR 304; (4) the Energy Labeling Rule, 16 CFR 305; (5) the Automotive Fuel Ratings, Certification, and Posting Rule, 16 CFR 306; (6) Telemarketing Sales Rule, 16 CFR 310; (7) Standards for Safeguarding Customer Information, 16 CFR 314; (8) Contact Lens Rule, 16 CFR 315; (9) CAN SPAM Rule, 16 CFR 316; (10) Care Labeling of Textile Apparel and Certain Piece Goods as Amended, 16 CFR 423; (11) Retail Food Store Advertising and Marketing Practices, 16 CFR 424; (12) the Negative Option Rule, 16 CFR 425; (13) the Cooling-Off Rule, 16 CFR 429; (14) the Holder-in-Due-Course Rule, 16 CFR 433; (15) Mail or Telephone Order Merchandise Rule, 16 CFR 435; (16) the Used Car Rule, 16 CFR 455; (17) Ophthalmic Practice Rules (Eyeglass Rule), 16 CFR 456; (18) the Fair Packaging and Labeling Act Regulations, 16 CFR 500-502; (19) Disclosure of Written Consumer Product Warranty Terms and Conditions, 16 CFR 701; (20) Pre-Sale Availability of Written Warranty Terms, 16 CFR 702; and (21) Informal Dispute Settlement Procedures, 16 CFR 703.

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 Executive Order 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.

Some of the rulemakings listed in the 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 4(f) Td [her and benefit n t all now availabonas o

or questions about the agenda should be directed to G. Richard Gold; Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, telephone: (202) 326-3355; email: rgold@ftc.gov.

By direction of the Commission.

NAME: Donald S. Clark,

Secretary.

The 23 Regulatory Agendas

Federal Trade Commission - PreRule

Title	Regulation Identifier Number
Regulatory Review	3084-AA47
Retail Food Store Advertising and Marketing Practices	3084-AB22
Rule Governing Disclosure of Written Consumer Product Warranty Terms and Conditions	3084-AB24
Rule Governing the Pre-Sale Availability of Written Warranty Terms	3084-AB25
Rule Governing Informal Dispute Settlement Procedure	3084-AB26
Fair Packaging and Labeling Act Regulations	3084-AB33
Rules and Regulations Under the Hobby Protection Act	3084-AB34
Standards for Safeguarding Customer Information	3084-AB35
Contact Lens Rule	3084-AB36
Trade Regulation Rule on Ophthalmic	

Title: Regulatory Review

Abstract: The Commission continues its review of current rules and guides to identify any that should be modified or rescinded.

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retailer offers a "raincheck" for the advertised products, the food retailer offers at the advertised price or at a comparable price reduction a similar product that is at least comparable in value to the advertised product, or the food retailer offers other compensation at least equal to the advertised value. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 16 CFR 424 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 41 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	08/18/2011	76 FR 51308
Staff Recommendation to Commission	02/00/2015	

Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: No

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Related RINs: Previously Reported as 3084-AA72
Agency Contact: Svetlana S Gans
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Federal Trade Commission (FTC)

RIN: 3084-AB25

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Title: Rule Governing the Pre-Sale Availability of Written Warranty Terms

Abstract: As part of the systematic review of all Commission rules, on August 23, 2011, the Commission initiated its periodic review of the Pre-Sale Availability Rule (or Rule Governing the Pre-Sale Availability of Written Warranty Terms) (Rule 702) by publishing a notice seeking public comments on the effectiveness and impact of the rule. 76 FR 52595. The comment period closed on October 24, 2011. Staff anticipates sending a recommendation to the Commission by the fall of 2014. The Pre-Sale Availability Rule was published as a final rule in 1975 and most recently amended in 1987. Section 102(b)(1)(A) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 et seq., directed the Commission to prescribe rules requiring that the terms of any written warranty on a consumer product be made available to the consumer or prospective consumer prior to the sale of the product. Accordingly, the Commission issued Rule 702, which requires sellers and warrantors to make the terms of a written warranty available to the consumer prior to sale. Among other things, the rule requires sellers to make warranties readily available by either (1) displaying the warranty document in close proximity to the product, or (2) furnishing the warranty document on request and posting signs in prominent locations advising consumers that warranty information is available. The rule requires warrantors to provide materials to enable sellers to comply with the rule's requirements. It also sets out the methods by which warranty information can be made available prior to the sale of the product in instances where the product is sold through catalogs, mail order, or door-to-door.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 702 (To search for a specific CFR, visit the Code of Federal Regulations)

comments on the effectiveness and impact of the rule. 76 FR 52596. The comment period closed on October 24, 2011. Staff anticipates sending a recommendation to the Commission by the fall of 2014. Rule 703 establishes minimum requirements for those informal dispute settlement mechanisms (IDSM) that are incorporated by the warrantor into its consumer product warranty. By incorporating the IDSM into the warranty, the warrantor requires the consumer to use the IDSM before pursuing any legal remedies in court. Among other things, the rule sets out the mechanism's structure, the qualifications of decision makers, the procedures for resolving disputes, and recordkeeping requirements of such IDSMs. The rule also prescribes the duties of the warrantor in making consumers aware of the IDSM and how to use it, as well as the warrantor's duties to comply with the IDSM's requests and decisions. The rule also requires IDSMs that operate under Rule 703 to submit annual audits to the Federal Trade Commission to determine their compliance with the rule.

Priority: Substantive, Nonsignificant
 Agenda Stage of Rulemaking: PreRule
 Major: Undetermined
 Unfunded Mandates: No
 CFR Citation: 16 CFR 703 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 15 USC 41 et seq
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	08/23/2011	76 FR 52596
Recommendation to Commission	11/00/2014	

Regulatory Flexibility Analysis Required: No
 Government Levels Affected: No
 Small Entities Affected: Business
 Federalism: No
 Energy Affected: No
 International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.
 Related RINs: Previously Reported as 3084-AA75
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Federal Trade Commission (FTC)

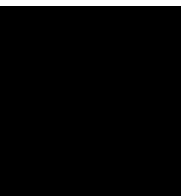
RIN: 3084-AB33

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Title: Fair Packaging and Labeling Act Regulations

Abstract: As part of its ongoing systematic review of all Federal Trade Commission rules and guides, the Commission requested comments March 19, 2014, regarding, among other things, the economic impact and benefits of the Fair Packaging

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Abstract: The Safeguards Rule, as directed by the Gramm-Leach-Bliley Act (GLB), requires each financial institution to develop a written information security program that is appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of the customer information at issue. The Commission believes that the rule strikes an appropriate balance between allowing flexibility to financial institutions and establishing standards for safeguarding customer information that are consistent with GLB's requirements. As part of its ongoing systematic review of all Federal Trade Commission rules and guides, in Spring 2015 the Commission plans to request public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 16 CFR 314 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: The Gramm-Leach-Bliley Act

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Rule Review, Request for Public Comment	05/00/2015	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Related RINs: Previously Reported as 3084-AA87

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Federal Trade Commission (FTC)

RIN: 3084-AB32

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Title: Premerger Notification Rules and Report Form

Abstract: The Premerger Notification Rules (HSR Rules or Rules) and the Antitrust Improvements Act Notification and Report Form (HSR Form) were adopted pursuant to section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the U.S. Department of Justice (DOJ) and to wait a designated period of time before consummating the transaction. It also requires the FTC, with the concurrence of the U.S. Assistant Attorney General for Antitrust, to promulgate rules requiring that notification

Title: Automotive Fuel Ratings, Certification and Posting

Abstract: First issued in 1979 as required by section 203(c)(1) of the Petroleum Marketing Practices Act and last revised in 2011, the Automotive Fuel Ratings, Certification, and Posting Rule (known as Fuel Rating Rule) sets out a uniform method by which the octane rating of automotive gasoline can be certified from the refiner through the chain of distribution and then displayed at the point of retail sale. The rule enables consumers to buy gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock" and to avoid buying a gasoline with an octane rating that is needlessly higher than the requirements of their automobiles. The rule also establishes standard procedures for determining, certifying, and posting (by means of a label on the fuel dispenser) the rating of automotive fuels intended for sale to consumers. The certification requirement may be satisfied by industry documents (shipping receipts, delivery tickets, etc.) on which the rating is noted, or can be accomplished with a one-time letter of certification. In addition, the rule contains recordkeeping requirements that require refiners and importers to retain rating test records and distributors and retailers to retain certification records for 1 year. On March 27, 2014, the Commission announced proposed ethanol labeling amendments to revise rating, certification and labeling requirements for blends of gasoline with more than 10 percent ethanol, and a new octane rating method that would lower compliance costs. The comment period closed on July 2, 2014. Staff is reviewing comments and anticipates sending a recommendation to the Commission by the end of the first quarter of 2015.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 16 CFR 306 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 41 et seq; 15 USC 2801 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/04/2014	79 FR 18850
NPRM Comment Period End	07/02/2014	
Recommendation to Commission	03/00/2015	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 3084-AB14

Agency Contact: Miriam Lederer
Attorney



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Regulatory Flexibility Analysis Required: Undetermined Government Levels Affected: Undetermined
Small Entities Affected: Business; Governmental Jurisdictions; Federalism: No
Organizations
Energy Affected: No
Related RINs: Related to 3084-AA08
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Federal Trade Commission (FTC)

RIN: 3084-AB38

[View Related Documents](#)

Title: CAN-SPAM Rule

Abstract: The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (the CAN-SPAM Act or the Act) was enacted on December 16, 2003, and sets the rules for commercial email, establishes requirements for commercial messages, gives recipients the right to have senders of commercial email stop emailing them, and provides for penalties for violations. FTC issued the CAN-SPAM Rule (Rule) to implement the Act, as authorized by the statute. As part of its ongoing systematic review of all Federal Trade Commission rules and guides, in 2015 the Commission plans to request public comments on, among other things, the economic impact and benefits of the Rule; possible conflict between the Rule and State, local, or other Federal laws or regulations; and the effect on the Rule of any technological, economic, or other industry changes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking:



ANPRM	01/30/2012	77 FR 4498
ANPRM Comment Period Closed	04/26/2012	
NPRM Announced	09/16/2013	
NPRM	09/20/2013	78 FR 57808
NPRM Comment Period Closed	12/03/2013	
Final Rule	06/04/2014	79 FR 32157
Final Rule Effective Date	07/07/2014	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Related RINs: Previously Reported as 3084-AA50