



# Federal Register

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**Monday,  
December 10, 2007**

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**Part XXV**

**Federal Trade  
Commission**

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**Semiannual Regulatory Agenda**

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**FEDERAL TRADE COMMISSION (FTC)**


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**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 June 22, 2007, 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), and Executive Order No. 13422 of January 18, 2007, 72 FR 2763 (Jan. 23, 2007).

For this edition of the Federal Trade Commission's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov). Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities, and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional

information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Federal Trade Commission's regulatory plan.

The Commission's agenda also references the Web site [www.regulations.gov](http://www.regulations.gov) 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 Commission has one proposed rule that would be a "significant regulatory action" under the definition in Executive Order 12866. Sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 (FACTA) require the Commission to jointly promulgate with the banking agencies (the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision) and the National Credit Union Administration identity theft "red flag" guidelines and rules to implement these guidelines (the "ID theft red flag rule") and an address change rule (the "address change rule"). This rulemaking is described in more detail in the Unified Agenda and in The Regulatory Plan.

The Commission has also 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) Privacy of Consumer Financial Information, 16 CFR part 313; (5) Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM) Rules, 16 CFR part 316; (6) Mail or Telephone Order Merchandise Rule, 16 CFR 435; (7) the Business Opportunity Rule, to be codified at 16 CFR part 437; (8) the Funeral Rule, 16 CFR part 453; (9) the Used Motor Vehicle Trade Regulation Rule, 16 CFR part 455; (10) 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 (11) 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.

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 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

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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,

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By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

Federal Trade Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
578	Fair and Accurate Credit Transactions Act of 2003 ( <b>Reg Plan Seq No. 183</b> ) .....	3084-AA94

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

**Federal Trade Commission (FTC)**

**Proposed Rule Stage**

**578. FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003**

**Regulatory Plan:** This entry is Seq. No. 183 in part II of this issue of the **Federal Register**.

**RIN:** 3084-AA94

[FR Doc. 07-04547 Filed 12-07-07; 8:45 am]

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