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Part LVIII

**Federal Trade
Commission**

Semiannual Regulatory Agenda

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 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, title II of Pub. L. 104-121, 110 Stat. 847. The Commission's agenda follows guidelines and procedures issued January 29, 2003, 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).

The Commission has identified a rulemaking that is related to the events of September 11, 2001, because the USA PATRIOT Act, Pub.L. 107-56, 115 Stat. 272, amended the Telemarketing and Consumer Fraud and Abuse Prevention Act, 16 USC 6101-6108, and thus affects the Telemarketing Sales Rule, 16 CFR part 310.

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 Hobby Protection Rules, 16 CFR part 304; (2) the Smokeless Tobacco Rules, 16 CFR part 307; (3) the Pay-Per-Call Rule, 16 CFR part 308; (4) the Labeling Requirements for Alternative Fuels and Alternative-Fueled Vehicles, 16 CFR

part 309; (5) the Telemarketing Sales Rule, 16 CFR part 310; (6) the Franchise and Business Opportunities Rule, 16 CFR part 436; (7) the Funeral Rule, 16 CFR part 453; (8) the Trade Regulation Rule on Ophthalmic Practice Rules, 16 CFR part 456; and (9) the Rule on Labeling and Advertising of Home Insulation, 16 CFR part 460.

In addition, the agency has responded to the optional information requirement that corresponds to the requirements of Executive Order 13132, "Federalism" of August 4, 1999. 64 FR 43255 (Aug. 10, 1999). The Commission believes that none of the rules in this Agenda has "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and the responsibilities among the various levels of government" within the meaning of E.O. 13132. 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.

In addition, the agency has responded to the optional information requirement that corresponds to the requirements of Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use." 66 FR 28355 (May 22, 2001). The Commission believes that none of the rules in this agenda meets this Executive Order's criteria requiring preparation of a Statement of Energy Effects.

The agency also is conducting reviews of the Pay-Per-Call Rule as provided in the Rule and of the Telemarketing Sales Rule as required by the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 USC 6101-6108. Most of the other reviews listed in the following agenda are being conducted as

part of the Commission's plan to review and seek information about all of its regulations and guides, including their costs and benefits, and regulatory and economic impact every ten years. 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 agency contact 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 Identification Number
4068	Regulatory Review	3084-AA47
4069	Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986	3084-AA48
4070	Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation	3084-AA60
4071	Trade Regulation Rule on Funeral Industry Practices	3084-AA82
4072	Rules and Regulations Under the Hobby Protection Act	3084-AA90

FTC

Federal Trade Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4073	Trade Regulation Rule on Franchising and Business Opportunity Ventures	3084-AA63
4074	Telemarketing Sales Rule	3084-AA86
4075	Labeling Requirements for Alternative Fuels and Alternative-Fueled Vehicles	3084-AA89

Federal Trade Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4076	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992	3084-AA78
4077	Trade Regulation Rule on Ophthalmic Practice Rules	3084-AA80
4078	Premerger Notification Rules and Report Form	3084-AA91

Federal Trade Commission (FTC)

Prerule Stage

4068. 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 is continuing 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. On March 4, 2002, the Commission published a tentative timetable for its regulatory review program under which all of the Commission's rules and guides are reviewed over a ten year period. 67 FR 9630 (Mar. 4, 2002). On January 17, 2003, the Commission announced that it will review one rule, two guides, and the statements of general policy or interpretations under the Fair Credit Reporting Act during 2003. 68 FR 2465 (Jan. 17, 2003). 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.

Timetable:

Action	Date
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	01/00/04

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3084-AA47

4069. 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 of the warnings. On November 4, 1986, the Commission issued its Rules setting out the provisions for the size, color, typeface, and rotation of the statutory warnings. In FY 2000, the Commission undertook a periodic review of the Rules. The purpose of the review was to determine whether the Rules continue to effectively meet the goals of the Act and to seek information concerning the Rules, particularly their economic impact, in order to decide whether they should be amended. Staff plans to forward its recommendations to the Commission this year.

Timetable:

Action	Date
Recommendation to the Commission Regarding ANPRM (Regulatory Review)	01/27/00
ANPRM (Regulatory Review)	03/07/00 65 FR 11944
Comment Period End (Regulatory Review)	04/24/00
Comment Period Extended (Regulatory Review)	05/08/00 65 FR 26534
Extended Comment Period End (Regulatory Review)	07/21/00

FTC

Prerule Stage

Action	Date
Reopening and Extension of Comment Period	10/13/00 65 FR 60899
Extended Comment Period End	10/16/00
Recommendation to Commission (Regulatory Review)	08/00/03
Commission Action	11/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 3084-AA48**4070. TRADE REGULATION RULE CONCERNING THE LABELING AND ADVERTISING OF HOME INSULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 41 et seq**CFR Citation:** 16 CFR 460**Legal Deadline:** None

Abstract: The Federal Trade Commission's Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation (Rule) became effective on September 29, 1980. The Rule is designed to assist consumers in evaluating and comparing the thermal performance characteristics of competing home insulation products by specifically requiring manufacturers of home insulation products to provide information about the product's degree of resistance to the flow of heat (R-Value). The Rule also establishes uniform standards for testing, information disclosure, and substantiation of product performance claims. As part of the systematic review of its rules and guides, the Commission requested comments on, among other things, the economic impact of and the continuing need for this Rule, possible conflicts between the Rule and State, local and other Federal laws, and the effect on the Rule of any technological, economic, or other industry changes. The Commission is considering the comments received in two parts. In part I, the Commission reviewed comments that addressed the current benefits,

burdens, and need for the Rule and decided to retain the Rule with a few nonsubstantive amendments. In part II, the Commission is considering whether to adopt substantive revisions to the Rule. In response to the comments received, the Commission issued an advance notice of proposed rulemaking (ANPRM) seeking comment on whether it should initiate a rulemaking proceeding to amend the Rule to recognize technological advances in R-Value testing and specimen preparation procedures, and to clarify and streamline the Rule's requirements. Staff is currently reviewing the comments and expects to forward its recommendation to the Commission regarding proposed substantive amendments to the Rule and anticipates publication of the NPRM by spring 2003.

Timetable:

Action	Date
Request for Comments	04/06/95 60 FR 17492
Commission Action/Part I	03/28/96 61 FR 13659
Commission Action/ANPRM	09/01/99 64 FR 48023
ANPRM Comment Period End	11/15/99
Recommendation to Commission	03/15/03
Commission Action	06/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 3084-AA60**4071. TRADE REGULATION RULE ON FUNERAL INDUSTRY PRACTICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 45; 15 USC 46(g); 15 USC 57(a)**CFR Citation:** 16 CFR 453**Legal Deadline:** None

Abstract: The Funeral Industry Practices Rule (Funeral Rule or Rule), which became effective in 1984, requires sellers of funeral goods and

services to give price lists to consumers who visit a funeral home, and to disclose price and other information to callers who request it over the telephone. The Rule enables consumers to select and purchase only the goods and services they want, and requires funeral providers to seek authority before performing some services such as embalming. The Rule also requires funeral providers to make disclosures regarding any required purchases and prohibits misrepresentations regarding requirements and other aspects of funeral goods and services. In its 1994 review of the Rule, the Commission decided to retain the Rule, amended it to prohibit funeral providers from charging a "casket handling fee" in addition to any non-declinable basic-services fee and deleted certain affirmative telephone disclosure requirements. The Commission responded to requests to address emerging issues in the funeral industry by beginning a review of the Rule in 1998 rather than in 1999 as originally planned under its ten-year schedule for reviewing all Commission rules and guides. The Commission published a notice soliciting public comment in May 1999. Commission staff conducted a public workshop conference on November 18, 1999, to discuss and explore openly issues raised in written comments. Staff is evaluating the comments and preparing a recommendation to the Commission.

Timetable:

Action	Date
Recommendation to Commission Regarding Initial Notice for Comment	04/17/99
Initial Notice for Public Comment	05/05/99 64 FR 24249
Close of Comment Period (Extended)	08/11/99 64 FR 35965
Public Workshop	11/18/99 64 FR 56717
Recommendation to Commission	03/00/04
Commission Action	07/00/04

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

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FTC

Prerule Stage

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RIN: 3084-AA82

4072. ● RULES AND REGULATIONS UNDER THE HOBBY PROTECTION ACT

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2101 et seq

CFR Citation: 16 CFR 304

Legal Deadline: None

Abstract: The Rule, which became effective on February 6, 1975; prescribes the required markings on imitation political and numismatic items, specifying the sizes and dimensions of the type, the location of the marking, and how to mark incusable (those that can be impressed with a stamp) and nonincusable items. Specifically, imitation political items — such as buttons, posters, coffee mugs and the like — must be marked with

the calendar year they were manufactured, and imitation numismatic items — including coins, tokens and paper money — must be marked with the word “copy.” As part of its ongoing systematic review of all Federal Trade Commission rules and guides, the Commission has requested 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. 68 FR 9856 (Mar. 3, 2003). For example, the Federal Register notice asks for comments on whether changes in the relevant technology, such as e-mail and the Internet, affects the Rule since it was issued. No Commission determination on the need for or the substance of the Rule should be inferred from the intent to publish requests for comments.

Timetable:

Action	Date	
Notice of Intent to Request Comments	01/17/03	68 FR 2465
Request for Comments	03/03/03	68 FR 9856
Comment Period End	05/02/03	
Recommendation to Commission	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3084-AA90

Federal Trade Commission (FTC)

Proposed Rule Stage

4073. TRADE REGULATION RULE ON FRANCHISING AND BUSINESS OPPORTUNITY VENTURES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 41 to 58

CFR Citation: 16 CFR 436

Legal Deadline: None

Abstract: The Federal Trade Commission's Trade Regulation Rule on Franchising and Business Opportunity Ventures (Franchise Rule) became effective on October 21, 1979. The Rule is designed to reduce deceptive and unfair practices in the sale of franchises and business opportunities by requiring the pre-sale disclosure of material information about the franchise. For example, the Rule requires franchisors to disclose their business background and litigation history, as well as the number of failed and terminated franchise units. The Rule also requires the disclosure of material terms of the franchise relationship, such as recurring fees and termination and renewal rights. The Rule further requires the franchisor to provide an audited financial statement for the most recent three fiscal years. Finally, the Rule requires any franchisor who makes earnings representations to provide the prospective franchisee with

an earnings claims document that substantiates those claims. On February 28, 1997, the Commission published an advance notice of proposed rulemaking (ANPRM) contemplating amendments that would address new technologies and market practices and at the same time, reduce unnecessary regulatory burdens. The Commission specifically requested comments on whether to revise the Rule to more closely align Federal and State disclosure requirements governing franchise sales, and to address changes in the marketing of franchises, such as the sale of franchises internationally and through the Internet. Six public workshops were held in five cities during 1997 to promote discussions about the issues; allow the public to make statements on the record; and assist Commission staff in drafting a proposed amended Rule. On October 22, 1999, the Commission published a notice of proposed rulemaking (NPRM) with a text of the revised Rule. Comments were accepted until December 21, 1999, and rebuttal comments were accepted until January 31, 2000. Commission staff is now preparing a staff report.

Timetable:

Action	Date	
ANPRM	02/28/97	62 FR 9115
ANPRM Comment Period End	12/31/97	62 FR 28822
Recommendation to Commission	03/26/99	
NPRM	10/22/99	64 FR 57293
NPRM Comment Period End	12/21/99	
NPRM Rebuttal Comment Period End	01/31/00	
Staff Report	07/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 3084-AA63

4074. TELEMARKETING SALES RULE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 6101 to 6108

FTC

Proposed Rule Stage

CFR Citation: 16 CFR 310

Legal Deadline: Other, Statutory, December 31, 2000, Begin rule review and report to Congress.

Abstract: In 1995, the Commission issued the Telemarketing Sales Rule (TSR or Rule), 16 CFR part 310, under the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 USC 6101-6108. TSR requires telemarketers to disclose information; prohibits misrepresentations; limits the times telemarketers may call consumers; prohibits calls to a consumer who has asked not to be called again; and sets payment restrictions for the sale of certain goods and services.

As required by the 1995 Act, the Commission reviewed the TSR to evaluate the Rule's operation and report to Congress. The Commission issued a request for public comment on the Rule, its overall costs, benefits and its regulatory and economic impact since its adoption in 1995. As part of the review, the Commission held a public forum on January 11, 2000, addressing the operation of the Rule's "do-not-call" provision. Another public forum to discuss other provisions of TSR was held on July 27-28, 2000.

On October 25, 2001, President Bush signed the USA PATRIOT Act, P.L. 107-56, into law, with provisions that have significant impact on TSR. Section 1101 of the 2001 Act amends the Telemarketing Act to extend the coverage of TSR to charitable fund raising conducted by for-profit telemarketers for, or on behalf of, charitable organizations.

On January 22, 2002, the Commission announced its proposal to amend the Rule and to publish a notice of proposed rulemaking (NPRM). Among other things, the proposed Rule would establish a centralized national "do not call" registry, would prohibit telemarketers from receiving or sharing a consumer's billing information with anyone else, and would prohibit telemarketers from blocking "Caller ID" information. In addition, as mandated by Sec. 1011 of the USA PATRIOT Act, also referred to as the Crimes Against Charitable Americans Act of 2001, 15 USC 6101 note, the Commission's proposal would add certain disclosures and other requirements applicable to for-profit telemarketers who solicit charitable donations. Staff held a three-day public workshop from June 5-7,

2002, to discuss these and other proposed changes to the Rule. On May 24, 2002, the Commission also issued a related NPRM proposing that user fees be imposed on telemarketers and their seller or telemarketer clients for access to the national "do not call" registry in order to establish and maintain the registry. See 67 FR 37362 (May 29, 2002). The Commission announced the final amended Rule on December 18, 2002. On October 1, 2003, affected parties must be in full compliance with (1) Sec. 310.4(b)(1)(iv) (the prohibition of abandoned calls); (2) Sec. 310.4(b)(4) (the safe harbor for call abandonment) as well as any record keeping requirements associated with the safe harbor; and (3) Sec. 310.4(b)(1)(iii)(B) (the national "do-not-call" registry provisions of the amended Rule). 68 FR 16414 (Apr. 4, 2003). Full compliance is required for Sec. 310.4(a)(7) (the caller identification provisions) on January 29, 2004; and March 31, 2003, was the date required for full compliance with all other provisions of the amended TSR.

As noted above, among other things, the final amended Rule establishes a national "do-not-call" registry, requires telemarketers to transmit Caller ID information, prohibits abandoned calls, prohibits unauthorized billing, requires express authorization when certain payment mechanisms are used, requires express informed consent in certain types of transactions, requires disclosures when the offer involves a negative option feature, and requires disclosures and prohibits misrepresentations in solicitations for charitable contributions. The amended Rule provides an exemption from the do-not-call registry for businesses with which consumers have an established business relationship. The Rule also exempts from the do-not call registry for-profit telemarketers making charitable solicitations. Staff anticipates Commission action on the revised NPRM on user fees this spring.

Beginning in July 2003, consumers will be able to put their telephone numbers on the national registry, which telemarketers subsequently will be required to access. When registration opens in July, consumers can register for free in two ways: online or by telephone. The FTC will announce the Web site Uniform Resource Locator for online registration and the toll-free

number in June. To better manage the anticipated volume of registrations, initial sign-up by phone for the registry will be phased in, region-by-region, over an eight-week period. Online registration will be available throughout the United States in July. As of October 2003, it will be illegal for most telemarketers to call a number listed on the registry.

On February 20, 2003, the Congress authorized the agency to collect fees sufficient to implement and enforce the "do-not-call" provisions of the TSR (P.L. 108-7). On April 3, 2003, the Commission issued a Revised Notice of Proposed Rulemaking (Revised Fee NPRM) to amend the TSR by adding a new section that would impose fees on entities accessing the national "do-not-call" registry. 68 FR 16238 (Apr. 3, 2003). The proposed amendments would among other things: require only sellers to pay the annual fee for access to the national registry; propose an annual fee of \$29 per area code, with a maximum annual fee of \$7,250; allow access to up to five area codes for free; and, set October 1, 2003, as the effective date for the "do-not-call" provisions of the amended TSR.

Additional revisions to the amended TSR would allow more entities to access the "do-not-call" registry for the purpose of scrubbing their lists, even if they are entities that are exempt from the FTC's jurisdiction. However, the FTC emphasizes strongly that the information in the national registry may be used for no purpose other than to stop unwanted telemarketing calls.

To come into compliance with the amended TSR's "do-not-call" provisions by the effective date of October 1, 2003, all covered sellers would be required to access the registry for the first time between September 1 and September 30, 2003. The FTC seeks comments on a broad range of issues, including its estimate of the number of entities that will access the registry and the number of area codes the average entity will purchase. Written comments will be accepted until May 1, 2003. After assessing the comments, FTC staff plans to forward the proposed final rule to the Commission by the end of May, and expects final Commission action by early June.

FTC

Proposed Rule Stage

Timetable:

Action	Date	
Announcement of Public Forum re: "Do-Not-Call" Provision	11/24/99	64 FR 66124
Public Forum re "Do-Not-Call" Provision	01/11/00	
Request for Comments	02/28/00	65 FR 10428
Comment Period End	04/27/00	
Extension of Comment Period	05/05/00	65 FR 26161
Extended Comment Period End	05/30/00	
Public Forum	07/27/00	
Public Forum	07/28/00	
USA Patriot Act Enacted	10/25/01	
NPRM	01/30/02	67 FR 4492
NPRM Comment Period End	03/29/02	
Extension of Comment Period	04/03/02	67 FR 15767
Extended Comment Period End	04/15/02	
Related NPRM	05/29/02	67 FR 37362
Public Forum	06/05/02	
Public Forum	06/06/02	
Public Forum	06/07/02	
Related NPRM	06/28/02	
Comment Period End		
Recommendation to Commission	11/08/02	
Final Commission Action Announced	12/18/02	
Final Amended Rule Published	01/29/03	68 FR 4580
Revised Fee NPRM	04/03/03	68 FR 16238
Stay of Compliance	04/04/03	68 FR 16414
NPRM Comment Period End	05/01/03	
Recommendation to Commission on Proposed Final Rule	05/00/03	
Commission Action	06/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 3084-AA86**4075. LABELING REQUIREMENTS FOR ALTERNATIVE FUELS AND ALTERNATIVE-FUELED VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13232(a)**CFR Citation:** 16 CFR 309**Legal Deadline:** None

Abstract: The Rule, which became effective on November 20, 1995, requires disclosure of appropriate cost and benefit information to enable consumers to make reasonable purchasing choices and comparisons between nonliquid alternative fuels as

well as alternative-fueled vehicles. As part of its ongoing systemic review of all Federal Trade Commission rules and guides, the Commission plans to request comments on, among other things, the economic impact and benefits of this 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. The Commission also plans to request comments on specific options for modifying the Rule's alternative-fueled vehicle label in light of new Environmental Protection Agency tailpipe emissions standards. No Commission determination on the need for or the substance of the Rule should be inferred from the intent to publish requests for comments.

Timetable:

Action	Date
Request for Comments	05/00/03
Comment Period End	07/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

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Related RIN: Previously reported as 3084-AA57

RIN: 3084-AA89

Federal Trade Commission (FTC)

Long-Term Actions

4076. TRADE REGULATION RULE PURSUANT TO THE TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT OF 1992**Priority:** Substantive, Nonsignificant**CFR Citation:** 16 CFR 308**Timetable:**

Action	Date	
Request for Comments	03/12/97	62 FR 11749
Comment Period End	05/12/97	

Action	Date	
Public Workshop	06/19/97	
Public Workshop	06/20/97	
Recommendation to Commission	09/08/98	
NPRM	10/30/98	63 FR 58523
Comment Period Extended	01/04/99	64 FR 61
Comment Period End	01/08/99	
Public Workshop-Conference	02/25/99	
Extended Comment Period End	03/10/99	

Action	Date
Public Workshop	05/20/99
Public Workshop	05/21/99
Recommendation to Commission	04/00/04

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3084-AA78

FTC

Long-Term Actions

4077. TRADE REGULATION RULE ON OPHTHALMIC PRACTICE RULES**Priority:** Substantive, Nonsignificant**CFR Citation:** 16 CFR 456**Timetable:**

Action	Date
Request for Comments	04/03/97 62 FR 15865
Notice of Comment Period Extension	05/29/97 62 FR 29088
Comment Period End	09/02/97
Recommendation to Commission	04/00/04

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Kial Young

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RIN: 3084-AA80**4078. ● PREMERGER NOTIFICATION RULES AND REPORT FORM****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 18a Clayton Act**CFR Citation:** 16 CFR 801 to 803**Legal Deadline:** None

Abstract: The Premerger Notification Rules (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 be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These Rules are continually reviewed in order to improve the program's effectiveness and to reduce the paperwork burden on the business community. The Commission proposed modifications to the HSR Form on June 14, 1994. 59 FR 30545.

Changes requiring the use of the North American Industrial Classification System (NAICS) to replace the Standard Industrial Classification (SIC) codes in completing items 5-8 on the HSR Form became effective on July 1, 2001.

On February 1, 2001, the Commission published Interim and Proposed Rules amending the Hart-Scott-Rodino Rules (HSR Rules) contained in 16 CFR parts 801, 802 and 803. The Interim Rules took effect upon publication and implemented statutory amendments to section 7A of the Clayton Act that had been enacted on December 21, 2000. The Proposed Rules set forth other changes improving and updating the HSR Rules.

Both the Interim and Proposed Rules invited public comment. The Commission received seventeen public comments addressing the Interim Rules (66 FR 8679) and the Proposed Rules (66 FR 8723). The Proposed Rules were revised and changes to Parts 801 and 802 were made final effective April 17, 2002 (67 FR 11898). Interim Rule 802.21 was revised and made final in a separate rulemaking and made effective on February 2, 2002 (67 FR 11904). On January 17, 2003, the Commission responded to issues raised

by the comments received on the Interim Rules and issued final amendments to Parts 801 and 803 (68 FR 2425). The Commission also received a number of comments that were not relevant to the changes promulgated by either set of rules. These additional comments remain under consideration and may be addressed by future rulemaking.

Timetable:

Action	Date
NPRM (Rule Change)	02/01/01 66 FR 8723
Interim Rule I (Statutory Changes)	02/01/01 66 FR 8679
Interim Rule II (Rules of Practice)	02/01/01 66 FR 8720
Comment Period End (Interim and Proposed Rules)	03/19/01
NPRM (Change form SIC to NAICS)	05/09/01 66 FR 23561
Effective Date (Change from SIC to NAICS)	07/01/01
Final Rules Parts 801 and 802	03/18/02 67 FR 11898
Final Rule Part 802.21	03/18/02 67 FR 11904
Final Rules Parts 801 and 803	01/17/03 68 FR 2425
Next Action	Undetermined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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