



# Federal Register

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**Monday,  
April 26, 2010**

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**Part XX**

## **Federal Trade Commission**

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**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 to 612, as amended by the Small Business Regulatory Enforcement Fairness Act. The Commission's agenda follows guidelines and procedures issued January 15, 2010, 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).

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda is 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.

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 rule that is a "significant regulatory action" under the definition in Executive Order 12866.

This is the FACTA (or Fair and Accurate Credit Transactions Act of 2003) Risk-Based Pricing Final Rule, which the Commission issued jointly with the Federal Reserve on January 15, 2010 (75 FR 2724). There is further information about this in the Agenda abstract for FACTA rulemakings.

The Commission has responded to OMB's request that agencies discuss international effects of their rulemakings in The Regulatory Plan narrative. 74 FR 64137, 64366. 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 but are not subject to the requirements of the RFA are: (1) The Appliance Labeling Rule, 16 CFR 305; (2) the Automotive Fuel Ratings, Certification, and Posting Rule, 16 CFR 306; (3) the Smokeless Tobacco Rules, 16 CFR 307; (4) the Pay-Per-Call Rule (or "the 1-900 Rule"), 16 CFR 308; (5) Labeling Requirements for Alternative Fuels and Alternative-Fueled Vehicles, 16 CFR 309; (6) Telemarketing Sales Rule, 16 CFR 310; (7) Children's Online Privacy Protection Rule, 16 CFR 312; (8) Privacy of Consumer Financial Information, 16 CFR 313; (9) the Rulemaking With Respect to Mortgage Loans, to be codified at 16 CFR 321, 322; (10) Retail Food Store Advertising and Marketing Practices, 16 CFR 424; (11) the Negative Option Rule, 16 CFR 425; (12) the Cooling-Off Rule, 16 CFR 429; (13) the Amplifier Rule, 16 CFR 432; (14) the Holder-in-Due Course Rule, 16 CFR 433; (15) Mail or Telephone Order Merchandise Rule, 16 CFR 435; (15) the Business Opportunity Rule, to be codified at 16 CFR 437; (16) the Used Car Rule, 16 CFR 455; and (17) certain rules implementing the Fair and Accurate Credit Transactions Act of 2003 (FACTA), 16 CFR 602, 603, 604, 610, 611, 613, 614, 641, 642, 660, 680, 681, 682, and 698.

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 actions listed in the agenda, call, e-mail, or write the contact person listed for each particular proceeding. General comments or questions about the agenda should be directed to G. Richard Gold, Attorney, telephone: (202) 326-3355; e-mail: [rgold@ftc.gov](mailto:rgold@ftc.gov), or Robert A. Nelson, Jr., Paralegal, telephone: (202) 326-2931; e-mail: [rnelson@ftc.gov](mailto:rnelson@ftc.gov), Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

## FTC

## Federal Trade Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
411	Privacy of Consumer Financial Information .....	3084-AA97

## Federal Trade Commission (FTC)

## Completed Actions

**411. PRIVACY OF CONSUMER FINANCIAL INFORMATION**

**Legal Authority:** 15 USC 6801 et seq

**Abstract:** This rulemaking is related to RIN 3084-AA85. In 2000, the Commission, the banking agencies, and the Securities and Exchange Commission published rules (Privacy Rules) for the Gramm-Leach-Bliley Act (GLB Act) requirement that financial institutions provide a notice of its privacy policies and practices to its customers. The Privacy Rule does not specify any format or standardized wording for these notices. In response to concerns expressed by representatives of financial institutions, consumers, privacy advocates, and Members of Congress, the agencies conducted a workshop in December 2001 to consider how financial institutions could provide more useful privacy notices to consumers. Subsequently, the agencies published an advance notice of proposed rulemaking (ANPRM) and requested comments on a variety of subjects including the goals, elements, language, costs and benefits, and permissible aspects of alternative privacy notices. 68 FR 75164. The comment period ended on March 29, 2004. Six of these agencies (seven as of April 2006) thereafter funded consumer research

and testing to inform the development of alternative privacy notices that are easier for consumers to understand and use.

As directed by section 728 of the Financial Services Relief Act of 2006, Public Law No. 109-351, which added section 503(e) to the GLB Act, the Commission, together with seven other Federal agencies (the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission), must propose a model form that may be used at the option of financial institutions for the privacy notices required under GLB within 280 days after enactment, or by April 11, 2007. On March 29, 2007, the agencies published an NPRM proposing a model form of the prototype privacy notice developed during the consumer research testing project undertaken by first six, then seven, of these agencies. 72 FR 14940. Errata were published in the Federal Register on April 5, 2007. 72 FR 16875. The comment period ended on May 29, 2007. On November 17, 2009, the agencies announced a model privacy form that financial

institutions may rely on as a safe harbor to provide disclosures under the privacy rules. 75 FR 62890. In addition, the agencies other than the SEC are eliminating the safe harbor permitted for notices based on the Sample Clauses currently contained in the privacy rules if the notice is provided after December 31, 2010.

**Timetable:**

Action	Date	FR Cite
Public Workshop	12/04/01	
ANPRM	12/30/03	68 FR 75164
ANPRM Comment Period End	03/29/04	
NPRM	03/29/07	72 FR 14940
Errata	04/05/07	72 FR 16875
NPRM Comment Period End	05/29/07	
Final Rule	12/01/09	74 FR 62890

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3084-AA97

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