



Monday
May 8, 1995

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 section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Except for notice of completed actions, the information in this agenda

represents the judgment of Commission staff based upon information now available, and each projected date 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. Acquisition of new information, change of circumstances, or changes in the law may alter the

information set forth in this agenda. Several agenda items concern rulemaking proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether the likely economic impact on such entities is significant will depend upon the outcome of the particular proceeding.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact person listed for each particular proceeding.

By direction of the Commission.
Donald S. Clark,
Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4889	Amended Federal Deposit Insurance Act	3084-AA44
4890	Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986	3084-AA48
4891	Rules and Regulations Under the Wool Products Labeling Act of 1939	3084-AA50
4892	Rules and Regulations Under the Fur Products Labeling Act	3084-AA51
4893	Rules and Regulations Under the Textile Fiber Products Identification Act	3084-AA52
4894	Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation	3084-AA60
4895	Trade Regulation Rule for the Incandescent Lamp (Light Bulb) Industry	3084-AA61
4896	Trade Regulation Rule Concerning Misbranding and Deception as to Leather Content of Waist Belts	3084-AA62
4897	Trade Regulation Rule on Franchising and Business Opportunity Ventures	3084-AA63

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4898	Review of the Premerger Notification Rules and Report Form	3084-AA23
4899	Regulatory Review	3084-AA47
4900	Cooling-Off Rule	3084-AA53
4901	The Care Labeling Rule	3084-AA54
4902	The Credit Practices Rule	3084-AA55
4903	The Used Car Rule	3084-AA56
4904	Telemarketing Rule	3084-AA59

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4905	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
4906	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	3084-AA57

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Prerule Stage

4889. AMENDED FEDERAL DEPOSIT INSURANCE ACT**Legal Authority:** 12 USC 1811 et seq, Federal Deposit Insurance Act**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: The Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) assigns to the FTC responsibilities for certain non-federally insured depository institutions (DIs) and private deposit insurers of such DIs. The FTC is required to prescribe, by regulation or order, the manner and content of certain disclosures required of DIs that lack Federal Deposit insurance. The Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act, 1993, containing the Commission's appropriation for fiscal year 1993, provided that none of the funds were available for expenses authorized by Section 151 of the FDICIA. Legislation containing the Commission's appropriation for fiscal years 1994 and 1995 contain the same provision. Thus, Commission implementation and enforcement of FDICIA is on hold.

Timetable: Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** State

Agency Contact: Carole Reynolds, Division of Credit Practices, Federal Trade Commission, Bureau of Consumer Protection, Washington, DC 20580, **202 326-3230**

RIN: 3084-AA44**4890. REGULATIONS UNDER THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986****Legal Authority:** 15 USC 4401**CFR Citation:** 16 CFR 307**Legal Deadline:** None

Abstract: The Comprehensive Smokeless Tobacco Act of 1986 requires health warnings on all packages and advertising for smokeless tobacco. The Commission published an NPR on February 14, 1995 seeking public comment on whether the regulations governing the rotation schedule for utilitarian objects should be amended. The comment period expires on April 14, 1995. On a separate point, the Coalition on

Smoking OR Health has petitioned the Commission to enforce the Smokeless Tobacco Act by requiring smokeless tobacco health warnings on sponsored racing cars, banners, flags, and other related objects bearing smokeless tobacco product brand names, logos, or selling messages. On October 26, 1993, the Commission issued an NPR, proposing a requirement that sponsored auto racing vehicles and all other event-related objects that bear the brand name or selling message of smokeless tobacco products display health warning labels. Staff is preparing its recommendation to the Commission.

Timetable:

Action	Date	FR Cite
NPRM (Utilitarian Items)	07/31/89	54 FR 31541
Amendment to Final Rule	01/15/93	58 FR 4874
NPRM (Promotional Items)	01/15/93	54 FR 4875
NPRM (Racing Cars)	11/04/93	58 FR 58810
Comment Period Ended (Racing Cars)	02/01/94	
Comment Period Ends (Utilitarian Items)	04/14/95	
Final Staff Recommendation (Racing Cars)	04/00/95	
Final Staff Recommendation (Promotional Items)	05/00/95	
Final Staff Recommendations (Utilitarian Items)	05/00/95	
Comm. Consid. of Staff Rec. (Promotional Items)	07/00/95	
Commission Consideration of Staff Rec (Utilitarian Items)	07/00/95	

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: Phillip Priesman, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-2484**

RIN: 3084-AA48**4891. RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939****Legal Authority:** 15 USC 68 Wool Products Labeling Act of 1939**CFR Citation:** 16 CFR 300**Legal Deadline:** None

Abstract: The Wool Products Labeling Act of 1939 (Wool Act) requires covered wool products to be marked with (1) the generic names and percentages by weight of the constituent fibers present in the wool product; (2) the name under which the manufacturer or another responsible USA company does business, or in lieu thereof, the registered identification number (RN) of such a company; and (3) the name of the country where the wool product was processed or manufactured. Pursuant to Section 6(a) of the Wool Act, "the Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this Act ... and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement." These implementing rules and regulations are set forth at 16 CFR 300. As part of its systematic review of all current Commission regulations and guides, the Commission will request comments on, among other things, the economic impact of, and the continuing need for, these rules, possible conflict between the rules and State, local and other federal laws, and the effect on the rules of any technological, economic, or other industry changes.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	05/06/94	59 FR 23645
Extension of Comment Period	09/12/94	59 FR 46778
Comment Period End	10/15/94	
Recommendation to Commission	05/00/95	

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Bret S. Smart, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Ste. 13209, Los Angeles, CA 90024, **310 575-7890**

RIN: 3084-AA50**4892. RULES AND REGULATIONS UNDER THE FUR PRODUCTS LABELING ACT****Legal Authority:** 15 USC 69 Fur Products Labeling Act**CFR Citation:** 16 CFR 301

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Legal Deadline: None

Abstract: The Fur Products Labeling Act (Fur Act) requires covered furs and fur products to be labeled, invoiced, and advertised to show (1) the name(s) of the animal that produced the fur(s); (2) where such is the case, that the fur is used fur or contains used fur; (3) where such is the case, that the fur is bleached, dyed, or otherwise artificially colored; and (4) the name of the country of origin of any imported furs used in the fur product. Pursuant to Section 8(b) of the Fur Act, "The Commission is authorized and directed to prescribe rules and regulations governing the manner and form of disclosing information required by this Act and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act." These implementing rules are set forth at 16 CFR 301. As part of its systematic review of all current Commission regulations and guides, the Commission will request comments on, among other things, the economic impact of, and the continuing need for, these rules, possible conflict between the rules and state, local and other federal laws, and the effect on the rules of any technological, economic, or other industry changes.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	05/06/94	59 FR 23645
Extension of Comment Period	09/12/94	59 FR 46778
Comment Period End	10/15/94	
Recommendations to Commission	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Bret S. Smart, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Ste. 13209, Los Angeles, CA 90024, **310 575-7890**

RIN: 3084-AA51

4893. RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Legal Authority: 15 USC 70 Textile Fiber Products Identification Act

CFR Citation: 16 CFR 303

Legal Deadline: None

Abstract: The Textile Fiber Products Identification Act (Textile Act) requires wearing apparel and other covered household textile articles to be marked with (1) the generic names and percentages by weight of the constituent fibers present in the textile fiber product; (2) the name under which the manufacturer or another responsible USA company does business, or in lieu thereof, the registered identification number (RN) of such a company; and (3) the name of the country where the textile product was processed or manufactured. Pursuant to Section 7(c) of the Textile Act, "the Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement." These implementing rules are set forth at 16 CFR 303. As part of its systematic review of all current Commission regulations and guides, the Commission will request comments on, among other things, the economic impact of, and the continuing need for, these rules, possible conflict between the rules and State, local and other Federal laws, and the effect on the rules of any technological, economic, or other industry changes.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	05/06/94	59 FR 23646
Extension of Comment Period	09/12/94	59 FR 46779
Comment Period End	10/15/94	
Recommendations to Commission	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Bret S. Smart, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Ste. 13209, Los Angeles, CA 90024, **310 575-7890**

RIN: 3084-AA52

4894. • TRADE REGULATION RULE CONCERNING THE LABELING AND ADVERTISING OF HOME INSULATION

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 ("R-Value 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. Specifically, the Rule requires 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 its systematic review of all current Commission rules and guides, the Commission will request 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.

Timetable:

Action	Date	FR Cite
Request for Comments	04/15/95	
Comment Period Ends	06/15/95	
Recommendations to the Commission	11/00/95	
Final Commission Action	02/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kent C. Howerton, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-3013**

RIN: 3084-AA60

4895. • TRADE REGULATION RULE FOR THE INCANDESCENT LAMP (LIGHT BULB) INDUSTRY

Legal Authority: 15 USC 41 et seq

CFR Citation: 16 CFR 409

Legal Deadline: None

Abstract: The Federal Trade Commission's Trade Regulation Rule for the Incandescent Lamp (Light Bulb) Industry became effective on January 25, 1971. The Rule is designed to assist consumers in making informed purchases of light bulbs for specific

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needs. Specifically, the Rule requires the disclosures of, in accordance with uniform specifications, the electrical power consumed (expressed as average initial wattage), the light output (expressed as average initial lumens), and the average laboratory life (expressed in hours) on light bulb packages. In addition, the average initial wattage and design voltage must appear on the bulbs themselves. As part of its systematic review of all current Commission rules and guides, the Commission will request 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.

Timetable:

Action	Date	FR Cite
Request for Comments	04/15/95	
Comment Period Ends	06/15/95	
Recommendations to the Commission	11/00/95	
Final Commission Action	02/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kent C. Howerton, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-3013**

RIN: 3084-AA61

4896. • TRADE REGULATION RULE CONCERNING MISBRANDING AND DECEPTION AS TO LEATHER CONTENT OF WAIST BELTS

Legal Authority: 15 USC 41-58

CFR Citation: 16 CFR 405

Legal Deadline: None

Abstract: The Federal Trade Commission's Trade Regulation Rule Concerning Misbranding and Deception as to Leather Content of Waist Belts

(Leather Belt Rule) makes it an unfair method of competition and an unfair and deceptive act or practice to misrepresent a belt's leather content or the type of animal hide or skin from which the belt is made. The Rule also prohibits the sale or distribution of belts without adequate disclosures as to their leather content or type of animal hide or skin if the appearance of the product would deceive consumers. As part of its systematic review of all current Commission rules and guides, the Commission will request 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.

Timetable:

Action	Date	FR Cite
Request for Comments	04/15/95	
Comment Period Ends	06/15/95	
Recommendations to the Commission	11/00/95	
Final Commission Action	02/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Russell Deitch, Federal Trade Commission, Los Angeles Regional Office, Suite 13209, 11000 Wilshire Blvd., Los Angeles, CA 90024, **310 235-7890**

RIN: 3084-AA62

4897. • TRADE REGULATION RULE ON FRANCHISING AND BUSINESS OPPORTUNITY VENTURES

Priority: Agency Priority

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 past 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. As part of its systematic review of all current Commission rules and guides, the Commission is requesting comments about the overall costs and benefits of the Rule and what effects, if any, have changes in relevant technology, economic conditions, and industry practices had on the Rule. The Commission may also consider other areas of the Rule, as appropriate.

Timetable:

Action	Date	FR Cite
Request for Comments	04/15/95	
Comment Period Ends	06/15/95	
Recommendations to the Commission	01/00/96	
Final Commission Action	04/00/96	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Steven Toporoff, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-3135**

RIN: 3084-AA63

FEDERAL TRADE COMMISSION (FTC)

Proposed Rule Stage

4898. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801 to 803

Legal Deadline: None

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report 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 Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the 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 reduce the paperwork burden on the business community. The Commission proposed modifications to the Premerger Notification and Report form during fiscal year 1994. In September 1985, the Commission proposed to amend the Rule's treatment of acquisitions of goods or realty made in the ordinary course of business. The Commission will reconsider what action, if any, to take on possible amendments regarding such acquisitions.

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
Begin Review	09/30/81	
NPRM -- Ordinary Course	09/24/85	50 FR 38742
NPRM - To Commission HSR Form	06/14/94	59 FR 30545
NRM -To Commission HSR Form	03/31/95	
NPRM - To Commission Ord. Course	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:

Agency Contact: John Sipple, Assistant Director, Pre-Merger Notification, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202 326-2862

RIN: 3084-AA23

4899. REGULATORY REVIEW

Legal Authority: 15 USC 41 et seq

CFR Citation: 16 CFR 18 et seq

Legal Deadline: None

Abstract: The Commission is conducting a ten-year review of current rules and guides to identify any that should be modified or rescinded. At the beginning of the year, the Commission published a notice in the Federal Register listing the specific rules and guides to be reviewed during that year. See 60 FR 6463 (February 2, 1995). During the year, the Commission will publish separate notices in the Federal Register for each such rule or guide, soliciting comments about its costs and benefits and regulatory and economic impact. Where rulemaking timetables have been established for such items, they are included in this Agenda. However, no determination about whether to modify or rescind a rule, regulation, 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 also will address other specific matters or issues, such as reviews mandated by the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Timetable:

Action	Date	FR Cite
Rule Review Continuing	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Flexibility Act, 5 USC 601 et. seq.

Agency Contact: Kent Howerton, Division of Enforcement, Federal Trade Commission, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3013

RIN: 3084-AA47

4900. COOLING-OFF RULE

Legal Authority: 15 USC 45 to 58

CFR Citation: 16 CFR 429

Legal Deadline: None

Abstract: The Cooling-Off Rule requires that a consumer be given a three-day right to cancel certain sales greater than \$25.00 that occur at a place other than a seller's place of business. The Rule also requires a seller to notify buyers orally of the right to cancel; to provide buyers with a dated receipt or copy of the contract containing the name and address of the seller and notice of cancellation rights; and to provide buyers with forms which buyers may use to cancel the contract. On April 15, 1994, as a part of its Regulatory Review program, regulatory identifier number 3084-AA47, the Commission published a notice seeking public comment on whether the Rule should be amended to minimize any undue burdens of the Rule on the entities it affects. The Commission also sought comments concerning the Rule's application to temporary business locations, and whether the current exemptions for specific products sold at certain types of temporary places of business should be expanded to include other products. The Commission also proposed a non-substantive amendment to the definition of "business day" in the Rule.

Timetable:

Action	Date	FR Cite
Begin Reg Flex and Periodic Review	04/15/94	59 FR 18007
Close of Comment Period	06/14/94	
Recommendations to the Commission	06/15/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lemuel W. Dowdy, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, 202 326-2981

RIN: 3084-AA53

4901. THE CARE LABELING RULE

Priority: Regulatory Plan

Legal Authority: 15 USC 41 et seq

CFR Citation: 16 CFR 423

Legal Deadline: None

Abstract: The Care Labeling Rule requires manufacturers and importers of textile wearing apparel to attach cleaning instructions stating what regular care is needed for the ordinary use of the product. If dry cleaning is recommended, the label must state at

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least one type of solvent that may be used, (unless all commercially available types of solvent can be used) and must contain a warning against the use of any part of the normal dry cleaning procedure that would harm the product. The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions. The Rule currently requires that care instructions be stated in "appropriate terms." It also states that "any appropriate symbols may be used on care labels or care instructions, in addition to the required appropriate terms so long as the terms fulfill the requirements of this regulation." Although the Rule does not specifically state that the instructions must be in English, they usually are. The Commission has solicited comment on whether it is desirable to allow the use of symbols in lieu of language on care labels; on whether, and under what circumstances, it is desirable to require washing instructions as well as dry cleaning instructions; and in general, on the costs and benefits and regulatory and economic impact of an amended Care Labeling rule.

Timetable:

Action	Date	FR Cite
Publication of ANPRM	06/15/94	59 FR 30733
Comment Period Closed	10/15/94	
Recommendation to Commission	05/00/95	
Final Commission Action	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Constance Vecellio, Care Labeling Rule Coordinator, Division of Enforcement, Federal Trade Commission, Washington, DC 20580, **202 326-2966**

RIN: 3084-AA54

4902. THE CREDIT PRACTICES RULE

Legal Authority: 15 USC 41 et seq; 5 USC 601 et seq

CFR Citation: 16 CFR 444

Legal Deadline: None

Abstract: The Regulatory Flexibility Act, 5 USC section 601 et seq., (RFA) requires that an agency rule be reviewed within ten years of the publication of the rule as a final rule. In addition, the Commission has determined, as part of its oversight

responsibilities, to review trade regulation rules at least once every ten years. These reviews seek information about the costs and benefits of the Commission's rules and about their regulatory and economic impact. The FTC's Trade Regulation Rule on Credit Practices, 16 CFR 444, published as a final rule in 1984, will be reviewed this year under both the RFA and Commission procedures.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	04/15/94	59 FR 18009
Comment Period Closes	06/14/94	
Recommendations to Commission	04/00/95	
Publish Results of Reg Flex Review in Federal Register	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sandra M. Wilmore, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-3169**

RIN: 3084-AA55

4903. THE USED CAR RULE

Legal Authority: 15 USC 45 to 58

CFR Citation: 16 CFR 455

Legal Deadline: None

Abstract: The purpose of the Used Car Rule, which became effective on May 9, 1985, is to prevent and discourage oral misrepresentations and omissions of material facts by used car dealers concerning warranty coverage. The Rule provides a uniform method for written disclosure of warranty information on a window sticker called a "Buyers Guide." The Rule requires sellers to disclose on the Buyers Guide the basic terms and conditions of any warranty offered in connection with the sale of a used car, including the duration of coverage, the percentage of total repair costs to be paid by the dealer, and the systems covered by the warranty. The Rule also requires certain other disclosures that must be printed on the Buyers Guide, including: a suggestion that consumers ask the dealer if a pre-purchase inspection is permitted; a warning against reliance on spoken promises that are not confirmed in writing; and a list of the

14 major systems of an automobile and the major problems that may occur in these systems. The Rule also provides that the Buyers Guide disclosures are to be incorporated by reference into the sales contract, and are to govern in the event of an inconsistency between the Buyers Guide and the sales contract. As part of the Commission's ongoing project to review all rules periodically, the Commission has published a Federal Register Notice seeking public comment on the cost and benefits and other impacts of the Rule. The purpose of the review is to determine whether the Commission should consider amending, repealing, or retaining the Rule as is. Pursuant to the Regulatory Flexibility Act, the Commission also solicited comments on the Rule's impact on small business, and on whether the Rule should be amended to minimize any significant impact upon small economic entities.

Timetable:

Action	Date	FR Cite
Begin Reg Flex and Periodic Review	05/06/94	59 FR 23647
Close of Comment Period	07/06/94	
Recommendations to Commission	06/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Brent Mickum IV, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-3132**

RIN: 3084-AA56

4904. TELEMARKETING RULE

Priority: Regulatory Plan

Legal Authority: 15 USC 6101

CFR Citation: 16 CFR 310

Legal Deadline: Final, Statutory, August 1995.

Abstract: The Telemarketing and Consumer Fraud and Abuse Prevention Act directs the Commission to issue a rule prohibiting deceptive and abusive telemarketing acts and practices within 365 days from the date of enactment of the Act. The Act specifies that the rule contain a definition of deceptive telemarketing acts or practices. According to the statute, this definition may include credit card laundering as well as other acts or practices of other parties that assist or facilitate deceptive

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telemarketing. The Act further specifies that the rule must include: requirements prohibiting unsolicited telephone calls which reasonably might be considered to be coercive or abusive to the consumer's right to privacy; restrictions on the hours when unsolicited telephone calls may be made; and requirements that the telemarketer disclose the purpose of the call, as well as make any other disclosures the Commission deems appropriate, including the nature and

price of the goods and services. In formulating the rule, the statute directs the Commission to consider recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/14/95	60 FR 8313
Close of Comment Period	03/31/95	
Final Staff Recommendation	07/00/95	
Final Rule Promulgated	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local

Agency Contact: David Torok, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, **202 326-3140**

RIN: 3084-AA59

FEDERAL TRADE COMMISSION (FTC)

Final Rule Stage

4905. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Legal Deadline: None

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The Rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an Advance Notice of Proposed Rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the Rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the Rule may be appropriate. The Rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for prizes. The major costs to industry are the

possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the Rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the Rule's recordkeeping and disclosure requirements.

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
NPRM	07/07/88	53 FR 25503
Staff Report	12/15/94	
Presiding Officer's Report	02/15/95	
Commission Consideration of Staff Recommendations	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Ave., Cleveland, Ohio 44114, **216 522-4207**

RIN: 3084-AA24

4906. LABELING REQUIREMENTS FOR ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES

Priority: Regulatory Plan

Legal Authority: 42 USC 13232(a)

CFR Citation: 16 CFR 309

Legal Deadline: NPRM, Statutory, April 25, 1994. Final, Statutory, May 9, 1995.

Abstract: Section 406(a) of the Energy Policy Act of 1992 directs the Commission to promulgate a rule establishing uniform labeling requirements for alternative fuels and alternative fueled vehicles (AFVs). The Commission held a public workshop on July 20, 1994. After reviewing the workshop's transcript, staff submissions, and comments received in response to the Commission's ANPR and NPR, the Commission published a proposed labeling rule in the Federal Register on November 18, 1994. The Commission proposed that retailers of nonliquid alternative fuels post standard labels identifying the commonly used names and composition of those fuels on fuel dispensers and recharging stations servicing consumers. For AFV labeling, the Commission proposed that AFV manufacturers post labels on "covered vehicles" (in essence, vehicles with gross vehicle weight ratings less than 8500 lbs.) offered for acquisition to consumers. For newly covered vehicles, the labels would identify the vehicle's estimated cruising range and EPA certification level, along with general information pertinent to all consumers considering an AFV acquisition. Labels for used covered vehicles would simply disclose the general information pertinent to all consumers considering an AFV acquisition.

Timetable:

Action	Date	FR Cite
ANPRM	12/10/93	58 FR 64914
Publication of NPRM	05/09/94	59 FR 24014
Comment Period Ended	06/23/94	
Public Workshop	07/20/94	

FTC

Final Rule Stage

Action	Date	FR Cite
Publication of SNPR Final Rule	11/18/94 05/00/95	59 FR 59666

Consumer Protection, Federal Trade
Commission, Washington, DC 20580,
202 326-2372

Small Entities Affected: Businesses

RIN: 3084-AA57

Government Levels Affected: None

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