

# Proposed Rules

Federal Register

Vol. 74, No. 23

Thursday, February 5, 2009

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL TRADE COMMISSION

### 16 CFR Ch. I

#### Notice of Intent To Request Public Comments

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of intent to request public comments.

**SUMMARY:** As part of its systematic review of all Federal Trade Commission rules and guides, the Commission gives notice that, during 2009, it intends to request public comments on the rules and guide listed below ("Rules"). The Commission will request comments on, among other things, the economic impact of, and the continuing need for, the Rules; possible conflict between the Rules and state, local, or other federal

laws or regulations; and the effect on the Rules of any technological, economic, or other industry changes. No Commission determination on the need for, or the substance of, the Rules should be inferred from the notice of intent to publish requests for comments. In addition, the Commission announces a revised 10-year regulatory review schedule.

**FOR FURTHER INFORMATION CONTACT:** Further details may be obtained from the contact person listed for the particular Rule.

**SUPPLEMENTARY INFORMATION:** The Commission intends to initiate a review of, and solicit public comments on, the following Rules during 2009:

(1) *Guides for Private Vocational and Distance Education Schools*, 16 CFR 254. **Agency Contact:** Julie A. Lady, (216) 263-3409, Federal Trade Commission, East Central Region, 1111 Superior Ave., Suite 200, Cleveland, OH 44114.

(2) *Automotive Fuel Ratings, Certification, and Posting Rule*, 16 CFR 306. **Agency Contact:** Matthew Wilshire,

(202) 326-2976, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave., NW, Washington, DC 20580.

(3) *Use of Prenotification Negative Option Plans*, 16 CFR 425. **Agency Contact:** Robin Rosen Spector, (202) 326-3740, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave., NW, Washington, DC 20580.

As part of its regulatory review, the Commission also has tentatively scheduled reviews of additional rules and guides for 2010 through 2019. A copy of this tentative schedule is appended. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

**Authority:** 15 U.S.C. 41-58.

By direction of the Commission.

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

## APPENDIX REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE

16 CFR PART	TOPIC	YEAR TO REVIEW
500	Regulations Under Section 4 of the Fair Packaging and Labeling Act (FPLA)	2010
501	Exemptions from Part 500 of the FPLA	2010
502	Regulations Under Section 5(C) of the FPLA	2010
503	Statements of General Policy or Interpretations Under the FPLA	2010
424	Retail Food Store Advertising and Marketing Practices Rule	2010
444	Credit Practices Rule	2010
239	Guides for the Advertising of Warranties and Guarantees	2010
433	Preservation of Consumers' Claims and Defenses Rule	2010
700	Interpretations of Magnuson-Moss Warranty Act	2010
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	2010
702	Pre-Sale Availability of Written Warranty Terms	2010
703	Informal Dispute Settlement Procedures	2010
14	Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements	2011
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	2011

APPENDIX—Continued  
REGULATORY REVIEW  
MODIFIED TEN-YEAR SCHEDULE

16 CFR PART	TOPIC	YEAR TO REVIEW
300	Rules and Regulations under the Wool Products Labeling Act	2011
301	Rules and Regulations under the Fur Products Labeling Act	2011
303	Rules and Regulations under the Textile Fiber Products Identification Act	2011
423	Care Labeling Rule	2011
20	Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry	2012
233	Guides Against Deceptive Pricing	2012
238	Guides Against Bait Advertising	2012
240	Guides for Advertising Allowances and Other Merchandising Payments and Services	2012
251	Guide Concerning Use of the Word “Free” and Similar Representations	2012
310	Telemarketing Sales Rule	2013
801	Hart-Scott-Rodino Antitrust Improvements Act Coverage Rules	2013
802	Hart-Scott-Rodino Antitrust Improvements Act Exemption Rules	2013
803	Hart-Scott-Rodino Antitrust Improvements Act Transmittal Rules	2013
304	Rules and Regulations under the Hobby Protection Act	2014
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	2014
314	Standards for Safeguarding Customer Information	2014
315	Contact Lens Rule	2015
316	Rules Implementing the CAN-SPAM Act of 2003	2015
456	Ophthalmic Practice Rules	2015
603	Fair Credit Reporting Act (FCRA) Rules - Definitions	2015
610	FCRA Rules - Free Annual File Disclosures	2015
611	FCRA Rules - Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency	2015
613	FCRA Rules - Duration of Active Duty Alerts	2015
614	FCRA Rules - Appropriate Proof of Identity	2015
698	FCRA Rules - Summaries, Notices, and Forms	2015
460	Labeling and Advertising of Home Insulation	2016
682	FCRA Rules - Disposal of Consumer Report Information and Records	2016
410	Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets	2017
312	Children’s Online Privacy Protection Rule	2017
18	Guides for the Nursery Industry	2018
305	Appliance Labeling Rule	2018
311	Test Procedures and Labeling Standards for Recycled Oil	2018
436	Disclosure Requirements and Prohibitions Concerning Franchising	2018
24	Guides for Select Leather and Imitation Leather Products	2019
453	Funeral Industry Practices Rule	2019

[FR Doc. E9-2464 Filed 2-4-09; 8:45 am]

BILLING CODE 6750-01-S

**DEPARTMENT OF JUSTICE****28 CFR Part 26**

[Docket No. OJP (DOJ)-1464; AG Order No. 3048-2009]

RIN 1121-AA74

**Certification Process for State Capital Counsel Systems****AGENCY:** Department of Justice.**ACTION:** Notice of request for public comment.

**SUMMARY:** Pursuant to the USA PATRIOT Improvement and Reauthorization Act of 2005, the Department of Justice promulgated a final rule to implement certification procedures for states seeking to qualify for the expedited federal habeas corpus review procedures in capital cases under chapter 154 of title 28 of the United States Code. *Certification Process for State Capital Counsel Systems*, 73 FR 75327 (Dec. 11, 2008). The procedural benefits of chapter 154 are available to states that establish mechanisms for providing counsel to indigent capital defendants in state postconviction proceedings that satisfy certain statutory requirements. The Department hereby requests public comment on issues related to the final rule.

**DATES:** Comments are due April 6, 2009.

**ADDRESSES:** Please address all comments regarding this notice, by U.S. mail, to: Ben Gorban, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531. To ensure proper handling, please reference OJP Docket No. 1464 on your correspondence. You may view an electronic version of this notice at <http://www.regulations.gov>, and you may also comment by using the <http://www.regulations.gov> comment form for this notice. When submitting comments electronically you must include OJP Docket No. 1464 in the subject box.

**FOR FURTHER INFORMATION CONTACT:** Ben Gorban, Bureau of Justice Assistance, Office of Justice Programs at (202) 616-6500 (not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Chapter 154 provides procedural benefits in federal habeas corpus review of capital cases to states that go beyond the constitutional requirement of appointing counsel for indigents at trial and on appeal by providing counsel also

to capital defendants in state postconviction proceedings. Chapter 154 has been in place since the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132).

Section 507 of Public Law 109-177, the USA PATRIOT Improvement and Reauthorization Act of 2005 ("the Act"), amended chapter 154 of title 28 of the United States Code. Prior to the Act, the determination that a state was eligible for the procedural benefits of chapter 154 had been left to the federal court of appeals for the circuit in which a state was located. The Act, *inter alia*, amended sections 2261(b) and 2265 of title 28 to assign responsibility for chapter 154 certifications to the Attorney General of the United States, subject to de novo review by the Court of Appeals for the District of Columbia Circuit.

Section 2265(b) directs the Attorney General to promulgate regulations to implement the certification procedure. The Department of Justice published a proposed rule in the **Federal Register** on June 6, 2007, for this purpose, to add a new subpart in 28 CFR part 26 entitled "Certification Process for State Capital Counsel Systems." *Certification Process for State Capital Counsel Systems*, 72 FR 31217 (June 6, 2007). The comment period ended on August 6, 2007. The Department published a notice on August 9, 2007, reopening the comment period, and the reopened comment period ended on September 24, 2007. 72 FR 44816 (Aug. 9, 2007). The Department of Justice published the final rule on December 11, 2008, with a scheduled effective date of January 12, 2009. *Certification Process for State Capital Counsel Systems*, 73 FR 75327 (Dec. 11, 2008).

The final rule is the subject of a preliminary injunction issued by a district court in the Northern District of California. *See Habeas Corpus Res. Ctr. v. U.S. Dep't of Justice*, No. C 08-2649 CW (N.D. Cal., Jan. 20, 2009). The Department of Justice has decided to solicit further comment on all aspects of the final rule for 60 days following publication of this notice. The Department will consider comments received during this period and publish a summary and response as appropriate.

Dated: February 2, 2009.

**Mark Filip,***Acting Attorney General.*

[FR Doc. E9-2493 Filed 2-4-09; 8:45 am]

BILLING CODE 4410-18-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 09-40; MB Docket No. 08-243; RM-11490]

**Radio Broadcasting Services; Charlotte Amalie, VI****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by Western New Life, Inc., licensee of Station WJZG-FM, Channel 254A, Culebra, Puerto Rico, proposing the deletion of vacant Channel 271B at Charlotte Amalie, Virgin Islands to accommodate a hybrid contingent application requesting the substitution of Channel 271A for Channel 254A at Culebra, and modification of the Station WJZG-FM license. The reference coordinates for vacant Channel 271B at Charlotte Amalie are 18-20-36 NL and 64-55-48 WL.

**DATES:** Comments must be filed on or before March 9, 2009, and reply comments on or before March 24, 2009.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Scott C. Cinnamon, Esq., Counsel for Western New Life, Inc., Law Offices of Scott C. Cinnamon, PLLC, 1250 Connecticut Ave., NW., Suite 200, #144, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 08-243, adopted January 14, 2009, and released January 16, 2009. Channel 271B at Charlotte Amalie was inadvertently removed from the FM Table of Allotments. *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006). As a result, this document does not contain any amendatory language. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC 20554. This document may also be purchased from the