

variability in lamp manufacturing. Those values would help the Department evaluate current and proposed approaches to account for measurement uncertainty.

NEMA, speaking for manufacturers, claims that if the Department requires all incandescent lamps to be tested or measured for compliance at 120 volts regardless of rated voltage, that would render obsolete lamps designed for operation at other than 120 volts. This is because lamps that are designed for operation at voltages greater than 120 volts may not meet the minimum efficacy standard when tested at 120 volts; lamps that are tested at 120 volts and found to comply with the energy efficiency standards will have a shorter life when operated in regions where line voltages are greater than 120 volts. According to NEMA, for those regions, an inevitable consequence of a rule requiring compliance testing at 120 volts would be the virtual elimination of existing lamp products designed for use where line voltages are greater than 120 volts. NEMA also contends that "when EPACT was enacted, Congress and the lamp industry understood that compliance with energy efficacy standards would be determined at an incandescent reflector lamp's design voltage."

The statute does not directly address whether testing and compliance of incandescent lamps must be fixed at one voltage or must be at the rated voltage. But section 324(a)(2)(C)(i) of the EPCA states that labeling "shall be based on performance when operated at 120 volts input, regardless of the rated lamp voltage." Consistent with this language, it is at least arguable that testing and compliance of all incandescent lamps must also be at 120 volts. If the statute is read as not containing such a requirement, however, the following are possible alternatives to determining compliance of all lamps at 120 volts: (1) Incandescent lamps should be tested and comply at the rated voltage, i.e., the voltage of intended use; (2) establish several voltage classes with testing and compliance at a specific voltage in each class; or (3) in addition to 1 or 2, take steps (such as labeling requirements, for example) to assure that lamps are sold only for use at their rated voltage. The Department is seeking discussion of (1) Its authority to permit or require testing at voltages other than 120 volts, (2) the foregoing three alternatives, and (3) any other alternatives which relate to the issue of the voltage level(s) at which incandescent lamps should be tested and measured for compliance.

A NEMA comment requests that the Department treat a family of fluorescent

lamps of different colors but with the same wattage and light output as a basic model. Some lamp manufacturers also claimed that it was unclear whether a basic model of lamp is an individual lamp type or a family of lamps with similar lumen output and other characteristics. This issue is critical to manufacturers because they want to assure themselves that they will not test more lamps than are necessary. The Department's interim final test procedures for lamps require testing of each "basic model," and in essence define basic model for lamps as consisting of "a given type" or "class" of lamps that have "photometric and electrical characteristics, including lumens per watt and Color Rendering Index (CRI), which are essentially identical. The Department seeks discussion on whether manufacturers believe an alternative definition is appropriate, and, if so, why and what alternatives they would propose.

NEMA suggested in its comments that the statutory limitation to a "voltage range at least partially within 115 to 130 volts, could unintentionally create a potential for evading the standard for incandescent lamps." Commenters suggested that there may be some manufacturers who are preparing to build 114V lamps, and that the Department should clarify or expand what is included in the voltage range. To the extent that the "voltage range" of a product such as a 114 volt lamp "lies at least partially within 115 and 130 volts," section 321(30)(C)(ii) of EPCA, the statute clearly covers that product. Standards and test procedures, therefore, would clearly apply to the product. Possible alternatives, however, are (1) To declare that a lamp is covered if its intended use is in the 115-130V range or (2) to expand the voltage range from 100 to 150 volts. Workshop participants should be prepared to discuss the need and means for further addressing this issue.

The definition of colored lamp in the proposed rule on lamp definitions provides two alternatives, (1) A CRI value less than 30 for fluorescent lamps or CRI values below 50 for incandescent lamps, or (2) a lamp color correlated temperature either below 2,500 °K or above 7,000 °K. Other possible alternatives suggested in the comments are to: (3) use excitation purity which is defined as the ratio of two collinear distances on the chromaticity diagram, (4) raise the CRI for fluorescent lamps to 40, or (5) base the exemption for colored lamp on the lamp application. The Department is seeking information and data on the workability and practicality of these alternatives.

4. Public Meeting Procedure

The meeting will be informal but, will be transcribed by a court reporter. Participants will receive a copy of the **Federal Register** notice of the Interim Final Rule at the meeting. 59 FR 49468. Copies of the Interim Final Rule, the Notice of Proposed Rulemaking on definitions, and this notice are available in the DOE public reading room. A copy of the meeting transcript will be available in the DOE public reading room approximately 10 days after the workshop.

Issued in Washington, DC July 11, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR-95-2]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received September 18, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, D.C. 20591; telephone (202) 267-3132. Comments may also be sent electronically to the following internet address:
nprmcmts@mail.hq.faa.gov.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on July 13, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 28059

Petitioner: Ms. Diane R. Groswald

Sections of the FAR Affected: 14 CFR parts 121 and 135

Description of Rulechange Sought: To ban the carriage of cats and other animals in the cabin section of aircraft operated under parts 121 and 135.

Petitioner's Reason for the Request: The petitioner feels that, because many passengers may have allergies, exposure to certain animals carried in the cabin section may exacerbate their condition.

Docket No.: 28146

Petitioner: DoD Policy Board on Federal Aviations

Sections of the FAR Affected: 14 CFR part 99

Description of Rulechange Sought: To extend the inner Air Defense Identification Zone (ADIZ) to 12 nautical miles from the current 3 nautical miles, as well as the following:

1. To require activation of a flight plan;
2. To require a continuous listening watch on the aircraft radio;
3. To disallow previous exemptions for nontransponder-equipped aircraft from radar beacon and Mode C requirements, except on an individual real-time basis;
4. To specify the minimum information required on a Defense Visual Flight Rules (DVFR) flight plan;
5. To require reporting of destination airport of first intended landing and estimated time of arrival;
6. To provide a specific transponder code for use if a pilot were unable to

establish communications with Air Traffic Control prior to ADIZ penetration; and

7. To allow deviation for weather.

Petitioner's Reason for the Request: The petitioner feels that this change would resolve identification problems and streamline the identification problem, as well as extend the inner ADIZ in accordance with Presidential Proclamation No. 5928, which requires compliance with the applicable provisions of the 1982 United Nations Convention on the Law of the Sea.

Docket No.: 28195

Petitioner: Kalitta Flying Service, Inc.

Sections of the FAR Affected: 14 CFR 11.1(b)

Description of Rulechange: To require that the rulemaking procedures of part 11 be applied to changes in the general wording of Air Carrier Operations Specifications.

Petitioner's Reason for the Request: The petitioner feels that since SFAR 38-2 makes FAA-generated Operations Specifications (Op Specs) a regulatory document, the wording of these Op Specs should be required to go through the entire rulemaking process specified in part 11.

Disposition of Petitions

Docket No.: 26803

Petitioner: Richard C. Bartel

Sections of the FAR Affected: 14 CFR 91.159

Description of Rulechange Sought: To add a compatible hemispherical rule for visual flight rules (VFR) operations at and below 3,000 feet above ground level (AGL).

Petitioner's Reason for the Request: The petitioner feels that the proposal makes no change to the traditional hemispherical rule between 3,000 AGL and 18,000 MSL where almost all VFR operations occur, and would address various safety issues involved in operations below 3,000 AGL.

Denial; May 9, 1995.

Docket No.: 27005

Petitioner: John A. Cohan

Sections of the FAR Affected: 14 CFR 91.145 (proposed)

Description of Rulechange Sought: To provide for the establishment of temporary flight restrictions (TFR) through a Notice to Airmen (NOTAM) over noise-sensitive areas at the request of a bona fide homeowner's association environmental protection group, or other community organization.

Petitioner's Reason for the Request: The petitioner feels that the proposed new section will counter the large volume

of complaints received by the FAA concerning aircraft being operated near areas or communities that are noise-sensitive, particularly where alternate visual flight routes are available. *Denial;* April 28, 1995.

Docket No.: 27090

Petitioner: Terry A. Batemen

Sections of the FAR Affected: 14 CFR 43.11

Description of Rulechange Sought: To require holders of an Inspection Authorization (IA) to submit an abbreviated annual inspection report to the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma 73125, when they approve an aircraft for return to service following completion of the annual inspection.

Petitioner's Reason for the Request: The petitioner feels that this rulechange is necessary to provide FAA Aviation Safety Inspectors and the aviation public with a current, easily accessed database on the inspection status of all U.S.-registered aircraft that fall within the annual inspection requirements of § 91.409. *Denial;* May 1, 1995.

Docket No.: 27736

Petitioner: City of Santa Monica

Sections of the FAR Affected: 14 CFR 91.119(d)

Description of Rulechange Sought: To establish minimum operating altitude and obstacle clearance requirements for helicopters equivalent to those currently required for all aircraft, except when operated over a congested area. Helicopters operated over a congested area would be required to maintain an altitude of 500 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

Petitioner's Reason for the Request: The petitioner feels that this change will increase the safety of helicopter operations by raising the altitude that helicopters fly; provide the FAA greater authority to enforce minimum safe altitude regulations similar to the provisions for all other aircraft; not unduly burden helicopter operators with increased costs or lost efficiency; and minimize the intrusion of helicopters in the community and mitigate noise for persons on the ground. *Denial;* May 4, 1995.

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