

this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent in-flight separation of the main deck cargo door from the airplane, accomplish the following:

Note 2: This AD references Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994, for information concerning inspection and replacement procedures. In addition, this AD specifies replacement requirements different from those included in the service letter. Where there are differences between the AD and the service letter, the AD prevails.

(a) Within 50 flight after January 24, 1995 (the effective date of AD 95-01-06, amendment 39-9117), or within 50 flight cycles after installation of STC SA2969SO, whichever occurs later, perform a visual inspection to detect cracking in the radii on the support angles on the lower jamb of the main deck cargo door, in accordance with Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994.

(1) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 450 flight cycles.

(2) If any cracking is detected, prior to further flight, replace the cracked part with a new part in accordance with the service letter. Repeat the visual inspection thereafter at intervals not to exceed 450 flight cycles.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspection and replacement procedures shall be done in accordance with Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994. This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of January 24, 1995 (60 FR 2323, January 9, 1995). Copies may be obtained from Pemco Aeroplex, Inc., P.O. Box 2287, Birmingham, Alabama 35201-2287. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus

Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia 30337-2748; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on December 20, 1995.

Issued in Renton, Washington, on November 28, 1995.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.*  
[FR Doc. 95-29480 Filed 12-4-95; 8:45 am]  
**BILLING CODE 4910-13-U**

#### 14 CFR Part 71

[Airspace Docket No. 95-AWP-15]

#### Establishment of Class E Airspace; Byron, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes a Class E airspace area at Byron, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 30 has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Byron Airport, Byron, CA.

**EFFECTIVE DATE:** 0901 UTC, February 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Scott Speer, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6533.

#### SUPPLEMENTARY INFORMATION:

##### History

On October 10, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class E airspace area at Byron, CA (60 FR 52638). The development of a GPS SIAP at Byron Airport has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR

71.1. Class E airspace designations listed in this document will be published subsequently in this Order.

#### The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes a Class E airspace area at Byron, CA. The development of a GPS SIAP at Byron Airport has made this action necessary. The intended effect of this action is to provide adequate Class E airspace for aircraft executing the GPS RWY 30 SIAP at Byron Airport, Byron, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AWP CA E5 Byron, CA [New]

Byron Airport, CA

(Lat. 37°49'40" N, long. 121°37'27" W)

That airspace extending upward from 700 feet above the surface within a 4.9-mile radius of Byron Airport.

\* \* \* \* \*

Issued in Los Angeles, California, on November 21, 1995.

James H. Snow,

*Acting Manager, Air Traffic Division,  
Western-Pacific Region.*

[FR Doc. 95-29350 Filed 12-4-95; 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 455

#### Regulatory Flexibility Act and Periodic Review of Used Motor Vehicle Trade Regulation Rule

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission announces that its review of the Used Car Rule (the "Rule"), which was conducted pursuant to the Regulatory Flexibility Act ("RFA"), and the Commission's review program, has been completed. Having considered all of the issues raised during the comment period, the Commission is now issuing non-substantive amendments to the Rule. The Commission is making several minor grammatical changes to the Spanish language version of the Buyers Guide. Further, the Commission is amending the Rule to permit dealers to post Buyers Guides anywhere on a used vehicle, instead of requiring that they be posted on a side window, provided the Buyers Guide is conspicuously and prominently displayed and both sides can be easily read. Finally, the Commission is amending the Rule to allow dealers the option of obtaining a consumer's signature on the Buyers Guide, if accompanied by a disclosure that the buyer is acknowledging receipt of the Buyers Guide at the close of the sale.

**DATES:** The effective date of these non-substantive amendments will be January 4, 1996.

**ADDRESSES:** Requests for copies of the regulations and the notice of final, non-substantive amendments should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th and Pennsylvania Ave., NW, Washington D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** George Brent Mickum IV, Attorney, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, (202) 326-3132.

## SUPPLEMENTARY INFORMATION:

### I. Introduction

On May 6, 1994, the Commission, in accordance with the RFA's requirements, and its own program to review all its rules and guidelines periodically, published a Notice in the Federal Register soliciting comments on the Rule.<sup>1</sup> The Notice solicited comments about the impact of the Rule generally, and whether it had had a significant economic impact on small entities,<sup>2</sup> and, if so, whether the Rule should be amended to minimize any such impact. The Notice also sought comment on certain proposed changes to the Rule.

The Commission received 26 comments in response to the Notice.<sup>3</sup> These comments came from eight used car dealers;<sup>4</sup> four Attorneys General;<sup>5</sup> four consumer protection groups;<sup>6</sup> three trade associations;<sup>7</sup> one state government;<sup>8</sup> one radio station;<sup>9</sup> one national distributor of Buyers Guides;<sup>10</sup>

<sup>1</sup> 59 FR 23647 (May 6, 1994) ("the Notice").

<sup>2</sup> For the purpose of the RFA review, a "small entity" is a used motor vehicle dealer with less than \$11.5 million in annual sales, as defined by the Small Business Size Standards, 13 CFR 121.601.

<sup>3</sup> The comments were placed on the public record under category 23 (Regulatory Flexibility Act Review Comments) of Public Record Docket No. P944202. References to the comments are made by means of the author and number of the comment and, when appropriate, the page of the comment. Two of the comments were consumer complaints that were inadvertently classified as comments. Although some comments were submitted shortly after the closing date of July 6, 1994, the Commission has included them in its analysis.

<sup>4</sup> Chuck Gould, J.O.A. Motors Ltd., B-03; Anonymous South Carolina dealer, B-04; Karl Kroeger, K&K Auto Sales, Inc., B-05; F. Whalen, B-06; Kenny Loveless, Northside Auto Sales, B-09; Mike Zibura, B-10; Lee S. Maas, Sun-West Audi, B-18; Duane H. Wallace, Town & Country Chevrolet Oldsmobile Inc., B-26.

<sup>5</sup> Alaska Attorney General, Bruce M. Botelho, B-01; Illinois Attorney General, Roland W. Burris, B-08; Iowa Attorney General, William L. Brauch, Assistant Attorney General, B-15; Washington Attorney General, Christine O. Gregoire, B-17.

<sup>6</sup> National Coalition for Consumer Education ("NCCE"), Carol Glade, Executive Director, B-12; Office of Consumer Credit Commissioner, Richard R. Woodward, Examiner, B-16; National Consumer Law Center ("NCLC"), B-23; National Association of Consumer Agency Administrators ("NACAA"), Lawrence A. Breeden, President, B-25.

<sup>7</sup> The National Independent Automobile Dealers Association ("NIADA"), B-07; the Texas Automobile Dealers Association ("TADA"), B-11; the National Automobile Dealers Association ("NADA"), B-19.

<sup>8</sup> Michigan Department of State, Jeff Villaire, Director, Dealer Division, Bureau of Automotive Regulation, B-14.

<sup>9</sup> WBBM Newsradio 78, Naomi Hood, Director, B-13.

<sup>10</sup> Reynolds & Reynolds, Joe Hurr, Director, Automotive Forms Marketing, B-20.

one CPA firm that represents used car dealers;<sup>11</sup> and one consumer.<sup>12</sup>

### II. The Regulation

The Commission promulgated the Used Car Rule under the authority of the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.* ("FTC Act"), and the Magnuson Moss Warranty Act, 15 U.S.C. 2309, on November 19, 1984. 49 FR 45692 (1984). The Rule became effective on May 9, 1985.<sup>13</sup> A violation of the Rule constitutes an unfair or deceptive act or practice under the FTC Act, and one who violates the Rule is subject to civil penalties of up to \$10,000 per violation.

The Used Car Rule is primarily intended to prevent and to discourage oral misrepresentations and unfair 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 the "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 exact systems covered by the warranty.

The Rule also requires certain other disclosures, 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 fourteen 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 incorporated by reference into the sales contract and govern in the event of an inconsistency between the Buyers Guides and the sales contract.

The public comments on the questions asked in the Notice and the additional information gathered during the reviews are discussed below.

### III. Non-Substantive Amendments to Spanish Language Version of the Buyers Guide

In the Notice, the Commission proposed two non-substantive amendments to the Rule involving the

<sup>11</sup> Hundman & Woodward, Carl Woodward, C.P.A., B-21.

<sup>12</sup> Jay R. Drick, Esq., B-25. As indicated earlier, two of the comments were consumer complaints that were misclassified as comments. Warren and Irma Muncey, B-02; Sam A. Amato, B-22.

<sup>13</sup> Two states, Wisconsin and Maine, subsequently petitioned the Commission and received exemptions pursuant to section 455.6 of the Rule.