

Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E5 airspace at Youngstown-Warren Regional Airport, Youngstown, Ohio and to revise the language for the Class E5 airspace designations for Alliance, OH and Salem, OH. The closing of the Youngstown Executive Airport, Youngstown, OH on August 15, 1995 and deletion of the airport's VOR Runway 11/29 Standard Instrument Approach Procedure (SIAP), requires that the FAA modify the airspace to ensure that the procedures at Youngstown-Warren Regional Airport are within controlled airspace. In addition this proposal would appropriately identify the Alliance and Salem, OH, Class E airspace designations by revising the exclusionary language. The modified areas would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the areas or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth 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. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

Therefore this, proposed 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 11034; 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 proposed 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).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for 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.

\* \* \* \* \*

AGL OH E5 Alliance, OH Alliance, Barber Airport, OH (Lat. 40°58'54" N, long. 81°02'31" W) Sebring, Tri-City Airport, OH (Lat. 40°54'21" N, long. 81°00'00" W)

That airspace extending upward from 700 feet above the surface within a 6.2-mile radius of Barber Airport and within a 6.2-mile radius of the Tri-City Airport.

\* \* \* \* \*

AGL OH E5 Salem, OH Salem Airpark Incorporated Airport, OH (Lat. 40°56'53" N, long. 8°51'43" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Salem Airpark, Inc. Airport, excluding that airspace within the Alliance, OH; North Lima, OH; and Sebring, OH, Class E airspace areas.

\* \* \* \* \*

AGL OH E5 Youngstown-Warren Regional Airport, OH (Lat. 41°15'32" N, long. 80°40'34" W) Youngstown, Lansdowne Airport, OH (Lat. 41°07'50" N, long. 80° 37'10" W) Youngstown VORTAC (Lat. 41°19'52" N, long. 80°40'29" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Youngstown-Warren Regional Airport and within 3.1 miles each side of the Youngstown VORTAC 358° radial extending from the 6.9-mile radius to 10 miles north of the VORTAC, and within the 6.2-mile radius of the Lansdowne Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois on March 7, 1996.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 96-2508 Filed 2-5-96; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 409

Trade Regulations Rule Concerning the Incandescent Lamp (Light Bulb) Industry

AGENCY: Federal Trade Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Trade Commission ("Commission" or "FTC") announces the commencement of a rulemaking proceeding to consider whether or not the Trade Regulation Rule Concerning the Incandescent Lamp (Light Bulb) Industry ("Light Bulb Rule" or "Rule") should be repealed. This notice includes a description of the procedures to be followed, an invitation to submit written comments, a list of questions and issues upon which the Commission particularly desires comments, and instructions for prospective witnesses and other interested persons who desire to participate in the proceeding.

DATES: Written comments must be submitted on or before March 7, 1996.

Notifications of interest in testifying must be submitted on or before March 7, 1996. If interested parties request the opportunity to present testimony, the Commission will publish a notice in the Federal Register stating the time and place when the hearings will be held and describing the procedures that will be followed in conducting the hearings. In addition to submitting a request to testify, interested parties who wish to present testimony must submit, on or before March 7, 1996, a written comment or statement that describes the issues on which the party wishes to

testify and the nature of the testimony to be given.

**ADDRESSES:** Written comments and requests to testify should be submitted to Office of the Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580, telephone number 202-326-2506. Comments and requests to testify should be identified as "16 CFR Part 409—Comment—Light Bulb Rule" and "16 CFR Part 409—Request to Testify—Light Bulb Rule," respectively. If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

**FOR FURTHER INFORMATION CONTACT:** Kent C. Howerton or James G. Mills, Attorneys, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S-4302, 601 Pennsylvania Avenue, N.W., Washington, DC 20580, telephone (202) 326-3013 or (202) 326-3035, respectively.

**SUPPLEMENTARY INFORMATION:**

I. Background Information

A. Purpose of this Proceeding

On April 6, 1995, the Commission published a request for comments concerning the Light Bulb Rule as part of the Commission's regulatory review program for all of its rules and guides.<sup>1</sup> When the Commission issued the lamp amendments to the Appliance Labeling Rule, it announced that, although there were no conflicts between the two Rules, it would decide following the amendment proceeding what further action, if any, it should take concerning the Light Bulb Rule. The April 6, 1995, notice solicited comments about the benefits and burdens of the Light Bulb Rule to consumers and industry, and about whether a need still exists for the Light Bulb Rule in light of the new labeling requirements in the Appliance Labeling Rule.<sup>2</sup> The Commission

<sup>1</sup> Request for comments, 60 FR 17491. The comment period was scheduled to end on June 6, 1995, but was extended until August 7, 1995, at the request of industry members.

<sup>2</sup> Under section 18(b)(2) of the FTC Act, 15 U.S.C. 57a(b)(2), the Commission must publish an advance notice of proposed rulemaking ("ANPR") prior to initiating a proceeding to promulgate, amend, or repeal a trade regulation rule. The Commission has determined to treat the April 6, 1995, notice as an ANPR because it contained all the elements that section 18(b)(2) requires in an ANPR. Specifically: (1) it contained a brief description of the area of inquiry under consideration, the objectives which

received nine comments in response to the notice. The comments are discussed in Part II.A, below.

Pursuant to the FTC Act, 15 U.S.C. 41-58, and the Administrative Procedure Act, 5 U.S.C. 551-59, 701-06, by this Notice of Proposed Rulemaking ("NPR") the Commission initiates a proceeding to consider whether the Light Bulb Rule should be repealed, modified, or remain in effect as is.<sup>3</sup> The Commission solicits public comments on these issues. Section 18 of the FTC Act, 15 U.S.C. 57a, authorizes the Commission to promulgate, amend, and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1). If the Commission determines, based on the data, views and arguments submitted, that the Commission should consider additional alternatives, it will publish a supplemental notice of proposed rulemaking and will request public comments on those alternatives.

The Commission is undertaking this rulemaking proceeding as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to determine their effectiveness, impact, cost and need. This proceeding also responds to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations.

B. History and Requirements of the Light Bulb Rule

The Commission promulgated the Light Bulb Rule on July 23, 1970, following a public rulemaking proceeding.<sup>4</sup> The Rule became effective on January 25, 1971. The Light Bulb Rule applies only to general service incandescent electric lamps (commonly referred to as "light bulbs").<sup>5</sup>

the Commission seeks to achieve, and possible regulatory alternatives under consideration; and (2) it invited interested parties to submit comments, including any suggestions or alternative methods for achieving such objectives. To comply with section 18, the Commission subsequently submitted the notice to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives.

<sup>3</sup> In accordance with section 18 of the FTC Act, 15 U.S.C. 47a, the Commission submitted this NPR to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives 30 days prior to publication of the NPR.

<sup>4</sup> Final Rule and Statement of Basis and Purpose ("Light Bulb Rule SBP"), 35 FR 11784 (1970).

<sup>5</sup> The Rule defines "general service incandescent lamps" as all medium screw base incandescent

Based on the record in the rulemaking proceeding, the Commission made the following factual findings, among others: (1) manufacturers normally marked light bulbs or their containers with only voltage and wattage ratings; (2) a substantial portion of the consuming public believed that all light bulbs of the same wattage would last approximately the same length of time and/or would emit approximately the same amount of light; (3) light bulbs of the same wattage were marketed with different rated lives and varying amounts of lumen output (light output); (4) there is a scientific principle that, for any given wattage, as the design life of a bulb increases, the bulb's light output decreases; (5) a substantial portion of the consuming public preferred purchasing light bulbs for specific purposes such as reading, working, or for convenience; (6) cost savings claims had been made, such as "Save \_\_\_ Dollars" or "Outlasts \_\_\_ Bulbs," that did not include all of the data essential for consumers to make valid cost comparisons and that resulted in half truths; and (7) claims had been made concerning "more or brighter light" and "longer life" without disclosing the specific comparisons being drawn. 35 FR at 11785.

The Commission concluded that: (1) the failure to disclose lumens, life, cost, and other data can mislead and deceive consumers; (2) cost savings claims that do not tell the complete story are deceptive; (3) unqualified claims such as "long life" or "more light" are inherently deceptive if the lumen and life ratings of the products being advertised and the products being compared are not disclosed; and (4) claims such as "maintain brightness better" are deceptive if not accompanied by a disclosure of lumens maintained over time for both the advertised and compared products. *Id.* at 11788, 11791.

The Commission promulgated the Light Bulb Rule to prevent these misleading and deceptive acts and

electric lamps, 15-watt through 150-watt, 115-volt through 130-volt. The term includes lamps in the customary "A" type and other bulb shapes included in Interim Federal Specification W-L-00101G, and lamps that are produced in generally comparable bulb shapes for sale in competition with other general service incandescent lamps. The Rule specifically excludes lamps designed and promoted primarily for decorative applications, appliances, traffic signals, showcases, projectors, airport equipment, trains, and lamps such as color, flood, reflector, rough service, and vibration service. 16 CFR 409.1 n. 3. The lamp products covered by the Light Bulb Rule commonly are referred to as "light bulbs." The term "lamp products," on the other hand, refers more broadly to all types of lighting products. In this notice, the term "light bulb" refers only to those lamp products covered by the Light Bulb Rule.

practices. In summary, the Rule declares it is an unfair method of competition and an unfair and deceptive act or practice, in connection with the sale of general service incandescent light bulbs, to:

(1) fail to disclose clearly and conspicuously on the containers of such light bulbs (or, if there are no containers, on the bulbs themselves) their average initial wattage, average initial lumens, and average laboratory life, 16 CFR 409.1(a)-(b);

(2) fail to disclose clearly and conspicuously on the bulbs themselves their average initial wattage and design voltage, *Id.* at 409.1(b);<sup>6</sup>

(3) represent or imply that savings in light bulb cost or the cost of light output will result from the use of a particular light bulb product because of the bulb's life or light output unless, in computing such savings, the following factors are taken into account and disclosed clearly and conspicuously for the light bulb being sold and the bulb with which the comparison is being made: light bulb cost, electrical power cost, labor cost for bulb replacement (if any), actual light output in average initial lumens, and average laboratory life in hours, *Id.* at 409.1(c); and

(4) represent or imply that a light bulb will give more light, maintain brightness longer, or furnish longer life without clearly and conspicuously disclosing, for both the light bulb being sold and the light bulb with which the comparison is being made: the average initial light output in lumens, the average initial wattage, the laboratory life in hours, and, if there is a claim that the light bulb maintains brightness longer, the light output in lumens at 70% of the bulbs' rated lives ("maintained average lumens"), *Id.* at 409.1(d).

Four notes at the end of the Rule define terms used in the Rule or require certain procedures or tests to be used in making disclosures required by the Rule. Specifically, these notes: (1) state how manufacturers must determine the wattage, lumen, and life rating disclosures required by the Rule, and require these ratings to be determined at the light bulb's stated design voltage, *Id.* at 409.1 n. 1; (2) required for one year following the effective date of the Rule that all light bulb labels explain the meaning of the word "lumen" whenever it was used, *Id.* at 409.1 n. 2; (3) define

<sup>6</sup>In the Light Bulb Rule SBP, the Commission explained that industry stressed the need to maintain a prominent wattage disclosure on incandescent light bulbs because the use of excess wattage in fixtures is unsafe and because consumers were accustomed to buying on the basis of wattage. 35 FR at 11786.

the term "general service incandescent lamp" to mean all medium screw base incandescent light bulbs, including "A" type bulbs and all other incandescent bulbs that are substantially the same as "A" type bulbs, *Id.* at 409.1 n. 3; and (4) define the meaning of the Rule's term "clear and conspicuous" with respect to the minimum type size and style for required disclosures and state where the required disclosures must be made, *Id.* at 409.1 n. 4.

### C. Comparison to Requirements of the Appliance Labeling Rule

In 1994, pursuant to a directive of the Energy Policy Act of 1992 ("EPA 92"),<sup>7</sup> the Commission amended its Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule"), 16 CFR 305, to specify new labeling requirements for lamp products.<sup>8</sup> EPA 92 directed the Commission to prescribe rules requiring that certain types of lamp products be labeled with "such information as the Commission deems necessary to enable consumers to select the most energy efficient lamps which meet their requirements." 42 U.S.C. 6294(a)(2)(C)(i).

In addition to incandescent light bulbs, the Appliance Labeling Rule applies to incandescent reflector lamps, 16 CFR at 305.03(m), medium screw base compact fluorescent lamps, *Id.* at 305.03(l), and general service fluorescent lamps, *Id.* at 305.03(k). Although there are no direct conflicts between the Light Bulb Rule and the Appliance Labeling Rule, there are overlapping requirements for the light bulbs that are covered by both Rules. The discussion in this notice summarizes only the requirements of

<sup>7</sup>Pub. L. No. 102-486, 106 Stat. 2776, 2817-2832 (Oct. 24, 1992) (codified in 42 U.S.C. 6201, 6291-6309). EPA 92 amended in several respects the Energy Policy and Conservation Act of 1975 ("EPCA"), which requires the Commission to prescribe labeling rules for certain major household appliances and other products.

<sup>8</sup>Final Rule and Statement of Basis and Purpose ("Appliance Labeling Rule/Lamps SBP"), 59 FR 25176 (1994). The lamp labeling requirements of the Appliance Labeling Rule became effective on May 15, 1995. In light of amendments to the Appliance Labeling Rule that the Commission proposed on March 22, 1995, in response to a petition from the National Electrical Manufacturers Association ("NEMA"), and apparent uncertainties among incandescent lamp manufacturers regarding their compliance responsibilities under the combined requirements of the Appliance Labeling Rule and the Light Bulb Rule, the Commission determined, however, that it would not take law enforcement actions until December 1, 1995, against manufacturers of incandescent lamp products not in compliance with the Appliance Labeling Rule. 60 FR 15198 (March 22, 1995).

the two Rules that apply to these light bulbs.

Like the Light Bulb Rule, the Appliance Labeling Rule requires disclosures on package labels of light output, wattage, and life ratings. 16 CFR 305.11(e)(1)(i)-(ii). As required by EPCA, 42 U.S.C. 6294(a)(2)(C)(i), the Appliance Labeling Rule requires that these disclosures be based on performance at 120 volts input, regardless of the rated lamp voltage (design voltage).<sup>9</sup> The Appliance Labeling Rule, however, allows manufacturers the option of adding disclosures on lamp packages based on the lamp's performance at a different design voltage of 125 volts or 130 volts, if the applicable voltage (*i.e.*, 120, 125, or 130) is disclosed on the label along with each disclosure of light output, wattage, and life. Manufacturers may choose to place the performance information at a design voltage of 125 volts or 130 volts on the primary display panel of the package and place the performance information at 120 volts elsewhere on the package. If they do so, they must add a specific disclosure on the primary display panel that describes the effect on performance of the difference in voltage and where on the package the performance information at 120 volts may be found.<sup>10</sup>

The Appliance Labeling Rule requires that these disclosures appear together in a specified order and be worded in a certain way (*i.e.*, as "Light Output: \_\_\_\_\_ Lumens; Energy Used: \_\_\_\_\_ Watts; Life: \_\_\_\_\_ Hours") on the label's principal display panel. 16 CFR 305.11(e)(1)(ii). The Light Bulb Rule, on the other hand, does not specify any order or wording for its required disclosures. It simply specifies that the three ratings be disclosed in terms of lumens, watts, and hours, and appear together on at least two panels of the label, and on any other panel on which a lumen, wattage, or hours of life claim is made. 16 CFR 409.1(a), 409.1 n. 4.

The Appliance Labeling Rule requires that the disclosures of light output, energy used, and life appear with equal clarity and conspicuousness. 16 CFR 305.11(e)(ii). It does not specify any particular type style or type size, but it requires that certain disclosures be made in the same size print, and that

<sup>9</sup>16 CFR 305.11(e)(1)(iii) (1995). The Commission amended this paragraph regarding other requirements on June 13, 1995. Final Rule ("1995 lamp amendments"), 60 FR 31077, 31081 (1995) (to be codified at 16 CFR 305.11(e)(1)(iii)).

<sup>10</sup>*Id.* The specific disclosure is: "This product is designed for [125/130] volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See [side/back] panel for 120 volt ratings."

other disclosures be approximately 50% as large. The Light Bulb Rule specifies that both the lumens and hours rating disclosures be in a medium- or bold-face type that is at least two-fifths the height of the wattage rating figure on the same panel or three-sixteenths of an inch in height, whichever is larger. 16 CFR 409.1 n. 4. The Light Bulb Rule also includes similar type size and style requirements for the disclosures for multiple filament (three-way) light bulbs.

The Appliance Labeling Rule specifies two additional disclosures that are not required by the Light Bulb Rule. First, the following statement must appear on the principal display panel of the package label:<sup>11</sup>

To save energy costs, find the bulbs with the light output you need, then choose the one with the lowest watts.

Second, all cartons of covered lamps that are shipped within or imported into the United States must be marked with the following statement:

These lamps comply with Federal energy efficiency labeling requirements. 16 CFR 305.11(e)(4).

The Light Bulb Rule requires that the disclosures of light output, wattage, and life be determined in accordance with a specific Federal purchase specification and be based upon generally accepted and approved test methods and specifications, at the lamp product's design voltage.<sup>12</sup> The Appliance Labeling Rule requires that disclosures of design voltage, wattage, light output or life be based upon a reasonable basis consisting of competent and reliable scientific tests that substantiate the disclosures. Under the Appliance Labeling Rule, for light output and life

<sup>11</sup> 16 CFR 305.11(e)(1)(vi) (1995). On June 13, 1995, the Commission amended this provision to allow manufacturers of incandescent reflector lamps to add to this advisory statement a reference to selecting a lamp at the beam spread, as well as the light output, that purchasers need. 60 FR at 31081 (1995) (to be codified at 16 CFR 305.11(e)(1)(vi)).

<sup>12</sup> 16 CFR 409.1 n. 1. The Light Bulb Rule states that, for light bulbs covered by that Rule, the "average initial wattage, average initial lumen, and average laboratory life disclosures required by this section shall be in accordance with the requirements of interim Federal Specification, Lamp, Incandescent (Electric, Large, Tungsten-Filament) W-L-00101 G and shall be based upon generally accepted and approved test methods and procedures." In 1977, that specification ceased being interim and is now known as Federal Specification, Lamp, Incandescent (Electric, Large, Tungsten-Filament) W-L-101H/GEN. This specification refers to pertinent American National Standards Institute ("ANSI") test protocols, which are consistent with the Illuminating Engineering Society of North America ("IES") protocols that are cited in the Appliance Labeling Rule, 16 CFR 305.5(b), as an acceptable reasonable basis for determining the light output and life of incandescent light bulbs. 59 FR at 25200 n. 251.

ratings the Commission will accept, but does not require, tests conducted according to specific test protocols issued by IES,<sup>13</sup> or testing in accordance with final test procedures issued by the U.S. Department of Energy.<sup>14</sup>

Both Rules contain provisions concerning claims about a lamp product's operating cost. The Appliance Labeling Rule requires that any label, printed material prepared for display or distribution at the point of sale, or catalog from which a covered lamp product may be ordered that contains an operating cost claim clearly and conspicuously disclose, in close proximity to the claim, the assumptions upon which the claim is based, including, e.g., purchase price, unit cost of electricity, hours of use, patterns of use. 16 CFR 305.11(e)(3), 305.13(a)(3), 305.14(c)(2). These Appliance Labeling Rule disclosure requirements do not apply to such claims made in other promotional materials, such as advertisements.

The Light Bulb Rule's provision applies to claims that savings in either light bulb cost or cost of light will result from the use of a particular light bulb because of the bulb's life or light output. It covers all comparative light bulb life, light output, and light bulb cost claims. The Light Bulb Rule specifies additional factors (e.g., labor costs for replacement, light output, life) that, depending on the particular claim being made, must be taken into consideration and clearly and conspicuously disclosed, for both the light bulb being offered for sale and the bulb(s) with which the comparison is being made. 16 CFR 409.1(c). The Light Bulb Rule's requirements apply to these claims made in all types of advertising, as well as on labels, point-of-sale printed materials, and catalogs.

Unlike the Light Bulb Rule, the Appliance Labeling Rule does not include disclosure requirements concerning comparative claims that a lamp product will give more light, maintain brightness longer, or furnish longer life. In addition, the Appliance Labeling Rule does not require that lamp products be marked with any information. The Light Bulb Rule, on the other hand, requires that light bulbs themselves be marked clearly and conspicuously with wattage and design voltage. 16 CFR 409.1(b).

## II. Discussion and Analysis

### A. Regulatory Review Comments

The Commission received nine comments in response to the April 6,

1995, notice.<sup>15</sup> Four comments were submitted by individual consumers, one by an organization that purchases and uses light bulbs ("organization/user comment"), three by lamp product manufacturers, and one by a trade association that represents lamp product manufacturers.<sup>16</sup>

The four individual consumer comments state that the Rule is still needed because the disclosures required by the Rule help consumers make informed purchasing decisions.<sup>17</sup> They want labels to continue to disclose light output, wattage, and life information. These comments do not address whether, if the Commission repealed the Light Bulb Rule, the labeling requirements of the Appliance Labeling Rule would require that manufacturers provide consumers with this information. The organization/user comment also opposes the elimination of the Light Bulb Rule. It contends consumers would lose valuable consumer protections that are only contained in the Light Bulb Rule.<sup>18</sup>

Hytron, a manufacturer of extended-service, long-life incandescent lamp products, including incandescent reflector lamps and traffic signal lamps, supports keeping the Light Bulb Rule, and, instead, eliminating the lamp labeling requirements of the Appliance

<sup>15</sup> Anderson, #1; Raeth, #2; Bowe, #3; McGarry, #4; Hytron Electric Products, a division of Trojan Inc. ("Hytron"), #5; Delta Phi Epsilon, Washington, DC, #6 ("DPE"); Philips Lighting, Philips Elmet, a division of North American Philips Corporation ("Philips"), #7; GE Lighting, General Electric Company ("GE"), #8; and Lamp Section, NEMA, #9. The comments submitted in response to the April 6, 1995, notice are filed as document numbers B17240700001, B17240700002, etc. In today's notice, the comments are cited as #1, #2, etc.

<sup>16</sup> The trade association, NEMA, is the largest U.S. trade association representing manufacturers of products used in the generation, transmission, distribution, control, and end-use of electricity. Member companies in the Lamp Section of NEMA produce more than 90% of general service incandescent and fluorescent lamp products sold in the United States. NEMA Lamp Section members include General Electric Lighting, Osram Sylvania, Inc., Philips Lighting Company, Supreme Corp., Venture Lighting International, Duro-Test Corp. and EYE Lighting International. NEMA, #9, cover letter, comment pg. 1.

<sup>17</sup> Matt Anderson, #1 (Rule very valuable to him as a consumer; reads labels very closely, particularly as to lumens and voltage; label information can be a safety factor since many enclosed fixtures are rated for up to 60W but 75+W bulbs will fit the same sockets); Marilyn Raeth, #2 (eliminating the Rule would be a great disservice to the consumer, who would not know the value of what he or she was purchasing); Madeline Bowe, #3 (maintain Rule requiring packages to show wattage, lumens, and bulb life; consumers have a right to know what they are buying); and James A. McGarry, #4 (do not weaken the labeling requirements; uses information to make comparative decisions when purchasing).

<sup>18</sup> DPE, #6.

<sup>13</sup> 16 CFR 305.5(b). See also note 12, *supra*.

<sup>14</sup> 59 FR at 25200.

Labeling Rule.<sup>19</sup> It appears that Hytron primarily objects to the Appliance Labeling Rule because it requires labeling disclosures of incandescent lamps at 120 volts regardless of the lamp's design voltage, and because it requires the labeling of incandescent reflector lamps.<sup>20</sup>

The comments from two manufacturers (Philips and GE) and the trade association state that the Light Bulb Rule's disclosure requirements of light output, wattage, and life for general service incandescent light bulbs are unnecessary because of the uniform disclosure requirements for various types of competing lamp products in the Appliance Labeling Rule.<sup>21</sup> They recommend that the Commission repeal the Light Bulb Rule's disclosure requirements to avoid conflicts, multiple and overlapping requirements, and inconsistencies with the disclosure requirements of the Appliance Labeling Rule.

GE recommends that the Commission repeal the entire Light Bulb Rule.<sup>22</sup> It believes the Appliance Labeling Rule's requirements are better for today's modern products and consumers' information needs, and for advancing the energy efficiency goals of our modern day workplace. According to GE, retaining the Light Bulb Rule, in addition to the Appliance Labeling Rule, is inefficient and exposes manufacturers to a significant risk that they may fail to comply with both sets of Rules. Further, although the Light Bulb Rule requires that light bulbs be marked clearly and conspicuously with wattage and design voltage and the Appliance Labeling Rule does not, GE believes that such marking is a common industry practice that would not be affected by the rescission of the Light Bulb Rule. It states that this is a "sound business practice that reduces liability and gives consumers important information." Accordingly, GE marks many products that are not covered by the Light Bulb Rule with wattage, and, as appropriate, with design voltage.

NEMA states that lamp product manufacturers should be subject to only one set of lamp labeling and disclosure regulations, which would ensure

uniform disclosures of lamp product performance information to consumers. NEMA believes that the Appliance Labeling Rule represents the more comprehensive and modern approach to lamp labeling and that the disclosures required under the Appliance Labeling Rule fully and fairly inform consumers about lamp product performance.<sup>23</sup> It believes that the objectives of the Light Bulb Rule are fully served by the disclosures required by the Appliance Labeling Rule. For these reasons, NEMA recommends that the Commission repeal the Light Bulb Rule and retain the Appliance Labeling Rule as the sole federal labeling and disclosure requirements for lamp products.

NEMA also believes that repealing the Light Bulb Rule would not induce manufacturers to abandon their practice of inscribing wattage and design voltage on incandescent lamps and wattage on fluorescent lamps. NEMA states that manufacturers routinely mark their general service incandescent and fluorescent lamps, even those for which such marking is not required under federal labeling rules. Further, NEMA states that an international safety standard issued by the International Electrotechnical Commission ("IEC") (IEC 432-1, 1993) requires marking of wattage and voltage on general service incandescent lamps. NEMA, therefore, believes that manufacturers generally would continue the marking practices required by the Light Bulb Rule, even if the Commission repealed the Rule.

Philips strongly supports NEMA's position. Philips, however, also states that the best alternative would be for the Commission to repeal the Light Bulb Rule, and to modify the Appliance Labeling Rule to include the requirements of paragraph 409.1(c) (which requires disclosures in connection with product comparison claims about lamp cost or cost of light), but without requiring disclosure of the lamp cost or cost of replacement, and paragraph 409.1(d) (which requires disclosures in connection with claims that a light bulb will give more light, maintain brightness longer or furnish longer life) of the Light Bulb Rule.<sup>24</sup> Philips believes that adding these disclosure requirements would strengthen the Appliance Labeling Rule.

#### *B. Current Need for the Light Bulb Rule*

The Commission has compared the requirements of the Light Bulb Rule and the Appliance Labeling Rule, analyzed the bases for both Rules explained in the Light Bulb Rule SBP and the Appliance

Labeling Rule/Lamps SBP, and reviewed the comments filed in response to the request for comments in the regulatory review of the Light Bulb Rule. The requirements of the two Rules fall into three categories: (1) basic disclosures of performance information (light output, watts, and life); (2) substantiation based on testing for these disclosures; and (3) additional disclosures that must be made in conjunction with certain performance claims. Based on the Commission's comparison, analysis, and review, the Commission believes there may not be a continuing need for the Light Bulb Rule and proposes repealing the Rule for the following reasons.

First, the requirements in the Light Bulb Rule that the basic disclosures of light output, watts, and life be made on package labels may be unnecessary because they are duplicated by the Appliance Labeling Rule. The Appliance Labeling Rule requires that this information also be disclosed in catalogs from which the products can be ordered. Further, it requires that these disclosures be made on labels and in catalogs for competing medium screw base compact fluorescent lamps and incandescent reflector lamps, as well as for light bulbs covered by the Light Bulb Rule. These disclosures, in conjunction with the required advisory statement about how consumers can select the most energy-efficient lamp that meets their needs, will give consumers the information they need at the point of sale to select the appropriate lamp product.<sup>25</sup>

Second, the requirement in the Light Bulb Rule that manufacturers mark bulbs with wattage and voltage information appears to be unnecessary. According to the comments, currently manufacturers voluntarily mark various types of lamp products with wattage and design voltage information so that consumers can use these lamp products safely. The Commission believes that the marketplace would provide incentives for manufacturers to continue marking this information on lamp products, even if the Commission repealed the Light Bulb Rule. The Commission, however, is particularly interested in receiving public comments concerning the continuing need for the requirement that manufacturers mark light bulbs with wattage and design voltage information, along with additional information regarding the

<sup>25</sup> In addition, the Appliance Labeling Rule's format requirements for the disclosure of basic performance data on labels and in catalogs obviate the need for the specific type size and placement requirements of the Light Bulb Rule for package labels.

<sup>19</sup> Hytron, #5.

<sup>20</sup> The Commission does not have the authority to eliminate these requirements from the Appliance Labeling Rule. EPCA requires that labeling information for incandescent lamps under the Appliance Labeling Rule be based on operation at 120 volts. 42 U.S.C. 6294(a)(2)(C)(i). EPCA also defines the lamp products, including incandescent reflector lamps, that are to be covered by the lamp labeling rules under the Appliance Labeling Rule. 42 U.S.C. 6291(30), 6294(a)(2)(C)(i).

<sup>21</sup> Philips, #7; GE, #8; and NEMA, #9.

<sup>22</sup> GE, #8.

<sup>23</sup> NEMA, #9.

<sup>24</sup> Philips, #7.

specific requirements of IEC international safety standard (IEC 432-1, 1993) and its application.

Third, the Light Bulb Rule's substantiation requirements may be unnecessary because these requirements are duplicated in the Appliance Labeling Rule. The requirement in the Appliance Labeling Rule that the basic disclosures be based on "a reasonable basis consisting of competent and reliable scientific tests substantiating the representation" is sufficient to ensure the accuracy and uniformity of the disclosures for competing lamp products. Further, based on the evidence in the rulemaking proceeding for the Appliance Labeling Rule, it appears that the test protocols required by the Light Bulb Rule are consistent with IES test protocols that the Appliance Labeling Rule recognizes as sufficient to satisfy its reasonable basis standard for the disclosures of light output and life.<sup>26</sup> However, the Appliance Labeling Rule provides manufacturers flexibility to use other scientific test protocols if they are competent and reliable.

Fourth, the Light Bulb Rule requires that labels, ads, and other promotional materials that make comparison claims about savings in light bulb cost or cost of operation,<sup>27</sup> or claims that a light bulb will give more light, maintain brightness longer, or furnish longer life,<sup>28</sup> also include certain disclosures about the advertised light bulb and the bulb to which it is compared. The disclosures may be unnecessary or inappropriate, for the following reasons:

(1) Under the Appliance Labeling Rule, light output and life information must be disclosed in labels and catalogs even if the Light Bulb Rule is repealed. The Appliance Labeling Rule requires that labels and catalogs for incandescent "A" type bulbs, as well as for competing medium screw base compact fluorescent lamps and incandescent reflector lamps, disclose light output, wattage, and life, along with an advisory statement about how the consumer can select the lamp product that will cost the least to operate for a specific light output. This information enables consumers to evaluate comparison light output and lifetime claims for competing products at the point of sale and to select the appropriate lamp that meets their needs.

(2) Under the Appliance Labeling Rule, claims about cost of operation of a covered lamp product in labels, point-of-sale printed materials, and catalogs must be accompanied by disclosures of

the assumptions on which the claims are based (e.g., purchase price, unit cost of electricity, hours of use, patterns of use). These disclosures, along with the advisory statement and the disclosures of light output, wattage, and life, for competing lamp products on product labels and in catalogs give consumers the information they need at the point of purchase to evaluate comparison claims about savings in cost of operation.

(3) Purchase price information is readily available to consumers at the point of sale (both in retail stores and in catalogs). Thus, consumers have information at the point of sale to evaluate comparison claims about lamp product purchase costs.

(4) Unit electrical cost information is readily available to consumers on their monthly electric utility bills or from their electrical utility companies. Consumers can use this information, along with the advisory statement and the disclosures of basic performance information on packages and catalogs, to evaluate any comparison operating cost claims.

The Appliance Labeling Rule does not contain a disclosure requirement similar to the Light Bulb Rule covering claims that a light bulb will maintain brightness longer. It also does not require that disclosures about product comparison claims be made in advertisements or promotional materials other than labels, point-of-sale printed materials, or catalogs. The Commission does not currently have information about the occurrence of brightness claims and whether the Light Bulb Rule's requirements continue to be important. In addition, the Commission does not presently have information to evaluate how extensively product comparison claims are made in advertisements and other promotional materials not covered by the Appliance Labeling Rule. Thus, the significance of repealing these portions of the Light Bulb Rule is unclear, and the Commission is particularly interested in comments about the continued need for these requirements.

Repealing these Light Bulb Rule disclosure requirements would prevent the Commission from obtaining civil penalties for the failure to make these disclosures. But, the Commission believes it would not seriously impair the Commission's ability to act effectively. The Commission could address any significant problems that might arise concerning specific performance claims or a failure to disclose material purchase information on a case-by-case basis, administratively, under section 5 of the

FTC Act, 15 U.S.C. 45, or through section 13(b) actions, 15 U.S.C. 53(b), filed in federal district court. Prosecuting serious misrepresentations and the failure to disclose material information in district court allows the Commission to obtain injunctive relief as well as equitable remedies, such as redress or disgorgement.

### III. Rulemaking Procedures

The Commission finds that the public interest will be served by using expedited procedures in this proceeding. First, there do not appear to be any material issues of disputed fact that are necessary for the Commission to resolve in determining whether to repeal the Rule. Second, the use of expedited procedures will support the Commission's goal of eliminating obsolete or unnecessary regulations without an undue expenditure of resources, while ensuring that the public has an opportunity to submit data, views and arguments on whether the Commission should repeal the Rule.

The Commission, therefore, has determined, pursuant to 16 CFR 1.20, to use the procedures set forth in this notice. These procedures include: (1) publishing this Notice of Proposed Rulemaking; (2) soliciting written comments on the Commission's proposal to repeal the Rule; (3) holding an informal hearing, if requested by interested parties; (4) obtaining a final recommendation from staff; and (5) announcing final Commission action in a document published in the Federal Register.

### IV. Request for Comments

Interested persons are requested to submit written data, views or arguments on any issue of fact, law or policy they believe may be relevant to the Commission's decision on whether it should repeal the Light Bulb Rule in its entirety, or, as an alternative, whether it should repeal those portions that are duplicated by the Appliance Labeling Rule and retain some or all of the remaining provisions. The Commission requests that commenters provide representative factual data in support of their comments. Individual firms' experiences are relevant to the extent they typify industry experience in general or the experience of similar-sized firms. Comments opposing the proposed repeal of the Rule should explain the reasons they believe the Rule is still needed and, if appropriate, suggest specific alternatives. Proposals for alternative requirements should include reasons and data that indicate why the alternatives would better protect consumers from unfair or

<sup>26</sup> 59 FR at 25200 n. 251.

<sup>27</sup> See Part I.B, *supra*.

<sup>28</sup> *Id.*

deceptive acts or practices under section 5 of the FTC Act, 15 U.S.C. 45.

Below, the Commission identifies specific questions for which it solicits public comment. The questions are designed to assist the public and should not be construed as limiting the issues on which public comment may be submitted. All written comments should state clearly the question or issue that the commenter is addressing. The Commission has placed the comments submitted in response to the April 6, 1995, notice on the public record of this proceeding. Commenters whose views have not changed and who wish to rely on their previous comments may do so and need not file an additional comment at this time. Previous commenters who have additional information or views, however, may wish to submit a comment in response to this notice.

Before taking final action, the Commission will consider all written comments timely submitted to the Secretary of the Commission and testimony given on the record at any hearings scheduled in response to requests to testify. Written comments submitted will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, on normal business days between the hours of 8:30 a.m. to 5:00 p.m. at the Federal Trade Commission, Public Reference Room, Room H-130, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, telephone number 202/326-2222.

#### Questions for Comment

(1) In what manner and to what extent would repealing the Light Bulb Rule affect the specific benefits consumers or other purchasers derive from the Light Bulb Rule beyond the benefits they derive from the Appliance Labeling Rule?

(2) In what manner and to what extent would repealing the Light Bulb Rule affect or relieve the specific burdens experienced by manufacturers or other sellers that are due to the Light Bulb Rule beyond any burdens or costs that are incurred in complying with the Appliance Labeling Rule?

(3) Are there any other federal or state laws or regulations, or private industry standards, in addition to the Appliance Labeling Rule, that apply to the labeling, testing, or advertising of lamp products covered by the Light Bulb Rule?

(a) If so, what are those federal or state laws or regulations, or private industry standards, and what do they require?

(b) If so, to whom do they apply?

(4) Are there any current federal, state, or local laws or regulations, or private industry standards, in addition to the Light Bulb Rule, that require lamp products to be marked with wattage or voltage information?

(a) If so, what are these federal, state, or local laws or regulations, or private industry standards, and what specific markings do they require?

(b) If so, to whom do they apply?

(5) Do manufacturers or other sellers currently make comparison claims about lamp product cost, cost of light, cost of operation, amount of light, brightness, or length of life?

(a) If so, who currently makes these claims?

(b) If so, what claims and disclosures do they make?

(c) If so, what medium (e.g., advertisements, point-of-sale printed materials) do they use in making these claims and disclosures?

(d) If so, are the comparisons valid ones?

#### V. Requests for Public Hearings

Because there does not appear to be any dispute as to the material facts or issues raised by this proceeding and because written comments appear adequate to present the views of all interested parties, a public hearing has not been scheduled. If any person would like the Commission to schedule public hearings, he or she should address a request to present oral testimony to the Office of the Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, telephone number 202-326-2506, as soon as possible but not later than March 7, 1996. All persons wishing to testify also must submit, on or before March 7, 1996, a written comment or statement that describes the issues on which the party wishes to testify and the nature of the testimony to be given.

#### VI. Preliminary Regulatory Analysis

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601-11, requires an analysis of the anticipated impact of the proposed repeal of the Rule on small businesses.<sup>29</sup> The analysis must contain, as applicable, a description of the

<sup>29</sup>Section 22 of the FTC Act, 15 U.S.C. 57b-3, also requires the Commission to perform "regulatory impact analyses" of a proposed rule, but only if the rule will have certain "significant" economic or regulatory effects. The Commission has determined that a preliminary regulatory analysis is not required by section 22 in this proceeding because the Commission has no reason to believe that repealing the Rule will have a "significant" economic or regulatory impact, either beneficial or detrimental, upon persons subject to the Rule or upon consumers.

reasons why action is being considered, the objectives of and legal basis for the proposed action, the class and number of small entities affected, the projected reporting, recordkeeping and other compliance requirements being proposed, any existing federal rules that may duplicate, overlap or conflict with the proposed action, and any significant alternatives to the proposed action that accomplish its objectives and, at the same time, minimize its impact on small entities.

A description of the reasons why action is being considered and the objectives of the proposed repeal of the Rule have been explained elsewhere in this Notice. Repeal of the Rule would appear to have little or no effect on any small business. The Commission is not aware of any existing federal laws or regulations that would conflict with repeal of the Rule.

For these reasons, the Commission certifies, pursuant to section 605 of RFA, 5 U.S.C. 605, that if the Commission determines to repeal the Rule that action will not have a significant impact on a substantial number of small entities. To ensure that no substantial economic impact is being overlooked, however, the Commission requests comments on this issue. After reviewing any comments received, the Commission will determine whether it is necessary to prepare a final regulatory flexibility analysis.

#### VII. Paperwork Reduction Act

The Light Bulb Rule imposes third-party disclosure requirements, which are described in Part I.B, above, that constitute "information collection requirements" under the Paperwork Reduction Act ("PRA"), 44 U.S.C. 3501 *et seq.* Accordingly, repeal of the Rule would eliminate any burdens on the public imposed by these disclosure requirements that are not duplicated by the Appliance Labeling Rule.

#### VIII. Additional Information for Interested Persons

##### A. Motions or Petitions

Any motions or petitions in connection with this proceeding must be filed with the Secretary of the Commission.

##### B. Communications by Outside Parties to Commissioners or Their Advisors

Pursuant to Rule 1.18(c) of the Commission's Rules of Practice, 16 CFR 1.18(c), communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor during the course of this rulemaking shall be

subject to the following treatment. Written communications, including written communications from members of Congress, shall be forwarded promptly to the Secretary for placement on the public record. Oral communications, not including oral communications from members of Congress, are permitted only when such oral communications are transcribed verbatim or summarized at the discretion of the Commissioner or Commissioner's advisor to whom such oral communications are made, and are promptly placed on the public record, together with any written communications relating to such oral communications. Memoranda prepared by a Commissioner or Commissioner's advisor setting forth the contents of any oral communications from members of Congress shall be placed promptly on the public record. If the communication with a member of Congress is transcribed verbatim or summarized, the transcript or summary will be placed promptly on the public record.

Authority: Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a.

#### List of Subjects in 16 CFR Part 405

Advertising, Consumer protection, Energy conservation, Labeling, Lamp products, Trade practices.

By direction of the Commission.

Donald S. Clark,  
*Secretary.*

[FR Doc. 96-2431 Filed 2-5-96; 8:45 am]

BILLING CODE 6750-01-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

#### Notice of Briefing on Proposal To Cycle Payment of Social Security Benefits

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of Briefing on Proposal to Cycle Payment of Social Security Benefits.

**SUMMARY:** Historically, Social Security benefits generally have been paid on the 3rd of the month. As a result of SSA's ongoing efforts to improve service to our customers, we published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on January 26, 1996 at 61 FR 2654 announcing that the Commissioner of Social Security is proposing to establish additional payment days throughout the month on which Social Security benefits will be paid. Current beneficiaries will not be affected by this proposal. In the NPRM

we stated that we planned to host an informational briefing on payment cycling for representatives of groups and organizations, and any others, who are interested in the initiative. This notice announces the time and place of the briefing.

The briefing session will be designed to provide details and to answer questions on how SSA proposes to implement payment cycling. Members of the public who would like to attend the session must reserve space by contacting SSA's Office of Communications ahead of time by calling (410) 965-4001 or telefaxing (410) 966-4871.

The session is not designed to take public comments on the NPRM. Comments on the NPRM should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830, sent by E-Mail to "regulations@ssa.gov," or delivered to the Division of Regulations and Rulings, Social Security Administration, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Your comments must be received by March 26, 1996 to be considered.

**DATES:** February 15, 1996, 1:30 p.m.-3:00 p.m.

**ADDRESSES:** Social Security Administration, Universal South Building, Room 729, 1825 Connecticut Avenue, N.W., Washington, D.C. 20009.

**FOR FURTHER INFORMATION CONTACT:** Connee Sheckler, SSA, Office of Communications, (410) 965-1885.

Dated: January 31, 1996.

Joan Wainwright,  
*Associate Commissioner for Communications.*

[FR Doc. 96-2524 Filed 2-5-96; 8:45 am]

BILLING CODE 4190-29-P

## DEPARTMENT OF JUSTICE

### 28 CFR Part 35

#### Nondiscrimination on the Basis of Disability in State and Local Government Services

**AGENCY:** Department of Justice.

**ACTION:** Notice of extension of deadline for public comment.

**SUMMARY:** On November 27, 1995, the Department of Justice published in the Federal Register (60 FR 58462) a proposed rule to amend the Department's regulation implementing title II of the Americans with

Disabilities Act to clarify the requirement for installation of curb ramps at existing pedestrian walkways. The period for accepting comments on the proposed rule was to end on January 26, 1996. Due to the government shutdown and the Department's resulting inability to receive and process requests for copies of the proposed rule, the comment period is extended.

**DATES:** The comment period is extended through March 1, 1996.

**ADDRESSES:** Written comments on the proposed rule published on November 27, 1995, should be sent to: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Rulemaking Docket 007, P.O. Box 65485, Washington, DC 20035.

**FOR FURTHER INFORMATION CONTACT:** Janet Blizard, (202) 307-0663. The ADA Information Line, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Washington, DC 20530, (800) 514-0301 (voice), (800) 514-0383 (TTY). These telephone numbers are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** The proposed rule published in the Federal Register on November 27, 1995, (60 FR 58462) would amend the regulation of the Department of Justice implementing title II of the Americans with Disabilities Act to clarify the requirement for installation of curb ramps at existing pedestrian walkways. The proposal would extend the time period for compliance to January 26, 2000, for curb ramps serving State and local government facilities, transportation, places of public accommodation, other places of employment, and at the residences of individuals with disabilities. It would extend the time period for providing curb ramps at existing pedestrian walkways in other areas until January 26, 2005, and it would require public entities to include a schedule for the implementation of these requirements in their transition plans.

The proposed rule provided that comments should be received prior to January 26, 1996, and that comments received after that closing date would be considered only to the extent practicable. From December 16, 1995, through January 5, 1996, Federal government employees were furloughed, which forced the closing of the ADA Information Line and prevented the Disability Rights Section from receiving or processing requests for copies of the proposed rule. Due to the extended furlough, the Department is extending the comment period to ensure