

accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that 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 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, *Airspace Designation and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

ASW NM E5 Roswell, NM [Revised]

Roswell Industrial Air Center, NM
(Lat. 33°18'06" N., long. 104°31'50" W.)
Chisum VORTAC

(Lat. 33°20'15" N., long. 104°37'17" W.)
Roswell Localizer
(Lat. 33°16'58" N., long. 104°32'27" W.)

That airspace extending upward from 700 feet above the surface within a 12.7-mile radius of Roswell Industrial Air Center and within 4 miles each side of the Chisum VORTAC 290° radial extending from the 12.7-mile radius to 23.3 miles northwest of the airport and within 4 miles each side of the Roswell Localizer northeast course extending from the 12.7-mile radius to 13.7 miles northeast of the airport.

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Issued in Fort Worth, TX, on December 10, 1998.

Albert L. Viselli,

*Acting Manager, Air Traffic Division,
Southwest Region.*

[FR Doc. 98-33594 Filed 12-18-98; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 235

Guides Against Deceptive Labeling and Advertising of Adhesive Compositions

AGENCY: Federal Trade Commission.

ACTION: Rescission of the Guides Against Deceptive Labeling and Advertising of Adhesive Compositions.

SUMMARY: On April 9, 1998 the Commission published a **Federal Register** notice initiating the regulatory review of the Federal Trade Commission's ("Commission") Guides Against Deceptive Labeling and Advertising of Adhesive Compositions ("Adhesive Compositions Guides" or "the Guides"), 16 CFR Part 235. The Commission has now completed its review, and determined to rescind the Guides.

EFFECTIVE DATE: December 21, 1998.

ADDRESS: Requests for copies of the **Federal Register** Notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, DC 20580. The notice and news release announcing the rescission of the Guides are available on the Internet at the Commission's website, "<http://www.ftc.gov>".

FOR FURTHER INFORMATION CONTACT: Erika Wodinsky, Assistant Regional Director, Federal Trade Commission, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 98103, telephone number (415) 356-5270, E-mail "ewodinsky@ftc.gov".

SUPPLEMENTARY INFORMATION: The Adhesive Compositions Guides, promulgated by the Commission on

November 8, 1967, provide guidance to manufacturers, distributors, wholesalers, jobbers, and retailers of adhesive products regarding the labeling and advertising of these products. The Guides counsel against the use of terms that suggest that various adhesive products contain or have the properties of metal, solder or weld, porcelain, epoxy, and rubber if those products do not, in fact, have the same chemical or physical properties as the specified products. See Guides 1-5. In addition, the Guides contain a general, overall statement about what types of claims for adhesive products will be viewed as deceptive in advertising or labeling. In particular, the Guides address the use of representations that are likely to mislead or deceive purchasers about the nature, composition, capabilities, durability, hardness, adhesive strength, lasting effect, thermal or electrical properties, or resistance to deterioration of adhesive products. One section of the Guides also advises that a representation that a product is "guaranteed" should contain a clear and conspicuous disclosure of the extent of the guarantee, any material conditions or limitations imposed by the guarantor, the manner in which the guarantor will perform thereunder, and the identity of the guarantor. Finally, the Guides advise against manufacturers and distributors providing another person with promotional materials through which that person deceives consumers with respect to adhesive products.

The Commission has determined, as part of its oversight responsibilities, to review rules and industry guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides, and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. The Commission solicited comments on the Adhesive Compositions Guides in the **Federal Register** on April 9, 1998, 63 FR 17348. The Commission's staff also mailed copies of the notice to three industry trade associations, representing over 150 industry members, to ensure that all interested parties would have an opportunity to comment. The comment period ended June 8, 1998.

The Commission received three comments. Two comments were from consumers who supported retaining the Guides and expressed general concern about the need to prevent deception in labeling adhesive products. Although both letters provided thoughtful comment on the importance of protecting consumers from deception,

neither offered any specific examples of deception observed in this industry.

The third comment was submitted by the Adhesives and Sealant Council, Inc. ("ASC"), an industry trade association. ASC expressed concern that the Guides, as presently written, have little practical use due to significant technological changes since their adoption. It noted that:

Since the early 1970's a wide range of adhesives and sealants, designed for specific applications, have entered the commercial market and it would be beneficial to today's more sophisticated consumers if the Guidelines offered descriptions [of] the various types of adhesives, i.e., silicones, urethanes, acrylics or epoxy adhesives.

ASC also suggested that the Guides, if retained, might require a statement of the type and percentage of any solvent content within a product. In addition, ASC suggested that the Guides have better definitions, in light of the new types of materials being used today. It noted, for example, that "the term 'rubber' normally means natural rubber unless there is some type of prefix included such as 'silicone rubber,'" and suggested that the term be defined more broadly to include "elastomeric materials not necessarily based on natural rubber." The association recommended that the Guides be discontinued unless they can be modified substantially.

Industry compliance with the Guides appears to be satisfactory. In the 31 years since the Guides were issued, the Commission has not received any complaints or initiated any enforcement actions relating in any way to these Guides. If, in the future, deceptive practices prove to be a problem in this industry, however, the Commission may pursue enforcement actions, under section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, as needed on a case-by-case basis.

For the reasons explained in this notice, the Commission has determined to rescind the Guides because they are no longer necessary.

List of Subjects in 16 CFR Part 235

Adhesives, Advertising, Labeling, Trade practices.

PART 235—[REMOVED]

The Commission, under authority of sections 5(a)(1) and 6(g) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1) and 46(g), amends Chapter I of Title 16 of the Code of Federal Regulations by removing Part 235.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98-33704 Filed 12-18-98; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR PART 243

Guides for the Decorative Wall Paneling Industry

AGENCY: Federal Trade Commission.

ACTION: Rescission of the Guides for the Decorative Wall Paneling Industry.

SUMMARY: On March 27, 1998, the Commission published a **Federal Register** notice initiating a regulatory review of the Federal Trade Commission's ("Commission") Guides for the Decorative Wall Paneling Industry ("Decorative Wall Paneling Guides" or "the Guides"), 16 CFR Part 243, under the Commission's program to review all rules and guides. The Commission has now completed its review and determined to rescind the Guides.

EFFECTIVE DATE: December 21, 1998.

ADDRESS: Requests for copies of the **Federal Register** notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, DC 20580. The notice and news release announcing the rescission of the Guides are available on the Internet at the Commission's website, "<http://www.ftc.gov>".

FOR FURTHER INFORMATION CONTACT: Eric Nickerson, Investigator, Federal Trade Commission, Denver Regional Office, 1961 Stout Street, Suite 1523, Denver, CO 80294, telephone number (303) 844-3584, E-mail "enickerson@ftc.gov".

SUPPLEMENTARY INFORMATION: The Decorative Wall Paneling Guides, promulgated by the Commission on December 15, 1971, provide guidance to manufacturers, retail distributors, and other suppliers ("sellers") of decorative wall panels with regard to labeling, advertising, and promoting their products in a manner consistent with Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45. The Guides are designed to protect purchasers from being misled by the appearance of a product, or by deceptive descriptions, depictions, designations, or representations in advertisements, labels, or other promotional materials.

The Guides provide examples of deceptive and non-deceptive descriptions for wood and wood imitations to ensure that prospective

purchasers are not misled by a product's appearance. For example, Section 243.2(a)(5) provides that "[d]escribing a nonlumber product, such as particleboard, hardboard, fiberboard, flakeboard, and products of similar composition, as 'wood'" is a false representation. The Guides also suggest that sellers affirmatively disclose the composition and other attributes of the products being offered. Additionally, the Guides provide for disclosure of material facts that would be helpful to consumers in making purchase decisions. The Guides suggest that affirmative disclosures be provided in advertising and labeling when: (1) A wall panel's appearance could mislead purchasers as to its true composition; or (2) a representation is made that is susceptible of at least one misleading interpretation.

The Commission has determined, as part of its oversight responsibilities, to review rules and industry guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides, and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. The Commission solicited comments on the Decorative Wall Paneling Guides in the **Federal Register** on March 27, 1998, 63 FR 14865. The Commission's staff also mailed copies of the notice to approximately 100 industry representatives to ensure that all interested parties would have an opportunity to comment. The comment period ended May 26, 1998.

The Commission received one comment, from the Hardwood, Plywood & Veneer Association ("HPVA"). The comment supported retaining the Guides because "[d]ecorative paneling still represents a significant sector of the interior finish products market."¹ The commenter stated that the Guides benefit sellers by "establishing a common basis of understanding and fair competition." The commenter also noted, however, the existence of at least one recognized standard for decorative wall panels. This voluntary industry standard, the "American National Standard For Hardwood And Decorative Plywood" or "ANSI/HPVA HP-1-1994" (hereafter referred to as the "ANSI standard"), became effective in 1994, superseding earlier versions published in 1983 and 1993. Both the 1983 and 1994 versions of the standard were the result of joint efforts of the American National Standards Institute, Inc., and

¹ HPVA, #1.