

# Proposed Rules

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

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Parts 704 and 741

#### Corporate Credit Unions; Requirements for Insurance

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Extension of comment period.

**SUMMARY:** On April 13, 1995, the NCUA Board issued a proposed rule revising its regulations governing corporate credit unions and requirements for insurance. 60 FR 20438 (April 26, 1995). Comments were requested by June 26, 1995.

The supplementary section of the proposed rule indicated that NCUA would be conducting analytical assessments of the proposed regulation's effect on corporate credit union earnings and capital accumulation. 60 FR at 20443. NCUA has been working with an outside firm to provide such assessments, using simulation modeling techniques. The process has proved to be more time-consuming than envisioned, due to the need to tailor existing modeling programs to the specifics of corporate credit union balance sheets.

The NCUA Chairman indicated at the April 13, 1995, Board meeting that the comment period would be extended if additional time were needed because of unanticipated circumstances. The Board has determined that additional time is necessary to allow NCUA and the public sufficient opportunity to analyze the results of the modeling process and the implications for the proposed regulation. Accordingly, the comment period is being extended 60 days to August 25, 1995.

**DATES:** The comment period is extended from June 26, 1995, to August 25, 1995.

**ADDRESSES:** Mail comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428. Send comments to Ms. Baker via

the bulletin board by dialing 703-518-6480.

**FOR FURTHER INFORMATION CONTACT:** H. Allen Carver, Director, Office of Corporate Credit Unions (703) 518-6640, at the above address.

**Authority:** The authority for this action is the general rulemaking authority of the NCUA Board.

By the National Credit Union Administration Board on May 17, 1995.

**Becky Baker,**

*Secretary of the Board.*

[FR Doc. 95-12599 Filed 5-22-95; 8:45 am]

**BILLING CODE 7535-01-M**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 400

#### Trade Regulation Rule: Advertising and Labeling as to Size of Sleeping Bags

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking (ANPR).

**SUMMARY:** The Federal Trade Commission ("Commission") proposes to repeal its Trade Regulation Rule entitled "Advertising and Labeling as to Size of Sleeping Bags" ("Sleeping Bag Rule"), 16 CFR part 400. The proceeding will address whether the Sleeping Bag Rule should be repealed or remain in effect. The Commission is soliciting written comment, data and arguments concerning this proposal.

**DATES:** Written comments must be submitted on or before June 22, 1995.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 400" and sent to Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** John A. Crowley, Esq., (202) 326-3280, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

#### SUPPLEMENTARY INFORMATION:

##### Part A—Background Information

This notice is published pursuant to Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a *et seq.*, the provisions of part 1, subpart B of the Commission's rules of practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This

authority permits the Commission to promulgate, modify 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).

The Sleeping Bag Rule, promulgated by the Commission on October 11, 1963, declares that it is an unfair method of competition and an unfair or deceptive act or practice to use the "cut size" of the materials from which a sleeping bag is made to describe the size of a sleeping bag in advertising, labeling or marking unless:

(1) "The dimensions of the cut size are accurate measurements of the yard goods used in construction of the sleeping bags"; and

(2) "Such 'cut size' dimensions are accompanied by the words 'cut size'"; and

(3) The reference to "cut size" is "accompanied by a clear and conspicuous disclosure of the length and width of the finished products and by an explanation that such dimensions constitute the finished size."

The Commission periodically reviews the rules and guides it has promulgated, seeking information about the costs and benefits of such 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. Pursuant to its review schedule, on April 19, 1993, the Commission published in the **Federal Register** a request for public comments on the Sleeping Bag Rule. 58 FR 21095. The Commission asked commenters to address questions relating to the costs and benefits of the rule, the burdens it imposes, and the basis for assessing whether it should be retained, or amended.

The Commission received only one comment relating to the Sleeping Bag Rule. The commenter stated that there was a continuing need for the rule to deter deceptive practices.

Prior to the request for comments, Commission staff conducted an informal inquiry and inspected sleeping bags at several national chain stores. This inquiry found no violations of the Rule on either the sleeping bag packaging materials or the labels affixed to the product itself. In fact, it appeared from

that limited inquiry that industry products were marked with only the finished size. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the rule, or of initiating any law enforcement actions alleging violations of the rule's requirements. Finally, the Uniform Packaging and Labeling Regulation, which has been adopted by 47 states, regulates the labeling of sleeping bags, and appears to provide that these items must be labeled with their finished size.

#### Part B—Objectives

Based on the review described above, the Commission has determined that there may no longer be a need to continue the Sleeping Bag Rule in light of the apparent changes in industry practices and the existence of laws in nearly all of the states that appear to mandate point-of-sale disclosures similar to those required by the rule. The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Sleeping Bag Rule.

#### Part C—Alternative Actions

The Commission is not aware of any feasible alternatives to either repealing or retaining the Sleeping Bag Rule.

#### Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Sleeping Bag Rule. Comments submitted during the regulatory review proceeding described above will be made part of the record, and need not be resubmitted. A comment that includes the reasoning or basis for a proposition will likely be more persuasive than a comment without supporting information. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies a number of issues on which it solicits public comment. The identification of issues is designed to assist the public to comment on relevant matters and should not be construed as a limitation on the issues on which public comment may be submitted.

#### Questions

- (1) Do manufacturers and sellers of sleeping bags currently use "cut size" as a means of marking the size of their products for sale at retail to consumers?
- (2) Does the fact that nearly all of the states have adopted the Uniform Packaging and Labeling Regulation, which governs the labeling of sleeping

bags, eliminate or greatly lessen the need for the Sleeping Bag Rule?

(3) What are the benefits to consumers from the rule?

(4) What are the costs to industry imposed by the rule?

(5) Is there a continuing need for the rule or should the rule be repealed?

**Authority:** Sec. 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

#### List of Subjects in 16 CFR Part 400

Advertising, Trade practices, Sleeping bags.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

[FR Doc. 95-12580 Filed 5-22-95; 8:45 am]

BILLING CODE 6750-01-M

#### 16 CFR Part 402

#### Trade Regulation Rule Concerning Deception as to Non-Prismatic and Partially Prismatic Instruments Being Prismatic Binoculars

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Federal Trade Commission (the "Commission") proposed to repeal its Trade Regulation Rule entitled "Deception as to Non-Prismatic and Partially Prismatic Instruments Being Prismatic Binoculars" ("Binocular Rule"), 16 C.F.R. part 402. The proceeding will address whether the Binocular Rule should be repealed or remain in effect. The Commission is soliciting written comment, data, and arguments concerning this proposal.

**DATES:** Written comments must be submitted on or before June 22, 1995.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 402" and sent to Secretary, Federal Trade Commission, Room 159, Sixth Street and Pennsylvania Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Phillip S. Priesman, Attorney, Federal Trade Commission, Division of Advertising Practices, Bureau of Consumer Protection, Washington, D.C. 20580. (202) 326-2484.

#### SUPPLEMENTARY INFORMATION:

#### Part A—Background Information

This notice is being published pursuant to Section 18 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. 57a *et seq.*, the provisions of Part 1, Subpart B of the Commission's Rules

of Practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify, 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.

The Binocular Rule was published in final form in the **Federal Register** on June 5, 1964, and became effective on December 2, 1964. The Rule requires a clear and conspicuous disclosure on any advertising or packaging for non-prismatic or partially prismatic binoculars that the instruments are not fully prismatic. Fully prismatic binoculars rely on a prism within the instrument to reverse the visual image entering the lens so that it appears right-side up to the user. Other binoculars rely partially or entirely on mirrors to reverse the visual image. When the rule was promulgated, the Commission was concerned that consumers could be misled into believing that non-prismatic binoculars were in fact prismatic, absent such a disclosure.

To prevent consumer deception, the rule proscribed the use of the term "binocular" to describe anything other than a fully prismatic instrument, unless the term was modified to indicate the true nature of the item. Under the Rule, non-prismatic instruments could be identified as binoculars only if they incorporated a descriptive term such as "binocular-nonprismatic," "binocular-mirror prismatic," or "binocular-nonprismatic mirror."

#### Part B—Objectives

As part of its continuing review of its trade regulation rules to determine their current effectiveness and impact, the Commission recently obtained information bearing on the need for this Rule.<sup>1</sup> The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Binocular Rule.

#### Part C—Alternative Actions

The Commission will consider alternatives to repealing the Binocular Rule if the comments indicate that the

<sup>1</sup> In a memorandum to all federal departments and agencies dated March 4, 1995, the President requested all agencies to review their regulations and to initiate proceedings to eliminate those they determined were obsolete or unnecessary. In 1992, the Commission adopted a plan to review all its rules and guides at least once during a ten-year period. In response to the President's request, the Commission accelerated its scheduled review of certain rules to identify any that might be appropriate candidates for repeal or amendment.