

constitute "information collection requirements" under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Accordingly, repeal of the Rule would eliminate any burdens on the public imposed by these disclosure requirements.

List of Subjects in 16 CFR Part 404

Advertising, Tablecloths and related products, Trade practices.

#### **PART 404—[REMOVED]**

The Commission, under authority of Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the Code of Federal Regulations by removing Part 404.

By direction of the Commission.  
Donald S. Clark,  
Secretary.

[FR Doc. 95-31012 Filed 12-19-95; 8:45 am]

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#### **16 CFR Part 413**

##### **Trade Regulation Rule Concerning the Failure to Disclose That Skin Irritation May Result from Washing or Handling Glass Fiber Curtains and Draperies and Glass Fiber Curtain and Drapery Fabrics**

**AGENCY:** Federal Trade Commission.

**ACTION:** Repeal of rule.

**SUMMARY:** The Federal Trade Commission announces the repeal of the Trade Regulation Rule concerning the Failure to Disclose that Skin Irritation May Result from Washing or Handling Glass Fiber Curtains and Draperies and Glass Fiber Curtain and Drapery Fabrics. The Commission has received the rulemaking record and determined that due to changes in technology, the Rule no longer serves the public interest and should be repealed. This notice contains a Statement of Basis and Purpose for repeal of the Rule.

**EFFECTIVE DATE:** December 20, 1995.

**ADDRESSES:** Requests for copies of the Statement of Basis and Purpose should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street & Pennsylvania Avenue N.W., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Edwin Rodriguez or Janice Podoll Frankle, Attorneys, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, (202) 326-3147 or (202) 326-3022.

#### **SUPPLEMENTARY INFORMATION:**

Statement of Basis and Purpose

##### *I. Background*

The Trade Regulation Rule concerning the Failure to Disclose that Skin Irritation May Result from Washing or Handling Glass Fiber Curtains and Draperies and Glass Fiber Curtain and Drapery Fabrics (Fiberglass Curtain Rule), 16 CFR Part 413, was promulgated in 1967 (32 FR 11023). The Fiberglass Curtain Rule requires marketers of fiberglass curtains or draperies and fiberglass curtain or drapery cloth to disclose that skin irritation may result from handling fiberglass curtains or curtain cloth and from contact with clothing or other articles that have been washed (1) with such glass fiber products, or (2) in a container previously used for washing such glass fiber products unless the glass particles have been removed from the container by cleaning.

On May 23, 1995, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on proposed repeal of the Fiberglass Curtain Rule (60 FR 27243). In accordance with Section 18 of the Federal Trade Commission (FTC) Act, 15 U.S.C. 57a, the ANPR was sent 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. The comment period closed on June 22, 1995. The Commission received no comments.

On September 18, 1995, the Commission published a Notice of Proposed Rulemaking (NPR) initiating a proceeding to consider whether the Fiberglass Curtain Rule should be repealed or remain in effect (60 FR 48071).<sup>1</sup> This rulemaking proceeding was undertaken as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to ascertain their effectiveness, impact, cost and need. This proceeding also responded to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20,

<sup>1</sup> In accordance with Section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the 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 its publication.

to use expedited procedures in this proceeding.<sup>2</sup> The comment period closed on October 18, 1995. The Commission received no comments and no requests to hold an informal hearing.

##### *II. Basis for Repeal of Rule*

The Statement of Basis and Purpose for the Fiberglass Curtain Rule stated that consumers had experienced skin irritation after washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics. Consequently, the Commission concluded that it was in the public interest to caution consumers that skin irritation could result from the direct handling of fiberglass curtains, draperies, and yard goods, and from body contact with clothing or other articles that had been washed with fiberglass products or in a container previously used to wash fiberglass products and not cleaned of all glass particles.

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. Based on this review, the Commission has determined that fiberglass curtains and draperies and fiberglass curtain or drapery fabric no longer present a substantial threat of skin irritation to the consumer. Fiberglass was used in curtains primarily because of its fire retardant characteristic. Technological developments in fire retardant fabrics have caused fiberglass fabric to be displaced by polyester and modacrylics in the curtain and drapery industry.<sup>3</sup> Fiberglass fabrics are now used almost exclusively for very specialized industrial uses.<sup>4</sup> Because the products are no longer sold for consumer use, the Fiberglass Curtain Rule has become obsolete and should be repealed.

##### *III. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-11 requires an analysis of the anticipated impact of the repeal of the Rule on businesses. The reasons for repeal of the Rule have been explained in this Notice. Repeal of the Rule would appear to have little or no effect on small businesses. Moreover, the

<sup>2</sup> These procedures included: publishing a Notice of Proposed Rulemaking; soliciting written comments on the Commission's proposal to repeal the Rule; holding an informal hearing, if requested by interested parties; receiving a final recommendation from Commission staff; and announcing final Commission action in the Federal Register.

<sup>3</sup> See Rulemaking Record, Category B, Staff Submissions.

<sup>4</sup> Id.

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 the RFA, 5 U.S.C. 605, that this action will not have a significant economic impact on a substantial number of small entities.

#### IV. Paperwork Reduction Act

The Fiberglass Curtain Rule does not impose "information collection requirements" under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Although the Rule contains disclosure requirements, these disclosures are not covered by the Act because the disclosure language is mandatory and provided by the government. Repeal of the Rule, however, would eliminate any burdens on the public imposed by these disclosure requirements.

#### List of Subjects in 16 CFR Part 413

Fiberglass curtains and curtain fabric, Trade practices.

#### PART 413—[REMOVED]

The Commission, under authority of Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the Code of Federal Regulations by removing Part 413.

By direction of the Commission.  
Donald S. Clark,  
Secretary.

[FR Doc. 95-31013 Filed 12-19-95; 8:45 am]

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#### 16 CFR Part 418

#### Trade Regulation Rule Concerning Deceptive Advertising and Labeling as to Length of Extension Ladders

**AGENCY:** Federal Trade Commission.  
**ACTION:** Repeal of rule.

**SUMMARY:** The Federal Trade Commission announces the repeal of the Trade Regulation Rule concerning Deceptive Advertising and Labeling as to Length of Extension Ladders. The Commission has reviewed the rulemaking record and determined that due to changes in industry practice, and the existence of standards mandating the point-of-sale disclosures required by the Rule, the Rule no longer serves the public interest and should be repealed. This notice contains a Statement of Basis and Purpose for repeal of the Rule.

**EFFECTIVE DATE:** December 20, 1995.

**ADDRESSES:** Requests for copies of the Statement of Basis and Purpose should be sent to Public Reference Branch,

Room 130, Federal Trade Commission, 6th Street & Pennsylvania Avenue N.W., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Neil Blickman, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Washington, DC 20580, (202) 326-3038.

#### SUPPLEMENTARY INFORMATION:

#### Statement of Basis and Purpose

##### I. Background

The Trade Regulation Rule concerning Deceptive Advertising and Labeling as to Length of Extension Ladders (Extension Ladder Rule), 16 CFR Part 418, was promulgated in 1969 (34 FR 929). The Extension Ladder Rule declares that it is an unfair or deceptive act or practice and an unfair method of competition to represent the size or length of an extension ladder in terms of the total length of the component sections thereof unless:

(a) Such size or length representation is accompanied by the words "total length of sections" or words with similar meaning that clearly indicate the basis of the representation; and,

(b) Such size or length representation is accompanied by a statement in close proximity that clearly and conspicuously shows the maximum length of the product when fully extended for use (i.e., excluding the footage lost in overlapping) along with an explanation of the basis for such representation.<sup>1</sup>

On May 23, 1995, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on proposed repeal of the Extension Ladder Rule (60 FR 27245). In accordance with Section 18 of the Federal Trade Commission (FTC) Act, 15 U.S.C. 57a, the ANPR was sent 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. The comment period closed on June 22, 1995. The Commission received no comments.

On September 18, 1995, the Commission published a Notice of Proposed Rulemaking (NPR) initiating a proceeding to consider whether the Extension Ladder Rule should be repealed or remain in effect (60 FR 48075).<sup>2</sup> This rulemaking proceeding

<sup>1</sup> The Rule then gives an example of proper length representation when the product consists of two ten foot sections: "maximum working length 17', total length of sections 20'" or "17' extension ladder".

<sup>2</sup> In accordance with Section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the NPR

was undertaken as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to ascertain their effectiveness, impact, cost and need. This proceeding also responded to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20, the use expedited procedures in this proceeding.<sup>3</sup>

The comment period closed on October 18, 1995. The Commission received no comments and no requests to hold an informal hearing.

##### II. Basis for Repeal of Rule

The Commission periodically reviews its rules and guides, seeking information about their costs and benefits and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Accordingly, on April 19, 1993, the Commission published in the Federal Register a request for public comments on its Extension Ladder Rule (58 FR 21125). 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.

Six specific comments were received. One commenter, a consumer, opined that the only label that should be on ladders is the "maximum working length" because consumers should not have to do any figuring to determine the length of the ladder that would meet their needs.

Of the other five commenters, four were manufacturers or suppliers of ladders and one was a trade association. A number of these comments referred to the American National Standards Institute (ANSI) standard A14, which governs the labeling of ladders. ANSI standard A14 details the requirements for labeling portable wood ladders, portable metals ladders, fixed ladders, job made ladders, and portable

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 its publication.

<sup>3</sup> These procedures included: publishing a Notice of Proposed Rulemaking, soliciting written comments on the Commission's proposal to repeal the Rule; holding an informal hearing, if requested by interested parties; receiving a final recommendation from Commission staff; and announcing final Commission action in the Federal Register.