

wattage, lumen and life rating disclosures required by the Rule, (2) require for the year 1970-71 all lamp labels to explain the meaning of the word "lumen" whenever it is used, (3) define the term "general service incandescent lamp" to mean all A-type bulbs and all other incandescent bulbs substantially the same as A-type bulbs, and (4) define the meaning of the Rule's term "clear and conspicuous" with respect to the minimum type sizes necessary for required disclosures and the minimum number of times the required disclosures must be made on lamps and/or their labels.

B. Issues for Comment

At this time, the Commission solicits written public comments on the following questions:

1. Is there a continuing need for the Rule?
 - a. What benefits has the Rule provided to purchasers of the products or services affected by the Rule?
 - b. Has the Rule imposed costs on purchasers?
 - c. Does the light Bulb Rule provide any benefits not provided by the provisions of the Appliance Labeling Rule relating to lamps?
2. What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers?
 - a. How would these changes affect the costs the Rule imposes on firms subject to its requirements?
3. What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?
 - a. Has the Rule provided benefits to such firms?
4. What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?
 - a. How would these changes affect the benefits provided by the Rule?
5. Does the Rule overlap or conflict with other federal, state, or local laws or regulations?
6. Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?
7. Should the Commission retain, or modify in any way, the particular provisions of the existing Rule that define the term "clear and conspicuous" to mean certain minimum sizes for required disclosures and certain minimum numbers of times that those required disclosures must be made on lamps and/or their labels?
8. Should the Commission retain, or modify in any way, the particular provisions of the existing Rule that

require all comparative energy consumption or operating cost claims, all comparative light output claims, and all comparative life expectancy claims to be accompanied by clear and conspicuous disclosures of particular comparison data for both the lamps being sold and the lamps with which the comparison is being made?

9. Should the Commission retain, or modify in any way, those provisions of the existing Rule that duplicate or overlap provisions in the Appliance Labeling Rule pertaining to lamps?

10. The Light Bulb Rule requires wattage, light output and life expectancy ratings to be disclosed at the bulbs' design voltage whereas the Appliance Labeling Rule requires the disclosures at 120 Volts regardless of the bulbs' design voltage.

a. For general service incandescent bulbs with design voltage other than 120 Volts, should the Commission continue to require ratings disclosures at both 120 Volts and design voltage?

b. What percentage of the total quantity of general service incandescent lamps sold in this country is comprised of lamps with design voltages other than 120 Volts?

(1) Describe how, for such lamps, the light output, wattage and expected life ratings differ when the lamp is used at 120 Volts from when used at the design voltage.

(2) In what areas of the country are lamps with design voltages other than 120 Volts routinely sold and in what proportions compared with lamps with design voltages of 120 Volts?

(3) To whom are lamps with design voltages other than 120 Volts sold and for what uses?

(4) Do purchasers of such lamps also routinely purchase lamps with design voltages of 120 Volts and, if so, what are the percentages of their lamp purchases for each category?

(5) How might the market for lamps with design voltages other than 120 Volts be expected to change in the future?

c. At what line voltages is electricity delivered in the United States? What areas receive electricity at voltages other than 120 Volts? Describe. Are there any private electricity delivery systems (e.g., industrial plants), that provide electricity internally at voltages other than 120 volts? Describe.

List of Subjects in 16 CFR Part 409

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

Authority: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark,

Secretary.

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16 CFR Part 460

Trade Regulation Rule; Labeling and Advertising of Home Insulation

AGENCY: Federal Trade Commission.

ACTION: Proposed rule and request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments about the overall costs and benefits and the continuing need for its Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation (the "R-value Rule" or "Rule"), 16 CFR part 460, as well as whether the Rule, if retained, should be amended to include new test procedures or specific requirements for new products, as a part of its systematic review of all current Commission regulations and guides. In addition, the Commission seeks comments on whether to adopt a non-substantive amendment to the Rule that would permit the use of an additional test procedure to determine the R-values of home insulation products. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning the Commission's review of the R-value Rule and the proposed non-substantive amendment.

DATES: Written comments will be accepted until June 6, 1995.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue NW., Washington, DC 20580. Comments about the R-value Rule should be identified as "R-value Rule, 16 CFR part 460—Comment."

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Federal Trade Commission, Room S-4631, Sixth Street and Pennsylvania Avenue NW., Washington, DC 20580, telephone (202) 326-3013, FAX (202) 326-3259.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission requests public comments about the overall costs and benefits of the R-value Rule, and its overall regulatory and economic impact, as well as whether the Rule should be updated to included new test procedures or specific requirements for

new products, as a part of its systematic review of all current Commission regulations and guides. In addition, the Commission proposes adopting a non-substantive amendment to the Rule that would allow use of an additional test procedure to determine the R-value of home insulation products. The Commission also solicits comments concerning the proposed non-substantive amendment.

II. Background

The Commission promulgated the R-value Rule under Section 18 of the FTC Act in 1979. The Rule became effective on September 30, 1980. Among other things, the Rule requires that manufacturers disclosed the R-value ("thermal performance") of each one insulation product, based on tests conducted according to one of four specified American Society of Testing and Materials ("ASTM") test procedures.¹ When the Commission promulgated the Rule, it determined that ASTM R-value test procedures C-177, C-236, and C-518 were highly accurate and reproducible steady-state methods for determining the R-values of home insulation products. 44 FR 50218, at 50226 note 189. In the original Rule, the Commission stated that it also would accept the use of C-976 once it was adopted as an ASTM test procedure. ASTM adopted C-976 in 1982. The Rule, therefore, now officially recognizes tests using any of these four test procedures.

The Commission conducted a review of the rule under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, in 1984. During the review, the Commission solicited comments on whether the Rule had had a significant economic impact (costs and benefits) on a substantial number of small businesses, whether there was a continuing need for the Rule, and what changes, if any, should be made to the Rule to minimize the economic effect on small entities. 49 FR 22104 (1984). Based upon the comments submitted, the Commission determined that it had no basis to conclude that the R-value Rule had a significant economic impact upon a substantial number of small entities. The Commission determined not to amend the Rule following the Regulatory Flexibility Act review. 50 FR 13246, at 13247 (1985).

¹ The test procedures are ASTM C-177 and ASTM C-518 (which use hot and cold "plates" to determine R-values for homogeneous "mass" insulation products, like fiberglass batts and loose-fill cellulose), and ASTM C-236 and ASTM C-976 (which use "hot boxes" to determine R-values for heterogeneous insulation systems, like multi-panel aluminum foil products and insulation systems).

Since the Rule was promulgated, the Commission has brought 12 actions to enforce its provisions.² The Commission also has granted three partial or conditional exemptions relating to specific provisions, issued one Advisory Opinion allowing use of an alternative testing procedure, and adopted three non-substantive amendments (one that allowed manufacturers to add to their insulation fact sheets specific information required by other government agencies; a second, in response to an industry request, that adopted a revised settled density test procedure for loose-fill cellulose insulation; and a third that adopted revised versions of the ASTM R-value test procedures).

III. Regulatory Review Program

The Commission has determined, as part of its oversight responsibilities, to review all current Commission rules and 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 will assist the Commission in identifying rules and guides that warrant modification or rescission.

At this time, therefore, the Commission solicits comments on, among other things, the economic impact of and the continuing need for the R-value Rule, possible conflict between the Rule and state, local or other federal laws, and the effect on the Rule of any technological, economic, or other industry changes. No Commission determination on the need for or the substance of the Rule should be inferred from this request for comments.

IV. Non-Substantive Amendment

The Commission has received a petition from Mr. Ronald S. Graves, Research Staff Member, Materials Analysis Group, at Martin Marietta Energy Systems, Inc. ("Petition").³ The petition requests that the Commission include an additional (fifth) ASTM R-value test procedure ("ASTM Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Thin-Heater Apparatus," ASTM C-1114-92), as an approved test method for compliance with Section 460.5(a) of the R-value Rule.⁴ The test method is

² The Commission has brought seven civil penalty actions against manufacturers, one against a testing laboratory, and three against retailers. It also has brought one consumer redress action against a professional installer.

³ Martin Marietta Energy Systems, Inc., operates Oak Ridge National Laboratory ("ORNL") as a contractor for the U.S. Department of Energy.

⁴ The Petition, plus attachments, have been placed on the public record of the R-value Rule and

under the jurisdiction of ASTM Committee C-16 on Thermal Measurements (which is the Committee responsible for the other R-value test procedures required by the R-value Rule), and is the direct responsibility of Subcommittee C16.30 on Thermal Measurements. Mr. Graves is the Chairman of the Thin Heater Task Group within C16.30 that meets semiannually to maintain and keep C-1114 current.

According to the Petition, tests conducted in 1983 and 1990 on two standard reference materials ("SRMs") obtained from the National Institute of Standards and Technology show apparent thermal conductivity values for the SRMs to be within the most probable uncertainty of ± 1.2 percent between 25 °C (77 °F) and 50 °C (132 °F). The Petition states that results with single-sided heat flow up or down and double-sided heat flow agreed to ± 0.2 percent. It asserts that these test results at ORNL⁵ demonstrate that ASTM C-1114-92 is an appropriate test procedure for obtaining accurate apparent thermal conductivity values on insulation products.

The accuracy of the ASTM C-1114-92 test procedure, therefore, appears to rate favorably compared to the accuracy of the other ASTM R-value test procedures the Commission has adopted under the R-value Rule. Evidence in the original rulemaking proceeding demonstrated that, if properly performed: (1) Measurements under C-177 could achieve results within ± 2 percent of the specimen's actual thermal value, and a precision of one percent or better is normally attained; (2) measurements under C-518 should come within at least ± 5 percent of absolute accuracy, with a reproducibility rate of ± 2 percent; and (3) measurements under C-236 can measure thermal resistance values within ± 2 percent of absolute accuracy. See 44 FR 50218, at 50226 note 189.

Thus, the Commission is considering adopting a non-substantive amendment to § 460.5 of the Rule, 16 CFR 460.5(a), to include ASTM C-1114-92 as an optional, but not required, test procedure for determining the R-values of home insulation products. Because the amendment would not impose any new obligations upon parties covered by the Rule (but merely would recognize the use of an additional, optional, R-value test procedure), and because the apparent accuracy of the test procedure

can be inspected at the Commission's Public Reference Room, room 130, Sixth and Pennsylvania Ave., NW, Washington, DC.

⁵ The testing apparatus used at ORNL is referred to as the Unguarded Thin Heater Apparatus ("UTHA").

compares favorably to the test procedures already required by the Rule (so the amendment likely would not lessen consumer protection),⁶ the proposed amendment appears to be non-substantive under Section 18(d)(2)(B) of the FTC Act, 15 U.S.C. 57a(d)(2)(B). Because the amendment appears to be non-substantive, the Commission believes that it does not need to solicit public comment or follow the lengthy rulemaking proceedings that would be required for a substantive amendment to the rule. On the other hand, because the Commission is soliciting comments as part of its regulatory review of the Rule, the Commission has determined in its discretion to solicit comments on the proposed amendment.

IV. Solicitation of Comments

A. Regulatory Review

As part of its on-going regulatory review program for all its rules and guides, the Commission solicits public comments on the following questions:

- (1) Is there a continuing need for the R-value Rule?
 - (a) What benefits has the Rule provided to purchasers of the products or services affected by the Rule?
 - (b) Has the Rule imposed costs on purchasers?
- (2) What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers?
 - (a) How would these changes affect the costs the Rule imposes on firms subject to its requirements?
- (3) What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?
 - (a) Has the Rule provided benefits to such firms?
- (4) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?
 - (a) How would these changes affect the benefits provided by the Rule?
- (5) Does the Rule overlap or conflict with other federal, state, or local laws or regulations?
- (6) Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?

In addition to the questions raised above, the Commission solicits comments on the following issues. First,

⁶ The test procedure already is recognized by the industry as an accurate and appropriate test procedure, having been adopted as an official ASTM procedure after going through ASTM's consensus approval process.

should the Rule be revised to require the use of different test procedures or specifications than those currently specified for certain types of products? In addition to specifying R-value test procedures, the Rule currently specifies procedures that must be followed in preparing specimens of certain types and forms of home insulation for testing under the R-value test procedures.⁷ The Rule also contains specific requirements for determining the R-values of reflective home insulation products (which perform as thermal insulation only when installed as a system with one or more air spaces).⁸ The Commission thus solicits comments concerning whether the Rule should be amended to specify different or additional test procedures or specifications for insulation products specifically addressed in the Rule.

Second, are the insulation products for which the Rule does not sufficiently address product-specific issues relating to testing or preparation of test specimens? As noted, in some instances the Rule provides particular procedures to be followed in preparing specimens for R-value testing where the Commission found there was post-installation effects (e.g., settling of loose-fill insulation products, aging of certain cellular plastics insulation products) that need to be considered. During the period since the Commission promulgated the Rule, additional home insulation products designed to slow down heat flow have been developed and automatically have been covered by the Rule. However, because these

⁷ For loose-fill cellulose insulation, the R-value tests must be conducted on test specimens prepared at the product's long-term, or settled, density, determined according to paragraph 8 of ASTM C-739-88 ("Standard Specification for Cellulosic Fiber (Wood-Base) Loose-Fill Thermal Insulation," approved Oct. 25, 1988, published April 1989). For loose-fill mineral wool insulation, the R-value tests must be conducted on test specimens that fully reflect the effect of settling on the product's R-value. For polyurethane, polyisocyanurate, and extruded polystyrene insulation, the R-value tests must be conducted on test specimens that fully reflect the effect of aging on the product's R-value, for example, specimens aged according to the procedure in paragraph 4.6.4 of General Services Administration (GSA) Specification HH-I-530A, or another reliable procedure.

⁸ For single sheet reflective foil home insulations, the Rule allows manufacturers to determine R-value according to two options: By conducting R-value tests according to ASTM C-236-87 or ASTM C-976-82; or by measuring the emissivity (reflectivity) of the product according to ASTM E-408 (or another test method that provides comparable results), and then determining the R-value for the measured emissivity level, and the air space and direction of heat flow for the intended application, using the tables in the most recent edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers' (ASHRAE) handbook (using the R-value shown for 50 °F, with a temperature differential of 30 °F).

products did not exist when the Rule was issued, the Rule currently contains no specific test specimen preparation provisions for these new products. The Commission, therefore, solicits comments on whether the Rule should be revised to specify the manner in which specimens of new products should be prepared for R-value testing to ensure that R-values and related information are accurate and based on uniform standards.

B. Non-Substantive Amendment

The Commission solicits comments concerning the Petition and the Commission's proposal to adopt a non-substantive amendment to the Rule that would recognize ASTM C-1114-92 as an acceptable test method for determining the R-value of home insulation products under Section 460.5 of the R-value Rule, 16 CFR 460.5. Interested parties are invited to submit any data or other information relevant to whether the Commission should adopt the proposed amendment.

List of Subjects in 16 CFR Part 460

Advertising, Incorporation by reference, Insulation, Labeling, Trade practices.

Authority: 15 U.S.C. 41 *et seq.*

By the direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF THE TREASURY

27 CFR Parts 55, 72, 178, and 179

[Notice No. 807]

RIN 1512-AB35

Implementation of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994 (94F-022P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Proposed rulemaking cross referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding the implementation of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994. These regulations implement the law by restricting the manufacture, transfer, and possession of certain semiautomatic assault weapons and large capacity