

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

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6002: Class E airspace areas extending upward from the surface of the earth.

* * * * *

ASW TX E2 Rockport, TX [Established]

Rockport, Aransas County Airport, TX, (Lat. 28°05'12"N., long. 97°02'41"W.)

That airspace extending upward from the surface within a 4.1-mile radius of Aransas County Airport, Rockport, TX.

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Issued in Fort Worth, TX on June 15, 1999.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–18352 Filed 7–16–99; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 432

Trade Regulation Rule Relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (“Commission” or “FTC”), is commencing a rulemaking proceeding to amend its Rules relating to Power

Output Claims for Amplifiers Utilized in Home Entertainment Products (the “Amplifier Rule” or the “Rule”). The Commission proposes amending the Rule to: exempt sellers who make power output claims in media advertising from the requirement to disclose total rated harmonic distortion and the associated power bandwidth and impedance ratings; clarify the manner in which the Rule’s testing procedures apply to self-powered subwoofer-satellite combination speaker systems; and reduce the preconditioning power output requirement from one-third of rated power to one-eighth of rated power. The Commission is commencing this rulemaking because of the comments filed in response to its Advanced Notice of Proposed Rulemaking (“ANPR”), and other information discussed in this notice. The 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 a hearing where oral testimony could be presented.

DATES: Written comments must be submitted on or before September 17, 1999. Notifications of interest in testifying must be submitted on or before September 17, 1999. If interested parties request the opportunity to present testimony, the Commission will publish a document in the **Federal Register**, stating the time and place at which 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 September 17, 1999, 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. If there is no interest in a hearing, the Commission will base its decision on the written rulemaking record.

ADDRESSES: Written comments and requests to testify should be submitted to Office of the Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Comments and requests to testify should be identified as “16 CFR Part 432 Comment—Amplifier Rule” and “16 CFR Part 432 Request to Testify—Amplifier 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:

Dennis Murphy, Economist, Division of Consumer Protection, Bureau of Economics, (202) 326–3524, or Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–3038, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Part A—Introduction

This Notice of Proposed Rulemaking (“NPR”) 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(a)(1). 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.¹

The Amplifier Rule was promulgated on May 3, 1974 (39 FR 15387), to assist consumers in purchasing power amplification equipment for home entertainment purposes by standardizing the measurement and disclosure of various performance characteristics of the equipment. On April 7, 1997, the Commission published a **Federal Register** Notice (“FRN”) seeking comment on the rule as part of an ongoing project to review all Commission rules and guides to determine their current effectiveness and impact (62 FR 16500). This FRN sought comment on the costs and benefits of the Rule, what changes in the Rule would increase its benefits to purchasers and how those changes would affect compliance costs, and whether technological or marketplace changes have affected the Rule. The FRN also sought comment on issues related to the Rule’s product coverage,

¹ In accordance with section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted this NPR to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate, and the Chairman of the Committee on Commerce, United States House of Representatives, 30 days prior to its publication in the **Federal Register**.

test procedures, and disclosure requirements.

The comments in response to the FRN generally expressed continuing support for the Rule, stating that it has given consumers a standardized method of comparing the power output of audio amplifiers, and has created a level playing field among competitors. The comments also suggested that there have been technological and marketplace changes that may warrant modifications to the Rule's testing and disclosure requirements, and a clarification of the Rule's applicability to self-powered loudspeakers for use with personal computers and home stereo systems. Certain comments also recommended that the Commission expand the Rule's coverage to include automotive sound amplification products. On the basis of this review, the Commission determined to retain the Rule, but to seek additional comment on possible amendments to the Rule.

The Commission published an Advanced Notice of Proposed Rulemaking ("ANPR") on July 9, 1998 (63 FR 37238), seeking public comment on whether it should initiate a rulemaking proceeding by publishing a Notice of Proposed Rulemaking ("NPR") under section 18 of the FTC Act, 15 U.S.C. 57a. The ANPR solicited specific comment on whether the Commission should (1) eliminate certain disclosure requirements in media advertising; (2) clarify testing procedures for self-powered speakers; and (3) amend certain required test procedures that may impose unnecessary costs on manufacturers. The ANPR also announced that the Commission had determined not to initiate a proceeding to amend the Rule to cover power ratings for automotive sound amplification equipment. Finally, the Commission published elsewhere in the July 9, **Federal Register** a Notice of Final Action announcing a non-substantive technical amendment to the Rule clarifying that the Rule covered self-powered loudspeakers for use in the home (63 FR 37234).

The ANPR elicited five written comments on the possible amendments described therein.² Based on the comments and the evidence discussed

²The commenters were: Consumer Electronics Manufacturers Association (CEMA)(1); Wass Audio-Digital (Wass)(2); Sonance (Sonance)(3); PHI Acoustics (PHI)(4), and Velodyne Acoustics, Inc. (Velodyne)(5). The comments are cited as "(name of commenter), Comment (designated number), p. ___." All Rule ANPR comments are on the public record and are available for public inspection in the Public Reference Room, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., NW, Washington, DC, from 8:30 a.m. to 5 p.m., Monday through Friday, except federal holidays.

below, the Commission proposes to amend the Rule in the following ways.

Part B—Analysis of Proposed Amendments

1. Proposed Amendment to Required Disclosures Section of the Amplifier Rule

a. Background

Section 432.2 of the Rule requires disclosure of maximum rated total harmonic distortion ("THD"), power bandwidth, and impedance whenever a power claim is made in any advertising, including advertising by retail stores, direct mail merchants, and manufacturers. In the ANPR, the Commission concluded tentatively that improvements in amplifier technology since the Rule's promulgation in 1974 appeared to have reduced the benefits to consumers of disclosure of THD in media advertising in the ANPR, the Commission also concluded tentatively that an insufficient number of consumers would understand the meaning and significance of the remaining triggered disclosures concerning power bandwidth and impedance to justify their publication in media advertising. Accordingly, the ANPR sought comment on whether the Commission should initiate a rulemaking proceeding to amend the Rule to exempt media advertising, including advertising on the Internet, from disclosure of THD and the associated power bandwidth and impedance ratings when a power output claim is made. In the ANPR, the Commission tentatively concluded further that the proposed exemption should be conditioned on the requirement that the primary power output specification disclosed in any advertising distributed through the media be the manufacturer's rated minimum sine wave continuous average power output, per channel, at an impedance of 8 ohms, or, if the amplifier is not designed for an 8-ohm impedance, at the impedance for which the amplifier is primarily designed.

Finally, the ANPR explained the Commission's tentative conclusion that publication of all other power output claims currently subject to the Rule, including those appearing in manufacturer specification sheets that are either in print or reproduced on the Internet, should continue to trigger the requirement that the seller provide the full complement of disclosures concerning power bandwidth, maximum harmonic distortion, and impedance, so that interested consumers could obtain this information prior to purchase.

The Commission received four comments on the tentatively proposed exemption of THD, bandwidth, and impedance disclosures in media advertising. CEMA, the principal trade association for the electronics industry, supported the proposed exemption, including the requirement that the primary power output specification disclosed in media advertising be continuous per-channel output at an 8-ohm impedance (unless the amplifier is designed primarily for a different impedance level).³ Velodyne, a manufacturer of powered loudspeakers, also supported the exemption of THD and bandwidth disclosures in media advertising, stating that they contain little useful information for today's consumer.⁴ This commenter suggested, however, that the standardized impedance value for power output claims be 4 ohms rather than the proposed 8 ohms.⁵ No explanation was provided for this suggestion. A third commenter, Wass, opposed elimination of the required THD, bandwidth, and impedance disclosures in advertising, stating that sellers could take unfair advantage of the consumer through in-store sales techniques that obscure the true performance capabilities of an amplifier.⁶ Finally, a fourth commenter, Sonance, stated simply that the relationship between power and distortion is vital to specifying power output, and recommended against the tentatively proposed exemption.⁷

b. Proposed Amendment and Reasons Therefore

Based on its review of the comments on its ANPR, the Commission has reason to believe that the disclosure of THD, power bandwidth, and impedance in media advertising that contains a triggering power output claim no longer provides sufficient consumer benefit to justify the associated increase in advertising costs. Two of the commenters stated that the disclosures were of little value. Two commenters opposed the tentatively proposed exemption, with one expressing concern that eliminating the disclosure requirements in media advertising would allow sales personnel to take advantage of consumers at retail stores. As the Commission noted in the ANPR, however, very few amplifiers in today's market generate high levels of THD (e.g., more than one percent) using the FTC testing protocol. Further, those few

³CEMA, (1), pp. 2-3.

⁴Velodyne, (5) p. 1.

⁵*Id.*

⁶Wass, (2), p. 3.

⁷Sonance, (3), p. 1.

amplifiers that do generate appreciable levels of THD tend to be very expensive vacuum tube designs that are sold to a specialized group of consumers that may not consider THD specifications an important consideration in their purchase decisions. Thus, it would not appear that sales personnel at retail stores would have an appreciable incentive to mislead consumers concerning the distortion characteristics of an amplifier. Finally, consumers who are interested in the Rule's THD, power bandwidth, and impedance specifications should be able to find such information relatively easily in product brochures at retail stores or on the Internet.

Commenters on the ANPR did not agree on which impedance value should serve as the standard for power output claims in media advertising under the tentatively proposed disclosure exemption. CEMA endorsed the value of 8 ohms suggested in the ANPR. Velodyne, however, commented that the standardized impedance value should be 4 ohms. The Commission notes that, under the proposed exemption, for amplifiers designed to drive a specific loudspeaker in an integrated powered configuration, the seller could base power output claims on an impedance of 4 ohms, if the amplifier is powering a loudspeaker that is rated at a nominal impedance of 4 ohms. Although the Commission has reason to believe that the majority of non-powered loudspeakers are rated at a nominal impedance of 8 ohms, and that this value should therefore be adopted as the basis for power output claims in media advertising for separate stand-alone amplifiers, this NPR solicits further comment on whether the Commission's tentative conclusion on this issue is correct.

Accordingly, the Commission proposes amending § 432.2 of the Rule to exempt advertising disseminated through the media, including advertising on the Internet, from disclosure of total rated harmonic distortion and the associated power bandwidth and impedance ratings when a power output claim is made. The exemption for advertising disseminated through the media would be conditioned on the requirement that the primary power output specification disclosed in any media advertising be the manufacturer's rated minimum sine wave continuous average power output, per channel, at an impedance of 8 ohms, or, if the amplifier is not designed for an 8-ohm impedance, at the impedance for which the amplifier is primarily designed. Publication of all other power output claims currently subject to the

Rule, including those appearing in manufacturer specification sheets that are either in print or reproduced on the Internet, would continue to trigger the requirement that the seller provide the full complement of disclosures concerning power bandwidth, maximum harmonic distortion, and impedance, so that interested consumers could obtain this information prior to purchase.

2. Proposed Amendment Relating to Self-Powered Loudspeakers

a. Background

When the FRN was published, the Rule did not specifically mention self-powered speakers as an example of sound amplification equipment manufactured or sold for home entertainment purposes. In the FRN, the Commission solicited comment on its tentative conclusion that the Rule covers: (A) Self-powered speakers for use with (i) home computers, (ii) home sound systems, (iii) home multimedia systems; and (B) other sound power amplification equipment for home computers. On July 9, 1998, the Commission published in the **Federal Register** a non-substantive technical amendment to the Rule to clarify that the Rule applies to the types of self-powered loudspeakers enumerated above (63 FR 37234).

In the ANPR published elsewhere in the July 9, 1998 **Federal Register** (63 FR 37238), the Commission explained that comments received in response to the FRN indicated that a clarification was needed concerning the testing procedure that should be followed in applying the Rule's continuous power rating protocol to self-powered subwoofer-satellite combination speaker systems that employ two or more power amplifiers sharing a common power supply. These comments contained recommendations for two alternative approaches for such combination self-powered speakers. The first proposed procedure was for power measurements to be made with all associated channels of both the subwoofer and satellite amplifiers driven simultaneously to full power using a test tone at the system's crossover frequency. The second proposal was to allow manufacturers of such equipment to test the subwoofer and satellite amplifiers separately over their respective frequency bandwidth.

In the ANPR, the Commission announced its tentative conclusion that the second procedure was more appropriate, given the types of power demands combination self-powered speakers would most likely encounter in actual home use. Accordingly, in the

ANPR the Commission sought comment on whether to initiate a rulemaking proceeding to clarify the Amplifier Rule by amending § 432.2 of the Rule to include a note stating that, for self-powered combination speaker systems that employ two or more amplifiers dedicated to different portions of the audio frequency spectrum, only those channels dedicated to the same audio frequency spectrum need be fully driven to rated per channel power under § 432.2(a)(2).

The Commission received three comments on the tentatively proposed clarification of testing procedures for self-powered combination subwoofer-satellite loudspeaker systems. CEMA supported the Commission's clarification. CEMA stated that this approach would allow self-powered subwoofers to be rated over their operating frequency range and at their appropriate impedance value.⁸ Sonance also endorsed the tentative proposal to restrict the power tests of such equipment to each amplifier's intended operating range.⁹ The final commenter, Velodyne, disagreed with the Commission's tentative proposal and stated that power rating tests for self-powered combination subwoofer-satellite loudspeakers should be conducted with all channels operating simultaneously. Velodyne proposed that the amplifiers driving the subwoofer and satellites should be given a test signal within each amplifier's typical range, and suggested a combination 60Hz–1,000Hz tone.¹⁰ Velodyne stated that the power supply was the most costly and critical component determining an amplifier's continuous power output capability, and that the primary quantitative measurement of interest to consumers is the amount of watts the power supply can deliver.¹¹

b. Proposed Amendment and Reasons Thereof

Based on the comments submitted in response to the FRN and the ANPR, the Commission tentatively concludes that the most appropriate method of testing self-powered combination subwoofer-satellite loudspeaker systems under the Rule is to require simultaneous operation only of those channels dedicated to the same portion of the audio frequency spectrum. As noted in the ANPR, the Commission does not have sufficient evidence to conclude that in-home use, under even strenuous conditions, typically would place

⁸ CEMA, (1), p. 3.

⁹ Sonance, (3), p. 1.

¹⁰ Velodyne, (5), p. 3.

¹¹ *Id.*

maximum continuous power demands simultaneously on both the subwoofer and satellite amplifiers at the crossover frequency. Rather, it is the Commission's understanding that such demands are more likely to occur in portions of the audio spectrum that would be assigned primarily either to the subwoofer amplifier or the satellite amplifier. In contrast, conventional stand-alone stereo amplifiers, which incorporate left and right-channel amplifiers that must reproduce signals covering the full musical frequency bandwidth, will more commonly be required to meet simultaneous continuous power demands that are present in both channels (such as might occur when a pipe organ play a sustained pedal tone in the deep bass).

In addition, a simultaneous power test of both the subwoofer and the satellite amplifiers would, from a practical standpoint, require a single test signal at the crossover frequency, or a single combination set of tones, such as the 60Hz-1,000Hz composite signal suggested by Velodyne. This would mean that the resulting power and THD specifications might not be valid over the full frequency range over which each amplifier was designed to operate.

Accordingly, the Commission proposed amendment 432.2(a)(2) of the Rule to include a clarifying note stating that, when measuring maximum per channel output of self-powered combination speaker systems that employ two or more amplifiers dedicated to different portions of the audio frequency spectrum, only those channels dedicated to the same audio frequency spectrum need be fully driven to rated per channel power.

3. Proposed Amendment to the Amplifier Rule Preconditioning Requirement

a. Background

Section 432.3(c) of the Rule specifies that an amplifier must be preconditioned by simultaneously operating all channels at one-third of rated power output for one hour using a sinusoidal wave at a frequency of 1,000Hz. The ANPR sought comment on whether the Commission should amend the Rule to reduce the preconditioning power output requirement from one-third of rated power to a lower figure, such as one-eighth of rated power.

CEMA supported reducing the preconditioning power output requirement to below the current one-third power. CEMA stated that the current one-third power requirement is "beyond what can be expected through normal use in the home" and is "harsh

and unrealistic."¹² CEMA claimed that in order to meet the physical conditions presented by the Rule's existing preconditioning requirement, manufacturers must design and incorporate in amplifiers larger and costlier heat sinks.¹³ CEMA listed several alternative solutions, including operation at idle during preconditioning, operation at a small fixed power representative of average power during typical in-home operation, or preconditioning at one-eighth power. CEMA went on to state that the one-eighth power option "has the virtue of being consistent with current industry and international testing specification."¹⁴

A second commenter, Velodyne, stated that a preconditioning period is not really necessary, but that the Commission should follow Underwriters Laboratories' ("UL") one-eighth power requirement if the preconditioning requirement is retained.¹⁵ Velodyne did not provide any explanation for its conclusion that no preconditioning period of any kind was necessary under the Rule.

A third commenter, Wass, concluded from a series of calculations that reducing the preconditioning requirement from one-third to one-eighth power would reduce the thermal stress (expressed in "watts of heat" delivered to an amplifier's heatsink) by approximately 24 percent.¹⁶ Wass, however, opposed amending the Rule to provide such a reduction in specified preconditioning power output because the consumer would get "a poorer unit."¹⁷ Wass did not provide any evidence, however, that would allow the Commission to compare the magnitude of the alleged reduction in amplifier quality with the magnitude of the associated reduction in manufacturing costs resulting from the one-eighth power preconditioning standard.

Finally, a fourth commenter, Sonance, stated that the one-third power preconditioning requirement should be retained and enforced evenly.¹⁸ Sonance saw no technical problem with the requirement, stating that many generations of consumer electronic products have been built to this standard.¹⁹

¹² CEMA, (1), p. 2

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Velodyne, (5), p. 1.

¹⁶ Wass, (2), p. 2.

¹⁷ *Id.*

¹⁸ Sonance, (3), p. 1.

¹⁹ *Id.*

b. Proposed Amendment and Reasons Therefore

Based on the aforementioned comments, the Commission tentatively concludes that the current one-third power preconditioning requirement imposes unnecessary costs on amplifier manufacturers and is not needed to measure amplifiers accurately under conditions that represent actual in-home use. Two of the commenters, including the principal trade association for the electronics industry, did not believe that there was any benefit to consumers that would justify the increased heat-sink capacity needed to withstand the current preconditioning requirement. A third commenter provided evidence that lowering the preconditioning requirement to one-eighth power would in fact reduce thermal stress significantly, and thus allow manufacturers to provide less costly heat sink capacity.

None of the commenters provided any evidence that lowering the preconditioning standard to one-eighth power, or some other value, would lead to a reduction in the actual in-home performance capabilities of amplifiers. In addition, both commenters that supported a reduction in the preconditioning power-output requirement either recommended the UL's one-eighth-power preconditioning standard explicitly, or considered the UL standard an acceptable choice among several alternatives.

Accordingly, the Commission proposes amending § 432.3(c) of the Rule by reducing the specified per-channel power output during preconditioning from one-third of rated power output for one hour to one-eighth of rated power output for one hour.

c. Additional Preconditioning Issue and Proposed Amendment

As discussed in Part B(2) above, the Commission is proposing to amend the Rule to clarify the manner in which power tests should be conducted for self-powered subwoofer-satellite combination loudspeaker systems. In reviewing the technical issues related to this proposed amendment, the Commission has tentatively concluded that clarification also is required concerning the manner in which powered subwoofers should be preconditioned under the Rule.

Section 432.3(c) of the Rule specifies a preconditioning sinusoidal test tone of 1,000Hz. Most self-powered subwoofer systems, however, incorporate crossover circuitry that filters out frequencies above the bass range. Depending upon the crossover frequency and the

steepness of the crossover slope, such crossover circuitry may severely attenuate a test tone of 1,000Hz and prevent the subwoofer amplifier from being driven to one-third of rated power (as currently required by the Rule), or even to one-eighth of rated power (as specified in the proposed amendment). Thus, it would appear that testers of self-powered subwoofers would need to select a preconditioning frequency considerably lower than 1,000Hz.

The Commission, therefore, has tentatively concluded that the Rule should be amended to clarify the preconditioning procedure for self-powered subwoofers. The Commission does not currently believe, however, that any such amendment should specify the precise frequency of the test tone that is to be used in preconditioning powered subwoofers. Powered subwoofers may differ widely in the portion of the bass spectrum over which they are designed to operate, and, consequently, there may not be a single preconditioning frequency that is appropriate for all powered subwoofers. The Commission has tentatively concluded, therefore, the testers of powered subwoofers should have the flexibility to choose for the sinusoidal preconditioning signal any frequency (within the intended operating bandwidth of the subwoofer amplifier) that will allow the amplifier to be driven for one hour to the required proportion of rated power output.

Accordingly, the Commission proposes amending § 432.3(c) of the Rule by adding an explanatory note stating that for amplifiers utilized as a component in a self-powered subwoofer system, the sinusoidal wave used as a preconditioning signal may be any frequency within the amplifier's intended operating bandwidth that will allow the amplifier to be driven to one-eighth of rated power for one hour.

Part C—Rulemaking Procedures

The Commission finds that the public interest will be served by using expedited procedures in this proceeding. Using expedited procedures will support the Commission's goals of clarifying existing regulations, when necessary, and eliminating obsolete or unnecessary regulation 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 amend 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 proposals to amend 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 notice published in the **Federal Register**.

Part D—Requests for Public Hearings

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 to present testimony at a public hearing, he or she should follow the procedures set forth in the **DATES** and **ADDRESSES** sections of this notice.

Part E—Section-by-Section Description of Proposed Amendments

1. Amendment Relating to Exemption from Required Disclosures in Media Advertising

The Commission proposes to amend § 432.2 to exempt media advertising, including advertising on the Internet, from disclosure of maximum total rated harmonic distortion, power bandwidth, and load impedance. This exemption would be conditioned on the requirement that the primary power output specification disclosed in any media advertising be the manufacturer's rated minimum sine wave continuous average power output, per channel, at an impedance of 8 ohms, or, if the amplifier is not designed for an 8-ohm impedance, at the impedance for which the amplifier is primarily designed. All other power output claims currently subject to the Rule, including those appearing in manufacturer specification sheets that are either in print or reproduced on the Internet, would continue to trigger the full complement of disclosures concerning power bandwidth, maximum rated harmonic distortion, and impedance.

2. Clarifying Amendment Relating to Testing Procedures for Self-Powered Speakers

The Commission proposes to amend § 432.2(a) by adding a clarifying note stating that, for self-powered combination speaker systems that employ two or more amplifiers dedicated to different portions of the audio frequency spectrum, only those channels dedicated to the same audio frequency spectrum need be fully driven simultaneously to rated per channel power.

3. Amendments Relating to Preconditioning

The Commission proposes to amend § 432.3(c) to read as follows:

The amplifier shall be preconditioned by simultaneously operating all channels at one-eighth of rated power output for one hour using a sinusoidal wave at a frequency of 1,000Hz;

The Commission also proposes to amend § 432.3(c) by adding an explanatory note stating that, for amplifiers utilized as a component in a self-powered subwoofer system, the sinusoidal wave used as a preconditioning signal may be any frequency within the amplifier's bandwidth that will allow the amplifier to be driven to one-eighth of rated power for one hour.

Part F—Preliminary Regulatory Analysis and Regulatory Flexibility Act Requirements

Under section 22 of the FTC Act, 15 U.S.C. 57b, the Commission must issue a preliminary regulatory analysis for a proceeding to amend a rule only when it (1) estimates that the amendment will have an annual effect on the national economy of \$100,000,000 or more; (2) estimates that the amendment will cause a substantial change in the cost or price of certain categories of goods or services; or (3) otherwise determines that the amendment will have a significant effect upon covered entities or upon consumers. The Commission has preliminarily determined that the proposed amendments to the Rule will not have such effects on the national economy, on the cost of sound amplification equipment, or on covered businesses or consumers. The Commission, however, requests comment on the economic effects of the proposed amendments.

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601–12, requires that the agency conduct an analysis of the anticipated economic impact of the proposed amendments on small businesses. The purpose of a regulatory flexibility analysis is to ensure that the agency considers impact on small entities and examines regulatory alternatives that could achieve the regulatory purpose while minimizing burdens on small entities. Section 605 of the RFA, 5 U.S.C. 605, provides that such an analysis is not required if the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities.

Because the Amplifier Rule covers manufacturers and importers of power amplification equipment for use in the

home, the Commission believes that any amendment to the Rule may affect a substantial number of small businesses. Nevertheless, the proposed amendments would not appear to have a significant economic impact upon such entities. Specifically, the proposed change in the preconditioning protocol and the proposed exemption of disclosure of THD, bandwidth, and impedance specifications in media advertising should allow a moderate reduction in amplifier manufacturing and advertising costs that should benefit both small and larger businesses. The proposed clarification of testing procedures for combination subwoofer-satellite self-powered loudspeaker systems is the least burdensome application of the Rule among the alternative proposals suggested by commenters, and should not have a significant disproportionate impact on the testing costs of small manufacturers of such power amplification equipment.

Based on available information, therefore, the Commission certifies that amending the Amplifier Rule as proposed will not have a significant economic impact on a substantial number of small businesses. To ensure that no significant economic impact is being overlooked, however, the Commission requests comments on this issue. The Commission also seeks comments on possible alternatives to the proposed amendments to accomplish the stated objectives. After reviewing any comments received, the Commission will determine whether a final regulatory flexibility analysis is appropriate.

Part G—Paperwork Reduction Act

The Amplifier Rule contains various information collection requirements for which the Commission has obtained clearance under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Office of Management and Budget (“OMB”) Control Number 3084–0105. As noted above, for purposes of performing the tests necessary for affected entities to make the disclosures required under the Rule, § 432.3(c) of the Rules requires that an amplifier be preconditioned by simultaneously operating all channels at one-third of rated power output for one hour using a sinusoidal wave at a frequency of 1,000Hz. In addition, § 432.2 of the Rules requires disclosure of the manufacturer’s rated minimum sine wave continuous average power output, in watts per channel, maximum rated total harmonic distortion, power bandwidth, and impedance whenever a power claim is made in advertising, including advertising by retail stores,

direct mail merchants, and manufacturers.

The proposed amendments would not increase the paperwork burden associated with the aforementioned paperwork requirements. Three of the amendments proposed by the Commission would not increase or alter the Rule’s paperwork requirements, and one amendment proposed by the Commission would reduce the paperwork burden for businesses. Consequently, there are no additional “collection of information” requirements included in the proposed amendments to submit to OMB for clearance under the Paperwork Reduction Act. A separate Notice soliciting public comment on extending the OMB clearance for the Rule through March 31, 2002, was published in the **Federal Register** on January 8, 1999 (64 FR 1203). If, as expected, OMB extends clearance for the Rule as presently written, any reduction of the paperwork burden associated with the Rule’s requirements that may result from this proceeding will be reflected in subsequent reviews of the Rule for OMB clearance.

The Commission’s proposed amendment to reduce the specified per-channel power output of amplifiers during preconditioning from one-third of rated power output for one hour to one-eighth of rated power output for one hour would not alter or increase the paperwork burden associated with this requirement because amplifiers must continue to be preconditioned for one hour. Also, with respect to preconditioning, the proposed amendment to add a note to the Rule stating that, for amplifiers utilized as a component in a self-powered subwoofer system, the sinusoidal wave used as a preconditioning signal may be any frequency within the amplifier’s intended operating bandwidth that will allow the amplifier to be driven to one-eighth of rated power for one hour, would not increase the Rule’s paperwork burden. The note would not change the Rule’s requirements, but merely would clarify the preconditioning procedure for self-powered subwoofers.

Similarly, the proposed amendment to add a note to the Rule stating that, for self-powered combination speaker systems that employ two or more amplifiers dedicated to different portions of the audio frequency spectrum, only those channels dedicated to the same audio frequency spectrum need be fully driven to rated per channel power also would not increase the Rule’s paperwork burden. The note would not alter the Rule’s

requirements, but merely would clarify the test procedure that should be followed in applying the Rule’s continuous power rating protocol to self-powered subwoofer-satellite combination speaker systems that employ two or more power amplifiers sharing a common power supply.

The proposed amendment of the Rule to exempt from media advertising, including advertising on the Internet, disclosure of an amplifier’s total rated harmonic distortion and the associated power bandwidth and impedance ratings when a power output claim for an amplifier is made would result in reducing the Rule’s paperwork burden. Although the exemption for media advertising would be conditioned on the requirement that the amplifier’s primary power output specification continue to be disclosed in any media advertising, the net effect of the proposed amendment would be to reduce the Rule’s paperwork burden for businesses.

Thus, the Commission concludes that the proposed amendments would not increase the paperwork burden associated with compliance with the Rule. To ensure that no significant paperwork burden is being overlooked, however, the Commission requests comments on this issue.

Part H—Additional Information for Interested Persons

1. Motions or Petitions

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

2. Communications by Outside Parties to Commissioners or Their Advisors

Pursuant to Commission Rule 1.18(c)(1), 16 CFR 1.18(c)(1), the Commission has determined that communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor shall be subject to the following treatment. Written communications and summaries or transcripts of oral communications shall be placed on the rulemaking record if the communication is received before the end of the comment period. They shall be placed on the public record if the communication is received later. Unless the outside party making an oral communication is a member of Congress, such communications are permitted only if advance notice is published in the Weekly Calendar and Notice of “Sunshine” Meetings.²⁰

²⁰ See 15 U.S.C. 57a(i)(2)(A); 45 FR 50814 (1980); 45 FR 78626 (1980).

Part I—Invitation to Comment and Questions for Comment

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's consideration of proposed amendments to the Amplifier Rule. The Commission requests that factual data upon which the comments are based be submitted with the comments. In addition to the issues raised above, the Commission solicits public comment on the costs and benefits to industry members and consumers of each of the proposals, as well as the specific questions identified below. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

The 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 p.m. at the Federal Trade Commission, 600 Pennsylvania Ave., NW, Room 130, Washington, DC 20580, (202) 326-2222.

Questions

A. Exemption From Rule-Required Disclosures in Media Advertising

(1) Should the Commission amend § 432.2 of the Rule to exempt disclosure of total rated harmonic distortion and the associated power bandwidth and impedance ratings when a power output claim is made in media advertising?

(2) If the Commission amends the Rule to allow the above exemption, should this exemption be conditioned on the requirement that the primary power output specification disclosed in any media advertising be the manufacturer's rated minimum sine wave continuous average power output, per channel, at an impedance of 8 ohms, or, if the amplifier is not designed primarily for an 8-ohm impedance, at the impedance for which the amplifier is primarily designed?

(3) What is the most common nominal impedance rating for the majority of home loudspeakers that are designed to be driven conventionally by separate sound amplification equipment?

B. Rule Coverage of Self-Powered Loudspeakers for Use in the Home

(4) Should the Commission amend § 432.2(a) of the Rule to clarify that, for self-powered combination speaker systems that employ two or more amplifiers dedicated to different

portions of the audio frequency spectrum, only those channels dedicated to the same audio frequency spectrum need be fully driven to rated per channel power under § 432.2(a)(2) of the Rule? If not, how should the Commission amend the Rule to clarify testing procedures for such self-powered combination speaker systems?

C. The Rule's Preconditioning Requirement

(5) Should the Commission amend § 432.3(c) of the Rule to reduce the preconditioning power output requirement from one-third of rated power to one-eighth of rated power?

(6) Should the Commission amend § 432.3(c) of the Rule to explain that, for amplifiers utilized as a component in a self-powered subwoofer system, the sinusoidal wave used as a preconditioning signal may be any frequency within the amplifier's normal operating bandwidth that will allow the amplifier to be driven to one-eighth of rated power for one hour? If not, how should the Commission amend the Rule to clarify the preconditioning protocol for self-powered subwoofers?

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

List of Subjects in 16 CFR Part 432

Amplifiers, Home entertainment products, Trade practices.

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 99-18302 Filed 7-16-99; 8:45 am]
BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA52-1-7422b; FRL-6378-4]

Approval and Promulgation of Air Quality State Implementation Plans; Louisiana; Approval of Clean Fuel Fleet Substitution Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve Louisiana's State Implementation Plan (SIP) Clean Fuel Fleet (CFF) substitute program revision because it adequately demonstrates that their substitute program achieves equivalent or better long term reductions in emissions of ozone producing and toxic air pollutants than the Federal CFF program.

In the "Rules and Regulations" section of this **Federal Register**, we are approving the State's SIP revision as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received by August 18, 1999.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, of the EPA Region 6 Air Planning Section at (214) 665-7354 at the address above.

SUPPLEMENTARY INFORMATION: This document concerns approval of the Louisiana Clean Fuel Fleet substitution program SIP revision. For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 7, 1999.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 99-18038 Filed 7-16-99; 8:45 am]

BILLING CODE 6560-50-P