

textile content of certain products is insignificant or inconsequential. A Notice soliciting public comment on extending these clearances through December 31, 1999, was recently published in the Federal Register. 61 FR 43764 (August 26, 1996).

The proposed amendments would not increase the paperwork burden associated with these paperwork requirements and, in fact, would lower the current burden estimate by either eliminating or reducing certain disclosure requirements. Specifically, the Commission proposes to: (1) eliminate the functional significance disclosure requirement of Section 3(b); (2) eliminate the "Fiber Content on Reverse Side" disclosure requirement of Section 10(a); and (3) allow abbreviations for generic fiber names. All of these proposed amendments would allow manufacturers greater flexibility in labeling procedures. Manufacturers that wish to disclose this information (relating to the functional significance of certain fibers and the fact that fiber content is found on the reverse side of the label) would remain free to do so. For those that do not include the information, the labeling burden would be reduced.

The Commission's proposed amendment regarding the cancellation of RN numbers does not impose a paperwork burden on holders of Registered Identification Numbers. This is because the Wool Rules at 16 CFR 300.4 already require companies to notify the FTC about changes in business names, addresses, company type, etc. The current proposal merely adds the element of cancellation by the Commission if these requirements are not met. Neither the initial filing procedures nor the requirement to update the information are new and therefore, no "burden" is imposed.

More importantly, the underlying certification itself does not meet the definition of "information" contained in the PRA. In implementing the Paperwork Reduction Act of 1995, OMB attempted to clarify the exemption for "certifications" in both the Notice of Proposed Rulemaking, 60 FR 30438, 30439 (June 8, 1995) and the Final Rule, 61 FR 44978, 44979 (August 9, 1995) ("the exemption applies when the certification is used to identify an individual in a 'routine, non-intrusive, non-burdensome way.'") This language reflects current guidance in OMB/OIRA's Information Collection Review Handbook (1989), which discusses exempt categories of inquiry (5 CFR 1320.3(h) (1)-(10)) that are not deemed to constitute "information." Certifications, as well as other forms of

acknowledgments, comprise one of these categories.⁵⁹ Such inquiries are considered to be routine because response to the requests rarely requires examination of records, usually does not require consideration about the correct answer, and usually is provided on a form supplied by the government. See OMB/OIRA Handbook, p. 29. Accordingly, OMB's regulations exempt certifications from the clearance requirement, provided that no information need be reported beyond certain basic identifying information.

VII. Additional Information for Interested Persons

A. *Motions or Petitions*

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

B. *Communications by Outside Parties to Commissioners or their Advisors*

Pursuant to 1.18(c) of the Commission Rules of Practice, 16 CFR 1.18(c), communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor during the course of this rulemaking shall be subject to the following treatment. Written communications, including written communications from members of Congress, shall be forwarded promptly to the Secretary for placement on the public record. Oral communications, not including oral communications from members of Congress, are permitted only when such oral communications are transcribed verbatim or summarized at the discretion of the Commissioner or Commissioner's advisor to whom such oral communications are made, and are promptly placed on the public record, together with any written communications relating to such oral communications. Memoranda prepared by a Commissioner or Commissioner's advisor setting forth the contents of any oral communications from members of Congress shall be placed promptly on the public record. If the communication with a member of Congress is transcribed verbatim or summarized, the transcript or summary will be placed promptly on the public record.

List of Subjects in 16 CFR Part 300

Labeling, Trade practices, Wool.

Authority: 15 U.S.C. 68.

⁵⁹ Specifically, the first category consists of: "affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgements." 5 CFR 1320(H)(1).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96-32260 Filed 12-23-96; 8:45 am]

BILLING CODE 6750-01-P

16 CFR Part 301

Rules and Regulations Under the Fur Products Labeling Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (Commission or FTC) has completed its regulatory review of the Rules and Regulations under the Fur Products Labeling Act (Fur Rules). Pursuant to that review, the Commission concludes that the Rules continue to be valuable to both consumers and firms. The regulatory review comments suggested various substantive amendments to the Rules. The Commission has considered these proposals and other proposals that it believes merit further inquiry. The Commission seeks comment on whether it should amend the Fur Rules to: Allow for a system of shared information for manufacturer, importer, or other marketer identification among the North American Free Trade Agreement (NAFTA) countries; amend Fur Rule 26 (§ 301.26) to specify that a Commission registered identification number (RN) will be subject to cancellation if, after a change in the material information contained in the RN application, a new application that reflects current business information is not promptly submitted; and raise from \$20 to \$85 or more the cost figure for fur trim and other products exempted from the requirements of the Fur Rules.

DATES: Written comments will be accepted until January 22, 1997.

ADDRESSES: Comments should be submitted to: Office of the Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580. Submissions should be marked "Rules and Regulations under the Fur Act, 16 CFR Part 301—Comment." 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: Bret S. Smart, Program Advisor, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd.,

Suite 13209, Los Angeles, CA 90024, (310) 235-4040.

SUPPLEMENTARY INFORMATION:

I. Background Information

The Fur Products Labeling Act (Fur Act), 15 U.S.C. 69, requires marketers of covered fur products to mark each product to show (1) the name(s) of the animal(s) that produced the fur(s); (2) that the fur product contains or is composed of used fur, when such is the fact; (3) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (4) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (5) the name under which the manufacturer or other responsible company does business, or in lieu thereof, the RN issued to the company by the Commission; and (6) the name of the country of origin of any imported furs used in the fur product. The Fur Act also contains advertising and recordkeeping provisions. Pursuant to Section 8(b) of the Fur Act, 15 U.S.C. 69f(b), "[t]he Commission is authorized and directed to prescribe rules and regulations governing the manner and form of disclosing information required by this Act, and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act." The Commission has issued implementing regulations, the Fur Rules, which are set forth at 16 CFR part 301.

As part of the Commission's on-going regulatory review of all its rules, regulations, and guides, on May 6, 1994, the Commission published a Federal Register notice (FRN), 59 FR 23645, seeking public comment on the Fur Rules. The FRN solicited comments about the overall costs and benefits of the Fur Rules and their regulatory and economic impact. The FRN also sought comment on what changes in the Fur Rules would increase the benefits of the Fur Rules to purchasers and how those changes would affect the costs the Rules impose on firms subject to their requirements. The Commission further stated that Sections 19 and 27 would be amended to comply with "metrication" mandates if the Commission decided to retain those rules in their current form after the regulatory review. Finally, the FRN stated that, should Section 43 be retained, certain language therein would be modified to conform with that set forth in *Cliffdale Associates, Inc.*, 103 F.T.C. 110, 164-65 (1984) and subsequent cases.¹ The deadline for

submission of comments was extended twice, on July 7, 1994 and September 12, 1994. The final deadline for comments was October 15, 1994.

II. Regulatory Review Questions and Comments

The Commission received seven comments in response to the FRN.² Five comments expressed general support for retaining the collective Textile Rules (16 CFR 303), Wool Rules (16 CFR 300) and Fur Rules.³ One comment from a trade association of companies covered by the Fur Rules' marking requirements stated: "we feel that it would be in the best interest of the fur industry to remain under the present rules."⁴

The comments submitted in response to the regulatory review of the Fur Rules propose certain amendments. Based on the comments and other available information, the Commission has considered proposals to amend the Rules to: (a) Require additional disclosures and record keeping relating to the number of furs used in a fur product and the manner in which animals producing the furs died; (b) allow for a system of shared information for manufacturer, importer, or other responsible company identification among the NAFTA countries; (c) add a provision to Section 26 specifying that a Commission RN will be subject to

and 27, and the addition of the language from the *Cliffdale Associates, Inc.* matter to Section 43, and the Commission does not propose any substantive changes to these Sections. The Commission has decided to retain these Sections in their present form. Therefore, in a separate notice, the Commission announces the final amendments to Sections 19 and 27 to include metric equivalents beside the inch/pound unit measurements in those Sections, as required by Executive Order 12770 of July 25, 1991 (56 FR 35801, July 29, 1991) and the Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205b). The same notice states that Section 43 will be amended to reflect language consistent with that set forth in *Cliffdale Associates, Inc.*, 103 F.T.C. 110, 164-65 (1984) and subsequent cases.

² Dan River Inc. [DR] (1), People for the Ethical Treatment of Animals [PETA] (2), Fieldcrest Cannon, Inc. [FIELD] (3), American Textile Manufacturers Institute [AMTI] (4), Fruit of the Loom [FRUIT] (5), Seattle Fur Exchange [SFE] (6), and Milliken & Company [MILL] (7). The number in parentheses denotes the number assigned by the Office of the Secretary to the comment in the public record of comments received in the regulatory review of the Fur Rules.

³ DR (1), FIELD (3), ATMI (4), FRUIT (5), and MILL (7). The regulatory reviews of the Textile Rules, the Wool Rules, and the Fur Rules were undertaken simultaneously. In each case, these five Fur Rules comments are identical copies of submissions that were made under both the Textile Rules and the Wool Rules. The comments are primarily responsive to Textile Rules and Wool Rules issues and only minimally relevant to Fur Rules issues. Nevertheless, the five comments express general support for all three of the Commission's implementing Rules.

⁴ SFE (6) p.1.

cancellation if, after a change in the material information contained in the RN application, a new application that reflects current business information is not promptly submitted; and (d) raise from \$20 to \$85 or more the cost figure for fur trim and other products exempted from the requirements of the Fur Rules.

Although no comments were received from consumers or consumer groups, the Commission believes that consumers benefit directly from the Fur Rules and consider the mandated disclosures material in making purchase decisions. Companies at all levels of manufacture, distribution, and sales of fur products support and accept these regulations. Thus, the Commission has determined that it will retain the Fur Rules. However, the Commission has decided to seek additional comment on possible amendments to the Rules.

After reviewing specific recommendations, the Commission is considering some of the suggested changes, as well as other possible amendments. The Commission has, however, rejected other changes to the Fur Rules proposed in the comments as infeasible or unnecessary. This Notice of Proposed Rulemaking (NPR) seeks comment concerning several proposed changes to the Fur Rules. All of the recommendations for change are discussed below.

III. Proposals for Amendments to the Fur Rules

This section discusses specific recommendations and proposed changes received in response to the Commission's solicitation of comment in the FRN and additional issues raised by the comments or the Commission. The discussion includes a summary and analysis of the comments and explanation of the changes proposed by the Commission.

A. Disclose the Number of Furs Used in a Fur Product and the Manner in Which Animals Producing the Furs Died

One commenter⁵ recommended that the Fur Rules be amended by requiring covered companies to provide additional disclosures and keep additional records relating to the number of animals used in a fur product and the manner in which the animals producing the furs died. The Commission does not propose to amend the Fur Rules in this manner, as such proposed regulations do not relate to the "manner and form of disclosing information required by [the Fur] Act," nor are they "necessary and proper for

¹ The regulatory review comments are silent as to the proposed "metrication" changes to Sections 19

⁵ PETA (1) pp.1-5.

purposes of administration and enforcement of [the Fur] Act" within the meaning of Section 8(b) of the Fur Act.

B. System of Shared Information for Manufacturer or Other Responsible Company Identification Among the NAFTA Countries

Under the Fur Act, the Wool Products Labeling Act,⁶ and the Textile Fiber Products Identification Act,⁷ the required label on covered products must bear the identification of one or more companies responsible for the manufacture, importation, offering for sale, or other handling of the product, either by the full name under which the company does business or, in lieu thereof, by the RN issued by the Commission.⁸ Canada has a similar system of identification numbers known as CA numbers. Mexico does not have a similar system, but the Mexican government issues tax identification numbers to companies.

To eliminate the need for a company to register in more than one country, the comments received recommend that the FTC and appropriate government agencies in the NAFTA countries develop an integrated system by allowing any RN, CA, or Mexican tax identification number to suffice as legal company identification in all three NAFTA countries.⁹ The comments state that it would not be necessary to create one identification number system. They recommend that each NAFTA country continue its policy and procedure of registration, with the U.S. continuing the present system of RN numbers. The

countries could then exchange information on computer databases so that a covered product can be traced to a manufacturer or other responsible party using either an RN number, a CA number, or a Mexican tax number. Such a system would facilitate use of a single label for fur goods shipped to NAFTA countries.

Congress would have to amend the Fur Act to allow CA numbers and Mexican tax numbers, which are not registered by the Commission, to be used on fur products shipped for distribution in the United States. For present purposes, the Commission seeks comment on the advantages and disadvantages of a system of shared information, the feasibility of implementing such a system across borders, and the impact such a system might have on the ability of the Commission, consumers, and firms to track responsible parties. Alternatively, the Commission might consider whether simply to permit the use of the identification numbers of a NAFTA trading partner, provided that the partner made the identifying information readily available to anyone seeking it. The Commission seeks comment on the advantages and disadvantages of this alternative, which also would require statutory amendment.

C. Require Holders of RN Numbers To Update Their Registration Information When Changes in That Information Occur

The success of a system of shared information among NAFTA countries depends to a great extent on the availability and the quality of the information in the Commission's RN registry and the registration systems of Canada and Mexico. To increase the usefulness of the RN registry, the Commission plans to improve its accuracy and the ease of access to its contents.

Since initially being issued RNs, many companies have changed their legal business name, business address, and/or company type (e.g., from proprietorship to corporation) without notifying the FTC about the change(s), as required by Section 26(b)(2) and as requested on the RN application form currently used by the Commission for RN requests relating to either the Textile, Wool or Fur Rules. Additionally, many RN holders have gone out of existence, and others, while still in existence, no longer have any need for their RNs. As a result, a large percentage of the official FTC records do not reflect an actual user's current name, place of business, and/or company type.

Registered identification numbers are subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the Fur Act and Regulations, or when otherwise deemed necessary in the public interest. The Commission proposes to add a provision to the Fur Rules that would subject an RN number to cancellation if, after a change in the material information contained in the RN application, a new application is not promptly submitted to the Commission. Section 301.26(b)(2) of the Rules already requires that changes in name, business address, or legal business status of RN holders be reported promptly to the Commission. The proposed amendment is merely an added provision to enable the Commission to update its database.¹⁰ The Commission plans to undertake a program to update the RN database, in stages over a period of time. Commission staff will make every reasonable effort to identify and locate all companies actually using an RN and make them aware of their obligations to update their applications before a specified deadline. Numbers assigned to companies that are no longer in business, or that cannot be located, would then be subject to revocation.

The Commission seeks comment on the proposal to revise Section 26(b)(2) to read as follows:

§ 301.26 Registered Identification Number.

- (a) * * *
- (b)(1) * * *

(2) Registered identification numbers will be subject to cancellation if the Federal Trade Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or concern to whom a registered identification number has been assigned by application duly executed in the form set out in subsection (d) of this section, reflecting the current name, business address, and legal business status of the person or concern.

* * * * *

D. Increase the Cost Figure Below Which Fur Items Will Be Exempt From the Requirements of the Fur Rules

Under Section 39 of the Fur Rules, fur trim or other fur items for which the cost to the manufacturer, or the manufacturer's selling price, does not exceed \$20 are exempt from some of the requirements of the Fur Act and Rules. This amount was last adjusted for

¹⁰ It also complements the Commission's Rules of Practice, which state: "Numbers are subject to revocation for cause or upon a change in business status or discontinuance of business." 16 CFR 1.32.

⁶ 15 U.S.C. 68.

⁷ 15 U.S.C. 70.

⁸ Section 4(2)(E) of the Fur Act, 15 U.S.C. 69b(2)(E), requires disclosure of: "the name, or other identification issued and registered by the Commission, of one or more of the persons who manufacture such fur product for introduction into commerce, introduce it into commerce, sell it in commerce, advertise or offer it for sale in commerce, or transport or distribute it in commerce."

⁹ DR (1) p.1., FIELD (3) pp.2-3, ATMI (4) p.2, FRUIT (5) p.5, MILL (7) p.3. Moreover, numerous comments of this nature are contained in the responses received in the regulatory reviews of the Textile Rules and the Wool Rules. Although the focus of the Fur Act is significantly different from that of the Textile Act and the Wool Act, all three contain provisions relating to establishment of the RN system. Both the Textile Rules and the Wool Rules contain parallel provisions to Fur Rule 26(c), which states that:

Registered identification numbers assigned under this rule may be used on labels required in labeling products subject to the provisions of the Wool Products Labeling Act and the Textile Fiber Products Identification Act, and numbers previously assigned or to be assigned by the Commission under such Acts may be used as and for the required name in labeling under this Act. When so used by the person or firm to whom assigned, the use of the numbers shall be construed as identifying and binding the applicant as fully and in all respects as though assigned under the specific Act for which it is used.

inflation in 1969. Adjusting it for inflation that has occurred since 1969 would raise the amount to \$85. The Commission seeks comment on whether \$85 is an appropriate amount for the exemption, or whether it should be a higher figure such as \$100.

IV. Invitation to Comment and Questions for Comment

A. Invitation

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 the proposed amendment to the Fur Rules. 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 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.

B. Questions

Identification Numbers of Manufacturers or Other Responsible Parties

1. If it were consistent with the Fur Act to do so, should the Commission amend the Fur Rules to allow the interchangeable use of RN, CA, or Mexican tax numbers?

a. What would be the advantages and disadvantages of a system of shared information? Alternatively, what would be the advantages and disadvantages of a system whereby one NAFTA country recognized and allowed the identification numbers of another NAFTA country, provided that the information would be made easily accessible to those seeking it?

b. Would the implementation of a system of shared information across national borders be feasible?

c. What impact would a system of shared information have on the ability of consumers and businesses to track responsible parties?

d. What benefits and costs to consumers and businesses would result from such an amendment? Would such an amendment have a significant economic impact on a substantial number of small business entities? Explain the nature and amount of such impact.

2. Is the proposed amendment to Fur Rule 26(b)—enabling the Commission to cancel an RN where the information contained on the original application is not properly updated—reasonable and appropriate? Are there other alternatives

that would enable the Commission to maintain an accurate data base?

Dollar Amount for Exemption for Fur Trim

3. Should the Commission raise the cost figure for exemption from some of the requirements of the Fur Rules from \$20 to \$85? Should the amount be raised higher to account for some future inflation between 1996 and the time the Fur Rules are again subject to regulatory review? Would \$100 be an appropriate amount for this exemption?

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–12, requires that the agency conduct an analysis of the anticipated impact of the proposed amendments on small businesses.¹¹ 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. However, 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 Fur Act, and the Fur Rules issued thereunder, cover the manufacture, sale, offering for sale, advertising, and distribution of fur products, the Commission believes that any amendments to the Fur Rules may affect a substantial number of small businesses. Unpublished data prepared by the U.S. Census Bureau under contract to the Small Business Administration (SBA) show that there are some 181 establishments manufacturing fur goods (SIC code 2371), all of which qualify as small businesses under applicable SBA size standards.¹² Other small businesses are likely involved in the distribution and sale of products subject to the Fur Rules.

However, the proposed amendments apparently would not have a significant economic impact upon such entities. Comments received during the regulatory review of the Fur Rules indicated that the costs of complying with the Rules and the Fur Act are not substantial. The proposed amendments should clarify existing requirements of the Fur Rules and reduce further the

costs of compliance with Fur Act requirements.

The Commission proposes to amend Section 26 of the Fur Rules—governing the issuance of an RN number—to clarify that such numbers are subject to cancellation if changes in the information provided in the original application for the number are not reported to the Commission as required by Section 26(b)(2). This amendment does not impose any new requirement upon businesses. Furthermore, while Commission cancellation of an identification number would require a business to re-apply, this may be done simply by submitting the identifying information already called for in the Rules. Therefore, amending the Rules as proposed will not impose any significant economic costs on members of the industry.

The proposed amendment raising the cost figure for fur trim that is exempted from some of the provisions of the Fur Rules likewise does not impose any new requirement on businesses. In fact, it is an inflationary adjustment that will slightly reduce compliance burdens and costs. The change, while likely important to some firms, is not expected to have a significant impact on the fur industry.

On the basis of available information, the Commission certifies that amending the Fur Rules 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 within the statutory framework. After reviewing any comments received, the Commission will determine whether a final regulatory flexibility analysis is appropriate.

VI. Paperwork Reduction Act

The Fur Rules contain various information collection requirements for which the Commission has obtained clearance under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et. seq.*, Office of Management and Budget (OMB) Control Number 3084–0099. These requirements relate to the accurate disclosure of material information about fur content and products, and requirements for manufacturers and dealers to retain records to support claims made on labels and advertisements. Most of these requirements are specifically mandated by the Fur Act. See *e.g.*, 15 U.S.C. 69b, 69e. The Commission has also obtained

¹¹ The RFA addresses the impact of rules on "small entities," defined as "small businesses," "small governmental entities," and "small [not-for-profit] organizations," 5 U.S.C. 601. The Fur Rules do not apply to the latter two types of entities.

¹² SBA's revised small business size standards are published at 61 FR 3280 (January 31, 1996).

OMB clearance for petitions for an exemption under the Fur Act, even though it has received no such petitions over the past decade. A Notice soliciting public comments on extending these clearances through December 31, 1999, was recently published in the Federal Register. 61 FR 43764 (August 26, 1996).

The Commission's current proposal regarding cancellation of RN numbers, discussed in detail above, would not impose an additional "burden" on current and/or future holders of Registered Identification Numbers. This is because the Fur Rules at 16 CFR 301.26(b)(2) already require companies to notify the FTC about changes in business names, addresses, company type, etc. The current proposal merely adds the element of cancellation by the Commission if these requirements are not met. Neither the initial filing procedures nor the requirement to update the information are new and therefore, no additional "burden" is imposed.

More importantly, the underlying certification itself does not meet the definition of "information" contained in the PRA. In implementing the Paperwork Reduction Act of 1995, OMB attempted to clarify the exemption for "certifications" in Section 1320.3(h) (1)-(10) in both the Notice of Proposed Rulemaking, 60 FR 30438, 30439 (June 8, 1995) and the Final Rule, 61 FR 44978, 44979 (August 9, 1995) ("the exemption applies when the certification is used to identify an individual in a 'routine, non-intrusive, non-burdensome way.'") This language reflects current guidance in OMB/OIRA's Information Collection Review Handbook (1989), which discusses exempt categories of inquiry (5 CFR 1320.3(h) (1)-(10)) that are not deemed to constitute "information." Certifications, as well as other forms of acknowledgments, comprise one of these categories.¹³ Such inquiries are considered to be routine because response to the requests rarely requires examination of records, usually does not require consideration about the correct answer, and usually is provided on a form supplied by the government. See OMB/OIRA Handbook, p. 29. Accordingly, OMB's regulations exempt certifications from the clearance requirement, provided that no information need be reported beyond certain basic identifying information.

¹³ Specifically, the first category consists of: "affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments." 5 CFR 1320(h)(1).

VII. Additional Information for Interested Persons

A. Motions or Petitions

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

B. Communications by Outside Parties to Commissioners or their Advisors

Pursuant to § 1.18(c) of the Commission Rules of Practice, 16 CFR 1.18(c), communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor during the course of this rulemaking shall be subject to the following treatment. Written communications, including written communications from members of Congress, shall be forwarded promptly to the Secretary for placement on the public record. Oral communications, not including oral communications from members of Congress, are permitted only when such oral communications are transcribed verbatim or summarized at the discretion of the Commissioner or Commissioner's advisor to whom such oral communications are made, and are promptly placed on the public record, together with any written communications relating to such oral communications. Memoranda prepared by a Commissioner or Commissioner's advisor setting forth the contents of any oral communications from members of Congress shall be placed promptly on the public record. If the communication with a member of Congress is transcribed verbatim or summarized, the transcript or summary will be placed promptly on the public record.

List of Subjects in 16 CFR Part 301

Furs Labeling, Trade practices.

Authority: 15 U.S.C. 69.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96-32261 Filed 12-23-96; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-209040-88]

RIN 1545-AM41

Qualified Electing Fund Elections

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations permitting certain shareholders to make a special election under section 1295, in lieu of the election currently provided for under that section, with respect to certain preferred shares of a passive foreign investment company (PFIC). A shareholder that makes a special election must account for dividend income on the shares subject to the special election under special income inclusion rules, rather than under the general income inclusion rules of section 1293. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by March 24, 1997. Requests to speak and outlines of oral comments to be discussed at the public hearing scheduled for May 8, 1997, at 10:00 a.m. must be received by April 17, 1997.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG-209040-88), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-209040-88), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax_regs/comments.html. The public hearing will be held in room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Judith Cavell Cohen, (202) 622-3880; concerning submissions and the hearing, Evangelista Lee, (202) 622-7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of