

**Authority for Determinations/Decisions**

The Executive Secretary shall make determinations and decisions on matters relating to the lapse of authority provision, including FTZ activation and reinstatement. Appeals from such determinations and decisions may be made to the Board by affected zone grantees as provided for in Section 400.47 (15 CFR Part 400).

By order of the Foreign-Trade Zones Board, Washington, D.C., this 7th day of October 1996.

Robert S. LaRussa,  
*Acting Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 96-26215 Filed 10-10-96; 8:45 am]

BILLING CODE 3510-DS-P

## **National Oceanic and Atmospheric Administration**

### **15 CFR Part 946**

[Docket No. 960418114-6278-04]

RIN 0648-AF72

### **Weather Service Modernization Criteria**

**AGENCY:** National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Weather Service Modernization Act, 15 U.S.C. 313n (the Act), the National Weather Service (NWS) is publishing an amendment to its criteria for modernization actions requiring certification. This amendment adds criteria unique to closing a field office to ensure that closure actions will not result in any degradation of service. Closing a field office is the final step in an often complex transition process in which a field office is carefully phased out at the same time as one or more associated Weather Forecast Offices (WFO) assume the service responsibilities for that office.

**EFFECTIVE DATE:** October 11, 1996.

**ADDRESSES:** Requests for copies of documents stated in the preamble as being available upon request should be sent to Julie Scanlon, NOAA/NWS, SSMC2, Room 9332, 1325 East-West Highway, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Scheller, 301-713-0454.

**SUPPLEMENTARY INFORMATION:** On June 6, 1996, the NWS published, for comment, proposed modernization criteria unique to closing a field office (see 61 FR

28804). In that notice, there were two minor errors. The first was a typographical error in section II.A.5 of Attachment 1 to the June 6, 1996 notice, as was pointed out in one of the public comments (see comment B.1. below). The correct figure is 10,000 feet as indicated in section 706(b)(4) of Public Law 102-567. The second error appeared in the Supplementary Information section of the June 6, 1996 notice. Under "Evaluation of Services to In-state Users", the list of field offices planned for closure that are the only field office in a state incorrectly included Weather Service Office (WSO) Hartford, CT. The correct list of field offices planned for closure that are the only field office in a state is: WSO Baltimore, MD; WSO Concord, NH; WSO Providence, RI; and WSO Wilmington, DE.

After consideration of the public comments that were received and, after consultation with the National Research Council's (NRC) NWS Modernization Committee and the Modernization Transition Committee (MTC), the NWS is now establishing the final modernization criteria for closing a field office. Consultation with the NRC's NWS Modernization Committee was completed on September 9, 1996. During consultation with the MTC on September 19, 1996, the MTC offered the following:

The Modernization Transition Committee (MTC) has reviewed the comments received in response to the notice in the Federal Register, considered information provided through presentations and reports, and thoroughly discussed the issue of closure of National Weather Service offices in relationship to modernization with the following conclusions:

1. The criteria for closure are consistent with the need to maintain timely and accurate weather services; and
2. When applied the criteria will ensure no degradation of weather services.

Therefore, the MTC recommends the adoption of the closure criteria.

Peter R. Leavitt,

*Chair, Modernization Transition Committee.*

Public comments were received from a trade journal, Minnesota Cold Weather Resource Center, and the State of Hawaii.

The issues and concerns raised in the comments and NWS' response follows.

#### **A. Comments Generally Related to the Proposed Closure Criteria**

1. *Comment:* Three comments addressed various aspects of notification of modernization actions: (a) One comment stated that "The current NWS procedure of posting proposed NWS actions in the Federal Register without

concurrent notification to known interested parties, especially individuals, local affected communities, etc. is totally unacceptable"; (b) two comments stated that advertised local public hearings should be held in communities affected by proposed modernization actions, particularly certifications; (c) one comment expressed frustration about the continual change of timetables concerning the status of the International Falls office; and (d) one comment requested that the State of Hawaii be kept fully informed on the status of modernization activities and receive copies of certifications.

*Response:* (a) *Notification of Modernization Actions*—The Federal Register is the Federal Government's official means of providing notification of actions, requesting public comments, etc. Public Law 102-567 specifically requires NWS to publish certain modernization actions in the Federal Register. These include proposed and final modernization criteria (section 704) and proposed and final certifications (section 706). Also, the Federal Advisory Committee Act requires advanced notification of Federal advisory committee meetings be published in the Federal Register. Since the MTC is a Federal advisory committee, established by section 707 of Public Law 102-567, notification of MTC meetings are published in the Federal Register.

In recognition of the fact that weather service users may not read the Federal Register regularly, NWS has taken additional steps to advise interested parties of opportunities to provide input on modernization actions. For example, in May 1996, NWS published proposed automation criteria in the Federal Register for public comment. Coincident with this publication, NWS mailed over 3,000 letters to users advising them of the opportunity to comment. Also, when the proposed closure criteria were published in the Federal Register in June 1996, NWS sent a letter to each member of Congress advising them of the opportunity to comment.

Beyond the Federal Register, there are several other ways in which NWS keeps interested parties informed on modernization actions. A National Implementation Plan (NIP) is published annually as required by section 703 of Public Law 102-567. In addition to describing the overall NWS modernization program, the NIP provides a detailed status report on implementation progress and state-by-state notification tables that list completed and upcoming (next 3 years)

modernization activities for each weather office. The NIP is distributed to each member of Congress, cooperating agencies, state and local governments, and users of weather services. Each of the 119 future Weather Forecast Offices operates an extensive outreach program that includes notification to users several years in advance of modernization actions technical coordination with users several months prior to modernization actions, and follow-up with users after modernization actions. This outreach program was described in detail in the June 6, 1996 Federal Register notice that proposed closure criteria and is also described in the annual NIP.

(b) *Local Public Hearings*—The MTC was established to review certifications as well as advise the Secretary of Commerce and Congress on implementation of modernization and matters of public safety and the provision of weather services which relate to modernization. The MTC is comprised of representatives from the NWS, the Department of Defense, the Federal Aviation Administration, the Federal Emergency Management Agency, civil defense and public safety organizations, news media, the National Weather Service Employees Organization, and private sector users of weather information, as prescribed by section 707 of Public Law 102-567. Each proposed certification is made available to the MTC for review and is also published in the Federal Register for a 60-day public comment period. Meetings of the MTC are held about 4 times per year to review certifications that have completed the 60-day public comment period. The MTC is provided with copies of all public comments received. MTC findings, conclusions and recommendations on each certification are included as part of the certification package that goes to the Secretary of Commerce for decision. Where particular community concern is evident, the MTC is willing to hold a meeting in that community. For example, in 1994, the MTC held meetings in Redwood City and Monterey, California to consider the proposed relocation of the San Francisco Weather Service Forecast Office from Redwood City to Monterey. As mentioned previously, the MTC is a Federal advisory committee, so advanced notification of MTC meetings are published in the Federal Register, the meetings are open to the public, and a public comment period is part of the meeting agenda so that members of the public may address the MTC directly.

(c) *Changing Timetables*—NWS recognizes how frustrating changing

schedules can be. There are several reasons why modernization schedules change. First, the NWS modernization program is a very complex, multi-year effort encompassing a number of major system programs, each with its own development/deployment schedule. Second, year-to-year budget decisions often result in schedule adjustments. Lastly, many modernization actions are event driven, e.g., decommissioning of an old system requires commissioning of the replacement system. While calendar schedules are forecast for these type of actions, until all prerequisites are actually met, the action can not be taken, NWS attempts to keep all interested parties informed of the latest schedule for modernization actions through the NIP and local outreach efforts as described above in the response to comment A.1.a.

(d) *Status of Modernization in Hawaii*—NWS agrees and will keep the State of Hawaii fully informed on the status of modernization activities through the annual NIP and its outreach program as described in the response to comment A.1.a. Copies of proposed and final certifications are published in the Federal Register.

2. *Comment*: Two comments stated that an independent review of certifications recommended by the Meteorologist-In-Charge (MIC) is needed to assure an objective and thorough process.

*Response*: There are several mechanisms in place to provide independent oversight of NWS modernization. As described in the response to comment A.1.b above, the MTC provides independent review of each certification. The National Academy of Science's National Research Council (NRC) established an NWS Modernization Committee in 1990. In the past 6½ years, this Committee has reviewed and reported on NWS modernization both in its entirety and from a number of specific perspectives. With respect to certification, in 1993, the NRC's Modernization Committee reviewed and reported on the modernization criteria on which the certifications would be based. This Committee will continue to provide oversight of NWS modernization for at least the next several years. Following is a list of NRC reports already issued on NWS modernization:

- ☐ *Toward A New National Weather Service—A First Report*, March 1990
- ☐ *Toward A New National Weather Service—A Second Report*, April 1991
- ☐ *Review of Modernization Criteria*, July 1993
- ☐ *National Weather Service Employee Feedback*, April 1994

- ☐ *Weather for Those Who Fly*, April 1994
- ☐ *Assessment of NEXRAD Coverage and Associated Weather Services*, June 1995
- ☐ *The importance of the United States Weather Research Program for NWS Modernization*, February 1996

3. *Comment*: One comment stated that "Many citizens of northern Minnesota continue to feel that they are/will not receive the same level of service from the NWS as the rest of the country."

*Response*: Public Law 102-567 established a "no degradation of service" requirement to be applied on an affected area by affected area basis. This requirement is satisfied through the certification process which must show that modernized weather services for an affected area are at least equal to pre-modernized weather services for that affected area. Comparison of one area to another area is not part of the certification requirement.

4. *Comment*: One comment took exception to actions that do not require certification, i.e., commissioning of new weather observation systems and decommissioning outdated NWS radars. This comment stated that "An 'outdated NWS radar' should not be decommissioned until it is demonstrated that its intended replacement provides acceptable performance and coverage of the required area down to an altitude of 10,000 feet. Appropriate performance criteria should be established for such actions."

*Response*: NWS agrees that appropriate criteria should be established for certain modernization actions that do not require certification. Section 704 of Public Law 102-567 requires establishment of modernization criteria for: "commissioning new weather observation systems, decommissioning an outdated National Weather Service radar, and evaluating staffing needs for field offices in an affected service area." These modernization criteria were published for public comment on December 6, 1993 (see 58 FR 64202) and were based on the July 1993 NRC report, *Review of Modernization Criteria*. After consultation with both the NRC and the MTC and consideration of public comments that were received, final modernization criteria for these actions were published on March 2, 1994 (see 59 FR 9921). The criteria established for decommissioning an "outdated NWS radar" do require that the replacing NEXRADs (WSR-88Ds) be commissioned (i.e., satisfactorily support warning and forecast services)

and that confirmation of services with users be obtained. The basic requirement of Public Law 102-567 is that there be no degradation of service and our criteria require that we identify where NEXRAD coverage at 10,000 feet will and will not be provided to the affected service area. However, there is no requirement for NEXRAD coverage at an elevation of 10,000 feet.

5. *Comment:* One comment pointed out that "pending actions in the Congress that COULD effectively cancel or greatly modify current modernization criteria provisions in the federal law. Thus review of NWS modernization criteria is premature. This review should be postponed until final Congressional action is taken on the matter."

*Response:* The Civilian Science Authorization Act of 1996, House Resolution 3322, includes a provision to streamline the certification requirements of Public Law 102-567. The Senate has not taken any action to change the certification requirements of Public Law 102-567. NWS can not anticipate Congressional action and must continue to meet the requirements of the existing law; therefore, establishment of closure criteria is not premature. If and when changes to Public Law 102-567 are enacted, NWS will revise modernization criteria and certification procedures as required to comply with any enacted changes.

6. *Comment:* One comment stated that "It is not clear how these proposed criteria will apply to the recent recommendations of the Secretary of Commerce to the Congress on further changes to the Modernization Plan. That should be clarified in this document."

*Response:* In October 1995, the Secretary of Commerce released his report, *Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under National Weather Service Modernization for 32 Areas of Concern*. This report assessed potential degradation of service for 32 areas of concern that had been established through the solicitation of comments from the public in late 1994. The assessment utilized criteria developed by the National Research Council in their June 1995 report, *Toward a New National Weather Service—Assessment of NEXRAD Coverage and Associated Weather Services*. The Secretary's report determined that new NEXRADs in northern Indiana, northern Alabama and western Arkansas and a new WFO in northern Indiana were needed to mitigate inadequacies in the original modernization plan. The Secretary's report also identified several areas of

concern where further study was needed. In a sense, the Secretary's report can be viewed as a mid-course review/adjustment of the modernization program. This mid-course review/adjustment was conducted in accordance with study guidelines (appendix A of the Secretary's report) which stated in part, "Submission of a report under this section shall not relieve the Secretary from the requirement of section 706(b) of the WSMA to certify no degradation of service when she/he restructures a field office." Thus the proposed closure criteria must be established to provide the basis for closure certifications.

#### B. Comments Specifically Related to the Proposed Closure Criteria

1. *Comment:* One comment stated that "The criteria for closure are consistent with maintaining timely and accurate weather services for Maui County."

*Response:* NWS agrees.

2. *Comment:* One comment pointed out that there was an error in the June 6, 1996 Federal Register notice.

*Response:* NWS agrees. There was a typographical error in section II.A.5 of Attachment 1 to the June 6, 1996 notice. The correct figure is 10,000 feet as indicated in section 706(b)(4) of Public Law 102-567. The common criteria, attachment 1, were republished with the proposed criteria unique to closure certification for the convenience of the reader. These common criteria were established as final criteria on March 2, 1994 (see 59 FR 9921).

3. *Comment:* Two comments addressed several aspects of NEXRAD coverage at an elevation of 10,000 feet. One comment stated that "In the event that any community will not have coverage down to 10,000 feet the existing local NWS radar should not be decommissioned or the local WSO be closed. It should be noted that currently there are no provisions if the NWS cannot certify coverage down to 10,000 feet for any locality." Another comment stated that "the fact remains that portions of northern Minnesota are not covered by NEXRAD at the 10,000 foot level—the base criteria established by the NWS."

*Response:* As mentioned in the response to comment A.4, there is no requirement in Public Law 102-567 for NEXRAD coverage at an elevation of 10,000 feet. Further, NWS has never established a criterion that requires NEXRAD coverage at an elevation of 10,000 feet. Section 706(b)(4) of Public Law 102-567 does require each certification to identify any area that will not be covered by NEXRAD at an elevation of 10,000 feet. Because of

concerns about the adequacy of NEXRAD coverage, the NRC conducted a study which compared pre-modernized and modernized radar coverage for a number of weather phenomena. The NRC developed criteria to assess the impact of degraded radar coverage for any weather phenomenon on the quality of weather services. In June 1995, the NRC delivered their report entitled, *Toward a New National Weather Service—Assessment of NEXRAD Coverage and Associated Weather Services*. A team of experts applied the NRC's criteria and prepared the *Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under National Weather Service Modernization for 32 Areas of Concern*. In some cases, the Secretary's Report concluded that degraded radar coverage would result in a degradation of weather services and recommended mitigation actions (see response to comment A.6). In other cases, the Secretary's Report concluded that small areas of degraded radar coverage for particular weather phenomena would not result in a degradation of weather services. Ultimately, it is the certification process that will assess the degradation of weather services for each affected area.

4. *Comment:* One comment asked "Has the timetable for the liaison officer been definitely set, and will they have access to the proper tools to effectively do their job?"

*Response:* The liaison officer is designated at the time of certification. Since certifications are event driven, (see the response to comment A.1.c) timetables for liaison officers do sometimes change. The annual NIP provides notification tables for when modernization actions, including certifications, are expected to occur at each NWS office. Section 706(f) of Public Law 102-567 specifies the duties of the liaison officer as:

(1) Providing timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

(2) working with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.

All liaison offices will be provided with the necessary tools and resources to perform these duties.

5. *Comment:* Concerning the Air Safety Appraisal, one comment stated that "This appraisal should include the effect of NEXRAD non-real time

operation on affected airport operations."

*Response:* As part of the certification for closure or relocation of a field office which is located on an airport, section 706(e)(1) of Public Law 102-567 requires an air safety appraisal be conducted to determine that such action will not result in degradation of service that affects aircraft safety. The required air safety appraisal will address the provision of weather services that affect aircraft safety. Since NEXRAD is a tool used by NWS in the provision of these aviation weather services, use of NEXRAD will be, at a minimum, implicitly included in the appraisal.

6. *Comment:* One comment requested that "NOAA ensure that the Maui NWS office is not closed until all modernization and restructuring (MAR) systems (4 Doppler weather radars, 8 Automated Surface Observing Systems, GOES 9 and the AWIPS) are fully installed and performing to expectations."

*Response:* The Kahului Weather Service Office on Maui will not be closed until the Secretary of Commerce can certify no degradation of service. The ability to certify will be dependent on installation and satisfactory performance of modernized systems, although not necessarily all the ones listed in the comment. However, all 4 Doppler weather radars and all 8 Automated Surface Observing Systems are installed and several are already operational. GOES 9 has been launched and is operational. AWIPS will be deployed and made operational at WFO Honolulu prior to initiating the closure certification for WSO Kahului.

7. *Comment:* One comment stated that "No action has been taken to provide for lake wind advisories for the Rainy Lake area and Lake of The Woods—two large bodies of water that host a great deal of recreation."

*Response:* In Minnesota, when winds are expected to meet a specified criteria, the forecast office issues a wind advisory for area lakes. The following conditions must be expected to exist for more than three hours; sustained winds at speeds of 20 to 30 mph and gusts over 30 mph. The advisories are typically issued during the months of April through November, but in Northern Minnesota most advisories are issued between May and October. These time frames are variable due to ice cover on the lakes. The advisories are issued under the product ID MSPNPWMSP (WMO header WWUS45 KMSP). In addition to the MSPNPWMSP product, wind forecasts for the areas of concern can be found in the Minnesota Zone Forecast Product MSPZFPNM (WMO

header FPUS5 KMSP) and the Short Term Forecasts. Short Term Forecasts for the Lake of the Woods area can be found under the product BISNOWFAR (WMO header FXUS21 KFAR). Short term forecasts for the Rainy Lake area can be found under the product MSPNOWDLH (WMO header FXUS21 KDLH). The Zone Forecast Product provides forecast information for generally a two day time period. Forecasts from zero to six hours can be found in the Short Term Forecasts. The products described above are available through: NWS Family of Services; NOAA Weather Wire Service; NOAA Weather Radio; the media; and the Internet (IWIN on the NWS home page). NOAA Weather Radio transmitters are located in Littlefork (near International Falls and Rainy Lake) and in Roosevelt (near Lake of the Woods).

#### C. Other Comments

1. *Comment:* One comment stated that "Continued reports of ASOS limitations in term (sic) of detecting various forms of precipitation have not been addressed (sic). Also, there are reports of lost data from ASOS locations."

*Response:* Similar comments were received in response to the proposed automation criteria that were published on May 2, 1996 (see 61 FR 19594). Responses to these comments were provided in the July 31, 1996 notice that established final automation criteria for service level A, B and C airports (see 61 FR 39862). The NWS, as stated in the response to these comments, is continuing to operate cooperative observer stations and considering opening new COOP stations where observations are scarce. In addition, the Supplementary Data Program became operational on October 1, 1995 at 119 WFOs, where staffing and equipment permits.

2. *Comment:* One comment took exception to the statement "\* \* \* these criteria, if adopted as proposed, will not have a significant economic impact on a substantial number of small entities. These proposed criteria are intended for internal agency use only and will not directly affect small business. \* \* \* Accordingly no initial regulatory flexibility analysis has been prepared." The comment then stated that "These criteria can effect EVERY business small or large, and every government agency if the resulting National Weather Service system fails to provide to the general public adequate, timely warning of severe weather, especially tornadoes. Negative effects of ASOS performance on national climatological records will have a devastating effect on small businesses that depend on the validity

of climatological records. These criteria should be sent to the Chief Council for Advocacy of the Small Business Administration for review."

*Response:* NWS has fully complied with the requirements of 5 U.S.C. 601 *et seq.*, the Regulatory Flexibility Act. Pursuant to 5 U.S.C. 605(b), NWS sent the proposed regulations to the Chief Counsel for advocacy of the Small Business Administration along with a certification that these criteria, if adopted, would not have a significant economic impact on a substantial number of small entities. This regulation merely establishes the procedures that will be followed in meeting the requirement contained in Public Law 102-567, that NWS cannot close a field office until the Secretary of Commerce certifies to the Congress that there will be no degradation of service to the affected area. This requirement will assure that NWS will fulfill its mission and continue to provide the same level of weather forecasts, warnings and advisories for the protection of life and property in the United States. Moreover, this requirement ensures that any potential impact of a closure, including the economic impact on small businesses will be slight.

#### A. Classification Under Executive Order 12866

These regulations have been determined not to be significant for purposes of E.O. 12866.

#### B. Regulatory Flexibility Act Analysis

These regulations set forth the criteria for certifying that certain modernization actions will not result in a degradation of service to the affected area. These criteria will be appended to the Weather Service Modernization regulations. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration when these criteria were proposed, that if adopted, they would not have a significant economic impact on a substantial number of small entities. Response to a comment received in regarding the certification was addressed above. Accordingly, no final regulatory flexibility analysis was prepared.

#### C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements subject to the Paperwork Reduction Act.

## D. E.O. 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under Executive Order 12612.

## E. National Environmental Policy Act

NOAA has concluded that issuance of this rule does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A programmatic Environmental Impact Statement (EIS) regarding NEXRAD was prepared in November 1984, and an Environmental Assessment to update the portion of the EIS dealing with the bioeffects of NEXRAD non-ionizing radiation was issued in 1993.

## List of Subjects in 15 CFR Part 946

Administrative practice and procedure, Certification, Commissioning, Decommissioning, National Weather Service, Weather service modernization.

Dated: October 8, 1996.

Elbert W. Friday, Jr.,

*Assistant Administrator for Weather Services.*

For the reasons set out in the preamble, 15 CFR part 946 is amended as follows:

1. The authority citation for part 946 continues to read as follows:

Authority: Title VII of Pub. L. 102-567, 106 Stat 4303 (15 U.S.C. 313n.)

2. Appendix A to part 946 is amended by adding a new Subsection (D) under Section II. CRITERIA FOR MODERNIZATION ACTIONS REQUIRING CERTIFICATION, to read as follows:

(E) Modernization Criteria Unique to Closure Certifications

1. Consolidation Certification: If the field office proposed for closure has or will be consolidated, as defined in § 946.2 of the basic modernization regulations, this action has been completed as evidenced by the approved certification or can be completed as evidenced by all of the documentation that all of the requirements of sections II.A. and II.B of this Annex have been completed.

2. Automation Certification: If the field office proposed for closure has or will be automated, as defined in § 946.2 of the basic modernization regulations, this action has been completed as evidenced by the approved certification or can be completed as evidenced by documentation that all of the requirements of sections II.A. and II.C. of this Annex have been completed.

3. Remaining Services and/or Observations: All remaining service and/or observational responsibilities, if applicable to the field office proposed for closure, have

been transmitted as addressed in the MIC's recommendation for certification.

4. User Confirmation of Services: Any valid user complaints received related to provision of weather services have been satisfactorily resolved and the issues addressed in the MIC's recommendation for certification.

5. Warning and Forecast Verification: Warning and forecast verification statistics, produced in accordance with the Closure Certification Verification Plan, have been utilized in support of the MIC's recommendation for certification.

[FR Doc. 96-26207 Filed 10-10-96; 8:45 am]

BILLING CODE 3510-12-M

## FEDERAL TRADE COMMISSION

## 16 CFR Part 260

## Guides for the Use of Environmental Marketing Claims

AGENCY: Federal Trade Commission.

ACTION: Final rule; Publication of revised guides.

**SUMMARY:** The Federal Trade Commission (the "FTC" or "Commission") issued its Guides for the Use of Environmental Marketing Claims ("guides") on July 28, 1992. 57 FR 36363 (Aug. 13, 1992), codified at 16 CFR Part 260. The guides included a provision for public comment and review three years after adoption for the purpose of determining whether there is a need for any modifications. In connection with the three year review, the Commission sought public comment on a variety of issues pertaining to the guides, 60 FR 38978 (July 31, 1995) and held a two day Public Workshop-Conference on December 7 and 8, 1995. The Commission has completed its review of the prefatory sections of the guides, as well as the following sections: General Environmental Benefits, Degradable/Biodegradable/ Photodegradable, Recycled Content, Source Reduction, Refillable, and Ozone Safe and Ozone Friendly. These sections are being republished with only the minor revisions discussed below.

The Commission is still in the process of reviewing the Compostable and Recyclable guides. The original versions of these guides shall remain in effect until further notice. See 16 CFR 260.7 (c) and (d). Finally, the Commission is seeking further public comment on the issue of whether product parts that can be reconditioned and/or reused in the manufacture of new products should be considered "recyclable" under the guides and whether products manufactured from such reconditioned and/or reused parts should qualify as "recycled" under the guides.

**DATES:** Effective Date: October 4, 1996.

**COMMENTS:** Comments and/or data must be submitted on or before November 25, 1996.

**ADDRESSES:** Although the Commission has concluded its general review of the guides, it is seeking additional information on two discrete issues: (1) Whether product parts that can be reconditioned and/or reused in the manufacture of new products should qualify as "recyclable" under the guides and whether products manufactured from such reconditioned and/or reused parts should qualify as "recycled" under the guides; and (2) any additional empirical evidence available on consumer perception of "recyclable" and "compostable" claims. Six paper copies of comments and/or data should be submitted to: Secretary, Federal Trade Commission, Room H-159, Sixth and Pennsylvania Ave., N.W., Washington, D.C. 20580. Comments should be identified as "16 CFR Part 260—Comment." To encourage prompt and efficient review and dissemination of the comments and data to the public, all comments and data also should be submitted, if possible, in electronic form, on either a 5¼ or a 3½ inch computer disk, with a label on the disk stating the name of the commenter and the name and version of the word processing program used to create the document. (Programs based on DOS are preferred. Files from other operating systems should be submitted in ASCII text format to be accepted.) Individuals filing comments or data need not submit multiple copies, and need not submit such materials in electronic form.

The FTC will make this notice and all comments and data received in response to this notice available to the public through the Internet, to the extent technically possible. To access this notice and the comments and data filed in response to this notice, access the World Wide Web at the following address: <http://www.ftc.gov>. At this time, the FTC cannot receive comments or data made in response to this notice over the Internet.

**FOR FURTHER INFORMATION CONTACT:**

Kevin M. Bank, (202) 326-2675, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:**

## 1. Background

The Guides for the Use of Environmental Marketing Claims or "guides" were issued by the Commission on July 28, 1992, and