

SMALL BUSINESS ADMINISTRATION**13 CFR Part 121****Small Business Size Standards; Waiver of the Nonmanufacturer Rule**

AGENCY: Small Business Administration.

ACTION: Notice to waive the Nonmanufacturer Rule for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones.

SUMMARY: This notice advises the public that the Small Business Administration (SBA) is establishing a waiver of the Nonmanufacturer Rule for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. The basis for a waiver is that no small business manufacturers are available to participate in the Federal market for these products. The effect of a waiver will allow otherwise qualified nonmanufacturers to supply the products of any domestic manufacturer on a Federal contract set-aside for small businesses or awarded through the SBA 8(a) Program.

EFFECTIVE DATE: July 20, 1998.

ADDRESSES: David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street S.W., Washington, DC 20416, Tel: (202) 205-6475.

FOR FURTHER INFORMATION CONTACT: David Wm. Loines, (202) 205-6475.

SUPPLEMENTARY INFORMATION: Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set-aside for small businesses or the SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal Government within the last 24 months. The SBA defines "class of products" based on two coding systems. The first is the

Office of Management and Budget Standard Industrial Classification Manual. The second is the Product and Service Code (PSC) established by the Federal Procurement Data System.

The SBA was asked to issue a waiver for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones because of an apparent lack of any small business manufacturers or processors for them within the Federal market. The SBA searched its Procurement Marketing and Access Network (PRO-net) for small business participants and found none. We then published a notice in the **Federal Register** on April 23, 1998 (vol. 63, no. 78, p. 20139), of our intent to grant a waiver for these classes of products unless new information was found. The proposed waiver covered Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. The notice described the legal provisions for a waiver, how SBA defines the market, and asked for small business participants of these classes of products.

After the 15-day comment period, no small businesses were identified for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. This waiver is being granted pursuant to statutory authority under section 303(h) of Public Law 100-656 for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. The waiver will last indefinitely but is subject to both an annual review and a review upon receipt of information that the conditions required for a waiver no longer exist. If such information is found, the waiver may be terminated.

Judith A. Roussel,

Associate Administrator for Government Contracting.

[FR Doc. 98-19236 Filed 7-17-98; 8:45 am]

BILLING CODE 8025-01-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-SW-58-AD; Amendment 39-10421; AD 98-07-03]

RIN 2120-AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A Model AB 412 Helicopters; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a technical bulletin date in airworthiness directive (AD) 98-07-03 that was incorrectly published in the **Federal Register** on March 24, 1998 (63 FR 14026). This AD is applicable to Bell Helicopter Textron, Inc. Model 412 helicopters and Agusta S.p.A Model AB 412 helicopters and requires a temporary reduction of the never-exceed velocity (Vne) limitation until an inspection of the tail rotor yoke (yoke) assembly for fatigue damage and installation of a redesigned yoke flapping stop are accomplished. Recurring periodic and special inspections to detect occurrences of yoke overload are also required.

DATES: Effective April 8, 1998.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of April 8, 1998 (63 FR 14026, March 24, 1998).

FOR FURTHER INFORMATION CONTACT: Mr. Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 98-07-03, amendment 39-10421, applicable to Bell Helicopter, Textron, Inc. Model 412 Helicopters and Agusta S.p.A Model AB 412 helicopters was published in the **Federal Register** on March 24, 1998 (63 FR 14026). That AD requires a temporary reduction of the Vne limitation until an inspection of the yoke assembly for fatigue damage and installation of a redesigned yoke flapping stop are accomplished. Recurring periodic and special inspections to detect occurrences of yoke overload are also required.

As published, the Agusta Technical Bulletin date given in the Supplementary Information and in paragraphs (c)(1) and (g) is incorrect.

Since no other part of the regulatory information has been changed, the final rule is not being republished.

The effective date of the AD remains April 8, 1998.

In rule FR Doc. 98-7414 published on March 24, 1998 (63 FR 14026), make the following corrections:

§ 39.13 [Corrected]

(1) On page 14027, in the first column under Supplementary Information, change "December 2, 1996" to "April 17, 1997."

(2) On page 14028, in paragraphs (c)(1), (d), and (g), change "December 2, 1996" to "April 17, 1997."

Issued in Fort Worth, Texas, on July 10, 1998.

Larry M. Kelly,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 98-19178 Filed 7-17-98; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") amends the package labeling requirements for lamp products under the Commission's Appliance Labeling Rule ("Rule") in response to a petition from Osram Sylvania, Ltd. ("Petitioner"). The Petitioner requests that it be allowed to distribute to consumers, through retailers, lamp products without individual packaging or labeling, where the bulk shipping cartons include the disclosures currently required by the Rule and where retailers display the lamp products for sale to consumers in the bulk shipping cartons. The interpretative amendment the Commission adopts clarifies that manufacturers and private labelers of lamp products that are not packaged for individual retail sale may meet the labeling disclosure requirements of the Rule by making the disclosures on labeling on the bulk shipping carton, where the bulk shipping carton is used to display the lamps for retail sale.

EFFECTIVE DATE: July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Federal Trade

Commission, Bureau of Consumer Protection, Division of Enforcement, Sixth St. and Pennsylvania Ave., NW, Room S-4302, Washington, D.C. 20580, (202) 326-3013 (voice), (202) 326-3259 (fax).

SUPPLEMENTARY INFORMATION:

I. Introduction

Petitioner, Osram Sylvania, Ltd., a manufacturer of lamp products, requests the Commission's authorization to market certain general service non-reflector incandescent light bulbs in bulk-pack shipping cartons that are labeled with the disclosures required by the Rule, instead of packaging and labeling the light bulbs for individual retail sale to consumers, where the light bulbs will be displayed for retail sale in the bulk-pack shipping cartons, under specific, limited conditions. The Petitioner's request, the Commission's analysis, and the interpretative amendment to the Rule adopted by the Commission are described below.

II. Overview of Rule's Labeling Requirements

On May 13, 1994, the Commission promulgated labeling requirements for various types of light bulbs and other lamp products as amendments to the Appliance Labeling Rule¹ in response to amendments the Energy Policy Act of 1992 ("EPACT")² made to the Energy Policy and Conservation Act ("EPCA").³ As amended, EPCA directed the Commission to prescribe rules requiring that the labeling of specific lamp products indicate conspicuously on the packaging of the lamps, in a manner prescribed by the Commission, such information as the Commission deemed necessary to enable consumers "to select the most energy efficient lamps which meet their requirements." Congress gave the Commission the discretion to determine what specific disclosures were necessary, and where and how they should be made. The covered lamp products include: general service fluorescent lamps, general service (both non-reflector and reflector) incandescent lamps, and medium screw base compact fluorescent lamps.

To provide consumers with the information they need to select the most energy efficient lamps that meet their requirements, the Commission adopted labeling provisions, under section

305.11(e)(1)(i) of the Rule, 16 CFR 305.11(e)(1)(i), that require that the principal display panel on package labels of general service incandescent light bulbs (both non-reflector and reflector) and medium screw base compact fluorescent lamps disclose clearly and conspicuously light output (in lumens), energy used (in watts), and life (in hours).⁴ The labeling provisions also mandate that the principal display panel disclose the number of lamps included in the package (if more than one), and the design voltage of each lamp included in the package (if other than 120 volts). For multi-filament incandescent light bulbs, section 305.11(e)(1)(vii), 16 CFR 305.11(e)(1)(vii), requires that the principal display panel disclose clearly and conspicuously the bulb's light output and energy used at each of the bulb's levels of light output, and the bulb's life measured on the basis of the filament that fails first. Section 305.11(e)(1)(ii), 16 CFR 305.11(e)(1)(ii), specifies how the disclosures must appear on the label.

Labels for incandescent spot lights, flood lights, and down lights and for general service fluorescent lamps must include a capital letter "E" printed within a circle and followed by an asterisk referring to a specific statement that the encircled "E" means the lamp meets federal minimum efficiency standards. The encircled "E" must be disclosed clearly and conspicuously in color-contrasting ink, and in a typeface at least as large as either the manufacturer's name or logo or another logo disclosed on the label, whichever is larger. If the required statement is not disclosed on the principal display panel, the asterisk must be followed by the statement: "*See [Back, Top, Side]

⁴ Section 305.11(e)(1)(iii), 16 CFR 305.11(e)(1)(iii), requires that the light output, wattage and life disclosures for general service incandescent lamps and medium base compact fluorescent lamps be measured at 120 volts, regardless of the lamp's design voltage. If a lamp's design voltage is 125 volts or 130 volts, section 305.11(e)(1)(iii) requires that the disclosures each be followed by the phrase "at 120 volts." It allows manufacturers and private labelers of 125 or 130 design voltage lamps to add disclosures of light output, wattage, and life at the lamp's design voltage if those disclosures are each followed by the phrase "at (125/130) volts," and if all panels of the package that contain a claimed light output, wattage, or life clearly and conspicuously identify the lamp as "(125 volt/130 volt)." If the disclosures on the principal display panel of the package are for operation at 125 or 130 volts, and if the disclosures at 120 volts are made on a separate panel, the principal display panel must clearly and conspicuously disclose the following statement: "This product is designed for (125/130) volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See (side/back) panel for 120 volt ratings."

¹ Final rule [and Statement of Basis and Purpose] ("SBP"), 59 FR 25176 (1994) (codified at 16 CFR Part 305 (1997)). The lamp labeling requirements became effective May 15, 1995.

² Pub. L. No. 102-486, 106 Stat. 2776, 2817-2832 (Oct. 24, 1992) (codified at 42 U.S.C. 6201, 6291-6309).

³ 42 U.S.C. 6291 *et seq.*