

size” of the materials from which a sleeping bag is made to describe the size of a sleeping bag in advertising, labeling or marking unless:

(1) “The dimensions of the cut size are accurate measurements of the yard goods used in construction of the sleeping bags”; and

(2) “Such ‘cut size’ dimensions are accompanied by the words ‘cut size’”; and

(3) The reference to “cut size” is “accompanied by a clear and conspicuous disclosure of the length and width of the finished products and by an explanation that such dimensions constitute the finished size”.¹

On May 23, 1995, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on proposed repeal of the Sleeping Bag Rule (60 FR 27240). In accordance with Section 18 of the Federal Trade Commission (FTC) Act, 15 U.S.C. 57a, the ANPR was sent to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives. The comment period closed on June 22, 1995. The Commission received no comments.

On September 18, 1995, the Commission published a Notice of Proposed Rulemaking (NPR) initiating a proceeding to consider whether the Sleeping Bag Rule should be repealed or remain in effect (60 FR 48063).² This rulemaking proceeding was undertaken as part of the Commission’s ongoing program of evaluating trade regulation rules and industry guides to ascertain their effectiveness, impact, cost and need. This proceeding also responded to President Clinton’s National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20, to use expedited procedures in this proceeding.³ The comment period

closed on October 18, 1995. The Commission received no comments and no requests to hold an informal hearing.

II. Basis for Repeal of Rule

The Commission periodically reviews its rules and guides, seeking information about their costs and benefits and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Accordingly, on April 19, 1993, the Commission published in the Federal Register a request for public comments on its Sleeping Bag Rule (58 FR 21095). The Commission asked commenters to address the costs and benefits of the Rule, whether there was a continuing need for this regulation, the burdens placed on businesses subject to this regulation, whether changes should be made, any conflicts with other laws, and whether changes in technology affected the Rule.

Only one specific comment relating to the Sleeping Bag Rule was received, which generally supported a continuation of this regulation. In addition to this specific comment, one general comment, applicable to several rules being reviewed, was received from an advertising agency association. This organization recommended rescission of the Sleeping Bag Rule because the general prohibitions of the FTC Act covering false and deceptive advertising apply to the sleeping bag industry. Thus, the commenter concluded that the Rule creates unnecessary administrative costs for the government, industry members and consumers.

Commission staff also conducted an informal inquiry and inspected sleeping bags at several national chain stores. This inquiry found no violations of the Rule on either the sleeping bag packaging materials or the labels affixed to the products themselves. In fact, it appeared from that limited inquiry that industry products were marked with only the finished size. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the Rule, or of initiating any law enforcement actions alleging violation of the Rule’s requirements. Finally, the National Conference on Weights and Measures’ Uniform Packaging and Labeling Regulation, which has been adopted by 47 States, regulates the labeling of sleeping bags, and provides that these items must be labeled with their finished size. Accordingly, due to changes in industry practice, and the

announcing final Commission action in the Federal Register.

existence of laws in most States that mandate point-of-sale disclosures similar to those required by the Rule, the Commission has determined to repeal the Sleeping Bag Rule.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–11, requires an analysis of the anticipated impact of the repeal of the Rule on small businesses. The reasons for repeal of the Rule have been explained in this Notice. Repeal of the Rule would appear to have little or no effect on small businesses. Moreover, the Commission is not aware of any existing Federal laws or regulations that would conflict with repeal of the Rule. For these reasons, the Commission certifies, pursuant to section 605 of the RFA, 5 U.S.C. 605, that this action will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Sleeping Bag Rule imposes third-party disclosure requirements that constitute “information collection requirements” under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Accordingly, repeal of the Rule would eliminate any burdens on the public imposed by these disclosure requirements.

List of Subjects in 16 CFR Part 400

Advertising, Sleeping bags, Trade practices.

PART 400—[REMOVED]

The Commission, under authority of section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the *Code of Federal Regulations* by removing part 400.

By direction of the Commission.

Donald S. Clark,

Secretary.

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16 CFR Part 402

Trade Regulation Rule Concerning Deception as to Non-Prismatic and Partially Prismatic Instruments Being Prismatic Binoculars

AGENCY: Federal Trade Commission.

ACTION: Repeal of rule.

SUMMARY: The Federal Trade Commission announces the repeal of the Trade Regulation Rule concerning Deception as to Non-Prismatic and Partially Prismatic Instruments Being

¹ The Rule then gives an example of proper size marking: “Finished size 33” x 68”; cut size 36” x 72”.”

² In accordance with Section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the NPR to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives, 30 days prior to its publication.

³ These procedures included: publishing a Notice of Proposed Rulemaking; soliciting written comments on the Commission’s proposal to repeal the Rule; holding an informal hearing, if requested by interested parties, receiving a final recommendation from Commission staff; and