

assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

Questions

(1) Is any manufacturer currently manufacturing quick-freeze spray products?

(2) Is any individual or business entity currently marketing quick-freeze spray products?

(3) Do any retail stores or suppliers still maintain stocks of quick-freeze spray products for resale?

(4) What benefits do consumers derive from the Rule?

(5) Does regulation of this product by the Environmental Protection Agency render the Rule unnecessary?

(6) Should the Rule be kept in effect or should it be repealed?

Authority: Section 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

List of Subjects in 16 CFR Part 417

Quick-freeze aerosol spray, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-12582 Filed 5-22-95; 8:45 am]

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16 CFR Part 418

Trade Regulation Rule: Deceptive Advertising and Labeling as to Length of Extension Ladders

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: The Federal Trade Commission ("Commission") proposes to repeal its Trade Regulation Rule entitled "Deceptive Advertising and Labeling as to Length of Extension Ladders" ("Extension Ladder Rule"), 16 CFR part 418. The proceeding will address whether the Extension Ladder Rule should be repealed or remain in effect. The Commission is soliciting written comment, data and arguments concerning this proposal.

DATES: Written comments must be submitted on or before June 22, 1995.

ADDRESSES: Written comments should be identified as "16 CFR Part 418" and sent to Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: John A. Crowley, Esq., (202) 326-3280, Division of Service Industry Practices,

Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Part A—Background Information

This notice is published pursuant to Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a *et seq.*, the provisions of part 1, subpart B of the Commission's rules of practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting Commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

The Extension Ladder Rule, promulgated by the Commission on June 22, 1969, declares that it is an unfair or deceptive act or practice and an unfair method of competition to represent the size or length of an extension ladder, in terms of the total length of the component sections thereof, unless:

(a) Such size or length representation is accompanied by the words "total length of sections" or words with similar meanings which clearly indicate the basis of the representation; and,

(b) Such size or length representation is accompanied by a statement in close proximity which clearly and conspicuously shows the maximum length of the product when fully extended for use (i.e., excluding the footage lost in overlapping) along with an explanation for the basis of such representation.

The Commission periodically reviews rules and guides seeking information about the costs and benefits of such rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Pursuant to its review schedule, on April 19, 1993, the Commission published in the **Federal Register** a request for public comments on its Extension Ladder Rule. 58 FR 21125. The Commission asked commenters to address questions relating to the costs and benefits of the rule, the burdens it imposes, and the basis for assessing whether it should be retained, or amended.

The request for comments on the Extension Ladder Rule elicited six specific comments. One commenter, a consumer, opined that the only label that should be on ladders is the "maximum working length" since

consumers should not have to do any figuring to determine the length of the ladder that would meet their needs.

Of the other five commenters, four are manufacturers or suppliers of ladders and one is a trade association. A number of these comments refer to ANSI standard A14, which governs the labeling of ladders. ANSI standard A14 details the requirements for labeling portable wood ladders, portable metal ladders, fixed ladders, job made ladders and portable reinforced plastic ladders. The ANSI standard requires specification of the maximum working length of extension ladders, as well as several other pieces of information not required by the Extension Ladder Rule, including the total length of the ladder's sections and the highest standing level of the ladder. Compliance with the ANSI standard therefore ensures compliance with the labeling requirements of the Extension Ladder Rule.

Several commenters noted this overlap in the coverage of the Extension Ladder Rule and ANSI standard A14, and recommended that the rule be retained unchanged.

Another commenter stated that the rule has imposed minor, incremental costs, but opined that the benefits have been significant in that consumers have a better understanding of extension ladder length. The commenter questioned whether there was a continuing need for this rule given the existence of ANSI standard A14 and UL Standard 184.

In addition to this specific comment, one general comment, applicable to several rules being reviewed, was received from an advertising agency association. This organization recommends rescission of the Extension Ladder Rule because the general prohibitions covering false and deceptive advertising apply to the ladder industry, and thus the Rule creates unnecessary administrative costs for the government, industry members and consumers. The advertising association did not submit any analysis or data relating to the imposition of unnecessary administrative costs on affected industry members, government or consumers.

Finally, Commission staff engaged in an informal review of industry practices by examining the marking of length on extension ladders available for retail sale at several chain stores. That review indicated general compliance with the requirements of the rule. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the rule, or of initiating any law enforcement actions

alleging violations of the rule's requirements.

Part B—Objectives

Based on the review described above, the Commission has determined that there may no longer be a need to continue the Extension Ladder Rule in light of the apparent changes in industry practices and the existence of standards mandating the point-of-sale disclosures required by the rule. The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Extension Ladder Rule.

Part C—Alternative Actions

The Commission is not aware of any feasible alternatives to either repealing or retaining the Extension Ladder Rule.

Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Extension Ladder Rule. Comments submitted during the regulatory review proceeding described above will be made part of the record, and need not be resubmitted. A comment that includes the reasoning or basis for a proposition will likely be more persuasive than a comment without supporting information. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies a number of issues on which it solicits public comment. The identification of issues is designed to assist the public to comment on relevant matters and should not be construed as a limitation on the issues on which public comment may be submitted.

Questions

- (1) Does the existence of the ANSI standard governing the labeling of extension ladders eliminate or greatly lessen the need for the rule?
- (2) What are the benefits to consumers from the rule?
- (3) What are the costs to industry imposed by the rule?
- (4) Is there a continuing need for the rule or should the rule be repealed?

Authority: Sec. 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

List of Subjects in 16 CFR Part 418

Advertising, Trade practices, extension ladders.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-12581 Filed 5-22-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

North Dakota Regulatory Program

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions and additional explanatory information pertaining to a previously proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and additional explanatory information pertain to North Dakota's "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments." The amendment is intended to revise this document to be consistent with the Federal regulations and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., m.d.t., June 7, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the North Dakota program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776

Edward J. Englerth, Director, Reclamation Division, North Dakota Public Service Commission, Capitol Building, Bismarck, ND 58505-0165, Telephone: (701) 224-4092

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. General background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the North Dakota program can be found in the December 15, 1980, **Federal Register** (45 FR 82214). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.12, 934.13, 934.15, 934.16, and 934.30.

II. Proposed Amendment

By letter dated February 17, 1994, North Dakota submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. ND-U-01). North Dakota submitted the proposed revisions to its "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments" (hereinafter, the "revegetation success document") in response to required program amendments at 30 CFR 934.16 (b) through (i), (w), and (x), and at its own initiative.

OSM announced receipt of the proposed amendment in the March 14, 1994, **Federal Register** (49 FR 11744), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. ND-U-05). Because no one requested a public hearing or meeting, none was held. The public comment period ended on April 13, 1994.

During its review of the amendment, OSM identified concerns and notified North Dakota of these concerns by letter dated September 9, 1994 (administrative record No. ND-U-10). North Dakota responded in a letter dated December 21, 1994, by submitting a revised amendment and additional explanatory information (administrative record No. ND-U-14) that addressed the concerns identified by OSM.

OSM announced receipt of the December 21, 1994, revised amendment in the January 19, 1995, **Federal Register** (60 FR 3790) and invited public comment on its adequacy (administrative record No. ND-U-15). The public comment period ended on February 3, 1995.

Subsequently, North Dakota requested a meeting with OSM to discuss its December 21, 1994, revisions that were made in response to OSM's September