

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are proposed for the Embraer Model EMB-145, which would require that new technology electrical and electronic systems, such as the EFIS, FADEC, AHRS, etc., be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF.

Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10KHz to 18GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz-100 KHz .....	50	50
100 KHz-500 KHz .....	60	60
500 KHz-2000 KHz .....	70	70
2 MHz-30 MHz .....	200	200
30 MHz-100 MHz .....	30	30
100 MHz-200 MHz .....	150	33
200 MHz-400 MHz .....	70	70
400 MHz-700 MHz .....	4,020	935
700 MHz-1000 MHz .....	1,700	170

Frequency	Peak (V/M)	Average (V/M)
1 GHz-2 GHz .....	5,000	990
2 GHz-4 GHz .....	6,680	840
4 GHz-6 GHz .....	6,850	310
6 GHz-8 GHz .....	3,600	670
8 GHz-12 GHz .....	3,500	1,270
12 GHz-18 GHz .....	3,500	360
18 GHz-40 GHz .....	2,100	750

As discussed above, the proposed special conditions would be applicable initially to the Embraer Model EMB-145. Should Embraer apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain design features on the Embraer Model EMB-145 airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Embraer Model EMB-145 series airplanes.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF)*. Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions*. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

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Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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FEDERAL TRADE COMMISSION

16 CFR Part 254

Request for Comments Concerning Guides for Private Vocational Schools

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Guide for Private Vocational Schools. The Commission is also requesting comments about the overall costs and benefits of the guides and their overall regulatory and economic impact as part of its systematic review of all current Commission regulations and guides.

DATES: Written comments will be accepted until May 3, 1996.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth and Pennsylvania Ave., N.W., Washington, D.C. 20580. Comments about the Guides for Private Vocational Schools should be identified as "16 CFR Part 254—Comment."

FOR FURTHER INFORMATION CONTACT: Joseph J. Koman, Jr., Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S-4302, 601 Pennsylvania Ave., N.W., Washington, D.C. 20580, (202) 326-3014, or Walter Gross III, Federal Trade Commission, Bureau of Consumer Protection, Division of Service Industry Practices, Room H-200, Sixth Street and Pennsylvania Ave., N.W., Washington, D.C. 20580, (202) 326-3319.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's 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.

At this time, the Commission solicits written public comments concerning the Commission's Guides for Private Vocational Schools, 16 CFR Part 254. These guides, like the other industry guides issued by the Commission, "are

administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements." 16 CFR 1.5. Conduct inconsistent with the guides may result in corrective action by the Commission under applicable statutory provisions.

The Private Vocational Schools Guides provide guidance about acceptable and unacceptable claims made in advertising, or other promotional materials, however disseminated, for resident or correspondence courses or training or instruction programs by private career or vocational schools. Specifically, the guides pertain to claims about the nature of the school, its accreditation, programs of instruction or methods of teaching and available employment opportunities. The guides also include provisions on representations concerning financial assistance, appropriate disclosures as to the nature of courses or training programs offered, pictorial or other misrepresentations, deceptive prices, and sales, collection and credit practices.

Accordingly, the Commission solicits public comments on the following questions:

1. Is there a continuing need for the Guides?
  - a. What benefits have the Guides provided to purchasers of the products or services affected by the Guides?
  - b. Have the Guides imposed costs on purchasers?
2. What changes, if any, should be made to the Guides to increase the benefits of the Guides to purchasers?
  - a. How would these changes affect the costs the Guides impose on firms subject to their requirements?
3. What significant burdens or costs, including costs of adherence, have the Guides imposed on firms subject to their requirements?
  - a. Have the Guides provided benefits to such firms?
4. What changes, if any, should be made to the Guides to reduce the burdens or costs imposed on firms subject to their requirements?
  - a. How would these changes affect the benefits provided by the Guides?
5. Do the Guides overlap or conflict with other federal, state, or local laws or regulations?
6. Since the Guides were issued, what effects, if any, have changes in relevant technology or economic conditions had on the Guides?
7. Are there problems today in the marketing of vocational school programs or correspondence courses? If yes, what is the nature of these problems? Do the

Guides adequately address any problems that may exist?

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 254

Advertising, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

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## 16 CFR Part 406

### Deceptive Advertising and Labeling of Previously Used Lubricating Oil

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Federal Trade Commission (the "Commission") proposes to commence a rulemaking proceeding to repeal its Trade Regulation Rule on Deceptive Advertising and Labeling of Previously Used Lubricating Oil ("the Used Oil Rule" or "the Rule"), 16 CFR Part 406. The Commission is soliciting written comments, data, and arguments concerning this proposal. The Commission also is requesting comments about the overall costs and benefits of the Rule and its overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides.

**DATES:** Written comments must be submitted on or before May 3, 1996.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 406 Comment" and sent to Secretary, Federal Trade Commission, room 159, Sixth Street and Pennsylvania Ave., NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Neil Blickman, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Washington, DC 20580, (202) 326–3038.

#### SUPPLEMENTARY INFORMATION:

##### Part A—Background Information

This notice is being published pursuant to Section 18 of the Federal Trade Commission ("FTC") 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 *et seq.*, 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).

Based on the Commission's finding that the new or used status of a lubricant was material to consumers, the Used Oil Rule was promulgated by the Commission on August 14, 1964 to prevent deception of those who prefer new and unused lubricating oil. The Rule requires that advertising, promotional material, and labels for lubricant made from used oil disclose such previous use. The Rule prohibits any representation that used lubricating oil is new or unused. In addition, it prohibits use of the term "re-refined," or any similar term, to describe previously used lubricating oil unless the physical and chemical contaminants have been removed by a refining process.

On October 15, 1980, the Used Oil Recycling Act suspended the provision of the Used Oil Rule requiring labels to disclose the origin of lubricants made from used oil,<sup>1</sup> until the Commission issued rules under the Energy Policy and Conservation Act of 1975 ("EPCA"). The legislative history indicates congressional concern that the Used Oil Rule's labeling requirement had an adverse impact on consumer acceptance of recycled oil, provided no useful information to consumers concerning the performance of the oil, and inhibited recycling. Moreover, the origin labeling requirements in the Used Oil Rule may be inconsistent with the intent of section 383 of EPCA, which is that "oil should be labeled on the basis of performance characteristics and fitness for intended use, and not on the basis of the origin of the oil."<sup>2</sup>

Accordingly, on April 8, 1981, the Commission published a notice announcing the statutory suspension of the origin labeling requirements of the Used Oil Rule. In the same notice, the Commission suspended enforcement of those portions of the Used Oil Rule requiring that advertising and promotional material disclose the origin of lubricants made from used oil.<sup>3</sup>

The purposes of the recycled oil section of EPCA are to encourage the recycling of used oil, to promote the use of recycled oil, to reduce consumption of new oil by promoting increased utilization of recycled oil, and to reduce environmental hazards and wasteful practices associated with the disposal of used oil.<sup>4</sup> To achieve these goals, section 383 of EPCA directs the National Institute of Standards and Technology

<sup>1</sup> 42 U.S.C. 6363 note.

<sup>2</sup> See Legislative History Pub. L. 96–463, U.S. Code Cong. and Adm. News, pp. 4354–4356 (1980).

<sup>3</sup> 46 FR 20979.

<sup>4</sup> 42 U.S.C. 6363(a).