

Appendix B3 to Part 305—Chest Freezers and All Other Freezers

Range Information

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5 .....	250	260
5.5 to 7.4 .....	291	293
7.5 to 9.4 .....	322	322
9.5 to 11.4 .....	347	347
11.5 to 13.4 .....	369	399
13.5 to 15.4 .....	431	437
15.5 to 17.4 .....	(*)	(*)
17.5 to 19.4 .....	493	493
19.5 to 21.4 .....	529	529
21.5 to 23.4 .....	552	588
23.5 to 25.4 .....	629	629
25.5 to 27.4 .....	(*)	(*)
27.5 to 29.4 .....	(*)	(*)
29.5 and over .....	(*)	(*)

\*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

13. Appendix E to Part 305 is revised to read as follows:

Appendix E to Part 305—Room Air Conditioners

Range Information

Manufacturer's rated cooling capacity in Btu/sr.	Range of Energy Efficiency Ratios (EERs)	
	Low	High
Without Reverse Cycle and with Louvered Sides:		
Less than 6,000 Btu ..	8.0	10.0
6,000 to 7,999 Btu .....	8.5	10.3
8,000 to 13,999 Btu ...	9.0	12.0
14,000 to 19,999 Btu .	8.8	10.7
20,000 and more Btu .	8.2	10.0
Without Reverse Cycle and without Louvered Sides:		
Less than 6,000 Btu ..	(*)	(*)
6,000 to 7,999 .....	8.5	9.6
8,000 to 13,999 Btu ...	8.5	9.2
14,000 to 19,999 Btu .	(*)	(*)
20,000 and more Btu .	(*)	(*)
With Reverse Cycle and with Louvered Sides .....	8.5	11.5
With Reverse Cycle, without Louvered Sides .....	8.0	9.0

\*No data submitted for units meeting Federal Minimum Efficiency Standards effective January 1, 1990.

14. In section 2 of Appendix H of Part 305, the text and formulas are amended by removing the figure "8.41¢" wherever it appears and by adding, in its place, the figure "8.67¢". In addition, the text and formulas are amended by removing the figure "12.62¢" wherever

it appears and by adding, in its place, the figure "13.01¢".

15. In section 2 of Appendix I of Part 305, the text and formulas are amended by removing the figure "8.41¢" wherever it appears and by adding, in its place, the figure "8.67¢". In addition, the text and formulas are amended by removing the figure "12.62¢" wherever it appears and by adding, in its place, the figure "13.01¢".

By direction of the Commission.  
Donald S. Clark,  
Secretary.  
[FR Doc. 95-27889 Filed 11-9-95; 8:45 am]  
BILLING CODE 6750-01-M

16 CFR Part 435

Trade Regulation Rule: Mail or Telephone Order Merchandise

AGENCY: Federal Trade Commission.  
ACTION: Technical amendments to rule.

SUMMARY: The Federal Trade Commission ("Commission") makes three non-substantive, minor, technical corrections to the definition of "prompt refund" in the Commission's Mail or Telephone Order Merchandise Trade Regulation Rule ("MTOR" or "Rule"), 16 CFR 435.2(f). The two cross-references in section 435.2(f) of the Rule are corrected to refer to section 435.2(e) of the Rule instead of to section 435.2(c). Additionally, a comma is added to section 435.2(f)(1) to parallel the punctuation in section 435.2(f)(2). Because these corrections are non-substantive, the Commission has determined that Magnuson-Moss rulemaking proceedings are not required by section 18(d)(2)(B) of the FTC Act. Additionally, because these are minor technical changes correcting inadvertent editing errors, the Commission has also determined that notice and public procedure are not required under section 553 of the Administrative Procedure Act because they would be unnecessary.

EFFECTIVE DATE: November 13, 1995.  
ADDRESSES: Requests for copies of this notice should be sent to the Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Joel N. Brewer, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 326-2967.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the FTC Act, 15 U.S.C. 57a, on September 21, 1993, the Commission adopted proposed

amendments to the Commission's Mail Order Merchandise Trade Regulation Rule (the "MOR"), 16 C.F.R. Part 435, including renaming the rule "Mail or Telephone Order Merchandise" (the "MTOR").<sup>1</sup> Two new definitions, "mail or telephone order sales" and "telephone," were added as sections 435.2 (a) and (b) of the MTOR. The addition of these definitions resulted in all other definitions being renumbered. Thus, the definition for "shipment," which formerly appeared as section 435.2(a) of the MOR, was renumbered section 435.2(c) of the MTOR; the definition for "receipt of a properly completed order," which formerly appeared as section 435.2(b) of the MOR, was renumbered section 435.2(d) of the MTOR, etc.

In making these changes, two cross-references to the definition of "refund" in the definition of "prompt refund" in section 435.2(d) of the MOR (now renumbered section 435.2(f) of the MTOR) were inadvertently overlooked. The Commission has accordingly determined to correct the two cross-references in section 435.2(f) to refer to section 435.2(e), the MTOR's definition of "refund."

Additionally, a comma is being inserted in section 435.2(f)(1) of the MTOR to parallel the punctuation of section 435.2(f)(2). This error was in the text of the MOR originally and was carried from the MOR to the MTOR.

Section 18(d)(2)(B) of the FTC Act provides that the procedures for making any "substantive" amendment to a trade regulation rule shall be the same as the procedures for promulgating a rule under section 18(a)(1)(B). In this case, the changes, which are necessary to correct inadvertent editorial errors in the recently concluded rulemaking proceedings, are non-substantive; thus, section 18(d)(2)(B) is inapplicable. Accordingly, section 553 of the Administrative Procedure Act (the "APA"), 5 U.S.C. 553, applies to these amendments.<sup>2</sup> Section 553(b)(B) of the APA provides that rulemaking procedures are not required where the agency determines that "notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." Because the changes here are minor and technical, the Commission has determined that notice and public procedure are unnecessary in this case, and that rulemaking procedures are accordingly not required.

<sup>1</sup> 58 FR 49095.

<sup>2</sup> See, 15 U.S.C. 57a(b)(1).

## List of Subjects in 16 CFR Part 435

Advertising, Mail or telephone order Merchandise: Trade Practices.

Based on the foregoing analysis, the Commission makes non-substantive, minor, technical amendments to title 16, part 435 of the Code of Federal Regulations.

**PART 435—MAIL OR TELEPHONE ORDER MERCHANDISE**

1. The authority citation for part 435 continues to read as follows:

Authority: 5 U.S.C. 553; 15 U.S.C. 41 *et seq.*

2. Section 435.2(f) is revised to read as follows:

**§ 435.2 Definitions.**

\* \* \* \* \*

(f) "Prompt refund" shall mean:

(1) Where a refund is made pursuant to paragraph (e) (1) or (2)(iii) of this section, a refund sent to the buyer by first class mail within seven (7) working days of the date on which the buyer's right to refund vests under the provisions of this part;

(2) Where a refund is made pursuant to paragraph (e)(2) (i) or (ii) of this section, a refund sent to the buyer by first class mail within one (1) billing cycle from the date on which the buyer's right to refund vests under the provisions of this part.

\* \* \* \* \*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-27890 Filed 11-9-95; 8:45 am]

BILLING CODE 6750-01-M

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1952****U.S. Virgin Islands State Plan for Occupational Safety and Health**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** This document announces the Occupational Safety and Health Administration's (OSHA) decision to suspend the U.S. Virgin Islands State Plan "final approval" determination under Section 18(e) of the Occupational Safety and Health Act. OSHA is reinstating concurrent Federal enforcement authority over occupational safety issues in the private sector which issues have been solely

covered by the State Plan in the U.S. Virgin Islands since 1984. (OSHA currently exercises authority over occupational health issues in the private sector, which issues are excluded from the State plan.) The scope of the exercise of this concurrent Federal enforcement authority is further defined in this document under "Level of Federal Enforcement."

**EFFECTIVE DATE:** November 13, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Anne Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 219-8148.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Virgin Islands operates a State Plan to develop and enforce occupational safety standards for private sector employers and occupational safety and health standards for public sector (State and local government) employers, pursuant to the provisions of Section 18 of the Occupational Safety and Health Act of 1970 (the Act). Pursuant to Section 18(e) of the Act, OSHA granted the Virgin Islands "final approval" (which is also referred to as an 18(e) determination) and relinquished concurrent Federal enforcement jurisdiction effective April 17, 1984. As a result of more recent Federal monitoring of the U.S. Virgin Islands State Plan, OSHA has now found that the State plan, in actual operation, is no longer "at least as effective as" Federal OSHA and that other 18(e) requirements are no longer being met. In response to this finding, in August 1995, Lisa Harris-Moorehead, the newly appointed Virgin Islands' Commissioner of Labor, indicated the Virgin Islands' agreement to voluntarily relinquish the State Plan's final approval status under Section 18(e). The Commissioner also agreed to the reassertion of concurrent Federal enforcement jurisdiction. On behalf of the Governor, the Commissioner pledged to accomplish the necessary corrective action to regain final approval status by December, 1995. Subsequently, as a result of the intervening devastation inflicted by Hurricane Marilyn on September 15, 1995, the Virgin Islands, by letter dated September 22, 1995, requested Federal technical assistance and indicated that the necessary corrective action of the State Plan may now be somewhat delayed.

Pursuant to the procedures set forth in 29 CFR 1902.47 *et seq.*, OSHA published notice of its reconsideration of the Virgin Islands' 18(e) determination; proposed reassumption of concurrent Federal enforcement authority; and a request for written comments and opportunity to request an informal hearing on September 11, 1995 (60 FR 47131). That notice also contains a more detailed description of the Virgin Islands' State plan and the identified deficiencies. Similar notice was published in two newspapers in the Virgin Islands on September 25, 1995. The 35 day comment period closed on October 16, 1995, and OSHA received no written comments or requests for a hearing.

**B. Decision**

Pursuant to the procedures set forth in 29 CFR 1902.47 *et seq.*, the Assistant Secretary for Occupational Safety and Health has made a final decision to suspend the 18(e) final approval status of the Virgin Islands' State Plan and to reinstate concurrent Federal enforcement authority over occupational safety issues in the U.S. Virgin Islands pending the necessary corrective action by the State Plan to again meet the criteria for an 18(e) final approval determination. Concurrent Federal enforcement authority will be exercised in the U.S. Virgin Islands effective November 13, 1995.

The Assistant Secretary's decision is based upon the facts determined by OSHA in the monitoring of the State Plan and after opportunity for public comment. OSHA did not receive any written comments. The applicable evaluation reports and the State's letters and Corrective Action Plan may be inspected and copied during normal business hours at the OSHA Technical Data Center (TDC), Room N2625, 200 Constitution Avenue, NW., Washington, DC [Docket #T030]; at the Office of the Regional Administrator, Occupational Safety and Health Administration, 201 Varick Street, Room 670, New York, New York 10014; Puerto Rico Area Office, Occupational Safety and Health Administration, U.S. Courthouse & FOB, Carlos Chardon Avenue, Room 555, Hato Rey, Puerto Rico, 00918; or at the Virgin Islands Department of Labor, Occupational Safety and Health Division, 3012 Golden Rock, Christiansted, St. Croix, Virgin Islands 00820.

**C. Effect of the Decision**

The Assistant Secretary's decision to suspend the State Plan's final approval under section 18(e) restores the state