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Federal Trade Commission 16 CFR Part 457

Federal Trade Commission

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SUPPLEMENTARY INFORMATION: The
Presiding Officer's Report in the
Standards and Certification rulemaking
proceeding has been placed on the
rulemaking record (Public Record No.
215-61). During the post record comment
period which will end on September 6,
1983, the public, including persons
interested in this proceeding, is invited
to submit comments on this report and
on the Final Staff Report of April 8,
1983.

Such comments should be confined to:
(1) Information already in the
rulemaking record; (2) Information on
the impact of Office of Management and
Budget (OMB) Circular A-110, "Federal
Participation in the Development and
Use of Voluntary Standards," 45 FR
4326, January 21, 1980, and revised and
superseded by OMB Circular A-110,
published in 47 FR 49496, November 1,
1982; (3) Issues relevant to this
rulemaking proceeding, including those
raised in the Conference Report to
accomplish H.R. Rep. 2433, Federal
Trade Commission Improvement Act of
2d Sess. (1980) at pgs. 29-30 (These
issues include the advisability of issuing
voluntary rules and guidelines in the
area of standards and certification as an
alternative to a trade regulation rule,
and whether or not Commission action
is necessary in the light of the activities
of other interested Federal agencies in
the interest of avoiding inconsistent or
duplicative activity); and (4) Current
information relating solely to the nature
and effectiveness of any changes
standard developers and certifiers have
made in their procedures for processing
and disposing of complaints (including
complaints made before January 15,
1980) since the rulemaking record closed
on January 15, 1980. Information as to
the number of complaints received since
that date and how they were handled
will also be relevant. The information on
any changes in complaint handling
procedures is intended to be responsive
to the views expressed by the
Commission Staff in its final report at
pages 360-65, that the decision of the
Supreme Court in American Society of
Mechanical Engineers v. Hydrolevel
and other factors or events subsequent
to January 15, 1980, may have prompted
standard developers to institute changes
in their procedures to insure that their
standards actions have not or will not
result in an unreasonable restraint of
trade, thereby reducing or obviating the
need for a trade regulation rule.

The inclusion in comments of further
evidence or factual material not
 germane to the subjects listed in (2), (3),
and (4) of the previous paragraph, or in
further support or rebuttal of testimony
or other information previously included
in the rulemaking record would be
neither helpful nor relevant to the
central issue of whether or not standard
developers and certifiers have changed
and improved their complaint handling
procedures. Accordingly, the inclusion
of such irrelevant material in a post
record comment may result in rejection
of the comment as a whole.

Immediately following the close of the
post record comment period on
September 6, 1983, the record will
remain open for a period of 45 days for
the receipt of rebuttal comment to new
information or evidence presented
during the post record comment period.
The period for the submission of such
rebuttal comment will end on October
21, 1983.

The Commission has not yet reviewed
the rulemaking record in this proceeding
or determined whether or not to
promulgate a rule. Any decision by the
Commission in this matter will be based
solely upon the contents of the
rulemaking record, including the
material submitted in response to this
notice. Publication of the Presiding
Officer's Report should not be
interpreted as representing the views of
the Commission or of any individual
Commissioner.

List of Subjects in 16 CFR Part 475
Trade practices, Product standards.

Issued: June 6, 1983.

Henry B. Cabell,
Presiding Officer.