

### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A., Eastern Region, Federal Building, #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

### The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Logan Airport, PA. Controlled airspace extending upward from the surface is needed to accommodate operations conducted under Instrument Flight Rules. Traffic has also increased for which controlled airspace is desirable to enhance safety. Class E airspace designated as airport surface areas are published in Paragraph 6002 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves and established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

*Paragraph 6002 Class E airspace designated as surface area for an airport*

\* \* \* \* \*

#### AEA PA E2 York County, PA

York Airport (THV), PA

GRP (Lat. 39°55'12"N. x long. 76°52'39"W.)

York NDB

(Lat. 39°55'20"N. x long. 76°52'65"W.)

That airspace extending upward from the surface within a 6.5-mile radius of the York Airport.

\* \* \* \* \*

Issued in Jamaica, New York, on July 6, 1999.

**Franklin D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 99-20021 Filed 8-3-99; 8:45 am]

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### CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR Part 1212

#### Multi-Purpose Lighters; Request for Additional Comment

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Supplemental Notice of proposed rulemaking.

**SUMMARY:** The U.S. Consumer Product Safety Commission ("CPSC" or "Commission") previously proposed a rule that would require multi-purpose lighters to resist operation by children under age 5. 63 FR 52397 (September 30, 1998); see also 63 FR at 52394; 63 FR 69030 (December 15, 1998). In that proposal, the degree of child resistance is measured by a test with a panel of children to see how many can operate a multi-purpose lighter that has its on/off switch in the off, or locked, position. In this notice, the Commission proposes that the child-panel tests instead be conducted with the on/off switch in the on, or unlocked, position. This will provide additional protection when the users of the lighters do not return the switch to the off position after use. The Commission solicits written and oral comments on this change. Comments

must be limited to issues raised by the changed requirement in this document.

**DATES:** The Commission must receive any written comments in response to this proposal by October 18, 1999. If the Commission receives a request for oral presentation of comments, the presentation will begin at 10 a.m., September 15, 1999, in Room 420 in the Commission's offices at 4330 East-West Highway, Bethesda, MD 20814.

The Commission must receive requests to present oral comments by September 1, 1999. Persons requesting an oral presentation must file a written text of their presentations no later than September 8, 1999.

**ADDRESSES:** Written comments, and requests to make oral presentations of comments, should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland; telephone (301) 504-0800. Comments also may be filed by telefacsimile to (301) 504-0127 or by email to cpsc-os@cpsc.gov. Written comments should be captioned "NPR for Multi-Purpose Lighters." Requests to make oral presentations and texts of presentations should be captioned "Oral Comment; NPR for Multi-Purpose Lighters."

#### FOR FURTHER INFORMATION CONTACT:

Concerning the substance of the proposed rule: Barbara Jacobson, Project Manager, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207-0001; telephone (301) 504-0477, ext. 1206; email bjacobson@cpsc.gov.

Concerning requests and procedures for oral presentations of comments: Rockelle Hammond, Docket Control and Communications Specialist, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0800 ext. 1232. Information about this rulemaking proceeding may also be found on the Commission's web site: [www.cpsc.gov](http://www.cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Discussion

The Commission previously proposed a rule under the Consumer Product Safety Act ("CPSA") that would require multi-purpose lighters to resist operation by children under age 5. 63 FR 52397 (September 30, 1998); see also 63 FR at 52394; 63 FR 69030 (December 15, 1998). As proposed, multi-purpose

lighters, which are also known as grill lighters, fireplace lighters, utility lighters, micro-torches, or gas matches, are defined as: hand-held, self-igniting, flame-producing products that operate on fuel and are used by consumers to ignite items such as candles, fuel for fireplaces, charcoal or gas-fired grills, camp fires, camp stoves, lanterns, fuel-fired appliances or devices, or pilot lights, or for uses such as soldering or brazing. See proposed 16 CFR 1212.2(a)(1). The term does not include cigarette lighters (which are subject to the Safety Standard for Cigarette Lighters, 16 CFR 1210.2(c)), devices that contain more than 10 oz. of fuel, and matches. *Id.* The proposal also would require that the child-resistant mechanism automatically return to the child-resistant condition either (1) when or before the user lets go of the lighter or (2), for multi-purpose lighters that remain lit after the users have let go, when or before the user lets go of the lighter after turning off the flame. *Id.* at § 1212.3(b)(3).

In the previous proposal, the degree of child resistance of a multi-purpose lighter is measured by a test with a panel of children to see how many can operate the lighter. That test provides that during testing for child-resistance, multi-purpose lighters with an on/off switch will be tested with the switch in the off, or locked, position. *Id.* at § 1212.4(f)(1).

On/off switches block the operating mechanism of the lighter when in the off, or locked, position. The mechanism is released when the switch is in the on, or unlocked, position. In currently marketed lighters, the switch does not automatically reset to the locked position when the lighter is operated. During testing to determine the baseline child-resistance of currently marketed (non-child-resistant) multi-purpose lighters, the CPSC staff tested four lighters, having on/off switches, with the switch in the locked position. Children who were able to operate the lighters moved the switch to the unlocked position and pulled the trigger. The child-resistance of the lighters so tested ranged from 24 to 41 percent, well below the proposed requirement of 85 percent. The lighter with a child-resistance level of 41 percent was retested with the switch unlocked, and its child-resistance level dropped to 12 percent.

In its December 1998 comments on the proposal, BIC states that many consumers will leave the lighter in the unlocked position. Further, BIC points out that a manufacturer could design a lighter with an on/off switch that is very difficult for a child to unlock, and with

a very simple child-resistance mechanism which, in itself, would not meet the 85 percent child-resistance requirement. BIC therefore contends that multi-purpose lighters with on/off switches should be tested with the switch in the unlocked position.

The Commission concurs with BIC's recommended modification to the test protocol. Testing lighters with the switches in the locked position treats the switch as part of the child-resistance mechanism. On/off switches are not adequate to serve this purpose. First, as the Commission's baseline testing demonstrated, most children in the panel age group (42 to 51 months old) can operate the switches, which are similar to those used on many types of toys. Second, when practical, safety devices should function automatically. When in the locked position, the switch may help delay or deter some proportion of children. This protection, however, is not reliable. To provide this protection, intended users must return the switch to the off position every time the lighter is used. For a variety of reasons, even the most careful adults may fail to return the switch to the off position. Thus, as BIC points out, test results for lighters tested with the switch in the locked position may not reflect the true child-resistance of the product as actually used by consumers. Therefore, the Commission now proposes that the test protocol should require that lighters with on/off switches that do not automatically reset to the off position be tested with the switch in the on, or unlocked, position. This change is consistent with the requirement in the original proposal that the child-resistant mechanism automatically reset to its protective condition after the lighter is used.

#### **B. Preliminary Regulatory Analysis**

The CPSC requires the Commission to publish a preliminary regulatory analysis of the proposed rule. This includes a discussion of the likely benefits and costs of the proposed rule and its reasonable alternatives. The Commission's preliminary regulatory analysis was published in the September 30, 1998, proposal. The changed requirement proposed in this notice does not significantly affect the results of that analysis. To the extent that lighters accessible to children are stored in the unlocked position, and thereby reduce the lighters' child resistance, there would be an increase in the expected benefits as a result of this change.

The preliminary regulatory analysis was based on the costs of developing cigarette lighters with child-resistant

mechanisms. Generally, cigarette lighters do not have on/off switches separate from the child-resistance mechanism (and thus, under the cigarette lighter standard, are required to reset automatically after each actuation of the lighting mechanism). Accordingly, the Commission's cost estimates in the regulatory analysis did not assume that multi-purpose lighters would have on/off switches separate from the resetting child-resistance feature. Therefore, the change proposed in this notice is in line with the cost estimates the staff already has made.

CPSC baseline testing shows that more children are unable to operate a non-child-resistant multi-purpose lighter if the on/off switch is in the off position than if the switch is in the on position. Thus, it is possible that some models of multi-purpose lighters would fail the certification tests unless the tests were conducted with the on/off switch initially in the off position. Changing the protocol may, therefore, adversely impact manufacturers whose initial child-resistant designs were only marginally effective. However, the preliminary regulatory analysis already considered that some manufacturers may need to revise their designs if their initial attempts to certify their multi-purpose lighters fail. Thus, these costs have already been accounted for in the preliminary regulatory analysis.

#### **C. Regulatory Flexibility Act**

The Regulatory Flexibility Act of 1980 requires the Commission to address and give particular attention to the economic effects of the proposed rule on small entities. The original proposal's preliminary regulatory flexibility analysis examined the potential effects of the proposed rule on small entities. As explained above, the change proposed in this notice is likely to have only small changes in the costs and benefits of the final rule. Accordingly, this new requirement does not significantly change the preliminary regulatory flexibility analysis.

#### **D. Preliminary Environmental Assessment**

The proposed rule is not expected to have a significant effect on the materials used in the production and packaging of multi-purpose lighters, or in the number of units discarded after the rule becomes effective. Therefore, no significant environmental effects would result from the proposed mandatory rule for multi-purpose lighters.

#### **E. Opportunities for Comment**

Written comments limited to the issues raised by the additional

requirement proposed in this notice may be submitted until October 18, 1999. There also will be an opportunity for interested parties to present oral comments on these issues on September 15, 1999. See the information under the headings **DATES** and **ADDRESSES** at the beginning of this notice. Any oral comments will be part of the rulemaking record.

Persons presenting oral comments should limit their presentations to approximately 10 minutes, exclusive of any periods of questioning by the Commissioners or the CPSC staff. The Commission reserves the right to further limit the time for any presentation and to impose restrictions to avoid excessive duplication of presentations.

#### F. Extension of Time To Issue Final Rule

Section 9(d)(1) of the CPSA, 15 U.S.C. 2058(d)(1), provides that a final consumer product safety rule must be published within 60 days of publication of the proposed rule unless the Commission extends the 60-day period for good cause and publishes its reasons for the extension in the **Federal Register**. The Commission previously extended the time for issuing a final rule until June 30, 1999. 63 FR 52415.

This reproposal requires another extension of the time to issue a final rule. After the comment period ends on October 18, 1999, the CPSC's staff will need to address the comments and complete a briefing package for the Commission. The Commission is likely to then be briefed, and will later vote on whether to issue a final rule. The Commission expects that this additional work will take about 5 months. Accordingly, the Commission extends the time by which it must either issue a final rule or withdraw the NPR until December 31, 1999. If necessary, this date may be further extended.

**Effective date.** This reproposal does not require any change in the originally proposed effective date of 1 year after the date a final rule is issued.

#### List of Subjects in 16 CFR Part 1212

Consumer protection, Fire prevention, Hazardous materials, Infants and children, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

In the **Federal Register** of September 30, 1998 (63 FR 52397) the Commission proposed to amend Title 16, Chapter II, Subchapter B, of the Code of Federal Regulations. For the reasons set out in the preamble, the Commission proposes the following change to that proposal, as set forth below.

#### PART 1212—SAFETY STANDARD FOR MULTI-PURPOSE LIGHTERS

1. The authority citation for part 1212 continues to read as follows:

**Authority:** 15 U.S.C. 2056, 2058, 2079(d).

2. The note in § 1212.4(f)(1) is revised to read as follows:

##### § 1212.4 Test protocol.

\* \* \* \* \*

(F) \* \* \*

(1) \* \* \*

**Note:** For multi-purpose lighters with an "on/off" switch that does not automatically reset to the "off" position in accordance with § 1212.3(b)(3), the surrogate lighter shall be given to the child with the switch in the "on," or unlocked, position.

\* \* \* \* \*

Dated: July 28, 1999.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 99-19937 Filed 8-3-99; 8:45 am]

BILLING CODE 6355-01-P

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 101

[Docket No. RM99-7-000]

#### Depreciation Accounting

July 29, 1999.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations to set forth uniform standards based on the straight-line method of depreciation and the assets' estimated useful service lives for determining depreciation for accounting purposes.

**DATES:** Comments on the proposed rulemaking are due on or before October 4, 1999.

**ADDRESSES:** File comments on the notice of proposed rulemaking with the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Comments should reference Docket No. RM99-7-000.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Berson (Technical Information), Office of Finance, Accounting and Operations, 888 First Street, N.E., Washington, D.C. 20426 (202) 219-2603;

Amy L. Blauman (Legal Information), Office of the General Counsel, 888

First Street, N.E., Washington, D.C. 20426, (202) 208-2143

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Room 2A, Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission from November 14, 1994, to the present. CIPS can be accessed via Internet through FERC's Home page (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. Documents will be available on CIPS in ASCII and WordPerfect 6.1. User assistance is available at 202-208-2474 or by E-mail to [cips.master@ferc.fed.us](mailto:cips.master@ferc.fed.us).

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Home page using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to [rims.master@ferc.fed.us](mailto:rims.master@ferc.fed.us).

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

#### I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to amend the General Instructions of 18 CFR Part 101 to establish, for those public utilities and licensees that are subject to Part 101, criteria for determining depreciation for accounting purposes.

#### II. Background

##### A. Commission Authority

The Commission has authority under section 301 of the Federal Power Act (FPA) <sup>1</sup> over the accounting practices of public utilities and licensees. Pursuant to section 301, the Commission has prescribed a Uniform System of

<sup>1</sup> 16 U.S.C. 825.