

Commission's Appliance Labeling Rule web page at www.ftc.gov/appliances.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a “significant economic impact on a substantial number of small entities.” 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix D5 to Part 305 is revised to read as follows:

Appendix D5 to Part 305—Water Heaters—Heat Pump

RANGE INFORMATION

Capacity: First hour rating	Range of estimated annual energy consumption (KWh/Yr.)	
	Low	High
Less than 21	(*)	(*)
21 to 24	(*)	(*)
25 to 29	(*)	(*)
30 to 34	(*)	(*)
35 to 40	(*)	(*)
41 to 47	1996	1996
48 to 55	(*)	(*)
56 to 64	2311	2311
65 to 74	(*)	(*)
75 to 86	(*)	(*)
87 to 99	(*)	(*)
100 to 114	(*)	(*)
115 to 131	(*)	(*)
Over 131	(*)	(*)

* No data submitted.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–22530 Filed 8–31–00; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (“Appliance Labeling Rule”)

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (“the Commission”) amends its Appliance Labeling Rule (“the Rule”) by publishing new ranges of comparability to be used on required labels for compact dishwashers. The Commission also announces that the current ranges of comparability for standard-sized dishwashers, central air conditioners, and heat pumps will remain in effect until further notice. Finally, the Commission amends the portions of Appendices H (Cooling Performance and Cost for Central Air Conditioners) and I (Heating Performance and Cost for Central Air Conditioners) to Part 305 that contain cost calculation formulas. These last amendments change the figures in the formulas to reflect the current (2000) Representative Average Unit Cost of Electricity that was published on February 7, 2000 (65 FR 5860), by the Department of Energy (“DOE”), and on April 17, 2000 (65 FR 20352) by the Commission.

EFFECTIVE DATE: The amendments to Appendix C1 to part 305 establishing new ranges of comparability for compact dishwashers will become effective March 22, 2001. The amendments to Appendices H and I to Part 305 will become effective November 30, 2000.

FOR FURTHER INFORMATION CONTACT:

James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–3035); jmills@ftc.gov.

SUPPLEMENTARY INFORMATION: The Rule was issued by the Commission in 1979 (44 FR 66466 (Nov. 19, 1979)) in response to a directive in the Energy Policy and Conservation Act of 1975 (“EPCA”).¹ The Rule covers eight

categories of major household appliances: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters (this category includes storage-type water heaters, gas-fired instantaneous water heaters, and heat pump water heaters), room air conditioners, furnaces (this category includes boilers), and central air conditioners (this category includes heat pumps). The Rule also covers pool heaters (59 FR 49556 (Sept. 28, 1994)), and contains requirements that pertain to fluorescent lamp ballasts (54 FR 28031 (July 5, 1989)), certain plumbing products (58 FR 54955 (Oct. 25, 1993)), and certain lighting products (59 FR 25176 (May 13, 1994)).

The Rule requires manufacturers of all covered appliances and pool heaters to disclose specific energy consumption or efficiency information (derived from test procedures promulgated by DOE) at the point of sale in the form of an “EnergyGuide” label and in catalogs. It also requires manufacturers of furnaces, boilers central air conditioners, and heat pumps either to provide fact sheets showing additional cost information, or to be listed in an industry directory showing the cost information for their products. The Rule requires that manufacturers include, on labels and fact sheets, an energy consumption or efficiency figure and a “range of comparability” scale. This scale shows the highest and lowest energy consumption or efficiencies for all comparable appliance models so consumers can compare the energy consumption or efficiency of other models (perhaps competing brands) similar to the labeled model. The Rule requires that the manufacturers also include, on labels for some products, a secondary energy usage disclosure in the form of an estimated annual operating cost based on a specified DOE national average cost for the fuel the appliance uses.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually (by specified dates for each product type)² the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models, and drop others, the data base from which the ranges of

energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

² Reports for dishwashers are due June 1; reports for central air conditioners and heat pumps are due July 1.

¹ 42 U.S.C. 6294. The statute also requires DOE to develop test procedures that measure how much

comparability are calculated is constantly changing. Under Section 305.10 of the Rule, to keep the required information on labels consistent with these changes, the Commission publishes new ranges (but not more often than annually) if an analysis of the new information indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission publishes a statement that the prior ranges remain in effect for the next year.

The annual submissions of data for dishwashers, central air conditioners, and heat pumps have been made and have been analyzed by the Commission.

The ranges of comparability for central air conditioners and heat pumps have not changed by more than 15% from the current ranges for these products. Therefore, the current ranges for these products, which were published on September 16, 1996 (61 FR 48620), will remain in effect until further notice.

The data submissions for dishwashers show no change in the high or low ends of the range of comparability scale for standard models, no change in the low end of the range scale for compact models, but a significant change in the high end of the compact scale (reflecting the fact that currently only one model of compact dishwasher is being offered).³ Rather than require new ranges for the vast majority of dishwashers (the standard category) when only the high end of the compact range has changed significantly, the Commission has decided to publish new ranges of comparability only for compact dishwashers. These new ranges of comparability supersede the current ranges for compact-sized dishwashers, which were published on December 20, 1999.⁴ As of the effective date of these new ranges, manufacturers of compact-sized dishwashers must base the disclosure of estimated annual operating cost required at the bottom of EnergyGuides for compact-sized dishwashers on the 2000 Representative

Average Unit Costs of Energy for electricity (8.03 cents per kilo Watt-hour) and natural gas (68.8 cents per therm) that were published by DOE on February 7, 2000 (65 FR 5860), and by the Commission on April 17, 2000 (65 FR 20354).

The effective date of the **Federal Register** Notice that established the current ranges of comparability for compact-sized dishwashers was March 22, 2000. Because section 326(c) of EPCA states that the Commission cannot require that labels be changed more often than annually to reflect changes in the ranges of comparability,⁵ the effective date of today's revised ranges of comparability for compact-sized dishwashers will therefore be March 22, 2001.

The ranges of comparability for standard-sized dishwashers will remain in effect until further notice. This means that manufacturers of standard-sized dishwashers must continue to use the ranges of comparability that were published on August 25, 1997 (62 FR 44890), and must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1997 Representative Average Unit Costs of Energy for electricity (8.31 cents per kiloWatt-hour) and natural gas (61.2 cents per therm) that were published by DOE on November 18, 1996 (61 FR 58679), and by the Commission on February 5, 1997 (62 FR 5316).

In consideration of the foregoing, the Commission revises appendix C1 of part 305 by publishing the following ranges of comparability for use in required disclosures (including labeling) for compact-size dishwashers beginning March 22, 2001, and amends the cost calculation formulas in appendices H and I to part 305 that manufacturers of central air conditioners and heat pumps must include on fact sheets and in directories, effective November 30, 2000.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a “significant economic impact on a substantial number of small entities.” 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section

605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix C1 to Part 305 is revised to read as follows:

Appendix C1 to Part 305—Compact Dishwashers

Range Information

“Compact” includes countertop dishwasher models with a capacity of fewer than eight (8) place settings. Place settings shall be in accordance with appendix C to 10 CFR Part 430, subpart B. Loan patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact	277	277

Cost Information

When the above ranges of comparability are used on EnergyGuide labels for compact-sized dishwashers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2000 Representative Average Unit Costs for electricity (8.03¢ per kiloWatt-hour) and natural gas (68.8¢ per therm), and the text below the box must identify the costs as such.

3. In section 2 of Appendix H of Part 305, the text and formulas are amended by removing the figure “8.22¢” wherever it appears and by adding, in its place, the figure “8.03¢”. In addition, the text and formulas are amended by removing the figure “12.4¢” wherever it appears and by adding, in its place, the figure “12.05¢”.

4. In section 2 of Appendix I of Part 305, the text and formulas are amended by removing the figure “8.22¢” wherever it appears and by adding, in its place, the figure “8.03¢”. In addition, the text and formulas are amended by removing the figure “12.34¢” wherever it appears and by adding, in its place, the figure “12.05¢”.

³ The Commission's classification of “Standard” and “Compact” dishwashers is based on internal load capacity. Appendix C of the Commission's Rule defines “Compact” as including countertop dishwasher models with a capacity of fewer than eight (8) place settings and “Standard” as including portable or built-in dishwasher models with a capacity of eight (8) or more place settings. The Rule requires that place settings be determined be in accordance with appendix C to 10 CFR Part 430, subpart B, of DOE's energy conservation standards program.

⁴ The current ranges for compact-sized dishwashers (Appendix C1) were published at 64 FR 71019, along with a republication of the current (1997) ranges for standard-sized dishwashers (Appendix C2), which were originally published on August 25, 1997, at 62 FR 44890.

⁵ 42 U.S.C. 6296(c).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00-22529 Filed 8-31-00; 8:45 am]

BILLING CODE 6750-01-M

Consumer Product Safety Commission

16 CFR Part 1000

Statement of Organization and Functions

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is amending its statement of organization and functions to reflect the reorganization of the Directorate for Laboratory Sciences into three divisions: Mechanical Engineering, Electrical Engineering, and Chemical. We are also making editorial changes.

EFFECTIVE DATE: September 1, 2000.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone 301-504-0980.

SUPPLEMENTARY INFORMATION:

The Commission has reorganized the Directorate for Laboratory Sciences into three divisions, the Mechanical Engineering Division, the Electrical Engineering Division, and the Chemical Division. Section 1000.31 is being revised to reflect this and to make various editorial revisions.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b) notice and other public procedures are not required and it is effective immediately upon publication in the **Federal Register**. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612, and, thus, is exempt from the provisions of the Act.

List of Subjects in 16 CFR Part 1000

Organization and functions (government agencies).

Accordingly, Part 1000 is amended as follows:

PART 1000—[AMENDED]

1. The authority citation for part 1000 continues to read as follows:

Authority: 5 U.S.C. 552(a).

2. Section 1000.31 is revised to read as follows:

§ 1000.31 Directorate for Laboratory Sciences.

The Directorate for Laboratory Sciences, which is managed by the Associate Executive Director for Laboratory Sciences, is responsible for conducting engineering analyses and testing of consumer products, supporting the development of voluntary and mandatory standards, and supporting the Agency's compliance activities through product safety assessments. A wide variety of products are tested and evaluated to determine the causes of failure and the hazards presented. Product safety tests involve mechanical, electrical, and combustion engineering, as well as thermal and chemical analyses. Test protocols are developed, test fixtures and setups are designed and fabricated, and tests are conducted following the requirements and guidance of voluntary and mandatory standards and/or using sound engineering and scientific judgment. The Laboratory participates with and supports other agency directorates on multi-disciplinary teams in the development of voluntary and mandatory standards. The Laboratory coordinates and cooperates with other Federal agencies, private industry, and consumer interest groups by sharing engineering and scientific research, test, and evaluation expertise. Additionally, Corrective Action Plans, proposed by manufacturers to correct a product defect, are tested and evaluated to assure that the proposed changes adequately resolve the problem. Regulated products, such as children's products, sleepwear, and bicycle helmets, are routinely tested and evaluated for compliance with the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, and the Poison Prevention Packaging Act. The Directorate is composed of the Mechanical Engineering Division, the Electrical Engineering Division (which includes flammable fabrics), and the Chemical Division. Overall, the directorate provides engineering, scientific, and other technical expertise to all entities within the Consumer Product Safety Commission.

Dated: August 28, 2000.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00-22404 Filed 8-31-00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. 98F-0196]

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that published in the **Federal Register** of June 6, 2000 (65 FR 35823). The document amended FDA's food additive regulations to reflect approval of a petition (FAP 2238) filed by Alltech Biotechnology Center. The petition proposed to amend the food additive regulations to provide for the safe use of selenium yeast as a source of selenium in animal feeds intended for use in chickens. The document was published with an inadvertent error. This document corrects that error.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

DATES: Effective June 6, 2000.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Chou, Center for Veterinary Medicine (HFV-228), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0161.

SUPPLEMENTARY INFORMATION:

In FR Doc. 00-14214, appearing on page 35823 in the **Federal Register** of Tuesday, June 6, 2000, the following correction is made:

§ 573.920 [Corrected]

On page 35824, in § 573.920 *Selenium*, in the second column, in paragraph (h) the last sentence is corrected to read "Usage of this additive must conform to the requirements of paragraphs (d)(1), (e), and (f) of this section."

Dated: August 18, 2000.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 00-22399 Filed 8-31-00; 8:45 am]

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