

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class D and Class E2 airspace at Lawrenceville, GA, to accommodate current SIAPs and for IFR operations at the Lawrenceville/Gwinnett County-Briscoe Field Airport, as a result of a non-federal control tower commissioned at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a 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).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g) 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 5000 Class D airspace

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ASO GA D Lawrenceville, GA [New]

Lawrenceville/Gwinnett County-Briscoe Field Airport, GA
(Lat. 33°58'41"N, long. 83°57'45"W)

That airspace extending upward from the surface to and including 3600 feet MSL within a 4.6-mile radius of the Lawrenceville/Gwinnett County-Briscoe Field Airport. This Class D airspace area is

effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

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Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

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ASO GA E2 Lawrenceville, GA [New]

Lawrenceville/Gwinnett County-Briscoe Field Airport, GA
(Lat. 33°58'41"N, long. 83°57'45"W)

Within a 4.6-mile radius of the Lawrenceville/Gwinnett County-Briscoe Field Airport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in College Park, Georgia, on August 11, 1995.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

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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 ("Commission") amends its Appliance Labeling Rule by publishing new ranges of comparability to be used on required labels for dishwashers, instantaneous water heaters, heat pump water heaters, room air conditioners, and pool heaters. The Commission also announces that the ranges of comparability for storage-type water heaters, furnaces, and boilers, which were published on September 23, 1994,¹ will remain in effect until further notice.

EFFECTIVE DATE: November 20, 1995.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–3035).

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and

¹ 59 FR 48796.

Conservation Act of 1975 ("EPCA")² requires the Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances. Dishwashers, room air conditioners, water heaters, furnaces, and boilers are included in those categories. The statute also requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued the Appliance Labeling Rule ("Rule"), which covered seven of the thirteen appliance categories that were then covered by DOE test procedures: Refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces (this category includes boilers).³ The Commission has extended the coverage of the Rule five times since it originally issued the Rule: In 1987 (central air conditioners, heat pumps, and pulse combustion and condensing furnaces⁴); 1989 (fluorescent lamp ballasts⁵); 1993 (certain plumbing products⁶ and certain lighting products⁷), and, in 1994 (pool heaters, instantaneous water heaters, and heat pump water heaters⁸).

On July 1, 1994, the Commission amended the Rule to make certain improvements, including making the label format more "user-friendly," changing the energy usage descriptors required on labels, and adopting new product sub-categories for ranges of

² 42 U.S.C. 6294.

³ 44 FR 66466, 16 CFR part 305 (Nov. 19, 1979). The Statement of Basis and Purpose for the final Rule describes the reasons the Commission declined to cover the other categories of covered products. *Id.* at 66467–69.

⁴ 52 FR 46888 (Dec. 10, 1987).

⁵ 54 FR 28031 (July 5, 1989).

⁶ 58 FR 54955 (Oct. 25, 1993).

⁷ 59 FR 25176 (May 13, 1993).

⁸ 59 FR 49556 (Sept. 28, 1994). The original effective date of these amendments was December 29, 1994. Because it became apparent that manufacturers of pool heaters, instantaneous water heaters and heat pump water heaters would have difficulty preparing the revised labels by December 29, however, the Commission, on December 8, 1994, published a partial delay of compliance dates for these products. 59 FR 63688. In this second notice, the Commission gave manufacturers of these products extra time to prepare the new labels. The Commission announces today that manufacturers of pool heaters, instantaneous water heaters, and heat pump water heaters must begin using the new labels (and ranges of comparability published herein) on all covered products manufactured on or after the effective date of today's notice.

comparability purposes.⁹ The new format applies to labels for all products, including the newly required labels for instantaneous water heaters, heat pump water heaters, and pool heaters. The amendments change the labels for dishwashers and room air conditioners. For dishwashers, the principal energy usage descriptor has been changed from an estimated annual operating cost to an estimated annual energy consumption. For both dishwashers and room air conditioners, the cost grid has been eliminated and a secondary disclosure of energy usage has been added in the form of an estimated annual operating cost in a box at the bottom of the label together with a disclosure of the usage assumptions and electrical cost upon which the operating cost is based. For room air conditioners, the products are now grouped into new sub-categories identical to the sub-categories used by DOE in its minimum efficiency standards program.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.¹⁰ These reports contain 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 comparability are calculated is constantly changing. To keep the required information on labels up to date, the Commission is empowered, under Section 305.10 of the Rule, to publish 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 must

publish a statement that the prior ranges remain in effect for the next year.

The annual submissions of data for dishwashers, room air conditioners, water heaters, furnaces, boilers, and pool heaters have been made and have been analyzed by the Commission. These submissions of data were made by the affected manufacturers in compliance with the new requirements, where applicable, for new energy use descriptors and sub-categories in the amendments the Commission published on July 1, 1994.

The ranges for storage-type water heaters, furnaces, and boilers have not changed by more than 15% from the current ranges for these products, which were published on September 23, 1994, and which were based on the new energy usage descriptors and sub-categories published on July 1, 1994.¹¹ Therefore, these ratings will remain in effect until further notice.

The data submissions for dishwashers and room air conditioners were based on the new energy usage descriptors and new sub-categories required by the July 1, 1994, amendments and, therefore, have resulted in entirely new ranges of comparability figures for these two product categories. The new ranges for dishwashers will supersede the current ranges for dishwashers, which were published on January 12, 1994,¹² and the new ranges for room air conditioners will supersede the current ranges for room air conditioners, which were published on September 22, 1989.¹³

The new ranges of comparability for instantaneous water heaters, heat pump water heaters, and heat pool heaters are based on the first data submissions for these products, and will not, therefore, supersede existing ranges of comparability.

The following ranges of comparability are for use in required disclosures

(including labeling) for dishwashers, instantaneous water heaters, heat pump water heaters, room air conditioners, and pool heaters manufactured on or after November 20, 1995.

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 C to part 305 is revised to read as follows:

Appendix C to Part 305—Dishwashers

Range Information:

“Compact” includes countertop dishwasher models with a capacity of fewer than eight (8) place settings.

“Standard” includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings.

Place settings shall be in accordance with Appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy, energy consumption (kWh/yr.)	
	Low	High
Compact	(*)	(*)
Standard	496	699

*No data submitted.

3. Appendix D4 to Part 305 is revised to read as follows:

Appendix D4 to Part 305—Water Heaters—Instantaneous—Gas

RANGE INFORMATION:

Capacity	Range of estimated annual energy consumption (therms/yr. and gallons/yr.)			
	Natural gas therms/yr.		Propane gallons/yr.	
	Low	High	Low	High
First hour rating				
Less than 21	(*)	(*)	(*)	(*)
21 to 24	(*)	(*)	(*)	(*)
25 to 29	(*)	(*)	(*)	(*)

⁹ 59 FR 34014. The original effective date of these amendments was December 28, 1994. As was the case with pool heaters, instantaneous water heaters, and heat pump water heaters (see note 8, above), it became apparent that manufacturers of refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, and room air conditioners would have difficulty preparing the revised labels by December 28. Consequently, the

Commission, on December 8, 1994, granted a partial delay of compliance dates for these products in the same notice announcing the partial delay for the water heating products. 59 FR 63688. The Commission announces today that manufacturers of dishwashers and room air conditioners must begin using the new labels (and ranges of comparability published herein) on all covered products

manufactured on or after the effective date of today's notice.

¹⁰ Reports for dishwashers are due June 1; reports for room air conditioners, water heaters, furnaces, boilers, and pool heaters are due May 1.

¹¹ See note 1, above.

¹² 59 FR 1627.

¹³ 54 FR 38966.

RANGE INFORMATION:—Continued

Capacity	Range of estimated annual energy consumption (therms/yr. and gallons/yr.)			
	Natural gas therms/yr.		Propane gallons/yr.	
	Low	High	Low	High
30 to 34	(*)	(*)	(*)	(*)
35 to 40	(*)	(*)	(*)	(*)
41 to 47	(*)	(*)	(*)	(*)
48 to 55	(*)	(*)	(*)	(*)
56 to 64	(*)	(*)	(*)	(*)
65 to 74	411	411	451	451
75 to 86	(*)	(*)	(*)	(*)
87 to 99	(*)	(*)	(*)	(*)
100 to 114	230	422	230	464
115 to 131	(*)	(*)	(*)	(*)
Over 131	(237)	402	238	444

* No data submitted.

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

Appendix D5 to Part 305—Water Heaters—Instantaneous—Oil

RANGE INFORMATION		
Capacity	Range of estimated annual energy consumption (gallons/yr.)	
	Low	High
Less than 21	(*)	(*)
21 to 24	(*)	(*)
25 to 29	(*)	(*)
30 to 34	(*)	(*)
35 to 40	(*)	(*)
41 to 47	(*)	(*)
48 to 55	(*)	(*)
56 to 64	(*)	(*)
65 to 74	(*)	(*)
75 to 86	(*)	(*)
87 to 99	(*)	(*)
100 to 114	(*)	(*)
115 to 131	(*)	(*)
Over 131	(*)	(*)

* No data submitted.

5. Appendix D6 to Part 305 is revised to read as follows:

Appendix D6 to Part 305—Water Heaters—Heat Pump

RANGE INFORMATION		
Capacity	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	(*)	(*)
48 to 55	(*)	(*)
56 to 64	1756	2091
65 to 74	(*)	(*)
75 to 86	(*)	(*)
87 to 99	1756	1996
100 to 114	(*)	(*)
115 to 131	(*)	(*)
Over 131	(*)	(*)

* No data submitted.

6. 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's/hr.	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 ...	8.5	12.0
14,000 to 19,999 Btu .	9.0	10.7
20,000 and more Btu .	8.8	10.0
Without Reverse Cycle and without Louvered Sides:		
Less than 6,000 Btu ..	(*)	(*)
6,000 to 7,999 Btu	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.

7. Appendices J1 and J2 to Part 305 are revised to read as follows:

Appendix J1 to Part 305—Pool Heaters—Gas

RANGE INFORMATION				
Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)			
	Natural gas		Propane	
	Low	High	Low	High
All capacities	78.4	97.0	78.4	97.0

Appendix J2 to Part 305—Pool Heaters—Oil

RANGE INFORMATION

Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)	
	Low	High
All capacities	78.0	78.0

By direction of the Commission.

Benjamin I. Berman,
Acting Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 93F-0101]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of monomethyltin/dimethyltin isooctylmercaptoacetates as a stabilizer in rigid polyvinyl chloride and rigid vinyl chloride copolymers for use in contact with food. This action is in response to a petition filed by Morton International, Inc.

DATES: Effective August 21, 1995; written objections and requests for a hearing by September 20, 1995.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Diane E. Robertson, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3089.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of April 22, 1993 (58 FR 21583), FDA announced that a food additive petition (FAP 3B4366) had been filed by Morton International, Inc., 2000 West St., Cincinnati, OH 45215. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR

178.2010) to provide for the safe use of monomethyltin/dimethyltin isooctylmercaptoacetates as a stabilizer in rigid polyvinyl chloride and rigid vinyl chloride copolymers in contact with food of Types I, II, III, IV (except liquid milk), V, VI, VII, VIII, and IX, described in Table 1 of § 176.170(c) (21 CFR 176.170(c)), under conditions of use C through G, described in Table 2 of § 176.170(c), and having the following specifications: 5 to 90 percent by weight of monomethyltin tris(isooctylmercaptoacetate); 10 to 95 percent by weight of dimethyltin bis(isooctylmercaptoacetate); no more than 0.2 percent by weight of trimethyltin isooctylmercaptoacetate; tin content in the range of 15 to 21 percent; and mercaptosulfur content in the range of 11.5 to 12.8 percent.

FDA has evaluated the data and information in the petition and finds that the isooctylmercaptoacetate components of the additive may consist of a mixture of isooctylmercaptoacetates or primarily 2-ethylhexylmercaptoacetate, an isomer of isooctylmercaptoacetate. Therefore, the agency concludes that the additive should be identified as containing either "isooctyl" or "2-ethylhexyl" mercaptoacetates. The resulting regulation includes Chemical Abstracts Registry Numbers (CAS Reg. Nos.) for both isomers. The agency also finds that, because of differing manufacturing methods and test results, tested mercaptosulfur content will vary from 11 to 13.5 percent, and that allowing this slight additional variation will have no effect on the safety of the additive. The agency has also determined that it is not necessary to lower the percentage of trimethyltin isooctylmercaptoacetate from 0.4 percent by weight to 0.2 percent by weight to ensure the safe use of the additive and that the data submitted support the use of the additive under condition of use C in § 176.170(c) Table 2 with a maximum temperature of 88 °C (190 °F). With these modifications, FDA concludes that the proposed use of monomethyltin/dimethyltin isooctylmercaptoacetates is safe and that § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before

making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before September 20, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows: