

employee groups which were within their existing field of membership. The NCUA Board will consider further regulatory action at an appropriate time depending on developments in the ongoing litigation concerning field of membership issues.

#### List of Subjects in 12 CFR Part 701

Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on January 23, 1997.  
Becky Baker,  
*Secretary of the Board.*

Accordingly, NCUA amends 12 CFR part 701 as follows:

### **PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS**

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 12 U.S.C. 1601, et seq., 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 12 U.S.C. 4311–4312.

2. Section 701.1 is revised to read as follows:

#### **§ 701.1 Federal credit union chartering, field of membership modifications, and conversions.**

National Credit Union Administration practice and procedure concerning chartering, field of membership modifications, and conversions are set forth in Interpretive Ruling and Policy Statement 94–1 Chartering and Field of Membership Policy (IRPS 94–1) as amended by IRPS 96–1. Copies may be obtained by contacting NCUA at the address found in § 792.2(g)(1) of this chapter. The combined IRPS are incorporated into this section.

(Approved by the Office of Management and Budget under control number 3133–0015.)

Note: The text of Interpretive Ruling and Policy Statement (IRPS 94–1, as amended by IRPS 96–1) does not appear in the Code of Federal Regulations.

[FR Doc. 97–2830 Filed 2–4–97; 8:45 am]

**BILLING CODE 7535–01–P**

## **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 revision.

**SUMMARY:** The Federal Trade Commission’s Appliance Labeling Rule (“the Rule”) requires that Table 1, in § 305.9, which sets forth the representative average unit energy costs for five residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy (“DOE”).

This document revises the table to incorporate the latest figures for average unit energy costs as published by DOE in the Federal Register on November 18, 1996.<sup>1</sup>

**DATES:** The revisions to § 305.9(a) and Table 1 are effective March 7, 1997. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the **SUPPLEMENTARY INFORMATION** section, below.

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

**SUPPLEMENTARY INFORMATION:** On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act (“EPCA”), 42 U.S.C. 6201.<sup>2</sup> The Rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in § 305.9(a) of the Rule sets forth the representative average unit energy costs to be used for

<sup>1</sup> 61 FR 58679.

<sup>2</sup> 44 FR 66466. Since its promulgation, the rule has been amended four times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), and certain lamp products (59 FR 25176, May 13, 1994). Obligations under the rule concerning fluorescent lamp ballasts, lighting products, and plumbing products are not affected by the cost figures in this notice.

all cost-related requirements of the Rule. As stated in § 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE.

On November 18, 1996, DOE published the most recent figures for representative average unit energy costs. Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

How and when industry members must use (and not use) revised Table 1 in calculating cost disclosures for labeling and catalog sales is explained in detail in the paragraphs below. In sum:

- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners are not permitted to use the DOE Cost figures published today to calculate the secondary operating cost figures on labels for their products until the Commission publishes new ranges of comparability for those products.

- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters have no need for the DOE cost figures for making data submissions under 305.8. The energy use information they must submit and use as primary energy use descriptors on labels for these products is now in terms of energy consumption, not operating cost.

- Industry members must use the 1997 DOE cost figures published today to calculate operating cost representations in catalogs that are drafted and printed after May 6, 1997.

- Beginning May 6, 1997, manufacturers of clothes dryers, television sets, kitchen ranges and ovens, and space heaters must use the 1997 representative average unit costs for energy in all operating cost representations.

For Labeling of Products Covered by the Commission’s Rule<sup>3</sup>

Manufacturers of covered products are not permitted to use the National Average Representative Unit Costs published today on labels for their products until the Commission

<sup>3</sup> The July 1, 1994, amendments require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and on operation with water heated by electricity). The labels also must disclose, below this secondary estimated annual operating cost, the fact that the estimated annual operating cost is based on the appropriate DOE energy cost figure, and must identify the year in which the cost figure was published.

publishes new ranges of comparability for those products.

Manufacturers of storage-type water heaters must continue to use the 1994 DOE cost figures (8.41 cents per kilowatt-hour for electricity, 60.4 cents per therm for natural gas, \$1.054 per gallon for No. 2 heating oil, and 98.3 cents per gallon for propane) in determining the operating cost disclosures on the labels on their products. This is because the 1994 DOE cost figures were in effect when the 1994 ranges of comparability for storage-type water heaters were published, and those 1994 ranges are still in effect for those products.<sup>4</sup> Manufacturers of storage-type water heaters must continue to use the 1994 cost figures to calculate the estimated annual operating cost figures on their labels until the Commission publishes new ranges of comparability for storage-type water heaters.

Manufacturers of refrigerators, refrigerator-freezers, freezers, heat pump water heaters, and room air conditioners must continue to derive the operating cost disclosures on labels by using the 1995 National Average Representative Unit Costs (8.67 cents per kilowatt-hour for electricity, 63 cents per therm for natural gas, \$1.008 per gallon for No. 2 heating oil, and 98.5 cents per gallon for propane) that were in effect when the current (1995) ranges of comparability for these products were published.<sup>5</sup> Manufacturers of refrigerators, refrigerator-freezers, freezers, heat pump water heaters, and room air conditioners must continue to use the 1995 DOE cost figures to calculate the operating cost disclosure disclosed on labels until the Commission publishes new ranges of comparability for heat pump water heaters, room air conditioners, or refrigerators, refrigerator-freezers, and

freezers based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figure for electricity in effect at that time.

Manufacturers of clothes washers, dishwashers, and instantaneous water heaters must continue to base the required secondary operating cost disclosures on labels on the 1996 National Average Representative Unit Costs for electricity (8.6 cents per kilowatt-hour), natural gas (62.6 cents per therm), propane (90 cents per gallon), and/or heating oil (92 cents per gallon) that were published by DOE on January 19, 1996,<sup>6</sup> and by the Commission on February 14, 1996,<sup>7</sup> and that were in effect when the 1996 ranges of comparability for these products were published.<sup>8</sup>

For 1997 Submissions of Data Under Section 305.8 of the Commission's Rule

Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of § 305.8 of the Rule. Pursuant to amendments to the Rule published on July 1, 1994<sup>9</sup> (with extended compliance dates published on December 8, 1994),<sup>10</sup> the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilowatt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil). Thus, the 1997 (and all subsequent) data submissions under 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, not cost. The energy efficiency descriptors for the other products covered by the Rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements

for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency.

For convenience, the annual dates for data submission are repeated here:

Fluorescent lamp ballasts .....	Mar. 1.
Clothes washers .....	Mar. 1.
Water heaters .....	May 1.
Furnaces .....	May 1.
Room air conditioners .....	May 1.
Pool Heaters .....	May 1.
Dishwashers .....	June 1.
Central air conditioners .....	July 1.
Heat pumps .....	July 1.
Refrigerators .....	Aug. 1.
Refrigerator-freezers .....	Aug. 1.
Freezers .....	Aug. 1.

For Energy Cost Representations Respecting Covered Products in Catalogs

Energy cost representations in catalogs that are drafted and printed while the 1997 cost figures are in effect must be derived using the 1997 energy costs beginning May 6, 1997.

For Energy Cost Representations Respecting Products Covered by EPCA But Not by the Commission's Rule

Manufacturers of products covered by section 323(c) of EPCA, 42 U.S.C. 6293(c), but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 1997 representative average unit costs for energy in all operating cost representations beginning May 6, 1997.

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.

<sup>4</sup> The 1994 DOE cost figures were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699). The current (1994) ranges of comparability for storage-type water heaters were published on September 23, 1994 (59 FR 48796). On August 21, 1995 (60 FR 43367), and again on September 16, 1996 (61 FR 48620), the Commission announced that the 1994 ranges for storage-type water heaters would continue to remain in effect.

<sup>5</sup> The 1995 DOE cost figures were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9296). The current (1995) ranges of comparability for heat pump water heaters were published on August 21, 1995 (60 FR 43367). The current (1995) ranges for refrigerators, refrigerator-freezers, freezers, and room air conditioners were published on November 13, 1995 (60 FR 56945). On September 16, 1996 (61 FR 48620), the Commission announced that the 1995 ranges for heat pump water heaters and room air conditioners would continue to remain in effect. On October 28, 1996 (61 FR 55563), the Commission announced that the 1995 ranges for refrigerators, refrigerator-freezers, and freezers would continue to remain in effect.

<sup>6</sup> 61 FR 1366.

<sup>7</sup> 61 FR 5679.

<sup>8</sup> The current ranges for clothes washers were published on June 13, 1996 (61 FR 29939); the current ranges for dishwashers and instantaneous water heaters were published on September 16, 1996 (61 FR 48620).

<sup>9</sup> 59 FR 34014.

<sup>10</sup> 59 FR 63688.

**PART 305—[AMENDED]**

Authority: 42 U.S.C. 6294.

**§ 305.9 Representative average unit energy costs.**

Accordingly, 16 CFR Part 305 is amended as follows:

2. Section 305.9(a) is revised to read as follows:

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

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

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1997)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu <sup>1</sup>
Electricity .....	8.31¢/kWh <sup>2,3</sup> .....	\$0.0831/kWh .....	\$24.35
Natural Gas .....	61.2¢/therm <sup>4</sup> or \$6.43/MCF <sup>5,6</sup> .....	0.00000612/Btu .....	6.12
No. 2 heating oil .....	0.99/gallon <sup>7</sup> .....	0.00000714/Btu .....	7.14
Propane .....	0.98/gallon <sup>8</sup> .....	0.00001073/Btu .....	10.73
Kerosene .....	1.16/gallon <sup>9</sup> .....	0.00000859/Btu .....	8.59

<sup>1</sup> Btu stands for British thermal unit.  
<sup>2</sup> kWh stands for kilowatt hour.  
<sup>3</sup> 1 kWh = 3,412 Btu.  
<sup>4</sup> 1 therm = 100,000 Btu. Natural gas prices include taxes.  
<sup>5</sup> MCF stands for 1,000 cubic feet.  
<sup>6</sup> For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,028 Btu.  
<sup>7</sup> For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.  
<sup>8</sup> For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.  
<sup>9</sup> For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

\* \* \* \* \*

Donald S. Clark,  
 Secretary.  
 [FR Doc. 97-2802 Filed 2-4-97; 8:45 am]  
 BILLING CODE 6750-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 520**

**Oral Dosage Form New Animal Drugs; Tetracycline Hydrochloride Soluble Powder**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for oral use of tetracycline hydrochloride soluble powder in the drinking water of calves and swine for control and treatment of certain diseases caused by pathogens susceptible to tetracycline, and of chickens and turkeys for control of certain diseases caused by pathogens susceptible to tetracycline.

**EFFECTIVE DATE:** February 5, 1997.  
**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center For Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1643.

**SUPPLEMENTARY INFORMATION:** Phoenix Scientific, Inc., 3915 South 48th Street Ter., P.O. Box 6457, St. Joseph, MO 64506-0457, filed ANADA 200-136, which provides for oral use of tetracycline hydrochloride soluble powder in the drinking water of calves and swine for control and treatment of certain conditions, and of chickens and turkeys for the control of certain conditions, as follows: (1) For calves for control and treatment of bacterial enteritis (scours) caused by *Escherichia coli*, and bacterial pneumonia (shipping fever complex) associated with *Pasteurella* spp., *Actinobacillus pleuropneumoniae* (*Hemophilus* spp.), and *Klebsiella* spp. susceptible to tetracycline; (2) for swine for control and treatment of bacterial enteritis (scours) caused by *E. coli*, and bacterial pneumonia associated with *Pasteurella* spp., *A. pleuropneumoniae* (*Hemophilus* spp.), and *Klebsiella* spp. susceptible to tetracycline; (3) for chickens for control of chronic respiratory disease (CRD or air-sac disease) caused by *Mycoplasma gallisepticum* and *E. coli*; infectious synovitis caused by *M. synoviae* susceptible to tetracycline; (4) for turkeys for control of infectious synovitis caused by *M. synoviae* and bluecomb (transmissible enteritis or coronaviral enteritis) complicated by bacterial organisms susceptible to tetracycline.

Approval of Phoenix's ANADA 200-136 tetracycline hydrochloride soluble powder is as a generic copy of Fermenta's NADA 65-496 tetracycline hydrochloride soluble powder. ANADA 200-136 is approved as of December 17,

1996, and the regulations are amended in § 520.2345d(a)(1) (21 CFR 520.2345d(a)(1)) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In addition, due to enactment of the Generic Animal Drug and Patent Term Restoration Act of 1988, the paragraph concerning NAS/NRC status is outdated. Section 520.2345d is amended to remove paragraph (c).

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24 (d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows: