

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-231-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-19-08 Saab Aircraft AB: Amendment 39-9755. Docket 96-NM-231-AD.

*Applicability:* Model SAAB 2000 series airplanes having serial numbers 004 through 030, certificated in any category.

*Note 1:* This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent condensational water from collecting in the tube of the de-icing system for the horizontal stabilizer, which could cause the system to fail in low temperatures, and consequently lead to reduced controllability of the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD, conduct a visual inspection of the boots of the stabilizer de-icing system to determine whether the boots on the horizontal stabilizer are inflating fully. This inspection shall be conducted while the airplane is parked, using the Auxiliary Power Unit (APU) bleed air to operate the stabilizer de-icing system for one cycle, to determine whether the boots on the horizontal stabilizer have inflated fully.

(1) If the boots inflate fully, repeat the inspection after each flight until the modification required by paragraph (b) of this AD has been accomplished.

(2) If the boots do not inflate fully, prior to further flight, perform the modification required by paragraph (b) of this AD.

(b) Within 30 days after the effective date of this AD, modify the tube in the stabilizer de-icing system by drilling a hole, in accordance with Saab Service Bulletin SAAB 2000-30-006, dated December 22, 1995. This modification constitutes terminating action for the visual inspections required by paragraph (a) of this AD.

(c) As of the effective date of this AD, no person shall install on any airplane a de-icing tube having Saab part number (P/N) 7330100-542 (on Model SAAB 2000 series airplanes having serial numbers 004 through 008, inclusive) or P/N 7330101-651 (on Model SAAB 2000 series airplanes having serial numbers 009 through 030, inclusive) unless that tube has been modified in accordance with Saab Service Bulletin SAAB 2000-30-006, dated December 22, 1995, prior to installation.

(d) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

*Note 2:* Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The modification shall be done in accordance with Saab Service Bulletin SAAB 2000-30-006, dated December 22, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on October 1, 1996.

Issued in Renton, Washington, on September 5, 1996.

James V. Devany,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-23242 Filed 9-13-96; 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 ("Commission") amends its Appliance Labeling Rule by publishing new ranges of comparability to be used on required labels for dishwashers, instantaneous water heaters, and central air conditioners and heat pumps sold as single package units. The Commission also announces that the current ranges of comparability for storage-type water heaters, heat pump water heaters, pool heaters, room air conditioners, furnaces, boilers, and

split-system 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 amendments change the figures in the formulas to reflect the current Representative Average Unit Cost of Electricity that was published in January by the Department of Energy ("DOE").

**EFFECTIVE DATE:** December 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202-326-3035).

**SUPPLEMENTARY INFORMATION:** The Appliance Labeling Rule ("Rule") was issued by the Commission in 1979<sup>1</sup> in response to a directive in the Energy Policy and Conservation Act of 1975.<sup>2</sup> 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, 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<sup>3</sup> and contains requirements that pertain to fluorescent lamp ballasts,<sup>4</sup> certain plumbing products,<sup>5</sup> and certain lighting products.<sup>6</sup>

The Rule requires manufacturers of all covered appliances and pool heaters to disclose specific energy consumption or efficiency information (derived from the DOE test procedures) at the point of sale in the form of an "EnergyGuide" label and in catalogs. It also requires manufacturers of furnaces, 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 factsheets, an energy consumption or efficiency figure and a

"range of comparability." This range 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 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)<sup>7</sup> 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. 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 changes 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, room air conditioners, central air conditioners and heat pumps (including single package units and split systems), water heaters (including storage-type, instantaneous, and heat pump water heaters), furnaces, boilers, and pool heaters have been made and have been analyzed by the Commission.

The ranges of comparability for room air conditioners, split system central air conditioners and heat pumps, storage-type water heaters, heat pump water heaters, furnaces, boilers and pool heaters have not changed by more than 15% from the current ranges for these products. Therefore, these ranges will remain in effect until further notice.<sup>8</sup>

<sup>7</sup> Reports for room air conditioners, water heaters (storage-type, instantaneous, and heat pump-type), furnaces, boilers, and pool heaters are due May 1; reports for dishwashers are due June 1; reports for central air conditioners and heat pumps are due July 1.

<sup>8</sup> The current ranges of comparability for central air conditioners and heat pumps were published on August 5, 1994 (59 FR 39951). The current ranges for storage-type water heaters furnaces and boilers were published on September 23, 1994 (59 FR 48796). The current ranges for instantaneous water

The data submissions for dishwashers, instantaneous water heaters, and central air conditioners and heat pumps that are sold as single package units have resulted in new ranges of comparability figures for these products, which will supersede the current ranges.<sup>9</sup>

The Commission also is amending the cost calculation formulas appearing in section 2 of Appendices H and I to Part 305. These sections contain heating and cooling performance cost information for central air conditioners and heat pumps. Manufacturers must provide the formulas on fact sheets and in directories so consumers can calculate their own costs of operation for the central air conditioners and heat pumps that they are considering purchasing. This amendment changes the figures in the formulas to reflect the current Representative Average Unit Cost of Electricity—8.6 cents per kilowatt-hour—that was published on January 19, 1996, by DOE<sup>10</sup> and by the Commission on February 14, 1996.<sup>11</sup>

In consideration of the foregoing, the Commission revises Appendix C, Appendix D4, Appendix H, and Appendix I of Part 305 by publishing the following ranges of comparability for use in required disclosures (including labeling) for dishwashers, instantaneous water heaters, and central air conditioners and heat pumps sold as single package units manufactured on or after December 16, 1996. The Commission also amends the cost calculation formulas in Appendices H and I of Part 305 so they will include the 1996 Representative Average Unit Cost for electricity. In addition, as of this effective date, manufacturers must base the disclosures of estimated annual operating cost required at the bottom of

heaters, heat pump water heaters, pool heaters, and room air conditioners (originally) were published on August 21, 1995 (60 FR 43367). A corrected version of the ranges for room air conditioners was published on November 13, 1995 (60 FR 56945, at 56949).

<sup>9</sup> The current ranges for dishwashers and instantaneous water heaters were published on August 21, 1995 (60 FR 43367). Because the Commission has never received any submissions of data for oil-fired instantaneous water heaters, the ranges for these products show "no data submitted" for all size categories. The Commission will not, therefore, amend the ranges for oil-fired instantaneous water heaters because they have not changed. The current ranges for central air conditioners and heat pumps sold as single package units were published on August 5, 1994 (59 FR 39951).

<sup>10</sup> 61 FR 1366. This figure, along with national average cost figures for natural gas, propane, heating oil and kerosene, is published annually by DOE for the industry's use in calculating, among other figures, the cost figures required by the Commission's Rule.

<sup>11</sup> 61 FR 5679.

<sup>1</sup> 44 FR 66466 (Nov. 19, 1979).

<sup>2</sup> 42 U.S.C. 6294. The statute also requires DOE to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

<sup>3</sup> 59 FR 49556 (Sept. 28, 1994).

<sup>4</sup> 54 FR 28031 (July 5, 1989).

<sup>5</sup> 58 FR 54955 (Oct. 25, 1993).

<sup>6</sup> 59 FR 25176 (May 13, 1994, eff. May 15, 1995).

EnergyGuides for dishwashers and instantaneous water heaters on the 1996 Representative Average Unit Costs of Energy 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>12</sup> and by the Commission on February 14, 1996.<sup>13</sup>

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliance, 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 consumption (kWh/yr.)	
	Low	High
Compact .....	302	302
Standard .....	451	699

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 .....	(*)	(*)	(*)	(*)
30 to 34 .....	(*)	(*)	(*)	(*)
35 to 40 .....	(*)	(*)	(*)	(*)
41 to 47 .....	(*)	(*)	(*)	(*)
48 to 55 .....	(*)	(*)	(*)	(*)
56 to 64 .....	(*)	(*)	(*)	(*)
65 to 74 .....	(*)	(*)	(*)	(*)
75 to 86 .....	(*)	(*)	(*)	(*)
87 to 99 .....	411	411	451	451
100 to 114 .....	230	240	230	256
115 to 131 .....	(*)	(*)	(*)	(*)
Over 131 .....	237	422	238	464

\* No data submitted.

4. Section 1 of appendix H to Part 305 is revised to read as follows:

Appendix H to Part 305—Cooling Performance and Cost for Central Air Conditioners

*1. Range Information:*

Single package units	Range of SEER's	
	Low	High
Manufacturer's rated cooling capacity (Btu's/hr.)		
Central Air Conditioners (Cooling Only): All capacities .....	9.70	16.05
Heat Pumps (Cooling Function): All capacities .....	9.70	15.60

  

Split system units	Range of SEER's	
	Low	High
Manufacturer's rated cooling capacity (Btu's/hr.)		
Central Air Conditioners (Cooling Only): All capacities .....	10.00	17.00
Heat Pumps (Cooling Function): All capacities .....	10.00	16.40

\* \* \* \* \*

5. In section 2 of Appendix H of Part 305, the text and formulas are amended by removing the figure “8.67¢” wherever it appears and by adding, in

its place, the figure “8.6¢”. In addition, the text and formulas are amended by removing the figure “13.01¢” wherever it appears and by adding, in its place, the figure “12.90¢”.

6. Section 1 of appendix I to Part 305 is revised to read as follows:

<sup>12</sup> 61 FR 1366.

<sup>13</sup> 61 FR 5679.

Appendix I to Part 305—Heating Performance and Cost for Central Air Conditioners

1. Range Information:

Single package units	Range of HSPF's	
	Low	High
Manufacturer's rated heating capacity (Btu's/hr.)		
Heat Pumps (Heating Function): All capacities .....	6.60	8.20
Split system units	Range of HSPF's	
	Low	High
Manufacturer's rated heating capacity (Btu's/hr.)		
Heat Pumps (Heating Function): All capacities .....	6.80	10.20

The HSPF shall be the Region IV value based on the appropriate average design heat loss from the table below.

\* \* \* \* \*

7. In section 2 of Appendix I of Part 305, the text and formulas are amended by removing the figure "8.67c" wherever it appears and by adding, in its place, the figure "8.6c". In addition, the text and formulas are amended by removing the figure "13.01c" wherever it appears and by adding, in its place, the figure "12.90c".

By direction of the Commission.  
 Donald S. Clark,  
 Secretary.  
 [FR Doc. 96-23401 Filed 9-13-96; 8:45 am]  
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 178**

[Docket No. 92F-0117]

**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 a mixture of methylated 4,4'-bis(2-benzoxazolyl)stilbenes, with the major portion consisting of 4-(2-benzoxazolyl)-4'-(5-methyl-2-benzoxazolyl)stilbene and lesser portions consisting of 4,4'-bis(5-methyl-2-benzoxazolyl)stilbene and 4,4'-bis(2-benzoxazolyl)stilbene, as an optical brightener in all food-contact polymers. This action is in response to a petition filed by Hoechst Aktiengesellschaft.

**DATES:** Effective September 16, 1996; written objections and requests for a hearing by October 16, 1996.

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

**FOR FURTHER INFORMATION CONTACT:** Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-606-0202.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of April 8, 1992 (57 FR 11958), FDA announced that a food additive petition (FAP 2B4317) had been filed by Hoechst Aktiengesellschaft, c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of a mixture of methylated 4,4'-bis(2-benzoxazolyl) stilbenes, with the major portion consisting of 4-(2-benzoxazolyl)-4'-(5-methyl-2-benzoxazolyl) stilbene and lesser portions consisting of 4,4'-bis(5-methyl-2-benzoxazolyl) stilbene and 4,4'-bis(2-benzoxazolyl) stilbene, as an optical brightener in all food-contact polymers. (Because of a printing error, 4,4'-bis(5-methyl-2-benzoxazolyl) stilbene was not listed in the filing notice summary as a lesser component of the proposed additive. However, the correct composition of the additive was given in the supplemental information section of the filing notice.)

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and that therefore, the regulations in § 178.3297 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 October 16, 1996 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 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