

**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 the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AGL SD E5 South Dakota, SD [New]**

That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by latitude 43°40'00"N, on the east by longitude 100°05'00"W, on the south by the South Dakota, Nebraska border, and on the west by longitude 102°00'02"W.

\* \* \* \* \*

Issued in Des Plaines, Illinois on July 29, 1997.

**Maureen Woods,**

*Manager, Air Traffic Division.*

[FR Doc. 97–22497 Filed 8–22–97; 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. The Commission also announces that the current ranges of comparability for storage-type water heaters, heat pump water heaters, instantaneous water heaters, pool heaters, room air conditioners, furnaces, boilers, and split-system and single package 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 November, 1996, by the Department of Energy (“DOE”).

**EFFECTIVE DATE:** November 24, 1997.

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

**SUPPLEMENTARY INFORMATION:** The Appliance Labeling Rule (“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.<sup>1</sup> 42 U.S.C. 6294. 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 (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, eff. May 15, 1995)).

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 fact sheets, 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

<sup>1</sup> 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.

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>2</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 § 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, 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 and packaged unit central air conditioners and heat pumps, storage-type water heaters, instantaneous 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>3</sup>

<sup>2</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>3</sup> The current ranges of comparability for gas-fired instantaneous water heaters and central air conditioners and heat pumps (both split system and single package units) were published on September 16, 1996 (61 FR 48620). The current ranges for storage-type water heaters, furnaces, and boilers were published on September 23, 1994 (59 FR 48796). The current ranges for 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

The data submissions for dishwashers have resulted in new ranges of comparability figures for these products, which will supersede the current ranges, published on September 16, 1996 (61 FR 48620).

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—8.31 cents per kilowatt-hour—that was published on November 18, 1996, by DOE (61 FR 58679)<sup>4</sup> and by the Commission on February 5, 1997 (62 FR 5316).

In consideration of the foregoing, the Commission revises appendix C, appendix H, and appendix I of part 305 by publishing the following ranges of comparability for use in required disclosures (including labeling) for dishwashers manufactured on or after November 24, 1997. The Commission also amends the cost calculation formulas in appendices H and I of part 305 so they will include the 1997 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 EnergyGuides for dishwashers 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).

**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 will not have a “significant economic impact on a substantial number of small entities” (5 U.S.C. 605). The

room air conditioners was published on November 13, 1995 (60 FR 56945). 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.

<sup>4</sup> 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.

Commission has determined that virtually none of the manufacturers of dishwashers fall within the definition of “small entity” as that term is defined in section 601 of the Regulatory Flexibility Act and in the regulations of the Small Business Administration, found in 13 CFR part 121. 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 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 .....	344	699

3. In section 2 of Appendix H of Part 305, the text and formulas are amended by removing the figure “8.6¢” whenever it appears and by adding, in its place, the figure “8.31¢”. In addition, the text and formulas are amended by removing the figure “12.90¢” whenever it appears and by adding, in its place, the figure “12.47¢”.

4. In section 2 of Appendix I of Part 305, the text and formulas are amended by removing the figure “8.6¢” wherever it appears and by adding, in its place, the figure “8.31¢”. In addition, the text and formulas are amended by removing the figure “12.90¢” wherever it appears and by adding, in its place, the figure “12.47¢”.

By direction of the Commission.

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 97–22489 Filed 8–22–97; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 314, 600, 601, 610, and 640**

[Docket No. 95N–0329]

**Biologics Regulations; Reporting Changes to an Approved Application; Open Public Meeting**

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

**ACTION:** Announcement of public meeting.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an open public meeting to discuss issues related to the agency’s final rule entitled, “Changes to an Approved Application” announced previously in the **Federal Register**. The final rule amended the biologics regulations for reporting changes to an approved application reviewed in the Center for Biologics Evaluation and Research (CBER) and the corresponding drug regulations for reporting changes to an approved application for specified biotechnology products reviewed in the Center for Drug Evaluation and Research (CDER). The purpose of the meeting is to present the regulatory procedures set forth in the final rule and to solicit public comment on a portion of the final rule that addresses the use of a “comparability protocol.”

**DATES:** The open public meeting will be held on Wednesday, September 24, 1997, from 8:30 a.m. to 5 p.m. Registration for persons who want to participate at the meeting must be submitted to the agency by September 3, 1997, including written copies or a brief summary of the presentation, or any written comments for possible discussion at the meeting. Preregistration for persons who want to attend the meeting should be received by September 18, 1997.

**ADDRESSES:** The open public meeting will be held at the Quality Hotel, 8727 Colesville Rd., Silver Spring, MD 20910. Submit written requests for participation and written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23,