

	Unsweet- ened	Sweet- ened	Unsweet- ened	Sweet- ened
Analytical:				
Concentrate:				
Brix value: Minimum	38.0*	38.0*	38.0*	38.0*
Brix value/Acid Ratio:				
Minimum	9.0:1	10.0:1	7.0:1	8.0:1
Maximum	14.0:1	13.0:1	16.0:1	13.0:1
Reconstituted Juice:				
Brix: Minimum	10.5*		10.5*	
Minimum soluble grapefruit solids, exclusive of sweeteners (percent by weight)		10.6		10.6
Free and suspended pulp (percent by volume): Maximum		10		15
Recoverable oil (percent by volume): Maximum		0.020		0.025
Seeds and portions of seeds that:				
Pass through round perforations 3.2 mm (0.125 in)	No more than slightly detract.		No more than materially detract.	
Fail to pass through round perforations 3.2 mm (0.125 in)			Practically none.	

* Reconstituted prior to grading.

TABLE IV.—CONCENTRATED GRAPEFRUIT JUICE FOR MANUFACTURING

Factors	Grade A	Grade B
Quality: †		
Color	Good	Reasonably good.
Score Points	18-20	16-17
Defects	Practically free.	Reasonably free.
Score Points	18-20	16-17
Flavor	Good	Reasonably good.
Score Points	54-60	48-53
Reconstitution		Reconstitutes properly.
Analytical: Brix value/Acid Ratio: Minimum	6.0:1	5.5:1
Free and suspended pulp (percent by volume-reconstituted juice): † Maximum	10	12
Seeds and portions of seeds that: † Pass through round perforations 3.2 mm (0.125 in)	No more than slightly detract.	No more than materially detract.
Fail to pass through round perforations—3.2 mm (0.125 in)		Practically none.

† Reconstituted prior to grading.

TABLE V.—DEHYDRATED GRAPEFRUIT JUICE †

Factors	Grade A	Grade B
Quality:		
Appearance	Fresh grapefruit juice	Fresh grapefruit juice.
Color	Good	Reasonably good.
Score Points	18-20	16-17
Defects	Practically free	Reasonably free.
Score Points	18-20	16-17
Flavor	Good	Reasonably good.
Score Points	54-60	48-53
Reconstitution		Reconstitutes properly.
	Unsweet- ened	Sweet- ened
Analytical:		
Brix: Minimum	10.0*	11.5*
Brix/Acid Ratio:		
Minimum	8.0:1	9.0:1
Maximum	14.0:1	14.0:1
Recoverable oil (percent by volume): Maximum	0.020	0.025

† Reconstituted prior to grading.

Done at Washington, D.C., on September 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-24699 Filed 9-9-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 52

United States Standards for Grades of Frozen Leafy Greens

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the voluntary United States Standards for Grades of Frozen Leafy Greens (including spinach). The revision was developed by the U.S. Department of Agriculture at the request of the frozen vegetable industry. The rule will: (1) Increase the allowance for torn leaves to accommodate the use of automatic filling machines in the processing of frozen spinach; (2) Combine frozen spinach and frozen leafy greens into one standard while considering differences in character; (3) Convert the current variables (score points) standards to attributes type standards; (4) Replace dual grade nomenclature with single letter grade designations; and (5) Include new forms of product in the grade standards (pureed spinach and other market accepted "types" of frozen leafy greens). Its effect will be to improve the standards, and promote orderly and efficient marketing.

EFFECTIVE DATE: October 12, 1983.

FOR FURTHER INFORMATION CONTACT: Melvin J. Horst, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

§ 52.1229 Sample size.

The sample size to determine acceptance with the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

§ 52.1230 Lot requirements.

A lot of grapefruit juice is considered as meeting the requirements for quality if:

(a) The requirements specified in Tables I, II, III, IV, and V, as applicable, are met; and

(b) The sampling plans and procedures in 7 CFR 52.1 through 52.83 are met.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The current voluntary grade standards for frozen spinach have been in effect since September 17, 1964. The current voluntary grade standards for frozen leafy greens (other than spinach) became effective July 1, 1957. During the 1950's and 1960's, the leafy greens (including spinach) were packaged into their primary containers by hand. Product filled in this manner showed very little evidence of machine damage (ragged and torn leaves and stems). Reflecting processing practices prevalent when they were developed, the current grade standards required a lower quality designation for leafy greens that are ragged and torn.

During the 1970's, machinery became available to package leafy greens. The use of automatic fillers is becoming commonplace in spinach processing plants. Although product can be processed more efficiently using machinery, the spinach will show the effects of "tearing". Tearing of the product, however, is "cosmetic" and does not affect the eating quality or nutritional value of the leafy greens (including spinach).

On November 30, 1982, the USDA published in the *Federal Register* (47 FR 53875) a notice of proposed rulemaking to revise the U.S. Standards for Grades of Frozen Leafy Greens.

The proposed revision of the voluntary grade standards suggested changing the quality requirements of the product with respect to appearance of the "leaf" style by permitting more slightly torn leaves and partially crushed stems. It would accommodate the present day industry practice of using automatic filling machines.

While the frozen spinach standards and the frozen leafy greens standards contain similar narrative text, there are differences in the relative importance of the two of the three quality factors. The quality factor of "character" which refers to the tenderness and texture of the leaves and stems is determined to be more significant in the quality evaluation of leafy greens than in the quality evaluation of spinach. Consequently, in the leafy greens standards, weight given to the factor of character was increased while weight

given to the factor of "defects," which refers to the damaged areas on the leaves and stems in leafy greens, is reduced.

The proposed revision suggested combining frozen spinach and frozen leafy greens into one standard by considering the differences in character for the varietal types of leafy greens. Spinach would be included as a "type" of leafy green.

The current grade standards for frozen spinach and frozen leafy greens (other than spinach) specify numerical scoring systems (0 to 100 points) for assigning quality grades to the products.

The proposed revision recommended changing the procedure for assigning a quality grade and eliminating the numerical scoring system. This system for determining whether the product quality meets or fails a designated grade level is called "attributes sampling." Under this system, the quality of the product is compared with the minimum quality permitted in the intended or designated grade. If the quality is as good as, or better than, the minimum quality permitted, the product would be assigned that grade. If the quality of the product is not as good as the minimum quality permitted, it would be assigned a lower grade.

Suitable manuals to guide the user of the "attributes sampling" system are available from the person designated as the contact for further information on this rule.

The existing grade standards for frozen spinach and frozen leafy greens provide two names for each quality grade level. Currently, "Grade A" and "Fancy" are used to describe the higher of two quality grade levels, and "Grade B" and "Extra Standard" the lower quality grade level acceptable in the marketplace. The proposed revision suggested changing the grade names by deleting the terms "Fancy" and "Extra Standard" and retaining only the single letter grades of "Grade A" and "Grade B."

Also, the proposed action recommended incorporating grades for new types of frozen leafy greens—"pureed" style spinach and other "market accepted" types of frozen leafy greens.

No adverse comments were received regarding the proposed rule. Following the close of the comment period, written correspondence was received from the American Frozen Food Institute suggesting the proposed revision be published in final form as soon as possible. One minor editorial change has been made in the final publication to enable better reader understanding.

List of Subjects in 7 CFR Part 52

Fruit and vegetable, Food grades, Standards.

In consideration of the foregoing, 7 CFR 52 is amended as set forth below.

Subpart—United States Standards for Grades of Frozen Spinach [Reserved]

1. Subpart—United States Standards for Grades of Frozen Spinach is revoked in its entirety and §§ 52.1921 through 52.1931 are reserved. The Table of Contents is amended to reflect this change.

2. Subpart—United States Standards for Grades of Frozen Leafy Greens is revised to read as follows, and the Table of Contents is revised accordingly:

Subpart—United States Standards for Grades of Frozen Leafy Greens

Sec.

- 52.1371 Product description.
- 52.1372 Types.
- 52.1373 Styles.
- 52.1374 Definitions of terms.
- 52.1375 Recommended sample unit sizes.
- 52.1376 Grades.
- 52.1377 Factors of quality.
- 52.1378 Classification of defects.
- 52.1379 Tolerances for defects.
- 52.1380 Sample size.
- 52.1381 Quality requirements.

Subpart—United States Standards for Grades of Frozen Leafy Greens

§ 52.1371 Product description.

"Frozen leafy greens" means the frozen product prepared from the clean, sound, succulent leaves and stems of any one of the plants listed under § 52.1372 by sorting, trimming, washing, blanching, and properly draining. The product is processed by freezing and maintained at temperatures necessary for its preservation. Any functional, optional ingredient(s) permissible under the Federal Food, Drug, and Cosmetic Act may be used to acidify and/or season the product.

§ 52.1372 Types.

- (a) Beet greens.
- (b) Collards.
- (c) Dandelion greens.
- (d) Endive.
- (e) Kale.
- (f) Mustard greens.
- (g) Spinach.
- (h) Swiss chard.
- (i) Turnip greens.
- (j) Any other "market accepted" leafy green.

§ 52.1373 Styles.

(a) *Leaf* consists substantially of the leaf, cut or uncut, with or without adjoining portion of the stem.

(b) *Chopped* consists of the leaf with or without adjoining portion of the stem that has been cut into small pieces less than approximately 20 mm (0.78 in) in the longest dimension but not comminuted to a pulp or a puree.

(c) *Pureed* consists of the leaf with or without adjoining portion of the stem that has been comminuted to a pulp or a puree.

§ 52.1374 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit affected by discoloration or other means to the extent that the appearance or eating quality is adversely affected. Each 4 cm² in leaf style or each 2 cm² in chopped and pureed styles (aggregate area measurement) is counted as one defect.

(c) *Character (other than pureed style)*—(1) *Good character* means:

(i) The frozen spinach is tender upon cooking.

(ii) The frozen leafy greens, other than spinach, may be slightly tough upon cooking.

(2) *Reasonably good character* means:

(i) The frozen spinach is reasonably tender upon cooking.

(ii) The frozen leafy greens, other than spinach, may be moderately tough upon cooking.

(3) *Poor character* means the frozen leafy greens fail the requirements for "reasonably good character."

(d) *Defect* (or defective) means any nonconformance of a unit(s) of product from a specified requirement of a single characteristic.

(e) *Extraneous vegetable material (EVM)*. (1) Group I—Green, fine, tender string-like blades and stems of grass and weeds.

(2) Group II—Green, coarse grass and weeds.

(3) Group III—Grass and weeds other than green.

(f) *Flavor and odor*. "Normal flavor and odor" means the frozen product is free from objectionable flavors and odors of any kind after cooking.

(g) *Root crown* means the solid area of the leafy green plant between the root

and attached leaves or clusters of leaves.

(h) *Root stub* means any portion of the root whether or not leaves are attached.

(i) *Sample unit* means the amount of product to be used for grading. It may be:

(1) the entire contents of a container;

(2) a portion of the contents of a container;

(3) a combination of the contents of two or more containers;

(4) a portion of unpacked product.

(j) *Seed head* means the seed bearing portion of the leafy green plant that is longer than 2.5 cm (1 in) or that is objectionable in appearance.

(k) *Stem material* (in leaf and chopped styles of spinach only) means the portion of the plant located between the stalk or root crown and the point of attachment to the leaf.

(1) *Unit* means any whole or portion of a leaf or stem from the leafy green plant.

§ 52.1375 Recommended sample unit sizes.

(a) Leaf style—300 g (10.6 oz).

(b) Chopped style—75 g (2.65 oz).

(c) Pureed style—75 g (2.65 oz).

§ 52.1376 Grades.

(a) *U.S. Grade A* is the quality of frozen leafy greens that: (1) Meets the following prerequisites in which the leafy greens:

(i) Have similar varietal characteristics;

(ii) Have a good overall brightness as a mass;

(iii) Have a normal flavor and odor;

(iv) Have a good character (other than pureed style);

(v) May have stem material (leaf style spinach only) that does not exceed an AQL of 20.0;

(vi) May have stem material (chopped style spinach only) that slightly affects the appearance or eating quality;

(vii) May have blemished areas that do not exceed an AQL of 20.0.

(2) Is within the limits for defects as classified in Table I and specified in Table II.

(b) *U.S. Grade B* is the quality of frozen leafy greens that: (1) Meets the following prerequisites in which the leafy greens:

(i) Have similar varietal characteristics;

(ii) Have a fairly good overall brightness as a mass;

(iii) Have a normal flavor and odor;

(iv) Have a reasonably good character (other than pureed style);

(v) May have stem material (leaf style spinach only) that does not exceed an AQL of 25.0;

(vi) May have stem material (chopped style spinach only) that materially affects the appearance or eating quality;

(vii) May have blemished areas that do not exceed an AQL of 40.0.

(2) Is within the limits for defects as classified in Table I and specified in Table II.

(c) *Substandard* is the quality of frozen leafy greens that fails to meet the requirements of *U.S. Grade B*.

§ 52.1377 Factors of quality.

The grade of frozen leafy greens is based on meeting the requirements for the following quality factors:

(a) *Prerequisite quality factors*:

(1) Varietal characteristics;

(2) Brightness;

(3) Flavor and odor;

(4) Character (other than pureed style);

(5) Stem material (leaf and chopped styles of spinach only);

(6) Blemished.

(b) *Classified quality factors*:

(1) Root crowns (leaf style only);

(2) Root stubs (leaf style only);

(3) Seed heads (leaf style only);

(4) Extraneous vegetable material.

§ 52.1378 Classification of defects.

All defects are classified as minor, major, severe, or critical. Each "X" in Table I represents "one (1) defect."

TABLE I—CLASSIFICATION OF DEFECTS

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Leaf Style					
Root crowns	Each piece			X	
Root stubs	Each piece				X
Seed heads	Each piece			X	
Extraneous vegetable material.	Group I (each 2.5 cm increment)	X			
	Group II (each 2.5 cm increment)		X		
	Group III (each 2.5 cm increment)				X
Chopped: Pureed Styles					
Extraneous vegetable material	Group I (each 1.3 cm increment)	X			

TABLE I—CLASSIFICATION OF DEFECTS—Continued

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
	Group II (each 1.3 cm increment)		X		
	Group III (each 1.3 cm increment)				X

¹ Includes root crown, root stub and seed head material.

§ 52.1379 Tolerances for defects.

TABLE II (ALL STYLES)

	Total ¹	Major	Severe	Critical
Grade A: AQL ²	15.0	6.5	2.5	0.4
Grade B: AQL ²	25.0	12.5	6.5	1.5

¹ Total = Minor + Major + Severe + Critical.

² AQL expressed as defects per hundred units.

§ 52.1380 Sample size.

The sample size to determine meeting the requirements of these standards shall be as specified in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1-52.83) for lot grading and on-line grading, as applicable.

§ 52.1381 Quality requirements.

(a) *Lot grading.* A lot of frozen leafy greens is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.1376 are met; and

(2) The Acceptable Quality Levels (AQL) in Table II are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.1376 are met; and

(2) The Acceptable Quality Levels (AQL) in Table II are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.1376 are met; and

(2) The Acceptable Quality Levels (AQL) in Table II are not exceeded.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on September 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-24823 Filed 9-9-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

[Docket 83-092]

9 CFR Part 97

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment changes commuted traveltime periods to reflect changes in the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such changes depend upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. J. L. Ellis, Executive Officer, VS, APHIS, USDA, Room 857, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8511.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Bert W. Hawkins, Administrator, Animal and Plant Health Inspection Service, has made this determination because commuted traveltime allowance are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As

employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. This amendment merely reflects such changes and serves to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Administrator, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime service relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1983 ed.), as amended February 14, 1983 (48 FR 6523-6524), March 2, 1983 (48 FR 8803-8804), March 15, 1983 (48 FR 10808-10809), and August 18, 1983 (48 FR 37361), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding "Peace Gardens" under "North Dakota", in appropriate alphabetical sequence as shown below:

§ 97.2 Administrative instructions prescribing commuted traveltime.

COMMUTED TRAVELTIME ALLOWANCES			
(In hours)			
Location covered	Served from	Metropolitan area	
		Within	Out-side
•	•	•	•
Add:	•	•	•
North Dakota:			
Peace Gardens	Bottineau	•	•

(64 Stat. 561 (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than

30 days after publication of this document in the Federal Register.

Done at Washington, D.C., this 6th day of September, 1983.

Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 83-24777 Filed 9-8-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Immediate Notification Requirements of Significant Events At Operating Nuclear Power Reactors

Correction

In FR Doc. 83-23602 beginning on page 39039 in the issue of Monday, August 29, 1983, make the following corrections to § 50.72 on page 39046:

1. In the second line of (a)(1) insert the words "licensee licensed" between the words "reactor" and "under".

2. In the second line of (a)(1)(ii) the word "this" should read "this".

3. In the fourth line of (a)(2) the word "commercial" should read "commercial".

4. In the third and sixth lines of (b)(1)(ii) the word "powerplant" should read "power plant".

5. In the first line of (b)(1)(ii)(A) the word "a" should read "an".

6. In the fourth line of (b)(1)(iii) the word "power-plant" should read "power plant".

7. In the third and sixth lines of (b)(1)(vi) the word "powerplant" should read "power plant". Also in the sixth line of that paragraph the word "nuclear" should read "nuclear".

8. In the fifth line of (b)(2)(i) the word "powerplant" should read "power plant".

9. In the second line of (b)(2)(ii) the word "an" should read "any".

BILLING CODE 1505-01-M

10 CFR Part 150

Irretrievable Well-Logging Sources

Correction

In FR Doc. 83-23603 beginning on page 39036 in the issue of Monday, August 29, 1983, make the following corrections in the first column on page 39039:

1. Between the third and fourth lines from the bottom of the page, insert the following language:

"8. Remove the authority citations following §§ 150.3, 150.14, 150.15, 150.15a, 150.30, 150.31, and 150.32."

2. In the fourth line from the bottom of the page the section number reading "1509.32" should read "150.32".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Water Heaters

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by revising the ranges of comparability used on required labels for water heaters.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges, which show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule, are published in the Federal Register by the Commission no more often than annually, and are called "ranges of comparability." The figures to be used on the ranges are provided by the Commission after an analysis of data submitted by appliance manufacturers, who derive the energy costs or efficiencies of their appliances by following test procedures prescribed by the Department of Energy ("DOE"). One element used in calculating the ranges is the representative average unit cost of the energy used by the appliances, which is calculated annually by DOE. Because this average cost usually changes annually, and because appliance models are constantly being added, changed, or dropped by manufacturers, the ranges of comparability are likely to change from year to year. This has been the case with the ranges for water heaters, and this notice publishes the new range figures, which, under §§ 305.10, 305.11 and 305.14 of the rule, must be used in the labeling and advertising of water heaters beginning December 12, 1983.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-376-2891, or Lucerne D. Winfrey, 202-376-2805, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) ¹ required the Federal Trade 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: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, DOE is responsible for developing 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 a final rule ² covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels and fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained information on the estimated annual cost or energy efficiency rating for the seven categories of appliances derived from tests

¹ Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).

² 44 FR 6466, 16 CFR 305 (November 19, 1979).

performed pursuant to the DOE test procedures. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From that information, the Commission compiled and published ³ ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.8(b) of the rule requires that manufacturers, after filing this initial report, shall report annually by specified dates for each product type.⁴ The data submitted by manufacturers is based, in part, on the representative average unit cost of the type of energy used to run the appliances tested. According to § 305.9 of the rule, these average energy costs, which are provided by DOE, will be periodically revised by the Commission, but not more often than annually. Because the costs for the various types of energy appear to be increasing steadily, and 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 in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually), if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%.

The new figures for the estimated annual costs of operation for water heaters, which were calculated using the 1983 representative average energy costs published by the Commission on April 1, 1983⁵ have been submitted and have been analyzed by the Commission. New ranges based upon them are herewith published.

List of Subjects in 16 CFR Part 305

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

In consideration of the foregoing, the Commission publishes the following ranges of comparability for use in the labeling and advertising of water heaters beginning December 12, 1983.

³ 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

⁴ Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

⁵ 48 FR 3409.

Rules for Using Energy Cost and Consumption Information Used in Labeling Ad Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

Appendices D1, D2 and D3 to 16 CFR Part 305 are revised to read as set forth below:

D1—WATER HEATER—GAS

Ranges of estimated yearly energy cost				
First hour rating	Natural Gas		Propane	
	Low	High	Low	High
Less than 21	(¹)	(¹)	(¹)	(¹)
21 to 24	(¹)	(¹)	(¹)	(¹)
25 to 29	(¹)	(¹)	(¹)	(¹)
30 to 34	(¹)	(¹)	(¹)	(¹)
35 to 40	\$186.00	\$219.00	(¹)	(¹)
41 to 47	187.00	202.00	\$258.00	\$284.00
48 to 55	176.00	266.00	243.00	368.00
55 to 64	188.00	295.00	260.00	407.00
65 to 74	185.00	273.00	255.00	377.00
75 to 86	170.00	288.00	236.00	397.00
87 to 99	210.00	243.00	290.00	335.00
100 to 114	219.00	304.00	301.00	419.00
115 to 131	254.00	266.00	351.00	368.00
Over 131	254.00	266.00	351.00	397.00

(¹) No data submitted.

APPENDIX D2—WATER HEATER—ELECTRIC

Ranges of estimated yearly energy cost		
First hour rating	Low	High
Less than 21	(¹)	(¹)
21 to 24	\$414.00	\$443.00
25 to 29	469.00	469.00
30 to 34	414.00	469.00
35 to 40	410.00	513.00
41 to 47	402.00	513.00
48 to 55	406.00	526.00
55 to 64	406.00	519.00
65 to 74	410.00	549.00
75 to 86	419.00	573.00
87 to 99	414.00	567.00
100 to 114	419.00	628.00
115 to 131	448.00	573.00
Over 131	(¹)	(¹)

(¹) No data submitted.

APPENDIX D3—WATER HEATER—OIL

Ranges of estimated yearly energy cost		
First hour rating	Low	High
Less than 65	(¹)	(¹)
65 to 74	(¹)	(¹)
75 to 86	(¹)	(¹)
87 to 99	(¹)	(¹)
100 to 114	\$289.00	\$289.00
115 to 131	284.00	307.00
Over 131	(¹)	(¹)

(¹) No data submitted.

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619) (1978), 42 U.S.C. 8294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Michael A. Baggage.

Acting Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration 20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Resources, Disposing of Resources for Less Than Fair Market Value

AGENCY: Social Security Administration, HHS.

ACTION: Final Rule.

SUMMARY: The Department of Health and Human Services is amending its regulations to implement the changes made by sections 5 (a) and (c) of Pub. L. 96-611 which limit eligibility for supplemental security income (SSI) benefits when an individual or eligible spouse sells or gives away a resource at less than fair market value. These provisions apply to any nonexcluded resource transferred (disposed of) within the 24 months preceding an SSI application date of March 1, 1981, or later or within 24 months of any redetermination based on a claim filed March 1, 1981, or later. These provisions do not apply to those resources excluded under the Social Security Act (the Act) and other Federal statutes.

Any nonexcluded resource (or interest in a resource) owned by an individual or eligible spouse which was transferred at less than fair market value within the preceding 24 months is presumed to have been transferred for the purpose of establishing SSI or Medicaid eligibility unless convincing evidence is furnished by the individual or eligible spouse to establish that the transfer was exclusively for some other reason.

EFFECTIVE DATE: These regulations are effective September 12, 1983 but the statutory changes which the regulations reflect were effective March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone (301) 594-7414.

SUPPLEMENTARY INFORMATION: We are amending our rules to reflect the effect that section 5(a) of Pub. L. 96-611 has on determining an individual's resources when the individual has transferred a resource for less than fair market value. These rules were proposed in a notice of proposed rulemaking (NPRM) published October 22, 1981 (46 FR 51778). Comments received since publication are discussed later in the preamble.

Section 5(a) of Pub. L. 96-611, amends section 1613 of the Act. It provides that