

In addition, the Board must annually submit a full report of the operations, activities, budget, receipts and expenditures of the REFCORP for the preceding 12 months.

The Board consists of the following five members: The Secretary of the Treasury, who is the Chairperson of the Board; the Chairman of the Board of Governors of the Federal Reserve System; the Secretary of Housing and Urban Development; and two independent members to be appointed by the President with the advice and consent of the Senate for a term of three years each.

The day-to-day operations of the Board are to be conducted through its officers. The officers of the Board include a President and Chief Executive Officer, and, as the Board may determine, one or more Executive or Senior Vice Presidents, one or more Vice Presidents, a Secretary, and such other officers as the Board determines to be necessary. The Board's offices are located at 1825 Connecticut Avenue, NW., Washington, DC 20232. Phone (202) 387-7667.

The regulations for the Board will appear in chapter XV of title 12, Code of Federal Regulations. The Board intends to publish in the near future its initial body of regulations in the Federal Register.

B. Procedural Requirements

Because this rule relates to agency organization and management, it is not subject to the notice and public procedure or delayed effective date provisions of the Administrative Procedure Act pursuant to 5 U.S.C. 553(a)(2), or to Executive Order 12291. Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

For the reasons set out in the preamble and under the authority of Public Law 101-73, 103 Stat. 183, chapter XV is hereby established in title 12, Code of Federal Regulations, as set forth below:

CHAPTER XV—OVERSIGHT BOARD

Dated: September 18, 1989.

William Taylor,
Vice President for Finance and
Administration.

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FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084-AA26

Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances; Ranges of Comparability for Room Air Conditioners and a Correction Pertaining to Ranges of Comparability for Dishwashers

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 room air conditioners. Properly labeled room air conditioners manufactured prior to the effective date need not be relabeled. Catalogs printed prior to the effective date in accordance with 16 CFR 305.14 need not be revised.

The Commission is also amending the Appliance Labeling Rule to indicate that energy usage figures for dishwashers are based on 6.2 loads of dishes per week, rather than eight loads per week, as incorrectly published earlier.

EFFECTIVE DATES: December 21, 1989, except amendment to paragraph 2 of appendix C is effective September 22, 1989.

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, pursuant to section 324 of the Energy Policy and Conservation Act of 1975 (EPCA),¹ the Commission issued a final rule² covering a number of appliance categories, including room air conditioners. The rule requires that energy costs and related information be disclosed on labels and in retail sales catalogs for all room air conditioners presently manufactured. Certain point-of-sale promotional materials must disclose the availability of energy usage information. If a room air conditioner is advertised in a catalog from which it may be purchased by cash, charge account or credit terms, then on each page of the catalog that lists the product shall be included the range of estimated annual energy costs for the product. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of

Department of Energy (DOE) test procedures specified in the rule.

Section 305.8(b) of the rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.³ The data submitted by manufacturers are 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 change yearly, 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 percent.

The new figures for the energy efficiency ratings for room air conditioners have been submitted to and analyzed by the Commission. New ranges based upon them are herewith published.

When the Commission published new ranges of comparability for dishwashers on August 9, 1989,⁴ paragraph 2 of appendix C incorrectly showed that energy usage for dishwashers should be based on eight loads per week, instead of 6.2 loads per week. The Commission is amending paragraph 2 to correct that inadvertent error.

In consideration of the foregoing, the Commission amends appendix E of its Appliance Labeling Rule by publishing the following ranges of comparability for use in the labeling and advertising of room air conditioners beginning December 21, 1989, and amends paragraph 2 of appendix C of its Appliance Labeling Rule by publishing the following amended paragraph 2 to indicate that the energy usage figures for dishwashers are based on 6.2 loads of dishes per week. This latter amendment, which corrects a typographical (rather than substantive) error, is effective September 22, 1989.

¹ Reports for room air conditioners are due by May 1.

⁴ 54 FR 32631.

² Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).

³ 44 FR 66466, 16 CFR Part 305.

List of Subjects in 16 CFR Part 395

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: 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), the National Appliance Energy Conservation Act (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988 (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

2. In appendix E, paragraph 1 is revised to read as follows:

* * * * *

APPENDIX E—ROOM AIR CONDITIONERS.**1. RANGE INFORMATION:**

Manufacturers rated cooling capacity in BTU's/hr.	Ranges of energy efficiency ratings	
	Low	High
Less than 4,000	(*)	(*)
4,000 to 4,299	5.8	8.0
4,300 to 4,799	6.5	9.0
4,800 to 5,299	5.5	9.0
5,300 to 5,799	7.6	9.5
5,800 to 6,299	6.6	9.5
6,300 to 6,799	8.7	9.5
6,800 to 7,299	8.5	11.0
7,300 to 7,799	5.2	9.5
7,800 to 8,299	7.1	10.5
8,300 to 8,799	8.5	9.2
8,800 to 9,299	7.2	12.0
9,300 to 9,799	7.5	9.1
9,800 to 10,299	7.1	11.6
10,300 to 10,799	8.5	12.0
10,800 to 11,299	8.5	9.2
11,300 to 11,799	7.8	9.0
11,800 to 12,299	7.5	9.5
12,300 to 12,799	8.6	9.0
12,800 to 13,299	9.0	9.7
13,300 to 13,799	8.2	10.2
13,800 to 14,299	7.8	10.2
14,300 to 14,799	8.5	9.0
14,800 to 15,299	8.5	9.2
15,300 to 15,799	8.5	8.5
15,800 to 16,499	9.0	9.0
16,500 to 17,499	8.5	8.7
17,500 to 18,499	6.5	9.5
18,500 to 19,499	7.0	9.5
19,500 to 20,499	7.8	8.2
20,500 to 21,499	6.7	9.0
21,500 to 22,499	6.5	8.2
22,500 to 24,499	7.9	9.2
24,500 to 26,499	8.2	9.0
26,500 to 28,499	7.6	9.0
28,500 to 32,499	6.5	9.1
32,500 to 36,000	6.6	8.2

* No data submitted.

* * * * *

3. Paragraph 2 of appendix C to part 305 is amended to read as follows:

2. Yearly Cost Information:
Estimates on the scales are based on a national average electric rate of 7.70¢ per kilowatt hour, a national average natural gas rate of 55.2¢ per therm, and 6.2 loads of dishes per week.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 22442 Filed 9-21-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 176**

[Docket No. 88F-0193]

Indirect Food Additives; Paper and Paperboard Components

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 bis(methoxymethyl)tetrakis-[(octadecyloxy)methyl] melamine resins as a water repellant in the manufacture of paper and paperboard for food-contact use. This action is in response to a petition filed by Bercen, Inc.

DATES: Effective September 22, 1989.

Written objections and requests for a hearing by October 23, 1989.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of June 22, 1988 (53 FR 23454), FDA announced that a food additive petition (FAP 6B3952) had been filed by Cranston Print Works Co., 1381 Cranston St., Cranston, RI 02920, on behalf of Bercen, Inc., proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of

bis(methoxymethyl)tetrakis-[(octadecyloxy)methyl] melamine resins as a water repellant in the manufacture of paper and paperboard for food-contact use.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that these data and material establish the safety of the level of use of the additive in the manufacture of paper and paperboard for food-contact use, and that the regulations should be amended in the table of § 176.170(a)(5) as set forth below. The agency is also adding the CAS registry number for the subject additive to its listing in the table of § 176.170(a)(5).

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 23, 1989, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a

waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 176.170 is amended in the table in paragraph (a)(5) by adding to the entry for "Bis(methoxymethyl) tetrakis[(octadecyloxy)methyl]melamine resins * * *" under the "List of Substances" column, and by adding a new item "3." under the "Limitations" column to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

(a)	* * *	* * *	* * *	* * *
(5)	* * *	* * *	* * *	* * *
List of substances				Limitations
Bis(methoxymethyl)tetrakis [(octadecyloxy)methyl]melamine resins having a 5.8-6.5 percent nitrogen content (CAS Reg. No. 68412-27-1).	For	use	only	under the following conditions: * * * 3. As a water repellent employed after the sheet-forming operation in the manufacture of paper and paperboard in such amount that the finished paper and paperboard will contain the additive at a level not to exceed 1.6 percent by weight of the finished dry paper and paperboard fibers. The finished paper and paperboard will be used only in contact with food of Types I, II, IV-B, VI, VII-B, and VIII described in Table 1 of paragraph (c) of this section.

Dated: September 11, 1989.

Fred R. Shank,
Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-22345 Filed 9-21-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 88F-0196]

Indirect Food Additives: Polymers

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 trimethyl trimellitate as an optional monomer in the manufacture of certain polyester elastomers intended for repeated use in contact with food. This action is in response to a petition filed by E. I. du Pont de Nemours & Co.

DATES: Effective September 22, 1989. Written objections and requests for a hearing by October 23, 1989.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of June 22, 1988 (53 FR 23455), FDA announced that a food additive petition (FAP 8B4089) had been filed by E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898, proposing that § 177.2600 Rubber articles intended for repeated use (21 CFR 177.2600) be amended to provide for the safe use of trimethyl trimellitate as an optional monomer in the manufacture of a certain polyester elastomer derived from the reaction of dimethylterephthalate, 1,4-butanediol, and α -hydro- Ω -hydroxypoly(oxytetramethylene) intended for repeated use in contact with food.

FDA has evaluated data in the petition and other relevant material. The

agency concludes that the proposed food additive use is safe, and that § 177.2600(c)(4)(i) 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 23, 1989 file with the Dockets Management Branch written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under