

(1) Within 45 days of the panel's appointment, or, in the event an oral hearing is held, within 60 days, the panel shall issue proposed findings of fact, conclusions and a decision based upon the evidence in the record. The proposed findings, conclusions and decision shall be served upon the petitioner by certified mail.

(2) Petitioner may submit a response to the panel's proposed findings of fact, conclusions and decision, along with supporting reasons. Such response shall be received by the Commission within 20 days of petitioner's receipt of the panel's proposed findings, conclusions and decision.

(3) The panel may modify, alter or amend its proposed findings, conclusions and decision in accordance with petitioner's response, as it deems appropriate.

(h) Final ruling by the Commission.

(1) Unless the panel so notifies the Commission of the need for an extension of time, at its first regularly scheduled meeting following the deadline for the receipt of petitioner's response to the panel's proposed findings, conclusions and decision, the Commission shall make a final ruling upon the petition. The Commission's determination shall be based upon the panel's final or modified proposed findings, conclusions and decision. The Commission shall also consider the petitioner's response to the panel's original proposed findings, conclusion and decision. The record shall also be available for review by the Commission.

(2) The Commission's final ruling shall be served by certified mail upon the petitioner and be filed in the Commission offices, and be made available for public inspection and copying in accordance with the bylaws.

(3) Any commissioner shall (on either the Commissioner's own motion or on motion of the petitioner) disqualify himself or herself from consideration of the Commission's final ruling on the panel's decision if that commissioner's impartiality might reasonably be questioned.

§ 1381.5 Judicial appeal; escrow.

(a) As set forth in section 16(c) of the Compact, as approved by 7 U.S.C. 7256, the district courts of the United States, in any district in which a handler is an inhabitant or has his principal place of business, have jurisdiction to review a final ruling of the Commission made pursuant to § 1381.4(h), provided that a complaint is filed within thirty days from the date of the entry of that final ruling.

(b) A petitioner who has been granted the establishment of an escrow account

as part of the administrative proceeding and who has timely appealed may request that its payments be placed into escrow pending the appeal. Upon such a request, the Commission shall hold the money in escrow until the date that a timely judicial complaint is filed plus a period of ten days. The Commission may also, for good cause shown, continue to hold the money placed in escrow pending the ultimate resolution of any appeal, or for such other period as the Commission may establish.

Daniel Smith,

Executive Director.

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE-RM-220-IF]

RIN: 1904-AA61

Energy Conservation Program for Consumer Products; Fluorescent and Incandescent Lamp Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Final rule; delay of effective date.

SUMMARY: This notice delays the effective date of the Final Rule for the Energy Conservation Program for Consumer Products; Fluorescent and Incandescent Lamp Test Procedures, published May 29, 1997 (62 FR 29222).

DATES: The effective date of the final rule published at 62 FR 29222 is delayed from June 30, 1997 to October 18, 1997. The incorporation by reference of certain publications listed in the regulations and approved by the Director of the Federal Register as of June 30, 1997 has been conformed to the same date.

FOR FURTHER INFORMATION CONTACT: Mr. Terrence L. Logee, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-43, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-1689, or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585-0103, (202) 586-9507.

SUPPLEMENTARY INFORMATION:

I. Discussion

Part B of Title III of the Energy Policy and Conservation Act, as amended (EPCA or the Act), establishes the Energy Conservation Program for Consumer Products Other Than Automobiles.¹ The consumer and commercial products currently subject to this program (covered products) include fluorescent and incandescent reflector lamps, the subjects of today's notice.

Today's notice delays the effective date for the Final Rule (62 FR 29222, May 29, 1997) from June 30, 1997 to October 18, 1997 (180 days from the date of issue, April 21, 1997) and the incorporation by reference of certain publications listed in the regulations and approved by the Director of the Federal Register as of June 30, 1997 has been conformed to the same date. The statute states that effective 180 days after a test procedure is amended no manufacturer, distributor, retailer, or private labeler may make any representation in writing (including labels) or in advertising with respect to energy efficiency, energy used or the cost of energy consumed unless the product is tested with the revised test procedure and the representation fairly discloses the results of such testing. Section 323(c)(2), 42 U.S.C. 6291(c)(2). The Final Rule published on May 29, 1997, is an amendment to the Interim Final Rule, and it includes test procedures for some lamps which were not subject to testing under the Interim Final Rule. Therefore, the delay of the effective date from June 30, 1997 to October 18, 1997, will allow manufacturers adequate time to change advertising and make new labels that correctly state the energy used by these lamps.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Fluorescent and incandescent lamps.

Issued in Washington, DC, on July 25, 1997.

Joseph J. Romm,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

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¹ Part B of Title III of EPCA, as amended, is referred to in this Final Rule as the "Act", and provisions of the Act are referred to either as "Section _____ of the Act" or as "Section _____." Part B of Title III is codified at 42 U.S.C. 6291-6309.