

2. Each such employer shall forward to the Federal Air Surgeon a copy of the report of any evaluation performed under the provisions of section VI.C. of this appendix within 2 working days of the employer's receipt of the report.

* * * * *

E. Required Evaluation and Testing

No covered employee who has engaged in conduct prohibited by § 65.46a, 121.458, or 135.253 of this chapter shall perform safety-sensitive functions unless the employee has met the requirements of 49 CFR part 40. No employer shall permit a covered employee who has engaged in such conduct to perform safety-sensitive functions unless the employee has met the requirements of 49 CFR part 40.

VI. ALCOHOL MISUSE INFORMATION, TRAINING, AND SUBSTANCE ABUSE PROFESSIONAL

A. Employer Obligation to Promulgate a Policy on the Misuse of Alcohol

* * * * *

2. Required Content. * * *

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(i) The consequences for covered employees found to have violated the prohibitions in this chapter, including the requirement that the employee be removed immediately from performing safety-sensitive functions, and the process in 49 CFR part 40, subpart O.

Issued in Washington, DC, on November 14, 2001.

Donald P. Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 01-28868 Filed 11-16-01; 8:45 am]

BILLING CODE 4910-13-M

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 refrigerators, refrigerator-freezers, and freezers. The Commission is also making minor, corrective amendments to 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.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT:

Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202-326-2889); *hnewsome@ftc.gov*.

SUPPLEMENTARY INFORMATION:

The Appliance Labeling 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 1975.¹ 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, gas-fired 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 manufacturers to 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 models (perhaps competing brands) similar to the labeled model. The Rule also requires manufacturers to 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.

¹ 42 U.S.C. 6294. The statute also requires the Department of Energy (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.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report certain information annually to the Commission by specified dates for each product type.² These reports, which are to assist the Commission in preparing the ranges of comparability, contain 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. To keep the required information consistent with these changes, under section 305.10 of the Rule, the Commission will publish new ranges 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 will publish a statement that the prior ranges remain in effect for the next year.

New Ranges of Comparability for Refrigerators, Refrigerator-Freezers, and Freezers

The Commission has analyzed 2001 submissions of data for refrigerators, refrigerator-freezers, and freezers. Analysis of the submission indicates that the ranges for these products have changed significantly.³ Therefore, the Commission is publishing new ranges of comparability for refrigerators, refrigerator-freezers, and freezers. Today's publication of the new ranges for refrigerators, refrigerator-freezers, and freezers also means that, after February 19, 2002, manufacturers of these products must calculate the operating cost figures at the bottom of labels for the products using the 2001 cost for electricity (8.29 cents per kilowatt-hour).

Minor Amendments to Appendices H and I

The Commission is also amending the cost calculation formulas appearing in the Appendices (H and I) to part 305 that contain, for central air conditioners and heat pumps, heating and cooling performance costs and the ranges of comparability. These formulas must be provided 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.

² Reports for refrigerators, refrigerator-freezers, and freezers are due August 1.

³ New DOE energy conservation standards for these products became effective on July 1, 2001. 62 FR 23102 (April 28, 1997).

This amendment corrects some of the figures in the formulas to reflect the current Representative Average Unit Cost of Electricity—8.29 cents per kilowatt-hour—that was published by DOE on March 8, 2001 (66 FR 13917), and by the Commission on May 21, 2001 (66 FR 27856).

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 do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a “significant economic impact on a substantial number of small entities.” 5 U.S.C. 605. 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.

1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6249.

2. Appendix A1 to part 305 is revised to read as follows:

APPENDIX A1 TO PART 305.—REFRIGERATORS WITH AUTOMATIC DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 2.5	318	338
2.5 to 4.4	319	385
4.5 to 6.4	383	436
6.5 to 8.4	(*)	(*)
8.5 to 10.4	348	380
10.5 to 12.4	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	428	428
16.5 and over	318	438

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

3. Appendix A2 to part 305 is revised to read as follows:

APPENDIX A2 TO PART 305.—REFRIGERATORS WITH AUTOMATIC DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 2.5	280	320
2.5 to 4.4	292	345
4.5 to 6.4	296	364
6.5 to 8.4	387	387
8.5 to 10.4	273	379
10.5 to 12.4	286	286
12.5 to 14.4	(*)	(*)
14.5 to 16.4	(*)	(*)
16.5 to 18.4	(396)	(438)
18.5 to 20.4	(*)	(*)
20.5 to 22.4	(*)	(*)
22.5 to 24.4	(*)	(*)
24.5 to 26.4	(*)	(*)
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

4. Appendix A3 to part 305 is revised to read as follows:

APPENDIX A3 TO PART 305—REFRIGERATOR-FREEZERS WITH PARTIAL AUTOMATIC DEFROST
Range Information

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5	285	434
10.5 to 12.4	313	313
12.5 to 14.4	(*)	(*)
14.5 to 16.4	(*)	(*)
16.5 to 18.4	(*)	(*)
18.5 to 20.4	(*)	(*)
20.5 to 22.4	(*)	(*)
22.5 to 24.4	(*)	(*)
24.5 to 26.4	(*)	(*)
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

(*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

5. Appendix A4 to part 305 is revised to read as follows:

APPENDIX A4 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH TOP-MOUNTED FREEZER WITHOUT THROUGH-THE-DOOR ICE SERVICE

Range Information

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5	356	356
10.5 to 12.4	408	409
12.5 to 14.4	394	440
14.5 to 16.4	372	460
16.5 to 18.4	414	489
18.5 to 20.4	416	509
20.5 to 22.4	457	530
22.5 to 24.4	499	558
24.5 to 26.4	523	560
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

(*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

6. Appendix A5 to part 305 is revised to read as follows:

APPENDIX A5 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH SIDE-MOUNTED FREEZER WITHOUT THROUGH-THE-DOOR ICE SERVICE

Range Information

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5	(*)	(*)
10.5 to 12.4	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	(*)	(*)
16.5 to 18.4	(*)	(*)
18.5 to 20.4	623	624
20.5 to 22.4	568	640
22.5 to 24.4	605	643
24.5 to 26.4	591	659
26.5 to 28.4	(*)	(*)

APPENDIX A5 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH SIDE-MOUNTED FREEZER WITHOUT THROUGH-THE-DOOR ICE SERVICE—Continued

Range Information

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
28.5 and over	614	679

(*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

7. Appendix A6 to part 305 is revised to read as follows:

APPENDIX A6 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH BOTTOM-MOUNTED FREEZER WITHOUT THROUGH-THE-DOOR ICE SERVICE

Range Information

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5	447	500
10.5 to 12.4	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	544	544
16.5 to 18.4	502	548
18.5 to 20.4	564	564
20.5 to 22.4	511	572
22.5 to 24.4	(*)	(*)
24.5 to 26.4	(*)	(*)
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

(*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

8. Appendix A7 to part 305 is revised to read as follows:

APPENDIX A7 TO PART 305.—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH TOP-MOUNTED FREEZER WITH THROUGH-THE-DOOR ICE SERVICE

[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5	(*)	(*)
10.5 to 12.4	544	544
12.5 to 14.4	544	544
14.5 to 16.4	(*)	(*)
16.5 to 18.4	(*)	(*)
18.5 to 20.4	(*)	(*)
20.5 to 22.4	555	555
22.5 to 24.4	(*)	(*)
24.5 to 26.4	(*)	(*)
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effectively July 1, 2001.

APPENDIX A8 TO PART 305.—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH SIDE-MOUNTED FREEZER WITH THROUGH-THE-DOOR ICE SERVICE
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5	(*)	(*)
10.5 to 12.4	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	(*)	(*)
16.5 to 18.4	(*)	(*)
18.5 to 20.4	647	650
20.5 to 22.4	597	686
22.5 to 24.4	617	698
24.5 to 26.4	618	727
26.5 to 28.4	647	751
28.5 and over	691	765

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

Cost Information for Appendices A1 Through A8

When the ranges of comparability in Appendices A1 through A8 are used on EnergyGuide labels for refrigerators and

refrigerator-freezers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2001 Representative Average Unit Cost for electricity (8.29¢ per

kilowatt-hour), and the text below the box must identify the cost as such.

10. Appendix B1 to part 305 is revised to read as follows:

APPENDIX B1 TO PART 305.—UPRIGHT FREEZERS WITH MANUAL DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5	(*)	(*)
5.5 to 7.4	354	354
7.5 to 9.4	372	372
9.5 to 11.4	392	392
11.5 to 13.4	409	410
13.5 to 15.4	442	442
15.5 to 17.4	477	482
17.5 to 19.4	(*)	(*)
19.5 to 21.4	512	527
21.5 to 23.4	(*)	(*)
23.5 to 25.4	580	580
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	1,748	1,748

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

11. Appendix B2 to part 305 is revised to read as follows:

APPENDIX B2 TO PART 305.—UPRIGHT FREEZERS WITH AUTOMATIC DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5	482	491
5.5 to 7.4	(*)	(*)
7.5 to 9.4	(*)	(*)
9.5 to 11.4	564	564
11.5 to 13.4	(*)	(*)
13.5 to 15.4	621	655
15.5 to 17.4	682	683
17.5 to 19.4	742	742

APPENDIX B2 TO PART 305.—UPRIGHT FREEZERS WITH AUTOMATIC DEFROST—Continued
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
19.5 to 21.4	745	763
21.5 to 23.4	796	796
23.5 to 25.4	(*)	(*)
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	2,003	2,033

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

12. Appendix B3 to part 305 is revised to read as follows:

APPENDIX B3 TO PART 305.—CHEST FREEZERS AND ALL OTHER FREEZERS
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5	166	245
5.5 to 7.4	276	280
7.5 to 9.4	294	294
9.5 to 11.4	312	312
11.5 to 13.4	350	362
13.5 to 15.4	394	397
15.5 to 17.4	(*)	(*)
17.5 to 19.4	445	445
19.5 to 21.4	480	480
21.5 to 23.4	512	532
23.5 to 25.4	569	570
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	(*)	(*)

* No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

Cost Information for Appendices B1 Through B3

When the ranges of comparability in Appendices B1 through B3 are used on EnergyGuide labels for freezers, the estimated annual operating cost disclosure appearing in the box at the

bottom of the labels must be derived using the 2001 Representative Average Unit Cost for electricity (8.29¢ per kilowatt-hour), and the text below the box must identify the cost as such.

13. In section 2 of Appendix H of Part 305, the formula is revised to read as follows in both places that it appears:

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

* * * * *

$$\text{Your estimated cost} = \frac{\text{Listed average annual operating cost}^*}{1,000} \times \frac{\text{Your cooling load hours}^{**}}{1,000} \times \frac{\text{Your electrical rate in cents per KWH}}{8.29\text{¢}}$$

* * * * *
14. In section 2 of Appendix I of Part 305, the "NOTE" following the EnergyGuide label is amended by removing the figure "8.31¢" and by

adding, in its place, the figure "8.29¢". In addition, the formula in section 2 of Appendix I of Part 305 is revised to read as follows in both places that it appears:

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

* * * * *

$$\text{Your estimated cost} = \text{Listed annual heating cost} * \times \frac{\text{Your electrical cost in cents per KWH}}{8.29\text{¢}}$$

* * * * *

By direction of the Commission.
Donald S. Clark,
Secretary.

[FR Doc. 01-28438 Filed 11-16-01; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Arsanilic Acid; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the dose range of arsanilic acid for Type C medicated poultry feeds reported by the National Academy of Sciences/National

Research Council (NAS/NRC) Drug Efficacy Study in 1972. This action is being taken to improve the accuracy of the regulations.

DATES: This rule is effective November 19, 2001.

FOR FURTHER INFORMATION CONTACT:

Dianne T. McRae, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0212, e-mail: *dmcrae@cvm.fda.gov*.

SUPPLEMENTARY INFORMATION: FDA has found that the animal drug regulations do not reflect the dose range of arsanilic acid for Type C medicated poultry feeds reported to the agency by the NAS/NRC Drug Efficacy Study in 1972. At this time, the regulations are being amended in 21 CFR 558.62 to reflect a dose range of 45 to 90 grams per ton of medicated poultry feed.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely correcting nonsubstantive errors.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.62 is amended in the table in paragraph (c)(1) by revising entries (i) and (ii) to read as follows:

§ 558.62 Arsanilic acid.

* * * * *
 (c) * * *
 (1) * * *

Arsanilic acid in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 45 to 90	1. Growing chickens: For growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 days before slaughter; as sole source of organic arsenic.	015565
	2. Growing turkeys: For growth promotion and feed efficiency; improving pigmentation.do	015565
	3. Growing swine: For increased rate of weight gain and improved feed efficiency.do	015565
(ii) 90	Swine: As an aid in control of swine dysentery (hemorrhagic enteritis, bloody dysentery).do	015565
*	*	*	*	*

* * * * *

Dated: November 6, 2001.
Stephen F. Sundlof,
Director, Center for Veterinary Medicine.
 [FR Doc. 01-28765 Filed 11-16-01; 8:45 am]
 BILLING CODE 4160-01-S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05-01-013]

RIN 2115-AE46

Special Local Regulations for Marine Events; Fireworks Displays, Atlantic Ocean, Virginia Beach, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting permanent special local regulations for fireworks displays to be held over the waters of the Atlantic Ocean, Virginia Beach, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the fireworks displays. This action will temporarily restrict vessel traffic during the fireworks displays to protect spectator craft and other vessels transiting the event area from the dangers associated with the fireworks.

DATES: This rule is effective December 19, 2001.