

based upon the evaluation of the information submitted in support of the withdrawal and would take into account any comments received.

(Approved by the Office of Management and Budget under control number 0579-0291)

Done in Washington, DC, this 17th day of October 2008.

**Bruce Knight,**

Special Agent in Charge

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fixtures (73 FR 39221 (July 9, 2008)). The effective dates of these three sets of amendments differ. The label design amendments became effective on February 29, 2008 while the ceiling fan and metal halide amendments will both become effective on January 1, 2009. Because the publication of the ceiling fan amendments preceded the label design amendments, the amendatory

**FEDERAL TRADE COMMISSION**

**16 CFR Part 305**

**RIN 3084-AA74**

**Appliance Labeling Rule**

**AGENCY:** Federal Trade Commission (“FTC” or “Commission”).

**ACTION:** Final rule; correction.

**SUMMARY:** The Commission is issuing this Notice to make technical corrections to the Appliance Labeling Rule. The corrections are necessary to ensure that amendatory language published on December 28, 2006 and scheduled to become effective on January 1, 2009 is consistent with other Rule amendments that have been codified since 2006 and are already effective.

**DATES:** The corrections published in this document will become effective on January 1, 2009.

**ADDRESSES:** Requests for copies of this document are available from: Public Reference Branch, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. The complete record of this proceeding is also available at that address. Relevant portions of the proceeding, including this document, are available at <http://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Hampton Newsome, (202) 326-2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Over the last two years, the Commission has issued amendments to its Appliance Labeling Rule (16 CFR Part 305) in three separate proceedings related to: (1) ceiling fan labels (71 FR 78064 (Dec. 28, 2006)), (2) appliance label designs (72 FR 49948 (Aug. 29, 2007)), and (3) metal halide lamp

<sup>1</sup> In addition to these conforming changes necessary to harmonize the amendments, this Notice contains three non-substantive changes. First, section 305.20 has been changed to clarify that the catalog disclosure requirements in section 305.20(a) do not apply to ceiling fans (instead, section 305.20(f) contains the catalog requirements for ceiling fans). Second, this Notice places the ceiling fan labeling requirements in a new section (305.13 Labeling for ceiling fans). Third, in the sample ceiling fan label in Appendix L, the airflow efficiency number has been corrected to match the airflow and electricity use numbers on that label.

<sup>2</sup> 44 USC 3501-3520.

classifies as a covered product under section 322(b) of the Act (42 U.S.C. 6292).

(p) *E* means the following product-specific energy usage descriptors: (AF) for furnaces; (EE) for room air conditioners; (EC) for the cooling function of central air conditioners and heat pumps; (HF) for the heating function of heat pumps; (CF) for ceiling fans; and (EH) for pool heaters, as these descriptors are determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293). These product-specific energy usage descriptors shall be used in satisfying all the requirements of this part.

■ 3. In section 305.3, revise paragraphs (s) and (t) to read as follows:

**§ 305.3 Description of covered products.**

(s) *M* means a light fixture for general lighting application that is designed to be operated with a metal halide lamp and a ballast for a metal halide lamp and that is subject to and complies with Department of Energy efficiency standards issued pursuant to 42 U.S.C. 6295.

(1) *M* means a ballast used to start and operate metal halide lamps.

(2) *M* means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(t) *C* means a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades. The requirements of this part are limited to those ceiling fans for which the Department of Energy has adopted and published test procedures for measuring energy usage.

■ 4. Revise § 305.5(a)(11) to read as follows:

**§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.**

(a) (11) Ceiling Fans—§ 430.23.

■ 5. Revise § 305.7(l) to read as follows:

**§ 305.7 Determinations of capacity.**

(l) *C*. The capacity shall be the airflow in cubic feet per minute as determined according to appendix U of 10 CFR part 430, subpart B.

■ 6. In § 305.8, revise paragraph (a)(1), (a)(5), and (b)(1) to read as follows:

**§ 305.8 Submission of data.**

(a)(1) Each manufacturer of a covered product (except manufacturers of fluorescent lamp ballasts, metal halide lamp fixtures, showerheads, faucets, water closets, urinals, general service fluorescent lamps, medium base compact fluorescent lamps, or general service incandescent lamps including incandescent reflector lamps) shall submit annually to the Commission a report listing the estimated annual energy consumption (for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters) or the energy efficiency rating (for room air conditioners, central air conditioners, heat pumps, furnaces, ceiling fans, and pool heaters) for each basic model in current production, determined according to § 305.5 and statistically verified according to § 305.6. The report must also list, for each basic model in current production: the brand name; the model numbers for each basic model; the total energy consumption, determined in accordance with § 305.5, used to calculate the estimated annual energy consumption or energy efficiency rating; the number of tests performed; and, its capacity, determined in accordance with § 305.7. For those models that use more than one energy source or more than one cycle, each separate amount of energy consumption, measured in accordance with § 305.5, shall be listed in the report. Starting serial numbers or other numbers identifying the date of manufacture of covered products shall be submitted whenever a new basic model is introduced on the market. For ceiling fans, the report shall contain the fan diameter in inches and also shall contain efficiency ratings, energy consumption, and capacity at high speed.

(5) Each manufacturer of a metal halide lamp fixture shall submit annually to the Commission a report for each basic model of metal halide lamp fixture in current production. The report shall contain the following information:

- (i) Name and address of manufacturer;
- (ii) All trade names under which the metal halide lamp fixture is marketed;
- (iii) Model number;
- (iv) Starting serial number, date code or other means of identifying the date of

manufacture (date of manufacture information must be included with only the first submission for each basic model);

(v) Type of ballast (magnetic, pulse, probe, or electronic);

(vi) Nominal input voltage and frequency;

(vii) Ballast efficiency (as determined pursuant to 42 U.S.C. 6293(b)(18)); and

(viii) Lamp type and wattage (or range of wattages) with which the metal halide lamp fixture is designed to be used.

(b)(1) All data required by § 305.8(a) except serial numbers shall be submitted to the Commission annually, on or before the following dates:

Product category	Deadline for data submission
Refrigerators .....	Aug. 1
Refrigerators-freezers .....	Aug. 1
Freezers .....	Aug. 1
Central air conditioners .....	July 1
Heat pumps .....	July 1

revision shall conform to the revised