
Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 305

² Section 321(b) of EISA amends section 324(a)(2)(C) of the Energy Policy and Conservation Act (EPCA) (42 U.S.C. 6294(a)(2)(C)). Additional amendments in EISA redesignate 6294(a)(2)(C) as 6294(a)(2)(D) (see section 324(d) of EISA).

³ Section 321(b) of EISA (42 U.S.C. 6294(a)(2)(D)) also gives the Commission the discretion to “consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps [implemented by DOE], if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.”

¹ This Notice uses the terms lamp, light bulb, and bulb interchangeably.

⁴ The comments received in response to the ANPR are at (<http://www.ftc.gov/os/comments/lightbulbs/index.shtm>). A transcript of the Roundtable can be found at (<http://www.ftc.gov/bcp/workshops/lamp/transcript.pdf>).

⁵ See 73 FR 72800 (Dec. 1, 2008); 74 FR 7894 (Feb. 20, 2009). See comments at (<http://www.ftc.gov/os/comments/lampstudypra2/index.shtm>).

⁶ The FTC issued the current lighting disclosure requirements in 1994 (see 16 CFR §§ 305.15(a), (b), & (c)). See 59 FR 25176 (May 13, 1994). Figure 1 contains a sample of the current label.

⁷ 16 CFR 305.20.

⁸ In addition to the requirements for common household (medium screw base) light bulbs, the rule directs manufacturers of fluorescent lamp ballasts and luminaires, metal halide lamp fixtures, and certain tube-type ("general service") fluorescent lamps to mark their products with an encircled "E," a symbol signifying compliance with DOE minimum efficiency standards. See 16 CFR 305.15. Packages for incandescent reflector lamps must also display the encircled "E" as well as information on light output, energy use, and watts.

⁹ See 16 CFR 305.5. For fluorescent lamp ballasts, the rule requires manufacturers to derive energy consumption information using specific DOE test procedures (10 CFR Part 430, subpart B, 430.23(q)).

There were no DOE test procedures available for other lighting products when the FTC first published the lamp labeling rules in 1994.

¹⁰ A report on the focus group ("FTC Focus Group Report"), prepared by FTC's contractor,

²⁴ LED products are more efficient and last longer than both incandescent and CFL bulbs and can replace those bulbs in common residential fixtures. The U.S. Department of Energy ("DOE") is currently supporting domestic research and development for new solid-state lighting technologies. For more information about DOE's efforts and LED technology in general, see (<http://www1.eere.energy.gov/buildings/ssl/>).

²⁵ The EISA amendments included definitions for solid-state lighting products (e.g., LED), but did not alter the scope of lighting products for which labeling is required. Therefore, the current law does not specifically direct the FTC to require labeling for solid-state lighting products. (See 42 U.S.C. 6291(30)(BB-DD) and 42 U.S.C. 6294(a)).

²⁶ Section 6294(a)(6) gives the Commission authority to require disclosures for consumer products not subject to specific labeling requirements in section 6294 (i.e., products "not

specified" under existing labeling requirements). The law defines "consumer product" as any article (other than an automobile) which "in operation consumes, or is designed to consume energy" and "which, to any significant extent is distributed in commerce for personal use or consumption by an individual." 42 U.S.C. 6291(1). The Commission believes that labeling for LED bulbs is likely to assist consumers in their purchasing decisions because they are substitutes for incandescents and CFLs and are likely to become increasingly available for household use.

²⁷ The Commission also plans to use section 6294(a)(6) to require labeling for two types of incandescent bulbs: reflector lamps and 3-way incandescent lamps. Prior to EISA, the Commission's rules covered such products because they fell under the statutory definition of "general service" lamps. (See 16 CFR 101.116(b)(1)(ii)(A)).

²⁹ FTC Focus Group Report at 6.

³⁰ Respondents in the FTC label study also scored bulb life high in terms of importance. However, the Canadian research indicated that consumers refer to bulb life only "on occasion" when buying light bulbs and ranked life below brightness and energy efficiency as a descriptor that "must" appear on the label. NRCan Lighting Survey at 13. Given the contradictory research results and the need to minimize disclosures on the front package, the Commission proposes to require life information on the Lighting Facts label, but not on the package front.

³¹ NRCan Lighting Survey at 13. When asked what information must appear on the label, the Canadian opinion survey results indicated an 83% response rate for brightness, 74% for energy efficiency, and 69% for bulb life.

³² "Lighting Facts" is a trademark held by the U.S. Government through the DOE solid-state lighting program. During the Roundtable and in comments, several commenters suggested a uniform label consistent with the "Nutrition Facts." See, e.g., Roundtable Tr. at 107, 108, 120, and 121; Philips #536795-00015.

³³ Question 201 asked respondents to choose the bulb that would fill their room with as much light as possible. Question 202 asked them to give their second choice. Of respondents who viewed the Lighting Facts label only, 52.56% and 39.49% correctly answered Questions 201 and 202, respectively; whereas 66.17% and 53.17% of respondents who viewed two panel label formats correctly answered the questions, respectively. See Consumer Research Supplement at 357.

³⁴ In Question 201, 17.9% of all respondents chose the dimmest bulb when asked to choose the bulb that would fill their room with the most light. See Consumer Research Supplement at 89.

³⁵ NRCan Lighting Survey Combined Executive Summary at 17. The NRCan focus group report indicated that "quite a few" participants "said they were not sureicic."

³⁹ Several comments recommend that the FTC require watt-equivalence information on the label. See, e.g., CEE (#536795-00011), NRDC (#536795-00003), and ACEEE (#536795-00012). In addition, NRDC urged the Commission to set standards for watt equivalence claims. NRDC (#536795-00003). NRDC also suggested the creation of categories similar to batteries (such as A, AAA, C, etc.), to describe light output. Roundtable Tr. at 29 (Horowitz). However, the Commission believes it is better to focus on educating consumers about lumens, a descriptor that already exists and may have some consumer recognition, rather than to create an entirely new system.

⁴⁰ NRCan Lighting Survey at 13. In the FTC label study, wattage equivalent information included on the Lighting Facts labels did not make a difference in respondents' ability to choose the brightest bulb. The study, however, did not explore whether such information helped consumers relate CFL brightness to their experience with the wattage (and associated brightness) of incandescent bulbs.

⁴¹ The Commission expects that, in the short term, manufacturers will continue to make watt equivalence representations voluntarily. As the market rapidly changes over the next few years, manufacturers can adjust such voluntary representations to evolving consumer understanding and reevaluate the need for watt equivalence disclosures with greater flexibility than the Commission can through rulemaking. Nevertheless, to avoid consumer confusion, when making such claims manufacturers should ensure that the incandescent bulb they are comparing is similar to the CFL (or LED) they are selling not only in brightness, but also in other material respects such as bulb type and color appearance. Manufacturers, of course, must also substantiate all other material claims they make about the product.

⁴² See

⁴⁷ For example, Question 213.1 asked respondents to view three bulbs and choose the most energy efficient one. The percentage of respondents who answered that question correctly, grouped by front-panel descriptor, were: stars (81.66%); energy cost (81.09%); and lumens per watt (63.22%). Both Questions 214.1 and 216.1 asked respondents to choose the least efficient bulb (though each question displayed a different set of bulbs). The percentage of respondents who answered Question 214.1 correctly were: energy cost (77.17%); stars (76.28%); and lumens per watt (57.91%). For Question 216.1, the results were: stars (80.25%); energy cost (78.02%); and lumens per watt (63.51%). The differences between the cost and star descriptor results, however, are not statistically significant. See Consumer Research Supplement at 367-371.

⁴⁸ For example, compare the characteristics of high efficiency bulb "A" to lower efficiency bulb "B". Bulb A= 1750 lumens, 26 watts, 67 lumens per watt, and \$3.25 per year (assuming 11.4 cents per kWh) and Bulb B= 825 lumens, 13 watts, 63 lumens per watt, and \$1.62. Therefore, bulb "A" has a higher efficiency rating in lumens per watt but uses more energy and thus costs more to operate.

⁴⁹ Manufacturers would continue to have the discretion to place the ENERGY STAR logo elsewhere on the package consistent with EPA's criteria.

⁵⁰ In the FTC label study, respondents answered questions about whether they would be willing to pay more for a higher efficiency bulb of similar brightness (Questions 217). The percentages of respondents willing to pay more, grouped by energy descriptor, were: stars (73.16%); energy cost (68.65%); watts (66.57%); and lumens per watt (65.02%). See Consumer Research Supplement at 372-373.

The questionnaire also asked respondents who indicated they would pay more how much they would pay for the higher efficiency bulb (Question 218). Even though the more efficient bulb could save over \$6.00 in energy cost during the first year, and about \$140 over the entire life of the bulb, the average price that all subjects in the various treatment groups were willing to pay were as follows, as grouped by front-panel energy descriptor: star (\$2.92); energy cost (\$2.58); lumens per watt (\$2.42); and watts (\$2.16). The difference between the star (\$2.92) and energy cost (\$2.58)

⁵⁴ See, e.g., NEMA (#536795-00007); Philips (#536795-00015); and GE (#540385-00005). Roundtable participants appeared to be comfortable with using 3 hours as a usage pattern for expressing life in years. Roundtable Tr. at 54.

⁵⁵ Light color measurements, expressed in Kelvin ("K"), range generally from 2700K to 6500K. A bulb with lower kelvin numbers (e.g., 2700K or 3000K) produces light that has a yellowish appearance, such as light provided by traditional incandescent bulbs. Bulbs with higher Kelvin numbers produce light that is whiter (e.g., 4100K) or blueish (e.g., 6500K).

⁵⁶ The research results suggest that consumers are generally unfamiliar with color temperature. For example, the FTC's focus group indicated there was little awareness of "color" among respondents. And, according to the focus group report, respondents "had no idea of how light color was measured" and were largely unfamiliar with the term "color temperature" and entirely unfamiliar with the Kelvin scale. FTC Focus Group Report at 3. However, after exposure to color appearance concepts in the FTC label study, respondents on

average assigned color appearance a score of 7.6 on a 10 point scale designed to rate the importance of particular light bulb attributes (0 = not important; 10 = very important) (Question 211). This suggests that, once consumers become aware of color appearance, it is an important issue.

⁵⁷ It is common for bulb packages to provide various descriptions of color temperature or appearance on their packages and in marketing materials, such as "soft white," "cool white," and "daylight."

⁵⁸ See Leslie, R., and Rea, M., "A System for Communicating Color: What Do Consumers Think," Lighting Research Center, Rensselaer Polytechnical Institute (<http://www.lrc.rpi.edu/programs/lightingTransformation/colorCommunication/pdf/whatDoConsumersThink.pdf>).

⁵⁹ In the label study, respondents viewed three photographs of a table lamp, each displaying a bulb with a different color temperature. The questionnaire then asked respondents to pick the bulb label that would provide the light displayed in each photograph.

⁶⁰

disposal. See (<http://www.epa.gov/epawaste/hazard/wastetypes/universal/lamps/basic.htm>).

⁶⁶ EPA provides consumers with recommendations for cleaning up and disposing of broken bulbs to help minimize any exposure to released mercury vapor. It also encourages consumers to recycle burned out fluorescent bulbs rather than dispose of them in regular household trash. According to EPA, “[r]ecycling of burned out CFLs is one of the best ways to help prevent the release of mercury to the environment by keeping mercury out of landfills and incinerators.” See (<http://epa.gov/mercury/consumerinfo.htm#cfl>).

⁶⁷ See, NEMA, “The Labeling of Mercury Containing Lamps, October 2004,” (http://www.nema.org/gov/env_conscious_design/lamps/upload/Labeling%20White%20Paper%20Final%2010%2004-2.pdf).

⁶⁸ The EISA amendments provided the Commission with general authority to consider “alternative labeling approaches that will help consumers to understand new high efficiency lamp products” including CFLs. See 42 U.S.C. 6294(a)(2)(D)(iii)(I)(bb).

⁶⁹ ENERGY STAR, which covers a large majority of CFLs in the market, requires all participating manufacturers to label their packages with:

- (1) the symbol “Hg” within a circle;
- (2) “Lamp Contains Mercury”; and
- (3) (www.epa.gov/bulbrecycling). ENERGY STAR

provides manufacturers the option of using (www.lamprecycle.org) instead of the EPA website. NEMA recommends that its members use the

⁶³ Color versions of these graphics are available at www.ftc.gov/energy .

⁶⁴ See discussion at 59 FR 25184 (May 13, 1994).

⁶⁵ Although lighting manufacturers have greatly reduced the amount of mercury used in CFLs over the past 20 years, they have not eliminated it. Currently, on average, CFLs contain about 5 milligrams or about 1/100th of the amount of mercury found in a mercury fever thermometer. Therefore, CFLs can affect the environment during

consumers to EPA's website for information on vehicle emissions.⁷⁰ Finally, the Commission notes that several states have issued mercury disclosure requirements. The Commission intends for the proposed

rule to be as consistent with state requirements for mercury disclosure as possible. Therefore, the Commission seeks comment on the impact of the proposed labeling on existing state requirements. Further, if any

inconsistencies exist between the proposed disclosure and existing state requirements, the Commission seeks comment on whether, how, and why the Commission should address such inconsistencies.

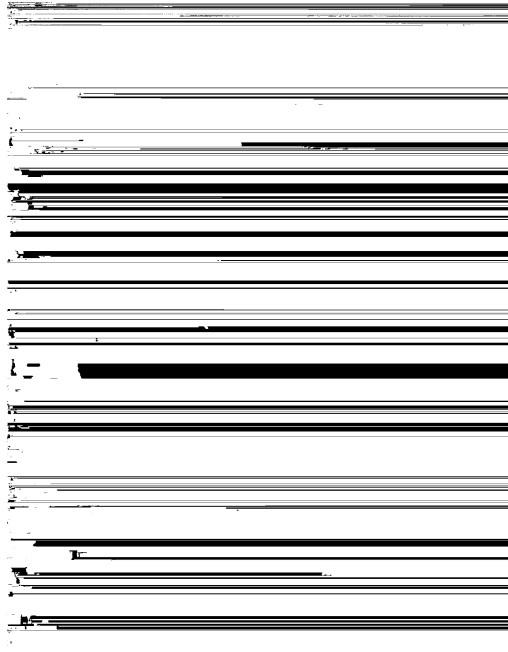


Figure 4
Lighting Facts with Mercury Disclosure
3. Affirmative Disclosures for Energy Cost and Life Claims on Package

The Commission is concerned that consumer confusion and deception could arise from voluntary claims on bulb packages about energy cost savings and life that are based on different assumptions than those used for the required disclosures. In particular, if the assumptions behind an energy cost-related claim are different from those used for the Lighting Facts label, consumers may have difficulty comparing claims across products. For instance, if a manufacturer makes an energy saving claim using a significantly higher electricity rate than the rate used for the mandatory energy cost disclosures, consumers may be confused or even misled regarding the energy performance of that bulb.⁷¹ To address this concern, some commenters urged the Commission to create uniform

requirements for cost and life-related claims made by manufacturers.⁷²

After considering these comments, the Commission is not proposing to require uniform cost and life-related assumptions because it does not appear that such claims would be deceptive in all cases. However, the proposed rule⁷³ requires manufacturers that make any energy cost-related claim based on an electricity rate or usage rate other than the rate required on the Lighting Facts label to make an equally conspicuous disclosure calculated using the required electricity rate.⁷⁴ This approach should ensure that consumers can easily compare voluntary energy cost-related claims across products. The same rationale also applies to life claims. Specifically, if a manufacturer provides any life claim based on an annual usage rate other than the rate required on the label, the manufacturer also must provide, equally conspicuously, the bulb life calculated with the usage rate required on the Lighting Facts label.

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⁷⁰ See 16 CFR Part 309 (Appendix A, Figure 4).
⁷¹ The current rule (section 350.14(b)(4)) already contains a provision that requires manufacturers to disclose the assumptions upon which any operating cost claim is based, including, for example, purchase price, unit cost of electricity, hours of use, and patterns of use.

⁷² See, e.g., NEMA #536795-00007 and NRDC #536795-00003.
⁷³ Proposed section 305.15(c)(4).
⁷⁴ The FTC's Guide Concerning Fuel Economy Advertising for New Automobiles follows a similar approach for mileage claims based on non-EPA test procedures. See 16 CFR 259.2(c).
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approach for mileage claims based on non-EPA test procedures. See 16 CFR 259.2(c).
⁷⁵ See 42 U.S.C. 6294(a)(2)(D)(iii)(I)(bb).
⁷⁶ Roundtable Tr. 58 (Karney); see also Roundtable Tr. at 59 and NEMA Comments.

⁷⁷ Under the current law (EPCA), the term "color rendering index" or "CRI" means "the measure of the degree of color shift objects undergo when

⁸⁸ The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with

on the public record. See 16 CFR 1.26(b)(5).

XI. Paperwork Reduction Act

The rule contains disclosure requirements that constitute "information collection requirements" as defined by 5 CFR § 1320.7(c), the regulation that implements the Paperwork Reduction Act ("PRA").⁸⁹ OMB has approved the rule's existing information collection requirements through May 31, 2011 (OMB Control No. 3084-0069). The proposed amendments make changes in the current rule's labeling requirements.⁹⁰ Accordingly, the Commission has submitted this proposed rule and a Supporting Statement to OMB for review under the PRA.

Burden estimates for the proposed rule are based on data previously submitted by manufacturers to the FTC under the Rule's existing requirements and on the staff's general knowledge of manufacturing practices.

Package and Product Labeling: The proposed rule requires manufacturers to change their light bulb packages and light bulbs to include new disclosures. The new requirements would require a one-time change for manufacturers. The Commission estimates that this one-time change will take 80 hours per manufacturer. Annualized for a single year reflective of a prospective 3-year clearance, this averages to 26.67 hours per year. Therefore, the label design change will result in cumulative burden of 1,334 hours (50 manufacturers x 26.67 hours). In estimating the associated labor cost, the Commission assumes that the label design change will be implemented by graphic designers at an hourly wage rate of \$22.70 per hour based on Bureau of Labor Statistics information.⁹¹ Thus, the Commission estimates labor cost for this new label design change will total \$30,282 (1,334 hours x \$22.70 per hour).

Color Temperature: The proposed rule may require additional testing for correlated color temperature, if such testing has not already been conducted in the normal course of business. Although the Commission expects that many manufacturers conduct such

testing for other purposes (e.g., ENERGY STAR criteria), the Commission assumes, based on past estimates of basic models, that manufacturers will have to test 2,100 basic models at 0.5 hours for each model for a total of 1,050 hours. In calculating the associated labor cost estimate, the Commission assumes that the label design change will be implemented by electrical engineers at an hourly wage rate of \$39.79 per hour based on Bureau of Labor Statistics information (see footnote 90). Thus, the Commission estimates that the new label design change will result in associated labor cost of approximately \$41,780 (1,050 hours x \$39.79 per hour).

Accordingly, the estimated total burden of the proposed amendments is 2,384 hours (1,334 hours for packaging and labeling + 1,050 hours for additional testing for correlated color temperature).

The Commission invites comments that will enable it to: (1) evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) evaluate the accuracy of the Commission's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collections of information on those who must comply, including through the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information technology.

XII. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601-612, requires that the Commission provide an Initial Regulatory Flexibility Analysis ("IRFA") with a proposed rule and a Final Regulatory Flexibility Analysis ("FRFA"), if any, with the final rule, unless the Commission certifies that the rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 603-605.

The Commission does not anticipate that the proposed rule will have a significant economic impact on a substantial number of small entities. The Commission recognizes that some of the affected manufacturers may qualify as small businesses under the relevant thresholds. However, the Commission does not expect that the economic impact of the proposed

amendments will be significant. In any event, to minimize any burden, the Commission plans to provide manufacturers with ample time to implement the proposed changes.

The Commission estimates that these new requirements will apply to about 50 product manufacturers and an additional 150 online and paper catalog sellers of covered products. The Commission expects that approximately 150 qualify as small businesses.

Accordingly, this document serves as notice to the Small Business Administration of the FTC's certification of no effect. To ensure the accuracy of this certification, however, the Commission requests comment on whether the proposed rule will have a significant impact on a substantial number of small entities, including specific information on the number of entities that would be covered by the proposed rule, the number of these companies that are "small entities," and the average annual burden for each entity. Although the Commission certifies under the RFA that the rule proposed in this notice would not, if promulgated, have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an IRFA in order to inquire into the impact of the proposed rule on small entities. Therefore, the Commission has prepared the following analysis:

A. Description of the Reasons That Action by the Agency Is Being Taken

Section 321(b) of the Energy Independence and Security Act of 2007 (Pub. L. 110-140) requires the Commission to conduct a rulemaking to consider the effectiveness of the lamp labeling and to consider alternative labeling approaches.

B. Statement of the Objectives of, and Legal Basis for, the Proposed Rule

The objective of the proposed rule is to improve the effectiveness of the current lamp labeling program. EISA directs the Commission to consider whether alternative labeling approaches would help consumers better understand new high-efficiency lamp products and help them choose lamps that meet their needs. In particular, the law directs the Commission to consider labeling disclosures that address consumer needs for information about lighting level, light quality, lamp lifetime, and total lifecycle cost. The

⁸⁹ 44 U.S.C. 3501-3521.

⁹⁰ Although the current reporting requirements in the rule for these products is currently stayed (as discussed in section IV.D. of this notice), the existing PRA clearance for the rule's information collection requirements includes burdens associated with those requirements.

⁹¹ See (http://www.bls.gov/ncs/ncswage2008.htm#Wage_Tables) (National Compensation Survey: Occupational Earnings in the United States 2008, U.S. Department of Labor (August 2009), Bulletin 272004, Table 3 ("Full-time civilian workers," mean and median hourly wages), at 3-12).

Commission must complete this effort by June of 2010.⁹²

C. Small Entities to Which the Proposed Rule Will Apply

Under the Small Business Size Standards issued by the Small Business Administration, lamp manufacturers qualify as small businesses if they have fewer than 1,000 employees (for other household appliances the figure is 500 employees). Lamp catalog sellers qualify as small businesses if their sales are less than \$8.0 million annually. The Commission estimates that there are approximately 150 entities subject to the proposed rule's requirements qualify as small businesses. The Commission seeks comment and information with regard to the estimated number or nature of small business entities for which the proposed rule would have a significant economic impact

D. Projected Reporting, Recordkeeping and Other Compliance Requirements

The Commission recognizes that the proposed labeling rule will involve some increased drafting costs and reporting requirements for appliance manufacturers. As discussed in this notice, the increase reporting burden should be de minimis. The transition to the use of a new label design should represent a one-time cost that will not be substantial. The Commission does not expect that the labeling requirements will impose significant additional costs on catalog sellers. All of these burdens are discussed in Section XI of this notice and there should be no difference in that burden as applied to small businesses. The Commission invites comment and information on these issues.

E. Duplicative, Overlapping, or Conflicting Federal Rules

The Commission has not identified any other federal statutes, rules, or policies that would duplicate, overlap, or conflict with the proposed rule. The Commission invites comment and information on this issue.

F. Significant Alternatives to the Proposed Rule

The Commission seeks comment and information on the need, if any, for alternative compliance methods that,

consistent with the statutory requirements, would reduce the economic impact of the rule on small entities. As one alternative to reduce the burden, the Commission could delay the rule's effective date to provide additional time for small business compliance. The Commission could also consider further reductions in the amount of information catalog sellers must provide. If the comments filed in response to this notice identify small entities that are affected by the rule, as well as alternative methods of compliance that would reduce the economic impact of the rule on such entities, the Commission will consider the feasibility of such alternatives and determine whether they should be incorporated into the final rule.

XIII. Proposed Rule Language

List of Subjects in 16 CFR Part 305

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

For the reasons set out above, the Commission proposes the following amendments to 16 CFR Part 305:

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")

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

Authority: 42 U.S.C. 6294.

2. In § 305.3, paragraphs (l) and (m) are revised, paragraphs (n), (o), (p), (q), (r), (s), and (t) are redesignated as (r), (s), (t), (u), (v), (w), and (x) respectively, and new paragraphs (n), (o), (p), and (q) are added to read as follows:

⁹² Section 321(b) of EISA (42 U.S.C. 6294(a)(2)(D)) also gives the Commission the discretion to "consider reopening the rulemaking not later than 180 days before the [statutorily mandated] effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A) [and implemented by DOE], if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives."

determination that standards for such lamp would not result in significant energy savings because such lamp is designed for special applications or has special characteristics not available in reasonably substitutable lamp types; and

(3) General service incandescent lamp means

(i) In general, a standard incandescent or halogen type or reflector lamp that—

(A) Is intended for general service applications;

(B) Has a medium screw base;

(C) Has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

(D) Is capable of being operated at a volta

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(c)(1) The required disclosures of any covered product that is a general service lamp shall be measured at 120 volts, regardless of the lamp's design voltage. If a lamp's design voltage is 125 volts or 130 volts, the disclosures of the wattage, light output and life ratings shall in each instance be:

(i) At 120 volts and followed by the phrase "at 120 volts." In such case, the labels for such lamps also may disclose the lamp's wattage, light output and life at the design voltage (e.g., "Light Output 1710 Lumens at 125 volts"); or

(ii) At the design voltage and followed by the phrase "at (125 volts/130 volts)" if the ratings at 120 volts are disclosed clearly and conspicuously on another panel of the package, and if all panels of the package that contain a claimed light output, wattage or life clearly and conspicuously identify the lamp as "(125 volt/130 volt)," and if the principal display panel clearly and conspicuously discloses the following statement:

This product is designed for (125/130) volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See (side/back) panel for 120 volt ratings.

(2) For any covered product that is an incandescent reflector lamp, the required disclosures of light output shall be given for the lamp's total forward lumens.

(3) For any covered product that is a compact fluorescent lamp, the required light output disclosure shall be measured at a base-up position; but, if the manufacturer or private labeler has reason to believe that the light output at a base-down position would be more than 5% different, the label also shall disclose the light output at the base-down position or, if no test data for the base-down position exist, the fact that at a base-down position the light output might be more than 5% less.

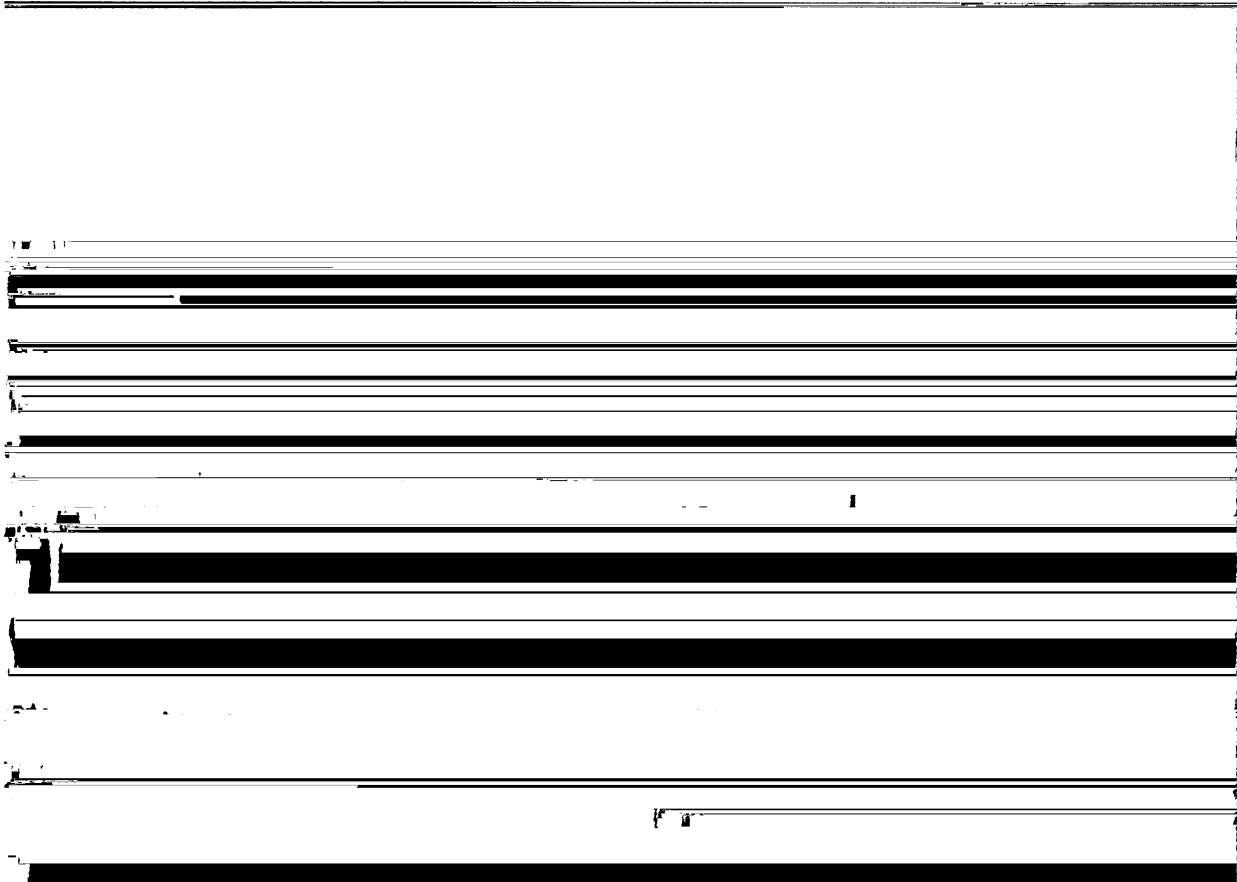
(4) For any covered product that is a general service incandescent lamp and operates with multiple filaments, the light output, energy cost, and wattage disclosures required by § 305.15(b) must be provided at each of the lamp's levels of light output and the lamp's life provided on the basis of the filament that fails first. The multiple numbers shall be separated by a "/" (e.g., 800/1600/2500 lumens).

(5) A manufacturer or private labeler who distributes general service fluorescent lamps, or general service

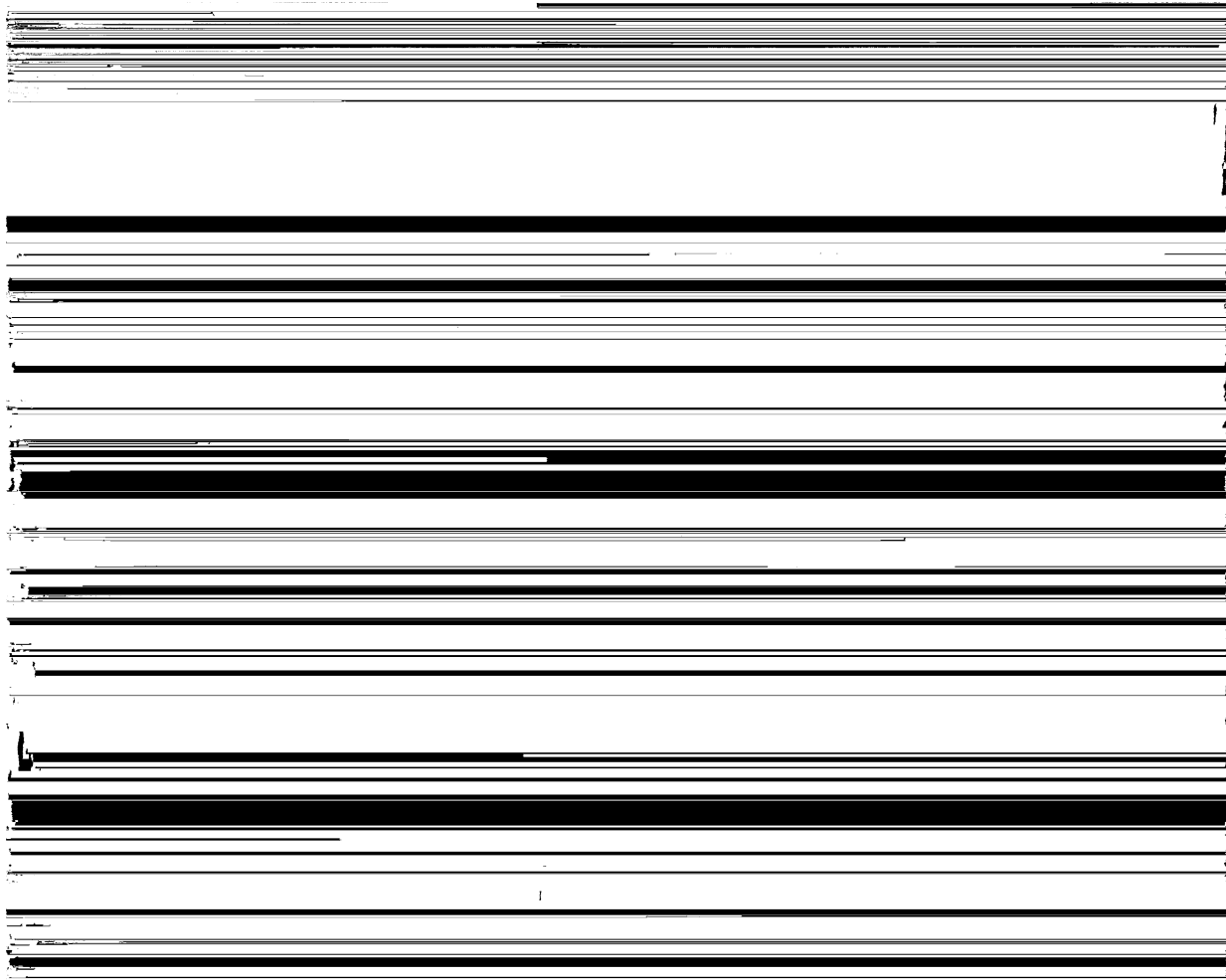
(B) The accompanying statement described in § 305.15(d)(1) shall appear at least once on the page.

§ 305.21 [Amended] [Amended] (9. lbed in §)-166.621, addce onRegmnded] "correlng d colomRemp (Fture," af

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PROTOTYPE LABEL 6
LIGHTING FACTS LABEL FOR GENERAL
SERVICE LAMPS NOT CONTAINING
MERCURY



PROTOTYPE LABEL 7
LIGHTING FACTS LABEL FOR GENERAL
SERVICE LAMP CONTAINING MERCURY

By direction of the Commission.

Donald S. Clark,
Secretary.
[FR Doc. E9-27036 Filed 11-9-09; 2:25 pm]
BILLING CODE 6750-01-S

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA-2009-0038]

RIN 0960-AH03

Revised Medical Criteria for Evaluating
Genitourinary Impairments

AGENCY: Social Security Administration.
ACTION: Advance Notice of Proposed
Rulemaking.

SUMMARY: We are requesting your
comments on whether and how we
should revise the criteria in our Listing
of Impairments (the listings) for

evaluating genitourinary impairments in
adults and children. We are requesting
your comments as part of our ongoing
effort to ensure that our listings reflect
current medical knowledge. If we
propose specific revisions, we will
publish a Notice of Proposed
Rulemaking in the Federal Register.

DATES: To be sure that we consider your
comments, we must receive them by no
later than January 11, 2010.

ADDRESSES: You may submit comments
by any one of three methods—Internet,
fax, or mail. Do not submit the same
comments multiple times or by more
than one method. Regardless of which
method you choose, please state that
your comments refer to Docket No.
SSA-2009-0038 so that we may
associate your comments with the
correct regassocial010 TD -omments

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