

Association, and the National Air Transportation Association. Those petitioners requested that the FAA extend the effective date of the final rule arguing that we had not yet published advisory material and guidance explaining how to produce an acceptable manual. Further, the petitioners asserted that without advisory material, we could not adequately train FAA personnel. We agreed with the petitioners and extended the effective date of the final rule to October 3, 2003 (68 FR 125429, March 14, 2003; 68 FR 17545, April 10, 2003).

On July 3, 2003, the FAA issued Advisory Circular No. 145-9 (AC 145-9), Guide for Developing and Evaluating Repair Station and Quality Control Manuals. That document provides information and guidance material for developing and evaluating repair station manuals and quality control manuals. The material describes an acceptable means, but not the only means, to develop a manual and comply with the rules contained in part 145. Interested parties may access AC 145-9 at the following Internet Web site: [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rqWebcomponents.nsf/HomeFrame?OpenFrameSet](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rqWebcomponents.nsf/HomeFrame?OpenFrameSet).

On July 22, 2003, the Aircraft Electronics Association, the Aviation Repair Station Association, and the National Air Transportation Association submitted another petition requesting that the FAA further extend the effective date of the final rule. The petitioners note that the FAA issued material to guide repair stations in developing the manuals required in part 145 only 90 days before the effective date of the rule. The petitioners contend that 90 days is not enough time to develop manuals using the guidance materials. Therefore, the petitioners request that we extend the effective date of the final rule an additional 120 days.

We agree with the petitioners that additional time is necessary to allow repair station certificate holders to prepare repair station manuals and quality control manuals following the guidance provided in AC 145-9. Therefore, we find that a 120-day extension is in the public interest.

The petitioners also note that § 145.221 references sections in 14 CFR parts 121, 125, and 135 related to service difficulty reporting, which have not become effective. The FAA is addressing this issue in a separate rulemaking action.

Finally, the delay in the effective date of the final rule does not impose any new requirements or any additional

burden on the regulated public. However, the 120-day extension will delay realization of some cost savings provided by the rule. We, therefore, find there are no additional costs, aside from the delay in realizing some cost savings, or benefits associated with this action.

#### Good Cause for Immediate Adoption

In accordance with 5 U.S.C. 553(b)(3)(B), I find good cause for issuing this rule without prior notice and comment. Seeking public comment is impracticable, unnecessary, and contrary to the public interest. This delay of effective date will give repair stations sufficient time to use FAA guidance material in preparing to operate under the amended regulations for repair stations. Given the imminence of the effective date, seeking prior public comments on this temporary delay would be impracticable, as well as contrary to the public interest in the orderly promulgation and implementation of this rule.

In consideration of the foregoing, parts 91, 121, 135, and 145 are amended to delay the effective date of the final rule by 120 days.

Issued in Washington, DC, on September 23, 2003.

Marion C. Blakey,  
Administrator.

[FR Doc. 03-24546 Filed 9-24-03; 2:55 pm]

BILLING CODE 4910-13-P

## 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 ("Rule") by publishing minor, technical changes to the requirements for EnergyGuide labels for dishwashers to conform the labels to a new test procedure published by the Department of Energy ("DOE") on August 29, 2003 (68 FR 51887).

**EFFECTIVE DATE:** The amendments become effective on February 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202) 326-2889.

**SUPPLEMENTARY INFORMATION:** The 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 ("EPCA").<sup>1</sup> The Rule covers several categories of major household appliances including dishwashers.

The Rule requires manufacturers of all covered appliances 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. 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.

#### I. Recent DOE Test Procedure Change

On August 29, 2003, DOE published amendments to the test procedure manufacturers must use to determine the energy use of their dishwashers (68 FR 51887). The DOE amendments provide a new test procedure for testing the energy consumption of soil-sensing models, requires that manufacturers include the measurement of standby power consumption in cost and energy use for all dishwashers, and add new specifications for instrumentation requirements. Manufacturers may begin using this amended test procedure on September 29, 2003 and must use it for energy representations by February 25, 2004.<sup>2</sup> The amended DOE test procedure also changes the number of annual cycles used to estimate the energy consumption of a dishwasher in one year. The amendments reduce that number from 264 to 215 cycles per year (correlating to about 4 washloads per week).

<sup>1</sup> 42 U.S.C. 6294. The statute also requires the 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.

<sup>2</sup> Under EPCA, all energy use representations (including information on the EnergyGuide labels) must reflect the amended test procedure beginning 180 days after DOE prescribes the change in the procedure (*i.e.*, the date the rule is published in the *Federal Register*). 42 U.S.C. 6293(c).

As a result of this change, the Commission must amend the required explanatory information on the EnergyGuide labels for dishwashers. Currently, section 305.11(a)(5)(i)(H)(2) of the Rule requires dishwasher labels to state “five washloads a week” as a basis for the energy use and annual operating cost information on the label. The Commission is amending that language to read “four washloads a week” to reflect the new 215 cycles per year figure required by the amended test procedure. Pursuant to 42 U.S.C. 6293(c)(2), all dishwasher labels for units produced after February 25, 2004 (*i.e.*, 180 days after publication of DOE’s amendment) must reflect the results of the new DOE test procedure. Accordingly, the effective date of the Commission’s amendment is February 25, 2004. Manufacturers, however, may begin using the reference to four washloads per week when they start using the results from the amended test procedure on their labels.<sup>3</sup> This will ensure that the reference to washloads on the label is consistent with the test used by the manufacturer.

## II. Administrative Procedure Act

The amendments published in this notice involve minor, technical conforming changes to the labeling requirements in the Rule. The minor or conforming amendments require changes to the EnergyGuide label so that the information is accurate and reflects recent DOE changes to the test procedures for these products. Accordingly, the Commission finds for good cause that public comment for these technical, procedural amendments

is impractical and unnecessary (5 U.S.C. 553(b)(A)(B) and (d)).

## III. 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. These technical amendments merely provide a routine change to the range information required on EnergyGuide labels. 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.

## IV. Paperwork Reduction Act

In a June 13, 1988 notice (53 FR 22106), the Commission stated that the Rule contains disclosure and reporting requirements that constitute “information collection requirements” as defined by 5 CFR 1320.7(c), the regulation that implements the Paperwork Reduction Act.<sup>4</sup> The Commission noted that the Rule had been reviewed and approved in 1984 by the Office of Management and Budget (“OMB”) and assigned OMB Control No. 3084–0068. OMB has reviewed the Rule and extended its approval for its recordkeeping and reporting requirements until September 30, 2004. The amendments now being adopted do not change the substance or frequency of the recordkeeping, disclosure, or reporting requirements and, therefore, do not require further OMB clearance.

<sup>4</sup> 44 U.S.C. 3501–3520.

## List of Subjects in 16 CFR Part 305

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: 42 U.S.C. 6294.

■ 2. Section 305.11(a)(5)(i)(H)(2) is amended to read as follows:

#### § 305.11 Labeling for covered products.

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

(i) \* \* \*

(H) \* \* \*

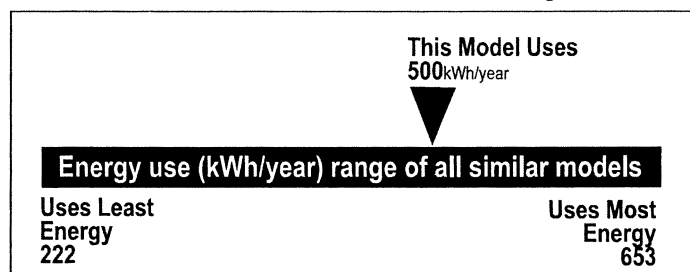
(2) For clothes washers and dishwashers, the statement will read as follows (fill in the blanks with the appropriate appliance name, the operating cost, the number of loads per week, the year, and the energy cost figures): [Clothes Washers, or Dishwashers] using more energy cost more to operate. This model’s estimated yearly operating cost is: [Electric cost figure will be boxed] when used with an electric water heater [Gas cost figure will be boxed] when used with a natural gas water heater. Based on [4 washloads a week for dishwashers, or 8 washloads a week for clothes washers], and a [Year] U.S. Government national average cost of \$\_\_ per kWh for electricity and \$\_\_ per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

\* \* \* \* \*

■ 3. Appendix L is amended by revising Sample Label 4 of part 305 to read as follows:

<sup>3</sup> See 68 FR at 51888. On August 11, 2003 (68 FR 47449), the Commission published new ranges of comparability for standard capacity dishwashers. Manufacturers must use these ranges on labels by November 10, 2003. Under 42 U.S.C. 6296(c), the “Commission may not require labels be changed to reflect the revised tables of ranges more often than annually.” Accordingly, the Commission will not be able to require new ranges to reflect the new test procedure results until November 10, 2004.

Based on standard U.S. Government tests

**ENERGYGUIDE**Dishwasher  
Capacity: StandardXYZ Corporation  
Model(s) MR328, XI12, NAA83**Compare the Energy Use of this Dishwasher  
with Others Before You Buy.**

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use. Your utility company uses it to compute your bill. Only standard size dishwashers are used in this scale.

**Dishwashers using more energy cost more to operate.**  
This model's estimated yearly operating cost is:

**\$42**

When used with an electric water heater

**\$30**

When used with a natural gas water heater

Based on four wash loads a week using the normal cycle and a 2003 U.S. Government national average cost of 8.41¢ per kWh for electricity and 81.6¢ per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase violates the Federal Trade Commission's Appliance Labeling Rule (16 C.F.R. Part 305).

Sample Label 4

By direction of the Commission.

**Donald S. Clark,**

Secretary.

[FR Doc. 03-24570 Filed 9-26-03; 8:45 am]

BILLING CODE 6750-01-P

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Food and Drug Administration****21 CFR Part 201****Labeling***CFR Correction*

In Title 21 of the Code of Federal Regulations, parts 200 to 299, revised as of April 1, 2003, in the first sentence of the introductory text of § 201.122, on page 54, the phrase “‘Rx only’” is removed and the phrase “‘Caution: For manufacturing, processing, or repackaging’” is added in its place, and the phrase “‘Caution: Federal law prohibits dispensing without

prescription’” is removed and the phrase “‘Rx only’” is added in its place.

[FR Doc. 03-55525 Filed 9-26-03; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Food and Drug Administration****21 CFR Parts 510 and 520****Oral Dosage Form New Animal Drugs;  
Ivermectin and Pyrantel Pamoate  
Chewable Tablets**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Heska Corp. The ANADA provides for use of chewable tablets containing

ivermectin and pyrantel pamoate for prevention of heartworm disease and for treatment and control of certain gastrointestinal parasites in dogs.

**DATES:** This rule is effective September 29, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Lonnie W. Luther, Center for Veterinary Medicine (HFV-104), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301-827-8549, e-mail: [lluther@cvm.fda.gov](mailto:lluther@cvm.fda.gov).

**SUPPLEMENTARY INFORMATION:** Heska Corp., 1825 Sharp Point Dr., Fort Collins, CO 80525, filed ANADA 200-338 that provides for veterinary prescription use of TRI-HEART PLUS (ivermectin and pyrantel pamoate) Chewable Tablets for prevention of canine heartworm disease caused by *Dirofilaria immitis* and for treatment and control of ascarids (*Toxocara canis*, *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*, *A. braziliense*, and *Uncinaria stenocephala*) in dogs. Heska Corp.'s TRI-HEART PLUS Chewable Tablets is approved as a