

Country/locality	Common name	Botanical name	Plant part(s)
* Republic of Korea *	* Eggplant	* <i>Solanum melongena</i>	* Fruit.
* * * *	* Kiwi	* <i>Actinidia deliciosa</i>	* Fruit.
* * * *	* Lettuce	* <i>Lactuca sativa</i>	* Leaf.
* Tonga *	* Jicama	* <i>Pachyrhizus tuberosus</i>	* Root.
* * * *			

³No green may be visible on the shoot.

7. In § 319.56-2x, paragraph (a), the table is amended by adding, in alphabetical order, the following:

§ 319.56-2x Administrative instructions: conditions governing the entry of certain fruits and vegetables for which treatment is required.

(a) * * *

Country/locality	Common name	Botanical name	Plant part(s)
Argentina	Blueberry	<i>Vaccinium</i> spp	Fruit.
* El Salvador	* Garden bean	* <i>Phaseolus vulgaris</i>	* Pod or shelled.
* Israel *	* Lettuce	* <i>Lactuca sativa</i>	* Leaf.
* Taiwan	* Carambola	* <i>Averrhoa carambola</i>	* Fruit.
* * * *			

Done in Washington, DC, this 9th day of March 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-6370 Filed 3-15-95; 8:45 am]

BILLING CODE 3410-34-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") announces non-substantive amendments to its Appliance Labeling

Rule ("Rule"). Specifically, the Commission is amending the Rule's water flow rates disclosure requirements for showerheads and faucets to specify that the metric disclosures "liters per minute" and "liters per cycle" be abbreviated as "L/min" and "L/cycle" rather than "Lpm" and "Lpc."

EFFECTIVE DATE: May 16, 1995.

FOR FURTHER INFORMATION CONTACT: Terrence J. Boyle, Attorney, (202) 326-3016, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Energy Policy and Conservation Act of 1975 ("EPCA") directed the Commission to issue rules requiring various categories of home appliances and other products to be labeled with information about their energy consumption and efficiency.¹ Pursuant to EPCA, the Commission on November 19, 1979, issued the Appliance Labeling

Rule requiring label disclosures of energy operating costs and/or efficiency for seven categories of products.²

The Energy Policy Act of 1992 ("EPA 92") amended EPCA to add showerheads, faucets, water closets and urinals as covered products. As amended, EPCA establishes for showerheads and faucets a national maximum water flow rate standard of 2.5 gallons per minute at 80 pounds per square inch ("psi") water pressure and, for those products, adopted the testing methods of the American Society of Mechanical Engineers ("ASME") Standard A112.18.1M as "the proper protocols for measuring the water usage."³ EPA 92 also directed the Commission to issue rules requiring these plumbing products to be permanently marked with their water flow rates and to bear disclosures "consistent with the marking and

¹ 42 U.S.C. 6291, 6294.

² 44 FR 66466.

³ 42 U.S.C. 6293(b) (7)(A) and (8)(A).

labeling requirements" of specified national standards that have been published for such products by ASME.⁴

On October 25, 1993, the Commission amended the Rule to add four categories of plumbing fixtures and fittings.⁵ The amended Rule requires water closets, urinals and showerheads, as well as faucets and the flow restricting devices (aerators) that are placed in faucets, to be clearly and conspicuously labeled, and water closets, urinals and showerheads to be permanently and legibly marked, with disclosures of their water flow rates.⁶ The amended Rule also requires, in all point-of-sale promotional materials for such plumbing products and in all catalogs offering such products for sale, disclosure of the products' water flow rates.⁷

The amended EPCA provides that if ASME revises the marking and labeling requirements contained in its Standard A112.18.1M for showerheads and faucets, and if the American National Standards Institute ("ANSI") approves the revisions, the Commission shall amend the Rule to be consistent with the revisions, unless the revisions are inconsistent with the purposes of EPA 92 or with the requirement that plumbing fittings be permanently marked with legible disclosures of their water flow rates.⁸

On July 8, 1994, ASME adopted, and on September 15, 1994, ANSI approved and published, revisions to the ASME National Standard A112.18.1M that governs showerheads and faucets. One of these revisions pertains to the Commission's Rule because it changes the abbreviations used by the ASME Standard in its marking and labeling requirements for plumbing fittings.⁹ The first revision to the ASME Standard changed the abbreviations for "liters per minute" and "liters per cycle" from "Lpm" and "Lpc" to "L/min" and "L/cycle" respectively. The change was made to avoid confusion with the "m" that is internationally recognized as the proper abbreviation for meter.¹⁰

The Commission is amending the Rule to adopt the ASME abbreviations of "liters per minute" and "liters per cycle" for required disclosure of the water flow rates of faucets (and aerators) and showerheads.¹¹ Because this rule amendment is technical in nature and is not intended to modify the substantive legal requirements and restrictions imposed by the Rule, the Commission finds that a comment period is not necessary or warranted for purposes of the Administrative Procedures Act. See 5 U.S.C. 553(b).

ASME and ANSI also tentatively made a second revision to ASME Standard A112.18.1M that would pertain to the marking and labeling requirements of the Commission's Rule. This second revision changed the Standard's protocols for measuring the water flow rates of faucets, requiring measurements at 60 psi instead of the 80 psi specified in the national standard. The Commission's Rule requires flow rate disclosures to be based on measurements at 80 psi as specified in the national standard established by EPA 92. ASME made this change in water pressures in its September 15, 1994, revision of the existing ASME Standard for faucets and showerheads. But, on December 19, 1994, the ASME committee for these products voted to rescind the change and return to using 80 psi. ASME and ANSI will soon act on the proposed rescission. Under section 324(a)(2)(D)(ii) of EPCA, any change in the water pressures used to test faucets would first have to be approved by the Department of Energy ("DOE") by rule before the Commission can incorporate the change into the Appliance Labeling Rule.¹² Therefore, even if ASME and ANSI ultimately decide to retain the change to 60 psi, prior action by DOE is needed before the Commission can act on the change.

List of Subjects in 16 CFR Part 305

Advertising, Water conservation, Household appliances, Incorporation by

¹¹ For technical reasons the Commission has specified an effective date of May 16, 1995, for this amendment. The Rule in recent months has been amended on several occasions both to add new product categories and to revise the disclosure requirements for several existing categories. To ensure an orderly publication of all these amendments in the Code of Federal Regulations, the Commission is setting the effective date for this amendment to follow immediately that of the Commission's previous amendment to the Rule, which added lamps as covered products. The Commission, however, will permit manufacturers to begin immediately using the abbreviations "L/min" and "L/cycle" in place of "Lpm" and "Lpc," deeming the use of the revised abbreviations prior to the effective date of the amendment to be compliance with the Rule.

¹² 42 U.S.C. 6294(a)(2)(D)(ii).

reference, Labeling, Reporting and recordkeeping requirements.

Text of Amendments

Accordingly, 16 CFR part 305 is amended as follows:

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. Section 305.8 is amended by revising paragraph (a)(4)(v) to read as follows:

§ 305.8 Submission of data.

(a) * * *

(a) * * *

(v) The product's water use, expressed in gallons and liters per flush (gpf and Lpf) or gallons and liters per minute (gpm and L/min) or per cycle (gpc and L/cycle) as determined in accordance with § 305.5.

* * * * *

3. Section 305.11 is amended by revising subparagraph (f) to read as follows:

§ 305.11 Labeling for covered products.

* * * * *

(f) *Plumbing Products*—

(1) * * *

(i) Each showerhead and flow restricting or controlling spout end device shall bear a permanent legible marking indicating the flow rate, expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Except where impractical due to the size of the fitting, each flow rate disclosure shall also be given in liters per minute (L/min) or liters per cycle (L/cycle). For purposes of this section, the marking indicating the flow rate will be deemed "legible," in terms of placement, if it is located in close proximity to the manufacturer's identification marking.

* * * * *

(v) The package or any label attached to the package for each showerhead or faucet shall contain at least the following: "A112.18.1M" and the flow rate expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in

⁴ Pub. L. 102-486, 106 Stat. 2778, 2817-2832 (1992).

⁵ 58 FR 54955.

⁶ 16 CFR part 305.11(e) (1) and (2).

⁷ 16 CFR part 305.13(a)(2) and .14(d).

⁸ 42 U.S.C. 6294(a)(2)(D)(ii).

⁹ A second revision changed the Standard's protocols for measuring faucet water flow rates. See discussion *infra*.

¹⁰ The "liters per cycle" change was just for symmetry. For English system disclosures, though, the revised ASME Standard continues to use just the letter "m" to stand for minute. The use of "m" there was not seen as confusing because, since gallons are not metric units of measurement, readers would not likely think of meters.

subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Each flow rate disclosure shall also be given in liters per minute (L/min) or liters per cycle (L/cycle).

* * * * *

4. Section 305.13 is amended by revising subparagraph (a)(4) to read as follows:

§ 305.13 Promotional material displayed or distributed at point of sale.

(a) * * *

(4) Any manufacturer, distributor, retailer, or private labeler who prepares printed material for display or distribution at point-of-sale concerning a covered product that is a showerhead, faucet, water closet, or urinal shall clearly and conspicuously include in such printed material the product's water use, expressed in gallons and liters per minute (gpm and L/min) or per cycle (gpc and L/cycle) or gallons and liters per flush (gpf and Lpf) as specified in § 305.11(f).

* * * * *

5. Section 305.14 is amended by revising subparagraph (d) to read as follows:

§ 305.14 Catalogs.

* * * * *

(d) Any manufacturer, distributor, retailer, or private labeler who advertises a covered product that is a showerhead, faucet, water closet, or urinal in a catalog, from which it may be purchased, shall include in such catalog, on each page that lists the covered product, the product's water use, expressed in gallons and liters per minute (gpm and L/min) or per cycle (gpc and L/cycle) or gallons and liters per flush (gpf and Lpf) as specified in § 305.11(f).

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By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-6484 Filed 3-15-95; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 95-21]

RIN 1515-AB47

Test Programs

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding a new provision that allows for test programs and procedures in general and, specifically, for purposes of implementing those Customs Modernization provisions of the North American Free Trade Agreement Implementation Act that provide for the National Customs Automation Program. The regulation allows the Commissioner of Customs to conduct limited test programs/procedures, which have as their goal the more efficient and effective processing of passengers, carriers, and merchandise. Test programs may impose upon eligible, voluntary participants requirements different from those specified in the Customs Regulations, but only to the extent that such different requirements do not affect the collection of the revenue, public health, safety, or law enforcement.

EFFECTIVE DATE: April 17, 1995.

FOR FURTHER INFORMATION CONTACT: John Durant, Director, Commercial Rulings Division, (202) 482-6990.

SUPPLEMENTARY INFORMATION:

Background

Title VI of the North American Free Trade Agreement Implementation Act (the Act), Public Law 103-182, 107 Stat. 2057 (December 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subtitle B of title VI establishes the National Customs Automation Program (NCAP)—an automated and electronic system for the processing of commercial importations. Section 631 in Subtitle B of the Act creates sections 411 through 414 of the Tariff Act of 1930 (19 U.S.C. 1411-1414), which define and list the existing and planned components of the NCAP (section 411), promulgate program goals (section 412), provide for the implementation and evaluation of the program (section 413), and provide for remote location filing (section 414).

Section 631 of the Act provides Customs with direct statutory authority for full electronic processing of all Customs-related transactions. For each planned NCAP program component, Customs is required to prepare a separate implementation plan in consultation with the trade community, establish eligibility criteria for voluntary participation in the program, test the component, and transmit to Congress the implementation plan, testing results, and an evaluation report. The testing of any planned NCAP components would be conducted under carefully delineated circumstances—with objective measures of success or failure, a predetermined

time frame, and a defined class of participants. Notice of any NCAP program component testing would be published in both the Customs Bulletin and the **Federal Register** and participants solicited.

In addition to testing planned NCAP components, Customs also proposed conducting limited test programs/procedures in other areas of Customs-related transactions wherein Customs and the trade community could benefit from the valuable information that such testing could provide. Thus, Customs proposed a general test authority in order both to meet its obligations under the NCAP legislation and to provide itself with the ability to obtain information necessary to predict the effects of various policy options.

The regulation proposed would allow the Commissioner of Customs to conduct limited test programs and procedures and allow certain eligible members of the public to participate on a voluntary basis. Also, because test programs could require exemptions from regulations in various parts of the Customs Regulations, e.g., parts 113 (Customs bonds), 141 (entry of merchandise), 142 (entry process), 171 (fines, penalties, and forfeitures), 174 (protests), and 191 (drawback), participants would be subject to requirements different from those specified in the Customs Regulations, but only to the extent that such different requirements do not affect the collection of the revenue, public health, safety, or law enforcement. Accordingly, pursuant to the Secretary's authority under section 624 of the Tariff Act of 1930 (19 U.S.C. 1624) to make such rules and regulations as may be necessary to carry out the provisions of the Tariff Act of 1930 and pursuant to the requirement set forth in section 413 of the Tariff Act of 1930 (19 U.S.C. 1413) that the Secretary test planned NCAP program components, on August 16, 1994, Customs published a Notice of Proposed Rulemaking in the **Federal Register** (59 FR 41992) that proposed to amend part 101 of the Customs Regulations (19 CFR part 101) by adding a new § 101.9 that would allow the Commissioner of Customs to conduct limited test programs and procedures in general and for purposes of implementing NCAP program components. Seven comments, most favorable to the proposed regulation, were received. These comments raised four areas of concern. The comments received and Customs responses to them are set forth below.

Discussion of Comments

Comments were received from corporate sureties (1), customs brokers