

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LOA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs identified as follows:

Effective December 7, 1995

Wilmington, DE, New Castle County, VOR RWY 9, Amdt 5
Cocoa, FL, Merritt Island, NDB-A, Orig
Cocoa, FL, Merritt Island, NDB RWY 11, Orig
Des Moines, IA, Des Moines Intl, LOC RWY 5, Orig
Bad Axe, MI, Huron County Memorial, VOR OR GPS RWY 3, Amdt 10
Bad Axe, MI, Huron County Memorial, VOR OR GPS RWY 21, Amdt 9
Bad Axe, MI, Huron County Memorial, VOR OR GPS RWY 35, Orig
Youngstown, OH, Youngstown Executive, VOR/DME OR GPS-A Amdt 10, Cancelled
Youngstown, OH, Youngstown Executive, VOR OR GPS RWY 11 Amdt 6, Cancelled

Effective January 4, 1996

Little Rock, AR, North Little Rock Muni, VOR RWY 35, Amdt 4, CANCELLED
North Little Rock, AR, North Little Rock Muni, VOR RWY 35 Orig
Chico, CA, Chico Muni, NDB RWY 13L, Amdt 5 CANCELLED
Chico, CA, Chico Muni, ILS RWY 13L, Amdt 9
Madera, CA, Madera Muni, GPS RWY 30, Orig
Charles City, IA, Charles City Muni, NDB-A, Orig
Charles City, IA, Charles City Muni, NDB OR GPS RWY 30, Amdt 2C, CANCELLED
Pocahontas, IA, Pocahontas Muni, VOR/DME OR GPS RWY 29, Amdt 3
Pocahontas, IA, Pocahontas Muni, NDB OR GPS RWY 11, Amdt 4
Webster City, IA, Webster City Muni, VOR/DME OR GPS RWY 14, Amdt 4
Webster City, IA, Webster City Muni, NDB OR GPS RWY 32, Amdt 8
Wichita, KS, Wichita Mid-Continent, GPS RWY 19L, Orig

Wichita, KS, Wichita Mid-Continent, GPS RWY 32, Orig
Lexington, KY, Blue Grass, NDB or GPS RWY 4, Amdt 20
Lexington, KY, Blue Grass, ILS RWY 4, Amdt 15
Lexington, KY, Blue Grass, ILS RWY 22 Amdt 16
Lexington, KY, Blue Grass, RADAR-1M Amdt 10
Eastport, ME, Eastport Muni, GPS RWY 15, Orig
Orange, MA, Orange Muni, VOR or GPS-A, Amdt 6
Orange, MA, Orange Muni, NDB or GPS-B Amdt 4
Worcester, MA, Worcester Muni, GPS RWY 33, Orig
Grenada, MS, Grenada Muni, ILS RWY 13, Orig
Falls City, NE, Brenner Field, GPS RWY 32, Orig
Reno, NV, Reno/Tahoe Intl, GPS RWY 16R, Orig
Readington, NJ, Solberg-Hunterdon, VOR RWY 4, Orig
Hudson, NY, Columbia County, GPS RWY 3, Orig
White Plains, NY, Westchester County, COPTER ILS/DME 162, Orig
Ada, OK, Ada Muni, VOR/DME-A Orig
Ada, OK, Ada Muni, NDB OR GPS-A, Amdt 3, CANCELLED
Goldsby, OK, David Jay Perry, GPS RWY 31, Orig
Guthrie, OK, Guthrie Muni, NDB OR GPS RWY 16, Amdt 4
Guthrie, OK, Guthrie Muni, GPS RWY 34, Orig
Norman, OK, University of Oklahoma Westheimer Airpark, GPS RWY 17, Orig
Pauls Valley, OK, Pauls Valley Muni, NDB RWY 35, Amdt 3
Pauls Valley, OK, Pauls Valley Muni, GPS RWY 35, Orig
Weatherford, OK, Thomas P. Stafford, NDB OR GPS RWY 17, Amdt 2
Woodward, OK, West Woodward, GPS RWY 35, Orig
York, PA, York, NDB or GPS RWY 16, Amdt 3
Burlington, VT, Burlington Intl, GPS RWY 33, Orig

Note: The FAA published an Amendment in Docket No. 28340, Amdt. No. 1686 to Part 97 of the Federal Aviation Regulations (Vol. 60 FR No. 191 Page 51718; dated Tuesday, Oct 3, 1995) under Section 97.33 eff 12 October 95, which is hereby amended as follows:

Charleston, SC, Charleston Executive, GPS RWY 9, Orig * * * change eff date to * * * 9 Nov 95. * * *

Note: The FAA published an Amendment in Docket No. 28364, Amdt. No. 1692 to Part 97 of the Federal Aviation Regulations (Vol. 60 FR, No. 209, Page 55195; dated Monday, October 30, 1995) under Section 97.27

Effective 4 Jan 96, which is hereby amended as follows:

Caddo Mills, TX, Caddo Mills Muni, GPS RWY 35L, Orig. EFFECTIVE DATE should read PROPOSED 10 OCT 1996.

[FR Doc. 95-27924 Filed 11-9-95; 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, and by issuing corrections to its ranges of comparability for room air conditioners, which were published on August 21, 1995.¹ The Commission also announces that the ranges of comparability for central air conditioners and heat pumps, which were published on August 5, 1994,² will remain in effect until further notice. Finally, the Commission is amending 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. These amendments change the figures in the formulas to reflect the current Representative Average Unit Cost of electricity that was published in January by the Department of Energy ("DOE"). **EFFECTIVE DATE:** February 12, 1996. **FOR FURTHER INFORMATION CONTACT:** James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202-326-3035).

SUPPLEMENTARY INFORMATION:**Background**

Section 324 of the Energy Policy and Conservation Act of 1975 ("EPCA")³ requires the Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption

¹ 60 FR 43367.

² 59 FR 39951.

³ 42 U.S.C. 6294.

information for at least thirteen categories of appliances. Refrigerators, refrigerator-freezers, room air conditioners, central air conditioners, and heat pumps are included in those categories. The statute also requires 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.

On November 19, 1979, the Commission issued the Appliance Labeling Rule ("Rule"), which covered seven of the thirteen appliance categories that were then covered by DOE test procedures: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces (this category includes boilers).⁴ The Commission has extended the coverage of the Rule five times since it originally issued the Rule: in 1987 (central air conditioners, heat pumps, and pulse combustion and condensing furnaces⁵); 1989 (fluorescent lamp ballasts⁶); 1993 (certain plumbing products⁷ and certain lighting products⁸), and in 1994 (pool heaters, instantaneous water heaters, and heat pump water heaters⁹).

On July 1, 1994, the Commission amended the Rule to make certain improvements, including making the label format more "user-friendly," changing the energy usage descriptors required on labels, and adopting new product sub-categories for ranges of comparability purposes.¹⁰ The amendment prescribing a new label format affects the labels for all products. Labels for refrigerators, refrigerator-freezers, and freezers also are affected by the amendments requiring a new energy use descriptor and revised product sub-categories. More specifically, the amendments change the principal energy usage descriptor on labels for refrigerators, refrigerator-freezers, and freezers from an estimated annual operating cost to an estimated annual energy consumption. In addition, the amendments eliminate the cost grid from the labels and add a secondary disclosure of energy usage in the form of an estimated annual

operating cost in a box at the bottom of the label, with an expanded disclosure of the usage assumptions and electrical cost upon which the operating cost is based. The original effective date of these amendments was December 28, 1994, but, on December 8, 1994, the Commission granted a partial delay of compliance dates for these products.¹¹ The Commission announces today that manufacturers of refrigerators, refrigerator-freezers, and freezers must begin using the new labels (and ranges of comparability published herein) on all covered products manufactured on or after the effective date of today's notice.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.¹² These reports 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 on labels up to date, the Commission is empowered, under Section 305.10 of the Rule, to publish new ranges (but not more often than annually) 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 must 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 annual submissions of data for refrigerators, refrigerator-freezers, and freezers. The submissions have resulted in new ranges of comparability figures for these products. In compiling these ranges of comparability, the Commission did not include the estimated annual energy consumption of models with energy consumption in excess of DOE's current maximum energy use standards for this category, which became effective on January 1, 1993.¹³ After that date, it became illegal to distribute in commerce products that exceed those standards. Because the standards have been in place for almost three years, the number

of legally produced, but nonconforming, products still in the marketplace is likely to be small. Therefore, it is no longer appropriate to include those products in the ranges. The new ranges will supersede the current ranges for refrigerators, refrigerator-freezers, and freezers, which were published on January 12, 1994.¹⁴

Corrections to Ranges of Comparability for Room Air Conditioners That Were Published on August 21, 1995

Energy efficiency figures for 1995 for room air conditioners were submitted earlier this year by manufacturers and analyzed by the Commission. New ranges of comparability based upon them were published in the Federal Register on August 21, 1995.¹⁵ The Commission staff has learned since publication that there were inadvertent errors in the ranges. The new ranges published today contain the corrected numbers. In preparing these corrections and in compiling the earlier ranges of comparability for these products, the Commission did not include the energy efficiency of models with efficiencies below DOE's current minimum efficiency standards for room air conditioners, which became effective on January 1, 1990.¹⁶ The Commission's reasoning is the same as in the case of the new ranges for refrigeration products, discussed above. For the sake of clarity, the Commission is republishing the complete set of ranges for room air conditioners in their corrected form.

Although these corrected ranges of comparability for room air conditioners are being published prior to the effective date of the August 21, 1995 notice, which is hereby rescinded, manufacturers need not relabel any room air conditioners already labeled and may use any labels that were ordered or printed before the date of this notice in good faith reliance on the August 21 notice. After this initial stock of labels is exhausted, however, manufacturers must use labels based on today's notice.

Changes Applicable to Disclosures for Central Air Conditioner and Heat Pumps

The 1995 data submission for central air conditioners and heat pumps has been completed, and the Commission has determined that the upper and lower limits of the ranges of comparability for these products, which

⁴ FR 66466, 16 CFR Part 305 (Nov. 19, 1979). The Statement of Basis and Purpose for the final Rule describes the reasons the Commission declined to cover the other categories of covered products. *Id.* at 66467-69.

⁵ 52 FR 46888 (Dec. 10, 1987).

⁶ 54 FR 28031 (July 5, 1989).

⁷ 58 FR 54955 (Oct. 25, 1993).

⁸ 59 FR 25176 (May 13, 1994).

⁹ 59 FR 49556 (Sept. 28, 1994).

¹⁰ 59 FR 34014.

¹¹ 59 FR 63688.

¹² Reports for central air conditioners and heat pumps are due July 1; reports for refrigerators, refrigerator-freezers, and freezers are due August 1.

¹³ 16 CFR 430.32(a) (1995).

¹⁴ 59 FR 1626.

¹⁵ See note 1, above.

¹⁶ 16 CFR 430.32(b) (1995).

were published on August 5, 1994,¹⁷ have not changed by more than 15%. Therefore, the Commission is announcing that those ranges will remain in effect until further notice.

The Commission is amending in this Notice, however, 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. This amendment changes the figures in the formulas to reflect the current Representative Average Unit Cost of Electricity—8.67 cents per kilowatt-hour—that was published on January 5, 1995, by DOE¹⁸ and by the Commission on February 17, 1995.¹⁹

Amendments

In consideration of the foregoing, the Commission amends Appendices A1 through A8, B1 through B3, E, H, and I of its Appliance Labeling Rule by publishing the following ranges of comparability for use in the labeling and catalog sales of refrigerators, refrigerator-freezers, and freezers, the following corrected ranges of comparability for room air conditioners, and the following amendments to the cost calculation formulas that manufacturers of central air conditioners and heat pumps and must include on fact sheets and in directories, beginning February 12, 1996.

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. 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	327	331
2.5 to 4.4	331	369
4.5 to 6.4	331	457
6.5 to 8.4	(*)	(*)
8.5 to 10.4	(*)	(*)
10.5 to 12.4	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	588	588
16.5 and over	438	668

* No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

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

Appendix A2 to Part 305—Refrigerators and Refrigerator—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 2.5	285	321
2.5 to 4.4	270	351
4.5 to 6.4	270	381
6.5 to 8.4	378	407
8.5 to 10.4	376	431
10.5 to 12.4	433	457
12.5 to 14.4	496	496
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 Federal Maximum Energy Use Standards effective January 1, 1993.

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

Appendix A3 to Part 305—Refrigerators—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	419	489
10.5 to 12.4	454	522
12.5 to 14.4	562	562
14.5 to 16.4	573	573
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 Federal Maximum Energy Use Standards effective January 1, 1993.

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	511	741
10.5 to 12.4	525	572
12.5 to 14.4	496	624
14.5 to 16.4	514	653
16.5 to 18.4	518	697
18.5 to 20.4	533	732
20.5 to 22.4	555	767
22.5 to 24.4	680	800
24.5 to 26.4	609	834
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

* No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

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

¹⁷ See note 2, above.

¹⁸ 60 FR 1773. This figure, along with national average cost figures for natural gas, propane, heating oil and kerosene, is published annually by DOE for the industry's use in calculating, among other figures, the cost figures required by the Commission's Rule.

¹⁹ 60 FR 9295.

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	579	579
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	702	796
20.5 to 22.4	724	821
22.5 to 24.4	750	848
24.5 to 26.4	776	876
26.5 to 28.4	(*)	(*)
28.5 and over	920	950

*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

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	463	463
10.5 to 12.4	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	666	666
16.5 to 18.4	709	709
18.5 to 20.4	612	612
20.5 to 22.4	524	789
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 Federal Maximum Energy Use Standards effective January 1, 1993.

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	(*)	(*)
12.5 to 14.4	(*)	(*)
14.5 to 16.4	557	557
16.5 to 18.4	769	769
18.5 to 20.4	(*)	(*)
20.5 to 22.4	727	840
22.5 to 24.4	789	915
24.5 to 26.4	814	917
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

9. Appendix A8 to Part 305 is revised to read as follows:

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	710	935
20.5 to 22.4	561	967
22.5 to 24.4	750	1008
24.5 to 26.4	641	1041
26.5 to 28.4	658	1059
28.5 and over	956	1144

*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

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	250	347
5.5 to 7.4	(*)	(*)
7.5 to 9.4	322	414
9.5 to 11.4	459	459
11.5 to 13.4	469	474
13.5 to 15.4	509	534
15.5 to 17.4	562	565
17.5 to 19.4	(*)	(*)
19.5 to 21.4	615	627
21.5 to 23.4	(*)	(*)
23.5 to 25.4	(*)	(*)
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	(*)	(*)

*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

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	504	516
5.5 to 7.4	(*)	(*)
7.5 to 9.4	(*)	(*)
9.5 to 11.4	(*)	(*)
11.5 to 13.4	704	704
13.5 to 15.4	738	774
15.5 to 17.4	791	821
17.5 to 19.4	876	876
19.5 to 21.4	896	909
21.5 to 23.4	(*)	(*)
23.5 to 25.4	(*)	(*)
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	(*)	(*)

*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

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	250	260
5.5 to 7.4	291	293
7.5 to 9.4	322	322
9.5 to 11.4	347	347
11.5 to 13.4	369	399
13.5 to 15.4	431	437
15.5 to 17.4	(*)	(*)
17.5 to 19.4	493	493
19.5 to 21.4	529	529
21.5 to 23.4	552	588
23.5 to 25.4	629	629
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	(*)	(*)

*No data submitted for units meeting Federal Maximum Energy Use Standards effective January 1, 1993.

13. Appendix E to Part 305 is revised to read as follows:

Appendix E to Part 305—Room Air Conditioners

Range Information

Manufacturer's rated cooling capacity in Btu/sr.	Range of Energy Efficiency Ratios (EERs)	
	Low	High
Without Reverse Cycle and with Louvered Sides:		
Less than 6,000 Btu ..	8.0	10.0
6,000 to 7,999 Btu	8.5	10.3
8,000 to 13,999 Btu ...	9.0	12.0
14,000 to 19,999 Btu .	8.8	10.7
20,000 and more Btu .	8.2	10.0
Without Reverse Cycle and without Louvered Sides:		
Less than 6,000 Btu ..	(*)	(*)
6,000 to 7,999	8.5	9.6
8,000 to 13,999 Btu ...	8.5	9.2
14,000 to 19,999 Btu .	(*)	(*)
20,000 and more Btu .	(*)	(*)
With Reverse Cycle and with Louvered Sides	8.5	11.5
With Reverse Cycle, without Louvered Sides	8.0	9.0

*No data submitted for units meeting Federal Minimum Efficiency Standards effective January 1, 1990.

14. In section 2 of Appendix H of Part 305, the text and formulas are amended by removing the figure "8.41¢" wherever it appears and by adding, in its place, the figure "8.67¢". In addition, the text and formulas are amended by removing the figure "12.62¢" wherever

it appears and by adding, in its place, the figure "13.01¢".

15. In section 2 of Appendix I of Part 305, the text and formulas are amended by removing the figure "8.41¢" wherever it appears and by adding, in its place, the figure "8.67¢". In addition, the text and formulas are amended by removing the figure "12.62¢" wherever it appears and by adding, in its place, the figure "13.01¢".

By direction of the Commission.
Donald S. Clark,
Secretary.
[FR Doc. 95-27889 Filed 11-9-95; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 435

Trade Regulation Rule: Mail or Telephone Order Merchandise

AGENCY: Federal Trade Commission.
ACTION: Technical amendments to rule.

SUMMARY: The Federal Trade Commission ("Commission") makes three non-substantive, minor, technical corrections to the definition of "prompt refund" in the Commission's Mail or Telephone Order Merchandise Trade Regulation Rule ("MTOR" or "Rule"), 16 CFR 435.2(f). The two cross-references in section 435.2(f) of the Rule are corrected to refer to section 435.2(e) of the Rule instead of to section 435.2(c). Additionally, a comma is added to section 435.2(f)(1) to parallel the punctuation in section 435.2(f)(2). Because these corrections are non-substantive, the Commission has determined that Magnuson-Moss rulemaking proceedings are not required by section 18(d)(2)(B) of the FTC Act. Additionally, because these are minor technical changes correcting inadvertent editing errors, the Commission has also determined that notice and public procedure are not required under section 553 of the Administrative Procedure Act because they would be unnecessary.

EFFECTIVE DATE: November 13, 1995.
ADDRESSES: Requests for copies of this notice should be sent to the Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Joel N. Brewer, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 326-2967.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the FTC Act, 15 U.S.C. 57a, on September 21, 1993, the Commission adopted proposed

amendments to the Commission's Mail Order Merchandise Trade Regulation Rule (the "MOR"), 16 C.F.R. Part 435, including renaming the rule "Mail or Telephone Order Merchandise" (the "MTOR").¹ Two new definitions, "mail or telephone order sales" and "telephone," were added as sections 435.2 (a) and (b) of the MTOR. The addition of these definitions resulted in all other definitions being renumbered. Thus, the definition for "shipment," which formerly appeared as section 435.2(a) of the MOR, was renumbered section 435.2(c) of the MTOR; the definition for "receipt of a properly completed order," which formerly appeared as section 435.2(b) of the MOR, was renumbered section 435.2(d) of the MTOR, etc.

In making these changes, two cross-references to the definition of "refund" in the definition of "prompt refund" in section 435.2(d) of the MOR (now renumbered section 435.2(f) of the MTOR) were inadvertently overlooked. The Commission has accordingly determined to correct the two cross-references in section 435.2(f) to refer to section 435.2(e), the MTOR's definition of "refund."

Additionally, a comma is being inserted in section 435.2(f)(1) of the MTOR to parallel the punctuation of section 435.2(f)(2). This error was in the text of the MOR originally and was carried from the MOR to the MTOR.

Section 18(d)(2)(B) of the FTC Act provides that the procedures for making any "substantive" amendment to a trade regulation rule shall be the same as the procedures for promulgating a rule under section 18(a)(1)(B). In this case, the changes, which are necessary to correct inadvertent editorial errors in the recently concluded rulemaking proceedings, are non-substantive; thus, section 18(d)(2)(B) is inapplicable. Accordingly, section 553 of the Administrative Procedure Act (the "APA"), 5 U.S.C. 553, applies to these amendments.² Section 553(b)(B) of the APA provides that rulemaking procedures are not required where the agency determines that "notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." Because the changes here are minor and technical, the Commission has determined that notice and public procedure are unnecessary in this case, and that rulemaking procedures are accordingly not required.

¹ 58 FR 49095.

² See, 15 U.S.C. 57a(b)(1).