

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 revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that Table 1, in § 305.9, which sets forth the representative average unit energy costs for five residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This document revises the table to incorporate the latest figures for average unit energy costs as published by DOE in the Federal Register on January 19, 1996.¹

DATES: The revisions to § 305.9(a) and Table 1 are effective March 15, 1996. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the Supplementary Information Section, below.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035 Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201.² The rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in § 305.9(a) of the rule sets forth the representative average unit energy costs to be used for

all cost-related requirements of the rule. As stated in § 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE. On January 19, 1996, DOE published the most recent figures for representative average unit energy costs. Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

The dates when use of the figures in revised Table 1 becomes mandatory in calculating cost disclosures for use in labeling and catalog sales of products covered by the Commission's rule and/or EPCA are as follows:

For 1996 Submissions of Data Under Section 305.8 of the Commission's Rule: Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of section 305.8 of the rule. Pursuant to amendments to the rule published on July 1, 1994³ (with extended compliance dates published on December 8, 1994),⁴ the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilowatt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil). Thus, the 1996 (and all subsequent) data submissions under section 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, for the determination of which the DOE cost figures are unnecessary. The 1996 (and all subsequent) submissions also must be made in terms of the new product sub-categories created by the above-mentioned amendments. The energy efficiency energy usage descriptors for the other products covered by the rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency (although submissions for room air conditioners, furnaces, and boilers must be made in terms of the new product sub-categories created by the

amendments). For convenience, the annual dates for data submission are repeated here:

Fluorescent lamp ballasts: March 1
Clothes washers: March 1
Water heaters: May 1
Furnaces: May 1
Room air conditioners: May 1
Pool Heaters: May 1
Dishwashers: June 1
Central air conditioners: July 1
Heat pumps: July 1
Refrigerators: August 1
Refrigerator-freezers: August 1
Freezers: August 1

For Labeling and Catalog Sales of Products Covered by the Commission's Rule: The July 1, 1994, amendments require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). The labels must also disclose, below the secondary estimated annual operating cost disclosure, the fact that the estimated annual operating cost is based on the appropriate DOE energy cost figure and identify the year in which the cost figure was published.⁵ Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and room air conditioners began making these disclosures on the labels required by the amendments and in catalogs beginning ninety days after the Commission published new energy consumption ranges of comparability based on the 1995 submissions required by § 305.8. They must continue to use the 1995 DOE cost figures until the Commission publishes new ranges of comparability based on future annual submissions of estimated annual energy consumption data. At that time, these manufacturers must use the then-current DOE energy cost figures when they prepare new labels in response to the new energy consumption ranges of comparability. When such new ranges are published, the effective date for

¹ 61 FR 1366.

² 44 FR 66466. Since its promulgation, the rule has been amended four times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), and certain lamp products (59 FR 25176, May 13, 1994). Obligations under the rule concerning fluorescent lamp ballasts, lighting products, and plumbing products are not affected by the cost figures in this notice.

³ 59 FR 34014.

⁴ 59 FR 63688.

⁵ The secondary estimated annual operating cost disclosures on the initial group of revised labels for storage-type water heaters are based on the 1994 DOE cost figures that were published by the Commission on February 8, 1994 (59 FR 5699). The secondary estimated annual operating cost disclosures on the initial group of revised labels for refrigerators, refrigerator-freezers, clothes washers, dishwashers, and room air conditioners are (or will be) based on the 1995 DOE cost figures that were published by the Commission on February 17, 1995 (60 FR 9295).

labeling new products will be ninety days after the publication of the ranges in the Federal Register. Similarly, manufacturers of storage-type water heaters, who began to comply with the amendments in 1994, used the 1994 DOE cost figures in determining the secondary energy use disclosures on the labels on their products. They must continue to use 1994 cost figures to calculate these estimated annual operating cost figures on their labels until the Commission publishes new ranges of comparability for those products. As in the past, products that have been properly labeled prior to the

effective date of any range modification need not be relabeled.

For Energy Cost Representations Respecting Products Covered by EPCA but not by the Commission's Rule: Manufacturers of products covered by section 323(c) of EPCA, 42 U.S.C. 6293(c), but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 1996 representative average unit costs for energy in all operating cost representations beginning May 14, 1996.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling,

Reporting and recordkeeping requirements.

PART 305—[AMENDED]

Accordingly, 16 CFR Part 305 is amended as follows:

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

Authority: 42 U.S.C. 6294.

Section 305.9(a) is revised to read as follows:

§ 305.9 Representative average unit energy costs.

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1996)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu ¹
Electricity	8.6¢/kWh ^{2,3}	\$0.086/kWh	\$25.21
Natural Gas	62.6¢/therm ⁴ or \$6.43/MCF ^{5,6}	0.000006626/Btu	6.26
No. 2 heating oil92/gallon ⁷	0.00000663/Btu	6.63
Propane	0.90/gallon ⁸	0.00000984/Btu	9.84
Kerosene	1.00/gallon ⁹	0.00000739/Btu	7.39

¹ Btu stands for British thermal unit.

² kWh stands for kilowatt hour.

³ 1 kWh=3,412 Btu.

⁴ 1 therm=100,000 Btu. Natural gas prices include taxes.

⁵ MCF stands for 1,000 cubic feet.

⁶ For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,027 Btu.

⁷ For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.

⁸ For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.

⁹ For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

Donald S. Clark,
Secretary.
[FR Doc. 96-3263 Filed 2-13-96; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-95-029]

Special Local Regulations; Great Lakes Annual Marine Events

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its list of annual marine events which occur within the Ninth Coast Guard District. Publication of this list in part 100 of the Code of Federal Regulations will establish permanent special local regulations for marine events within the Ninth Coast Guard District which recur on an annual basis and which have been determined by the District Commander to require the issuance of special local regulations. This action is being taken to

ensure the safety of life, limb and property during each event, while avoiding the necessity of publishing a separate temporary regulation each year for each event. The list reflects the approximate dates and locations of each annual marine event.

DATE: This rule is effective February 14, 1996.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician Second Class Jeffrey M. Yunker, Ninth Coast Guard District, Aids to Navigation Branch, 1240 East Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3990.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of these regulations are Lieutenant Junior Grade Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation Branch and Lieutenant Commander Michael Zack, Project Attorney, Ninth Coast Guard District Legal Office.

Regulatory History

On November 1, 1995, the Coast Guard published a notice of proposed

rulemaking entitled Special Local Regulations; Great Lakes Annual Marine Events in the Federal Register (60 FR 55511). The deadline for the submission of comments was December 18, 1995. The Coast Guard received no letters commenting on the proposal. A public hearing was not requested and one was not held. The Commander Ninth Coast Guard District has decided to publish the final rule as proposed.

Background and Purpose

This rulemaking updates an existing list of anticipated annual events. Each year various public and private organizations sponsor marine events on the navigable waters of the United States within the Ninth Coast Guard District. These events include slow moving boat parades, sailboat races, high speed hydroplane races, fireworks displays, and other water related events. The listed events are held in approximately the same location during the same general period of time each year. Exact times and dates will be published in the Local Notice to Mariners instead of being published in this final rule. This will streamline the marine event process for those regattas