2. Discussion and adoption of Commission policy on supervision of parolees with AIDS.
3. Summary of recent revisions to the Comprehensive Crime Control Act of 1984 (discussion only).
4. Report on the Budget (discussion only).
5. Consideration of innovative uses of parole supervision (discussion only).

Consent Agenda

6. Approval of Rules and Procedures Memorandum dated December 3, 1987.

CONTACT PERSON FOR MORE INFORMATION: Jim L. Beck, Director of Research, United States Parole Commission (301) 492–5980.

Date: December 4, 1987.

Patrick J. Glynn,

General Counsel, United States Parole Commission.

[FR Doc. 87–28433 Filed 12–8–87;11:08 am]

BILING CODE 4410–01–M

Corrections

Federal Register
Vol. 52, No. 237
Thursday, December 10, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

[Docket No. 71149-7249]

Export Controls on Iran; Expansion of Foreign Policy Controls

Correction

In rule document 87-27306 beginning on page 45309 in the issue of Friday, November 27, 1987, make the following corrections:

PART 385—[CORRECTED]

§ 385.4 [Corrected]

1. On page 45309, in the third column, in § 385.4(d)(3)(i), after paragraph (B), the next paragraph designation should read cap (C).

PART 399—[CORRECTED]

§ 399.1 [Corrected]

2. On page 45311, in the first column, in Supplement No. 1 to § 399.1, in the 10th line, "36494F" should read "6494F"; and in the 19th line, "64698F" should read "6498F".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-405]

Certain Textile Mill Products From Mexico; Final Results of Countervailing Duty Administrative Review

Correction

In notice document 87-27117 beginning on page 45010 in the issue of Tuesday, November 24, 1987, make the following correction:

On page 45013, in the second column, after the table for "Special Construction Fabric" insert the following table:

Textile Furnishings

360.0600	360.1515	360.2500	360.4225	360.4335
360.4825	360.4835	360.7000	360.7800	360.7900
360.8300	360.8400	361.0530	361.0540	361.2410
361.4200	361.4500	361.4600	361.4800	361.5420
361.5426	361.5610	361.5650	363.0510	363.0515
363.1020	363.1040	363.2000	363.2562	363.2564
363.2575	363.2580	363.2590	363.4500	363.6030
363.6540	363.8506	363.8509	363.8515	363.8525
363.8545	363.8550	363.8555	364.0500	364.1300
364.1800	364.2000	364.2300	364.2500	364.3000
365.5060	365.7815	365.7825	365.7865	365.8400
365.8610	365.8620	365.8640	365.8660	365.8670
365.8980	366.1720	366.2460	366.2480	366.4200
366.4600	366.4700	366.5100	366.7700	366.7925
366.7930	366.8400	367.3224	367.3428	367.6025
367.6040	367.6080			

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-930-4212-24; N-46058]

Battle Mountain District Tonopah Resource Area, NV; Realty Action

Correction

In notice document 87-26735 appearing on page 44492 in the issue of Thursday, November 19, 1987, make the following corrections:

1. In the second column, in the heading "Realty" was misspelled.

2. In the same column, under *Segregation*, in the third line "segra" should read "segregated".

BILLING CODE 1505-01-D

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

Correction

In notice document 87-27714 appearing on page 46010 in the issue of Thursday, December 3, 1987, make the following corrections:

1. In the third column, in paragraph 5, beginning in the first line, the figures inside the parentheses should read, "N1-373-88-1".

2. In the same column, in paragraph 6, in the third line, the figures inside the parentheses should read, "N1-47-88-1".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

[Docket Nos.: 50-373 and 50-374]

Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing; Commonwealth Edison Co.

Correction

In notice document 87-27446 beginning on page 45515 in the issue of Monday, November 30, 1987, make the following correction:

The first docket number in the heading is corrected as set forth above.

BILLING CODE 1505-01-D

federal register

Thursday
December 10, 1987

Part II

Federal Trade Commission

16 CFR Part 305

Rule for Using Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances; Final Rule Amendment

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule for Using Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances

AGENCY: Federal Trade Commission.

ACTION: Final rule amendment.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by extending coverage to products for which the Department of Energy has issued new or amended test procedures. By means of today's action, which is the culmination of two proceedings begun at separate times, the Commission adds a new category of appliances to the Rule—central air conditioners (which includes heat pumps)—and extends the Rule's existing coverage under the furnace category to include two new types of furnaces—pulse combustion furnaces and condensing furnaces.

In the central air conditioner proceeding, the Commission is extending the Rule's coverage to include these products, using a disclosure scheme that consists of labels showing simple energy efficiency information, together with a requirement to disclose further efficiency and cost information by means of either fact sheets or a listing in a general directory containing such information.

In the furnace proceeding, since the scope of the proceeding is considerably narrower, the Commission is simply extending the existing labeling scheme for furnaces to these two new types of furnaces.

DATES: The effective dates for the various different obligations under these amendments are detailed in § 305.18 of the Appliance Labeling Rule.

FOR FURTHER INFORMATION CONTACT: James G. Mills, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326–3035.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 324 of the Energy Policy and Conservation Act of 1975 ("EPCA")[1] requires the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances classified as "covered products" by section 322(a) of EPCA: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Before these labeling requirements may be prescribed, the statute requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average costs a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final Rule covering seven of the thirteen appliance categories that were then covered by DOE test procedures: Refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.[2]

The Rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels and in retail sales catalogs for all covered products, except furnaces, manufactured on or after May 19, 1980. For furnaces, the energy usage information must be disclosed on separate fact sheets, while the labels on the products disclose energy-saving tips and direct consumers to the fact sheets. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating ("EER") information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

In 1980 and 1981, the Commission published two separate proposals to amend the Commission's Appliance Labeling Rule by extending its coverage to products for which DOE has issued new test procedures. One proposal was to add a new category of appliances, central air conditioners (including heat pumps) to the Rule [3] and the other was to extend the Rule's existing labeling requirements for furnaces to two new types of furnaces, pulse combustion and condensing.[4] Hearings were held in both proceedings. After the close of both comment periods, the Commission's staff prepared staff reports analyzing the evidence in each matter and containing Recommended Rule Amendments with respect to each matter.

On March 17, 1987, President Reagan signed into law the National Appliance Energy Conservation Act of 1987 (Pub. L. No. 100–12, 101 Stat. 103 ("NAECA.")) NAECA establishes performance standards that prescribe a minimum level of energy efficiency or a maximum quantity of energy usage for covered products, including central air conditioners, heat pumps and furnaces. This new legislation leaves the Commission's Appliance Labeling Rule essentially unchanged, and preserves the Commission's obligation to propose coverage of products for which OOE has prescribed a test procedure.

Because some of the issues raised in both proceedings are similar, the two staff reports were made available to the public at the same time.[5] In the **Federal Register** notices announcing the availability of the two reports, the Commission sought public comment on the analyses and Recommended Rules. In today's discussion, the resulting comments on the staff reports are referred to as "post-record comments." Since the proceedings have tended to converge, today's action encompasses both proceedings.

In the central air conditioner proceeding, the Commission has extended the Rule's coverage to include these products [6] and has developed a disclosure scheme that consists of labels showing simple energy efficiency information,[7] together with a requirement to disclose further efficiency and cost information by means of either fact sheets [8] or a listing in a general directory [9] containing such information. In the furnace proceeding, the Commission has also extended the Rule's coverage, but is doing so by simply extending the existing disclosure scheme for furnaces to include these two new types of furnaces.[10]

Because the issues involved in the central air conditioner proceeding are broader and more complex, most of today's discussion will focus on that proceeding. The discussion concerning furnaces appears separately.

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[1] Pub. L. 94–183, 89 Stat. 871 (Dec. 22, 1975).

[2] 44 FR 66466, 16 CFR Part 305 (November 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.

[3] 45 FR 53340 (August 11, 1980).

[4] 46 FR 38105 (July 24, 1981).

[5] 48 FR 37663 (August 19, 1983).

[6] Sections 305.3 (h) & (i) of the Final Rule.

[7] Section 305.11(a)(5)(iii) of the Final Rule.

[8] Section 305.11(b) of the Final Rule.

[9] Section 305.11(c) of the Final Rule.

[10] Section 305.3(g) of the Final Rule.

II. The Central Air Conditioner Amendments

A. Background of the Proceeding

Central air conditioners (a category that also includes heat pumps) are included in the 13 categories of home appliances for which the Commission is required by EPCA to prescrihe energy labels. A disclosure scheme for central air conditioners was originally contemplated in the initial appliance labeling rulemaking, which began in July, 1978.[11] Central air conditioners were included in the Proposed Rule because the Department of Energy (DOE) had published earlier a final test procedure for that product category. However, the DOE test procedure did not include heat pumps, and, in April, 1979, DOE proposed that it be amended to include a test for heat pumps as well as a revised statistical sampling plan. Since the DOE test procedure for central air conditioners was uncertain at the time, the Commission's final Appliance Labeling Rule did not cover the central air conditioner category.

DOE published its final revised test procedure in December, 1979, and the Commission commenced amendment proceedings in August, 1980 [12] to consider extending the Rule's coverage to include the central air conditioner category. Hearings followed in November, 1980, and, after analysis and review of the record, the Staff Report was published in August, 1983.[13] Comments were received on the Staff Report through October 3, 1983.

For reasons discussed in the Central Air Conditioner ("CAC") Staff Report[14] and detailed in § 305.11 of the Appliance Labeling Rule Staff Report of February, 1979, the Recommended Rule Amendment appearing as Appendix A to the CAC Staff Report would have extended coverage to central air conditioners. The amendment would have required disclosures to be in the form of (1) "generic labels", which are non-product-specific labels on each appliance that refer the consumer to fact sheets and (2) fact sheets. The fact sheets would show an energy efficiency rating for the specific product or products covered, the range of energy efficiency ratings for similar systems, and a means by which consumers could estimate the annual operating cost of the system they choose. This disclosure scheme is the same as the one presently required for furnaces.

An alternative to this approach was suggested by the primary trade association for this industry, the Air Conditioning and Refrigeration Institute ("ARI"). The alternative proposal would permit manufacturers of central air conditioners to disclose the required energy usage information to consumers by means of ARI's Directory of Certified Unitary Air-Conditioners and Air-Source Unitary Heat Pumps ("Directory"). This Directory is published by ARI in connection with its certification program, through which the industry is able to police members' energy cost and usage claims, and in it is disclosed, among other information, the energy efficiency for listed products based on the results of tests conducted in accordance with DOE procedures.[15]

In the CAC Staff Report, the Commission's staff rejected this alternative on the basis that the proposal was deficient in meeting several of the statutory labeling requirements. More specifically:

1. The ARI Directory did not show the ranges of EER's of the central air conditioners on the market, as required by section 324(c)(1)(B) of EPCA;

2. There was no requirement that the ARI Directory be displayed in a manner likely to assist consumers in making a purchasing decision, as required by section 324(c)(3) of EPCA; and,

3. Directories were not distributed with products, but were available only from ARI for a fee. The staff believed that this distribution scheme would inhibit dissemination of the ARI Directory to consumers and would, therefore, frustrate the statutory purpose of providing energy usage information to prospective purchasers.[16]

On the basis of materials submitted during the post-record comment period detailed later in this discussion, the Commission has been persuaded that ARI's proposal is a workable idea, and has decided to give manufacturers of central air conditioners the "Directory Option" as one element of an energy usage disclosure program that also includes the use of "product-specific" labels on each product.

B. Coverage of Central Air Conditioners

According to EPCA, central air conditioners must be covered by the Commission's labeling rule unless the Commission determines that labeling them is not "technologically or economically feasible" or is "not likely to assist consumers in making purchasing decisions." [17]

During the course of the proceedings, a number of industry members suggested that central air conditioners should be exempted for either of two different reasons:

1. The information required on the proposed labels and fact sheets would not assist consumers in making purchasing decisions; or,

2. Coverage would result in unfair and unreasonable burdens on coil manufacturers and contractor-installers.

1. Reasons Suggested for Exempting Central Air Conditioners

a. *Energy Usage Disclosure Would Not Assist Consumers.* In the post-record comments, no one suggested that the proposal for coverage of central air conditioners would be technologically or economically infeasible. However, a number of commenters did contend that the proposed fact sheets, which would be the consumer's only source of energy usage information under the scheme originally proposed, would not be likely to assist consumers in making purchasing decisions because retailers would not show them to consumers. To support this view, four large, integrated manufacturers and ARI [18] pointed to their experience with the furnace fact sheet program, which has been in existence since the Rule took effect on May 19, 1980. They contended that, while fact sheets are generally being produced by manufacturers and sent through the chain of distribution,[19] they are not being shown to consumers by the retail sector.

One of the reasons advanced for retailers' failure to show consumers fact sheets is that the fact sheets are too confusing—either for the retailer [20] or for the consumer.[21] Consequently, according to these commenters, retailers are avoiding the risk of losing a sale through a confusing discussion of the fact sheet.

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[11] 43 FR 31806 (July 21, 1978).

[12] 45 FR 53340 (August 11, 1980).

[13] 13 48 FR 37663 (August 19, 1983).

[14] Pp. 7–9.

[15] CAC Staff Report, pp. 21–22. Section 323(c) of EPCA requires these listings, as well as all other written or broadcast representations relating to energy cost or consumption, to be based on the DOE test procedures.

[16] *Id.*, p. 23.

[17] EPCA section 324(a)(2).

[18] Rheem, 13–52; Borg, 13–50; Lennox, 13–60; Carrier, 13–61; ARI, 13–62. The comments referred to in these footnotes may be found in the public record under Public Record # 209–18. The first number in the citations to these comments identifies the category of the comment. For example, 13 refers to industry comments about central air conditioners. The next number is the number assigned to the comment itself. The last number or numbers is the internal page number of the comment. For an explanation of the citation code, see Appendix C of the Central Air Conditioner Staff Report or Appendix B of the Furnace Staff Report.

[19] Carrier, 13–61/3.

[20] Carrier, 13–61/2.

[21] *Id;* Borg, 13–50/3.

Another explanation put forward for the retailers' purported failure to use fact sheets is based on the opposite premise. According to this scenario, retailers who have made fact sheets available have apparently been questioned by consumers as to the identity of the furnace brands with the highest efficiency on the bar charts appearing on fact sheets. Retailers often do not know the identity of the brand, or do not sell it. Retailers are beginning to find, therefore, that they sometimes stand to lose a sale by using fact sheets, because consumers may go elsewhere to buy the more efficient products. The end result, according to these commenters, is that furnace retailers, in order to avoid the risk of losing a sale, are often not using fact sheets.

In the Commission's view, these comments do not argue against—and in many cases support—the proposition that, if consumers were shown furnace fact sheets, many would take energy efficiency into consideration when shopping for and purchasing these products. The Commission believes, then, that if non-disclosure problems threaten the efficacy of a disclosure scheme that relies on fact sheets as the consumer's only source of energy usage information, they would be corrected by the disclosure approach discussed herein for central air conditioners. This approach requires that central air conditioners bear a label that discloses the EER of the unit coupled with generic range information. The label also refers consumers to either fact sheets or an industry directory for additional energy cost and efficiency information.

Labels attached to products showing EER's and ranges and directing consumers to fact sheets or directories for cost information will at least alert consumers to the existence of differences in energy consumption among models and to the availability of additional information. This should act as an incentive for retailers to use the energy information to steer energy-conscious consumers to the more efficient products in the retailer's line. If retailers grow accustomed to showing the required energy usage information to consumers—whether for furnaces or central air conditioners—they will become familiar enough with it to be able to explain it and the problem of "confusing" fact sheets will be alleviated.

While the concerns expressed above may raise some questions about the feasibility of a labeling program for central air conditioners, the Commission believes, on balance, that energy usage information for central air conditioners is useful and that it will be of considerable assistance to consumers in making central air conditioner purchasing decisions. The post-record comments from all consumers, as well as three state agencies and two utilities, indicate support for making such information available.[22]

Some commenters questioned the utility of energy usage disclosures for central air conditioners sold on the new home construction markets. ARI [23] and three manufacturers [24] noted that somewhere between 40% and 50% of new central air conditioners are installed and sold in connection with the construction of new homes. They make the point that, when the consumer sees a finished home, the central air conditioner has been selected and the consumer has no say in the process.[25] Borg-Warner suggests that "[o]bviously, labels and fact sheets would have no impact on these sales."[26] The implication is that, in many cases, energy usage disclosures would not assist consumers in making purchasing decisions, and, therefore, the products should be exempted from coverage.

With respect to new homes, the Commission is in agreement with the opinion, expressed in the CAC Staff Report,[27] that one of the objectives of the energy usage disclosure program is to raise consumer awareness that these products consume energy in differing amounts and thereby to encourage consumers to consider appliance energy usage as a factor in purchasing a new home. With this information, an energy-conscious consumer could select one house over another; or, such a consumer could order a more efficient unit, where such a choice was possible. These options would be available to consumers who visit various model homes in new or soon-to-be-built subdivisions because they would probably see labels on the major appliances in the model homes.

Moreover, consumers' receipt of this energy usage information after consummation of the sale would still encourage builders to install energy efficient central air conditioners. This would also hold true in the case of sales by heating and cooling contractors, who normally sell their products without first showing them to consumers. The concept is well stated by the State Office of Emergency and Energy Services of the Commonwealth of Virginia:

> We agree with the F[T]C staff that the proposed labeling will be helpful to consumers even when the appliances are built into a new house or when they are bought through a heating and cooling contractor. Home builders are necessarily concerned with the impression of quality left by their houses in the minds of potential buyers. A high efficiency rating on a major energy-using appliance helps to form that impression. We believe that labeling of central air conditioners, heat pumps and all other types of furnaces therefore, provides an important incentive to install equipment with higher efficiency. Similarly, the reputation of the heating contractor will be enhanced if an individual who purchases his equipment from the contractor finds or confirms that the equipment is of high efficiency.[28]

b. *Energy Usage Disclosure Would Burden a Part of the Industry.*

Most central air conditioners do not constitute one unit but are so-called "split systems". Simply stated, this means that the two main operating components of the system are separate units—the evaporator coil and condenser unit. The condenser unit is often placed outside the house, while the evaporator coil is usually installed in the duct work inside the house. While all the parts of a split system central air conditioner are sometimes manufactured by the same company and purchased at once by a consumer, the components of a system are frequently purchased separately from different manufacturers. Thus, a consumer may find that his or her condenser unit has failed and will replace the unit, or an installer may buy a condenser unit from one manufacturer and a coil from another in order to complete a new installation.

One concern raised for the first time in the post-record comments is the plight of independent coil manufacturers. Coil manufacturers are small businesses that supply evaporator coils that are combined with the condenser/compressor units manufactured by larger companies. The resulting split-system air conditioners are referred to as "mix-matched" systems.[29] These

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[22] 16–8. 9–16/1. See, also, California Energy Commission, 19–17; Pacific Power and Light, 13-20, 14–20; and Pennsylvania Power Co., 19–18.

[23] 13–62/2, 4.

[24] Borg, 13–50/1; CHP/IEC, 13–59/1; Climate Control, 13–68/ 2–3.

[25] Borg, 13–50/1; ARI, 13–62/2.

[26] Borg, 13–50/1.

[27] Pp. 12–14.

[28] 19–16/1. See also the comments of Hirschi Realtors, 13–18, and the Libra Foundation, 13–19:

> Energy use information on central air conditioners and heat pumps will be very helpful to us in deciding on equipment for new construction as well as replacement units.

[29] A split system that is put together using components produced by the same company is called a "matched" system.

small companies have been able to compete in the market succesfully by supplying a product that is tailor-made to solve a particular need, such as special environmental conditions, space restrictions or other, similarly specialized circumstances.[30] Orders for such coils are usually limited in number, so that their manufacture is more economical for smaller companies than for large. Condensers are manufactured exclusively by the large, integrated companies, that also manufacture coils to match up with them.

Nine such coil manufacturers commented on the CAC Staff Report,[31] and another 14 comments were received from contractors who appeared to share in the concern expressed by the coil manufacturers.[32] The coil manufacturers believe that, if they are covered by the Commission's Rule, each one will have to generate many hundreds of ratings for every combination that could conceivably be sold using each of its evaporator coils and each of the compatible condenser units manufactured by other companies, including situations in which they would be providing replacement units for part of existing split systems in consumers' homes.[33] They allege that, as small companies, their financial burden would be disastrous.

The Commission believes that today's amendments adequately address the concerns expressed by the coil manufacturers. The DOE test procedure[34] permits a manufacturer of split system central air conditioners to test only the best-selling combination and to computer rate the others. The amended Rule requires that only this "best-selling" rating be disclosed on the product-specific label attached to the condenser in split systems. Ratings of other condenser-coil combinations, derived using an engineering analysis technique (that may use a computer simulation) permitted by the DOE test procedure, would be *allowed* (on fact sheets or in the Directory), but *not required*. Thus, an installer could match a condenser with any of a number of appropriate coils to make a combination, and would be confident that the requirements of the Rule were met by the rating on the label on the condenser, which would be provided by the condenser manufacturer. Under the Rule, the coil manufacturer would not have to test for or supply energy usage information yet the consumer would receive valid energy efficiency information for comparison purposes. We believe that this approach addresses the concerns expressed by the coil manufacturers.

The Commission is not troubled by the compromise inherent in the notion of disclosing a single efficiency figure on a given condenser for all the combinations that match it with any coil that might work with it. The Commission believes that this approach is well justified by the fact that the substitution of one coil for another in a given system will, generally, change the system's efficiency by no more than plus or minus five percent.[35] Nevertheless, in order to avoid any misunderstanding by consumers as to the precise accuracy of the energy usage disclosure in such situations, the Commission is requiring language on the labels and fact sheets that alerts consumers to the fact that the rating will vary slightly with different coils. This language is discussed in more detail in the section on label placement, below.

2. Product-Specific Labels for Central Air Conditioners

The Commission has already mentioned the requirement that product-specific labels appear on central air conditioners. The Commission considers that these labels are a key element in an effective energy usage disclosure scheme for these products.

As noted earlier, comments received from several industry members suggest that the approach proposed by Commission staff for central air conditioners in the Recommended Rule (generic labels with fact sheets serving as the exclusive source of energy usage information) would be no more successful than the similar program already in place for furnaces. In an effort to minimize this possibility, the Commission has modified the format previously proposed for the label so that it is no longer generic, but is "product-specific"—that is, it shows energy efficiency information that is specific to the product to which it will be attached.

a. *The Label Itself.* The product-specific label, which appears at the end of the Amended Rule as a "Sample Label", will show a "generic" range of EER's for the cooling function of *all* central air conditioners. When used on heat pumps, which usually perform both heating and cooling functions, the label will also show generic ranges of EER's for the heating function of *all* heat pumps that perform both functions. Above this generic range will be the EER of the particular unit to which the label is attached. Heat pump labels will show the EER for both the cooling and heating functions. Below the product-specific EER and the generic ranges will be the following statement:

> Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information regarding the efficiency and operating cost of this equipment. Ask for this information.

These product-specific labels differ from the labels originally recommended by Commission staff in the CAC Staff Report in three ways:

1. They show an EER[36] (or EER's, for heat pumps) for the product to which they pertain;

2. They show a range of EER's (or ranges, for heat pumps) for all such products; and

3. They contain stronger language referring consumers to fact sheets and directories (the reference to directories is also new).

These new elements are the backbone of today's amendments.

Because the label would show the EER of the product, as well as range information, labeled products would always be sold with the minimum information required by EPCA[37]

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[30] First, 13-44/1-2; Apollo, 13-35; Alamo, 13-31.

[31] Apollo, 13-35; First, 13-44 (Supp.) 13-55; Aspen Manufacturing, Inc., 13-46, 13-49; Magna-Flow Industries, 13-46, 13-51; Red-T-Coil, Inc., 13-46; Coil Company, Inc., 13-47; Airmax, Inc., 13-54; Magic Aire Division, 13-56; International Environmental Corporation, 13-59.

[32] Air Flow, 13-21; McCalls, 13-22; Brooks, 13-23; Air-O-Quip, 13-24, 13-41, 13-53, 13-58; Ross, 13-25; Steinberg, 13-29; Comfort Pac, 13-30, 13-40; Modern Mechanical, 13-32, 13-33, 13-34, 13-38, 13-39; Frazier, 13-36; Hobbs, 13-37; Associated, 13-43; Alamo, 13-31; Cole, 13-42; Magic Aire, 13-56.

[33] See, e.g., comment of First Company, 13-44/2-3.

[34] 10 CFR 430.23(m)(2).

[35] See, for example, First (supp.), 13-55/4-6 and Aspen, 13-49/3-4.

[36] The opinion was expressed in a number of comments (Borg, 13-50/4; ARI, 13-62/11; Climate Control, 13-68/1; Trane, 13-66/2; Rheem, 13-52/4) that the term "EER" ("energy efficiency rating") should be abandoned for central air conditioners in favor of the terms "SEER" ("seasonal energy efficiency ratio") for cooling-only central air conditioners and the cooling side of heat pumps and "HSPF" ("heating seasonal performance factor") for the heating side of heat pumps. The Commission is aware of the different terms used in the industry for the various types of air conditioners. It is the Commission's belief, however, that, from the consumer's point of view, it would be far simpler to look only for a single term, regardless of what product is being examined. For this reason, the Rule requires as a disclosure only the term "EER", regardless of which appliance is being described in terms of its energy efficiency.

[37] Under section 324(c)(1) of EPCA, the Commission's Rule must require labels on products, to show energy cost information (or another energy usage measure, which, in the case of central air conditioners, is the EER) and range information. Section 324(c)(5) of EPCA allows the Commission to require, with the product, additional energy consumption information if the Commission determines that it would assist consumers in making purchasing decisions and would not unduly burden manufacturers. Efficiency and range

Continued

attached to them. Thus, at some time, consumers would be aware of this information. Even in those cases in which this minimum information was not seen until after the sale, it would still be seen, and this could lead to complaints if the other required information on fact sheets or in directories had not been shown during the sale.

The Commission is requiring that the ranges on the product-specific labels be generic for two reasons. First, in central air conditioners, there is little difference in efficiency due to the sizing, or capacity, of the products alone. Thus, there is roughly the same spread of efficiencies throughout all the various capacities, and a single range encompassing this spread is sufficient to inform consumers of what efficiencies they can generally expect to find. Second, a single, generic range on the labels will be the same on all labels, and this will simplify label printing for the industry. The actual range figures will be published after the Commission has reviewed the data that § 305.8(a) requires manufacturers to submit two months from publication of today's amendments.

Because the language, discussed above, referring consumers to fact sheets or directories would state that the availability of these additional sources of information is required by Federal law, the labels would increase the likelihood that the additional cost information required by the Rule would be seen by consumers. From this point of view, the labels and fact sheets (or directories) would be a system of disclosure that would ensure that consumers would, at the very least, see the basic information required by the statute, and would also enable them to see the additional information required by the Rule, if they wished.

b. *Placement of the Label.* For central air conditioners consisting of a condenser unit and evaporator coil contained in a single unit, the label must be placed conspicuously on the single unit. With split systems, the condenser unit and evaporator coil are in different locations, once the unit is installed. The condenser unit is most often located outside the house on a concrete slab, while the evaporator coil is usually out of sight in the duct work inside the house. Therefore, the label should be affixed to the condenser unit. As discussed earlier in section 1(b), the efficiency rating of the "best selling" combination must appear on the product-specific label. The rating would be common to all combinations using that condenser.

In order to alert consumers to the fact that the EER on the label and fact sheet for split systems is the EER for the "best-selling" condenser-coil combination, and that the EER of the combination they actually purchase could differ slightly from that shown, the Commission is requiring that language to that effect appear on both the labels and the fact sheets. Consequently, § 305.11(a)(5)(iii)(G) (pertaining to labels) and § 305.11(b)(3)(ix) (pertaining to fact sheets) of the Rule require that one of the following disclosures be made on labels and fact sheets that relate to the sale of "best-selling" combinations of split system central air conditioners and heat pumps:

(1) For labels and fact sheets disclosing the energy rating for cooling, the disclosure should read: "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils."

(2) For labels and fact sheets disclosing the energy rating for both heating and cooling, the disclosure should read: "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions."

(3) For labels and fact sheets disclosing the energy rating for heating, the disclosure should read: "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions."

Labels and fact sheets disclosing the actual rating of specific combinations need not contain such a disclosure.

c. *Burden on Manufacturers.* Today's amendments requiring product-specific labels would not unduly burden the industry. Manufacturers already must perform the tests, since section 323(c) of EPCA requires all energy usage representations, including listings in a directory, to be based on DOE test results. In addition, the label is in as simple a format as the Commission could develop without sacrificing the required information. The only item on the label that will vary from product to product is the EER itself, since the ranges are generic. This places on the manufacturers the smallest possible burden that will still result in the required disclosures.

3. The ARI Directory Option

ARI has recommended throughout this proceeding that, if the Rule is amended to cover the central air conditioner category, it should be modified to allow manufacturers the option of satisfying the energy usage disclosure requirements through a listing in ARI's Directory.[38] The Commission's staff originally recommended that the Commission reject ARI's proposed modification because, among other reasons, there were no ranges of comparability, as required by EPCA, and because the staff was concerned that the Directory would not be seen by consumers.[39] This latter concern stemmed from the staff's belief that the Directory would not necessarily be displayed or receive widespread distribution.

However, ARI has made modifications in its proposal to accommodate the staff's objections and has indicated a willingness to make further changes. Because of these changes, and because the amendments announced today now include the requirement that central air conditioners bear a label showing simplified efficiency information and referring consumers to fact sheets or a directory, the Commission now believes that more consumers will receive full energy usage information on these products if manufacturers were afforded the "Directory Option." Of course, the option of using fact sheets will still be left available for those manufacturers who choose not to participate in the ARI Directory (or any other complying directory) program.

a. *Support for the Directory Option.* Six integrated manufacturers [40] and one contractor/ installer [41] endorsed the ARI alternative proposal without qualification. The California Energy Commission [42] gave the program a

information is essential to consumers purchasing these products. The cost information on fact sheets and in the ARI Directory is equally important for giving a full picture of the energy usage of central air conditioners.

[38] See pp. 21–23 of the CAC Staff Report.

[39] *Id.*, pp. 23–24.

[40] Lennox, 13–60; Rheem, 13–52; Borg, 13–50; Carrier, 13–61; Trane, 13–66; Climate Control, 13–68.

[41] Cole, 13–42.

[42] CEC, 19–17. See also Appendix B to ARI, 13–62. In sum, CEC believes that, while ARI has a potentially laudable program, its tests should not be conducted in such secrecy and it should allow representation of consumer and government interests on the committees that decide how the DOE tests are performed and what will be published in the Directory. ARI has responded that any reasonable requests to observe testing are honored, that the DOE tests that it uses are developed by committees of the American Society for Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), which are open to all

Continued

conditional endorsement. The industry members supported the Directory alternative for the following reasons: The Directory puts all of the energy usage information in one publication that is accurately updated semi-annually; the Directory is the product of a reliable and established certification and verification system using an independent testing agency; and, the Directory is already familiar to, relied on and used by builders, retailers and contractors for referencing equipment efficiencies.

In addition, ARI noted that its proposal now includes an Operating Cost Guide, which is a booklet that would be sent free, along with the Directory, to some 46,000 retailers. The Cost Guide would enable consumers to calculate for themselves the annual operating cost of any central air conditioner listed in the Directory.[43] As another point in favor of the directory alternative, ARI estimated that the directory approach would reduce the expense to manufacturers by perhaps as much as $40,000 each, for those who elect to exercise the option.[44]

Finally, ARI noted [45] that the ARI Directory is superior to the idea of a binder containing fact sheets for all models of central air conditioners sold by a particular retailer, even though the binder idea is a useful concept. This is because the Directory not only contains energy information on all models of the program but also is updated semi-annually. With the fact sheet binders, retailers would have to rely on manufacturers to provide them with updated versions of fact sheets as they become available and would be responsible for keeping these current in the binder. Some binders would undoubtedly be out-of-date. The Directory is provided every six months in a completely updated format. Retailers do not themselves have to insert new pages throughout the year; therefore, they can be sure that all the information contained in the Directory is current and complete.

b. *Opposition to the Directory Option.* Opposition to the Commission's acceptance of the ARI proposal was expressed by eleven contractor/retailers,[46] six independent coil manufacturers,[47] the Better Heating-Cooling Council [48] and the State Office of Emergency and Energy Services of the Commonwealth of Virginia.[49]

The concerns expressed by the coil manufacturers and contractors have been previously discussed. As noted at the end of that discussion, coil manufacturers will not have to test for, computer-simulate or provide information about the energy usage of the products they sell. Nor will they have to be listed in a directory, because the EERs of split system central air conditioners will be disclosed on labels affixed to condensers by condenser manufacturers, and coils do not have to be labeled. At the same time, consumers will still receive energy usage information about split system central air conditioners.

The State of Virginia simply stated a preference for fact sheets over the ARI Directory. The Better Heating-Cooling Council noted that the Directory, while suitable to the trade, would be meaningless to prospective buyers of heating and cooling equipment. The Commission notes that this comment was based on ARI's original proposal, before ARI's planned modifications.

c. *Modifications to ARI's Original Proposal.* The principal modification offered by ARI with respect to its original proposal is the Operating Cost Guide.[50] In addition to this change, the Commission is including in the Rule two minimum distribution requirements for all directories, in order to alleviate its concerns over the publication's distribution. First, the publication must be distributed to all retailers that sell products listed in the directory. Second, the directory must be available at cost to all other interested parties.

C. Fact Sheets

There were several comments directed at the methodology required to obtain the figures used in the Sample Fact Sheets and Appendices H and I. These comments pertain to the DOE test procedure, rather than to the Commission's Rule. Since the Commission is not empowered to modify DOE's test procedures, it has not given these comments substantive consideration.

III. The Pulse Combustion and Condensing Furnace Amendment

A. Background of the Proceeding

This proceeding was instituted in July, 1981 [51] because DOE amended its furnace test procedure in August, 1980 [52] to include two relatively new types of furnaces—pulse combustion furnaces and condensing furnaces. Labeling of these types of furnaces was not discussed during the original rulemaking proceedings in 1978, since the products were not sufficiently developed for marketing. Consequently, in order to develop evidence relating to these products, a rule amendment proceeding was instituted to afford interested persons an opportunity to comment on the appropriateness of covering these products under the Commission's Appliance Labeling Rule.[53]

B. Coverage

The question whether to include pulse combustion and condensing furnaces under the coverage of the Commission's Rule has never been at issue throughout this entire amendment proceeding. The only post-record comment directly dealing with this issue was from the Gas Appliance Manufacturers Association (GAMA), one of the two principal trade associations representing manufacturers of furnaces and boilers: [54]

> * * * GAMA agrees with, and fully supports, the proposed amendment to Section 305.3(g) to the Federal Trade Commission's Appliance Labeling Rule to include pulse combustion and condensing furnaces in the rule.[55]

The Commission has no reason to distinguish these types of furnaces from all other furnaces presently covered by the Rule and, consequently, amends the Rule today so that they are covered in the same manner as other covered furnaces.

ASHRAE members and others, and, that, with respect to the contents of its Directory, ARI is open to all constructive suggestions that will serve its members' customers. The Commission has considered these two comments and is satisfied that the internal procedures in ARI's present program, especially when seen in the context of the Commission's Rule and DOE's test procedures, allow for sufficient representation and observation.

[43] An example of the Cost Guide appears as Appendix A to ARI's formal comments.

[44] 13-62/8. See also Trane, 13-66/3, Borg, 13-50/2, and Lennox, 13-60/2.

[45] 13-62/5.

[46] Air Flow, 13-21; McCalls, 13-22; Brooks, 13-23; Air-O-Quip, 13-24, 13-41, 13-53, 13-58; Ross, 13-25; Steinberg, 13-29; Comfort Pac, 13-30, 13-40; Modern Mechanical, 13-32, 13-33, 13-34, 13-38, 13-39; Frazier, 13-36; Hobbs, 13-37; Associated, 13-43.

[47] Magic Aire, 13-56; First, 13-44, 13-55; Aspen, 13-49; Magna-Flow, 13-51, Coil, 13-47; Airmax, 13-54.

[48] 13-27.

[49] 19-16.

[50] ARI also offered to include ranges in its Directory. Since range information is now required on the product-specific labels, it will no longer be required in the directories or on the specific fact sheets.

[51] 46 FR 38105 (July 24, 1981).

[52] 45 FR 53714 (August 12, 1980).

[53] See Pulse Combustion and Condensing Furnaces ("Furnace") Staff Report, August, 1983, pp. 3-4.

[54] The other principal furnace industry trade association is the Hydronics Institute, Berkeley Heights, New Jersey.

[55] GAMA, 13-63/1.

C. The GAMA Directory Proposal for Furnaces

The question whether manufacturers of all furnaces, including these new products, should be afforded the option of disclosing required information in an industry directory was raised by GAMA.

At the time of the hearings in 1981, GAMA was about to launch a voluntary certification program for furnace manufacturers that was similar in many respects to ARI's certification and directory publication program. The furnace program was to involve submission to GAMA of efficiency information derived from the DOE test procedures, ongoing verification testing with an internal enforcement mechanism, and the publication and distribution of a directory listing participating manufacturers along with efficiency information on each of the models they produce. In addition to providing energy efficiency information, the Directory would include a procedure that would allow for a determination of the estimated annual cost of operation for any model listed.[56]

The GAMA Directory would be distributed to all GAMA members in quantity, and GAMA indicated a willingness to make reference copies available to all public libraries. For consumers and others, the Directories would be available at their production cost to GAMA, which was estimated at around $5 a copy.[57]

Unlike the central air conditioner amendment proceeding, which concerns labeling for an entirely new class of products, this proceeding has been conducted for the sole and narrowly defined purpose of determining whether two relatively new types of furnaces should be included under the Rule. Questions posed by the Commission in the notice were confined only to the narrow issues raised by this proposal. Consequently, the public was given an opportunity to comment only on this issue of coverage. The Commission believes that the GAMA proposal goes beyond the scope of this proceeding and, therefore, that it cannot be considered within its context. However, the Commission is continuing to evaluate the efficacy of the current furnace labeling program, and, as a potentially viable alternative to the current furnace labeling scheme, will give the GAMA proposal serious consideration in any recommendations for subsequent Rule revisions.

[56] Furnace Staff Report, pp. 9–10. See also pp. 11–12.

[57] *Id.*, pp. 11–12.

IV. Paperwork Reduction Act

Because today's amendments extend the scope of the Appliance Labeling Rule's existing labeling and disclosure requirements, they were submitted to the Office of Management and Budget ("OMB") for review under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The submission, which was in the form of a request for an amendment to the existing clearance for the Appliance Labeling Rule was made on October 21, 1986 (OMB No. 3084–0069). On December 24, 1986, OMB approved the information collection requirements for use through December 31, 1989.

List of Subjects in 16 CFR Part 305

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

Accordingly, 16 CFR Part 305 is revised to read as follows:

PART 305—RULES FOR USING ENERGY COSTS AND CONSUMPTION INFORMATION USED IN LABELING AND ADVERTISING FOR CONSUMER APPLIANCES UNDER THE ENERGY POLICY AND CONSERVATION ACT

Scope

Sec.

305.1 Scope of the regulations in this part.
305.2 Definitions.
305.3 Description of covered products to which this part applies.

General

305.4 Prohibited acts.

Testing

305.5 Determinations of estimated annual energy cost and energy efficiency rating.
305.6 Sampling.
305.7 Determinations of capacity.
305.8 Submission of data.

Representative Average Unit Energy Costs

305.9 Representative average unit energy costs.
305.10 Ranges of estimated annual energy costs and energy efficiency ratings.

Required Disclosures

305.11 Labeling for covered products.
305.12 Additional information relating to energy consumption.
305.13 Promotional material displayed or distributed at point of sale.
305.14 Catalogs.

Additional Requirements

305.15 Test Data records.
305.16 Required testing by designated laboratory.

Effect of This Part

305.17 Effect of other law.
305.18 When the rules take effect.
305.19 Stayed or invalid parts.
Appendix A1—Refrigerators.
Appendix A2—Refrigerator-Freezers.
Appendix B—Freezers.
Appendix C—Dishwashers.
Appendix D1—Water Heater-Gas.
Appendix D2—Water Heater-Electric.
Appendix D3—Water Heater-Oil.
Appendix E—Room Air Conditioners.
Appendix F—Clothes Washers.
Appendix G—Furnaces.
Appendix H—Cooling Performance and Cost for Central-Air Conditioners.
Appendix I—Heating Performance and Cost for Central-Air Conditioners.
Appendix J—Suggested Data Reporting Format.

Authority: Sec. 324 of the Energy Policy and Conservation Act, Pub. L. 94–163, as amended by the National Energy Conservation Policy Act, Pub. L. 95–619 (42 U.S.C. 6294).

Scope

§ 305.1 Scope of the regulations in this part.

The rule in this part establishes requirements for consumer appliance products, as hereinafter described, in commerce, as "commerce" is defined in the Energy Policy and Conservation Act, 42 U.S.C. 6291, with respect to:

(a) Labeling the products with information indicating their estimated annual energy costs or energy efficiency ratings, and related information;

(b) Including in printed matter displayed or distributed at the point of sale of such products, or including in any catalog from which the products may be purchased, information concerning their energy consumption;

(c) Including on the labels, separately attaching to the products, or shipping with the products, additional information relating to energy consumption, energy efficiency, or energy cost; and

(d) Making representations, in writing or in broadcast advertising, respecting the energy consumption, energy efficiency, or the cost of energy consumed by consumer appliance products.

Definitions

§ 305.2 Definitions.

(a) "Act" means the Energy Policy and Conservation Act (Pub. L. 94–163), and amendments thereto.

(b) "Commission" means the Federal Trade Commission.

(c) "Manufacturer" means any person who manufactures, produces, assembles, or imports a consumer appliance product. Assembly operations which are solely decorative are not included.

(d) "Retailer" means a person to whom a consumer appliance product is delivered or sold, if such delivery or sale

is for purposes of sale or distribution in commerce to purchasers who buy such product for purposes other than resale. The term "retailer" includes purchasers of appliances who install such appliances in newly constructed or newly rehabilitated housing, or mobile homes, with the intent to sell the covered appliances as part of the sale of such housing or mobile homes.

(e) "Distributor" means a person (other than a manufacturer or retailer) to whom a consumer appliance product is delivered or sold for purposes of distribution in commerce.

(f) "Private labeler" means an owner of a brand or trademark on the label of a consumer appliance product which bears a private label.

(g) "Range of comparability" means a group of models within a class of covered products, each model of which satisfies approximately the same consumer needs.

(h) "Estimated annual operating cost" or "estimated annual energy cost" means the aggregate retail cost of the energy which is likely to be consumed annually in representative use of a consumer product, determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293).

(i) "Energy efficiency rating" means the "annual fuel utilization efficiency" for furnaces, "energy efficiency ratio" for the cooling function of central air conditioners, and "heating seasonal performance factor" for the heating function of central air conditioners determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293).

(j) "Range of estimated annual operating costs" or "range of estimated annual energy costs" means the range of estimated annual operating costs of all models within a designated range of comparability.

(k) "Range of energy efficiency ratings" means the range of energy efficiency ratings for all models within a designated range of comparability.

(l) "New covered product," as used in § 305.4, means a covered product the title of which has not passed to a purchaser who buys the product for purposes other than resale or leasing for a period in excess of one year.

(m) "Catalog" means printed material which contains the terms of sale, retail price, and instructions for ordering, from which a retail consumer can order a covered product.

(n) "Consumer appliance product" means any appliance product for which the Secretary of the Department of Energy has prescribed final test procedures pursuant to section 323 of the Act (42 U.S.C. 6293).

(o) "Covered Product" means any consumer appliance product defined in § 305.3 of the rule which is, or may be, used for personal use or consumption by individuals.

§ 305.3 Description of covered products to which this part applies.

(a) Refrigerators and refrigerator-freezers.

(1) "Electric refrigerator" means a cabinet designed for refrigerated storage of food at temperatures above 32° F and having a source of refrigeration requiring an electrical energy input only. It may include a compartment for the freezing and storage of food at temperatures below 32° F but does not provide a separate low-temperature compartment designed for the freezing of and long-term storage of food at temperatures below 8° F. It has only one exterior door, but may have interior doors or compartments.

(2) "Electric refrigerator-freezer" means a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32° F and with at least one of the compartments designed for the freezing of and the storage of frozen foods at temperatures of 8° F or below and which may be capable of adjustment by the user to a temperature of 0° F or below. The source of refrigeration requires an electrical energy input only.

(b) "Freezer" means a cabinet designed as a unit for the storage of food at temperatures of 0° F or below and which has the ability to freeze food. The source of refrigeration requires an electric energy input only.

(c) "Dishwasher" means a cabinetlike appliance which, with the aid of water and detergent, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils and most cooking utensils by chemical, mechanical, and/or electrical means and discharges to the plumbing drainage system.

(d) "Water heater" means an automatically controlled, thermally insulated vessel designed for heating water and storing heated water. It is designed to produce hot water at a temperature of less than 180° F.

(1) "Electric water heater" means a water heater which utilizes electricity as the energy source for heating the water, which has a manufacturer's specified energy input rating of 12 kilowatts or less at a voltage of no greater than 250 volts, and which has a manufacturer's specified storage capacity of not less than 20 gallons nor more than 120 gallons.

(2) "Gas water heater" means a water heater which utilizes gas as the energy source for heating the water, which has a manufacturer's specified energy input rating of 75,000 Btu's per hour or less, and which has a manufacturer's specified storage capacity of not less than 20 gallons nor more than 100 gallons.

(3) "Oil water heater" means a water heater which utilizes oil as the energy source for heating the water, which has a manufacturer's specified energy input rating of 103,875 Btu's per hour or less and which has a manufacturer's specified storage capacity of 50 gallons or less.

(e) "Room air conditioner" means an encased assembly designed as a unit for mounting in a window or through the wall for the purpose of providing delivery of conditioned air to an enclosed space. It includes a prime source of refrigeration and may include a means for ventilating and/or heating.

(f) "Clothes washer" means a consumer product designed to clean clothes, utilizing a water solution of soap and/or detergent and mechanical agitation or other movement.

(1) "Automatic clothes washer" means a class of clothes washer which has a control system capable of scheduling a pre-selected combination of operations, such as regulation of water fill level, and performance of wash, rinse, drain and spin functions, without the need for the user to intervene subsequent to the initiation of machine operation. Some models may require user intervention to initiate these different segments of the cycle after the machine has begun operation, but they do not require the user to intervene to regulate the water temperature by adjusting the external water faucet valves.

(2) "Semi-automatic clothes washer" means a class of clothes washer that is the same as an automatic clothes washer except that the user must intervene to regulate the water temperature by adjusting the external water faucet valves.

(3) "Other clothes washer" means a class of clothes washer which is not an automatic or semi-automatic clothes washer.

(g) "Furnace" means a device, utilizing only single-phase electric current or millivoltage DC current in conjunction with either natural gas, propane, or home heating oil, which is designed to be the principal heating source for the living space of a residence and which is not contained within the same cabinet with a central air conditioner, whose rated cooling capacity is above 65,000 Btu's per hour.

Every furnace is either an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler. The heat input rate of a furnace is less than 300,000 Btu's per hour for electric boilers and low pressure steam or hot water boilers, and is less than 225,000 Btu's per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

(h) "Central air conditioner" means a consumer product which is powered by single phase electric current, which is rated below 65,000 Btu's per hour, which is not contained within the same cabinet as a furnace whose rated capacity is above 225,000 Btu per hour, and which is either a "heat pump" or a "cooling only unit."

(1) "Condenser-evaporator coil combination" means a condensing unit made by one manufacturer and one of several evaporator coils, either manufactured by the same manufacturer or another manufacturer, intended to be combined with that particular condensing unit.

(2) "Condensing unit" means a component of a "central air conditioner" which is designed to remove heat absorbed by the refrigerant and to transfer it to the outside environment, and which consists of an outdoor coil, compressor(s), and air moving device.

(3) "Cooling only unit" means a "central air conditioner" which consists of an air cooled condensing unit and an evaporator coil, and which is designed to provide air cooling, dehumidifying, circulating, and air cleaning.

(i) "Heat pump" means a "central air conditioner" which is either an "air-source heat pump" or a "water-source heat pump."

(1) "Air-source heat pump" means a "heat pump" which consists of one or more assemblies, which utilizes an indoor conditioning coil, compressor(s), and refrigerant-to-outdoor air heat exchanger to provide air heating, and which may also provide air cooling, dehumidifying, circulating, and air cleaning.

(2) "Water-source heat pump" means a "heat pump" which consists of one assembly which utilizes an indoor conditioning coil with air moving means, compressor(s), and refrigerant-to-water heat exchanger(s) to provide both air heating and cooling, dehumidifying, circulating, and air cleaning. Water source heat pumps are not subject to the provisions of this rule.

General

§ 305.4 Prohibited acts.

(a) It shall be unlawful and subject to the enforcement penalties of section 333 of the Act of a maximum civil penalty of $100 for each unit of any new covered product to which this part applies:

(1) For any manufacturer or private labeler knowingly to distribute in commerce any new covered product unless such covered product is labeled in accordance with § 305.11 with a label, flap tag, hang tag, or energy fact sheet which conforms to the provisions of the Act and this part.

(2) For any manufacturer, distributor, retailer, or private labeler knowingly to remove or render illegible any label required to be provided with such product by this part.

(3) For any manufacturer or private labeler knowingly to distribute in commerce any new covered product, if there is not included (i) on the label, (ii) separately attached to the product, or (iii) shipped with the product, additional information relating to energy consumption or energy efficiency which conforms to the requirements in this part.

(b) It shall be unlawful and subject to the enforcement penalties of section 333 of the Act of a maximum civil penalty of $100 per day for any manufacturer or private labeler knowingly to:

(1) Refuse a request by the Commission or its designated representative for access to, or copying of, records required to be supplied under this part.

(2) Refuse to make reports or provide upon request by the Commission or its designated representative any information required to be supplied under this part.

(3) Refuse upon request by the Commission or its designated representative to permit a representative designated by the Commission to observe any testing required by this part while such testing is being conducted or to inspect the results of such testing. This section shall not limit the Commission from requiring additional testing under this part.

(4) Refuse, when requested by the Commission or its designated representative, to supply at the manufacturer's expense, no more than two of each model of each covered product to any laboratory designated by the Commission for the purpose of ascertaining whether the information in catalogs or set out on the label as required by this part is accurate. This action will be taken only after review of a manufacturer's testing records and an opportunity to revalidate test data has been extended to the manufacturer.

(5) Distribute in commerce any catalog containing a listing for a covered product without the information required by § 305.14 of this Part. This subsection shall also apply to distributors and retailers.

(c) Pursuant to section 333(c) of the Act, it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any manufacturer, distributor, retailer or private labeler in or affecting commerce to display or distribute at point of sale any printed material applicable to a covered product under this rule if such printed material does not contain the information required by § 305.13. This requirement does not apply to any broadcast advertisement or to any advertisement in a newspaper, magazine, or other periodical.

(d) Effective 180 days after a test procedure applicable to a consumer appliance product is prescribed by the Secretary of the Department of Energy, pursuant to section 323 of the Act (42 U.S.C. 6293), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any manufacturer, distributor, retailer, or private labeler to make any representation in or affecting commerce—

(1) In writing (including a representation on a label), or

(2) In any broadcast advertisement, respecting the energy consumption of the product or cost of energy consumed by the product, unless the product has been tested in accordance with the test procedure and the representation fairly discloses the results of the testing. This requirement is not limited to consumer appliance products covered by the labeling requirements of this part.

Any manufacturer, distributor, retailer, or private labeler may file a petition with the Commission not later than sixty (60) days before the expiration of the period involved for an extension of the 180-day period. If the Commission finds that the requirements would impose an undue hardship on the petitioner, the Commission may extend the 180 day period with respect to the petitioner up to an additional 180 days.

(e) This part shall not apply to:

(1) Any covered product if it is manufactured, imported, sold, or held for sale for export from the United States, so long as such product is not in fact distributed in commerce for use in the United States, and such covered product or the container thereof bears a

stamp or label stating that such covered product is intended for export.

(2) Any covered product, except central air conditioners and pulse combustion and condensing furnaces, if the manufacture of the product was completed prior to May 19, 1980. Any central air conditioner, pulse combustion furnace or condensing furnace if its manufacture was completed prior to June 7, 1988.

(3) Any catalog or point of sale printed matter pertaining to covered products other than central air conditioners and pulse combustion and condensing furnaces distributed prior to May 19, 1980, and any catalog or point of sale printed matter pertaining to central air conditioners and pulse combustion and condensing furnaces distributed prior to June 7, 1988 except that if representations respecting the energy consumption or energy efficiency of any covered product or other consumer appliance product or cost of energy consumed by such product are included, they are subject to the requirements of paragraph (d) of this section.

(f) As used in paragraphs (a) and (b) of this section, the term "knowingly" means:

(1) The having of actual knowledge, or

(2) The presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

Testing

§ 305.5 Determinations of estimated annual energy cost and energy efficiency rating.

Procedures for determining the estimated annual energy costs and energy efficiency ratings of covered products are those found in 10 CFR Part 430, Subpart B, in the following sections:

(a) Refrigerators and refrigerator-freezers—§ 430.22(a).

(b) Freezers—§ 430.22(b).

(c) Dishwashers—§ 430.22(c).

(d) Water heaters—§ 430.22(e).

(e) Room air conditioners—§ 430.22(f).

(f) Clothes washers—§ 430.22(j).

(g) Furnaces—§ 430.22(n).

(h) Central air conditioners—§ 430.22(m).

§ 305.6 Sampling.

Any representation with respect to or based upon a measure or measures of energy consumption incorporated into § 305.5 shall be based upon the sampling procedures set forth in § 430.23 of 10 CFR Part 430, Subpart B.

§ 305.7 Determinations of capacity.

The capacity of covered products shall be determined as follows:

(a) Refrigerators and refrigerator-freezers—The capacity shall be the net refrigerated volume in cubic feet, rounded to the nearest one-tenth of a cubic foot, determined according to 3.2 of Appendix Al to 10 CFR Part 430, Subpart B.

(b) Freezers—the capacity shall be the net freezer refrigerated volume in cubic feet, rounded to the nearest one-tenth of a cubic foot, determined according to 3.2 of Appendix B to 10 CFR Part 430, Subpart B.

(c) Dishwashers—The capacity shall be the place-setting capacity, calculated in conformance with AHAM Specification DW-1.

(d) Water heaters—The capacity shall be the first hour rating, determined according to 4.8 of Appendix E to 10 CFR Part 430, Subpart B.

(e) Room air conditioners—The capacity shall be the cooling capacity in Btu's per hour, determined according to 4.1 of Appendix F to 10 CFR Part 430, Subpart B, but rounded to the nearest value ending in hundreds that will satisfy the relationship that the value of EER used in representations equals the rounded value of capacity divided by the value of input power in watts. If a value ending in hundreds will not satisfy this relationship, the capacity may be rounded to the nearest value ending in 50 that will.

(f) Clothes washers—The size shall be the tub capacity, rounded to the nearest gallon, determined according to 3.1 of Appendix J to 10 CFR Part 430, Subpart B, in the terms standard or compact as defined in Appendix J of this rule.

(g) Furnaces—The capacity shall be the heating capacity in Btu's per hour, rounded to the nearest 1,000 Btu's per hour, determined according to 4.7 or 4.10 of Appendix N to 10 CFR Part 430, Subpart B.

(h) Central air conditioners, cooling—The capacity shall be the cooling capacity in Btu's per hour, determined according to 3.1 of Appendix M to 10 CFR Part 430, Subpart B, rounded to the nearest 100 Btu's per hour for capacities less than 20,000 Btu's per hour; to the nearest 200 Btu's per hour for capacities between 20,000 and 37,999 Btu's per hour; and to the nearest 500 Btu's per hour for capacities between 38,000 and 64,999 Btu's per hour.

(i) Central air conditioners, heating—The capacity shall be the heating capacity in Btu's per hour, determined according to 3.2 of Appendix M to 10 CFR Part 430, Subpart B, rounded to the nearest 100 Btu's per hour for capacities less than 20,000 Btu's per hour; to the nearest 200 Btu's per hour for capacities between 20,000 and 37,999 Btu's per hour; and to the nearest 500 Btu's per hour for capacities between 38,000 and 64,999 Btu's per hour.

§ 305.8 Submission of data.

(a) Each manufacturer of a covered product shall submit to the Commission not later than January 21, 1980 (for manufacturers of central air conditioners and pulse combustion and condensing furnaces, the submission date shall be two months after publication of a final, amended rule covering those products), a report listing the estimated annual energy cost (for refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, and clothes washers) or the energy efficiency rating (for room air conditioners, central air conditioners and furnaces) for each basic model in current production, determined according to § 305.5 and statistically verified according to § 305.6. The report must also list, for each basic model in current production: the model numbers for each basic model; the total energy consumption, determined in accordance with § 305.5, used to calculate the estimated annual energy cost or the energy efficiency rating; the number of tests performed; and its capacity, determined in accordance with § 305.7. For those models which use more than one energy source or more than one cycle, each separate amount of energy consumption, or energy cost, measured in accordance with § 305.5, shall be listed in the report. Appendix J illustrates a suggested reporting format. Starting serial numbers or other numbers identifying the date of manufacture of covered products shall be submitted by July 21, 1980 (for manufacturers of central air conditioners and pulse combustion and condensing furnaces, the submission date shall be eight months after publication of a final, amended rule covering central air conditioners).

(b) Thereafter, all data required by § 305.8(a) except serial numbers, shall be submitted to the Commission annually, on or before the following dates:

Products	Deadline for data submission	Effective mandatory labeling date
Refrigerators, refrigerator-freezers and freezers.	Aug. 1	Dec. 1.
Dishwashers	June 1	Oct. 1.
Water heaters	May 1	Sept. 1.
Room air conditioners	May 1	Sept. 1.
Clothes washers	Mar. 1	July 1.
Furnaces	May 1	Sept. 1.
Central air conditioners	July 1	Nov. 1.

All revisions to such data (both additions to and deletions from the preceding data) shall be submitted to the Commission as part of the next annual report. Serial number reports for new covered products are due sixty days after the annual effective mandatory labeling date for each product.

(c) All information required by paragraph (a) of this section must be submitted for new models prior to any distribution of such model. Models subject to design or retrofit alterations which change the data contained in any annual report shall be reported in the manner required for new models. Models which are discontinued shall be reported in the next annual report.

Representative Average Unit Energy Costs

§ 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 FOUR RESIDENTIAL ENERGY SOURCES (1987)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu [1]
Electricity	7.94¢/kWh [2,3]	$0.0794/kWh	$23.27
Natural Gas	56.2¢/therm [4] or $5.80/MCF [5,6]	0.00000562/Btu	5.62
No. 2 heating oil	$0.80/gallon [7]	0.00000576/Btu	5.76
Propane	70¢/gallon [8]	0.00000769/Btu	7.69

[1] Btu stands for British thermal units.
[2] kWh stands for kilowatt hour.
[3] 1 kWh=3,412 Btu.
[4] 1 therm=100,000 Btu.
[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 1,032 Btu.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,700 Btu.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,000 Btu.

(b) Table 1, above, will be revised on the basis of future information provided by the Secretary of the Department of Energy, but not more often than annually. Manufacturers shall use the revised information when submission of the annual data is made in accordance with § 305.8.

§ 305.10 Ranges of estimated annual energy costs and energy efficiency ratings.

(a) The range of estimated annual energy costs or range of energy efficiency ratings for each covered product shall be taken from the appropriate appendix to this rule in effect at the time the labels are affixed to the products. The Commission shall publish revised ranges annually in the Federal Register if appropriate, or a statement that specific prior ranges are still applicable for the new year. Ranges will be changed if the estimated annual energy cost or the energy efficiency rating of the products within the range changes in a way that would alter the upper or lower cost or efficiency rating limits of the range by 15% or more from that previously published. When a range is revised, all information disseminated after 90 days following the publication of any revision shall conform to the revised range. Products which have been labeled prior to the effective date of a modification under this section need not be relabeled.

(b) When the estimated annual energy cost or energy efficiency rating of a given model of a covered product falls outside the limits of the range found in the current appendix for that product, which could result from the introduction of a new or changed model, the manufacturer shall (1) omit placement of such product on the scale, and (2) add a sentence in the space just below the scale as follows:

The energy cost of this model was not available at the time the range was published; or The energy efficiency rating of this model was not available at the time the range was published.

Required Disclosures

§ 305.11 Labeling for covered products.

(a) *Labels*—(1) *Layout.* All energy labels for each category of covered products use one size, similar colors and typefaces with consistent positioning of headline, copy and charts to maintain uniformity for immediate consumer recognition and readability. Trim size for all labels is 5 5/16" x 7 7/8". Copy is to be set x 27 picas or x 29 picas and copy page should be centered (right to left and top to bottom). Depth is variable but should follow closely Figure 1, the prototype label appearing at the end of this part illustrating the basic layout. All positioning, spacing, type sizes and line widths should be similar to and consistent with the prototype label.

(2) *Type size and setting.* The Helvetica series typeface or equivalent shall be used exclusively on the label. Specific type sizes and faces to be used are indicated on the prototype labels (Figures 1, 2, 3, 4, 5, and 6). No hyphenation should be used in setting headline or text copy. Positioning and spacing should follow the prototype closely. Generally, text may be set flush left or right, line for line, or justified with one point leading except where otherwise indicated. Helvetica medium shall be used for all copy with the following exceptions only: (i) Numerals indicating "highest" and "lowest" energy cost or efficiency rating; (ii) chart headings and, if applicable, energy cost graph headings; (iii) the line "How much will this model cost you to run yearly?"

(3) *Colors.* The basic colors of all labels shall be process yellow or equivalent and process black. The label shall be printed full bleed process yellow with a window dropped out, as applicable, (showing as white) over the table(s) displaying yearly cost. For labels to be used on furnaces the white window shall be over the text of the three energy saving steps enumerated on the label. For labels to be used on central air conditioners, the white window shall be over the text of the paragraph immediately below the range(s). The window shall flush left and right, top and bottom with the table rules. All type including chart or table rules shall be print process black.

(4) *Paper stock*—(i) *Adhesive labels.* All adhesive labels should be applied so

they can easily be removed without use of tools or liquids, other than water. The paper stock for pressure-sensitive or other adhesive labels shall have a basic weight of not less than 58 pounds per 500 sheets (25" x 38") or equivalent, exclusive of the release liner and adhesive. The adhesive shall have a minimum peel adhesion capacity of 24 ounces per inch width. The pressure-sensitive adhesive shall be applied in not less than two strips not less than 0.5 inches wide. The strips shall be within 0.25 inches of the opposite edges of the label. For a "flap tag" label, the pressure-sensitive adhesive shall be applied in one strip not less than 0.5 inches wide. The strip shall be within 0.25 inches of the top edge of the label.

(ii) *Hang tags.* The paper stock for hang tags shall have a basic weight of not less than 110 pounds per 500 sheets (25½" x 30½" index). When materials are used to attach the hang tags to appliance products, the materials shall be of sufficient strength to insure that if gradual pressure is applied to the hang tag by pulling it away from where it is affixed to the product, the hang tag will tear before the material used to affix the hang tag to the product breaks.

(5) Contents—(i) Labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters and room air conditioners.

(A) Headlines and texts, as illustrated in Figures 1 and 2, are standard for all labels. At the option of the manufacturer or private labeler, the appropriate year may be inserted in that portion of the label which discloses the national average unit utility rate upon which the cost estimates are based.

(B) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. Inclusion of the name of the manufacturer or private labeler is optional at the discretion of the manufacturer or private labeler.

(C) Model number(s) will be the designation given by the manufacturer or private labeler.

(D) Capacity or size is that determined in accordance with § 305.7.

(E) Estimated annual energy cost for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers and water heaters is that determined in accordance with § 305.5. Energy efficiency rating for room air conditioners is that determined in accordance with § 305.5.

(F) Ranges of comparability and of estimated annual energy costs or energy efficiency ratings, as applicable, are found in section 1 of the appropriate appendices accompanying this part.

(G) Placement of the labeled product on the scale shall be proportionate to the costs of the lowest and highest costs or efficiency ratings forming the scale.

(H) Yearly Cost text and tables are found in section 2 of Appendices A–I. Cost figures are to be determined in accordance with § 305.5 for the unit energy costs found in section 2 of Appendices A–I. Revised appendices will be published by the Commission whenever necessary. Use the unit energy cost figures in the latest published appendices to determine the cost figures to be used for a particular covered product.

(I) The following statement shall appear at the bottom of the label:

"IMPORTANT
REMOVAL OF THIS LABEL BEFORE CONSUMER PURCHASE IS A VIOLATION OF FEDERAL LAW (42 U.S.C. 6302)."

(J) A statement that the energy costs or energy efficiency ratings, as applicable, are based on U.S. Government standard tests is required on all labels, as indicated in Figures 1 and 2.

(K) No marks or information other than that specified in this Part shall appear on or directly adjoining this label except for a part or publication number identification, as desired by the manufacturer. The identification number shall be in the lower right-hand corner of the label, and characters shall be in 6-point type or smaller.

(ii) Labels for furnaces.

(A) The headline, as illustrated in Figure 3, is standard for all labels.

(B) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. Inclusion of the name of the manufacturer or private labeler is optional at the discretion of the manufacturer or private labeler.

(C) The following statements shall appear on the label, as indicated in Figure 3:

"You can save substantially on home heating and cooling energy costs by following the simple steps outlined below:
1. Weatherproof your house.
2. Assure energy efficient heating and cooling equipment selection and installation.
3. Operate and maintain your system to conserve energy.

Help conserve energy. Compare the energy efficiency rating and cost information for this model with others. Check the figures and spend less on energy. Your contractor has the energy fact sheets. Ask for them."

(D) The following statement shall appear at the bottom of the label:

"IMPORTANT
REMOVAL OF THIS LABEL BEFORE CONSUMER PURCHASE IS A VIOLATION OF FEDERAL LAW (42 U.S.C. 6302)."

(E) No marks or information other than specified in this part shall appear on or directly adjoining this label except for a part or publication number identification, as desired by the manufacturer. The identification number shall be in the lower right-hand corner of the label, and characters shall be in 6-point type or smaller.

(iii) Labels for central air conditioners.

(A) The headline, as illustrated in Figures 4, 5 and 6, is standard for all labels.

(B) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. Inclusion of the name of the manufacturer or private labeler is optional at the discretion of the manufacturer or private labeler.

(C) The energy efficiency rating for the cooling function of central air conditioners is determined in accordance with § 305.5. For the heating function, the energy efficiency rating shall be calculated for heating Region IV for the standardized design heating requirement nearest the capacity measured in the High Temperature Test in accordance with § 305.5. In addition, the energy efficiency rating(s) for split system condenser-evaporator coil combinations shall be either:

(*1*) The energy efficiemcy rating of the condenser-evaporator coil combination that is the particular manufacturer's most commonly sold combination for that condenser model; or

(*2*) The energy efficiency rating of the actual condenser-evaporator coil combination comprising the system to which the label is to be attached.

(D)(*1*) Each cooling only central air conditioner shall contain a generic range of all cooling only central air conditioners.

(2) Each heat pump, except as noted in paragraph (a)(5)(iii)(D)(3) of this section, shall contain two generic ranges. The first range shall consist of the cooling side of all heat pumps. The second range shall consist of the heating side of all heat pumps.

(3) Each heating only heat pump shall contain a generic range of all heating only heat pumps.

(E) Placement of the labeled product on the scale shall be proportionate to the lowest and highest efficiency ratings forming the scale.

(F) The following statement shall appear on the label beneath the range(s) in bold print:

Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information regarding the efficiency and operating cost of this equipment. Ask for this information.

(G) A statement that the efficiency ratings are based on U.S. Government standard tests is required on all labels.

In addition, all labels disclosing energy efficiency ratings for the "most common" condenser-evaporator coil combinations must contain one of the following three statements:

(1) For labels disclosing the energy rating for cooling, the statement should read "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils."

(2) For labels disclosing the energy rating for both heating and cooling, the statement should read "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions."

(3) For labels disclosing the energy rating for heating, the statement should read "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions."

Central air conditioner labels disclosing the efficiency ratings for specific condenser/coil combinations do not have to contain any of the above three statements. They must contain only the general disclosure that the energy costs and efficiency ratings are based on U.S. Government tests (see sample labels).

(H) The following statement shall appear at the bottom of the label:

"IMPORTANT
REMOVAL OF THIS LABEL BEFORE CONSUMER PURCHASE IS A VIOLATION OF FEDERAL LAW (42 U.S.C. 6302)."

(I) No marks or information other than specified in this part shall appear on or directly adjoining this label except for a part or publication number identification, as desired by the manufacturer. The identification number shall be in the lower right-hand corner of the label, and characters shall be in 6 point type or smaller.

(6) *Placement.* Manufacturers shall affix a label to the exterior surface on covered products in such a position that it can easily be read while standing in front of the product as it is displayed for sale. The label should be generally located on the upper-right-front corner of the product, except that for low-standing products or products with configurations that make application in that location impractical, some other prominent location may be used. The top of the label should not exceed 74 inches from the base of taller products. The label in the form of a "flap tag" shall be adhered to the top of the appliance and bent (folded at 90°) to hang over the front, if this can be done with assurance that it will be readily visible. Labels for split system central air conditioners shall be affixed to the condensing unit.

(7) *Use of hang tags.* Information prescribed above for labels may be displayed in the form of a hang tag, which may be used in place of an affixed label. If a hang tag is used, it shall be affixed in such a position that it will be prominent to a consumer examining the product.

(b) *Fact sheets*—(1) *Distribution.* (i) Except as provided in Subsection c, manufacturers and private labelers must give distributors and retailers, including assemblers, fact sheets for the furnaces and central air conditioners they sell to them. Distributors must give the fact sheets to the retailers, including assemblers, they supply. Each fact sheet must contain the information listed in § 305.11(b)(3).

(ii) Retailers, including assemblers, who sell furnaces or central air conditioners to consumers must have fact sheets for the furnaces and central air conditioners they sell. They must make the fact sheets available to their customers. The fact sheets may be made available to customers in any manner, as long as customers are likely to notice them. For example, they can be available in a display, where customers can take copies of them. They can be kept in a binder at a counter or service desk, with a sign telling customers where the fact sheets are. Retailers, including assemblers, who negotiate or make sales at a place other than their regular places of business must show the fact sheets to their customers and let them read the fact sheets before they agree to purchase the product.

(2) *Format.* All information required to be contained in fact sheets must be disclosed clearly and conspicuously.

(3) *Contents.* (i) "Energy Guide" headline is standard for all fact sheets, as for labels.

(ii) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(iii) Model number(s) will be the designation given by the manufacturer or private labeler.

(iv) Capacity or size is that determined in accordance with § 305.7.

(v) Energy efficiency rating is that determined in accordance with § 305.5.

(vi) Ranges of comparability and of energy efficiency ratings are found in section 1 of the appropriate appendices accompanying this part. This information is not required on fact sheets for central air conditioners.

(vii) Placement of the labeled product on the scale shall be proportionate to energy efficiency ratings of the lowest and highest efficiency ratings forming the scale.

(viii) Yearly cost information text and tables are found in section 2 of Appendices G, H and I accompanying this part. Cost figures are to be determined in accordance with § 305.5 using the unit energy costs found in Table 1 of § 305.9.

(ix) A statement that the energy costs and energy efficiency ratings are based on U.S. Government standard tests is required in all fact sheets.

(x) For central air conditioner fact sheets disclosing efficiency ratings for the "most common" condenser-evaporator coil combinations, the statement should be made in one of the following three ways:

(A) For fact sheets disclosing the energy rating for cooling, the statement should read "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils."

(B) For fact sheets disclosing the energy rating for both heating and cooling, the statement should read "This energy rating is based on U.S. Government standard tests of this

condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions."

(C) For fact sheets disclosing the energy rating for heating, the statement should read "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions."

(xi) Central air conditioner fact sheets disclosing the efficiency ratings for specific condenser/coil combinations do not have to contain any of the above three statements. Instead, they must contain a general disclosure that the energy costs and efficiency ratings are based on U.S. Government tests.

(c) Manufacturers of central air conditioners may elect to disseminate information regarding the efficiencies and costs of operation of their products by means of a directory, or similar publication, provided it meets the following criteria.

(1) Distribution.

(i) It must be distributed to substantially all retailers and assemblers of central air conditioners.

(ii) It must be made available at cost to all other interested parties.

(2) Format. All required information must be disclosed clearly and conspicuously.

(3) Contents.

(i) Model number(s) will be the designation given by the manufacturer or private labeler.

(ii) Capacity or size is that determined in accordance with § 305.7.

(iii) Efficiency rating is that determined in accordance with § 305.5.

(iv) Cost disclosures must be substantially equivalent to those required on fact sheets.

(v) A statement that the energy costs and efficiency ratings are based on U.S. Government standard tests.

§ 305.12 Additional information relating to energy consumption.

Additional information relating to energy consumption which must be included on labels, separately attached to the product, or shipped with the product will be published as a separate section 3 of the appendices accompanying this part. No additional information will be required without public notice and an opportunity for written comments.

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

(a) Any manufacturer, distributor, retailer, or private labeler who prepares printed material for display or distribution at point of sale concerning a covered product shall clearly and conspicuously include in such printed material the following required disclosure:

> Before purchasing this appliance, read important energy cost and efficiency information available from your retailer.

(b) This section shall not apply to:

(1) Written warranties.

(2) Use and care manuals, installation instructions, or other printed material containing primarily post-purchase information for the purchaser.

(3) Printed material containing only the indentification of a covered product, pricing information and/or non-energy related representations concerning that product.

(4) Any printed material distributed prior to the effective date listed in § 305.18(f).

§ 305.14 Catalogs.

(a) Any manufacturer, distributor, retailer or private labeler who advertises a covered product in a catalog, from which it may be purchased by cash, charge account or credit terms, shall include in such catalog, on each page which lists a covered product, the following information required to be disclosed on the label:

(1) The capacity of the model.

(2) The estimated annual energy cost for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers and water heaters. The representative average unit costs for electricity, natural gas, oil and propane gas, published in § 305.9, which are current at the closing date for printing or the printing deadline date of the catalog, shall be used to compute the estimated annual energy cost.

(3) The energy efficiency rating for room air conditioners, central air conditioners and furnaces.

(4) The range of estimated annual energy costs or energy efficiency ratings, which shall be those which are current at the closing date for printing or the printing deadline of the catalog.

(5) The following disclosure, appearing clearly and conspicuously:

"IMPORTANT ENERGY INFORMATION IS AVAILABLE. TURN TO PAGE(S) [INSERT DESIGNATED PAGE NUMBER(S)]."

(b) On the page(s) designated, as referred to in § 305.14(a)(5), the manufacturer, distributor, retailer or private labeler must disclose either instructions on how cost grid information, described in §§ 305.11(a)(5)(i)(H) and 305.11(b)(3)(viii), may be obtained from the cataloger, or the cost grid information itself, so long as all information thereon is clearly legible. Information contained in a catalog for a covered product shall be changed or modified in accordance with § 305.10.

Additional Requirements

§ 305.15 Test data records.

(a) Test data shall be kept on file by the manufacturer of a covered product for a period of two years after production of that model has been terminated.

(b) Upon notification by the Commission or its designated representative, a manufacturer or private labeler shall provide, within 30 days of the date of such request, the underlying test data from which the estimated annual energy cost or energy efficiency rating for each basic model was derived.

§ 305.16 Required testing by designated laboratory.

Upon notification by the Commission or its designated representative, a manufacturer of a covered product shall supply, at the manufacturer's expense, no more than two of each model of each product to a laboratory, which will be identified by the Commission or its designated representative in the notice, for the purpose of ascertaining whether the estimated annual energy cost or energy efficiency rating disclosed on the label or fact sheet, or as required by § 305.14, is accurate. Such a procedure will only be followed after the Commission or its staff has examined the underlying test data provided by the manufacturer as required by § 305.15(b) and after the manufacturer has been afforded the opportunity to reverify test results from which the estimated annual energy cost or energy efficiency rating for each basic model was derived. A representative designated by the Commission shall be permitted to observe any reverification procedures required by this Part, and to inspect the results of such reverification. Charges for testing by designated laboratories will be paid by the Commission.

Effect of This Part

§ 305.17 Effect on other law.

This regulation supersedes any State regulation to the extent required by section 327 of the Act. Pursuant to the Act, all State regulations that require the disclosure for any covered product of information with respect to energy consumption, other than the information required to be disclosed in accordance with this Part, are superseded.

§ 305.18 When the rules take effect.

(a) The report required by § 305.8(a), listing serial numbers or other numbers identifying the date of manufacture of models in current production, must be received by the Commission no later than July 21, 1980. For manufacturers of central air conditioners and pulse combustion and condensing furnaces, the date for submitting such starting serial numbers or other identifying numbers shall be August 8, 1988.

(b) The first required annual report of model numbers, test results and other data, referred to in § 305.8(a), must be received by the Commission no later than January 21, 1980. For manufacturers of central air conditioners and pulse combustion and condensing furnaces, the date for submitting such data shall be February 8, 1988.

(c) The requirement that the labels, flap tags, or hang tags specified in this rule must be attached to new covered products takes effect for all new covered products on which manufacture is completed on or after May 19, 1980, except as provided for in § 305.18(h).

(d) The requirement that energy fact sheets specified in this rule must be provided takes effect for furnaces on which manufacture is completed on or after May 19, 1980, except as provided for in § 305.18(h).

(e) The requirement that specified information about covered products be disclosed in catalogs takes effect for all catalogs printed and distributed on or after May 19, 1980. This requirement does not apply to catalogs if the catalog issue was distributed before May 19, 1980. The requirement that specified information about central air conditioners and pulse combustion and condensing furnaces be disclosed in catalogs takes effect for all catalogs printed and distributed on or after June 7, 1988. Required revisions to the specified information must be made in all new editions and new catalogs printed and distributed after the date of the revision.

(f) The requirement that all printed material displayed or distributed at the point of sale disclose information specified in § 305.13 takes effect on May 19, 1980, except as provided for in § 305.18(h).

(g) The preemption provision in § 305.17 takes effect on November 19, 1979.

(h) Unless otherwise provided in § 305.18, all requirements pertaining to central air conditioners and pulse combustion and condensing furnaces take effect for all new covered products on which manufacture is completed on or after June 7, 1988.

(i) All other requirements of this rule except those in § 305.4(d) take effect on May 19, 1980.

§ 305.19 Stayed or Invalid Parts.

If any section or portion of a section of this part is stayed or held invalid, the remainder of the part will not be affected.

Appendix A1—Refrigerators

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Electricity	
	Low	High
Less than 2.5		
2.5 to 4.4		
4.5 to 6.4		
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		
16.5 and over		

2. Yearly Cost Information:

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour.

Cost per kilowatt hour (cents)	Yearly cost
2	
4	
6	
8	
10	
12	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—(Reserved).

Appendix A2—Refrigerator-Freezers

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic fet	Ranges of estimated yearly energy costs	
	Electricity	
	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		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

2. Yearly Cost Information:

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour.

Cost per kilowatt hour (cents)	Yearly cost
2	
4	
6	
8	
10	
12	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—(Reserved).

Appendix B—Freezers

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Electricity	
	Low	High
Less than 5.5		
5.5 to 7.4		
7.5 to 9.4		
9.5 to 11.4		
11.5 to 13.4		
13.5 to 15.4		
15.5 to 17.4		
17.5 to 19.4		
19.5 to 21.4		
21.5 to 23.4		
23.5 to 25.4		
25.5 to 27.4		
27.5 to 29.4		
29.5 and over		

2. Yearly Cost Information:

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour.

Cost per kilowatt hour (cents)	Yearly cost
2	
4	
6	
8	
10	
12	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—(Reserved).

Appendix C—Dishwashers

1. Range Information:

"Compact" includes countertop dishwasher models with a capacity of less than eight (8) place settings.

"Standard" includes portable or built-in models with a capacity of eight (8) or more place settings.

Place settings shall conform to AHAM Specification DW-1 [1] for chinaware, flatware and serving pieces. Load patterns shall conform to the operating normal for the model being tested.

Ranges of comparability	Ranges of estimated yearly energy costs			
	Electrically heated water		Natural gas heated water	
	Low	High	Low	High
Compact				
Standard				

2. Yearly Cost Information—(Type of Energy):

Estimates on the scale are based on a national average electric rate of 4.97¢ per (*energy measure*) and 8 loads of dishes per week.

Cost per kilowatt hour (cents)	Loads of dishes per week				
	2	4	6	8	10
2					
4					
6					
8					
10					
12					

Appendix D1—Water Heater—Gas

1. Range Information:

First hour rating	Ranges of estimated yearly energy cost	
	Low	High
Less than 21		
21 to 24		
25 to 29		
30 to 34		
35 to 40		
41 to 47		
48 to 55		
56 to 64		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

2. Yearly Cost Information—Gas:

Estimates on the scale are based on a national average natural gas rate of *36.7*¢ per therm.

Cost per therm (cents)	Yearly cost
10	
20	
30	
40	
50	
60	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information (Reserved).

Appendix D2—Water Heater—Electric

1. Range Information:

First hour rating	Ranges of estimated yearly energy cost	
	Electricity	
	Low	High
Less than 21		
21 to 24		
25 to 29		
30 to 34		
35 to 40		
41 to 47		
48 to 55		
56 to 64		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

2. Yearly Cost Information—Electricity:

Estimates on the scale are based on a national average electric of 4.97¢ per kilowatt hour.

Cost per kilowatt hour (cents)	Yearly cost
2	
4	
6	
8	
10	
12	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—(Reserved).

Appendix D3—Water Heater—Oil

1. Range Information:

First hour rating	Ranges of estimated yearly energy cost	
	Low	High
Less than 65		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

2. Yearly Cost Information—Oil:

Estimates on the scale are based on a national average oil rate of 84.1¢ per gallon

Cost Per Gallon (cents)	Yearly cost
.76	
.79	
.82	
.85	
.88	
.91	
.94	
.97	
1.00	

Beside each cost in the table, place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—(Reserved).

Appendix E—Room Air Conditioners

1. Range Information:

Manufacturers rated cooling capacity in Btu's/hr.	Ranges of energy efficiency ratings	
	Electricity	
	Low	High
Less than 4,000		
4,800 to 5,299		
5,300 to 5,799		
5,800 to 6,299		
6,300 to 6,799		
6,800 to 7,299		
7,300 to 7,799		
7,800 to 8,299		
8,300 to 8,799		
8,800 to 9,299		
9,300 to 9,799		
9,800 to 10,299		
10,300 to 10,799		
10,800 to 11,299		
11,300 to 11,799		
11,800 to 12,299		
12,300 to 12,799		
12,800 to 13,299		
13,300 to 13,799		
13,800 to 14,299		
14,300 to 14,799		
14,800 to 15,299		
15,300 to 15,799		
15,800 to 16,499		
16,500 to 17,499		
17,500 to 18,499		
18,500 to 19,499		
19,500 to 20,499		
20,500 to 21,499		
21,500 to 22,499		
22,500 to 24,499		
24,500 to 26,499		
26,500 to 28,499		
28,500 to 32,499		
32,500 to 36,000		

2. Yearly Cost Information:

Cost per kilowatt hour (cents)	Yearly hours of use				
	250	750	1,000	2,000	3,000
2					
4					
6					
8					
10					
12					

Below the appropriate number of yearly hours of use and beside each cost in the table, place the cost estimate for the model being labeled using the table costs and using the yearly hours of use.

3. Additional Information—(Reserved).

Appendix F—Clothes Washers

1. Range Information:

"Compact" includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

"Standard" includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Ranges of comparability	Ranges of estimated yearly energy costs			
	Electrically heated water		Natural gas heated water	
	Low	High	Low	High
Compact				
Standard				

2. Yearly Cost Information—(Type of Energy):

Cost per kilowatt hour [1] (cents)	Loads of clothes per week					
	2	4	6	8	10	12
2						
4						
6						
8						
10						
12						

[1] For chart on natural gas, substitute the following cost figures: Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.

Below the appropriate number of clothes loads in the table and beside each cost, place the cost estimate for the model being labeled using the table costs and using the designated loads in the table.

3. Additional Information—(Reserved).

Appendix G—Furnaces

Fact Sheet Requirement

1. Range Information:

Comparability (Btu per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000		
11,000 to 16,000		
17,000 to 25,000		
26,000 to 42,000		
43,000 to 59,000		
60,000 to 76,000		
77,000 to 93,000		
94,000 to 110,000		
111,000 to 127,000		
128,000 to 144,000		
145,000 to 161,000		
162,000 to 178,000		
179,000 to 195,000		
196,000 and over		

2. Yearly Cost Information:

Cost per kilowatt hour [1] (cents)	Btu heat loss of home (see chart below)
2	
4	
6	
8	
10	
12	

[1] For charts on natural gas, oil and propane gas, substitute the following cost figures:
a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.
b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, $1.00.
c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu/hr.) to be used in the grid above:

Manufacturer's rated heat output of model to be labeled (Btu per hour)	Design heat loss of model to be labeled (1,000) Btu per hour)	Heat loss values to be used on the grid (1,000 Btu per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 196,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the grid on the opposite page, and below the appropriate heat loss value taken from the table above, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used above with the national average cost.

3. Additional Information—(Reserved).

Appendix H.—Cooling Performance and Cost For Central-Air Conditioners

1. *Range Information:*

Manufacturer's Rated Cooling Capacity (BTU/hr.)	Range of ERR's [1] (Generic)	
	Low	High
All capacities		

2. *Yearly Cost Information:*

For each model, display three annual operating costs, rounded to the nearest $10, corresponding to the three building heat gains from the chart below:

Manufacturers rated cooling capacity (BTU/hr)	Building heat gain (in 1,000's BTU's/hr)		
up to 9,000	3	6	9
9,100 to 15,000	9	12	15
15,100 to 21,000	15	18	21
21,100 to 27,000	21	24	27
27,200 to 33,000	27	30	33
33,200 to 39,000	33	36	39
39,500 to 45,000	39	42	45
45,500 to 51,000	45	48	51
51,500 to 57,000	51	54	57
57,500 to 63,000	57	60	63
63,500—over	63	66	69

The values of building heat gain are to be considered cooling capacities in the calculation of annual operating cost in accordance with 10 CFR § 430.22(m)(l)(i).

Include the following note on every fact sheet page that lists annual operating costs.

Note: These figures are based on U.S. Government standard tests and are for national averages of 1000 cooling load hours and 5.64¢/KWB. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is given [direct user to location].

The methodology referred to in the note is provided below. This information shall be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this methodology must be provided on or with the unbound fact sheets.

How to Estimate Your Cooling Cost

To estimate your actual cost of operation, find your cooling load hours from the map, your average annual operating cost from the National Average Annual Operating Cost Table, and determine your electrical rate in cents per kilowatt hour (KWH) from your electric bill.

Your estimated cost equals listed average annual operating costs* times your cooling load hours ** (1,000) times Your electrical rate in cents Per KWH (5.64¢)

Example: If your cooling load hours=1500, and your electric rate is 8.46¢/KWH and your listed annual operating cost is $100, then:

Your estimated cost=$225.

$$=\$100 \times \frac{1{,}500}{1{,}000} \times \frac{8.46}{5.64}$$

Your estimated cost=$100 X 1.5 X 1.5 =$225

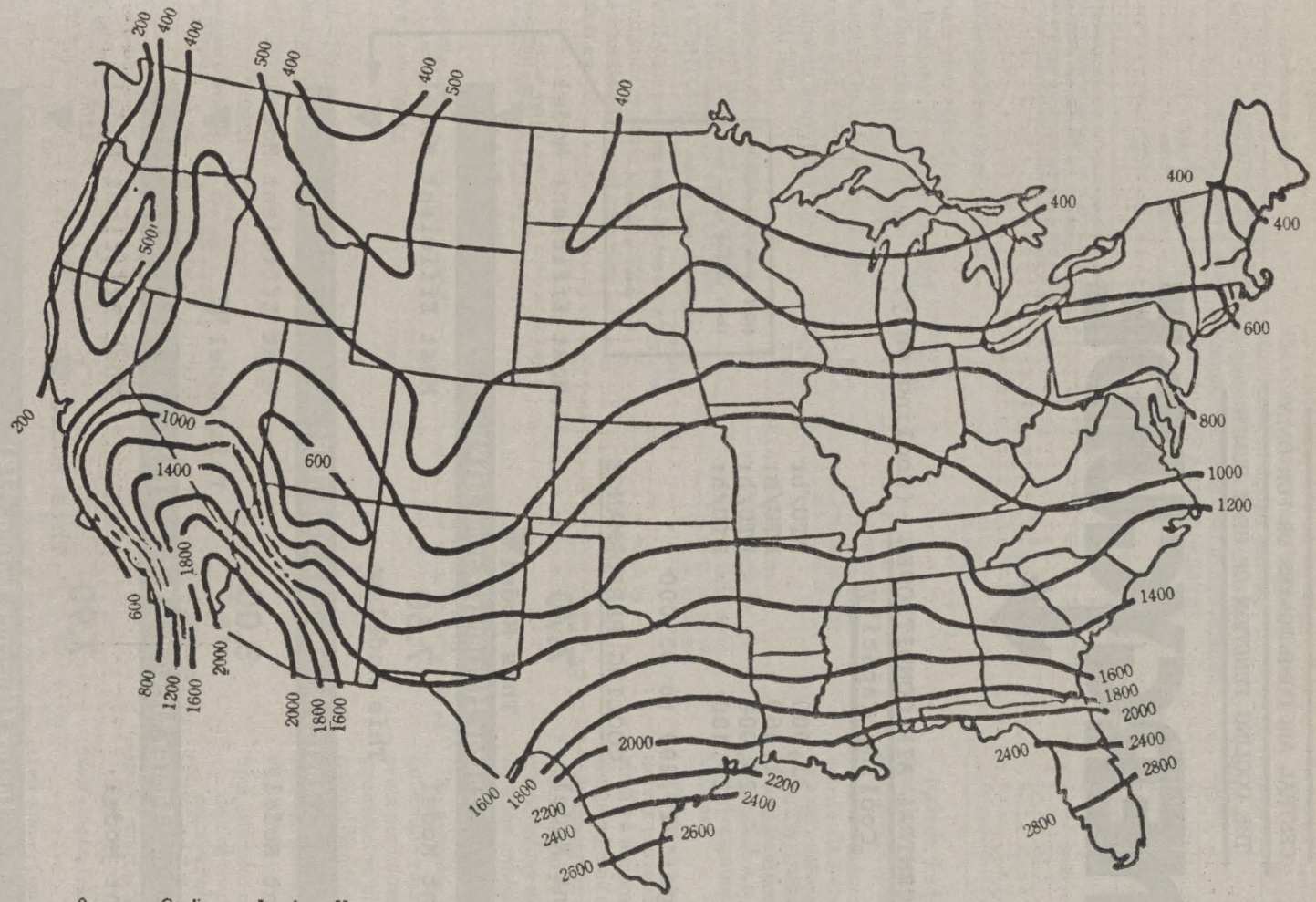
Your estimated cost=$225

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*From the National Average Annual Operating Cost Table

**From the Map

Cooling Load Hour Map



Alaska	— 0	Cooling	Load	Hours
Canal Zone	— 6,000	"	"	"
Guam	— 6,600	"	"	"
Hawaii	— 2,300	"	"	"
Puerto Rico	— 6,000	"	"	"
Samoa	— 6,600	"	"	"
Virgin Island	— 6,000	"	"	"

This map must be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this map must be provided on or with the separate fact sheets.

H-3

AN EXAMPLE OF A FACT SHEET FOR
CENTRAL AIR CONDITIONERS OR FOR ONLY
THE COOLING FUNCTION OF HEAT PUMPS

ENERGYGUIDE

CENTRAL AIR CONDITIONER (Cooling only)
Cooling Capacity

MODELS			
	XXX/C1	31,000	BTU/hr
	XXX/C2	31,400	BTU/hr
	YYY/C3	29,000	BTU/hr
	YYY/C6	29,400	BTU/hr

Comparability Range: 27,200 to 33,000

NOTE Since product-specific labels showing ranges are required on each product the inclusion of ranges on fact sheets is optional.

COOLING PERFORMANCE

Model XXX/C1

Least Efficient Model 6.00 — 7.70 This Model — Most Efficient Model 12.00

Energy Efficiency Rating (EER)

Model XXX/C2

Least Efficient Model 6.00 — 7.60 This Model — Most Efficient Model 12.00

Energy Efficiency Rating (EER)

Model YYY/C3

Least Efficient Model 6.00 — 8.00 This Model — Most Efficient Model 12.00

Energy Efficiency Rating (EER)

Model YYY/C6

Least Efficient Model 6.00 — 7.90 This Model — Most Efficient Model 12.00

Energy Efficiency Rating (EER)

This (or these) energy rating(s) is (or are) based on U.S. Government standard tests of this (or these) condenser model(s) combined with the most common coil(s). The ratings may vary slightly with different coils.

BILLING CODE 6750-01-C

NATIONAL AVERAGE ANNUAL OPERATING COST TABLE

[Dollars per year]

Model	Building heat gain (BTU/hour)		
	27,000	30,000	33,000
XXX/C1	$200	$220	$240
XXX/C2	200	220	240
XXX/C3	190	210	230
XXX/C6	190	210	230

Note: These figures are based on U.S. Government standard tests and are for national averages of 1000 cooling load hours and 5.64¢/KWH. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is provided on page 2 of this fact sheet.

How To Estimate Your Cooling Cost

To estimate your actual cost of operation, find your actual cooling load hours from the map, your average annual operating cost from the National Average Annual Operating Cost Table, and determine your electrical rate in cents per kilowatt hour (KWH) from your electrical bill.

Your Estimated cost equals Listed annual operating cost* times Your cooling load hours** (1,000) times Your electrical rate in cents KWH (5.64¢)

Example: If your cooling load hours are 1500, and your elelctric rate is 8.46¢/KWH, and your listed annual operating cost is $100, then

$$\text{Your Estimated Cost} = \$100 \times \frac{1{,}500}{1{,}000} \times \frac{8.46¢}{5.64¢}$$

$$\text{Your Estimated Cost} = \$100 \times 1.5 \times 1.5 = \$225$$

Your Estimated Cost = $225

Appendix I.—Heating Performance and Cost for Central-Air Conditioners

1. *Range Information*:

Manufacturer's Rated Heating Capacity (BTU/hr.)	Range of EER's (Generic)	
	Low	High
All Capacities		

The EER shall be the Region IV value based on the appropriate average design heat loss from the table below.

2. *Yearly Heating Cost Information:*

For each model, display a regional annual operating cost, rounded to the nearest $10, calculated according to 10 CFR § 430.22(m)(3)(ii) for each region. The heat loss of home values given in the chart below are to be considered standardized design heating requirements in the calculation of annual operating cost in accordance with 10 CFR § 430.22(m)(3)(ii).

Capacity and region	Average design heat loss (in 1,000's Btu's/hr.)	Heat loss of home values used on the grid (in 1,000's Btu's/hr.)
Up to 9,000:		
1		5, 10
2		5, 10, 15
3		5, 10, 15
4	10	10, 15, 20
5		10, 15, 20
6		5, 10, 15
9,100 to 15,000:		
1		5, 10, 15
2		5, 10, 15, 20
3		10, 15, 20, 25
4	20	10, 15, 20, 25, 30
5		10, 15, 20, 25, 30
6		5, 10, 15, 20
15,100 to 21,000:		
1		10, 15, 20
2		10, 15, 20, 25
3		15, 20, 25, 30
4	25	15, 20, 25, 30, 35, 40
5		15, 20, 25, 30, 35, 40
6		10, 15, 20, 25, 30, 35
21,100 to 27,000:		
1		10, 15, 20, 25
2		15, 20, 25, 30
3		15, 20, 25, 30, 35, 40
4	30	20, 25, 30, 35, 40, 50
5		20, 25, 30, 35, 40, 50, 60
6		15, 20, 25, 30, 35, 40
27,100 to 33,000:		
1		15, 20, 25, 30
2		20, 25, 30, 35, 40
3		20, 25, 30, 35, 40, 50
4	35	25, 30, 35, 40, 50, 60
5		25, 30, 35, 40, 50, 60, 70, 80
6		20, 25, 30, 35, 40, 50, 60
33,100 to 39,000:		
1		15, 20, 25, 30, 35
2		25, 30, 35, 40, 50
3		30, 35, 40, 50, 60
4	50	35, 40, 50, 60, 70, 80, 90
5		35, 40, 50, 60, 70, 80, 90
6		25, 30, 35, 40, 50
39,500 to 45,000:		
1		20, 25, 30, 35, 40
2		25, 30, 35, 40, 50, 60
3		30, 35, 40, 50, 60
4	60	40, 50, 60, 70, 80, 90, 100
5		40, 50, 60, 70, 80, 90, 100, 110
6		25, 30, 35, 40, 50, 60, 70, 80
45,500 to 51,000:		
1		20, 25, 30, 35, 40
2		30, 35, 40, 50, 60
3		35, 40, 50, 60, 70, 80
4	70	50, 60, 70, 80, 90, 100, 110
5		50, 60, 70, 80, 90, 100, 110, 130
6		30, 35, 40, 50, 70, 80, 90, 100, 110, 130
51,500 to 57,000:		
1		25, 30, 35, 40, 50
2		35, 40, 50, 60, 70
3		40, 50, 60, 70, 80, 90
4	70	50, 60, 70, 80, 90, 100, 110
5		50, 60, 70, 80, 90, 100, 110, 130
6		35, 40, 50, 60, 70, 80, 90, 100
57,500 to 63,000:		
1		25, 30, 35, 40, 50
2		35, 40, 50, 60, 70
3		50, 60, 70, 80, 90
4	80	60, 70, 80, 90, 100, 110
5		60, 70, 80, 90, 100, 110, 130
6		35, 40, 50, 60, 70, 80, 90, 100
63,500 and over:		
1		30, 35, 40, 50, 60
2		40, 50, 60, 70, 80
3		50, 60, 70, 80, 90, 100
4	90	70, 80, 90, 100, 110, 130
5		70, 80, 90, 100, 110, 130
6		40, 50, 60, 70, 80

Include the following note on every fact sheet page that lists annual operating costs.

Note.—These annual heating costs are based on U.S. Government standard tests and on a national average costs of electricity of 5.64¢/KWH. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is given [direct user to location].

The methodology referred to in the note is provided below. This information shall be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this methodology must be provided on or with the unbound fact sheets.

How To Estimate Your Heating Costs

To estimate your heating cost, determine your cost of electricity in cents per kilowatt hour (KWH) from your electric bill, your listed average annual heating cost from the National Average Annual Heating Cost Table, and use that number in the following equation:

Your estimated cost equals Listed annual heating cost* times Your electric cost in cents per ¢/KWH (5.64¢/KWH)

Example: If your electric rate is 8.46¢/KWH and the annual heating cost listed in the chart is $200:

$$\text{Your estimated cost} = \$200 \times \frac{8.46¢}{5.64¢}$$

$$\text{Your estimated cost} = \$200 \times 1.5 = \$300$$

Your estimated cost = $300

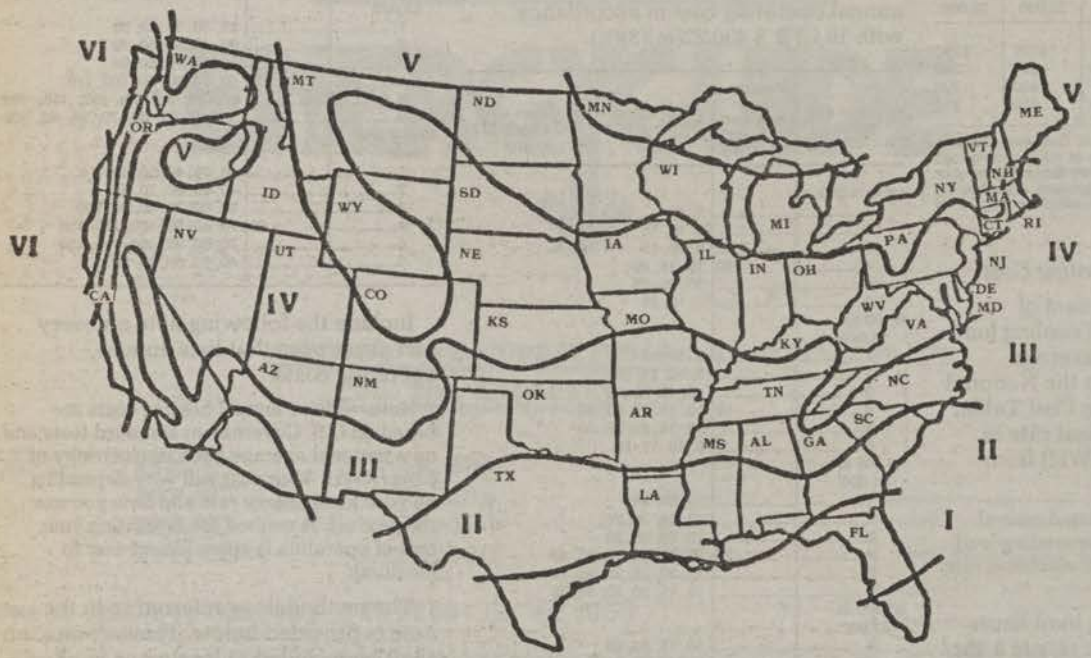
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* From the national average table, above

** From map

*From the National Average Annual Heating Cost Table

Heating Region Map



This map must be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this map must be provided on or with the separate fact sheets.

AN EXAMPLE OF A FACT SHEET SHOWING ONLY

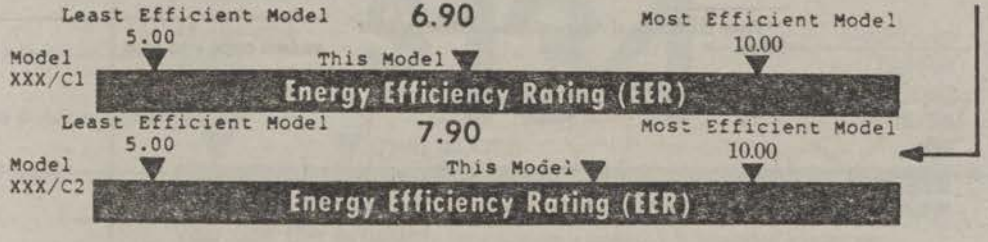
THE HEATING FUNCTION FOR HEAT PUMPS

ENERGYGUIDE

MODEL	HEATING CAPACITY (BTU's/hr.)
XXX/C1	33,000
XXX/C2	35,000

NOTE: Since product-specific labels showing ranges are required on each product, the inclusion of ranges on fact sheets is optional.

HEATING PERFORMANCE FOR REGION IV:



This (or these) energy rating(s) is (or are) based on U.S. Government standard tests of this (or these) condenser model(s) combined with the most common coil(s). The ratings will vary slightly with different coils and in different geographic regions.

NATIONAL AVERAGE ANNUAL HEATING COST TABLE ($ per year)

MODEL XXX/C1	Heat Loss of Home (in 1000's Btu's/hr.)									
	15	20	25	30	35	40	50	60	70	80
* Region 1	$60	$80	$100	$120						
" 2		$140	$170	$200	$240	$280				
" 3			$250	$300	$350	$400	$520			
" 4			$350	$410	$480	$550	$710	$910	$1110	$1330
" 5				$560	$660	$750	$970	$1200	$1460	$1720
" 6		$300	$370	$430	$500	$590				

MODEL XXX/C2	Heat Loss of Home (in 1000's Btu's/hr.)									
	15	20	25	30	35	40	50	60	70	80
* Region 1	$50	$70	$90	$110						
" 2		$130	$160	$190	$220	$260				
" 3			$240	$280	$330	$400	$500			
" 4			$330	$400	$450	$520	$580	$880	$1020	$1230
" 5				$540	$640	$730	$940	$1100	$1300	$1620
" 6		$300	$350	$400	$470	$560				

*From Heating Region Map

BILLING CODE 6750-01-C

Note: These annual heating costs are based on U.S. Government standard tests and on a national average cost of electricity of 5.64¢/KWH. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is given below.

How To Estimate Your Heating Cost

To estimate your heating cost, determine your cost of electricity in cents per kilowatt hour (KWH) from your electric bill, your listed average annual heating cost from the National Average Annual Heating Cost Table, and substitute that number in the following equation:

Your estimated cost equals Listed annual* heating cost times Your electrical cost in cents (5.64¢/KWH)

Example: If your electric cost is 8.46¢/KWH and the annual heating cost listed in the table is $200:

$$\text{Your estimated cost} = \$200 \times \frac{8.46¢}{5.64¢}$$

$$\text{Your estimated cost} = \$200 \times 1.5 = \$300$$

Your estimated cost = $300

Appendix J—Suggested Data Reporting Format

1. Date of Report

2. Company Name

3. City

4. State

5. Product

6. Energy Type (gas, oil, etc.)

7. Model Number

8. Estimated Annual Energy Cost or Energy Efficiency Rating

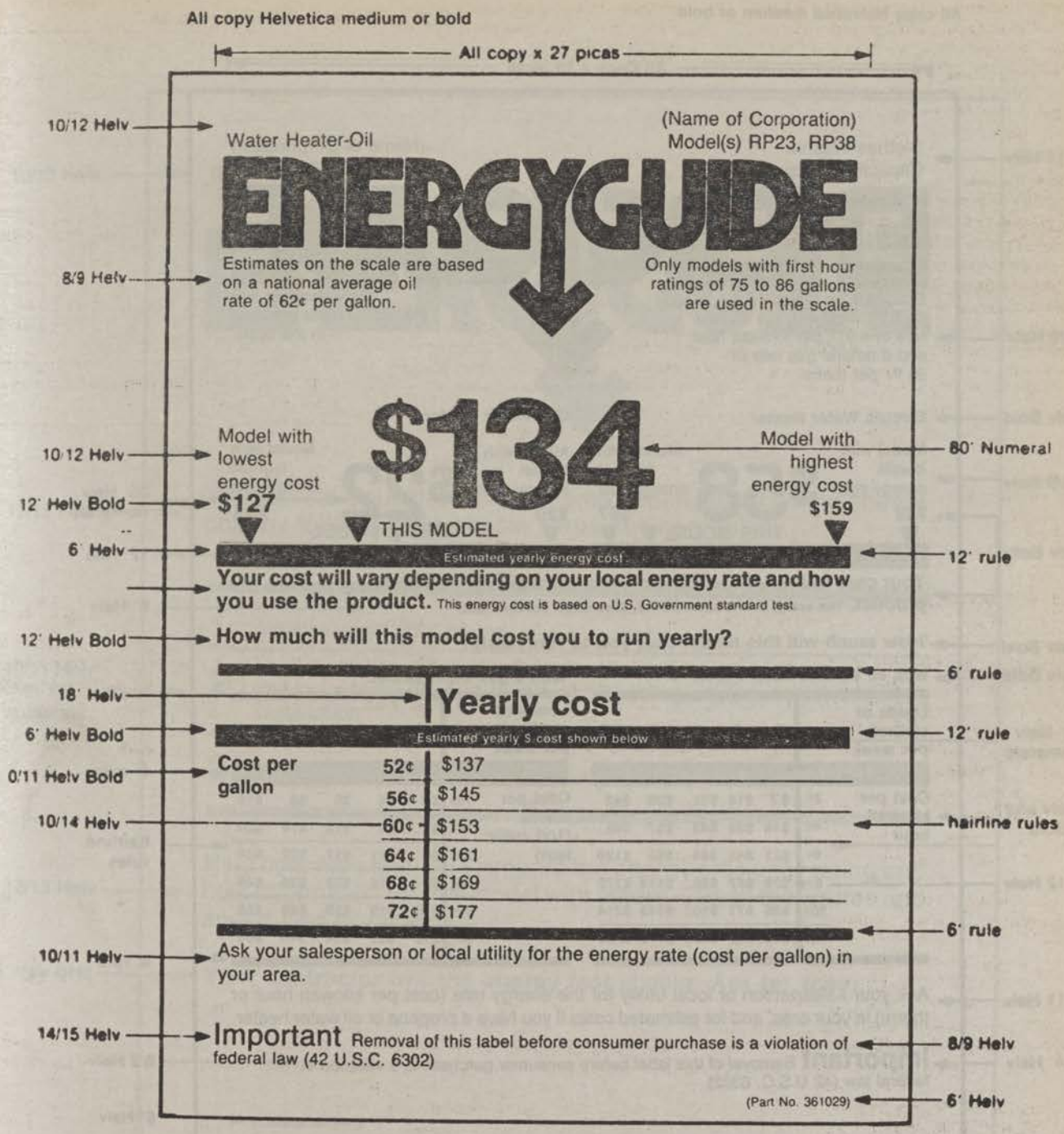
9. Capacity

10. Number of Tests Performed

11. Total Energy Consumption (based on all tests performed)

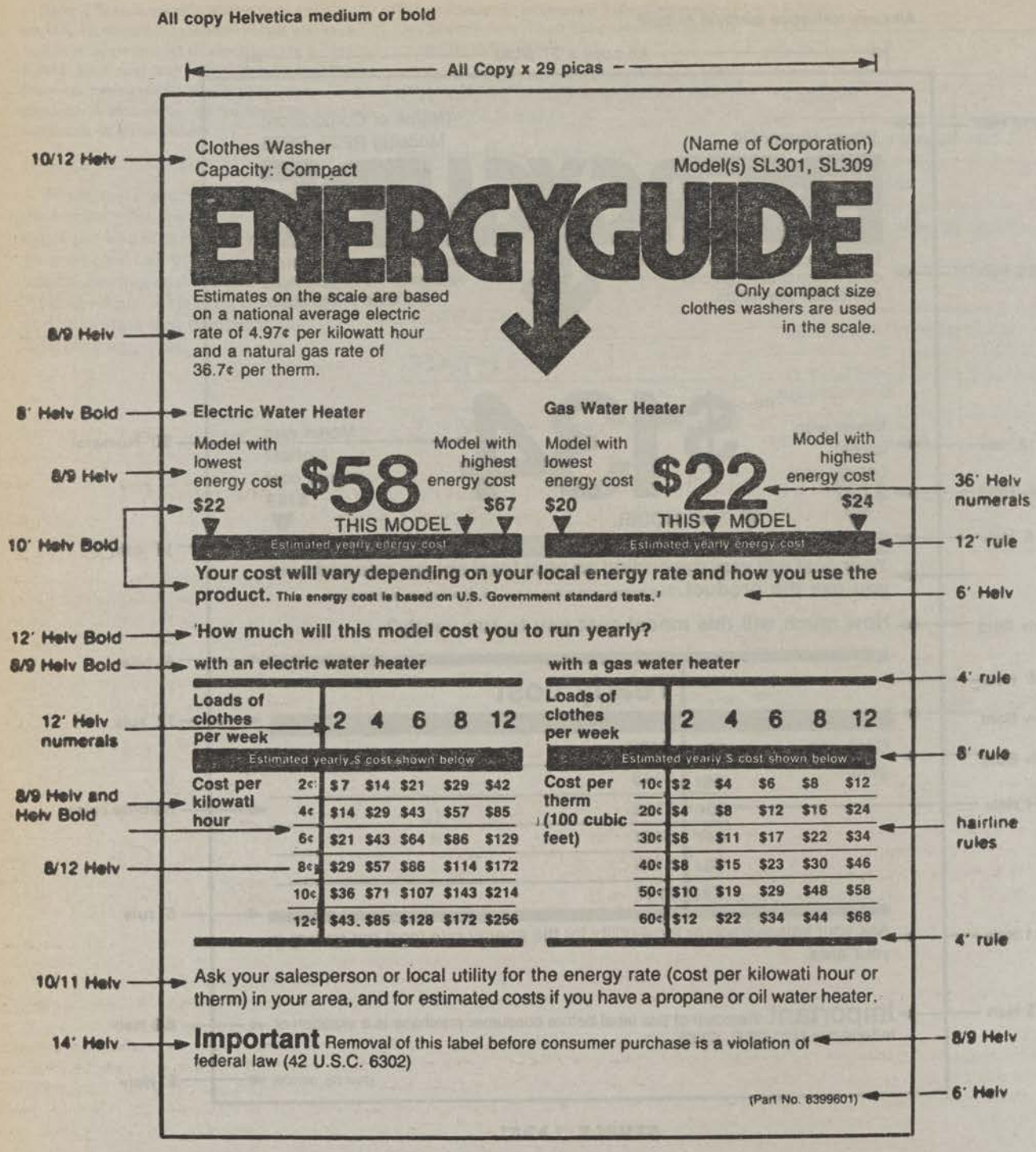
*From the National Average Annual Heating Cost Table

BILLING CODE 6750-01-M



SAMPLE LABEL

Figure 1

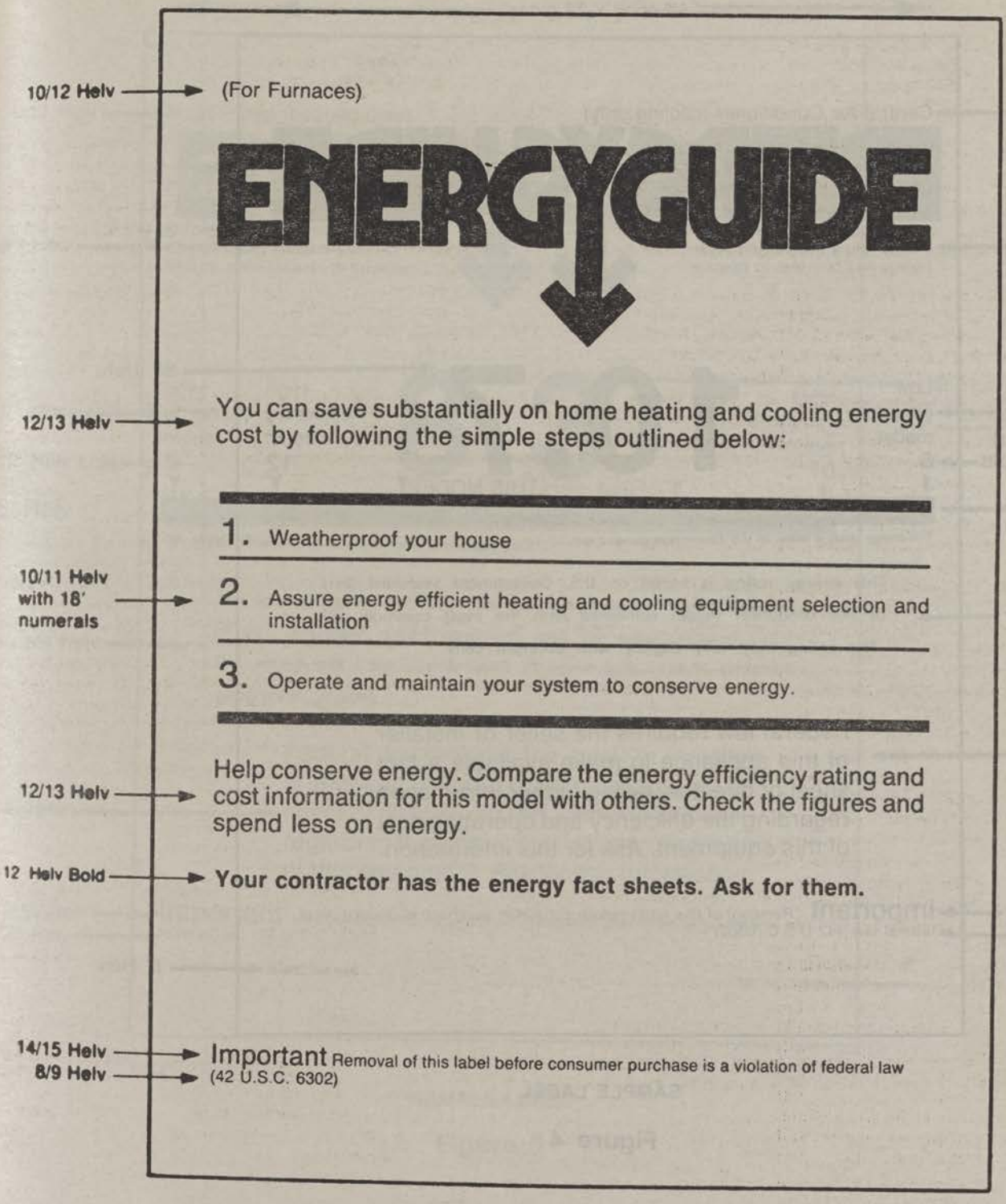


SAMPLE LABEL

Figure 2

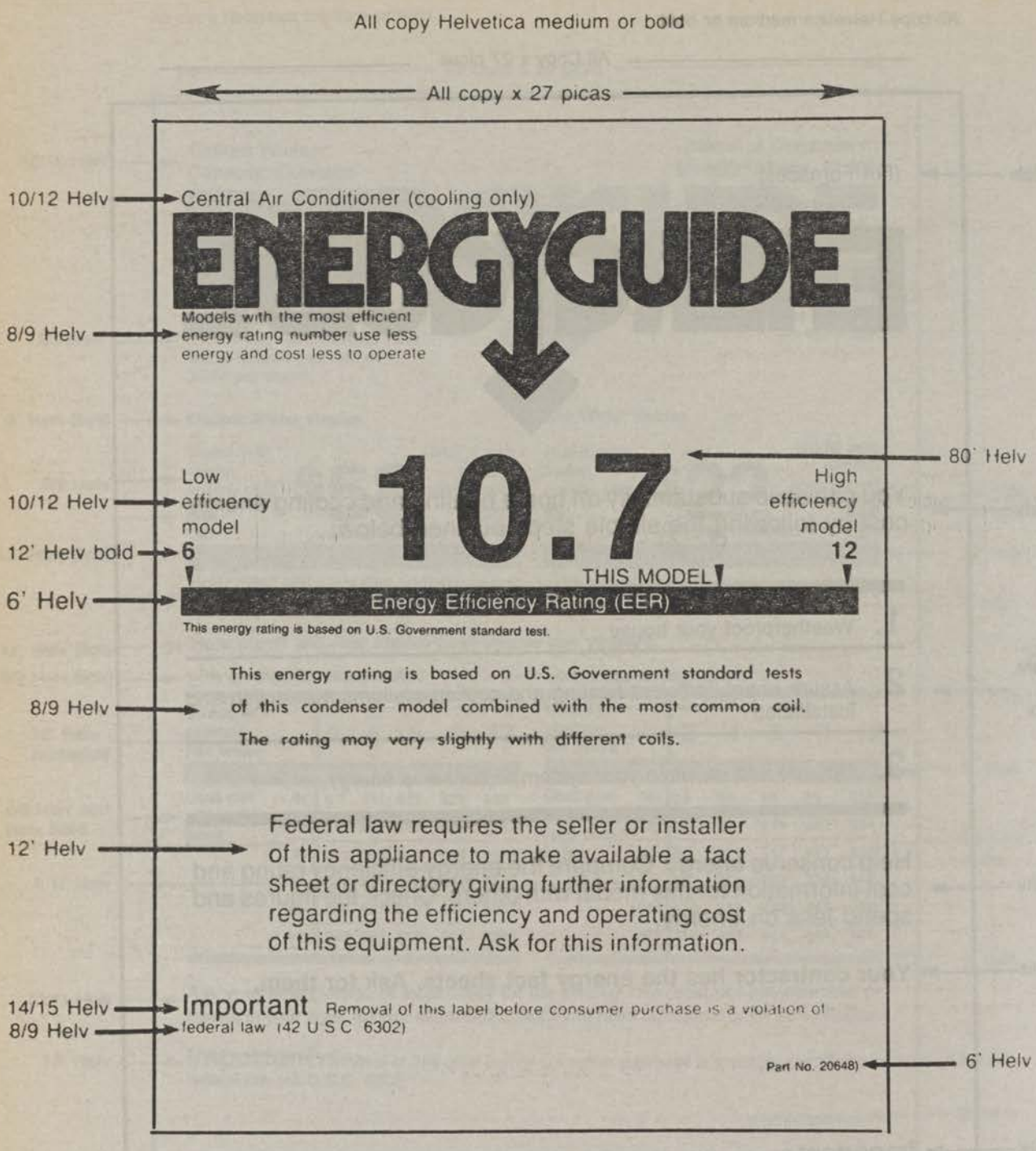
All copy Helvetica medium or bold

All Copy x 27 picas



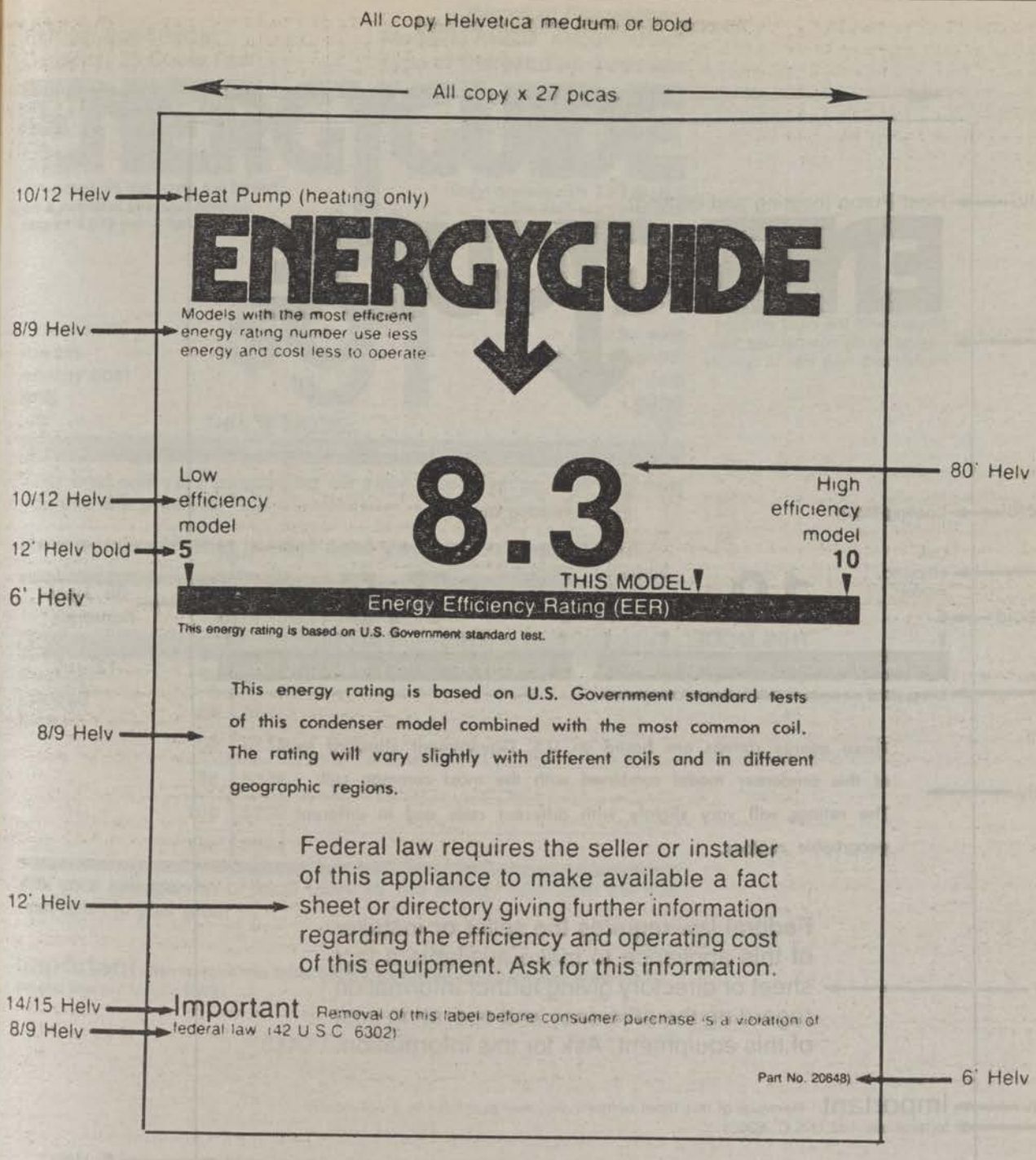
SAMPLE LABEL

Figure 3



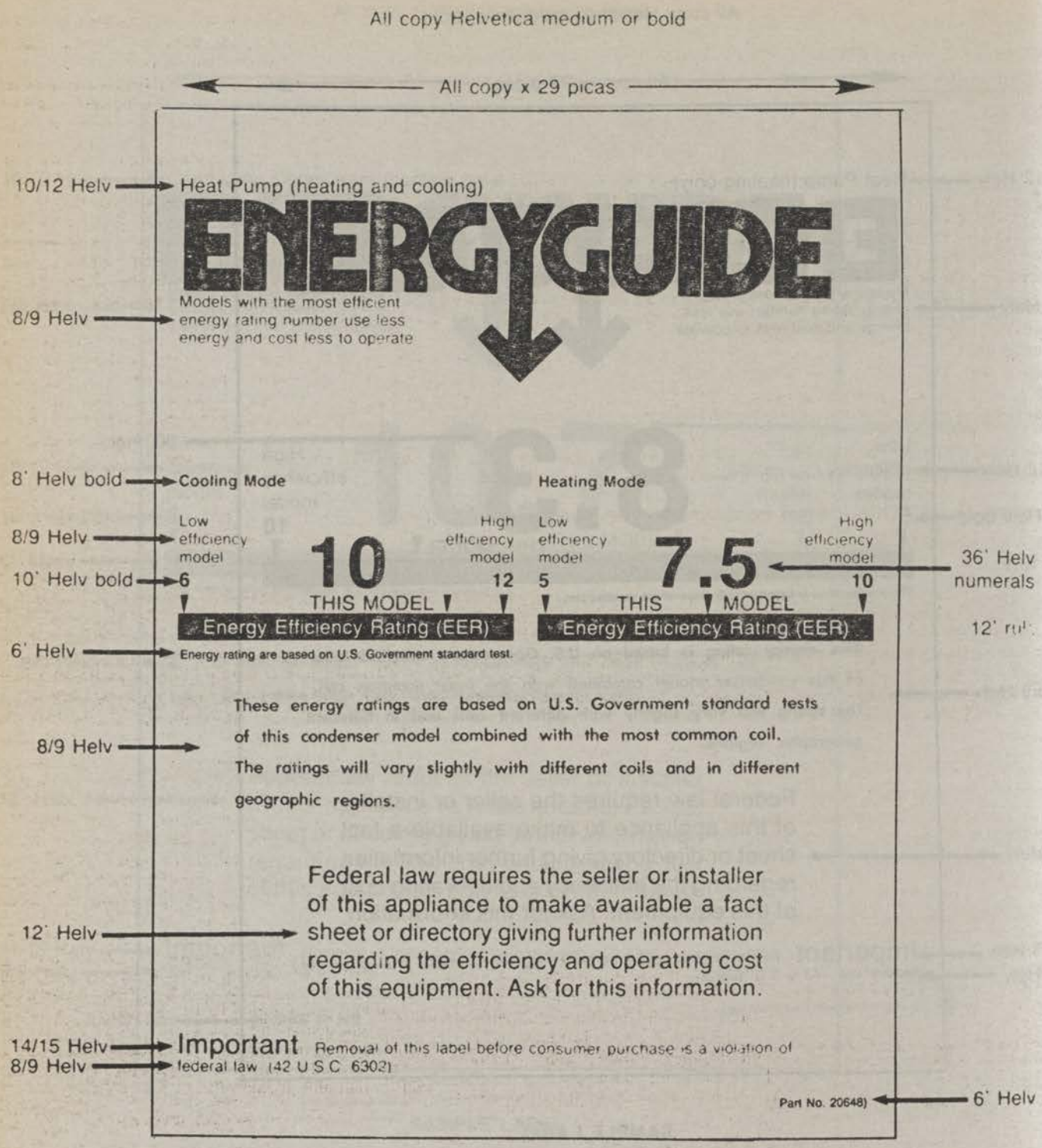
SAMPLE LABEL

Figure 4



SAMPLE LABEL

Figure 5



SAMPLE LABEL

Figure 6

(Name of Corporation)
Refrigerator-Freezer
Model(s) AH503, AH504, AH507
Capacity: 23 Cubic Feet
Type of Defrost: Full Automatic

ENERGYGUIDE

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour

Only models with 22.5 to 24.4 cubic feet are compared in the scale

Model with lowest energy cost **$68**

$91

THIS MODEL

Model with highest energy cost **$132**

Estimated yearly energy cost

Your cost will vary depending on your local energy rate and how you use the product. This energy cost is based on U.S. Government standard tests

How much will this model cost you to run yearly?

		Yearly cost
		Estimated yearly $ cost shown below
Cost per kilowatt hour	2¢	$44
	4¢	$88
	6¢	$132
	8¢	$176
	10¢	$220
	12¢	$264

Ask your salesperson or local utility for the energy rate (cost per kilowatt hour) in your area.

Important Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)

SAMPLE LABEL

(Part No. 371026)

Freezer
Capacity: 26 Cubic Feet

(Name of Corporation)
Model(s) SH405, SH413
Type of Defrost: Manual

ENERGY GUIDE

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour

Only models with 25.5 to 27.4 cubic feet are compared in the scale.

Model with lowest energy cost
$95

$120
THIS ▼ MODEL

Model with highest energy cost
$140

Estimated yearly energy cost

Your cost will vary depending on your local energy rate and how you use the product. This energy cost is based on U S Government standard tests

How much will this model cost you to run yearly?

		Yearly cost
		Estimated yearly $ cost shown below
Cost per kilowatt hour	**2¢**	$64
	4¢	$128
	6¢	$190
	8¢	$252
	10¢	$317
	12¢	$380

Ask your salesperson or local utility for the energy rate (cost per kilowatt hour) in your area.

Important Removal of this label before consumer purchase is a violation of federal law (42 U S C 6302)

SAMPLE LABEL

(Part No 14332)

Dishwasher
Capacity: Standard

(Name of Corporation)
Model(s) MR328, XL12, NA83

ENERGYGUIDE

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour and a natural gas rate of 36.7¢ per therm.

Only standard size dishwashers are used in the scale

Electric Water Heater

Model with lowest energy cost **$50**

$60 THIS MODEL

Model with highest energy cost **$84**

Estimated yearly energy cost

Gas Water Heater

Model with lowest energy cost **$19**

$27 THIS MODEL

Model with highest energy cost **$42**

Estimated yearly energy cost

Your cost will vary depending on your local energy rate and how you use the product. This energy cost is based on U S Government standard tests

How much will this model cost you to run yearly?

with an electric water heater

Loads of dishes per week		2	4	6	8	12
Estimated yearly $ cost shown below						
Cost per kilowatt hour	2¢	$8	$15	$23	$31	$47
	4¢	$15	$31	$46	$62	$92
	6¢	$23	$46	$69	$92	$139
	8¢	$31	$62	$92	$123	$189
	10¢	$39	$77	$116	$154	$231
	12¢	$47	$92	$139	$185	$278

with a gas water heater

Loads of dishes per week		2	4	6	8	12
Estimated yearly $ cost shown below						
Cost per therm (100 cubic feet)	10¢	$2	$5	$7	$9	$14
	20¢	$5	$11	$16	$22	$33
	30¢	$7	$14	$21	$27	$41
	40¢	$9	$19	$28	$36	$55
	50¢	$12	$23	$35	$45	$68
	60¢	$19	$28	$42	$54	$82

Ask your salesperson or local utility for the energy rate (cost per kilowatt hour or therm) in your area, and for estimated costs if you have a propane or oil water heater.

Important Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)

SAMPLE LABEL (Part No. 73906)

Clothes Washer
Capacity: Compact

(Name of Corporation)
Model(s) SL301, SL309

ENERGYGUIDE

Estimates on the scale are based on a national average electric rate of 4.97¢ per kilowatt hour and a natural gas rate of 36.7¢ per therm.

Only compact size clothes washers are used in the scale.

Electric Water Heater

Model with lowest energy cost **$22**

$58 THIS MODEL

Model with highest energy cost **$67**

Estimated yearly energy cost

Gas Water Heater

Model with lowest energy cost **$20**

$22 THIS MODEL

Model with highest energy cost **$24**

Estimated yearly energy cost

Your cost will vary depending on your local energy rate and how you use the product. This energy cost is based on U.S. Government standard tests

How much will this model cost you to run yearly?

with an electric water heater

Loads of clothes per week		2	4	6	8	12
Estimated yearly $ cost shown below						
Cost per kilowatt hour	2¢	$7	$14	$21	$29	$42
	4¢	$14	$29	$43	$57	$85
	6¢	$21	$43	$64	$86	$129
	8¢	$29	$57	$86	$114	$172
	10¢	$36	$71	$107	$143	$214
	12¢	$43	$85	$128	$172	$256

with a gas water heater

Loads of clothes per week		2	4	6	8	12
Estimated yearly $ cost shown below						
Cost per therm (100 cubic feet)	10¢	$2	$4	$6	$8	$12
	20¢	$4	$8	$12	$16	$24
	30¢	$6	$11	$17	$22	$34
	40¢	$8	$15	$23	$30	$46
	50¢	$10	$19	$29	$48	$58
	60¢	$12	$22	$34	$44	$68

Ask your salesperson or local utility for the energy rate (cost per kilowatt hour or therm) in your area, and for estimated costs if you have a propane or oil water heater.

Important Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)

SAMPLE LABEL

(Part No. 8399601)

Water Heater-Oil

(Name of Corporation)
Model(s) RP23, RP38

ENERGYGUIDE

Estimates on the scale are based on a national average oil rate of 62¢ per gallon.

Only models with first hour ratings of 75 to 86 gallons are used in the scale.

Model with lowest energy cost **$127**

$134 THIS MODEL

Model with highest energy cost **$159**

Estimated yearly energy cost

Your cost will vary depending on your local energy rate and how you use the product. This energy cost is based on U.S. Government standard tests

How much will this model cost you to run yearly?

		Yearly cost
		Estimated yearly $ cost shown below
Cost per gallon	**52¢**	$137
	56¢	$145
	60¢	$153
	64¢	$161
	68¢	$169
	72¢	$177

Ask your salesperson or local utility for the energy rate (cost per gallon) in your area.

Important Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)

SAMPLE LABEL (Part No. 361929)

Room Air Conditioner
Capacity: 8,000 BTU/hr

(Name of Corporation)
Model(s) SA 714, SA 718

ENERGYGUIDE

Models with the most efficient energy rating number use less energy and cost less to operate.

Models with 7800 to 8299 BTU's cool about the same space.

Least efficient model
3.4

7.3
THIS MODEL

Most efficient model
8.5

Energy Efficiency Rating (EER)

This energy rating is based on U.S. Government standard tests

How much will this model cost you to run yearly?

Yearly hours of use		250	750	1000	2000	3000
		Estimated yearly $ cost shown below				
Cost per kilowatt hour	2¢	$7	$20	$28	$56	$84
	4¢	$14	$41	$56	$112	$168
	6¢	$20	$61	$80	$160	$240
	8¢	$27	$82	$108	$216	$324
	10¢	$34	$102	$136	$272	$408
	12¢	$41	$122	$163	$326	$489

Ask your salesperson or local utility for the energy rate (cost per kilowatt hour) in your area. Your cost will vary depending on your local energy rate and how you use the product.

Important Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)

SAMPLE LABEL (Part No. 20648)

(For Furnaces)

ENERGYGUIDE

You can save substantially on home heating and cooling energy costs by following the simple steps outlined below:

1. Weatherproof your house
2. Assure energy efficient heating and cooling equipment selection and installation
3. Operate and maintain your system to conserve energy.

Help conserve energy. Compare the energy efficiency rating and cost information for this model with others. Check the figures and spend less on energy.

Your contractor has the energy fact sheets. Ask for them.

Important Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)

SAMPLE LABEL

By direction of the Commission.
Emily H. Rock,
Secretary.
[FR Doc. 87-24545 Filed 12-9-87; 8:45 am]
BILLING CODE 6750-01-C