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Office of Conservation and Solar Energy

Energy Conservation Program for
Consumer Products

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

[Docket No. CAS-RM-79-115]

Energy Conservation Program for Consumer Products; Advance Notice of Proposed Rulemaking and Request for Public Comments Regarding Energy Efficiency Standards for Heat Pumps

AGENCY: Department of Energy.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act, requires that the Department of Energy prescribe energy efficiency standards for heat pumps no later than January 1982. The purpose of this advance notice of proposed rulemaking is to facilitate the gathering of information, to provide interested persons an opportunity to become familiar with the standards program, and to invite interested persons to participate in formulating the proposed energy efficiency standards.

DATES: Written comments in response to this advance notice by April 30, 1980; requests to speak by February 25, 1980; statements by March 4, 1980; public meeting to be held on March 6, 1980. Speakers to be notified by 4:30 p.m., February 28, 1980.

ADDRESSES: Public meeting to be held at: Department of Energy, Room 3000A, 12th and Pennsylvania Avenue, N.W., Washington, D.C., at 9:00 a.m. on March 6, 1980.

Comments, requests to speak at the meeting and statements to: U.S. Department of Energy, Office of Conservation and Solar Energy, Energy Efficiency Standards for Consumer Products, Docket No. CAS-RM-79-115, Mail Station 2221C, 20 Massachusetts Avenue NW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy, Office of Conservation and Solar Energy, Division of Buildings and Community Systems, Consumer Products Efficiency Branch, Room 2248, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-4814.

Carol A. Snipes (Hearing Procedures), U.S. Department of Energy, Office of Conservation and Solar Energy, Hearings and Dockets, Room 3235, Mail Station 2221C, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-1651.

William J. Dennison, U.S. Department of Energy, Office of General Counsel, Room 3228, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-4100.

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I. Introduction*A. Planned Regulatory Action*

Section 325 of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), as amended by section 422 of the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619), requires that the Department of Energy (DOE) prescribe energy efficiency standards for the types of consumer products listed in Section 322(a) of the Act.¹ These consumer products are sometimes referred to as "covered products." Standards for heat pumps are required to be prescribed no later than December 1981. Standards for refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, home heating equipment (not including furnaces), kitchen ranges and ovens, central air conditioners (other than heat pumps), and furnaces are required to be prescribed no later than December 1980. An advance notice of proposed rulemaking for these nine

¹ This and subsequent references to the "Act", and to sections of the Act, refer to EPCA as amended by NECPA.

types of consumer products appeared in the Federal Register of January 2, 1979 (44 FR 49). That advance notice did not apply to heat pumps, which are central air conditioners that provide heating and may also provide cooling, because DOE had not at that time developed test procedures applicable to heat pumps. Standards for dishwashers, television sets, clothes washers, humidifiers and dehumidifiers are required by Section 325 to be prescribed in the Federal Register no later than November 1981. An advance notice of proposed rulemaking for these five types of consumer products appeared in the Federal Register of December 13, 1979 (44 FR 72276).

The Act defines energy efficiency standards as performance standards, which means that they will establish the minimum energy efficiency level required to be achieved by each unit of a covered product type or class, but will not prescribe the methods, processes, or materials to be used to achieve any particular efficiency level. The standards will apply only to new products manufactured after the effective date of the final rule.

B. Purpose and Scope of This Notice

Section 325(i)(3) of the Act requires DOE, as the first step in establishing energy efficiency standards for heat pumps, to publish this advance notice of proposed rulemaking which is required to specify the product classes to which standards are likely to apply, and to invite comments from interested persons relevant to establishing energy efficiency standards.

DOE expects that the comments received as a result of this advance notice will provide additional technical and economic information which will assist DOE in developing a notice of proposed rulemaking that is expected to be published in August of 1980.

Accordingly, this notice presents a discussion of DOE's approach to the development and implementation of the standards. Ensuing sections deal with the legislative background, the standards implementation process, the probable phase-in period for the standards, the development of proposed standards, a listing of the product classes to which standards are likely to apply, the enforcement program, DOE's present views regarding the maximum technologically feasible efficiency levels for each class of product, and a request for data from manufacturers. A more detailed discussion of these subjects will be provided in the "Regulatory Analysis Statement for Appliance Energy Efficiency Standards" which will be available upon request from Mr.

James A. Smith, at the address indicated at the beginning of this advance notice, and the DOE *Freedom of Information* Office, mail station GB-145, U.S. Department of Energy, Forrestal Building, Independence Avenue and L'Enfant Plaza, SW., Washington, D.C., 20585, at the time the proposed rule is published.

Interested persons are invited to provide views, written presentations of data, and arguments relevant to establishing energy efficiency standards for heat pumps.

II. Legislative Framework

A. Background

The energy conservation program for consumer products is designed to encourage manufacturers to produce, and consumers to purchase, significantly more efficient consumer products. The legislative plan enacted by Congress sets forth two interrelated strategies for accomplishing this objective. The first strategy is to require manufacturers to produce more efficient products, and the second is to enhance consumer acceptance of more efficient products.

The first strategy, as contained in section 325 of EPCA prior to amendment by NECPA in November 1978, called for the promulgation of voluntary efficiency improvement targets representing aggregate industry levels of efficiency improvement that were to be achieved by 1980. As an incentive for the industry to achieve these targets, as reporting and monitoring systems was to be established by DOE to track industry progress. In the event that achievement of a target for a particular product appeared unlikely, DOE would have been required to initiate an administrative proceeding to prescribe a mandatory minimum efficiency standard for the product in question.

In the National Energy Plan proposed by the President in April 1977, the voluntary target program was to be replaced with a mandatory minimum efficiency standards program because of the voluntary nature of the targets and the anticipated long delays in establishing standards if the target levels were not achieved. Section 422 of NECPA amends section 325 of EPCA to provide for a program similar to the mandatory standards program requested by the President in the National Energy Plan.

The second strategy, set forth in section 324 of the Act, involves the development of a labeling program to require that manufacturers label covered products with energy consumption information which will assist consumers in making purchasing

decisions. The Federal Trade Commission (FTC) has the responsibility for developing the labeling rules and for administering the labeling program. The final rule for labeling of consumer products appeared in the Federal Register of November 19, 1979 (44 FR 66466).

In conjunction with the issuance of the labeling rules, section 337 of the Act requires DOE to develop a consumer education program that will enhance consumer awareness of the labels and create a better understanding of the information provided on the labels. This is intended to encourage comparison shopping and to generate consumer demand for the more efficient products. As a consequence, it is anticipated that manufacturers will be influenced to expedite efficiency improvements for their various product lines to meet the market demand.

In order to support these dual strategies, section 323 of the Act requires that DOE develop test procedures for the determination of estimated annual operating costs and at least one other measure of energy consumption for each covered product which will assist consumers in making purchasing decisions. DOE recently amended its central air conditioner test procedures to include a methodology for testing heat pumps (44 FR 76700 December 27, 1979). Testing by manufacturers in accordance with these test procedures will serve as a basis for: (1) the energy cost and consumption information that may be required to be included on product labels under the FTC labeling program and (2) representations by manufacturers regarding the energy consumption of their product. Also, measurements of efficiency which are derived from the test procedures will be used as the basis for energy efficiency standards. Manufacturers will be required to establish that their products are in conformance with the standards by testing in accordance with the test procedures.

Further, compliance with the standards will be determined by using these procedures.

Test procedure design must be flexible enough to allow for technological variation among different product lines within a product type, yet standardized enough to assure that different manufacturers' product lines will be subject to the same measurement criteria in order to provide comparable measurements of energy consumption characteristics. DOE is aware that new products or designs will be developed which (1) do not fall under the product test procedure

definitions (10 CFR 430.2) or (2) do fall under the definitions but which, when tested, reflect inaccurate efficiencies. DOE intends to address this issue in the notice of proposed rulemaking relating to energy efficiency standards.

B. Energy Efficiency Standards

The Act requires that standards be prescribed for all the consumer product types listed in section 322(a). Priority is required by the Act to be given to refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, home heating equipment, kitchen ranges and ovens, central air conditioners, and furnaces.

As noted above, those product types were the subject of an advance notice published in the Federal Register on January 2, 1979 (44 FR 49). An advance notice of proposed rulemaking for dishwashers, television sets, clothes washers, humidifiers and dehumidifiers appeared in the Federal Register on December 13, 1979 (44 FR 72276). In addition to those product types and heat pumps, which are covered by today's advance notice, the Act also permits DOE to prescribe standards for other product types which meet certain criteria stated in section 325(a)(2). A list of such products which DOE considers may be subject to standards is required to be published no later than November 1980, but the list may be revised thereafter.

The standards prescribed, including any intermediate standards, are required by section 325(c) to be designed so as to achieve the maximum improvement in energy efficiency which is technologically feasible and economically justified. Under section 326(b), however, no standard can be prescribed for a particular type or class of covered product if (1) there is no DOE test procedure for the type or class; or (2) DOE determines, by rule, that the establishment of a standard for the particular type or class would not result in significant conservation of energy or is not technologically feasible or economically justified.

Section 325(d) provides that before DOE determines whether a standard is economically justified, it must first solicit comments on a proposed standard in accordance with the procedure set forth in sections 336(a) and 325(i). After reviewing comments on the proposal, DOE must then determine that the benefits of the standard exceed its burdens based, to the greatest extent practicable, on a weighing of the following seven factors:

(1) The economic impact of the standard on the manufacturers and on

the consumers of the products subject to such standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class), compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

(3) The total projected amount of energy savings likely to result directly from the imposition of the standard;

(4) Any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

(5) The impact of any lessening of competition, determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

(6) The need of the Nation to conserve energy; and

(7) Any other factors which DOE considers relevant.

Section 325(f) provides that minimum energy efficiency levels do not have to be identical for all products within a type or class. Products that consume different kinds of energy, or that have a capacity or other performance-related feature different from other products within the same type or class, can be required to have higher or lower energy efficiency levels.

Section 325(e) provides that manufacturers having annual gross revenues of less than \$8,000,000 (within the meaning of that paragraph) may apply to DOE for exemption for up to 24 months from any standards requirement. This authority may not be exercised unless DOE, after obtaining the written views of the Attorney General, determines that failure to allow the exemption would likely result in a lessening of competition.

Other provisions provide for: (1) a review of test procedures within three years of NECPA enactment, section 323(a)(7); (2) reevaluation of the standards within five years of prescription, section 325(h); (3) suppression of state energy efficiency regulations under the conditions and procedures specified in section 327; and (4) authority to use the powers otherwise available to the Secretary to collect information relating to the energy efficiency of products or the economic impact of compliance with the proposed standards requirements, section 326(d).

Section 325(j) of the Act provides for enforcement provisions to assure that each covered product to which a standard applies meets the required minimum energy efficiency level. DOE expects that such provisions will include testing by the manufacturer and

submission of information to DOE before a manufacturer introduces products into commerce.

Section 333 provides that any person who knowingly violates any provision of section 332 (which lists prohibited acts) shall be subject to civil penalties.

Other enforcement-related provisions of the Act provide for: (1) DOE to prescribe rules requiring manufacturers to allow DOE to observe and inspect results of testing conducted by the manufacturer or his agent, section 326(b)(5); (2) a manufacturer to supply to DOE a reasonable number of products for testing purposes, section 326(b)(3); (3) a manufacturer to submit information or reports necessary to ensure compliance, section 326(d); and (4) injunctive relief against any prohibited act, including distribution of non-complying products, section 334.

C. Implementation Process

Section 325(i) outlines the process by which the standards are to be prescribed. This process differs from that followed in the target program in one important respect. Section 325(i)(3) requires DOE to identify, in the proposed rule, the maximum improvement in energy efficiency that is technologically feasible for each type (or class) of product, and to justify any decision not to propose a standard designed to achieve such efficiency.

DOE will hold a public meeting during the comment period following publication of this advance notice in order to familiarize the public with the standards program and to achieve the highest possible degree of industry and consumer awareness, involvement, and comment.

Based upon comments and specific data received from this advance notice and information otherwise available, DOE will issue a notice of proposed rulemaking proposing specific standards for heat pumps. The proposal is scheduled to be issued in August 1980. The final rule is required by the Act to be published no later than two years after publication of this advance notice. Under section 325(i), the standards may not become effective earlier than 180 days after publication of the final rule in the Federal Register.

To inform interested citizens who may wish to contribute information, DOE will make available a background document (Regulatory Analysis Statement for Appliance Energy Efficiency Standards) at the time the notice of proposed rulemaking is published. This will contain a discussion of the product classes, levels of efficiency, and the analytical concepts used in preparing the standards described in that notice.

D. Planned Phase-In of Standards

Section 325(c) allows for the phasing-in of standards over a period of up to five years through the establishment of intermediate standards. Use of the full five-year period would provide manufacturers with the greatest possible planning and development time, and thus, it would appear that they would be better able to meet higher final standards than might otherwise be the case were a shorter period adopted. Accordingly, DOE tentatively plans to utilize the full phase-in period and will probably propose final standards which are to be achieved by November 1986. To assure that manufacturers make steady progress toward the 1986 standards, intermediate standards are likely to be proposed, to be effective in May 1982. These standards will take into account the short lead time that manufacturers will have had to make design changes.

Another option which DOE is exploring would be to have different phase-in periods for the various product classes. This alternative might permit maximum efficiency levels to be reached over shorter time periods, but DOE lacks the information about the efficiency improvement possibilities for individual classes of products that is needed in order to consider this approach at this time.

III. Product Types, Likely Product Classes and Tentative Determination of the Maximum Technologically Feasible Energy Efficiency

A. Definitions

For purposes of this notice: "Energy efficiency standard" means a performance standard (as opposed to a design standard) which prescribes for each unit of a covered product a minimum energy efficiency level. Energy efficiency standards include test procedures prescribed in 10 CFR Part 430, Subpart B, and any requirements on manufacturers which DOE determines are necessary to assure that each covered product to which a standard applies meets the required minimum energy efficiency level specified in the standard.

"Minimum energy efficiency level" means the minimum value of the measure of efficiency (i.e., heating seasonal performance factor or annual performance factor, defined and measured according to DOE test procedures in 10 CFR Part 430, Subpart B), which each unit of a covered product must meet or exceed in order to be in compliance with an energy efficiency standard.

"Type" of covered products means one of the categories of consumer products designated in Section 322(a) of the Act. For example, central air conditioners are a type of covered product.

"Class" of covered products means a group of covered products, the functions or intended uses of which are similar. A class of covered products is subject to a single energy efficiency standard. Such standard may prescribe either the same minimum energy efficiency level of all of the basic models of the class, or different minimum energy efficiency levels for basic models which are distinguished by capacity or other performance-related features that affect efficiency and utility. For example, air source single package heat pumps are a class of covered product.

B. Tentative Determinations of the Maximum Technologically Feasible Energy Efficiency

In the proposed rule, DOE is required to identify the maximum improvement in energy efficiency that is technologically feasible for each class of covered products. In order to facilitate the gathering of data, views and arguments, DOE is offering for consideration a definition of the term "maximum

technologically feasible energy efficiency" and presenting in Table I DOE's tentative determination of such efficiencies based on 1978 data. The values in Table I may be modified in the proposed rule as a result of either modifying the definition, obtaining better information regarding the highest levels of energy efficiency of basic models commercially available, or identifying efficiency improvements that occur in commercially available products prior to the time of the proposal.

For purposes of this advance notice, the term "maximum technologically feasible energy efficiency" means, for each class of covered products, the highest value of the measure of energy efficiency (i.e., heating seasonal performance factor or annual performance factor, defined and measured according to DOE test procedures) of any basic model that is commercially available at the time of proposal. Based on this definition, DOE's tentative determinations of the maximum technologically feasible energy efficiency for each product class are listed in Table I. As mentioned, earlier, those efficiency figures are based on products commercially available in 1978.

In this advance notice, DOE has identified two separate "maximum technologically feasible efficiency" values for each class of heat pump: "minimum design heating requirements" and "maximum design heating requirements." The DOE test methodology for heat pumps defines design heating requirement as "the amount of heating required to maintain a given indoor temperature at a particular outdoor design temperature." The procedure for calculating "minimum design heating requirements" and "maximum design heating requirements" are specified in Section 5.2 of 10 CFR part 430, subpart B, appendix M. The specified values of "maximum technologically feasible efficiency" are for climatic region No. IV, which is defined in section 6 of the same appendix. Climatic region No. IV is representative of typical heat pump usage.

C. Criteria for Selection of Classes

DOE has segregated the basic models of heat pumps into classes to which different energy efficiency standards are likely to apply. These classes are tentative, and different classes may be specified in the proposed rule if DOE receives data, views and arguments which justify changes. The classes identified in Table I have been derived on the basis of performance-related features which affect efficiency and utility. For each class, the discussion which follows states the rationale for establishing minimum energy efficiency levels different from those which apply to other classes within the same product type. The same minimum energy efficiency level is likely to apply to each basic model within a particular class.

D. Product Class Rationale

Central Air Conditioners (Heat Pumps). Separate classes of central air conditioners which provide heating (heat pumps) are specified because of

Table I. Likely Classes and Tentative Determination of Maximum Technologically Feasible Energy Efficiencies

COVERED PRODUCT TYPE	CLASS	PRELIMINARY MAXIMUM TECHNOLOGICALLY FEASIBLE ENERGY EFFICIENCY
CENTRAL AIR CONDITIONERS (HEAT PUMPS)	AIR SOURCE, SINGLE PACKAGE HEAT PUMP	7.65 Btu/watt-hr (APF), for minimum design heating requirements*
		6.37 Btu/watt-hr (APF), for maximum design heating requirements*
	AIR SOURCE, SPLIT SYSTEM HEAT PUMP	8.29 Btu/watt-hr (APF), for minimum design heating requirements*
		6.94 Btu/watt-hr (APF), for maximum design heating requirements*
	AIR SOURCE, SPLIT SYSTEM HEATING ONLY HEAT PUMP	9.52 Btu/watt-hr (HSPF), for minimum design heating requirements*
		7.68 Btu/watt-hr (HSPF), for maximum design heating requirements*

* Based on best data available to DOE.

APF = Annual Performance Factor, for climatic region No. IV.

HSPF = Heating Seasonal Performance Factor, for climatic region No. IV.

their different utility and performance characteristics.

Three classes of air source heat pumps (air source single package heat pumps, air source split system heat pumps and air source split system heating only heat pumps) are specified in this notice. These classes are distinguished by their configuration, or by performance-related features, either of which may affect utility and efficiency. This advance notice applies only to air source units since DOE has presently prescribed test procedures only for air source heat pumps.

Heat pumps are segregated according to whether they are single package systems or split systems (separated indoor and outdoor components connected by refrigerant and electrical lines). The split systems are further segregated by whether they have the capability for both heating and cooling, or for heating only.

Single package systems are located entirely outside the building, and provide increased useful interior space. This can be an important advantage in a location where space availability is a significant problem. Technical information available to DOE indicates that the efficiency of single package systems tends to be lower than that of split systems. Minimum efficiency levels appropriate for split systems may not be achievable by single package systems. For these reasons, DOE is specifying separate classes for single package and split system heat pumps.

Split systems have been further segregated into those which provide both heating and cooling and those which provide heating only. Heating only units offer a distinct advantage in climates that do not need a cooling unit, but the split system heating and cooling units have greater utility in temperate climates. Minimum efficiency levels appropriate for heating only split systems may not be achievable by heating and cooling split systems operating in their heating mode. For these reasons, DOE is specifying a separate class for heating only split systems.

IV. Data Needed for the Development of Proposed Energy Efficiency Standards

A. Development of Proposed Energy Efficiency Standards

Section 325(i) of the Act requires DOE to determine the maximum improvement in energy efficiency that is technologically feasible for each type (or class) of covered product in proposing a standard. If the proposed standard is not designed to achieve such efficiency, DOE is required to state in the proposed

rule the reasons therefor. If any standard is proposed at a level below that which is the maximum technologically feasible, the reasons for such a proposal are expected to be primarily economic, i.e., related to the seven factors identified by Congress in section 325(d) of the Act which must be considered to the extent practicable in determining whether a standard is economically justified. In order to supplement available data for identifying any reasons for not proposing a standard at the maximum technologically feasible level, DOE has developed Forms CS-179(A) and CS-179(B) as shown below. Comments received in response to this advance notice will also be used in identifying those areas which require additional data prior to determining final standards.

B. Specific Data Requested From Manufacturers

Each private labeler, importer or manufacturer of heat pumps is requested to complete a Form CS-179(A) and Form CS-179(B) for each separate class of product (per Table II below). These forms, which have been reviewed by the Office of Management and Budget (OMB), are requested to be completed in accordance with the detailed instructions set forth below. Data can be submitted individually or in aggregated format, which aggregation for DOE's purposes may be performed by trade associations or other groups at commenters' discretion, in accordance with applicable anti-trust laws.

Any questions regarding the manner in which these forms should be completed or the type of aggregation useful to DOE should be directed to Mr. James A. Smith of DOE, at the address and phone number shown at the beginning of this notice

C. Classes of Consumer Products for Which Data Are Requested.

Table II below shows the tentative classes of consumer products for which Form CS-179(A) and Form CS-179(B) are requested.

TABLE II.—Tentative Product Classes

Product type	Product class	Code
Central Air Conditioners—(Heat Pumps).	Air Source, Single Package Heat Pump.	SP
	Air Source, Split System Heat Pump.	SS
	Air Source, Split System Heating Only Heat Pump.	SSH0

Instructions for Completing Reporting Form CS-179(A) Survey of Consumer Product Manufacturers

1. *Product Type.*—Refer to Table II. Select the generic name for the type of the consumer product being reported. Enter this name in the space provided.

2. *Product Class.*—Refer to Table II. For the appropriate product type, select the generic name for the class of the consumer product being reported. Enter this name in the space provided.

3. *Corporate Name.*—Self-explanatory.

4. *Corporate Address.*—Self-explanatory.

5. *Model Number.*

Enter the model numbers for all of the models manufactured during calendar year 1978 which fall under the type and class of consumer product being reported.

Please note.—You are requested to select, at your option, one of the two reporting procedures described below to follow for the purposes of reporting on such products.

(1). Report on each major component of the product separately. If a major component of a product has not been assigned its own model number, identify it by the product's model number enclosed by parentheses.

(2). Report on the product as a whole. In this case, items 5 through 9 and 18 are to be reported for the product as a whole and items 10 through 17, and 19 through 22 are to be reported for the major components of the product. Each component-specific entry is to be followed by the code letters for the applicable product class for the component, enclosed by parentheses. The code letters for the product classes taken from the title of the product class are taken from the second column of Table III. For example, the code letters for an air source single package heat pump are SP.

6. *Domestic Shipments.*—Enter the number of units (in thousands) of each model shipped by the manufacturer directly to wholesalers and/or retailers during calendar year 1972. If the model was not in production in 1972 but replaces a model which was in production in 1972, enter the number of units of the preceding model so shipped enclosed by parentheses; otherwise, enter zero.

7. Enter the number of units of each model shipped by the manufacturer directly to wholesalers and/or retailers during calendar year 1978. In cases where a new model was introduced after January 1, 1978, enter the total number of units of that model so shipped during the year followed by the

date (month and day) that the first unit was so shipped.

8. Enter the projected number of units of each model that would be shipped by the manufacturer directly to wholesalers and/or retailers during calendar year 1980 if there were no DOE Consumer Product Efficiency Standards Program.

9. Same as 8, but for 1985 instead of 1980.

10. *Energy Consumption per DOE Test.*—Enter the estimated yearly energy consumption of the calendar year 1972 production version of the model had it been tested in accordance with the DOE test procedures. If the model being reported was not in production in 1972, enter the estimated yearly energy consumption of the preceding model enclosed by parentheses.

11. Enter the yearly energy consumption of the calendar year 1978 production version of the model determined in accordance with the DOE test procedures. If test data are not available, enter estimated figures and note as an "estimate."

12. Enter the projected yearly energy consumption of the calendar year 1980 production version of the model determined in accordance with the DOE test procedures if there were no DOE Consumer Product Efficiency Standards Program.

13. Same as 12, but for 1985 instead of 1980.

14. *Energy Efficiency per DOE Test.*—Enter the estimated energy efficiency (heating seasonal performance factor or annual performance factor as appropriate) of the calendar year 1972 production version of the model had it been tested in accordance with the DOE test procedures. If the model was not in production in 1972 but replaces a model which was in production in 1972, enter the estimated efficiency of the preceding model enclosed by parentheses.

15. Enter the efficiency of the calendar year 1978 production version of the model being reported determined in accordance with the DOE test procedures. If test data are not available, enter estimated figures and note as an "estimate."

16. Enter the projected efficiency of the calendar year 1980 production version of the model being reported determined in accordance with the DOE test procedures, assuming there were no DOE Consumer Product Efficiency Standards Program.

17. Same as 16, but for 1985 instead of 1980.

18. *Estimated Average Retail Price.*—List estimated average retail price in 1978 dollars.

19. *Design Options.*—List the features of the design of the model that make it a

more energy efficient unit than other models of comparable utility. Refer to Table IV for a listing of the type of design options to be identified.

20. Enter the estimated "real-life" energy savings associated with each design option as the percentage difference between the energy consumption of model and what the actual or projected energy consumption of the model is or would be if it did not incorporate the design option into its design.

21. Enter the energy savings associated with each design option determined in accordance with the DOE Test procedures. Quantify this energy savings in terms of a percentage as described in 20.

22. *Product Characteristics.*—Refer to Table IV. Provide, for each model, the product characteristics listed. Whenever a measure is requested, e.g., capacity, wattage, etc., it is to be understood that the measure requested is that determined in accordance with the Department of Energy's test procedures for consumer products.

BILLING CODE 6450-01-M

CS FORM 179 (A)
 SURVEY OF CONSUMER PRODUCT MANUFACTURERS
 PAGE _____ OF _____ PAGES

(1) Product Type _____
 (2) Product Class _____
 (3) Corporate Name _____
 (4) Address _____

(5) Model Number	(6) Domestic Shipments (1,000's)	(7)	(8)	(9)	(10) Energy Consumption per DOE Test	(11)	(12)	(13)	(14)	(15) Efficiency per DOE Test	(16)	(17)	(18) Est. Average Retail Price	(19) Design Options	(20)	(21)	(22) Product Characteristics
	Est. '72	Est. '80	Est. '85	Est. '72	Est. '80	Est. '85	Est. '72	Est. '80	Est. '85	Est. '72	Est. '80	Est. '85	Type	Est. Savings(\$)	Energy Savings per DOE Test(\$)		
	'72	'80	'85	'72	'80	'85	'72	'80	'85	'78	'80	'85	'78				

BILLING CODE 6450-01-C

**INSTRUCTIONS FOR COMPLETING
REPORTING FORM CS-179(B)
SURVEY OF CONSUMER PRODUCT
MANUFACTURERS**

This form has been developed by the U.S. Department of Energy for the purpose of collecting information on consumer products manufactured during calendar year 1978. The information requested will serve as input to the technological and economic assessments to be performed by DOE in the process of developing energy efficiency standards for consumer products.

Important Note: Complete Reporting Form #CS-179(A) before completing this form.

1. Product Type.—Refer to Table II. Select the generic name for the type of consumer product being reported. Enter this name in the space provided.

2. Product Class.—Refer to Table II. For the appropriate product type, select the generic name for the class of the consumer product being reported. Enter this name in the space provided.

3. Corporate Name.—Self-explanatory.

4. Corporate Address.—Self-explanatory.

5. Unit Model Number(s).—Enter the model number of the 1978 model being reported.

6. Doe Test Procedure Efficiency.—Enter the energy efficiency of the model (heating seasonal performance factor or annual performance factor, as appropriate) determined in accordance with the Department of Energy's test procedures for consumer products. If test data are not available, enter estimated figures and note as a "estimate."

7. Product Characteristics.—Refer to Table III, column C. Provide, for each model, the product characteristics listed. Whenever a measure is requested, e.g., capacity, wattage, etc., it is to be understood that the measure requested is that determined in accordance with the Department of Energy's test procedures for consumer products.

Special Note for Item 8-13.—One purpose of this section of the form is to obtain manufacturer's projections of the changes that they would effect in the design of the model being reported in order to achieve certain energy efficiency levels. The other purpose is to obtain manufacturer's projections of the timing and impacts (price and investment) of effecting these changes in design if they were to be adopted.

8. Energy Efficiency Level.—Refer to Table IV. Three or more energy efficiency levels have been identified for each product type and class listed.

Identify the levels that pertain to the model being reported based on the product type and class entries made in items 1 and 2 of this form. Enter the lowest level listed at the top of the column for this item unless this level is lower than that of the model being reported (item 6) in which case enter the lowest level listed which is greater than the model's efficiency. Proceed to complete items 9 through 13 for this entry then return to the listing of energy efficiency levels, select the next higher level listed, and enter this level in the column for this item. Proceed to complete items 9 through 13 for this next higher energy efficiency level. Repeat this procedure for the remainder of the energy efficiency levels listed.

9. Design Options Required.—Refer to Table III, column B. A list of design options is presented for each product type. Using this list, identify the design options or combination of design options that, if incorporated into the design of the model being reported, are projected to achieve the energy efficiency level identified in item 8 at the lowest cost to the manufacturer. Enter the code letters which correspond to the design options identified in this item in columnar form.

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Table III. Design Options and Product Characteristics

(COLUMN A) PRODUCT	(COLUMN B) DESIGN OPTIONS	(COLUMN C) PRODUCT CHARACTERISTICS
CENTRAL AIR CONDITIONERS (HEAT PUMPS)	A - Improve Heat Exchanger Efficiency B - Improve Compressor Efficiency C - Improve Outdoor Fan Motor Efficiency D - Improve Indoor Fan Motor Efficiency E - Improve Defrost Performance	a) Cooling capacity in Btu per hour b) Heating capacity in Btu per hour

Table IV. Energy Efficiency Levels

(COLUMN A) PRODUCT TYPE	(COLUMN B) PRODUCT CLASS	(COLUMN C) ENERGY EFFICIENCY LEVEL (SEE BOTTOM OF PAGE FOR EXPLANATION OF SYMBOLS)		
		APF <u>1</u>	APF <u>2</u>	APF <u>3</u>
CENTRAL AIR CONDITIONERS (HEAT PUMPS)	AIR SOURCE, SINGLE PACKAGE HEAT PUMP	4.93*	6.28*	7.65*
		4.72**	5.66**	8.37**
	AIR SOURCE, SPLIT SYSTEM HEAT PUMP	7.75*	8.02*	8.29*
		6.27**	6.60**	6.94**
AIR SOURCE, SPLIT SYSTEM HEATING ONLY HEAT PUMP	HSPF <u>1</u>	HSPF <u>2</u>	HSPF <u>3</u>	
	7.64*	8.58*	9.52*	
		6.55**	7.12**	7.68**

*Minimum design heating requirements

**Maximum design heating requirements

APF = Annual Performance Factor (Btu/watt-hr) for climatic region No. IV

HSPF = Heating Seasonal Performance Factor (Btu/watt-hr) for climatic region No. IV

If there are design options which the manufacturer would employ to achieve levels which do not appear in the list in Table III, column B, identify them specifically on the form.

If the model cannot be modified to achieve an energy efficiency level, enter the abbreviation "NA" for not applicable in this item for the level. No further entries need be made on the form for the model being reported.

10. Actual Efficiency Level Achieved.—When applying design changes from (9) to achieve certain efficiency levels in (8), it is likely that exact levels will not be achieved. Record the level of efficiency that will be achieved when certain options are added to the individual basic models.

11. Lead Time for Production.—For each design option listed in item 9, enter the year and month that the first production unit of the model incorporating the design option would be manufactured.

12. Increase in Suggested Retail Price.—For each design option listed in item 9, enter the estimated increase in the retail price of the model if the design option were incorporated into its design.

13. Change in Investment.—For each design option listed in item 9, estimate, on a per unit basis, the cost of the new structures, machinery, and equipment that would be required for production of the model if the design option is incorporated into its design. Express such estimates in terms of 1978 dollars.

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V. Enforcement

An enforcement program is expected to be included in the notice of proposed rulemaking, specifying proposed requirements on manufacturers for demonstrating compliance with a standard, as well as proposing the actions DOE could take to assure compliance.

DOE has begun an analysis of enforcement program alternatives which evaluates ongoing Federal, State and industry programs. The different approaches are being analyzed according to the overall program costs and benefits, including costs to manufacturers, consumers, and the Government. An important part of this evaluation includes contact with manufacturers and trade associations.

The programs that have been evaluated include the following:

1. Environmental Protection Agency;
 - a. Product Noise Enforcement Program
 - b. Automobile Exhaust Emission Certification Program
2. National Highway Traffic Safety Administration; Enforcement of Motor Vehicle Safety Standards
3. Department of Defense/Fleet Ballistic missiles; Procurement Standards
4. State of California; Enforcement of Appliance Energy Efficiency Standards
5. Association of Home Appliance Manufacturers; Certification Program for Room Air Conditioners
6. Air Conditioning and Refrigeration Institute; Certification of Unitary Air Conditioners
7. Underwriters Laboratory; Product Safety Certification

In providing any comments or alternative approaches, commenters should focus on the enforcement authority granted in the Act (discussed in section II B of this notice) and the potential impacts of implementing various approaches available pursuant to this authority.

VI. Consumer Participation

Because of the direct impact of the standards on individual consumers, DOE wishes to achieve in the standards development process the maximum level of consumer participation possible. To assist the Department in achieving this goal, a public meeting will be held in Washington, D.C., at the time and place specified at the beginning of this notice.

Representatives of consumer groups and individual consumers are urged to attend this meeting and to make oral or written statements regarding the standards program. DOE is mailing copies of this advance notice to all individuals and consumer organizations

identified as having an interest in standards development.

Additional information regarding consumer preference is expected to be received from a survey to be conducted under DOE direction. The survey will be used to determine, with respect to energy efficiency, what products have been purchased and what products consumers expect to purchase. Data from this survey will be used in DOE's demand analysis studies to determine the economic impacts of proposed standards.

DOE requests interested persons to submit suggestions and comments regarding the methods that DOE should consider in order to maximize consumer participation in the development of standards.

VII. Environmental Review

This advance notice of proposed rulemaking is being published primarily to invite comments from the public regarding the establishment of energy efficiency standards for certain consumer products. This action is informational in nature, and does not commit the agency to any specific course of action at this time. DOE has therefore determined that this advance notice does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 43 U.S.C. 4321 *et seq.* Consequently, an environmental analysis is not necessary in connection with its publication.

An appropriate environmental analysis will be made in connection with the proposed rulemaking and information regarding the environmental analysis will be issued concurrently with publication of the Notice of Proposed Rulemaking.

VIII. Comments on Issues

Issues and questions relating to the development of standards are found throughout this notice. The following list of issues, while highlighting some of the major areas of interest to DOE, is not intended to be comprehensive and should not be construed as limiting the scope of comments relating to this notice.

1. DOE intends to *phase in the standards* over a five-year period, as described in this notice, with the final standards becoming effective no later than November 1986. DOE is interested in comments relating to this schedule and other alternative phase-in schedules.

2. DOE has identified the product types and classes to which standards are likely to apply. Product classes were

selected on the basis of utility and performance-related features. DOE would like to receive comments pertaining to the *proposed classes*. If additional classes are recommended, the recommendations should include the rationale for the establishment of such classes based on the class selection criteria discussed above.

3. For purposes of this notice, DOE has defined the "*maximum technologically feasible energy efficiency*" in section III B. DOE invites comments on this definition and on the preliminary efficiency levels listed in Table I.

4. DOE's approach to the development of an energy efficiency standard enforcement program has been discussed in section V. Suggestions relating to a compliance and enforcement program would be most valuable in the early stages of program development. In providing any comments or alternative approaches, manufacturers, trade associations and the general public should focus on the enforcement authority granted in the Act (discussed in section II B) and the effectiveness and potential impacts of implementing various approaches pursuant to this authority.

5. DOE believes, on the basis of information currently available, that retail prices vary widely for products of similar efficiencies produced by different manufacturers. Further, retail prices of identical products manufactured by a single manufacturer vary widely. DOE is interested in quantifying the economic factors that are most important in accounting for the numerous *retail pricing* strategies found in the marketplace.

6. Costs to operate consumer products vary widely across the Nation due to different costs of energy, climatic variations, and the different ways in which consumers use these products. DOE is interested in receiving comments regarding methods that could be used to assess the impact of these *variable costs* on the minimum level of energy efficiency that should be reflected in the standards.

7. DOE has identified the data requested from manufacturers in Section IV B. DOE invites comments on the data requested in Form CS-179(A) and Form CS-179(B).

IX. Comment Procedures

Interested persons are invited to participate in the development of standards by submitting, to the address indicated at the beginning of this notice, data, views or arguments with respect to the subjects set forth in this notice.

Comments should be identified on the outside of the envelope, and on documents submitted to DOE, with the designation, "Energy Efficiency Standards for Consumer Products (Docket No. CAS-RM-79-115)." Fifteen copies are requested to be submitted, but this is not a requirement for submitting comments.

Persons responding to this advance notice may consider part or all of their comments to be of a confidential nature, because the release of certain types of information might be deemed to cause substantial competitive injury. If any person believes that any information submitted is covered by the exemption to the Freedom of Information Act dealing with trade secrets and commercial or financial information obtained from a person and considered privileged or confidential (5 U.S.C. 552(b)(4)), the person should so state at the time of submission and request that DOE treat this information as confidential. Factors of interest to DOE when evaluating requests to treat as confidential information that has been submitted include: (1) a description of the item; (2) and indication as to whether and why such items of information have been treated by the submitting party as confidential, and whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; and (6) an indication as to when such information might lose its confidential character due to the passage of time.

DOE is also interested in obtaining views on what specific types of information warrant consideration under the exemption set forth in 5 U.S.C. 552(b)(4). Examples of specific types of information might include:

1. Number of units produced annually, by model.
2. Factory shipment price of each model.
3. Total employment, by product type.
4. Estimated cost increase to meet a proposed standard, by model.
5. Annual capital investment, by product type.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information or data which he believes to be confidential and exempt by law from public disclosure should submit one complete copy, and fifteen copies from which the information believed to be

confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

All comments received on or before the date specified at the beginning of this advance notice will be considered by DOE in developing the proposed standards. The comment period will extend beyond the 45 day comment period specified in section 325(i)(1)(B) of the Act because DOE's policy pursuant to Executive Order 12044 requires at least a 60 day comment period. Further, DOE believes that the additional time will result in more meaningful response to this notice, and this extension will not result in delay of the legislated timetable for the prescription of standards.

X. Oral Presentation: Conduct of Meeting

Any person who has an interest in this proceeding, or who is a representative of a group of persons having an interest, may make a written request for an opportunity to make an oral presentation at the public meeting to be held on the date indicated at the beginning of this notice. Such requests should be labeled both on the document and on the envelope, "Energy Efficiency Standards for Consumer Products (Docket No. CAS-RM-79-115)," and should be sent to the address indicated at the beginning of this notice, by the time there specified.

The person making the request should briefly describe the interest concerned and, if appropriate, state why he is a proper representative of a group that has an interest, and give a phone number where he may be contacted.

DOE reserves the right to select the persons to be heard at the meeting, to schedule the respective presentations, and to establish the procedures governing the conduct of the meeting. The length of each presentation may be limited, due to the number of persons requesting to be heard. If time permits, the official conducting the meeting may accept additional comments or questions from those attending.

The meeting will not be a judicial or evidentiary-type hearing. Except during those periods when comments or questions are requested from the floor, questions will be asked only by the persons conducting the meeting. Any further procedural rules needed for the proper conduct of the meeting will be announced by the presiding officer.

A transcript of the meeting will be made, and the entire record of the meeting, including the transcript, will be

retained by DOE and made available for inspection at the DOE Freedom of Information Office in the Forrestal Building, Independence Avenue and L'Enfant Plaza, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the transcribing reporter.

Issued in Washington, D.C., January 15, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

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