

141°10'00" W.; to the point of beginning. The portion within Canada is excluded.

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Issued in Washington, DC, on January 25, 2006.

**Kenneth McElroy,**

*Acting Manager, Airspace and Rules.*

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## FEDERAL TRADE COMMISSION

### 16 CFR P a 305

R C D  
R U E C H A  
N O P R U  
A ( A L R )

**AGENCY :** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY :** The Federal Trade Commission ("Commission") is amending the Appliance Labeling Rule to update ranges of comparability for compact clothes washers, refrigerators, refrigerator-freezers, and freezers. In addition, the Commission announces that ranges of comparability for standard clothes washers will remain in effect until further notice. Finally, the Commission is issuing minor, technical amendments to update the definition of medium base compact fluorescent lamp and to correct a sample heat pump label in the Rule.

**EFFECTIVE DATE:** May 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202-326-2889); [hnewsome@ftc.gov](mailto:hnewsome@ftc.gov).

**SUPPLEMENTARY INFORMATION:** The Appliance Labeling Rule ("Rule") was issued by the Commission in 1979, 44 FR 66466 (Nov. 19, 1979), in response to a directive in the Energy Policy and Conservation Act of 1975 ("EPCA").<sup>1</sup> The Rule covers several categories of major household appliances including refrigerators, refrigerator-freezers, and freezers.

### I. Background

The Rule requires manufacturers of all covered appliances to disclose specific energy consumption or efficiency information (derived from the DOE test

<sup>1</sup> 42 U.S.C. 6294. The statute also requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

procedures) at the point of sale in the form of an "EnergyGuide" label, in fact sheets (for some appliances), and in catalogs. The Rule requires manufacturers to include, on labels and fact sheets, an energy consumption or efficiency figure and a "range of comparability." This range shows the highest and lowest energy consumption annual submissions of data for clothes washers, refrigerators, refrigerator-freezers, and freezers. Analysis of the refrigerators, refrigerator-freezers, and freezers submissions indicates that the ranges for these products have changed significantly.

<sup>3</sup> Therefore, the Commission is publishing new ranges of comparability in these categories. Today's publication of the new ranges for refrigerators, refrigerator-freezers, and freezers also means that, after May 1, 2006, manufacturers of these products must calculate the operating cost figures

<sup>2</sup> Reports for refrigerators, refrigerator-freezers, and freezers are due August 1. Reports for clothes washers are due October 1.

<sup>3</sup> The Commission's analysis for refrigerators, refrigerator-freezers, and freezers excluded models with energy consumption figures that do not meet the current DOE energy conservation standards. See 62 FR 23102 (April 28, 1997).

at the bottom of labels for the products using the 2005 cost for electricity (9.06 cents per kilowatt-hour) (see 70 FR 32484 (June 3, 2005)).

Analysis of the clothes washer submissions indicate that there has been a significant change in the range for compact clothes washers but no significant change for standard clothes washers. Manufacturers should continue to use the existing range and energy cost information found in the Rule for standard clothes washers. The Commission, however, is amending the required range of comparability for compact clothes washers to reflect the new data.<sup>4</sup> The Commission is not changing the energy cost figures (*i.e.*, the average national prices for electricity and natural gas) that manufacturers must use to calculate estimated operating costs on compact clothes washer labels. Manufacturers should continue to use the 2004 electricity and natural gas cost figures as currently required by the Rule for both compact and standard models. If standard and compact washer labels employed different energy cost figures for calculating operating costs, models with the identical energy consumption would bear labels disclosing different annual operating costs. This could cause consumer confusion and make it difficult for consumers to compare the operating costs of these washer types.

### III. Definition of Medium Base Compact Fluorescent Lamp

The Energy Policy Act of 2005 (EPACT of 2005) (Pub. L. 109-58) amended the definition of "medium base compact fluorescent lamp" in part B of title III of the Energy Policy and Conservation Act (EPCA) (42 U.S.C. 6291-6309). On October 18, 2005 (70 FR 60407), DOE issued technical amendments to change, among other things, the regulatory definition of "medium base compact fluorescent lamp" to make it consistent with the amended Act. The Commission is changing the definition of this term in its Rule so that it is consistent with DOE's rules and the new statutory definition.

### IV. Correction to Prototype Label 5 and Sample Label 9

The Commission is issuing a correction to Prototype Label 5 and Sample Label 9 in the Rule. The word "cooling," instead of "heating," was incorrectly placed in the label's depiction of the model's Heating Seasonal Performance Factor. In

<sup>4</sup> Compact clothes washers account for a small fraction of the total washer models on the market.





**Appendix B1 to Part 305—Upright Freezers With Manual Defrost**

RANGE INFORMATION		
M	R	
	L	H <sub>1</sub>
L..... 5.5 .....	272	328
5.5. 7.4 .....	354	354
7.5. 9.4 .....	292	341
9.5. 11.4 .....	353	392
11.5. 13.4 .....	354	410
13.5. 15.4 .....	409	341
15.5. 17.4 .....	430	477
17.5. 19.4 .....	392	392
19.5. 21.4 .....	512	512
21.5. 23.4 .....	(*)	(*)
23.5. 25.4 .....	580	580
25.5. 27.4 .....	(*)	(*)
27.5. 29.4 .....	477	477
29.5 .....	512	512

(\*) N E E C  
D E E C  
1, 2001.

■ 12. Appendix B2 to Part 305 is revised to read as follows:

**Appendix B2 to Part 305—Upright Freezers With Automatic Defrost**

RANGE INFORMATION		
M	R	
	L	H <sub>1</sub>
L..... 5.5 .....	482	491
5.5. 7.4 .....	(*)	(*)
7.5. 9.4 .....	(*)	(*)
9.5. 11.4 .....	(*)	(*)
11.5. 13.4 .....	575	575
13.5. 15.4 .....	582	655
15.5. 17.4 .....	601	683

**RANGE INFORMATION—C**

M	R	
	L	H <sub>1</sub>
17.5. 19.4 .....	635	742
19.5. 21.4 .....	671	770
21.5. 23.4 .....	796	796
23.5. 25.4 .....	855	855
25.5. 27.4 .....	(*)	(*)
27.5. 29.4 .....	683	683
29.5 .....	(*)	(*)

(\*) N E E C  
D E E C  
1, 2001.

■ 13. Appendix B3 to part 305 is revised to read as follows:

**Appendix B3 to Part 305—Chest Freezers and All Other Freezers**

RANGE INFORMATION		
M	R	
	L	H <sub>1</sub>
L..... 5.5 .....	185	357
5.5. 7.4 .....	215	381
7.5. 9.4 .....	251	251
9.5. 11.4 .....	248	312
11.5. 13.4 .....	276	350
13.5. 15.4 .....	354	394
15.5. 17.4 .....	282	360
17.5. 19.4 .....	(*)	(*)
19.5. 21.4 .....	350	415
21.5. 23.4 .....	460	512
23.5. 25.4 .....	570	570
25.5. 27.4 .....	354	394
27.5. 29.4 .....	(*)	(*)
29.5 .....	512	512

(\*) N E E C  
D E E C  
1, 2001.

**Cost Information for Appendices B1 Through B3**

When the ranges of comparability in Appendices B1 through B3 are used on EnergyGuide labels for freezers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2005 Representative Average Unit Cost for electricity (9.06¢ per kilowatt-hour), and the text below the box must identify the cost as such.

■ 14. Appendix F2 to Part 305 is revised to read as follows:

**Appendix F2 to Part 305—Compact Clothes Washers**

RANGE INFORMATION		
C	R	
	L	H <sub>1</sub>
C .....	125	462

**Cost Information**

When the above range of comparability is used on EnergyGuide labels for compact clothes washers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2004 Representative Average Unit Costs for electricity (8.60¢ per kilowatt-hour) and natural gas (91.0¢ per therm), and the text below the box must identify the costs as such.

■ 15. Prototype Label 1 in Appendix L to part 305 is revised to read as follows:

\* \* \* \* \*

All copy Arial Narrow Regular or Bold as below.  
Helvetica Condensed series typeface or other equivalent also acceptable.

All copy x 28 pt.

10/12  
Arial  
Narrow

Based on standard U.S. Government tests

**ENERGYGUIDE**

12/14

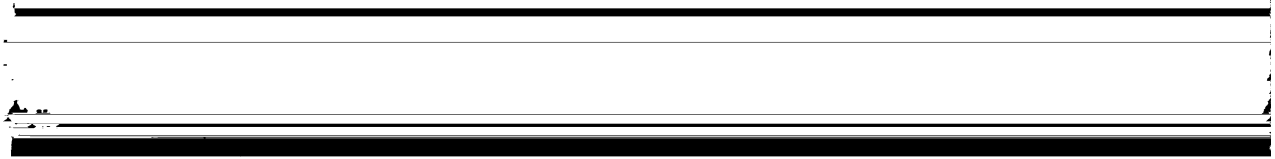
12/14

\* \* \* \* \*

■ 16. Prototype Label 5 in Appendix L to part 305 is revised to read as follows:

\* \* \* \* \*

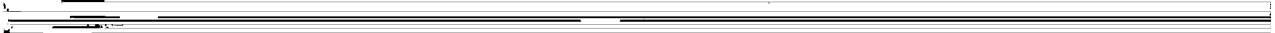
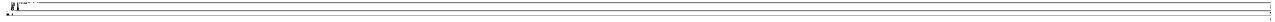
All copy Arial Narrow Regular or Bold as below.  
Helvetica Condensed series typeface or other equivalent also acceptable



← All copy x 28 pt. →

10/12  
Arial  
Narrow

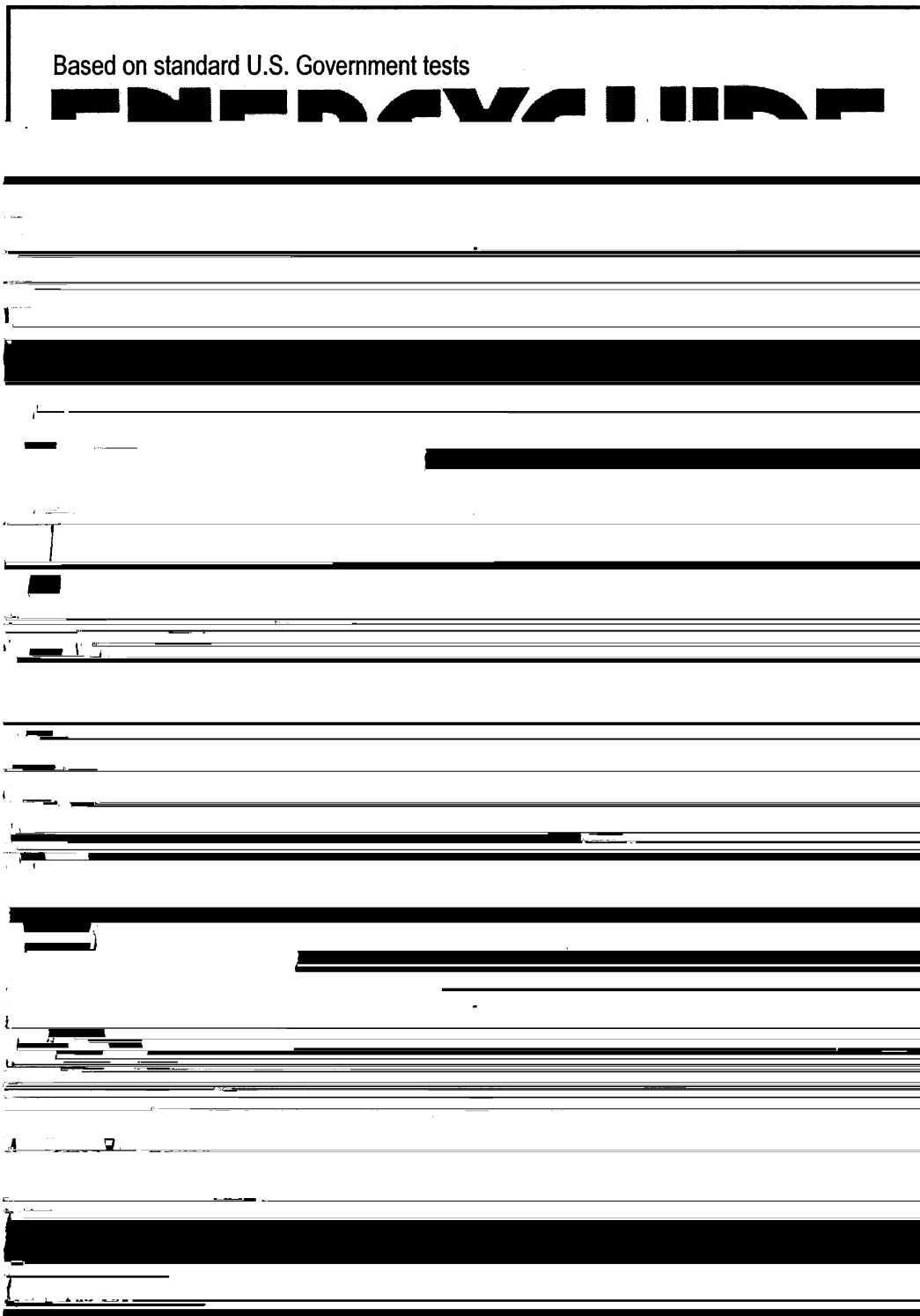
Based on standard U.S. Government tests  
**ENFORCEMENT**



\* \* \* \* \*

■ 17. Sample Label 1 in Appendix L to part 305 is revised to read as follows:

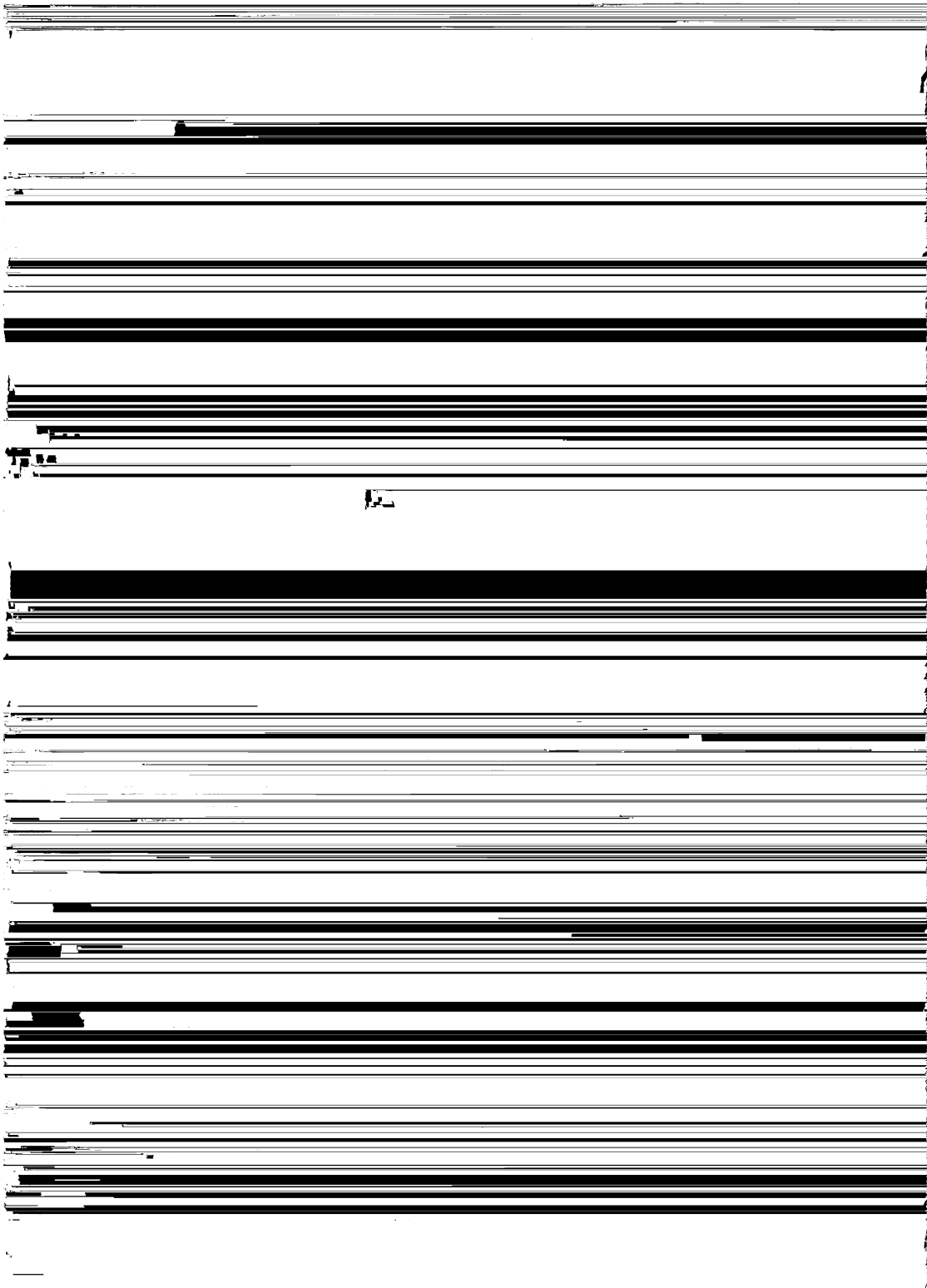
\* \* \* \* \*



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■ 18. Sample Label 2 in Appendix L to part 305 is revised to read as follows:

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■ 19. Sample Label 9 in Appendix L to part 305 is revised to read as follows:

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Based on standard U.S. Government tests

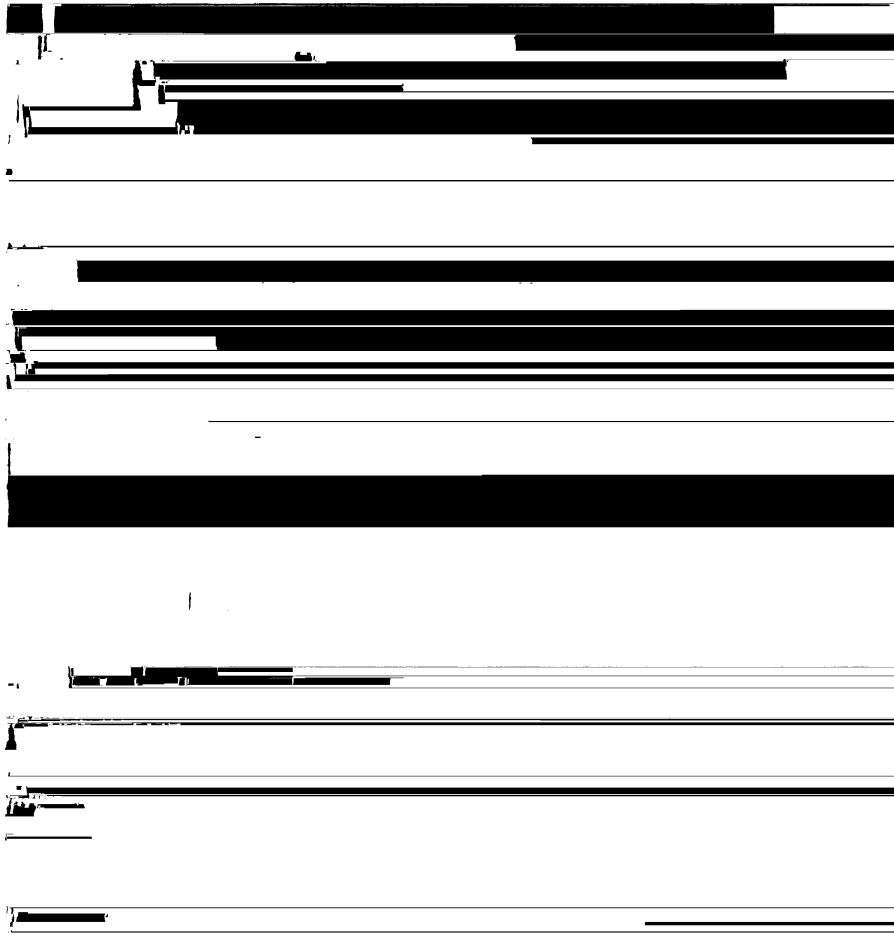
# ENERGYGUIDE

Heat Pump  
Cooling and Heating  
Split System

XYZ Corporation  
Model 12345

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**Compare the Energy Efficiency of this  
Heat Pump with Others Before You Buy.**



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By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 06-882 Filed 1-30-06; 8:45 am]

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