

addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4121; facsimile: (816) 329-4091.

(g) *What if I need to fly the sailplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your sailplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Rolladen Schneider Technical Bulletin No. 3051, Technical Bulletin No. 4043, or Technical Bulletin No. 6037, all dated September 14, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Rolladen-Schneider Flugzeugbau GmbH, Muhlstrasse 10, D-63329 Egelsbach, Germany. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on July 13, 2001.

Note 2: The subject of this AD is addressed in German AD Numbers 2000-076, 2000-082, and 2000-085, all dated March 9, 2000.

Issued in Kansas City, Missouri, on May 14, 2001.

Melvin D. Taylor,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-12523 Filed 5-18-01; 8:45 am]

BILLING CODE 4910-13-U

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") revises Table 1 in § 305.9 of the Commission's Appliance Labeling Rule ("Rule") to incorporate the latest figures for average unit energy costs as published by the Department of Energy ("DOE") in the

Federal Register on March 8, 2001.

Table 1 sets forth the representative average unit energy costs for five residential energy sources, which the Commission revises periodically on the basis of undated information provided by DOE. The Commission is also making two minor technical corrections to the Rule.

DATES: The amendments published in this document are effective May 21, 2001. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, 202-326-2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580; E-mail: hnewsome@ftc.gov.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201.¹ The Rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in section 305.9(a) of the Rule sets forth the representative average unit energy costs to be used for all cost-related requirements of the Rule. As stated in section 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE.

I. Representative Average Unit Energy Costs

On March 8, 2001, DOE published the most recent figures for representative average unit energy costs (66 FR 13917). These energy cost figures are for manufacturers to use, in accordance with the guidelines that appear below, to calculate the required secondary

¹ 44 FR 66466. Since its promulgation, the Rule has been amended five times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), certain lamp products (59 FR 25176, May 13, 1994), and pool heaters and certain residential water heater types (59 FR 49556, Sept. 28, 1994). Obligations under the Rule concerning fluorescent lamp ballasts, lighting products, plumbing products and pool heaters are not affected by the cost figures in this notice.

annual operating cost figures at the bottom of required EnergyGuides for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, and room air conditioners. The energy cost figures also are for manufacturers of central air conditions and heat pumps to use, also in accordance with the below guidelines, to calculate annual operating cost for required fact sheets and in approved industry directories listing these products.

The DOE cost figures are not necessary for making data submissions to the Commission. The required energy use information that manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters must submit under section 305.8 of the Rule is no longer operating cost; it is now energy consumption (kilo Watt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil).

Accordingly, Table 1 is revised to reflect these latest cost figures, as set forth below. The current and future obligations of manufacturers with respect to the use of DOE's cost figures are as follows:

A. For Labeling of Refrigerators, Refrigerator-Freezers, Freezers, Clothes Washers, Dishwashers, Water Heaters, and Room Air Conditioners²

Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners must use the National Average Representative Unit Costs published today on labels for their products only after the Commission publishes new ranges of comparability for those products that are based on today's cost figures. In the meantime, they must continue to use past DOE cost figures as follows:

1. Refrigerators, Refrigerator-Freezers, and Freezers

Manufacturers of refrigerators, refrigerator-freezers, and freezers covered by Appendices A1, A2, A3, A4,

² Sections 305.11(a)(5)(i)(H)(2) and (3) of the Rule (16 CFR 305.11(a)(5)(i)(H)(2) and (3)) require that labels for refrigerators, refrigerator-freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). The labels also must disclose, below this secondary estimated annual operating cost, the fact that the estimated annual operating cost is based on the appropriate DOE energy cost figure, and must identify the year in which the cost figure was published.

A5, A6, B1, B2, and B3 of 16 CFR part 305 must continue to derive the operating cost disclosures on labels by using the 1998 National Average Representative Unit Costs (8.42 cents per kilowatt-hour for electricity) published by DOE on December 8, 1997 (62 FR 64574), and by the Commission on December 29, 1997 (62 FR 67560), and that were in effect when the current (1998) ranges of comparability for these products were published.³

Manufacturers of refrigerator-freezers covered by Appendix A7 of 16 CFR Part 305 must continue to derive the operating cost disclosures on labels by using the 2000 National Average Representative Unit Costs (8.03 cents per kilowatt-hour for electricity) that were published by DOE on February 7, 2000 (65 FR 5860), and by the Commission on April 17, 2000 (65 FR 20352), and that were in effect when the current (2000) ranges of comparability for these products were published.⁴ Manufacturers must continue to use the foregoing DOE cost figures until the Commission publishes new ranges of comparability. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figure for electricity in effect at that time.

2. Room Air Conditioners

Manufacturers of room air conditioners must continue to derive the operating cost disclosures on labels by using the 1995 National Average Representative Unit Costs for electricity (8.67 cents per kilowatt-hour) that were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9296), and that were in effect when the current (1995) ranges of comparability for these products were published.⁵ Manufacturers of room air conditioners must continue to use the 1995 DOE cost figures to calculate the operating cost

disclosure disclosed on labels until the Commission publishes new ranges of comparability for room air conditioners based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figure for electricity in effect at that time.

3. Storage-Type Water Heaters

Manufacturers of storage-type water heaters must continue to use the 1994 DOE cost figures (8.41 cents per kilowatt-hour for electricity, 60.4 cents per therm for natural gas, \$1.05 per gallon for No. 2 heating oil, and 98.3 cents per gallon for propane) in determining the operating cost disclosures on the labels on their products. This is because the 1994 DOE cost figures were in effect when the 1994 ranges of comparability for storage-type water heaters were published, and those 1994 ranges are still in effect for those products.⁶ Manufacturers of storage-type water heaters must continue to use the 1994 cost figures to calculate the estimated annual operating cost figures on their labels until the Commission publishes new ranges of comparability for storage-type water heaters. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figures for relevant energy types in effect at that time.

4. Heat Pump Water Heaters

Manufacturers of heat pump water heaters must continue to derive the operating cost disclosures on labels by using the 2000 National Average Representative Unit Costs for electricity (8.03 cents per kilowatt-hour) that were published by DOE on February 7, 2000 (65 FR 5860), and by the Commission on April 17, 2000 (65 FR 20352), and that were in effect when the current (2000) ranges of comparability for these products were published.⁷ Manufacturers of heat pump water heaters must continue to use the 2000

DOE cost figures to calculate the operating cost disclosure on labels until the Commission publishes new ranges of comparability for heat pump water heaters based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figures for electricity in effect at that time.

5. Gas-Fired Instantaneous Water Heaters

Manufacturers of gas-fired instantaneous water heaters must continue to base the required secondary operating cost disclosures on labels on the 1999 National Average Representative Unit Cost for natural gas (68.8 cents per therm) and propane (77 cents per therm) that were published by DOE on January 5, 1999 (64 FR 487), and by the Commission on February 17, 1999 (64 FR 7783), and that were in effect when the 1999 ranges of comparability for these products were published.⁸ Manufacturers must continue to use the 1999 DOE cost figures to calculate the operating cost disclosure on labels until the Commission publishes new ranges of comparability for gas-fired instantaneous water heaters. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figures for the relevant energy types in effect at that time.

6. Standard-Size Dishwashers

Manufacturers of standard-size dishwashers must continue to base the required secondary operating cost disclosures on labels on the 1997 National Average Representative Unit Costs for electricity (8.31 cents per kilowatt-hour) and natural gas (61.2 cents per therm) that were published by DOE on November 18, 1996 (61 FR 58679), and by the Commission on February 5, 1997 (62 FR 5316), and that were in effect when the 1997 ranges of comparability for these products were published.⁹ Manufacturers of standard-size dishwashers must continue to use the 1997 DOE cost figures to calculate

³ The current (1998) ranges for refrigerators, refrigerator-freezers, and freezers covered by Appendices A1, A2, A3, A4, A5, A6, A8, B1, B2, and B3 were published on December 2, 1998 (63 FR 66428). On December 20, 1999 (64 FR 71019) and October 23, 2000 (65 FR 63201), the Commission announced that the 1998 ranges for these products would continue to remain in effect.

⁴ The current (2000) ranges for refrigerator-freezers covered by Appendix A7 were published on October 23, 2000 (65 FR 63201).

⁵ The current (1995) ranges for room air conditioners were published on November 13, 1995 (60 FR 56945). On September 16, 1996 (61 FR 48620), August 25, 1997 (62 FR 44890), August 28, 1998 (63 FR 45941), December 20, 1999 (64 FR 71019), and September 1, 2000 (65 FR 53163), the Commission announced that the 1995 ranges for room air conditioners would continue to remain in effect.

⁶ The 1994 DOE cost figures were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699). The current (1994) ranges of comparability for storage-type water heaters were published on September 23, 1994 (59 FR 48796). On August 21, 1995 (60 FR 43367), September 16, 1996 (61 FR 48620), August 25, 1997 (62 FR 44890), August 28, 1998 (63 FR 45941), December 20, 1999 (64 FR 71019), and September 1, 2000 (65 FR 53163), the Commission announced that the 1994 ranges for storage-type water heaters would continue to remain in effect.

⁷ The current (2000) ranges of comparability for heat pump water heaters were published on September 1, 2000 (65 FR 53163).

⁸ The current ranges for gas-fired instantaneous water heaters were published on December 20, 1999 (64 FR 71019). On September 1, 2000 (65 FR 53165), the Commission announced that the 1999 ranges for gas-fired instantaneous water heaters would continue to remain in effect.

⁹ The current ranges for standard-size dishwashers were published on August 25, 1997 (62 FR 44890). On August 28, 1998 (63 FR 45941), December 20, 1999 (64 FR 71019), and September 1, 2000 (65 FR 53165), the Commission announced that the 1997 ranges for standard-size dishwashers would continue to remain in effect.

the operating cost disclosures on labels until the Commission publishes new ranges of comparability for standard-size dishwashers based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figure for the relevant energy types in effect at that time.

7. Compact-Size Dishwashers and Clothes Washers

Manufacturers of compact-size dishwashers and clothes washers must continue to derive the operating cost disclosures on labels by using the 2000 National Average Representative Unit Costs for electricity (8.03 cents per kilo Watt-hour) and natural gas (68.8 cents per therm) that were published by DOE on February 7, 2000 (65 FR 5860), and by the Commission on April 17, 2000 (65 FR 20352), and that were in effect when the current (2000) ranges of comparability for these products were published.¹⁰ Manufacturers of compact dishwashers and clothes washers must continue to use the 2000 DOE cost figures to calculate the operating cost disclosures on labels until the Commission publishes new ranges of comparability for compact-size dishwashers and clothes washers based on future annual submissions of data. In the notice announcing the new ranges, the Commission also will announce that operating cost disclosures must be based on the DOE cost figures for the relevant energy types in effect at that time.

B. For Operating Cost Information Relating to Central Air Conditioners and Heat Pumps Disclosed on Fact Sheets and in Industry Directories

In the 2001 notice announcing whether there will be new ranges of comparability for central air conditioners and heat pumps, the Commission also will announce that operating cost disclosures for these products on fact sheets and in industry directories must be based on the 2001

DOE cost figure for electricity beginning on the effective date of that notice.

C. For Operating Cost Representation Respecting Products Covered by EPCA but Not By the Commission's Rule

Manufacturers of products covered by section 323(c) of EPCA, 42 U.S.C. 6293(c), but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 2001 DOE energy costs in all operating cost representations beginning August 20, 2001.

II. Minor, Technical Corrections to the Rule

The Commission is amending two sections of the Rule that contain obsolete references to DOE's appliance testing requirements found in 10 CFR Part 430 ("DOE's Rule"). The current Commission Rule identifies 10 CFR 430.22 as the citation for DOE's test procedures covering a variety of appliances (see 16 CFR 305.5(a)). The correct reference is to section 430.23 of DOE's Rule. Similarly, the current Commission Rule identifies 10 CFR 430.23 as the citation for DOE's sampling procedures (see 16 CFR 305.6(a)). The correct reference is to section 430.24 of DOE's Rule.

III. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 605). The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

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

PART 305—[AMENDED]

Accordingly, 16 CFR part 305 is amended as follows:

1. The authority citation for part 305 continues to read:

Authority: 42 U.S.C. 6294.

2. Section 305.5(a) is revised to read as follows:

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.

(a) Procedures for determining the estimated annual energy consumption, the estimated annual operating costs, the energy efficiency ratings and the efficacy factors of covered products are those found in 10 CFR part 430, subpart B, in the following sections:

- (1) Refrigerators and refrigerator-freezers § 430.23(a).
- (2) Freezers—§ 430.23(b).
- (3) Dishwashers—§ 430.23(c).
- (4) Water heaters—§ 430.23(e).
- (5) Room air conditioners—§ 430.23(f).
- (6) Clothes washers—§ 430.23(j).
- (7) Central air conditioners and heat pumps—§ 430.23(m).
- (8) Furnaces—§ 430.23(n).
- (9) Pool Heaters—§ 430.23(p).
- (10) Fluorescent lamp ballasts—§ 430.23(q).

* * * * *

3. Section 305.6(a) is revised to read as follows:

§ 305.6 Sampling.

(a) For any covered product (except general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps, including incandescent reflector lamps), 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 § 430.24 of 10 CFR part 430, subpart B.

* * * * *

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

§ 305.9 Representative average unit energy costs.

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

¹⁰ The current (2000) ranges of comparability for clothes washers were published on May 11, 2000 (65 FR 30351). On April 16, 2001 (66 FR 19389), the Commission announced that the 2000 ranges for clothes washers would continue to remain in effect. The current (2000) ranges of comparability for compact-size dishwashers were published on September 1, 2000 (65 FR 53165).

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2001)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu ¹
Electricity	8.29¢/kWh ^{2,3}	\$0.0829/kWh	\$24.30
Natural Gas	83.7¢/therm ⁴ or \$8.63/MCF ^{5,6}	0.00000837/Btu	8.37
No. 2 heating oil	\$1.23/gallon ⁷	0.00000886/Btu	8.86
Propane	\$1.03/gallon ⁸	0.00001128/Btu	11.28
Kerosene	\$1.27/gallon ⁹	0.00000941/Btu	9.41

¹ Btu stands for British thermal unit.² kWh stands for kiloWatt hour.³ 1 kWh = 3,412 Btu.⁴ therm = 100,000 Btu. Natural gas prices include taxes.⁵ MCF stands for 1,000 cubic feet.⁶ For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,031 Btu.⁷ For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.⁸ For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.⁹ For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

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By direction of the Commission.

Donald S. Clark,

Secretary,

[FR Doc. 01-12676 Filed 5-18-01; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 30****Foreign Futures and Options Transactions****AGENCY:** Commodity Futures Trading Commission.**ACTION:** Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is granting an exemption to firms designated by the Winnipeg Commodity Exchange ("WCE") from the application of certain of the Commission's foreign futures and option rules based on substituted compliance with certain comparable regulatory and self-regulatory requirements of a foreign regulatory authority consistent with conditions specified by the Commission, as set forth herein. This Order is issued pursuant to Commission Rule 30.10, which permits specified persons to file a petition with the Commission for exemption from the application of certain of the rules set forth in Part 30 and authorizes the Commission to grant such an exemption if such action would not be otherwise contrary to the public interest or to the purposes of the provision from which exemption is sought.

EFFECTIVE DATE: May 21, 2001.**FOR FURTHER INFORMATION CONTACT:**

Lawrence B. Patent, Esq., Associate Chief Counsel, Susan A. Elliott, Esq.,

Staff Attorney, or Andrew V. Chapin, Esq., Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5430.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

Order Under CFTC Rule 30.10 Exempting Firms Designated by the Winnipeg Commodity Exchange From the Application of Certain of the Foreign Futures and Option Rules the Later of the Date of Publication of the Order Herein in the **Federal Register** or After Filing of Consents by Such Firms and the Regulatory or Self-Regulatory Organization, as Appropriate, to the Terms and Conditions of the Order Herein.

Commission rules governing the offer and sale of commodity futures and option contracts traded on or subject to the rules of a foreign board of trade to customers located in the U.S. are contained in Part 30 of the Commission's rules.¹ These rules include requirements for intermediaries with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, and sales practice and compliance procedures, that are generally comparable to those applicable to transactions on U.S. markets.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to customers located in the U.S., the Commission, among other things, considered the desirability of ameliorating the potential extraterritorial impact of such a program and avoiding duplicative regulation of firms engaged in international business. Based upon these considerations, the Commission determined to permit persons located outside the U.S. and

subject to a comparable regulatory structure in the jurisdiction in which they were located to seek an exemption from certain of the requirements under Part 30 of the Commission's rules based upon substituted compliance with the comparable regulatory requirements of the foreign jurisdiction.

Appendix A to Part 30, "Interpretative Statement With Respect to the Commission's Exemptive Authority Under 30.10 of Its Rules" ("Appendix A"), generally sets forth the elements the Commission will evaluate in determining whether a particular regulatory program may be found to be comparable for purposes of exemptive relief pursuant to Rule 30.10.² These elements include: (1) Registration, authorization or other form of licensing, fitness review or qualification of persons through whom customer orders are solicited and accepted; (2) minimum financial requirements for those persons who accept customer funds; (3) protection of customer funds from misapplication; (4) recordkeeping and reporting requirements; (5) sales practice standards; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) information sharing arrangements between the Commission and the appropriate governmental and/or self-regulatory organization to ensure Commission access on an "as needed" basis to information essential to maintaining standards of customer and market protection within the U.S.

Moreover, the Commission specifically stated in adopting Rule 30.10 that no exemption of a general nature would be granted unless the persons to whom the exemption is to be applied: (1) consensually submit to jurisdiction in the U.S. by designating an agent for service of process in the

¹ Commission rules referred to herein are found at 17 CFR Ch. I (2000).² 52 FR 28990, 29001 (August 5, 1987).