

Sioux Falls, SD, Joe Foss Field, NDB or GPS RWY 3, Amdt 24
 Sioux Falls, SD, Joe Foss Field, ILS RWY 3, Amdt 27
 Sioux Falls, SD, Joe Foss Field, ILS RWY 21, Amdt 9
 Sioux Falls, SD, Joe Foss Field, GPS RWY 33, Orig

The FAA published an amendment in Docket No. 29437, AMDT No. 1909 to part 97 of the Federal Aviation Regulations (Vol 64, No. 11 page 2831; dated Tuesday, January 19, 1999), under section 97.23 effective 25 February 1999 which is hereby amended as follows:

St Louis, MO, Spirit of St Louis, VOR or GPS RWY 8R, Amdt 7A, Cancelled, is hereby recinded. Amendment 7A remains in effect.

St Louis, MO, Spirit of St Louis, VOR RWY 26L, Amdt 5, Cancelled, is hereby recinded. Amendment 5 remains in effect.

[FR Doc. 99-3805 Filed 2-16-99; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 305

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

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission ("Commission") revises Table 1 in § 305.9 of the Commission's Appliance Labeling Rule ("the Rule"), to incorporate the latest figures for average unit energy costs as published by the Department of Energy ("DOE") in the **Federal Register** on January 5, 1999. Table I sets forth the representative average unit energy costs for five residential energy sources, which the Commission revises periodically on the basis of updated information provided by DOE.

DATES: The revision to § 305.9(a) are effective February 17, 1999. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the Supplementary Information Section, below.

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

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act

("EPCA"), 42 U.S.C. 6201.¹ 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 § 305.9(a) of the Rules sets forth the representative average unit energy costs to be used for all cost-related requirements of the Rule. As stated in § 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE.

On January 5, 1999, DOE published the most recent figures for representative average unit energy costs.² Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

How and when industry members must use (or not use) revised Table 1 to calculate cost disclosures for labeling and catalog sales is explained in detail in the paragraphs below. In sum:

- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners are not permitted to use the DOE cost figures published today to calculate the secondary operating cost figures on labels for their products until the Commission publishes new ranges of comparability for those products.
- Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters have no need for the DOE cost figures for making data submissions under § 305.8. The energy use information they must submit and use as primary energy use descriptors on labels for these products is now in terms of energy consumption, not operating cost.
- Manufacturers of products covered by the Rule must use the 1999 DOE cost figures published today to calculate operating cost representations in catalogs, point of sale literature and other point of sale representations, and

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.

² 64 FR 487.

advertisements that are drafted and printed after May 18, 1999.

- Beginning May 18, 1999, manufacturers of clothes dryers, television sets, kitchen ranges and ovens, and space heaters must begin using the 1999 representative average unit costs for energy in all operating cost representations.

For Labeling of Products Covered by the Commission's Rule³

Manufacturers of covered products are not permitted to use the National Average Representative Unit Costs published today on labels for their products until the Commission publishes new ranges of comparability for those products.

Manufacturers of storage-type water heaters must continue to use the 1994 DOE cost figures (8.41 cents per kilo Watt-hour for electricity, 60.4 cents per therm for natural gas, \$1.054 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.⁴ 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.

Manufacturers of heat pump water heaters and room air conditioners must continue to derive the operating cost disclosures on labels by using the 1995 National Average Representative Unit

³ 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, 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 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.

⁴ 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), on September 16, 1996 (61 FR 48620), on August 25, 1997 (62 FR 44890), and again on August 28, 1998 (63 FR 45941), the Commission announced that the 1994 ranges for storage-type water heaters will continue to remain in effect.

Costs (8.67 cents per kilo Watt-hour for electricity, 63 cents per therm for natural gas, \$1.008 per gallon for No. 2 heating oil, and 98.5 cents per gallon for propane) that were in effect when the current (1995) ranges of comparability for these products were published.⁵ Manufacturers of heat pump water heaters and 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 heat pump water heaters or 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.

Manufacturers of 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), natural gas (61.2 cents per therm), propane (98 cents per gallon), and/or heating oil (99 cents per gallon) that were published by DOE on November 18, 1996,⁶ and by the Commission on February 5, 1997,⁷ and that were in effect when the 1997 ranges of comparability for these products were published.⁸

Manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, and instantaneous water heaters must continue to derive the operating cost disclosures on labels by using the 1998 National Average Representative Unit Costs (8.42 cents per kilo Watt-hour for electricity, 61.9 cents per therm for natural gas, 95 cents per gallon for No. 2 heating oil, and 95 cents per gallon for propane) that were in effect when the current (1998) ranges of comparability for these products were published.⁹ Manufacturers of

refrigerators, refrigerator-freezers, freezers, clothes washers, and instantaneous water heaters must continue to use the 1998 DOE cost figures to calculate the operating cost disclosure disclosed on labels until the Commission publishes new ranges of comparability for refrigerators, refrigerator-freezers, freezers, clothes washers, and instantaneous 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 in effect at that time.

For 1999 Submissions of Data Under § 305.8 of the Commission's Rule

Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of § 305.8 of the Rule. Pursuant to amendments to the Rule published on July 1, 1994¹⁰ (with extended compliance dates published on December 8, 1994¹¹), the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilo Watt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil). Thus, the 1999 (and all subsequent) data submissions under 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, not cost. The energy efficiency descriptors for the other products covered by the Rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency.

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

Clothes washers: March 1

67560). The current (1998) ranges for clothes washers were published on April 20, 1998 (63 FR 19397). The current (1998) ranges for instantaneous water heaters were published on August 28, 1998 (63 FR 45941). The current (1998) ranges for refrigerators, refrigerator-freezers, and freezers were published on December 2, 1998 (63 FR 66428).

¹⁰ 59 FR 34014.

¹¹ 59 FR 63688.

Water heaters: May 1
Furnaces: May 1
Room air conditioners: May 1
Pool Heaters: May 1
Dishwashers: June 1
Central air conditioners: July 1
Heat pumps: July 1
Refrigerators: August 1
Refrigerator-freezers: August 1
Freezers: August 1

For Energy Cost Representations Respecting Covered Products in Catalogs

Energy cost representations in catalogs that are drafted and printed while the 1999 cost figures are in effect must be derived using the 1999 energy costs beginning May 19, 1999.

For Energy Cost Representations Respecting Products Covered by EPCA but Not by the Commission's Rule

Manufacturers of products covered by section 323(c) of EPCA, 42 U.S.C. 6293(c), but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 1999 DOE energy costs in all operating cost representations beginning May 19, 1999.

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 305.9(a) is revised to read as follows:

⁵ The 1995 DOE cost figures were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9296). The current (1995) ranges of comparability for heat pump water heaters were published on August 21, 1995 (60 FR 43367). The current (1995) ranges for room air conditioners were published on November 13, 1995 (60 FR 56945). On September 16, 1996 (61 FR 48620), again on August 25, 1997 (62 FR 44890), and again on August 28, 1998 (63 FR 45941), the Commission announced that the 1995 ranges for heat pump water heaters and room air conditioners would continue to remain in effect.

⁶ 61 FR 58679.

⁷ 62 FR 5316.

⁸ The current ranges for dishwashers were published on August 25, 1997 (62 FR 44890). On August 28, 1998 (63 FR 45941), the Commission announced that the 1997 ranges for dishwashers will continue to remain in effect.

⁹ The 1998 DOE cost figures were published by DOE on December 8, 1997 (62 FR 64574), and by the Commission on December 29, 1997 (62 FR

§ 305.9 Representative average unit energy cost.

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

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES [1999]

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu ¹
Electricity	8.22¢/kWh ^{2,3}	\$0.0822/kWh	\$24.09
Natural Gas	68.8¢/therm ⁴ or \$7.07/MCF ^{5,6}	\$0.00000688/Btu	6.88
No. 2 heating oil	\$.89/gallon ⁷	\$0.00000642/Btu	6.42
Propane	\$.77/gallon ⁸	\$0.00000843/Btu	8.43
Kerosene	\$1.04/gallon ⁹	\$0.00000770/Btu	7.70

¹ Btu stands for British thermal unit.
² kWh stands for kiloWatt hour.
³ 1 kWh = 3,412 Btu.
⁴ 1 therm = 100,000 Btu. Natural gas prices include taxes.
⁵ MCF stands for 1,000 cubic feet.
⁶ For purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,027 Btu.
⁷ For purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
⁸ For purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.
⁹ For purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

* * * * *
Donald S. Clark,
Secretary.
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9
 [TD ATF-408; Re: Notice No. 858]
 RIN 1512-AA07

Chiles Valley Viticultural Area (96F-111)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.
ACTION: Treasury decision, final rule.

SUMMARY: This Treasury decision will establish a viticultural area in Napa County, California, to be known as "Chiles Valley." This viticultural area is the result of a petition submitted by Mr. Volker Eisele, owner of the Volker Eisele Vineyard and Winery.
EFFECTIVE DATE: April 19, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas B. Busey, Specialist, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226, (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury decision ATF-53 (43 FR

37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2), Title 27, CFR, outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- (a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- (b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- (c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- (d) A description of the specific boundaries of the viticultural area, based on features which can be found

on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale, and;

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF received a petition from Mr. Volker Eisele, representing the Chiles Valley District Committee proposing to establish a new viticultural area in Napa County, California to be known as "Chiles Valley District." The Chiles Valley viticultural area is located entirely within the Napa Valley. The viticultural area is located in the eastern portion of Napa Valley between and on the same latitude as St. Helena and Rutherford. It contains approximately 6,000 acres, of which 1,000 are planted to vineyards. Four wineries are currently active within the viticultural area.

Comments

A Notice of Proposed Rulemaking, Notice No. 858 (63 FR 13583) was published in the **Federal Register** on March 20, 1998, requesting comments from all interested persons concerning the proposed viticultural area. Specific comments were requested on the use of the term "District" as part of the viticultural area name as proposed in the original petition. ATF noticed the proposed area as "Chiles Valley" because ATF did not find that the petitioner submitted sufficient evidence to support the use of the term "District" with Chiles Valley. Six comments were received in response to this notice. All