Mammal Negotiated Rulemaking Advisory Committee:

Representing Facility Owners and Managers

American Zoo and Aquarium Association

Alliance of Marine Mammal Parks

International Association of Amusement Parks and Attractions

Marine Mammal Coalition

United States Navy

Related Industry Groups

Coalition of Animal Welfare Institute, Society for Animal Protective Legislation, and numerous other organizations

Center for Marine Conservation

Humane Society of the United States

Representing Those Who Work with Captive Marine Mammals in Various Capacities

American Association of Zoo Veterinarians

International Association for Aquatic Animal Medicine

International Marine Animal Trainers Association

Society for Marine Mammology

Federal Government

Marine Mammal Commission

Animal and Plant Health Inspection Service, USDA

Comments on this tentative list of participants are invited, as are suggestions for other potential participants. Please keep in mind that it is not necessary that every concerned organization be represented, as long as every significant interest is represented. Negotiation sessions will be open to the public. individuals and organizations without designated representatives on the Committee may attend sessions and communicate informally with members of the Committee.

Done in Washington, DC, this 17th day of March.

Wardell C. Townsend,

Assistant Secretary for Administration.

[FR Doc. 95–12434 Filed 5–19–95; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

Energy Efficiency Standards Test Procedures, Labeling, and Certification Reporting for Certain Commercial and Industrial Electric Motors

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The Department of Energy (DOE) will hold an informal public meeting to discuss issues and gather information related to energy efficiency standards, test procedures, labeling, and compliance certification for 1 through 200 horsepower electric motors that are manufactured alone or as a component of another piece of equipment. All persons are hereby given notice of the opportunity to attend this public meeting and to submit written statements.

DATES: The public meeting will be held on Friday, June 2, 1995. Written statements, in quadruplicate, must be received by June 30, 1995.

ADDRESSES: Written statements should be labeled ''Test Procedures and Efficiency Certification for Electric Motors,'' and submitted to: Ms. Sandy Cooper, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 586–7574; Telefax: (202) 586–4617.

The meeting will begin at 9:30 a.m., and will be held at the U.S. Department of Energy, Forrestal Building, Room 1E–245, 1000 Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Anthony Balducci, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8459

James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8654

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION:

1. Authority

Part 3 of Title IV of the National Energy Conservation Policy Act of 1978 (NECPA), Pub. L. 95–619, amends the Energy Policy and Conservation Act of 1975 (EPCA) to add ''Energy Efficiency of Industrial Equipment,'' which includes electric motors. The most recent amendment to EPCA, the Energy Policy Act of 1992 (EPAct), Pub. L. 102–486, promulgates definitions related to electric motors in section 122(a), 106 Stat. 2807, test procedures for motor efficiency in section 122(b), 106 Stat. 2809, labeling for electric motors in section 122(c), 106 Stat. 2809, standards for nominal full-load efficiency in section 122(d), 106 Stat. 2814, and certification of compliance by manufacturers in section 122(e), 106 Stat. 2817.

Section 122(a)(3) of the EPAct (EPCA, section 340(13)(A), 42 U.S.C. 6311 (13)(A)), defines ''electric motor'' as any motor which is ''general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction of the National Electrical Manufacturers Association (NEMA) Designs A and B, continuous-rated, operating on 230/460 volts and constant 60 Hertz line power, as defined in NEMA Standards Publication MG1–1987.'' Section 122(d) of the EPAct (EPCA, section 342(b)(1), 42 U.S.C. section 6313(b)(1)), prescribes standards for electric motors that are 1 through 200 horsepower, and ''manufactured (alone or as a component of another piece of equipment),'' except for ''definite purpose motors, special purpose motors, and those motors exempted by the Secretary.''

Section 122(b)(1) of the EPAct (EPCA, section 343(a)(5)(A), 42 U.S.C. 6314 (a)(5)(A)), requires that testing procedures for motor efficiency shall be the test procedures specified in NEMA Standards Publication MG1–1987, and the Institute of Electrical and Electronics Engineers (IEEE) Standard 112 Test Method B for motor efficiency, as in effect on October 24, 1992. Section 122(b)(1), EPCA section 343(a)(5)(B) and (C), provide for amendment of the testing procedures if the test procedures in the NEMA and IEEE standards are revised.

Section 122(c)(4) of the EPAct (EPCA, section 344(d), 42 U.S.C. 6315(d)) directs the Secretary, after consultation with the Federal Trade Commission, see EPCA section 344(f), 42 U.S.C. 6315(f), to prescribe rules requiring motor

labeling to indicate energy efficiency on the permanent nameplate, to display that motor energy efficiency prominently in catalogs and other marketing materials, and to include other markings to facilitate enforcement of the energy efficiency standards.

Section 122(e)(2) of the EPAct (EPCA, section 345(c), 42 U.S.C. 6316(c)) requires manufacturers to certify compliance with energy efficiency standards through an independent testing or certification program nationally recognized in the United States.

2. Background

The Department of Energy is drafting a proposed rule to implement the EPAct requirements for motors. However, the language of the EPAct raises several issues regarding definitions, testing, labeling, and certification.

The purpose of the public meeting is to discuss these issues, gather information, and seek early resolution.

3. Discussion

The Department is interested in receiving information and statements to help resolve the following issues:

a. Definitions.

(1) *Metric equivalents.* Section 122(d) of the EPAct (EPCA, section 342(b)(1), 42 U.S.C. 6313(b)(1)) lists standards for electric motor nominal full-load efficiency ratings corresponding to horsepower and number of poles. Additionally, section 205b. of the Metric Conversion Act of 1975, Pub. L. 94–168, 15 U.S.C. 205b., states ''the declared policy of the United States—(1) to designate the metric system of measurement as the preferred system of weights and measures for United States trade and commerce; (2) to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.'' This policy is promulgated in Executive Order 12770 of July 25, 1991, ''Metric Usage in Federal Government Programs.'' 56 FR 35801–03 (July 29, 1991). The Department seeks advice on how to implement these statutes with respect to motors under the EPAct. Specifically, should the energy efficiency rules identify kilowatt ratings equivalent to corresponding horsepower ratings, and other electrical and mechanical equivalents? If so how?

(2) *Basic model.* The Code of Federal Regulations (CFR), in 10 CFR Part 430 § 430.2, provides a definition for the term ''basic model'' in regard to the appliance program: ''Basic model means all units of a given type of covered product (or class thereof) manufactured by one manufacturer and—* * * (as to dishwashers, for example) which have electrical characteristics that are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.'' Basic model is a term used to describe a product or item of equipment whose performance, design, mechanical, and functional characteristics are essentially the same. Components of similar design may be substituted in a basic model without requiring additional testing if the represented measures of energy consumption continue to satisfy applicable provisions for sampling and testing. In the case of electric motors, a manufacturer may produce one basic model and thousands more of other model numbers that are essentially the same, all based on variations in design features that do not affect energy efficiency.

The Department is considering defining the term ''basic model'' in its coverage of electric motors to mean all units of a given type of covered equipment (or class thereof) manufactured by a single manufacturer, and, with respect to electric motors, having the same rating, electrical design characteristics that are essentially identical, and no differing mechanical or functional characteristics that affect energy consumption or efficiency. The Department solicits the views of interested parties as to whether the Department should adopt such a definition.

(3) *Definite purpose motor.* Under section 122(d) of the EPAct (EPCA section 342(b)(1), 42 U.S.C. 6313(b)(1)), the energy efficiency standards for electric motors do not apply to ''definite purpose motors.'' Section 122(a)(3) of the EPAct (EPCA § 340(13)(B), 42 U.S.C. § 6311(13)(B)) defines a ''definite purpose motor'' as ''any motor designed in standard ratings with standard operating characteristics or standard mechanical construction for use under service conditions other than usual, or for use on a particular type of application which cannot be used in most general purpose applications.'' However, the EPAct does not define the term ''service conditions other than usual.'' Therefore, the Department is considering developing a definition for this term that will take into consideration adverse environmental and operating conditions, such as exposure to abrasive or combustible dusts, chemical fumes, nuclear radiation, salt-laden air, abnormal shock or vibration, unbalanced supply voltage, power system not grounded, frequent starting, frequent short circuits, and so forth. The Department seeks advice in developing a definition for ''service conditions other than usual.''

b. *Testing.*

(1) *Canadian Standards Association Standard C390.* Section 122(b)(1) of the EPAct (EPCA, section 343(a)(5)(A), 42 U.S.C. 6314(a)(5)(A)) states that ''the test procedures shall be the test procedures specified in NEMA Standards Publication MG1–1987 and IEEE Standard 112 Test Method B for motor efficiency, as in effect on the date of the enactment of the Energy Policy Act of 1992.'' Subsequently, the NEMA Standards Publication MG1–1987 was revised and superseded by MG1–1993 on November 19, 1992, and published in October 1993 as MG1–1993. A further amendment, Revision 1 to MG1–1993, was added on December 7, 1993.

The EPAct (42 U.S.C. 6314(a)(5)(B) and (C)) provides for amending the established test procedures if the test procedures in NEMA Standards Publication MG1–1987 and IEEE Standard 112 Test Method B are amended. MG1–1993 with Revision 1, section MG1–12.58.1 states: ''Efficiency and losses shall be determined in accordance with IEEE Std 112 or Canadian Standards Association Standard C390.'' In considering whether to amend the motor efficiency test procedures specified in NEMA Standards Publication MG1–1987 in order to require the motor efficiency test procedures specified in NEMA Standards Publication MG1–1993 with Revision 1, the Department hereby solicits information on the affect of the additional reference to Canadian Standards Association Standard C390.

(2) *Testing sampling plan.* Section 122(d) of the EPAct (EPCA, section 342(b), 42 U.S.C. 6313(b)) requires each electric motor to have a certain ''nominal full load efficiency,'' which is defined in section 122(a)(3) of the EPAct (EPCA section 340(13)(H), 42 U.S.C. 6311(13)(H)) as the average efficiency of a population of motors of duplicate design as determined in accordance with NEMA Standards Publication MG1–1987. NEMA Standards Publications MG1–1987 and MG1–1993 with Revision 1 both provide for the determination of nominal full load efficiencies that are to represent the average efficiency of a large population

of motors of duplicate design, and a corresponding minimum efficiency that any motor must equal or exceed to be rated at the corresponding nominal efficiency. The DOE contemplates establishing a testing sampling plan to reasonably ensure that the results from testing a few motors will establish the average efficiency of the large population of motors of duplicate design. This could be done by requiring the testing of a sufficient number of motors of a particular model, selected at random, so that an estimate at the 95 percent statistical confidence level can be made both that the motors of this model offered for sale have both a mean efficiency equal to or greater than the nominal efficiency given in NEMA Standards Publication MG1–1993 Revision 1 for this rating, and also that at least 99 percent of these motors of this same particular model have efficiencies equal to or greater than the minimum efficiency associated with the nominal efficiency given for this motor in the NEMA Standards Publication MG1–1993 Revision 1. The Department seeks advice on what type of sampling plan should be adopted.

(3) *Alternative method of efficiency determination.* In the case where a manufacturer produces hundreds of different basic models of electric motors, it may be neither technically feasible, nor economically justifiable to test all basic models for compliance. For such situations, the Department is considering the use of predictive mathematical calculations and statistical methodologies developed from scientific and engineering analyses that are substantiated by actual test data in order to calculate the efficiency, i.e. total power losses, for some basic models of electric motors. Such ''alternative efficiency determination methods,'' engineering or statistical analyses, would require support by actual testing of some minimum number of basic models and would incorporate computer simulations, modeling, or other mathematical evaluations of performance data. The alternate efficiency determination method to verify compliance for motors is similar to the method used in the appliance program, 10 CFR part 430, § 430.24(m)(2)(ii), that permits manufacturers of central air conditioners to verify compliance by use of an ''alternative rating method.''

The Department solicits views on both the feasibility of testing all models of motors, as well as appropriate alternative methods for determining efficiency in the event it is not feasible to test all models.

c. *Labeling.* Section 122(c)(4) of the EPAct (EPCA, section 344(d), 42 U.S.C. 6315(d)) requires the following: (1) ''Not later than 12 months after the Secretary establishes test procedures for electric motors * * * the Secretary shall prescribe labeling rules * * * taking into consideration NEMA Standards Publication MG1–1987;'' and (2) such labeling rules shall ''(1) indicate the energy efficiency of the motor on the permanent nameplate attached to such motor; (2) prominently display the energy efficiency of the motor in equipment catalogs and other material used to market the equipment; and (3) include such other markings as the Secretary determines necessary, solely to facilitate enforcement of the standards.''

Based upon these EPAct requirements, the Department is considering the required use of a distinct logo, such as lower case letters ''ee'' within a circle, to identify motors that are manufactured as energy-efficient and in compliance with the EPAct. Such a logo would be permanently marked on the motor nameplate to facilitate enforcement, be prominently displayed on packaging, in shipping documents, in customs and commercial documents, and other materials. The Department is also considering a requirement of permanent markings on the motor nameplate of both the nominal efficiency and the minimum efficiency associated with that nominal efficiency, and of prominent displays of both the nominal and minimum efficiency values in catalogs to assist purchasers in making purchasing decisions.

In addition, section 122(c)(4) of the EPAct (EPCA, section 344(c), 42 U.S.C. 6315(c)) authorized additional required displays of information about electric motor energy efficiency that are likely to assist purchasers in making purchasing decisions, including instructions for maintenance, use, or repair of the motor, and information on energy use. Thus, the Department is also considering use of a label(s) or marking(s) that bear(s) the following statement(s): (1) ''This motor complies with energy efficiency requirements in the Energy Policy Act of 1992 at the time of original manufacture, [DATE].'' or ''Efficiency complies with EPACT at time of manufacture, [DATE].''; (2) ''Consult the manufacturer for maintenance, use, or repair.'' or ''Repair only in factory authorized shop.''; and (3) ''Estimated kilowatts used after 2000 hours continuous operation according to manufacturer's ratings: _____'', or ''Est. annual kW used: _____''. (Annual would be defined as ''2000 hours continuous operation according to manufacturer's ratings.'')

The Department seeks advice on whether such label(s) or marking(s) would assist purchasers, and on the content, design, size, location, and attachment of such label(s) or marking(s).

d. *Certification.* Section 122(e)(2) of the EPAct (EPCA section 345(c), 42 U.S.C. 6316(c)) requires ''manufacturers to certify, through an independent testing or certification program nationally recognized in the United States, that such motor meets the applicable (nominal full-load efficiency standard).''

(1) *Compliance.* The Department is considering implementation of the EPAct requirement for ''manufacturers to certify'' by means of a compliance statement and certification report that each basic model of energy efficient electric motor meets the requirements of the EPAct. This is similar to 10 CFR 430.62(a), which sets forth the appliance program procedures to be followed for certification by requiring each manufacturer to ''certify by means of a compliance statement and certification report that each basic model meets the requirements of that standard.'' A manufacturer's compliance statement and certification report for each basic model of energy efficient electric motor would be based, at least in part, upon actual testing or an alternative efficiency determination method. The Department solicits the views of interested parties on such a requirement.

(2) *Independent testing and certification.* The Department is also considering how to interpret and implement the EPAct requirement for ''manufacturers to certify, through an independent testing or certification program nationally recognized in the United States, that such motor meets the applicable (nominal full-load efficiency standard).'' Such testing or certification programs could be operated by commercial laboratories, government laboratories, and trade associations. The Department seeks information as to the identity, nature, and capabilities of any nationally recognized program(s) for the testing and certification of motors. The Department is aware that the Association of Home Appliance Manufacturers conducts a program to verify manufacturers' certifications of the total refrigerated volume of refrigerators and the energy efficiency values of room air conditioners; that the Gas Appliance Manufacturers Association conducts a testing program to verify manufacturers' certifications of the energy efficiency of water heaters, furnaces, room heaters, and boilers; and

that the Air Conditioning and Refrigeration Institute conducts a testing program to verify manufacturers' certifications of the energy efficiency and other performance criteria of residential and commercial air conditioning and heat pump systems. The Department seeks information on any similar existing programs that certify or verify the performance characteristics of motors. In addition, the Department seeks information as to whether foreign commercial laboratories, foreign government laboratories, or trade associations operate such programs.

The Department also seeks advice concerning two other possible issues under 122(e) of the EPAct (EPCA section 345(c), 42 U.S.C. 6316(c)). First, questions may arise as to what constitutes ''an independent testing or certification program [that is] nationally recognized.'' The Department seeks input as to the criteria by which an organization should be considered competent (1) to conduct the specific tests or calibrations for motors according to the required test procedures, and (2) to operate a certification program. One possibility is that the Department could consider a motor testing or certification program to be ''nationally recognized'' if the program were accredited by the National Institute of Standards and Technology/National Voluntary Laboratory Accreditation Program (NIST/NVLAP). The Department seeks views on such an approach, including the question of whether a foreign program recognized by NIST/NVLAP should be considered ''nationally recognized in the United States.'' Second, the Department seeks views as to whether manufacturers are permitted to self-test or self-certify the energy efficiency of their own motors, and, if so, under what circumstances.

e. *Identification of other issues.* The Department will seek to resolve the above issues in developing a proposed rule. In addition, there may be other issues that the Department will need to address. The purpose of the meeting is to identify all of these various issues and to begin dialogue with interested parties to help resolve them.

4. Public Meeting Procedure

The meeting will be conducted in an informal, conference style. A court reporter will be present to record the minutes of the meeting. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by antitrust law. After the meeting and period for written statements, the Department will consider the views presented in formulating a Notice of Proposed Rulemaking regarding energy efficient motors.

Issued in Washington, DC, May 16, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95–12492 Filed 5–19–95; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–13–AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With BFGoodrich Off-Wing Ramp/Slide Evacuation Systems

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes. This proposal would require modification of the off-wing ramp/slide evacuation systems. This proposal is prompted by reports of punctured tubes on certain BFGoodrich off-wing ramp/slide evacuation systems installed on these airplanes. The actions specified by the proposed AD are intended to prevent such tube punctures, which could delay or impede the evacuation of passengers during an emergency.

DATES: Comments must be received by July 17, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No 95–NM–13–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207; and BFGoodrich Company, Aircraft Evacuation Systems, Sustaining Engineering, Dept. 7916, Phoenix, Arizona 85040. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Andrew Gfrerer, Aerospace Engineer, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5338; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–13–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–13–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of punctured tubes on BFGoodrich off-wing ramp/slide evacuation systems, having part numbers (P/N) 101630, 101655, and 101656, installed on certain Boeing Model 767 series airplanes. There have been several incidents in