

14. Written Agreements

Designated terms of this policy may be altered by written agreement in accordance with the following:

(a) You must apply in writing for each written agreement no later than the sales closing date, except as provided in section 14(e);

(b) The application for a written agreement must contain all variable terms of the contract between you and us that will be in effect if the written agreement is not approved;

(c) If approved, the written agreement will include all variable terms of the contract, including, but not limited to, crop type or variety, the guarantee, premium rate, and price election;

(d) Each written agreement will be valid for one year (If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy); and

(e) An application for a written agreement submitted after the sales closing date may be approved if, after a physical inspection of the acreage, it is determined that no loss has occurred and the crop is insurable in accordance with the policy and written agreement provisions.

Signed in Washington, D.C., on January 21, 1997.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Numbers EE-RM-93-801 and EE-RM-93-801-RAC]

Energy Conservation Program for Consumer Products; Room Air Conditioner Energy Conservation Standards

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

ACTION: Notice of limited reopening of the record and opportunity for public comment.

SUMMARY: The Department of Energy reopens the record of its rulemaking to revise the room air conditioner energy conservation standards under the Energy Policy and Conservation Act. Notice is given of revised draft reports on the potential impact of alternative efficiency levels, various written and oral comments from industry representatives and energy efficiency advocates, new factual information, and

the principal policy options now under consideration.

DATES: Comments must be received on or before February 13, 1997.

ADDRESSES: Comments should be addressed to Kathi Epping, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, S.W., Washington, D.C. 20585. A copy of the revised draft Technical Support Document and other post comment period correspondence is available for public inspection and copying at the Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-7574, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Copies of the revised draft Technical Support Document may be obtained from: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-9127.

FOR FURTHER INFORMATION CONTACT:

Kathi Epping, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-43, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-7425, or

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

SUPPLEMENTARY INFORMATION: Pursuant to section 325 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6295, the Department of Energy (DOE) proposed to revise the energy conservation standards applicable to room air conditioners, as well as a variety of other consumer products. 59 FR 10464 (March 4, 1994). Section 325(o)(2) requires that any amended standard be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. 42 U.S.C. 6295(o)(2).

DOE held public hearings and received 12 comments on its proposed revisions to the room air conditioner energy conservation standards. After reviewing the comments, DOE concluded that a number of significant issues had been raised that required

additional analysis. DOE also decided to sever the rulemaking on room air conditioners from the rulemakings for the other consumer products covered by the notice of proposed rulemaking.

On May 5, 1996, DOE distributed a copy of the Draft Report on the Potential Impact of Alternative Energy Efficiency Levels for Room Air Conditioners (Draft Report), containing DOE's revised analysis examining five alternative efficiency levels, to a mailing list that included all of the commenters on the proposed rule on room air conditioners. (EE-RM-93-801-RAC No. 1 and No. 2.) The letter invited recipients to comment on the Draft Report by no later than July 1, 1996. A copy of the cover letter and the mailing list has been added to the record on file for inspection in the DOE Freedom of Information Reading Room.

On April 23, 1996, the American Council for an Energy Efficient Economy (ACEEE) and the Natural Resources Defense Council (NRDC) sent a letter to the Association of Home Appliance Manufacturers (AHAM) with the following table of proposed standard levels:

| Class | Standard level |
|---|--|
| Units without reverse cycle and with louvered sides. | |
| Capacity less than 20,000 Btu/h. | 10.0 EER. |
| Capacity 20,000 Btu/h and more. | 9.0 EER. |
| Units without reverse cycle and without louvered sides. | 9.0 EER. |
| Slider/casement and casement-only units. | 9.0 EER. |
| Units with reverse cycle, all capacities. | 0.5 EER less than the standard for a comparable cool-only model. |

At a May 21, 1996, meeting at which representatives of ACEEE, AHAM, and DOE were present, AHAM circulated a handout including a variety of charts that has been added to the record on file for public inspection in the DOE Freedom of Information Reading Room. Attachment 3A of the handout was a chart entitled "Life Cycle Cost and Payback—Room Air Conditioners, Effect of Allocating Cost of Chassis Size Change." (EE-RM-93-801-RAC No. 9 at Attachment 3A.)

Between the beginning of June and the end of November, 1996, DOE received six comments on the Draft Report or related issues. DOE officials held meetings on September 26 with representatives of AHAM and interested manufacturers and on September 27 with ACEEE, the Alliance to Save

Energy, NRDC, and State energy officials from California, Florida, and Oregon. Memoranda summarizing these meetings have been added to the record on file for public inspection in the DOE Freedom of Information Reading Room. (EE-RM-93-801-RAC No. 11 and No. 12.) The participants in each meeting were informed as to the discussions during the other meeting: at the September 27 meeting with energy efficiency advocates, DOE described the September 26 meeting with the manufacturers, and after the September 27 meeting, DOE informed AHAM of the discussions at the September 27 meeting. In these meetings: (1) manufacturers argued for prorating the cost of increasing chassis size at each efficiency level; (2) efficiency advocates indicated concern about loopholes that might be created by establishing considerably lower standard levels for certain reverse cycle or non-louvered product classes as compared to their louvered or cool-only counterpart product classes; and (3) efficiency advocates objected to industry-recommended standard levels for casement room air conditioners.

On the basis of these inputs, DOE prepared a supplemental analysis to be appended to the Draft Report that focused on a set of efficiency levels for the same 9 classes analyzed in the proposed rule. The Department is inclined to use the same standard for class 6 as it uses for class 7 and the same standard for classes 9 and 10 as it uses for class 8, as was done in the proposed rule. A copy of the supplemental analysis has been added to the record on file for inspection in the DOE Freedom of Information Reading Room, and DOE is sending a copy to all commenters on the proposed rule for room air conditioners. (EE-RM-93-801-RAC No. 13.) The analyzed efficiency levels by class are as follows:

| | |
|---|----------|
| 1. Without reverse cycle and with louvered sides less than 6,000 Btu/h | 9.7 EER. |
| 2. Without reverse cycle and with louvered sides 6,000 to 7,999 Btu/h | 9.7 EER. |
| 3. Without reverse cycle and with louvered sides 8,000 to 13,999 Btu/h | 9.8 EER. |
| 4. Without reverse cycle and with louvered sides 14,000 to 19,999 Btu/h | 9.7 EER. |
| 5. Without reverse cycle and with louvered sides 20,000 and more Btu/h | 8.5 EER. |

| | |
|---|----------|
| 7. Without reverse cycle and without louvered sides 6,000 to 7,999 Btu/h | 9.0 EER. |
| 8. Without reverse cycle and without louvered sides 8,000 to 13,999 Btu/h | 8.5 EER. |
| 11. With reverse cycle, and with louvered sides | 9.0 EER. |
| 12. With reverse cycle, without louvered sides | 8.5 EER. |

For some classes, there was a coincidence of views between the energy efficiency advocates and AHAM on the efficiency level. As to classes 1 through 5, there was disagreement about how to take into account the cost of increasing chassis size. DOE has chosen to analyze efficiency levels corresponding to the minimum life cycle costs when chassis size cost is prorated. (See Attachment 3A.)

With respect to class 8, manufacturers commented that under the 1990 standards they were forced to reduce the highest capacity models within this product class. They argue that increasing the standard (currently at 8.5 EER) for this class will again eliminate higher capacity models within the class from the market. (EE-RM-93-801 No. 544 at 5.) According to the 1996 AHAM Directory, the highest capacity model available without louvered sides and without a reverse cycle is 12,500 Btu/h with an EER of 8.5. In addition, only one manufacturer currently makes units at a capacity of 9,000 Btu/h or higher which would meet the 9.0 standard recommended by ACEEE and NRDC. The Department believes that raising the current standard for this class risks eliminating higher capacity models within this class, and therefore, the Department is not inclined to raise the standard for this class.

For the final rule, DOE is inclined to split classes 11 and 12. ACEEE, NRDC, and AHAM all recommended using a .5 differential between reverse cycle units and their "cool-only" counterparts. (EE-RM-93-801-RAC No. 3 and EE-RM-93-801 No. 1 at 21.) For units with reverse cycle and louvered sides, the energy efficiency advocates are willing to accept an EER of 9.0. (EE-RM-93-801-RAC No. 5 at 5.) AHAM finds this level to be acceptable for units with capacities less than 20,000 Btu/h. However, for units at 20,000 Btu/h or more, AHAM argues that the standard should not be higher than the standard for its "cool-only" counterpart. (EE-RM-93-801-RAC No. 6 at 3.) The Department is inclined to agree. By splitting the class 11 at 20,000 Btu/h,

the Department can raise the standard for most of the units with reverse cycle and with louvers without raising the standard for units of capacities of 20,000 Btu/h or more above the 8.5 EER of its cool-only counterpart.

Similarly, the Department is inclined to split class 12, and set the standard for units less than 14,000 Btu/h at 8.5 EER while keeping the standard for units of 14,000 Btu/h or more at 8.0 EER. This split would follow the recommendation of a .5 differential between reverse cycle units and their "cool-only" counterparts for the standards for units without louvers proposed by the ACEEE and NRDC. Similarly, it would follow the recommendation of a .5 differential between reverse cycle units and their "cool-only" counterparts for the standards proposed by AHAM with the exception of units in the 8,000-13,999 Btu/h capacity range. However, according to the 1996 AHAM directory, only one model with reverse cycle and without louvers in this capacity range does not meet an 8.5 EER.

In the notice of proposed rulemaking, DOE proposed standard levels for all product classes, other than casement room air conditioners. For the final rule, DOE is inclined to use the efficiency standard recommended by AHAM, ACEEE, and NRDC for casement-slider units (9.5 EER) (EE-RM-93-801-RAC No. 6 at 2 and EE-RM-93-801-RAC No. 5 at 5) and the standard recommended by AHAM for casement-only units (8.7 EER). (EE-RM-93-801-RAC No. 6 at 2.) For the purposes of this rulemaking, a casement-type unit is defined as a 14 x 11 inch or smaller unit used in a casement-only or casement-slider window. Although the efficiency advocates argued for a higher standard level for casement-only units (EE-RM-93-801-RAC No. 5 at 3-4), they did not provide the supporting analysis that would warrant adoption of that level.

The Department is providing a 15 day comment period because all the interested parties who have actively participated in this rulemaking are familiar with most of the information on which this notice is based and have already been given extensive opportunities to make their views known to each other and to DOE.

Issued in Washington, D.C., on January 23, 1997.

Christine A. Ervin,
Assistant Secretary, Energy Efficiency and Renewable Energy.

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