Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Number EE–RM–97–500]

RIN 1904–AA75

Energy Conservation Program for Consumer Products: Fluorescent Lamp Ballasts Energy Conservation Standards

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

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 energy conservation standards for fluorescent lamp ballasts under the Energy Policy and Conservation Act. This notice provides an opportunity for public comment regarding the Department's consideration of consumers who choose electronic ballast T–8 systems over electronic ballast T–12 systems and consumers who choose electronic ballasts over cathode cutout ballasts.

DATES: Comments must be received on or before November 30, 1998.

ADDRESSES: Written comments are welcome. Please submit 10 copies (no faxes) to: Brenda Edwards-Jones, U. S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Energy Conservation Program for Consumer Products: Fluorescent Lamp Ballasts, Docket No. EE–RM–97–500, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0121.

FOR FURTHER INFORMATION CONTACT: Carl Adams, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–43, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0121, (202) 586–9127, or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, 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 fluorescent lamp ballasts, as well as a variety of other consumer products. 59 FR 10464 (March 4, 1994). On January 31, 1995, the Department published a rulemaking determination that, based on comments received, it would issue a revised notice of proposed rulemaking for fluorescent lamp ballasts. 60 FR 5880 (January 31, 1995). 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).

During the conduct of several workshops and in other discussions with stakeholders , two issues have arisen that the Department wishes to notice to the public prior to the issuance of a revised proposed rule.

Issue 1

In the analyses for the 1994 Proposed Rule, the February, 1996, Draft Report and the July, 1997, Draft Report regarding the potential impacts of possible energy efficiency levels for fluorescent lamp ballasts, the Department conducted the analyses by comparing magnetic ballast T–12 systems to electronic ballast T–12 systems and magnetic T–8 systems to electronic T–8 systems when evaluating efficiency levels where the consumer is faced with standard levels requiring electronic ballasts. The Department was silent on any comparison of magnetic T–12 systems to electronic ballast T–8 systems. The analyses were conducted in a manner which essentially assumed all consumers of magnetic T–12 ballast systems would replace them with electronic T–12 ballast systems. Prior to 18 months ago, there had been no comments regarding the validity or impact of conducting the analysis in this manner.

Current industry data indicates that approximately 94 percent of consumers who choose electronic ballasts choose T–8 systems. DOE has now received a number of comments that by only considering consumers purchasing T–12 ballast systems, the Department would not capture the full range of impacts likely to result from the rulemaking. During the March 18, 1997, workshop on the Revised Life Cycle Cost and Engineering Analysis of Fluorescent Lamp Ballasts, the Alliance to Save Energy, Natural Resources Defense Council and American Council for an Energy Efficient Economy (ACEEE) commented that the Department, in considering standards at the electronic ballast efficiency level, should include consideration of the benefits or costs that result when consumers choose to purchase electronic ballast T–8 systems instead of electronic ballast T–12 systems. This issue was raised again by ACEEE in its written comments of October 2, 1997, on the Draft Report on Potential Impact of Possible Energy Efficiency Levels for Fluorescent Lamp Ballasts (ACEEE, No. 14) and again in its written comments of June 5, 1998, in response to the Public Workshop on Possible Impacts of Energy Efficiency Standards for Fluorescent Lamp Ballasts conducted on April 28, 1998. (ACEEE, No. 24).

In consideration of these comments, this issue was further discussed with the National Electrical Manufacturers Association (NEMA) at a meeting on June 9–10, 1998. At this meeting, DOE and NEMA members discussed ways to compare an electronic ballast T–12 system to an electronic ballast T–8 system, including how such a comparison would require an additional normalization step to account for the lamp lumen differences. Preliminary impact analyses using a normalization approach which uses the mean characteristics representative of the most popular T–12 and T–8 lamps indicates that a shift from T–12 lamps with electronic ballasts to T–8 lamps with electronic ballasts would yield significant additional energy and life cycle cost savings. Any such market shift in lamp usage caused by a ballast standard could also have an impact on lamp manufacturers.

In a letter to the Department, dated October 16, 1998, NEMA stated that DOE should not consider the impact of any shift from T–12 systems to T–8 systems because any additional benefits would accrue from system efficiencies of the ballast and the lamp.

The Department believes its analysis of the impacts of a potential standard level on consumers, manufacturers and the nation, as prescribed by EPCA, requires the analysis to compare the marketplace before and after standards and to measure the impacts of changes. DOE believes this policy is consistent with previous rulemakings such as the Department's consideration of a possible shift from gas mobile home furnaces to electric heat if the gas mobile home furnace standards were increased.

Further, the Department believes, based on current sales, if a standard required consumers of magnetic ballast T–12 systems to purchase electronic ballasts, it is likely that many if not most of these consumers would choose to purchase electronic ballast T–8 systems. In determining the likely benefits and costs for the nation and the likely impacts on manufacturers, the Department intends to explore a range of market scenarios using different assumptions about the likely effects of a new DOE standard on ballasts on the market shares of T–8 and T–12 systems. Additionally, the Department intends to analyze both the range of life cycle costs for consumers who choose electronic ballast T–12 systems and the range of life cycle costs for consumers who choose electronic ballast T–8 systems. By this notice, the Department is soliciting public comment on whether a market shift from T–12 systems to T–8 systems is likely to occur if an energy conservation standard were set at a level requiring electronic ballasts, the extent of any such shift in terms of a percentage and whether any such shift should be considered in determining the impact of an energy conservation standard set at a level requiring electronic ballasts on consumers, manufacturers and the nation.

Issue 2

In the analyses for the 1994 Proposed Rule, the February, 1996, Draft Report and the July, 1997, Draft Report regarding the potential impacts of possible energy efficiency levels for fluorescent lamp ballasts, the Department conducted the analysis by comparing magnetic ballasts to cathode cutout ballasts when evaluating efficiency levels where the consumer is faced with standard levels requiring cathode cutout ballasts. The Department was silent on any comparison of cathode cutout ballasts to electronic ballasts. The analyses were conducted in a manner which essentially assumed all consumers of magnetic ballasts would replace them with cathode cutout ballasts. Currently cathode cutout ballasts represent approximately one percent of the magnetic ballast market.

In discussions with manufacturers after the June 9–10, 1998 meeting at NEMA, manufacturers stated a belief that when faced with such a standard, many consumers would choose electronic ballasts instead of cathode cutout ballasts. They indicated this choice would increase the impact on manufacturers who produce magnetic ballasts and requested changes in the manufacturer impact analysis, as specifically, the Government Regulatory Impact Model (GRIM), to account for this possible shift.

The Department believes its analysis of the impacts of a potential standard level on consumers, manufacturers and the nation, as prescribed by EPCA, requires the analysis to compare the marketplace before and after standards and to measure the impacts of changes. DOE believes this policy is consistent with previous rulemakings such as the Department's consideration of a possible shift from gas mobile home furnaces to electric heat if the gas mobile home furnace standards were increased.

Given the small current market share of cathode cutout ballasts, the Department believes it would be reasonable to assume that with an energy conservation standard set at the cathode cutout level, many consumers would choose electronic ballasts, even though the cathode cutout ballast would then be the lowest cost ballast. It would also be reasonable to assume that many or most of the consumers who choose electronic ballasts will also choose to convert from T–12 to T–8 lamps at the time of ballast replacement. In determining the likely benefits and costs for the nation and the likely impacts on manufacturers, the Department intends to explore a range of market scenarios using different assumptions about the likely effects of a new DOE standard on ballasts on the market shares of electronic and cathode cutout ballasts. Additionally, the Department intends to analyze both the range of life cycle costs for consumers who choose electronic ballasts and the range of life cycle costs for consumers who choose cathode cutout ballasts. By this notice, the Department is soliciting public comment on whether a market shift from cathode cutout ballasts to electronic ballasts is likely to occur if an energy conservation standard were set at a level requiring cathode cutout ballasts, the extent of any such shift in terms of a percentage, the percentage of those consumers choosing electronic ballasts who would choose T–8 systems and whether any shift should be considered in determining the impact of an energy conservation standard set at a level requiring cathode cutout ballasts on consumers, manufacturers and the nation.

Public Comment

DOE seeks comments on the following:

- In considering standards set at the level of electronic ballasts, whether a market shift from T–12 systems to T–8 systems is likely to occur, the extent of any such shift in terms of a percentage and whether any such shift should be considered in determining the impact of an energy conservation standard on consumers, manufacturers and the nation.
- In considering standards that would require T–12 cathode cutout ballasts, whether a market shift from cathode cutout ballasts to electronic ballasts is likely to occur, the extent of any such shift in terms of a percentage, the percentage of those consumers choosing electronic ballasts who would choose T–8 systems and whether any shift should be considered in determining the impact of an energy conservation standard on consumers, manufacturers and the nation.

Issued in Washington, D.C., on October 26, 1998.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 98–29156 Filed 10–29–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 25611]

RIN 2120–AC84

Retrofit of Improved Seats in Air Carrier Transport Category Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public meeting, reopening of comment period.

SUMMARY: This document announces a public meeting in which the Federal Aviation Administration (FAA) will discuss changes in and solicit comments and information from the public on the FAA's current draft rule to require the retrofit of improved seats in air carrier transport category airplanes. A Notice of Proposed Rulemaking (NPRM) that proposed requiring more crashworthy seats on most air carrier airplanes operating under parts 121 and 135 was published on May 17, 1988. The draft