

C. Public Hearing

1. Procedure for Submitting Requests To Speak

In order to have the benefit of a broad range of public viewpoints in developing these guidelines the Department will hold a public hearing. Listed earlier in this notice is the date and address for the hearing. Any person who has an interest in these proceedings, or who is a representative of any group or class of persons having an interest, may make a request for an opportunity to make an oral presentation at the public hearing. Such requests should be labeled both on the letter and the envelope, "Residential Energy Efficiency Rating Guidelines" (Docket No. EE-RM-95-202)" and should be sent to the address and must be received by the time specified at the beginning of this notice.

The person making the request should briefly describe the interest concerned and, if appropriate, state why he or she is a proper representative of the group or class of persons that has such an interest, and give a telephone number where he or she may be contacted. Each person selected to be heard will be so notified by the Department as to the approximate time they will be speaking.

Each person to be heard is requested to bring to the hearing seven copies of their statement. In the event any person wishing to testify cannot meet this requirement, alternative arrangements can be made with the Office of Hearings and Dockets in advance by so indicating in a letter requesting to make an oral presentation.

A list of the persons to be heard at the hearing will be available upon request from the Office of Hearings and Dockets. The list will also be available for inspection in the Department's Freedom of Information Reading Room.

2. Conduct of Hearing

The Department reserves the right to select the persons to be heard at the public hearing, to schedule the representative presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation is limited to 20 minutes.

A Department official will be designated to preside at the hearing. The hearing will not be judicial or evidentiary-type hearing, but will be conducted in accordance with 5 U.S.C. 553 and Section 501 of the Department of Energy Organization Act, 42 U.S.C. 7191. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal

statement, subject to time limitations. The rebuttal statements will be given in the order in which the initial statements were made. The official conducting the hearing will accept additional comments or questions from those attending, as time permits. Any interested person may submit to the presiding official written questions to be asked of any person making a statement at the hearing. The presiding official will determine whether the question is relevant or whether time limitations permit it to be presented for a response.

Further questioning of speakers may be permitted by the Department. The presiding official will afford any interested person an opportunity to question the interested persons who made oral presentations, and employees of the United States who have made written or oral presentation with respect to disputed issues of material fact relating to the proposed rule. This opportunity will be afforded after any rebuttal statements, to the extent that the presiding official determines that such questioning is likely to result in a more timely and effective resolution of such issues. If the time provided is insufficient, the Department will consider affording an additional opportunity for questioning at a mutually convenient time. Persons interested in making use of this opportunity must submit their request to the presiding official no later than shortly after the completion of any rebuttal statements and be prepared to state specific justifications, including why the issue is one of disputed fact and how the proposed questions would expedite their resolution.

Any further procedural rules regarding proper conduct of the hearing will be announced by the presiding official.

Transcripts of the hearing will be made, and the entire record of this rulemaking, including the transcripts, will be retained by the Department and made available for inspection at the Department's Freedom of Information Reading Room as provided at the beginning of this notice. Any person may also purchase a copy of the transcript from the transcribing reporter.

The Department may cancel the public hearing if the Department does not receive sufficient interest concerning the hearing. The Department will include for the record a copy of the statement of any person who requested to speak at a hearing that was canceled by the Department.

List of Subjects in 10 CFR Part 437

Buildings, Energy conservation, Housing standards, Mortgages.

Issued in Washington, DC, on July 11, 1995.

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Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, it is proposed to amend 10 CFR Chapter II by adding part 437 to read as follows:

PART 437—VOLUNTARY HOME ENERGY RATING SYSTEM GUIDELINES

Subpart A—General Provisions

Sec.

437.1 Purpose.

437.2 Scope.

437.3 General definitions and acronyms.

437.4 Availability of ratings.

Subpart B—How To Rate a Home

Sec.

437.100 Rating procedure.

437.101 Rating point score and star rating.

437.102 Rating report.

437.103 Reference home configuration.

437.104 Minimum rated features.

437.105 Operating condition assumptions.

437.106 Non-rated energy consuming devices.

437.107 Projected ratings for to-be-built homes.

Subpart C—How To Administer a Home Energy Rating System

Sec.

437.200 Energy analysis tool requirements.

437.201 Site data collection manual.

437.202 Training home energy raters.

437.203 Quality control.

437.204 Monitoring and evaluation.

437.205 Guideline compliance.

437.206 Accreditation.

Authority: 42 U.S.C. 8236–8236b

Subpart A—General Provisions

§ 437.1 Purpose.

The provisions of this part establish voluntary guidelines which any provider of home energy ratings may follow to produce uniform energy efficiency ratings for residential buildings. The energy efficiency ratings produced under this part may be used to enable and encourage the use of home mortgages or home improvement loans that include incentives for energy efficiency in homes.

§ 437.2 Scope.

These guidelines apply to existing or proposed site-constructed or manufactured residential buildings that are either one and two family dwellings, or other residential dwellings three stories or less in height excepting hotels and motels.

§ 437.3 General definitions and acronyms.

As used in this part—