

the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 95-ANE-64-AD" in your request.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Amendment 39-13094 68 FR 14312, March 25, 2003, and by adding a new airworthiness directive, Amendment 39-13791, to read as follows:

##### 97-09-02R3 CFM International:

Amendment 39-13791. Docket No. 95-ANE-64-AD.

#### Applicability

This airworthiness directive (AD) is applicable to CFM International (CFMI) CFM56-5C2/G, -5C3/G, and -5C4 series turbofan engines. These engines are installed on, but not limited to, Airbus Industrie A340 series airplanes.

**Note 1:** This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in

accordance with paragraph (i) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

#### Compliance

Compliance with this AD is required as indicated, unless already done.

To prevent low cycle fatigue (LCF) failure of the high pressure turbine rotor (HPTR) front air seal, which could result in an uncontained failure and damage to the airplane, do the following:

(a) LCF retirement lives for HPTR front shafts, part numbers (P/Ns) 1498M40P03, 1498M40P05, and 1498M40P06, are now the same as originally calculated and are in agreement with the current airworthiness limitations section of Chapter 05 of the CFM56-5C Engine Shop Manual, CFMI-TP.SM.8.

(b) Remove from service HPTR front air seals, P/Ns 1523M34P02 and 1523M34P03, before accumulating 4,000 cycles-since-new, and replace with a serviceable part.

(c) LCF retirement lives for HPTR disks P/N 1498M43P04 are now the same as originally calculated and are in agreement with the current airworthiness limitations section of Chapter 05 of the CFM56-5C Engine Shop Manual, CFMI-TP.SM.8.

(d) LCF retirement lives for booster spools, P/N 337-005-210-0, are now the same as originally calculated and are in agreement with the current airworthiness limitations section of Chapter 05 of the CFM56-5C Engine Shop Manual, CFMI-TP.SM.8.

(e) For CFM56-5C4 engines, LCF retirement lives for low pressure turbine rotor (LPTR) stage 3 disks, P/Ns 337-001-602-0 and 337-001-605-0 are now the same as originally calculated and are in agreement with the current airworthiness limitations section of Chapter 05 of the CFM56-5C Engine Shop Manual, CFMI-TP.SM.8.

(f) For CFM56-5C2/G and -5C3/G engines, LCF retirement lives for LPTR stage 3 disks, P/Ns 337-001-602-0 and 337-001-605-0 are now the same as originally calculated and are in agreement with the current airworthiness limitations section of Chapter 05 of the CFM56-5C Engine Shop Manual, CFMI-TP.SM.8.

(g) This action establishes the new LCF retirement lives stated in paragraphs (a) through (f) of this AD, which are published in Chapter 05 of the CFM56-5C Engine Shop Manual, CFMI-TP.SM.8.

(h) For the purpose of this AD, a serviceable part is one that has not exceeded its respective new life limit as set out in this AD.

#### Alternative Methods of Compliance

(i) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

#### Special Flight Permits

(j) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

#### Effective Date

(k) This amendment becomes effective on October 14, 2004.

Issued in Burlington, Massachusetts, on September 1, 2004.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 04-20411 Filed 9-8-04; 8:45 am]

**BILLING CODE 4910-13-P**

## 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.

**SUMMARY:** The Federal Trade Commission ("Commission") amends its Appliance Labeling Rule ("Rule") by publishing new ranges of comparability to be used on required labels for standard and compact dishwashers. The Commission also announces that the current ranges of comparability for central air conditioners and heat pumps will remain in effect until further notice. The Commission amends the portions of Appendices H (Cooling Performance and Cost for Central Air Conditioners) and I (Heating Performance and Cost for Central Air Conditioners) to reflect the current (2004) Representative Average Unit Cost of Electricity. Finally, the Commission is making a minor correction to the water heater range tables published on July 14, 2004 (69 FR 42107).

**DATES:** *Effective Date:* The amendments announced in this document will become effective December 8, 2004.

**FOR FURTHER INFORMATION CONTACT:** Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202-326-2889).

**SUPPLEMENTARY INFORMATION:** The Rule was issued by the Commission in 1979,

44 FR 66466 (Nov. 19, 1979), in response to a directive in the Energy Policy and Conservation Act of 1975 ("EPCA").<sup>1</sup> The Rule covers several categories of major household appliances including dishwashers and central air conditioners.

The Rule requires manufacturers of all covered appliances to disclose specific energy consumption or efficiency information (derived from the DOE test procedures) at the point of sale in the form of an "EnergyGuide" label and in catalogs. The Rule requires manufacturers to include, on labels and fact sheets, an energy consumption or efficiency figure and a "range of comparability." This range shows the highest and lowest energy consumption or efficiencies for all comparable appliance models so consumers can compare the energy consumption or efficiency of other models (perhaps competing brands) similar to the labeled model. The Rule also requires manufacturers to include, on labels for some products, a secondary energy usage disclosure in the form of an estimated annual operating cost based on a specified DOE national average cost for the fuel the appliance uses.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report certain information annually to the Commission by specified dates for each product type.<sup>2</sup> These reports, which are to assist the Commission in preparing the ranges of comparability, contain the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models, and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information on labels consistent with these changes, the Commission will publish new ranges if an analysis of the new information indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission will publish a statement that the prior ranges remain in effect for the next year.

<sup>1</sup> 42 U.S.C. 6294. The statute also requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

<sup>2</sup> Reports for dishwashers are due June 1. Reports for central air conditioners and heat pumps are due July 1.

### **I. 2004 Dishwasher Ranges**

The Commission has analyzed the annual data submissions for dishwashers. The data submissions show a significant change in the ranges of comparability for standard and compact models.<sup>3</sup> Accordingly, the Commission is publishing new ranges of comparability for standard and compact dishwashers in Appendices C1 and C2 of the Rule. The new ranges of comparability for dishwashers supersede the current ranges, which were published on August 11, 2003 (68 FR 47449) (standard dishwashers) and July 19, 2002 (67 FR 47443) (compact dishwashers).

Dishwasher manufacturers must base the disclosures of estimated annual operating cost required at the bottom of EnergyGuide labels for dishwashers on the 2004 Representative Average Unit Costs of Energy for electricity (8.60 cents per kilowatt-hour) and natural gas (91.0 cents per therm) that were published by DOE on January 27, 2004 (69 FR 3907) and by the Commission on April 30, 2004 (69 FR 23651). The new ranges for standard and compact models will become effective December 8, 2004. Manufacturers may begin using the new ranges before that date.

### **II. 2004 Central Air Conditioner and Heat Pump Information**

The annual submissions of data for central air conditioners and heat pumps have been made to the Commission. The ranges of comparability for central air conditioners and heat pumps have not changed by more than 15% from the current ranges for these products. Therefore, the current ranges for these products, which were published on September 16, 1996 (61 FR 48620), will remain in effect until further notice.

### **III. Cost Figures for Central Air Conditioner and Heat Pump Fact Sheets**

The Commission is amending the cost calculation formulas in Appendices H and I to Part 305 that manufacturers of central air conditioners and heat pumps must include on fact sheets and in directories to reflect this year's energy costs figures published by DOE. These routine amendments will become effective December 8, 2004.

<sup>3</sup> The Commission's classification of "Standard" and "Compact" dishwashers is based on internal load capacity. Appendix C of the Commission's Rule defines "Compact" as including countertop dishwasher models with a capacity of fewer than eight (8) place settings and "Standard" as including portable or built-in dishwasher models with a capacity of eight (8) or more place settings. The Rule requires that place settings be determined in accordance with appendix C to 10 CFR Part 430, subpart B, of DOE's energy conservation standards program.

### **IV. Minor Correction to Appendix D4 Table**

The Commission is also publishing a minor correction to Appendix D4 (Water Heaters—Instantaneous—Range Information). As part of recent amendments to the water heater ranges (69 FR 42107 (July 14, 2004)), "first hour rating" was inadvertently inserted into Appendix D4 as the applicable capacity descriptor for instantaneous water heaters. The correct descriptor is "Capacity (maximum flow rate); gallons per minute (gpm)."

### **V. Administrative Procedure Act**

The amendments published in this notice involve routine, technical and minor, or conforming changes to the labeling requirements in the Rule. These technical amendments merely provide a routine change to the range and cost information required on EnergyGuide labels and fact sheets. Accordingly, the Commission finds for good cause that public comment for these technical, procedural amendments is impractical and unnecessary (5 U.S.C. 553(b)(A)(B) and (d)).

### **VI. 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. These technical amendments merely provide a routine change to the range information required on EnergyGuide labels. 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.

### **VII. Paperwork Reduction Act**

In a June 13, 1988 notice (53 FR 22106), the Commission stated that the Rule contains disclosure and reporting requirements that constitute "information collection requirements" as defined by 5 CFR 1320.7(c), the regulation that implements the Paperwork Reduction Act.<sup>4</sup> The Commission noted that the Rule had been reviewed and approved in 1984 by the Office of Management and Budget

<sup>4</sup> 44 U.S.C. 3501–3520.

(“OMB”) and assigned OMB Control No. 3084–0068. OMB has reviewed the Rule and extended its approval for its recordkeeping and reporting requirements until September 30, 2004. The amendments now being adopted do not change the substance or frequency of the recordkeeping, disclosure, or reporting requirements and, therefore, do not require further OMB clearance.

#### List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

■ Accordingly, 16 CFR Part 305 is amended as follows:

#### PART 305—[AMENDED]

■ 1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

■ 2. Appendix C1 to Part 305 is revised to read as follows:

#### Appendix C1 to Part 305—Compact Dishwashers

##### Range Information

“Compact” includes countertop dishwasher models with a capacity of fewer

than eight (8) place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact ...	176	247

##### Cost Information

When the above ranges of comparability are used on EnergyGuide labels for compact-sized dishwashers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2004 Representative Average Unit Costs for electricity (8.60¢ per kilowatt-hour) and natural gas (91.0¢ per therm), and the text below the box must identify the costs as such.

■ 3. Appendix C2 to Part 305 is revised to read as follows:

#### Appendix C2 to Part 305—Standard Dishwashers

##### Range Information

“Standard” includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings. Place settings shall be in accordance with appendix C to 10 CFR

part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Standard ...	194	531

##### Cost Information

When the above ranges of comparability are used on EnergyGuide labels for standard-sized dishwashers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2004 Representative Average Unit Costs for electricity (8.60¢ per kilowatt-hour) and natural gas (91.0¢ per therm), and the text below the box must identify the costs as such.

■ 4. The table in Appendix D4 to Part 305 is revised to read as follows:

\* \* \* \* \*

#### Appendix D4 to Part 305—Water Heaters-Instantaneous-Gas

##### Range Information

Capacity (maximum flow rate); gallons per minute (gpm)	Range of estimated annual energy consumption (therms/yr. and gallons/ yr.)			
	Natural gas therms/yr.		Propane gallons/yr.	
	Low	High	Low	High
Under 1.00 .....	235	235	256	256
1.00 to 2.00 .....	230	230	252	252
2.01 to 3.00 .....	185	220	196	239
Over 3.00 .....	177	238	187	260

\* \* \* \* \*

■ 5. In section 2 of Appendix H of Part 305, the text is amended by removing the figure “8.41¢” wherever it appears and by adding, in its place, the figure “8.60¢”. In addition, the text in this

section is amended by removing the figure “12.62¢” wherever it appears and by adding, in its place, the figure “12.90¢”. And the formula is revised to read as follows in both places that it appears:

$$\text{Your estimated cost} = \frac{\text{Listed average annual operating cost} *}{1,000} \times \frac{\text{Your cooling load hours} **}{8,600} \times \frac{\text{Your electrical rate in cents per KWH}}{8.60\text{¢}}$$

\* \* \* \* \*

■ 6. In section 2 of Appendix I of Part 305, the text is amended by removing the figure “8.41¢” wherever it appears and by adding, in its place, the figure “8.60¢”. In addition, the text and

formulas are amended by removing the figure “12.62¢” wherever it appears and by adding, in its place, the figure “12.90¢”. And the formula is revised to read as follows in both places that it appears:

$$\text{Your estimated cost} = \text{Listed annual heating cost} * \times \frac{\text{Your electrical cost in cents per KWH}}{8.60\text{¢}}$$

#### Appendix H to Part 305—Cooling Performance and Cost for Central Air Conditioners

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#### Appendix I to Part 305—Heating Performance and Cost for Central Air Conditioners

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■ 7. Appendix L is amended by revising Sample Label 4 of Part 305 to read as follows:

\* \* \* \* \*

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Based on standard U.S. Government tests


# ENERGYGUIDE

Dishwasher  
Capacity: Standard

XYZ Corporation  
Model(s) MR328, X112, NAA83

**Compare the Energy Use of this Dishwasher  
with Others Before You Buy.**

This Model Uses  
**500kWh/year**



**Energy use (kWh/year) range of all similar models**

<b>Uses Least Energy</b> 194	<b>Uses Most Energy</b> 531
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**kWh/year (kilowatt-hours per year)** is a measure of energy (electricity) use. Your utility company uses it to compute your bill. Only standard size dishwashers are used in this scale.

**Dishwashers using more energy cost more to operate.  
This model's estimated yearly operating cost is:**

\$43

When used with an electric water heater

\$31

When used with a natural gas water heater

Based on four wash loads a week using the normal cycle and a 2004 U.S. Government national average cost of 8.60¢ per kWh for electricity and 91.0¢ per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase violates the Federal Trade Commission's Appliance Labeling Rule (16 C.F.R. Part 305).

Sample Label 4

\* \* \* \* \*

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 04-20404 Filed 9-8-04; 8:45 am]

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