

As a result of this change, the Commission must amend the required explanatory information on the EnergyGuide labels for dishwashers. Currently, section 305.11(a)(5)(i)(H)(2) of the Rule requires dishwasher labels to state “five washloads a week” as a basis for the energy use and annual operating cost information on the label. The Commission is amending that language to read “four washloads a week” to reflect the new 215 cycles per year figure required by the amended test procedure. Pursuant to 42 U.S.C. 6293(c)(2), all dishwasher labels for units produced after February 25, 2004 (*i.e.*, 180 days after publication of DOE’s amendment) must reflect the results of the new DOE test procedure. Accordingly, the effective date of the Commission’s amendment is February 25, 2004. Manufacturers, however, may begin using the reference to four washloads per week when they start using the results from the amended test procedure on their labels.<sup>3</sup> This will ensure that the reference to washloads on the label is consistent with the test used by the manufacturer.

## II. Administrative Procedure Act

The amendments published in this notice involve minor, technical conforming changes to the labeling requirements in the Rule. The minor or conforming amendments require changes to the EnergyGuide label so that the information is accurate and reflects recent DOE changes to the test procedures for these products. 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)).

## III. 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.

## IV. 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 (“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.

<sup>4</sup> 44 U.S.C. 3501–3520.

## 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. Section 305.11(a)(5)(i)(H)(2) is amended to read as follows:

#### § 305.11 Labeling for covered products.

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

(i) \* \* \*

(H) \* \* \*

(2) For clothes washers and dishwashers, the statement will read as follows (fill in the blanks with the appropriate appliance name, the operating cost, the number of loads per week, the year, and the energy cost figures): [Clothes Washers, or Dishwashers] using more energy cost more to operate. This model’s estimated yearly operating cost is: [Electric cost figure will be boxed] when used with an electric water heater [Gas cost figure will be boxed] when used with a natural gas water heater. Based on [4 washloads a week for dishwashers, or 8 washloads a week for clothes washers], and a [Year] U.S. Government national average cost of \$\_\_ per kWh for electricity and \$\_\_ per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

\* \* \* \* \*

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

<sup>3</sup> See 68 FR at 51888. On August 11, 2003 (68 FR 47449), the Commission published new ranges of comparability for standard capacity dishwashers. Manufacturers must use these ranges on labels by November 10, 2003. Under 42 U.S.C. 6296(c), the “Commission may not require labels be changed to reflect the revised tables of ranges more often than annually.” Accordingly, the Commission will not be able to require new ranges to reflect the new test procedure results until November 10, 2004.