

clothes washers. The data submissions show a significant change in the range of comparability scale for compact clothes washers.<sup>3</sup> Accordingly, the Commission is publishing new ranges of comparability for compact clothes washers in appendix F of the rule. To effect this amendment, the Commission has divided appendix F into two parts, appendix F1 for standard clothes washers and appendix F2 for compact clothes washers. Because the range of comparability for standard clothes washers has not changed significantly, the Commission is not amending the range in the rule for those products.<sup>4</sup>

Manufacturers of compact clothes washers must base the disclosures of estimated annual operating cost required at the bottom of EnergyGuide labels for standard-sized dishwashers on the 2003 Representative Average Unit Costs of Energy for electricity (8.41 cents per kilowatt-hour) and natural gas (81.6 cents per therm) that were published by DOE on April 9, 2003 (68 FR 17361) and by the Commission on May 5, 2003 (68 FR 23584). The new range for compact models will become effective February 23, 2004. Manufacturers may begin using the new range before that date.<sup>5</sup>

<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.

<sup>4</sup> In a February 21, 2003 notice (68 FR 8448), the Commission discussed the possibility of publishing clothes washer ranges this year based on data derived from a new DOE test procedure that will become effective on January 1, 2004 (10 CFR part 430, subpart B, appendix J1). On October 1, 2003, the Commission received data for some models that had been tested under the new procedure as well as data submissions reflecting results based on the current (existing) test procedure for all models (10 CFR part 430, subpart B, appendix J). The submitted data indicates that the number of models tested under the new procedure as of October 1 was relatively small compared to the total number of models reported. In addition, the submitted information did not contain any data for compact models tested under the new procedure. Given this limited data and the possibility that many more models have yet to be tested under the new procedure, it is not appropriate to amend the ranges based on this limited new test data at this time. Accordingly, this notice reflects the review of data for models tested under the current (existing) DOE test procedure.

<sup>5</sup> The Commission notes that recent amendments to the clothes washer label require advisory language related to the new test procedure on labels for all models produced beginning January 1, 2004 (see 68 FR 36458 (June 18, 2003)).

### III. 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. 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)).

### IV. 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.

### V. Paperwork Reduction Act

In a June 13, 1998 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>6</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.

### List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling,

<sup>6</sup> 44 U.S.C. 3501–3520.

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.

### Appendix F—[Removed]

■ 2. Appendix F to part 305 is removed.

■ 3. Appendices F1 and F2 to part 305 are added to read as follows:

### Appendix F1 to Part 305—Standard Clothes Washers

#### Range Information

"Standard" includes all household clothes washers with a tub capacity of 1.6 cu. ft or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Standard .....	177	1298

#### Cost Information

When the above range of comparability is used on EnergyGuide labels for standard clothes washers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2000 Representative Average Unit Costs for electricity (8.03¢ per kilowatt-hour) and natural gas (68.8.6¢ per therm), and the text below the box must identify the costs as such.

### Appendix F2 to Part 305—Compact Clothes Washers

#### Range Information

"Compact" includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact .....	350	653

#### Cost Information

When the above range of comparability is used on EnergyGuide labels for compact clothes washers, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 2003 Representative Average Unit Costs for electricity (8.41¢ per kilowatt-hour) and natural gas (81.6¢ per therm), and the text below the box must identify the costs as such.