

impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to 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. Section 39.13 is amended by adding the following new airworthiness directive:

2004-09-10 Boeing: Amendment 39-13599. Docket 2002-NM-341-AD.

Applicability: Model 747 series airplanes, certificated in any category, with lower cargo floors (floors in the lower cargo areas) that are not fully enclosed. A fully enclosed cargo floor is a floor with panels installed between all roller trays in the cargo compartment. A cargo floor that is not fully enclosed is a floor without panels installed between all roller trays in the cargo compartment.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the heater tape on potable water fill and drain lines, which may ignite accumulated debris or contaminants on or near the potable water fill and drain lines, resulting in a fire in the airplane, accomplish the following:

Debris Removal

(a) At the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD: Perform a one-time general visual inspection for foreign object debris (FOD) and contamination on or near potable water and drain lines located below the cargo floor in the forward and aft cargo compartments, in areas not covered by floor panels or sidewall panels. Do the inspection in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-30A2079, Revision 1, dated October 16, 2003. Remove any FOD or contamination observed on or near the potable water or drain lines prior to further flight in accordance with the service bulletin.

(1) Inspect within 18 months since the date of issuance of the original Airworthiness Certificate or within 18 months since the date

of issuance of the Export Certificate of Airworthiness, whichever occurs first; or (2) Inspect within 90 days after the effective date of this AD.

Note 1: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Inspection for Discrepant Heater Tape

(b) At the applicable time specified in paragraph (c) of this AD: Perform a general visual inspection for discrepancies of potable water and drain lines located below the cargo floor in the forward and aft cargo compartments, in areas not covered by floor panels or sidewall panels as specified in the Federal Register in paragraphs (b)(1) and (b)(2) of this AD. The inspection is in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-30A2079, Revision 1, dated October 16, 2003.

(1) Inspect potable water and drain lines for indications of overheating of the heater tape, including localized darkening of foam insulation or protective tape. If overheating is observed: Prior to further flight, either replace the defective heater tape, removing floor panels as necessary. This amendment becomes effective on the date of the heater tape is deactivated in accordance with the provisions and limitations specified in the operator's Minimum Equipment List (MEL); or deactivate the heater tape in accordance with Figure 1 of the service bulletin. If the heater tape is deactivated it must be replaced within 90 days after the date of the inspection required by this paragraph.

(2) Inspect potable water and drain lines for exposed foam insulation and missing or damaged protective tape. If exposed foam insulation is observed: Within 90 days after the date of the inspection required by this paragraph, cover the foam insulation with a continuous wrap of protective tape, in accordance with the service bulletin. If protective tape is missing or damaged: Within 90 days after the date of the inspection required by this paragraph, replace the protective tape in accessible areas in accordance with the service bulletin. It is not necessary to remove floor panels to replace the protective tape.

(c) Do the inspections required by paragraph (b) at the later of the times specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Within 18 months since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever occurs first.

(2) Within 90 days after the effective date of this AD.

Credit for Actions Accomplished Previously

(d) Actions accomplished before the effective date of this AD, per Boeing Alert Service Bulletin 747-30A2079, dated December 12, 2002, are acceptable for compliance with the corresponding actions required by paragraphs (a) and (b) of this AD.

Alternative Methods of Compliance

(e) 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, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Incorporation by Reference

(f) Unless otherwise specified in this AD, the incorporation by reference of the following documents into this AD is required:

1. Boeing Service Bulletin 747-30A2079, Revision 1, dated October 16, 2003. This document is incorporated by reference into this AD. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 91. Copies may be obtained from Boeing Commercial Airplanes, PO Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Division, 1400 Independence Avenue, SW., Renton, Washington, or at the Office of the Federal Register, 801 Capitol Street, NW., suite 700, Washington, DC.

2. Boeing Service Bulletin 747-30A2079, Revision 1, dated October 16, 2003. This document is incorporated by reference into this AD. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 91. Copies may be obtained from Boeing Commercial Airplanes, PO Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Division, 1400 Independence Avenue, SW., Renton, Washington, or at the Office of the Federal Register, 801 Capitol Street, NW., suite 700, Washington, DC.

3. Boeing Service Bulletin 747-30A2079, Revision 1, dated October 16, 2003. This document is incorporated by reference into this AD. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 91. Copies may be obtained from Boeing Commercial Airplanes, PO Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Division, 1400 Independence Avenue, SW., Renton, Washington, or at the Office of the Federal Register, 801 Capitol Street, NW., suite 700, Washington, DC.

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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") revises Table 1 in section 305.9 of the Commission's Appliance Labeling Rule ("Rule") to incorporate the latest figures for average unit energy costs as published by the Department of Energy

¹ The DOE cost figures are not necessary for making data submissions to the Commission. The required energy use information that manufacturers of refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters must submit under section 305.8 of the Rule is no longer operating cost; it is now energy consumption (kilowatt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil).

² Sections 305.11(a)(5)(i)(H)(2) and (3) of the Rule (16 CFR 305.11(a)(5)(i)(H)(2) and (3)) require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). The labels also must disclose, below this secondary estimated annual operating cost, the fact that the estimated annual operating cost is based on the appropriate DOE energy cost figure, and must identify the year in which the cost figure was published.

³ The current (2001) ranges for refrigerators, refrigerator-freezers, and freezers were published on

November 19, 2001 (66 FR 57867). On November 23, 2003 (68 FR 65631), the Commission announced that the 2001 ranges for these products would remain in effect.

⁴ The current (1995) ranges for room air conditioners were published on November 13, 1995 (60 FR 56945). On June 27, 2003 (68 FR 38175), the Commission announced that the 2004 ranges for room air conditioners would remain in effect.

⁵ The 1994 DOE cost figures were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699). The current (1994) ranges of comparability for storage-type water heaters were published on September 23, 1994 (59 FR 487960029 Tw(The 199 1993ec 2003 (6

Unit Costs for electricity (8.28 cents per kiloWatt-hour) that were published by DOE on April 24, 2002 (67 FR 20104), and by the Commission on June 7, 2002 (67 FR 39269), and that were in effect when the current (2002) ranges of comparability for these products were published.⁶ Manufacturers of heat pump water heaters must continue to use the 2002 DOE cost figures until the Commission publishes new ranges of comparability and states that operating cost disclosures must be based on the DOE cost figure for electricity then in effect.

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⁶The current (2002) ranges of comparability for heat pump water heaters were published on June 24, 2002 (67 FR 42478). On June 27, 2003 (68 FR 38175), the Commission announced that the 1994 ranges for heat pump water heaters would remain in effect.

⁷The current ranges for gas-fired instantaneous water heaters were published on December 20, 1999 (64 FR 71019). On June 27, 2003 (68 FR 38175), the Commission announced that the 1999 ranges for gas-fired instantaneous water heaters would remain in effect.

⁸The current ranges for compact dishwashers were published on July 19, 2002 (67 FR 47443). The current ranges for standard dishwashers were published on August 11, 2003 (68 FR 47449).

⁹The current (2003) ranges of comparability for compact clothes washers were published on November 24, 2003 (68 FR 65833). The current (2000) ranges of comparability for standard clothes washers were published on May 11, 2000 (65 FR 30351).

¹⁰44 U.S.C. 3501–3520.

3084-0068. OMB has 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.

PART 305 [AMENDED]

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

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

Authority: 42 U.S.C. 6294.

■ 2. Section 305.9(a) is revised to read as follows:

§ 305.9 Representative average unit energy costs.

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2004)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu ¹
Electricity	8.60 ¢/kWh ^{2,3}	\$0.0860/kWh	25.20
Natural Gas	91.0 ¢/therm ⁴ or \$9.35/MCF ^{5,6}	0.00000910/Btu	9.10
No. 2 heating oil	\$1.28/gallon ⁷	0.00000923/Btu	9.23
Propane	\$1.23/gallon ⁸	0.00001346/Btu	13.46
Kerosene	\$1.54/gallon ⁹	0.00001141/Btu	\$11.41

¹ Btu stands for British thermal unit.

² kWh stands for kiloWatt hour.

³ 1 kWh = 3,412 Btu.

⁴ 1 therm = 100,000 Btu. Natural gas prices include taxes.

⁵ MCF stands for 1,000 cubic feet.

⁶ For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,027 Btu.

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