

44 FR 66466 (Nov. 19, 1979), in response to a directive in the Energy Policy and Conservation Act of 1975 ("EPCA").¹ 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.² 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.

¹ 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.

² 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.³ 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.

³ 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 changed from "first hour rating" to "first hour rating" (69 FR 42107 (July 14, 2004)).

(“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—A

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.

		f
...	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.

		f
...	1 4	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

	f			
	f		f	
		f		f
1.00	235	235	256	256
1.00 2.00	230	230	252	252
2.01 3.00	185	220	1 6	23
Nu 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:

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

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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:

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

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By direction of the Commission.
Donald S. Clark,

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