

Lakeview, OR, Lake County, NDB OR GPS-A, Amdt 2, CANCELLED  
 Brookings, SD, Brookings Muni, VOR RWY 12, Amdt 12  
 Brookings, SD, Brookings Muni, VOR RWY 30, Amdt 11  
 Brookings, SD, Brookings Muni, ILS/DME RWY 30, Amdt 1, CANCELLED  
 Brookings, SD, Brookings Muni, ILS RWY 30, Orig  
 Brookings, SD, Brookings Muni, GPS RWY 12, Orig  
 Brookings, SD, Brookings Muni, GPS RWY 30, Orig  
 Giddings, TX, Giddings-Lee County, GPS RWY 17, Orig  
 Giddings, TX, Giddings-Lee County, GPS RWY 35, Orig  
 Houston, TX, Houston-Southwest, GPS RWY 9, Orig  
 Houston, TX, Houston-Southwest, GPS RWY 27, Orig  
 Ogden, UT, Ogden-Hinckley, GPS RWY 3, Orig  
 Juneau, WI, Dodge County, GPS RWY 20, Orig  
 Madison, WI, Dane County Regional-Truax Field, VOR RWY 21, Orig

The FAA published an Amendment in Docket No. 29852, Amdt. No. 1963 to Part 97 of the Federal Aviation Regulations (64 FR 67474, December 2, 1999) under section 97.33 effective January 27, 2000, which is hereby amended as follows:

Marquette, MI, Sawyer Intl, GPS RWY 19, Orig, change effective date from January 27, 2000 to February 24, 2000.

[FR Doc. 99-32886 Filed 12-17-99 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 305

#### 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 (the Rule) by publishing new ranges of comparability to be used on required labels for gas-fired instantaneous water heaters, by deleting the range chart for oil-fired instantaneous water heaters, and by publishing new ranges of comparability to be used on required labels for compact dishwashers (the ranges of comparability for standard dishwashers remain unchanged). The Commission also announces that the current ranges of comparability for room air

conditioners, storage-type water heaters, heat pump water heaters, pool heaters, furnaces, boilers, standard-sized dishwashers, central air conditioners, heat pumps, refrigerators, refrigerator-freezers, and freezers will remain in effect until further notice. Finally, 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 Part 305 that contain cost calculation formulas. These last amendments change the figures in the formulas to reflect the current Representative Average Unit Cost of Electricity that was published on January 5, 1999 (64 FR 487) by the Department of Energy (DOE), and on February 17, 1999 (64 FR 7783) by the Commission.

**EFFECTIVE DATE:** March 22, 2000.

**FOR FURTHER INFORMATION CONTACT:**

James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202-326-3035); jmills@ftc.gov.

**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.<sup>1</sup> The Rule covers eight categories of major household appliances; refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters (this category includes storage-type water heaters, gas-fired instantaneous water heaters, and heat pump water heaters), room air conditioners, furnaces (this category includes boilers), and central air conditioners (this category includes heat pumps). The Rule also covers pool heaters (59 FR 49556 (Sept. 28, 1994)), and contains requirements that pertain to fluorescent lamp ballasts (54 FR 28031 (July 5, 1989)), certain plumbing products (58 FR 54955 (Oct. 25, 1993)), and certain lighting products (59 FR 25176 (May 13, 1994)).

The Rule requires manufacturers of all covered appliances and pool heaters to disclose specific energy consumption or efficiency information (derived from test procedures promulgated by DOE) at the point of sale in the form of an "EnergyGuide" label and in catalogs. It also requires manufacturers of furnaces, boilers, central air conditioners, and heat pumps either to provide fact sheets showing additional cost information, or to be listed in an industry directory

showing the cost information for their products. The Rule requires that manufacturers include, on labels and fact sheets, an energy consumption or efficiency figure and a "range of comparability" scale. This scale 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 requires that manufacturers also 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, annually (by specified dates for each product type)<sup>2</sup> 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. Under Section 305.10 of the rule, to keep the required information on labels consistent with these changes, the Commission publishes new ranges (but not more often than annually) 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 publishes a statement that the prior ranges remain in effect for the next year.

The annual submissions of data for room air conditioners, water heaters (including storage-type, gas-fired instantaneous, and heat pump water heaters), furnaces, boilers, pool heaters, dishwashers, central air conditioners, heat pumps, refrigerators, refrigerator-freezers, and freezers have been made and have been analyzed by the Commission.

The ranges of comparability for room air conditioners, storage-type water heaters, heat pump water heaters, furnaces, boilers, pool heaters, central air conditioners, heat pumps, refrigerators, refrigerator-freezers, freezers, and standard-sized dishwashers have not changed by more

<sup>1</sup> 42 U.S.C. 6294. The statute also requires 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 room air conditioners, water heaters (storage-type, gas-fired instantaneous, and heat pump-type), furnaces, boilers, and pool heaters are due May 1; reports for dishwashers are due June 1; reports for central air conditioners and heat pumps are due July 1; reports for refrigerators, refrigerator-freezers, and freezers are due August 1.

than 15% from the current ranges for these products. Therefore, the current ranges for these products will remain in effect until further notice.<sup>3</sup>

This means that manufacturers of storage-type water heaters, furnaces, and boilers must continue to use the ranges that were published on September 23, 1994, and that manufacturers of storage-type water heaters must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1994 Representative Average Unit Costs of energy for electricity (8.41 cents per kilowatt-hour), natural gas (60.4 cents per therm), propane (98 cents per gallon), and/or heating oil (\$1.05 per gallon) that were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699).

Manufacturers of heat pump water heaters and pool heaters must continue to use the ranges that were published on August 21, 1995. Manufacturers of room air conditioners must continue to use the corrected ranges for room air conditioners that were published on November 13, 1995. Manufacturers of heat pump water heaters, pool heaters, and room air conditioners must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1995 Representative Average Unit Costs of Energy for electricity (8.67 cents per kilowatt-hour), natural gas (63 cents per therm), propane (98.5 cents per gallon), and/or heating oil (\$1.008 per gallon) that were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9295).

Manufacturers of refrigerators, refrigerator-freezers, and freezers must continue to use the ranges of comparability that were published on December 2, 1998. They must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1998 Representative Average Unit Cost for electricity (8.42 cents per kilowatt-hour), that was

<sup>3</sup> The current ranges for storage-type water heaters, furnaces, and boilers were published on September 23, 1994 (59 FR 48796). The current ranges for heat pump water heaters, pool heaters, and room air conditioners (originally) were published on August 21, 1995 (60 FR 43367). A corrected version of the ranges for room air conditioners was published on November 13, 1995 (60 FR 56945, at 56949). The current ranges for central air conditioners and heat pumps were published on September 16, 1996 (61 FR 48620). The current ranges for refrigerators, refrigerator-freezers, and freezers were published on December 2, 1998 (63 FR 66428).

published by DOE on December 8, 1997 (62 FR 64574), and by the Commission on December 29, 1997 (62 FR 67560).

The data submissions for gas-fired instantaneous water heaters have resulted in new ranges of comparability figures for these products, which appear below. In addition, the capacity measurement for gas-fired instantaneous water heaters in the range chart is now expressed in terms of maximum flow rate, instead of first hour rating, to be consistent with amendments to the Department of Energy's test procedure that were published in the **Federal Register** on May 11, 1998, at 63 FR 25996, with an extended effective date of June 5, 1999 (63 FR 71630 (Dec. 29, 1998)). These new ranges of comparability supersede the current ranges for gas-fired instantaneous water heaters.<sup>4</sup> As of the effective date of these new ranges, manufacturers of gas-fired instantaneous water heaters must base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for gas-fired instantaneous water heaters on the 1999 Representative Average Unit Costs of Energy for natural gas (68.8 cents per therm) and propane (77 cents per gallon) that were published by DOE on January 5, 1999 (64 FR 487), and by the Commission on February 17, 1999 (64 FR 7783).

The data submissions for dishwashers show a significant change in both the high and low ends of the ranges of comparability scale for compact models, but only a slight change in the high end of the range scale for standard models and no change in the low end for standard models. The change in the compact ranges has resulted from the deletion of the only model available prior to 1999 and the addition of two new models. Thus, the new numbers reflect entirely new models, and it is appropriate to publish new ranges of comparability to reflect these changes. As just noted, however, the ranges for standard-sized dishwashers have changed only slightly. Moreover, the

<sup>4</sup> The current ranges for gas-fired instantaneous water heaters (Appendix D4) were published on August 28, 1998 (63 FR 45942), having first been published in 1995 (60 FR 43367 (Aug. 21, 1995)). In 1995, the Commission also published a range chart for oil-fired instantaneous water heaters (Appendix D5) because, even though the DOE test did not yet cover these products, DOE had proposed in 1995 to develop a test to cover them. Because no data for oil-fired instantaneous water heaters has ever been submitted, the range chart for these products shows "no data submitted" for all size categories. DOE withdrew its proposal to develop a final test for oil-fired instantaneous water heaters in the May 11, 1998 amendments to the water heater test procedure (63 FR 25996 at 25998). Therefore, the Commission today deletes the range chart for oil-fired instantaneous water heaters.

vast majority of dishwashers fall into the standard category; relatively few are offered in the compact category.

The Commission's classification of "standard" and "compact" dishwashers is based on internal capacity.<sup>5</sup> Thus, the Commission believes that consumers looking for a standard model are unlikely to be interested in a compact model, and vice-versa. Rather than require new ranges for the vast majority of dishwashers when only the few in the compact category have changed significantly, therefore, the Commission has decided to publish new ranges of comparability only for compact dishwashers, to inform consumers better about the compact dishwasher models currently being manufactured. These new ranges of comparability supersede the current ranges for compact-sized dishwashers.<sup>6</sup> As of the effective date of these new ranges, manufacturers of compact-sized dishwashers must base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for compact-sized dishwashers on the 1999 Representative Average Unit Costs of Energy for electricity (8.22 cents per kilowatt-hour) and natural gas (68.8 cents per therm) that were published by DOE on January 5, 1999 (64 FR 487), and by the Commission on February 17, 1999 (64 FR 7783).

The Commission is leaving the current 1997 ranges of comparability for standard-sized dishwashers in place. This means that manufacturers of standard-sized dishwashers must continue to use the ranges of comparability that were published on August 25, 1997, and must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1997 Representative Average Unit Costs of Energy for electricity (8.31 cents per kilowatt-hour) and natural gas (61.2 cents per therm) that were published by DOE on November 18, 1996 (61 FR 58679), and by the Commission on February 5, 1997 (62 FR 5316).

In consideration of the foregoing, the Commission revises Appendices C and D4 of part 305 by publishing the

<sup>5</sup> 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. Place settings are to be determined in accordance with appendix C to 10 CFR Part 430, subpart B, of DOE's energy conservation standards program. In contrast, DOE's program defines "standard" and "compact" on the basis of external cabinet width.

<sup>6</sup> The current ranges for compact-sized (and standard-sized) dishwashers (Appendix C) were published on August 25, 1997 (62 FR 44890).

following ranges of comparability for use in required disclosures (including labeling) for compact-size dishwashers and gas-fired instantaneous water heaters beginning March 22, 2000; amends 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, effective March 22, 2000; and deletes Appendix D5 of Part 305, effective immediately.

**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. 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.

**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 C to Part 305 is removed and Appendices C1 and C2 are added 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 .....	277	426

**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 1999 Representative Average Unit Costs for electricity (8.22¢ per kilowatt-hour) and natural gas (68.8 ¢ per therm), and the text below the box must identify the costs as such.

**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 .....	344	699

**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 1997 Representative Average Unit Costs for electricity (8.31¢ per kilowatt-hour) and natural gas (61.2¢ per therm), and the text below the box must identify the costs as such.

3. 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 .....	233	233	256	256
1.00 to 2.00 .....	230	234	252	256
2.01 to 3.00 .....	188	218	206	239
Over 3.00 .....	187	238	197	260

**Cost Information**

When the above ranges of comparability are used on EnergyGuide labels for instantaneous water heaters, the estimated annual operating cost disclosure appearing in the box at the bottom of the labels must be derived using the 1999 Representative Average Unit Costs for natural gas (68.8¢ per therm) and propane (77¢ per gallon), and the text below the box must identify the costs as such.

4. Appendix D5 to Part 305 is removed.

5. Appendix D6 to Part 305 is redesignated as Appendix D5.

6. In section 2 of Appendix H of part 305, the text and formulas are amended by removing the figure “8.42¢” wherever it appears and by adding, in its place, the figure “8.22¢”; and by removing the figure “12.64¢” wherever it appears and by adding, in its place, the figure “12.4¢”.

7. In section 2 of Appendix I of part 305, the text and formulas are amended by removing the figure “8.42¢” wherever it appears and by adding, in its place, the figure “8.22¢”; and by removing the figure “12.64¢” wherever it appears and by adding, in its place, the figure “12.34¢”.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 99–32894 Filed 12–17–99; 8:45 am]

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**DEPARTMENT OF TREASURY**

**Internal Revenue Service**

**26 CFR Part 20**

[TD 8846]

**RIN 1545–AV45**

**Deductions for Transfers for Public, Charitable, and Religious Uses; In General Marital Deduction; Valuation of Interest Passing to Surviving Spouse; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations which were published in the **Federal Register** on Friday, December 3, 1999, 64 FR 67763, relating to the effect of certain administration expenses on the valuation of property for marital and charitable deduction purposes.

**DATES:** This correction is effective December 3, 1999.

**FOR FURTHER INFORMATION CONTACT:** Deborah Ryan, (202) 622–3090 (not a toll-free number).