

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulations proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will not have an impact on family well-being.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Accordingly, part 264 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301-1305.

§ 264.1 [Amended]

2. In § 264.1, paragraph (b) is amended by removing the Form Number and Class reference to Form "I-151" from the listing of forms.

Dated: April 12, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95-12717 Filed 5-23-95; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY**Office of Energy Efficiency and Renewable Energy****10 CFR Part 430**

[Docket No: EE-RM-93-701]

Energy Conservation Program for Consumer Products

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Proposed Rule.

SUMMARY: This document repropose amendments to the Department of Energy's clothes washer test procedure to provide a means to test clothes washers that are designed to lock out wash/rinse temperature selections from the normal cycle.

DATES: Consumer usage test data for clothes washers that "lockout" certain temperature selections shall be provided to DOE by June 30, 1995, and will be placed in Department's Freedom of Information Reading Room. Comments, including comments on any consumer usage data that are submitted, shall be provided by July 31, 1995.

ADDRESSES: Written comments and data (ten copies) are to be submitted to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Proposed Test Procedures for Clothes Washers, Docket No. EE-RM-93-701, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

P. Marc LaFrance, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8423

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507

SUPPLEMENTARY INFORMATION:**I. Introduction**

An amended appliance energy conservation standard for clothes washers became effective May 14, 1994. Manufacturers are required to test their clothes washers for compliance with the new standard using the test procedure regulations set forth in 10 CFR Part 430, Subpart B, Appendix J.

Whirlpool Corporation (Whirlpool) designed a new line of clothes washers to meet this standard which lock out a warm rinse when the user selects a hot

water wash/warm water rinse temperature combination setting in the cycle Whirlpool has designated as the "normal cycle." That is, although the controls may be set for a warm rinse in this circumstance, a cold water rinse would be provided. However, a warm rinse is available in all other cycles. Thus, energy consumption in the "normal cycle" is lower than in the other cycles which offer a warm rinse option.

Whirlpool requested an informal interpretation of the test procedure from the Department's Office of Energy Efficiency and Renewable Energy in 1992, and again in early 1993. Whirlpool asserted that the test procedure requires all testing be conducted in the "normal cycle" as defined in Section 1.10 of the test procedure, with the temperature selector set to the hottest setting that is available in the normal cycle. The Office of Energy Efficiency and Renewable Energy responded by letters dated December 18, 1992, and April 21, 1993, which disagreed with Whirlpool's interpretation. Whirlpool engaged in further discussions with the Department's Office of General Counsel, and after review, the General Counsel wrote a letter to Whirlpool on October 20, 1993 stating: "Whirlpool's interpretation of the test procedure is one that the Department concurs is a permissible reading of the test procedure. The Department believes, however, that Whirlpool's interpretation may yield results not consistent with the objectives of the Energy Policy and Conservation Act, as amended." The letter further stated that the Department planned to amend the test procedure to clarify the testing requirements for clothes washers that do not have all of the temperature combinations available in the normal cycle.

II. Discussion

The Department published a proposed rule to amend the clothes washer test procedure to address the Whirlpool clothes washer "lockout" issue. 58 FR 67710 (December 22, 1993) (hereafter referred to as the December 1993 Proposed Rule). A public hearing was held on February 24, 1994.

The Department received eight written comments in response to the proposed rule and received testimony from four persons at the public hearing. Written comment or testimony was provided by the American Council for an Energy-Efficient Economy (ACEEE), Frigidaire Company (Frigidaire), General Electric Appliances (GEA), Maytag Corporation (Maytag), Natural Resources Defense Council (NRDC), the

Oregon Department of Energy (ODOE), Speed Queen Company (Speed Queen), and Whirlpool.

(A) Proposed Test Procedure Amendment Issues

1. Temperature Selection Lockout. The Department proposed to test a clothes washer with a warm rinse "lockout" feature by prorating the hot water consumption between the temperature combination setting in the normal cycle and the corresponding temperature combination in the cycle with the greatest hot water consumption, for each temperature combination selection locked out of the normal cycle. The unknown factor in the calculation is the frequency with which users will choose the normal versus other cycles when a warm rinse is selected, that is, the prorating value. As stated in the December 1993 Proposed Rule, clothes washers which offer the warm rinse lockout design feature had not been distributed in commerce and, therefore, no data regarding the effect of this feature on consumer selection were available.

Whirlpool asserted that consumer usage of the normal cycle would not change because of the lockout feature, and that, based on Proctor and Gamble's (P&G) historical consumer usage data on the use of the normal cycle versus other cycles, it was appropriate to assume that users would use the normal cycle 75 percent of the time in spite of the warm rinse lock out. Because of confidentiality concerns raised by Whirlpool, the Department did not consult with other manufacturers or industry experts on this issue. Based on Whirlpool's argument, DOE proposed a prorating value at 75 percent, that is, users would override the normal cycle "lockout" only 25 percent of the time. The Department stated that the proposed prorating was subject to revision as data becomes available to reflect actual consumer usage of machines with the lockout feature.

ACEEE¹ was "troubled" by use of the 75/25 apportionment, because it was not based on empirical measurements on how consumers would actually use washers. "Therefore, we recommend that for the present time, a 100 percent weighting factor be assigned to the most energy-intensive cycle, until such time that empirical data is available on how these washers will actually be used." (ACEEE, No. 5 at 1).

¹ Comments on the proposed rule have been assigned docket numbers and have been numbered consecutively. Statements that were presented at the February 24, 1994, public hearing are identified as Testimony.

Maytag stated, "While Maytag's data indicates the 'normal cycle' use to be 67%, this percentage could be dramatically impacted by the manner in which a manufacturer designs and displays its 'normal cycle' for the product." (Maytag, No. 1 at 5). Maytag further stated, "If you put a normal cycle on a washer that is not too appealing to the customer * * * it's [use is] going to drop down to some lower number." (Maytag, Testimony at 14).

Frigidaire stated, "The 75/25 apportionment is inappropriate" because it "is based on products where all temperature options are available in the normal cycle" and "is not valid for a product with a 'new' feature." (Frigidaire, No. 2 at 3). Frigidaire further stated, "I don't see how the proposed lockout saves any energy at all. * * * It will just require the consumer to use a different named cycle to get the results, or to get the water temperatures that they want to use." (Frigidaire, Testimony at 38).

GEA stated, "We question what effect the temperature lockout feature will have on the 75%/25% cycle usage assumptions which justify the usage factors found in the calculation." (GEA, No. 3 at 6). Speed Queen stated, "Consumers will quickly modify their usage pattern by switching to select the cycle most nearly approximating a 'normal' cycle to obtain the hot wash/warm rinse selection." (Speed Queen, No. 8 at 2).

Frigidaire also produced an estimate of the impact of the proposed rule. Frigidaire stated that the proposed test procedure would underestimate energy consumption by 24.9 percent and 31.4 percent for its five-temperature and four-temperature machines, respectively, as compared to clothes washers without warm rinse lockout. (Frigidaire, No. 2 at 7).

Whirlpool's comment is the only one that supported the proposed apportionment. (Whirlpool, No. 4 at 5 and No. 9 at 6). Whirlpool believes that the 75 percent value for use of the normal cycle has been consistent over many surveys.² It also believes the type of cycle to be used is chosen first, then the temperature selection is made. However, Whirlpool acknowledged that it did not have machines in the field to develop data concerning the validity of the proposal. (Whirlpool, Testimony at 25). Whirlpool offered to conduct a market study to evaluate consumer use

² Proctor and Gamble survey data from numerous years was referenced in Whirlpool's submission. However, the survey data was not based on usage of clothes washers with a lockout feature.

of the product with and without the warm rinse lockout. (Whirlpool, No. 9 at 6).

Based upon review of the comments, the Department is inclined to agree with the majority of commenters that users seeking a warm rinse will shift to a cycle other than the normal cycle to get the desired temperature combination more often than 25 percent of the time. The Department has concluded therefore that use of the 75 percent weighting for use of the normal cycle is inappropriate. Whirlpool's assumption regarding consumer behavior, i.e., that the use of the normal cycle would not be affected by the presence of a warm rinse lockout, is not supported by any empirical data³ or by any other major clothes washer manufacturer. Consumers will most likely alter their cycle usage patterns if they desire a particular temperature selection.

The Department nonetheless believes that a warm rinse lockout on the normal cycle will result in some reduction in hot water usage because a small percentage of consumers will use the normal cycle with the locked out warm rinse feature, rather than adjusting the controls to another cycle in order to get a warm rinse. Thus, the Department is proposing an amendment to the clothes washer test procedure with a credit of 20 percent for the temperature selection lockout design feature. That is, instead of a 75/25 percent split between the normal cycle and the most energy intensive cycle for locked out temperature selections as proposed in the December 1993 Proposed Rule, DOE is proposing a 20/80 percent split in today's Notice.

The Department remains interested in receiving statistically significant consumer usage data for clothes washers with locked out temperature selections in the normal cycle. The Department expects to receive consumer usage data from Whirlpool. The Department welcomes any other interested party to submit consumer usage data. Moreover, DOE will make available for review any data submitted to the Department in response to today's Notice.

Although the lockout feature's energy saving value is subject to question, the Department encourages the introduction of control features for appliances that can be fully demonstrated to save energy.

2. Lockout Features other than Temperature Selection. The comments expressed a concern that other features or selections could be locked out.

³ The P&G data concerning choices among cycles were not obtained under conditions where the lockout feature was present.

Frigidaire, Speed Queen, and Maytag indicated that a hot wash or a maximum water level could also be locked out. (Frigidaire, Testimony at 35; Speed Queen, No. 8 at 1; Maytag, No. 1 at 5).

Today's proposed rule addresses all possible temperature selection lockouts. Possible lockouts relating to wash time and maximum fill level were not part of the December 1993 Proposed Rule and are not addressed in today's Notice. The commenters' concerns appear to be unfounded under the existing test procedure. The requirement for wash time is specified as a basic test condition (Section 2.10), and any testing conducted with less time than 9.75 minutes of agitation time would not comply with the requirements of the existing regulations. The requirement for maximum fill is specified prior to the selection of the wash cycle and refers to the maximum fill of the clothes washer. Moreover, DOE is not aware of any products currently employing such lockout designs. Such designs, should they emerge, could be addressed in a separate rulemaking.

3. Energy Test Cycle. Several commenters raised questions about the Department maintaining the requirement for testing in the "normal" cycle. Maytag, Speed Queen, and GEA proposed the use of an energy test cycle which would include elements such as minimum wash time, all wash/rinse temperature combinations, maximum water fill, and maximum spin speed. Maytag suggested specific changes to the test procedure for its proposed test cycle. (Maytag, No. 6 at 1). Speed Queen proposed that a test cycle be adopted with requirements very similar to Maytag's proposal. (Speed Queen, No. 8 at 1). GEA supported the Maytag proposal of a test cycle if the Department continued with the amendment. (GEA, No. 12 at 4). The ODOE supported the Maytag suggestion of a test cycle. (ODOE, No. 11 at 1). The ACEEE generally supported the Maytag proposal but believes it should be done in a subsequent rulemaking. (ACEEE, No. 5 at 2).

The Department does not believe it would be appropriate in this rulemaking to adopt an alternate test cycle. Furthermore, the Department does not have any assessment as to how an alternate test cycle would affect existing models and the potential development of new models. The Department may consider adopting an alternate test cycle in the future.

4. Ambiguity in Test Procedure. The Department received comments indicating that the test procedure proposed in the December 1993 Proposed Rule was ambiguous and

complicated. Frigidaire indicated that the proposed test procedure was unnecessarily complicated and adds test burden and ambiguities with room for creative interpretation. (Frigidaire, No. 2 at 8 and Testimony at 34).

The Department has clarified the proposed amendment to the test procedure so that there is no change to any testing requirements for clothes washers that do not incorporate temperature selection lockouts. The proposed amendment has been clarified to reference specifically the sections that are inapplicable to clothes washers without temperature selection lockouts (see Section 3.2). Additionally, the definition of the "non-normal cycle" was modified to specifically exclude any manually selected pre-wash, pre-soak, and extra-rinse cycles.

5. Classes. Frigidaire recommends having a separate class and minimum energy standard for clothes washers with lockout. (Frigidaire, Testimony at 31). NRDC opposed the addition of a separate class and minimum energy standard for clothes washers with lockout. (NRDC, No. 10 at 2). The Department believes that a separate class and standard for products with lockout features is not justified. The primary reason is that clothes washers with temperature selection lockouts do not provide any added utility to the consumer and, therefore, do not warrant a separate class.

6. Effective Date of Amended Test Procedure. Commenters criticized the Department's proposal to allow one year of lead time from the date of publication of the final rule to the date the test procedure amendment becomes effective. Comments opposing a one-year lead time include Maytag (Maytag, No. 1 at 4), ACEEE (ACEEE, No. 5 at 1), Speed Queen (Speed Queen, No. 8 at 2), NRDC (NRDC, No. 10 at 3), and ODOE (ODOE, No. 11 at 2). All of these commenters believe that a 180-day lead time is sufficient. Whirlpool agreed with the Department's original proposal of one year lead time. (Whirlpool, No. 9 at 6).

The Department agrees with the majority of commenters that 180 days is reasonable. Coupled with the advance notice of a likely change in the test procedure provided by this Notice, an effective date 180 days following publication of the final rule should provide ample time for manufacturers to make any necessary adjustments.

7. Impact on Existing Efficiency Standard. To the Department's knowledge, Whirlpool is the only manufacturer of clothes washers that is actively considering use of a lockout feature, and is thus the only

manufacturer directly affected by today's proposed rule. The Department has determined that the proposed amendment to the test procedure will not significantly alter measured energy use or energy efficiency, and thus no change in the energy efficiency standard would be required under 42 U.S.C. 6293(e)(2).

(B) Interpretation of Test Procedures

The Department received numerous comments concerning the Department's procedures for providing informal interpretations of test procedures to manufacturers, such as the one provided to Whirlpool concerning the "lockout" issue.

GEA called for the Department to provide notice and an opportunity for comment before issuing an interpretation. (GEA, No. 3 at 3-4). Maytag strongly urged the Department to adopt internal procedures designed to provide appropriate notice to all parties potentially affected by a request for an informal interpretative ruling. (Maytag, No. 1 at 3). Speed Queen said a Petition for Waiver was the proper vehicle necessary to institute a test procedure change in this matter. (Speed Queen, No. 8 at 2). Whirlpool supported the Department's process of interpretation. (Whirlpool, No. 9 at 2-3).

On April 8, 1994, DOE met with representatives of trade associations and manufacturers to discuss procedures to be implemented with regard to future requests concerning interpretations of DOE regulations. Having considered the views of various interested parties, DOE has opened and will maintain a file in its headquarters' Freedom of Information Reading Room in which DOE will make available any written request for an informal, non-binding interpretative ruling and any written informal rulings issued by DOE. These materials will be placed in the DOE Freedom of Information Reading Room under the heading "Consumer Product Informal Interpretations, Docket No. EE-OBT-INTERPS." Interested persons may examine and copy the file periodically.

The Department does not propose to amend the existing procedures for obtaining formal Interpretations in today's notice. The procedures for formal Interpretations are set out in 10 CFR §§ 205.80-205.86.

III. Regulatory Review

The December 1993 Proposed Rule set forth determinations with regards to: Environmental Review, Regulatory Planning and Review, Regulatory Flexibility Act, and Federalism Review. The determinations made under each of

these topics in the December 1993 Proposed Rule remain valid.

A. "Takings" Assessment Review

It has been determined pursuant to Executive Order 12630 (52 FR 8859, March 18, 1988) that this regulation would not result in any takings which might require compensation under the Fifth Amendment to the United States Constitution.

B. Paperwork Reduction Act Review

No new information or record keeping requirements are imposed by this rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

IV. Public Comment

Interested persons are invited to participate in this rulemaking by submitting data, comments or information with respect to the proposed test procedure amendment. Public comment has already been received on many elements of this proposal in response to the December 1993 Proposed Rule, so the Department is particularly interested in comments on the key changes from the December 1993 Proposed Rule—the 20/80 proration for use of the normal cycle with a temperature lockout and the effective date 180 days after publication of the final rule.

Interested persons are invited to submit statistically significant usage data or information on the usage behavior of consumers with clothes washers that have temperature selections locked out of the normal cycle. Such data or information shall be sent to the address indicated at the beginning of the notice. Comments with regard to the proposed amendment or comments on any submitted consumer usage data, which will be available in the Department's Freedom of Information Room, shall also be sent to the address indicated at the beginning of this notice.

Data and comments should be identified both on the envelope and on the documents as "Amendment of the Test Procedure for Clothes Washers, Docket No. EE-RM-93-701." Ten (10) copies are requested to be submitted. If possible, the Department would appreciate an electronic copy of the comments on a 3.5" diskette. The Department is currently using WordPerfect™ 5.1. All submittals received by the dates specified at the beginning of this notice will be

considered by the Department of Energy before final action is taken on the Proposed Rule.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and nine copies, if possible, from which the information believed to be confidential has been deleted. The Department of Energy will make a determination with regard to the confidential status of the information and treat it according to its determination.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, May 5, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291-6309.

Appendix J [Amended]

2. In appendix J to subpart B of part 430, paragraphs 1.10 through 1.18 are redesignated as paragraphs 1.13 through 1.21, paragraph 1.9 is redesignated as paragraph 1.10 and new paragraphs 1.9, 1.11 and 1.12 are added to read as follows:

1. Definitions

* * * * *

1.9 "Lock out" means to make unavailable at least one wash/rinse water temperature combination in the normal cycle that is available in another cycle on the machine.

* * * * *

1.11 "Most energy intensive cycle" means a cycle other than the normal cycle that uses the most energy when tested with the required wash/rinse temperature combinations.

1.12 "Non-normal cycle" means a cycle other than the normal cycle, excluding any manually selected pre-wash, pre-soak, or extra rinse.

* * * * *

3. Paragraph 3.2 of appendix J to subpart B of part 430 is revised to read as follows:

3. Test Measurements

* * * * *

3.2 Test cycle. Establish the testing conditions set forth in section 2 of this appendix. For clothes washers that do not lock out any wash/rinse water temperature combination in the normal cycle, skip section 3.2.5. For automatic clothes washers that lock out certain wash/rinse temperature combinations in the normal cycle, perform all tests in section 3.2 of this appendix.

* * * * *

4. In appendix J to subpart B of part 430, add new paragraphs 3.2.5 through 3.2.5.5 to read as follows:

3. Test Measurements

* * * * *

3.2.5 Hot water energy consumption testing for clothes washers that lock out any wash/rinse temperature combinations in the normal cycle.

3.2.5.1 For clothes washers that lock out certain wash/rinse temperature combinations, perform additional tests on non-normal cycles. Set the cycle selector to a non-normal cycle. Set the water level selector at maximum fill and insert the appropriate test load, if applicable. Activate the cycle of the clothes washer and also any suds-saver switch. Set the wash/rinse temperature selector to the hottest temperature combination setting that is locked out in the normal cycle and repeat 3.2.2.3, 3.2.2.4, and 3.2.2.5.

3.2.5.2 Repeat 3.2.5.1 under the same temperature combination setting for all other untested non-normal cycles on the machine.

3.2.5.3 Total the measured hot water consumption of wash, deep rinse, and spray rinse of each non-normal cycle tested in 3.2.5.1 and 3.2.5.2 and compare. The cycle that has the highest hot water consumption shall be the most energy intensive cycle for that particular wash/rinse temperature combination setting.

3.2.5.4 Repeat 3.2.5.1 through 3.2.5.2 for all other wash/rinse temperature combination selections that are locked out in the normal cycle.

3.2.5.5 Set the water level selector at minimum fill and insert the appropriate test load, if applicable. Activate the cycle of the clothes washer and also any suds-saver switch. Repeat tests as described in 3.2.5.1 through 3.2.5.4, except that minimum fill tests are required only for the most energy intensive cycles as determined during the maximum fill tests.

* * * * *

5. In appendix J to subpart B of part 430, paragraph 4.1 is revised to read as follows:

4. Calculation of Derived Results from Test Measurements

4.1 Per-cycle temperature-weighted hot water consumption for maximum and minimum water fill levels. Calculate the per-cycle temperature-weighted hot water consumption for the maximum water fill level, V_{max} , expressed in gallons per cycle and defined as:

$$V_{\max} = X_1 \sum_{i=1}^n [(V_i \times L) \times TUF_i] + X_2 [TUF_w \times S_H]$$

where:

- V_i =Reported hot water consumption in gallons per-cycle at maximum fill for each wash/rinse temperature selection, as recorded in 3.3.2. (For clothes washers that lock out certain wash/rinse temperature combinations, there will be "V_i's" for wash/rinse temperature combination settings available in the normal cycle and "V_i's" for wash/rinse temperature combination settings in the most energy intensive cycles.)
- L =Lock out factor to be applied to the reported hot water consumption.
 - $L=1$, used for the wash/rinse temperature combination settings that do not lock out temperature selections in the normal cycle.
 - $L=0.20$, used for the locked out wash/rinse temperature combination settings of the normal cycle. (This is used only for clothes washers that lock out one or

- more wash/rinse temperature selections in the normal cycle.)
- $L=0.80$, used for the locked out wash/rinse temperature combination settings of the most energy intensive cycles. (This is used only for clothes washers that lock out one or more wash/rinse temperatures selections in the normal cycle.)
- TUF_i =Applicable temperature use factor corresponding to wash/rinse temperature selection as shown in 5 or 6.
- n =For clothes washers that do not lock out any wash/rinse temperature combinations in the normal cycle, n =the number of wash/rinse temperature combination settings available to the user. For clothes washers that lock out one or more temperature selections in the normal cycle, n =the number of wash/rinse temperature combination settings on the washers plus the number of wash/rinse temperature combination settings that are locked out in the normal cycle.

- TUF_w =Temperature use factor for warm wash setting.
- For clothes washers equipped with suds-saver feature:
 - X_1 =Frequency of use without suds-saver feature=.86.
 - X_2 =Frequency of use with suds-saver feature=.14.
- For clothes washers not equipped with suds-saver feature:
 - $X_1=1.0$
 - $X_2=0.0$
- S_H =Fresh make-up water measured during suds-return cycle at maximum water fill level.
- Calculate the per-cycle temperature-weighted hot water consumption for the minimum water fill level, V_{\min} , expressed in gallons per cycle and defined as:

$$V_{\min} = X_1 \sum_{j=1}^n [(V_j \times L) \times TUF_j] + X_2 [TUF_w \times S_L]$$

where:

- V_j =Reported hot water consumption in gallons per cycle at minimum fill for each wash/rinse temperature selection, as recorded in 3.3.3. (For clothes washers that lock out certain wash/rinse temperature combinations, there will be "V_j's" for wash/rinse temperature combination settings available in the normal cycle and "V_j's" for wash/rinse temperature combination settings in the most energy intensive cycle.)
- L =As defined above.
- TUF_j =Applicable temperature factor corresponding to wash/rinse temperature selection as shown in 5 or 6.
- S_L =Fresh make-up water measured during suds-return cycle at minimum water fill level.
- n =As defined above.
- TUF_w =As defined above.
- X_1 =As defined above.
- X_2 =As defined above.

* * * * *

6. The headings in paragraphs 5.1, 5.2, and 5.3 of appendix J to subpart B of part 430 are amended by removing the expressions (n=5), (n=4), and (n=3), respectively.

[FR Doc. 95-12622 Filed 5-23-95; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-140-AD]

Airworthiness Directives; Boeing Model 747-400, 757, and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Boeing Model 747-400, 757, and 767 series airplanes. This proposal would require a revision to the Airplane Flight Manual that would advise flight crews to monitor the engine indication and crew alerting system (EICAS) for "status" level messages pertaining to impending engine fuel filter bypass. This proposal also would require the installation of upgraded EICAS computers that provide "advisory" level messages to indicate such bypass conditions. This proposal is prompted by a finding that EICAS computers currently installed on these airplanes do not provide an appropriate indication to the flight crew of an impending engine fuel filter bypass condition. The actions

specified by the proposed AD are intended to ensure that the flight crew is appropriately aware of conditions involving a severely contaminated airplane fuel system and the associated increased potential for engine power loss.

DATES: Comments must be received by July 19, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-140-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Duven, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2688; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as