

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would establish Class D and E airspace and amend existing Class E airspace at East Hampton Airport, East Hampton, NY.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 will continue to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

P 5000
* * * * *

AEA NY D East Hampton, NY [NEW]

East Hampton Airport, NY
(Lat. 40°57'34" N., long. 72°15'06" W.)

That airspace extending upward from the surface up to and including 2,500 feet MSL within a 4.8-mile radius of East Hampton Airport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to

Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

P 6002
* * * * *

AEA NY E2 East Hampton, NY [NEW]

East Hampton Airport, NY
(Lat. 40°57'34" N., long. 72°15'06" W.)

That airspace extending upward from the surface within a 4.8-mile radius of East Hampton Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

P 6005
700
* * * * *

AEA NY E5 East Hampton, NY [Amended]

East Hampton Airport, NY
(Lat. 40°57'34" N., long. 72°15'06" W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of East Hampton Airport.

Issued in College Park, Georgia, on March 9, 2012.

Barry A. Knight

[FR Doc. 2012–6338 Filed 3–14–12; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

[RIN 3084–AB15]

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 (FTC or Commission).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes several amendments to improve the Appliance Labeling Rule by streamlining requirements for manufacturers, increasing the availability of labels for consumers, and clarifying various aspects of the Rule. Specifically, the proposed amendments would eliminate duplicative reporting requirements for manufacturers, introduce a uniform method for attaching labels to appliances, place EnergyGuide labels on room air conditioner boxes instead of on the products themselves, improve current

Web site disclosures, and revise ceiling fan labels. The proposed amendments also would clarify enforcement rules for data reporting, testing access, and Web site disclosures. The Commission requests comments on these proposed changes. In addition, as a part of the Commission's systematic review of its regulations and guides, the Commission seeks comments on the Rule's overall costs and benefits and its overall regulatory and economic impact.

DATES: Written comments must be

ADDRESSES: Interested parties are electronically or in paper form by following the instructions in section VI of the

SUPPLEMENTARY INFORMATION

form should be s following weblin

SUPPLEMENTARY INFORMATION

FOR FURTHER INFORMATION CONTACT: 202) 326–2889, Attorney, Division Bureau of Consumer Trade Commission 600 Pennsylvania Washington, DC

SUPPLEMENTARY INFORMATION: The FTC's Appliance Appliance Labeling Rule (EPCA), Energy Policy and Conservation Act

requires energy labeling for consumer products to help consumers compare competing models.

² When first

³ The Rule applied to refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, furnaces. Subsequently, the Commission expanded the Rule's coverage to categories such as central air conditioners, heat pumps, plumbing products, lighting products, ceiling fans, and televisions.

4

¹ 42 U.S.C. 6291

² For more information about the Rule, see

³ 44 FR 66466 (Nov. 19, 1979).

⁴ 52 FR 46888 (Dec. 10, 1987) (central air conditioners and heat pumps); 54 FR 28031 (Jul. 5,

require adhesive labels.¹⁸ Under the current Rule, these products must display EnergyGuide labels in a location visible to consumers either in the form of a hang tag attached inside the product or an adhesive labels affixed outside or inside the product. The proposal to eliminate hang tags and require adhesive labels is designed to decrease the number of missing labels in showrooms because hang tags appear to detach easily.¹⁹

Evidence gathered by the FTC and the Government Accountability Office (GAO) demonstrates that many showroom products do not have EnergyGuide labels attached.

Specifically, GAO visits to 30 stores in 2007 found that 26 percent of products examined had no EnergyGuide label and another 24 percent had labels that were “no longer affixed in a prominent and easily accessible location.”²⁰ Following the GAO report, FTC staff conducted its own examination of more than 8,500 appliances in 89 retail locations.²¹ The FTC found labels either detached or missing altogether on approximately 38 percent of appliances examined.²²

Comments received in the television rulemaking indicated that hang tags often become twisted or dislodged in stores.²³ In addition, FTC staff found that products frequently labeled with hang tags (e.g., clothes washers, dishwashers, and refrigerator-freezers) pil

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¹⁸The Commission's recent television labeling rule prohibits hang tags on televisions for the same reasons given here. 76 FR 1038.

¹⁹The current Rule defines a hang tag for clothes washers, dishwashers, and refrigerators as a label “affixed to the product * * * using string or similar material.” 16 CFR 305.11(d)(2). Because the Rule does not allow hang tags on product exteriors, manufacturers cannot use hang tags on water heaters and other products that do not have an interior visible to consumers.

²⁰United States GAO, Energy Efficiency—Opportunities Exist for Federal Agencies to Better Inform Household Consumers, GAO-07-1162, Sept. 2007, at 6.

²¹The staff visited stores in nine metropolitan areas across the country in 2008. The results are not necessarily nationally representative.

²²The staff examined clothes washers, dishwashers, refrigerator products (freezers, refrigerators, and refrigerator-freezers), room air conditioners, and water heaters. The examination did not find specific models or brands consistently missing labels. Accordingly, the visits provided no clear evidence that specific manufacturers are routinely failing to label their products.

²³76 FR at 1044.

²⁴The store visit data indicate that dishwashers, clothes washers, and refrigerator-freezers frequently bear hang tags because the many of these products had hang tags either attached to the product or lying detached on or in the product (64% for dishwashers, 49% for clothes washers, and 76% for refrigerator-freezers.) By contrast, the results

indicate water heaters predominately bear adhesive labels (82% had adhesive labels attached, and there were no detached hang tags found near or on the unlabeled units). Moreover, the products that frequently bear hang tags had a high rate of missing and/or detached labels (31% missing and 25% detached for clothes washers; 26% missing and 24% detached for dishwashers; 12% missing labels and 11% detached for refrigerators, freezers, and refrigerator-freezers.) By contrast, only 14% of water heaters were missing labels (and none had detached labels).

²⁵The proposed rule language specifies that manufacturers must attach adhesive labels to the product before distribution in commerce. Manufacturers should not place the labels separately in literature bags or otherwise leave labels unattached when shipping units.

²⁶72 FR 49948 (Aug. 27, 2007).

²⁷The Commission has followed this approach with ceiling fan labels, which must appear on the principal display panel of packages. 16 CFR 305.13.

²⁸These proposed amendments preserve the current Rule's definition of “catalog” to encompass both print and online formats. The current rule defines “catalog” as “printed material, including material disseminated over the Internet, which contains the terms of sale, retail price, and instructions for ordering, from which a retail consumer can order a covered product.” 16 CFR 305.2(h).

²⁹This proposal is consistent with current requirements for television labels. 76 FR 1038.

easily available online. Third, the proposed amendments provide specifications that retail Web sites must follow for the format and placement of the required information (e.g., label or icon). Finally, for paper catalogs, the proposed amendments would continue to allow retailers to use an abbreviated text disclosure in lieu of the full label, due to space and cost constraints.

Under the proposed amendments, Web sites selling EnergyGuide- or Lighting Facts-labeled products would be required to display the full label (either on the product page or through a link). The current Rule does not require Web sites (or paper catalogs) to include the full label, and instead allows an abbreviated, text-only disclosure. The Commission allowed these abbreviated disclosures due to space constraints and the costs of printing the full label would impose on marketers.³⁰ However, in reaching this decision, the Commission did not examine the differences between Web sites and paper catalogs and their relative capacities to display information. Subsequently, during the television labeling rulemaking, the Commission determined that while paper catalogs continue to have space constraints and associated costs justifying the abbreviated disclosures, this rationale does not apply to Web sites. Accordingly, the Commission required Web sites selling televisions to include the full label or a special icon linking to the label.³¹ For the same reasons, the Commission now proposes to require Web sites to include the full label for all EnergyGuide and Lighting Facts-labeled products they sell.

Under the proposal, Web sites either could place the full label on the product's detailed description page, or, to minimize design impact on their sites, they could use a small EnergyGuide or Lighting Facts logo icon provided by FTC to link to the full label. The proposed rule allows Web sites to scale the icon (as well as the label) appropriately to accommodate their layout as long they remain readable and recognizable. The new icon would apply to all products subject to the EnergyGuide or Lighting Facts requirements, including televisions.

Recently, a group of petitioners raised concerns that consumers may view the icon as an endorsement or general claim about a product's environmental quality, rather than as an energy cost disclosure.³² The petitioners also noted

that some Web sites already voluntarily display an EnergyGuide icon, but create confusion by adding text (e.g., "EnergyGuide rated") which might imply to consumers that the icon constitutes an endorsement or a general environmental claim.³³ In light of these concerns, the Commission proposes an icon which integrates the text "Click for this product's energy information" into the icon design. This additional text is designed to help consumers understand that the icon is a link to label information, and not a product endorsement or environmental claim.³⁴ The Commission seeks comment on this proposal.

The petitioners also argued that in light of potential confusion, the Commission should not allow an icon at all, and should instead require the full label on the main product pages. The Commission seeks comment on whether requiring the full label, instead of a link to the label, is necessary. In particular, commenters should consider whether such a requirement would unduly impede Web site design and whether the use of the icon with the explanatory text, as proposed in this notice, would address the concern raised by the petitioners.

Second, to facilitate retailer compliance with the Rule, the proposed amendments require that manufacturers make images of their labels available on a Web site for linking and downloading by both paper catalogs and Web sites. Under the proposal, the labels must remain available online for two years after the manufacturer ceases to make the model. This proposed requirement is based on EPCA's mandate that manufacturers "provide" a label and is consistent with the recent television label rules.³⁵

Third, the proposed amendments provide specifications about the format and placement of the required

information on Web sites. In the recent television labeling proceeding, the Natural Resources Defense Council (NRDC) raised concerns that consumers must navigate several layers of information to obtain EnergyGuide information on some Web sites.³⁶ NRDC argued consumers should not have to scroll down or switch to another tab or page to see the icon.³⁷ To address these concerns, the Commission proposes to require that the label or icon be displayed "clearly and conspicuously and in close proximity to the covered product's price." This proposal, which is consistent with the new television label requirements, should help ensure that consumers can easily view the label or icon while shopping online without excessive scrolling or clicking, and still providing flexibility to Web site designers. To minimize burden, the label or icon would only need to appear on "each Web page that contains a detailed description of the covered product and its price," rather than alongside every image of a covered product on the site. This would reduce the burden for Web sites that include abbreviated summary pages listing several different models with links to a more detailed individual product page.³⁸

Finally, for paper catalogs, the amendments would continue to allow an abbreviated text disclosure in lieu of the full label. Due to the space and cost constraints involved with paper catalogs, inclusion of the entire label may be impractical.³⁹

The Commission seeks comment on these proposals. In particular, comments should address whether the Rule should require paper catalogs to place these required disclosures in close proximity to the product's price, as the proposed amendments would require for Web sites. The Commission also seeks

³⁰ 72 FR 49948, 49961 (Aug. 29, 2007).
³¹ .
³² Petition of American Council for an Energy Efficient Economy, Consumers Union, and Public Citizen, 10 (July 22, 2011), available at <http://www.ftc.gov/ftc/petitions/petitions/Petition%20for%20EnergyGuide%20and%20Lighting%20Facts%20Labeling%20Requirements.pdf>.

³³ .
³⁴ When using the FTC icon for televisions under current requirements, sellers should not include language that might imply the icon constitutes an endorsement or an environmental claim. For example, adding the words "EnergyGuide Rated" near the icon could suggest that the icon represents a product endorsement or a "green" claim about the product, rather than a neutral disclosure of energy costs. Such language may be deceptive under section 5 of the FTC Act, 15 U.S.C. 45. If the Commission finalizes the proposed catalog amendments, marketers will have to follow the same approach for other products.

³⁵ 42 U.S.C. 6296(a); 76 FR 1038. Catalog sellers (both paper and Web sites) may create their own versions of the labels rather than using the images provided by the manufacturers, as long as the labels conform to all the specifications in the amended Rule.

³⁶ NRDC comments, Aug. 10, 2010, #547194-00011. (<http://www.ftc.gov/ftc/petitions/petitions/Petition%20for%20EnergyGuide%20and%20Lighting%20Facts%20Labeling%20Requirements.pdf>).

³⁷ 76 FR at 1046.

³⁸ Similarly, the proposed amendments would require that Web site disclosures for required non-label markings or text (e.g., gallons per minute for showerheads and faucets) must be displayed clearly and conspicuously and in close proximity to the product's price on the Web page. The amendments would not impose any design or font size requirements for these disclosures, other than that they be clear and conspicuous.

³⁹ The proposed amendments also state that if paper catalogs display more than one covered product model on a page, the seller may disclose the utility rates or usage assumptions underlying the energy information (e.g., 10.65 cents per kWh, 8 cycles per week, etc.) only once per page for each type of product (e.g., a single footnote for all refrigerators advertised on the page) rather than repeating the information for each advertised model. The disclosure must be clear and conspicuous.

³⁰ 72 FR 49948, 49961 (Aug. 29, 2007).

³¹ .

³² Petition of American Council for an Energy Efficient Economy, Consumers Union, and Public

⁴⁰ 72 FR 49948, 49959 (Aug. 29, 2007) (appliance labels); ⁴¹ 75 FR 41696 (July 19, 2010) (light bulb labels); 76 FR 1038 (Jan. 6, 2011) (television labels).

⁴¹ The six hour duty cycle estimate is consistent with earlier research on ceiling fans. ⁴² Davis Energy Group (Prepared for Pacific Gas & Electric),

9 2009),; 9 2009 . -0.0028 (75 4169646 0 (0028-) / 1 . 9 -18.867 -1.-1.)

with EPCA (42 U.S.C. 6303(a)), § 305.4(a) states that labeling violations are assessed on a ^{per} basis.

⁴⁹The per day per model basis is consistent with EPCA's enforcement provisions. ⁴⁹ 42 U.S.C. 6302, 6303 and 16 CFR 305.4(a). It is also consistent with

including costs of compliance, has the Rule imposed on businesses, particularly small businesses? Provide any evidence supporting your position.

(6) What modifications, if any, should be made to the Rule to increase its benefits or reduce its costs to businesses, particularly small businesses?

(a) Provide any evidence supporting your proposed modifications.

(b) How would these modifications affect the costs and benefits of the Rule for consumers?

(c) How would these modifications affect the costs and benefits of the Rule for businesses, particularly small businesses?

(7) Provide any evidence concerning the degree of industry compliance with the Rule. Does this evidence indicate that the Rule should be modified? If so, why, and how? If not, why not?

(8) Provide any evidence concerning whether any of the Rule's provisions are no longer necessary. Explain why these provisions are unnecessary.

(9) What modifications, if any, should be made to the Rule to account for current or impending changes in technology or economic conditions?

(a) Provide any evidence supporting the proposed modifications.

(b) How would these modifications affect the costs and benefits of the Rule for consumers and businesses, particularly small businesses?

(10) Does the Rule overlap or conflict with other federal, state, or local laws or regulations? If so, how?

(a) Provide any evidence supporting your position.

(b) With reference to the asserted conflicts, should the Rule be modified? If so, why, and how? If not, why not?

(c) Provide any evidence concerning whether the Rule has assisted in promoting national consistency with respect to energy labeling.

(11) Are there foreign or international laws, regulations, or standards with respect to energy labeling that the Commission should consider as it reviews the Rule? If so, what are they?

(a) Should the Rule be modified in order to harmonize with these international laws, regulations, or standards? If so, why, and how? If not, why not?

(b) How would such harmonization affect the costs and benefits of the Rule for consumers and businesses, particularly small businesses?

(c) Provide any evidence supporting your position.

(12) Are there any consumer products, not currently under review, that the Commission should consider for energy labeling?

(13) Is there any information not submitted in earlier proceedings that the Commission should consider about possible consumer electronics labeling?⁵²

(a) Are there any new developments in test procedures for consumer electronics relevant to possible labeling requirements?

(b) Are there new consumer electronics products on the market that the Commission should consider for consumer energy labeling?

(c) Is there new information consumer electronics marketing or buying patterns that would aid the Commission in considering new labeling requirements?

(14) Is our business compliance guidance and consumer education about the Rules useful? Can they be improved? If so, how? Should the Commission print copies of these materials, or is a pdf at [http://www.ftc.gov](#) sufficient for business and consumer needs?

VI. Request for Comment

The Commission invites interested persons to submit written comments on any issue of fact, law, or policy that may bear upon the FTC's proposed labeling requirements. Please provide explanations for your answers and supporting evidence where appropriate. After examining the comments, the Commission will determine whether to issue final amendments.

All comments should be filed as prescribed below, and must be received by May 16, 2012. Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to "Appliance Labeling Amendments, Matter No. R611004" to facilitate the organization of comments. Please note that your comment B including your name and your state B will be placed on the public record of this proceeding, including on the publicly accessible FTC Web site, at [http://www.ftc.gov](#).

Because comments will be made public, they should not include any sensitive personal information, such as any individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include "[t]rade secret or any commercial or

⁵² 76 FR 1038 (Jan. 6, 2011) (Federal Register Notice on consumer electronics labeling).

financial information which is obtained from any person and which is privileged or confidential" as provided in Section 6(f) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing matter for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c).⁵³

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted using the following weblink: [http://www.ftc.gov](#)

(and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink [http://www.ftc.gov](#)

. If this Notice appears at [http://www.ftc.gov](#) / #! you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC Web site at [http://www.ftc.gov](#) to read the Notice and the news release describing it.

A comment filed in paper form should include the "Appliance Labeling Amendments, Matter No. R611004" reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex A), 600 Pennsylvania Avenue, NW., Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives,

⁵³ The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).



temperatures below 8 °F (≐ 13.3 °C)
which may be adjusted by the user to a
temperature of 0 °F (≐ 17.8 °C) or below.
The source of refrigeration requires
single phase, alternating current electric
energy input only.

* * * * *

3. In § 305.4, revise paragraph (b) to

principal display panel of the product's packaging.

(e) P. 305.12. Manufacturers shall affix adhesive labels to the covered products before distribution into commerce in such a position that it is easily read by a consumer examining the product. The label generally should be located on the upper-right-front corner of the product's front exterior. However, some other prominent location, including a prominent location in the product's interior, may be used as long as the label will not become dislodged during normal handling throughout the chain of distribution to the retailer or consumer. The top of the label should not exceed 74 inches from the base of taller products. The label can be displayed in the form of a flap tag adhered to the top of the appliance and bent (folded at 90°) to hang over the front, as long as this can be done with assurance that it will be readily visible and will not become dislodged.

* * * * *

9. Section 305.12, paragraphs (f)(8)(iii) and (g)(9)(iii) are revised to read as follows:

§ 305.12 Labeling for central air conditioners, heat pumps, and furnaces.

* * * * *

- (f) * * *
(8) * * *

(iii) The manufacturer may include the ENERGY STAR logo on the bottom right corner of the label for qualified products. The logo must be 1 inch high and no greater than 3 inches wide. Only manufacturers that have signed a Memorandum of Understanding with the Department of Energy or the Environmental Protection Agency may add the ENERGY STAR logo to labels on qualifying covered products; such manufacturers may add the ENERGY STAR logo to labels only on those covered products that are contemplated by the Memorandum of Understanding.

* * * * *

- (g) * * *
(9) * * *

(iii) The manufacturer may include the ENERGY STAR logo on the bottom right corner of the label for qualified products. The logo must be 1 inch high and no greater than 3 inches wide. Only manufacturers that have signed a Memorandum of Understanding with the Department of Energy or the Environmental Protection Agency may add the ENERGY STAR logo to labels on qualifying covered products; such manufacturers may add the ENERGY STAR logo to labels only on those covered products that are contemplated by the Memorandum of Understanding.

10. In § 305.13 paragraph (a) is revised to read as follows:

§ 305.13 Labeling for ceiling fans.

(a) * * * *

(1) * * *. Any covered product that is a ceiling fan shall be labeled clearly and conspicuously on the package's principal display panel with the following information in order from top to bottom on the label:

- (i) Headlines and text as illustrated in the prototype and sample labels in Appendix L to this part;
(ii) the product's estimated annual operating cost based on 6 hours use per day and 11 cents per kWh.
(iii) The product's airflow at high speed expressed in cubic feet per minute and determined pursuant to § 305.5 of this part;
(iv) The product's electricity usage at high speed expressed in watts and determined pursuant to § 305.5 of this part as indicated in Ceiling Fan Label Illustration of appendix L of this part;
(v) The following statement shall appear on the label for fans fewer than 49 inches in diameter: "Compare: 36" to 48" ceiling fans have an estimated yearly energy cost ranging from approximately \$2 to \$53.";
(vi) The following statement shall appear on the label for fans 49 inches or more in diameter: "Compare: 49" to 60" ceiling fans have an estimated yearly energy cost ranging from approximately \$3 to \$29."; and
(vii) The ENERGY STAR logo as illustrated on the ceiling fan label illustration in Appendix L for qualified products, if desired by the manufacturer. Only manufacturers that have signed a Memorandum of Understanding with the Department of Energy or the Environmental Protection Agency may add the ENERGY STAR logo to labels on qualifying covered products; such manufacturers may add the ENERGY STAR logo to labels only on those products that are covered by the Memorandum of Understanding;

(2) * * *. The label shall be four inches wide and three inches high. The label colors shall be process black text on a process yellow background. The text font shall be Arial or another equivalent font. The text on the label shall be black with a white background. The label's text size, format, content, and the order of the required disclosures shall be consistent with ceiling fan label illustration of appendix L of this part.

(3) P. 305.13. The ceiling fan label shall be printed on or affixed to the principal display panel of the product's packaging.

(4) * * *. No marks or information other than that specified in this part shall appear on this label, except a model name, number, or similar identifying information.

11. Section 305.17, paragraphs (d), (e), (e)(1), are revised and (h) is added to read as follows:

§ 305.17 Television labeling.

(d) * * *. Except as provided in paragraph (i), the labels must be affixed to the product in the form of either an adhesive label, cling label, or alternative label as follows:
(e) P. 305.17. (1) In general. Except as provided in paragraph (i), all labels must be clear and conspicuous to consumers viewing the television screen from the front.
(h) * * * (P. 305.17 11 -0 078

(4) * * *. No marks or information other than that specified in this part shall appear on this label, except a model name, number, or similar identifying information.

* * * * *

11. Section 305.17, paragraphs (d), (e), (e)(1), are revised and (h) is added to read as follows:

§ 305.17 Television labeling.

* * * * *

(d) * * *. Except as provided in paragraph (i), the labels must be affixed to the product in the form of either an adhesive label, cling label, or alternative label as follows:

* * * * *

(e) P. 305.17. (1) In general. Except as provided in paragraph (i), all labels must be clear and conspicuous to consumers viewing the television screen from the front.

* * * * *

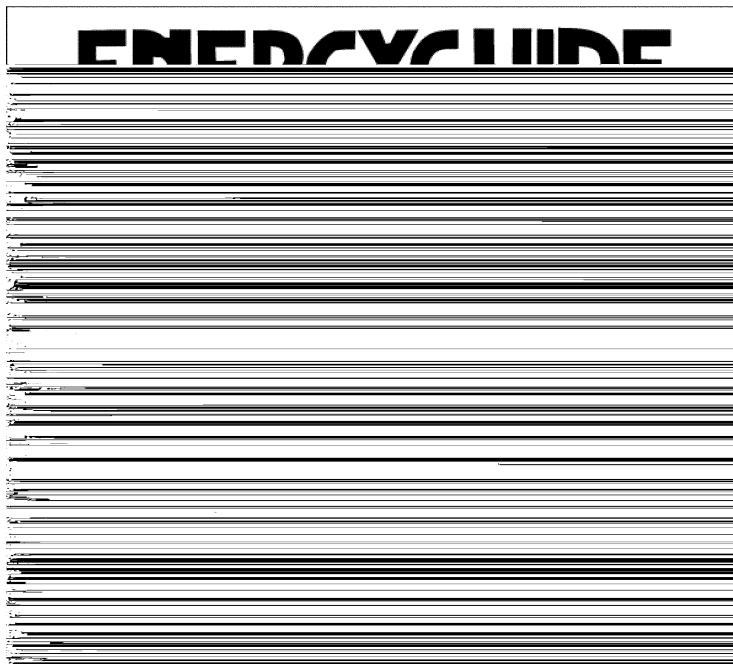
(h) * * * (P. 305.17 11 -0 078

lamps, fluorescent lamp ballasts, and metal halide lamp fixtures must include the following disclosures for each covered product:

(A) The product's water use, expressed in gallons and liters per minute (gpm and L/min) or per cycle (gpc and L/cycle) or gallons and liters per flush (gpf and Lpf) as specified in § 305.16.

(B) A capital letter "E" printed within a circle.

(2) The required Web site disclosures, whether label image, icon,



By direction of the Commission.
Donald S. Clark,

[FR Doc. 2012-4865 Filed 3-14-12; 8:45 am]
BILLING CODE 6750-01-C

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Highway Administration

23 CFR Part 771

[Docket No. FTA-2011-0056]

RIN 2132-AB03

Environmental Impact and Related Procedures

AGENCY: Federal Transit Administration (FTA), Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) provides interested parties with the opportunity to comment on proposed changes to the joint Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) regulations that implement the National Environmental Policy Act (NEPA). The proposed revisions would affect actions by FTA and project sponsors. The proposed revisions are intended to streamline the FTA environmental process for transit projects in response to the Presidential Memorandum on the subject "Speeding Infrastructure Development through

More Efficient and Effective Permitting and Environmental Review" of August 31, 2011. The proposed categorical exclusions (CEs) would apply to FTA and improve the efficiency of the NEPA environmental reviews by making available the least intensive form of review for those actions that typically do not have the potential for significant environmental effects and therefore do not merit additional analysis and documentation associated with an Environmental Assessment or an Environmental Impact Statement. FTA and the FHWA invite comments on the proposals contained in this notice.

DATES: Comments must be received by May 14, 2012.

ADDRESSES: You may submit comments identified by the docket number (FTA-2011-0056) by any of the following methods:

Go to www.regulations.gov. Follow the online instructions for submitting comments.

U.S. Department of Transportation, Docket Operations, West Building, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 204D21 -1uD52n propos70 Ds therefore do