

encourages individuals to provide important safety information that it otherwise might not receive.

The FAA designates the following information as protected from disclosure in accordance with 49 U.S.C. 40123 and 14 CFR part 193:

b. Description of the type of information that may be voluntarily provided under the program and a summary of why the FAA finds that the information is safety-related.

(1) The following types of reports are ordinarily submitted under the T-SAP or ATSAP:

i. Noncompliance reports.

Noncompliance reports identify specific instances of a failure to follow FAA directives.

ii. Aviation safety concern reports. Aviation safety concerns that do not involve specific noncompliance with FAA directives. These may include, but are not limited to, potential safety events or perceived problems with policies, procedures, and equipment.

(2) Technical Operations personnel support the delivery and efficiency of flight services through maintenance of the National Airspace System facilities, systems and equipment. Reports submitted by these employees under T-SAP ordinarily involve matters or observations occurring during the performance of their job responsibilities, and therefore the information submitted is inherently safety related. Air Traffic personnel provide and support the provision of air traffic services at FAA facilities throughout the NAS. Reports submitted by these employees under ATSAP ordinarily involve occurrences or problems identified or experienced during the performance of their job responsibilities which directly affect safety.

Issued in Washington, DC, on May 9, 2014.

Michael P. Huerta,

Administrator

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¹ The Commission announced final revisions to the Alternative Fuels Rule in an April 23, 2013 Final Rule (78 FR 23832). In 2011, EPA completed revisions to its fuel economy labeling requirements, which, among other things, addressed labels for alternative-fueled vehicles (AFVs) not specifically addressed in past EPA requirements. 76 FR 39478 (July 6, 2011).

² 15 U.S.C. 45(a). The Guides do not have the force and effect of law and are not independently enforceable. However, failure to comply with industry guides may result in law enforcement action under applicable statutory provisions. The Commission, therefore, can take action under the FTC Act if a business makes fuel economy claims inconsistent with the Guides. In any such enforcement action, the Commission must prove that the act or practice at issue is unfair or deceptive in violation of Section 5 of the FTC Act.

generally outside the scope of the Guide.

II. Issues for Comment

The Commission seeks comment on several issues related to the Fuel Economy Guide including some raised by earlier comments,³ and others identified by the Commission based on recent EPA label changes. These issues fall into two categories: General matters related to the Guide review and specific fuel economy advertising claims.

As discussed below, the Commission seeks comment on general issues related to the Guide including definitions, citation format, the Guide's overall format, and consumer research.

1. Definitions

In its previous NPRM, the Commission proposed five changes related to the Guide's definitions section (16 CFR 259.1). The Commission received no comments in response. The Commission again seeks comment on these changes.⁴

First, the Commission proposes to replace several outdated terms in the Guide to ensure they are consistent with those in EPA's current fuel economy rules.⁵ Specifically, the definition "Estimated city mpg." would change to "Estimated city fuel economy"; "Estimated highway mpg." would change to "Estimated highway fuel economy"; and the term "fuel economy" would change to refer to a vehicle's "fuel efficiency." In addition, the Commission proposes to eliminate the term "estimated in-use fuel economy range" because EPA's fuel economy label no longer provides such information.⁶

Second, the Commission proposes to add the term "Combined fuel economy" to Section 259.1 of the Guide to ensure consistency and reduce potential confusion because EPA now uses this term on its label.⁷ Consistent with EPA

requirements,⁸ the Commission proposes to define "Combined fuel economy" as "(1) the fuel economy value determined for a vehicle (or vehicles) by harmonically averaging the city and highway fuel economy values, weighted 0.55 and 0.45 respectively, (2) for electric vehicles, the term means the equivalent petroleum-based fuel economy value as determined by the calculation procedure promulgated by the Secretary of Energy."⁹ The new term would expand the Commission's guidance to marketers whose vehicles now display combined fuel economy estimate information required by the EPA.

Third, the Commission proposes to amend the Guide's definition of "new automobile" to incorporate changes made to the EPA's fuel labeling requirements. The EPA's rules require vehicle manufacturers to display a fuel economy label for a new class of vehicles, "medium-duty passenger vehicles."¹⁰ To conform with EPA's change, the Commission plans to augment the definition of "new automobile" to include "medium-duty passenger vehicle" as one of the classes of vehicles covered by the Fuel Economy Guide.

Fourth, the Commission proposes several minor revisions including an amendment to the definition of "range of fuel economy" to eliminate the phrase "in use," and changes to the definitions for "estimated city mpg" and "estimated highway mpg" to ensure consistency with the terms and definitions used by the EPA. The Commission also proposes to eliminate an obsolete reference to the term "unique nameplate" in footnote 2 of the Guide and replace it with the more appropriate EPA term "model type."¹¹

Finally, the Commission proposes to reorganize the definition of "new automobile" to reduce the definition's length and potential confusion. Specifically, the proposed amendment would remove the definitions "dealer," "manufacturer," and "ultimate purchaser" from "new automobile" and list them as separate terms under section 259.1.¹²

2. Regulatory Citations

In its previous NPRM, the FTC proposed to replace all specific regulatory citations to EPA regulations in the Guide with general citations (40 CFR Part 600) to reduce the frequency of future Guide changes should EPA amend its regulations. In comments, the Association of International Automobile Manufacturers, Inc. ("AIAM") noted that this proposal would create confusion because the general EPA provisions cited in the proposal contain two different sets of fuel economy requirements, one of which is not directly applicable to FTC's Guide. To avoid such confusion, the Commission no longer plans to use general citations in the Guide.

3. Guide Format

The Commission also proposes to improve the Guide's format to ensure consistency with other recently amended FTC guides, such as the Guides For the Use of Environmental Marketing Claims.¹³ Under this format, the revised Guide would contain a list of general principles to help marketers avoid deceptive practices, coupled with specific sample claims to illustrate those principles. This format, with its detailed examples, places the general principles in a useful context for marketers and helps readers locate relevant information. In addition, the sample claims frame the general principles in a clear context, thus improving understanding of the Guide. The Commission seeks comment on such an approach, including, as discussed in more detail below, the types of claims that the Guide should feature.

4. Consumer Research

The Commission plans to conduct consumer research to enhance the Commission's understanding of how consumers understand fuel economy advertising claims. In particular, the Commission plans to explore several common advertising claims, such as general fuel economy claims, unqualified or minimally qualified mpg disclosures, and claims for vehicle driving range based on non-EPA test procedures. The FTC and its contractor will administer questions to the respondents online over the Internet. The study will employ standard consumer survey methodologies, such as choice experiments, to explore how different claims affect consumer decision-making. The Commission will

³In response to the 2009 document, the Commission received eight comments from sources including the automobile manufacturing industry, local government, and consumers groups. Comments are available at: <http://www.ftc.gov>.

Generally, the comments supported retention of the Guide and recognized its benefits.

⁴The Commission, in the 2009 NPRM, also proposed to add two terms, "Fuel" and "Alternative Fueled Vehicles," to distinguish the vehicles that would be covered by the guidance for the EPA label requirements from those covered by the proposed guidance regarding alternative fueled vehicles. 74 FR 19148.

⁵ 40 CFR 600.002.

⁶ See 16 CFR 259.1(e) (definition of "estimated in-use fuel economy range").

⁷ 40 CFR 600, Appendix VI.

⁸ 40 CFR 600.206–12.

⁹The Commission proposes to adopt EPA's definition for the term. 71 FR 77872, 77927 (Dec. 27, 2006).

¹⁰ 40 CFR 86.1803–01. Previously, the EPA required fuel economy labels for only passenger automobiles and light trucks.

¹¹ 77 FR 77928.

¹²The definitions for "dealer," "manufacturer," and "ultimate purchaser" have not been altered in any other way.

¹³ Guides for the Use of Environmental Marketing Claims ("Green Guides") (16 CFR Part 260); Guides Concerning the Use of Endorsements and Testimonials in Advertising (16 CFR Part 255).

²²The EPA's fuel economy regulations define "unique nameplate" as "a unique combination of make, model, and trim" 40 CFR 600.002-85 (emphasis added.)

²³Section 259.2, n. 2 states that the "estimated city mpg" and the "estimated highway mpg" must be those applicable to the specific nameplate being advertised. Fuel economy estimates assigned to "unique nameplates" apply only to such unique car lines. As discussed earlier in this document, the Commission also proposes to eliminate an obsolete reference to the term "unique nameplate" in footnote 2 of the Guide and replacing it with the more appropriate EPA term "model type."

²⁴BBB; Public Citizen.

²⁵Public Citizen. Similarly, Montgomery County offered several examples of noncompliant advertising as further proof that failing to disclose the vehicle configuration to which the estimates apply is deceptive.

²⁶77 FR 19152.

²⁷The Commission also proposed adding two terms, "Fuel" and "Alternative Fueled Vehicles," to distinguish the vehicles that would be covered by the guidance for the EPA label requirements from those covered by the proposed guidance regarding alternative fueled vehicles. The NPRM defined "Fuel" to include gasoline and diesel fuel, electrical energy, alcohol, and natural gas. The NPRM also defined "Alternative Fueled Vehicle" to cover any vehicle that qualifies as a covered vehicle under 16 CFR Part 309. This term covers any vehicle designed to operate solely on an alternative fuel, or dual-fuel such as ethanol, natural gas, liquefied petroleum gas, hydrogen, coal-derived fuel, fuels from biological materials, electricity, or other fuels determined by the secretary to yield substantial security and environmental benefits.

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explained in FTC Rule 4.9(c), 16 CFR 4.9(c).³¹ Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at www.ftc.gov.

by following the instruction on the web-based form. If this Notice appears at www.ftc.gov, you also may file a comment through that Web site.

If you file your comment on paper, write "Fuel Economy Guide, R711008" on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610, (Annex O), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex O), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at www.ftc.gov to read this NPRM and the News Release describing this proceeding. 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 on or before July 10, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at www.ftc.gov/privacy.

By direction of the Commission.

Donald S. Clark,

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³¹ In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

RIN 3046-AA94

The Federal Sector's Obligation To Be a Model Employer of Individuals With Disabilities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission ("EEOC" or "Commission") is issuing an Advance Notice of Proposed Rulemaking to invite the public to comment on how it can amend its regulations to clarify the federal government's obligation to be a model employer of individuals with disabilities.

DATES: Submit comments on or before July 14, 2014.

ADDRESSES: You may submit comments, identified by RIN 3046-AA94, by any of the following methods:

- www.regulations.gov. P. 1: 11/15/14

Follow the instructions for submitting comments.

- [\(202\) 663-4114](tel:(202)663-4114). (There is no toll free FAX number). Only comments of six or fewer pages will be accepted via FAX transmittal, in order to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTY). (These are not toll free numbers).

- [Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507.](mailto:Bernadette.Wilson@eoc.gov)

- [Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507.](mailto:Bernadette.Wilson@eoc.gov)

The Commission invites comments from all interested parties. All comment submissions must include the agency name and docket number or the Regulatory Information Number ("RIN") for this rulemaking. Comments need be submitted in only one of the above-listed formats. All comments received will be posted without change to www.regulations.gov, including any personal information you provide.

- www.regulations.gov: For access to the docket to read background documents or

comments received, go to www.regulations.gov. Copies of the received comments also will be available for review at the Commission's library, 131 M Street NE., Suite 4NW08R, Washington, DC 20507, between the hours of 9:30 a.m. and 5:00 p.m., from July 14, 2014 until the Commission publishes the rule in final form.

FOR FURTHER INFORMATION CONTACT: Christopher Kuczynski, Assistant Legal Counsel, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507 (vo41912) 663-4074 (TTY). a3.6ersonal infor5htt-1.111 Rehabilite2.47n, Acting Exenondiscrimin Codard 131 M Stru

¹ 29 U.S.C. 791.

² Section 501 applies to "each department, agency, and instrumentality (including the United States Postal Service and the Postal Regulatory Commission) in the executive branch and the Smithsonian Institution." 29 U.S.C. 791(b). For convenience, this Notice uses the term "federal agency" or "agency" to mean any federal entity covered by Section 501.

³ 29 U.S.C. 791(g).

⁴ 29 U.S.C. 791(b).

⁵ 29 CFR 1614.203(b).

⁶ 29 CFR 1614.203(a).