

requirements for Air Force, Navy, and Marine aircraft operating over the Falcon Bombing Range. Specifically, R-5601F would provide additional maneuvering area needed for aircraft conducting training in adjacent restricted areas R-5601B and R-5601C which are located over the West Range Target Area and the Falcon Bombing Range, respectively. This action would also enhance Fort Sill's ability to host joint training.

The Proposal

At the request of the U.S. Army, the FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 73 to establish R-5601F adjacent to and north of R-5601B and R-5601C. Establishment of the new restricted area would provide additional airspace needed to support new high angle air-to-ground training requirements for Air Force, Navy, and Marine aircraft operating over the Falcon Bombing Range and would enhance Fort Sill's ability to host joint training.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues 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.

§ 73.56 [Amended]

2. Section 73.56 is amended as follows:

* * * * *

R-5601F Fort Sill, OK (New)

Boundaries. Beginning at lat. 34°46'24" N., long. 98°52'00" W.; thence clockwise via the 49 NM arc of SPS VORTAC to lat. 34°47'00" N., long. 98°51'00" W.; to lat. 34°43'46" N., long. 98°49'55" W.; thence clockwise via the 46 NM arc of SPS VORTAC to lat. 34°45'03" N., long. 98°29'46" W.; to lat. 34°46'15" N., long. 98°25'01" W.; to lat. 34°47'00" N., long. 98°17'46" W.; to lat. 34°46'45" N., long. 98°17'01" W.; to lat. 34°46'06" N., long. 98°17'01" W.; to lat. 34°46'06" N., long. 98°21'01" W.; to lat. 34°43'45" N., long. 98°21'01" W.; to lat. 34°43'30" N., long. 98°21'21" W.; to lat. 34°43'30" N., long. 98°35'40" W.; to lat. 34°45'00" N., long. 98°40'31" W.; to lat. 34°42'15" N., long. 98°50'01" W.; to the point of beginning. Excluding that airspace: (1) Below 5500 feet MSL beginning at lat. 34°44'28" N., long. 98°46'16" W.; thence clockwise via the 46 NM arc of SPS VORTAC to lat. 34°45'09" N., long. 98°30'57" W.; to lat. 34°43'30" N., long. 98°30'00" W.; to lat. 34°43'30" N., long. 98°35'40" W.; to lat. 34°45'00" N., long. 98°40'31" W.; to lat. 34°43'09" N., long. 98°46'56" W.; to the point of beginning; and, (2) below 3500 feet MSL within a 1 NM radius of lat. 34°46'46" N., long. 98°17'46" W.

Designated altitudes. 500 feet AGL to FL 400. Times of Designation. Sunrise to 2200 local time, Monday–Friday; other times by NOTAM.

Controlling Agency. FAA, Fort Worth ARTCC.

Using Agency. Commanding General, United States Army Field Artillery Center (USAFACFS), Fort Sill, OK.

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Issued in Washington, DC, October 27, 2005.

Edith V. Parish,

Manager, Airspace and Rules.

[FR Doc. 05–21878 Filed 11–1–05; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084–AB03

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: Advance notice of proposed rulemaking; request for comment.

SUMMARY: Section 137 of the Energy Policy Act of 2005 requires the Commission to conduct a rulemaking to examine the effectiveness of current energy efficiency labeling requirements for consumer products issued pursuant to the Energy Policy and Conservation Act. In response to that directive, the Commission is seeking comments on the effectiveness of the Appliance Labeling Rule and suggestions for improvements to the energy labeling program. The Commission is also requesting comments about the overall costs and benefits of the Rule and its overall regulatory and economic impact as a part of the Commission's systematic review of all its regulations and guides.

DATES: Comments must be received by January 13, 2006.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to "Energy Labeling, Project No. R511994" to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed to the following address: Federal Trade Commission/Office of the Secretary, Room H-135 (Annex O), 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. Comments containing confidential material must be filed in paper form, must be clearly labeled "Confidential," and must comply with Commission Rule 4.9(c).¹

¹ 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

specifically allowed by the Rule. In 2000, the Commission issued an exemption allowing manufacturers to include the "Energy Star" logo on the EnergyGuide label for covered appliances (65 FR 17554 (Apr. 30, 2000)). Energy Star is a voluntary labeling program that identifies high efficiency products. The Environmental Protection Agency (EPA) and DOE administer the Energy Star program.⁸

The Commission's Rule contains certain reporting requirements which direct manufacturers for most covered products to file reports with the FTC annually and when they begin manufacturing new models. These reports must contain the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures (16 CFR 305.8(b)). Pursuant to section 305.10, the Commission publishes new ranges of comparability 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 each year that the prior ranges remain in effect for the next year.

The Rule has different labeling requirements for consumer products other than appliances (see 16 CFR 305.11(d), (e), & (f)). For example, manufacturers of fluorescent lamp ballasts and certain tube-type fluorescent bulbs must disclose an encircled "E" on ballasts and on luminaires containing ballasts, as well as on packaging. The "E" signifies compliance with DOE minimum efficiency standards. Manufacturers of showerheads, faucets, toilets, and urinals must disclose water usage information on the products, packaging and labeling. Manufacturers of certain incandescent bulbs, spot and flood bulbs, and screw-base compact fluorescent bulbs must disclose, on packaging, the light output in lumens, energy used in watts, voltage, average life, and number of bulbs. They also must explain how purchasers can select the most energy efficient bulb for their needs.

IV. Issues and Questions for Comment

As directed by the Energy Policy Act of 2005, the Commission is publishing this notice to seek comment on the effectiveness of the current appliance labeling requirements. The Commission has outlined below some specific issues and questions related to the current labeling program. These issues include the overall effectiveness of existing

labeling requirements, the need for a new label design, and the benefits and costs of alternative label formats. The Commission is also seeking comments on other issues such as the energy descriptors used on current labels and energy disclosures for products not generally sold in showrooms. The Commission invites interested persons to submit written comments on any issue of fact, law or policy that may bear upon the FTC's current labeling requirements. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before January 13, 2006. After examining the comments received, the Commission will determine whether to propose for comment any specific amendments to the current requirements.

A. Effectiveness of Labeling Program

The original EnergyGuide label created by the Commission in 1979 contained three energy-related disclosures for most covered products: (1) The estimated annual operating cost of the model, (2) the range of operating costs for similar models displayed in the form of a bar graph, and (3) a grid which provided the operating cost of the model at different energy costs. In 1994, the Commission revised the label so that energy use or efficiency (as opposed to operating cost) appears as the primary descriptor on the label.⁹ The revised labels continued to display cost information (for most products), but the cost figures were moved to the bottom half of the label. As part of the 1994 review of the Rule, the Commission conducted consumer research and made certain format changes to the EnergyGuide label as a result. These changes enhanced the appearance of the range and bar graph on the label in an effort to reduce consumer confusion (see Figure 1). The Commission has not conducted any consumer research about the effectiveness of the label or alternative formats since adopting those changes in 1994, and the same EnergyGuide label has been in use since that time.

In August 2002, the American Council for an Energy Efficient Environment (ACEEE) released a report that summarized research it had conducted

on the EnergyGuide label's efficacy.¹⁰ The research included manufacturer and consumer interviews, consumer focus groups, a mall intercept survey, and a simulated shopping experiment. According to ACEEE's report, the interviews and focus groups suggested that consumers are familiar with the EnergyGuide but their use of the label appears to be low. According to these interviews and focus groups, consumers found the label to be overly "wordy, cluttered, and complex." ACEEE concluded that the EnergyGuide "can be redesigned to improve consumer comprehension, encourage wider use of the label, and motivate consumers to consider energy use when purchasing a labeled appliance."¹¹

ACEEE's 2002 report also examined several different formats and graphical elements for the EnergyGuide label. The ACEEE report considered various categorical labels (i.e., those using a step ranking system such as stars or letters to indicate relative energy use) and continuous labels (i.e., those containing a bar graph or similar item which displays information on a continuous scale without discrete ranks or categories). Among other things, the report recommended the adoption of a "categorical" label based on a star system (e.g., one to five stars). Various types of categorical labels are used in Europe, Australia, Brazil, Thailand, and other countries (see sample European Label at Figure 2).¹² According to ACEEE, the research suggested that categorical labels "are easy to use and quick to decipher." Of the continuous label designs considered, ACEEE found that the bar graph with visible marks denoting the graph's scale "appears most promising."¹³ ACEEE's report found that most consumers preferred categorical labels over bar graphs and other "continuous" label designs.

To facilitate the Commission's efforts to consider the effectiveness of the

¹⁰ Thorne, Jennifer and Egan, Christine, "An Evaluation of the Federal Trade Commission's EnergyGuide Label: Final Report and Recommendations," ACEEE, August 2002 [hereinafter "ACEEE 2002 Report"]. The Report was funded in part by DOE, EPA, and other organizations. It is available online at <http://aceee.org/pubs/a021full.pdf>. The Commission has not determined what, if any, reliance it will place on the ACEEE's report (or any other labeling study) during this proceeding.

¹¹ *Id.* at v-vi.

¹² See Wiel, Stephen, and McMahon, James E., "Energy-Efficiency Labels and Standards: A Guidebook for Appliances, Equipment, and Lighting, 2nd Edition," Collaborative Labeling and Appliance Standards Program (CLASP), 2005.

¹³ The ACEEE report contains a sample label with such a bar graph (pp. vi and 27-28) in addition to many other sample labels featuring various bar graph and categorical designs. See <http://aceee.org/pubs/a021full.pdf>.

⁸ See <http://www.energystar.gov>.

⁹ The Commission concluded that the use of operating cost as the primary descriptor was not likely to assist consumers. It found, among other things, that changes in national average energy costs necessitated frequent changes to ranges of comparability which, in turn, could yield inconsistent cost information in showrooms. See 53 FR 22106, 22110 (Jun. 13, 1988) and 58 FR 12818, 12827 (Mar. 5, 1993).

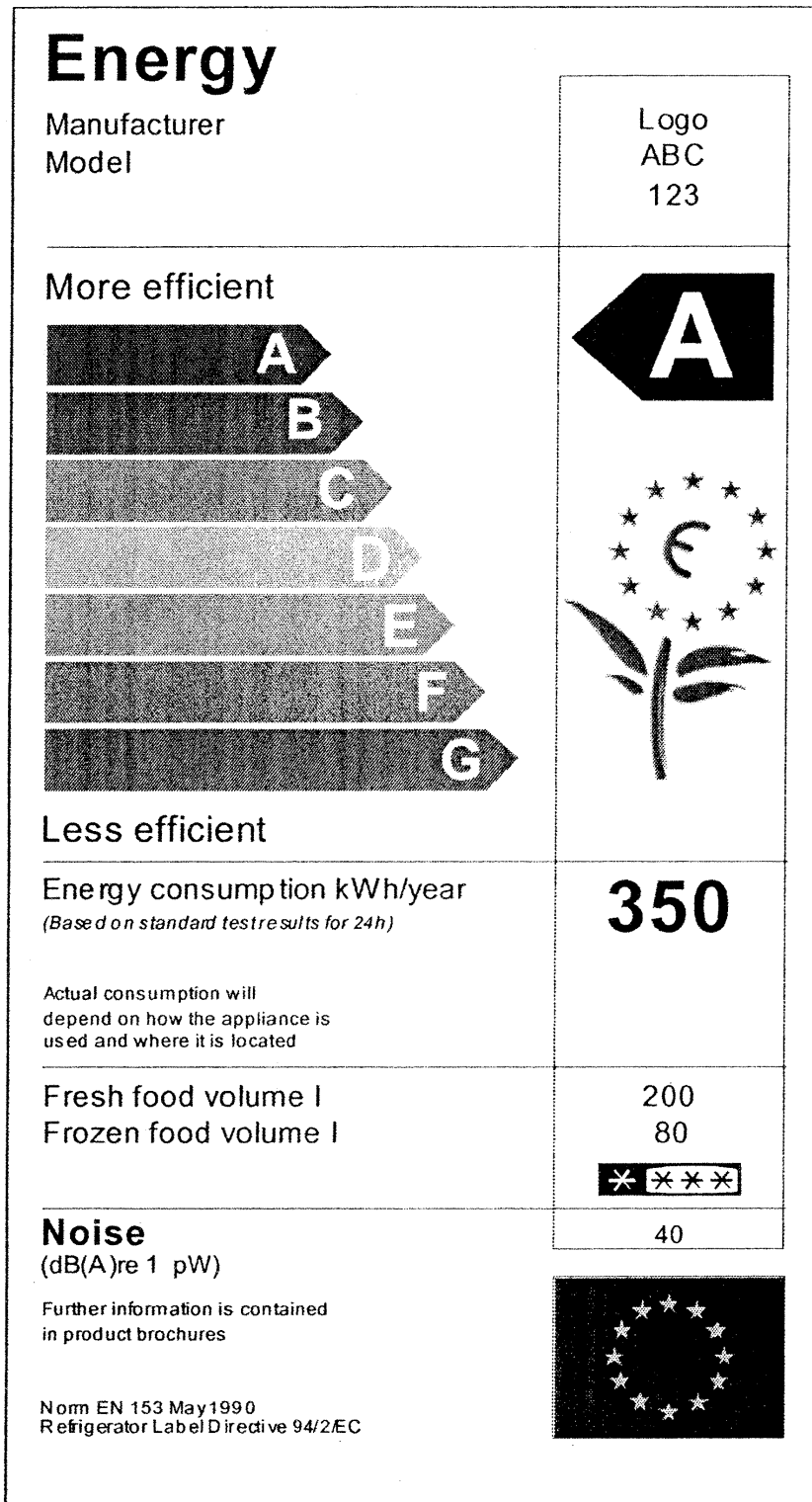


FIGURE 2 (European Categorical Label - Sample)

