

number of small entities because information the Commission currently possesses indicates that relatively few companies currently manufacture, convert, or sell AFVs. Of those that manufacture, convert, or sell AFVs, most are not "small entities," as that term is defined either in section 601 of RFA, 5 U.S.C. 601(6), or applicable regulations of the Small Business Administration, 13 CFR Part 121. Accordingly, the proposed amendments would not appear to have a significant economic impact upon such small entities. Specifically, the proposed amendments to the AFV label to either substitute the new EPA Tier 2 emission standards for the EPA standards currently displayed on the Commission's AFV label, or eliminate altogether or reduce the number of emission standard disclosures, and add a reference on the label to EPA's green vehicle guide website should benefit both small and large businesses. The amendments also should not have a significant or disproportionate impact on the labeling costs of small AFV manufacturers.

Based on available information, therefore, the Commission certifies that amending the Rule as proposed will not have a significant economic impact on a substantial number of small businesses. To ensure that no significant economic impact is being overlooked, however, the Commission requests comments on this issue. The Commission also seeks comments on possible alternatives to the proposed amendments to accomplish the stated objectives. After reviewing any comments received, the Commission will determine whether a final regulatory flexibility analysis is appropriate.

#### Part E—Paperwork Reduction Act

The Rule contains various information collection requirements for which the Commission has obtained clearance under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Office of Management and Budget ("OMB") Control Number 3084-0094. As noted above, Section 309.20 of the Rule provides that before offering a new covered AFV for acquisition to consumers, manufacturers must affix on a visible surface of each such vehicle a new vehicle label consisting of three parts. Part one must disclose objective information about the estimated cruising range and environmental impact of the particular AFV. With respect to environmental impact, the labels must tell consumers whether or not the vehicle has met an EPA emission certification standard and, if

so, what standard. If a vehicle has been certified, that fact must be noted with a mark in a box on the label, and a caret must be inserted above the standard the vehicle has been certified to meet. The graphic on the label depicts seven EPA emissions standards in increasing order of stringency.

The Commission has tentatively concluded that the proposed amendments would not increase and may decrease the paperwork burden associated with the aforementioned paperwork requirements. Consequently, there are no additional "collection of information" requirements included in the proposed amendments to submit to OMB for clearance under the Paperwork Reduction Act. The Commission's proposed amendments to modify the AFV label by either substituting the new EPA Tier 2 emission standards for the EPA standards currently displayed on the Commission's AFV label, or eliminating altogether or reducing the number of emission standard disclosures would not increase the Rule's paperwork burden. For example, substituting the EPA Tier 2 emission standards for the existing standards would not change the Rule's requirements, but merely would update the acronyms on the label to accurately depict the EPA emission standards currently in effect. Further, adding a specifically described reference on the label to EPA's green vehicle guide website would not increase the Rule's paperwork burden.<sup>17</sup>

Thus, the Commission has tentatively concluded that the proposed amendments would not increase the paperwork burden associated with compliance with the Rule. To ensure that no significant paperwork burden is being overlooked, however, the Commission requests comments on this issue.

#### Part F—Additional Information for Interested Persons

##### 1. Motions or Petitions

Any motions or petitions in connection with this proceeding must be filed with the Secretary of the Commission.

##### 2. Communications by Outside Parties to Commissioners or Their Advisors

Pursuant to Commission Rule 1.18(c)(1), 16 CFR 1.18(c)(1), the Commission has determined that

<sup>17</sup> The public disclosure of information originally supplied by the federal government to the recipient for the purpose of disclosure to the public is not included within the definition of "collection of information" in the Paperwork Reduction Act, 5 CFR 1320.3(c)(2).

communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor shall be subject to the following treatment. Written communications and summaries or transcripts of oral communications shall be placed on the rulemaking record if the communication is received before the end of the comment period. They shall be placed on the public record if the communication is received later.

#### Part G—Invitation To Comment and Questions for Comment

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's consideration of proposed amendments to the Rule. The Commission requests that factual data upon which the comments are based be submitted with the comments. In particular, copy test or focus group data about various label options would be appreciated. In addition to the issues raised above, the Commission solicits public comment on the costs and benefits to industry members and consumers of each of the proposals, as well as the specific questions identified below. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

The written comments submitted will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, on normal business days between the hours of 8:30 a.m. to 5 p.m. at the Federal Trade Commission, 600 Pennsylvania Ave., NW., Room 130, Washington, DC 20580, (202) 326-2222.

#### Questions

##### *Proposed Rule Amendments*

1. Should the Commission amend the Rule's AFV label in accordance with option number one by substituting EPA's new Tier 2 emission standards for the EPA standards that currently are depicted on the label, permitting manufacturers to disclose on the label the California LEV II emission standard, if any, to which the vehicle has been certified, and adding a reference in part three of the label to EPA's new green vehicle guide website? If so, why? If not, why not?

2. Should the Commission amend the Rule's AFV label in accordance with option number two by requiring disclosure of only the EPA Tier 2 emission standard, if any, to which the AFV has been certified, permitting