

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 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 regulation is within the scope of that authority as it amends Class E airspace at Tri-Cities Regional Airport, Tri-Cities, TN.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 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.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas

* * * * *

ASO TN E2 Tri-Cities, TN [Amended]

Tri-Cities Regional Airport, TN/VA
(Lat. 36°28'31" N., long. 82°24'27" W.)
Edwards Heliport, TN

(Lat. 36°25'57" N., long. 82°17'37" W.)
That airspace extending upward from the surface within a 6.8-mile radius of Tri-Cities

Regional Airport, excluding the 2.5-mile radius of Edwards Heliport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in College Park, Georgia, on July 10, 2013.

Jack Allen,

*Acting Manager, Operations Support Group,
Eastern Service Center, Air Traffic
Organization.*

[FR Doc. 2013–17256 Filed 7–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 736 and 746

[Docket No. 130627574–3574–01]

RIN 0694–AF94

Amendments to the Export Administration Regulations: Implementation of Limited Syria Waiver for Reconstruction Assistance

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to implement a limited waiver, published by the Secretary of State on June 12, 2013, of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (the SAA). The waiver authorizes BIS to issue licenses on a case-by-case basis for the export or reexport of certain commodities, software, and technology necessary for the support of the Syrian people. Specifically, consistent with Section 5(b) of the SAA, Executive Order 13338 of May 11, 2004 and the International Emergency Economic Powers Act (IEEPA), BIS implements the waiver by amending its Syria licensing policy under the EAR. BIS will review licenses on a case-by-case basis for the export or reexport of certain commodities, software, and technology, including, but not limited to, those related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure, as a means of helping to address the critical needs of the Syrian people and facilitating reconstruction. These exports are necessary to support a political transition, restore stability, and counter

destabilizing influences in the region, and are therefore essential to the national security of the United States.

DATES: This rule is effective July 23, 2013.

FOR FURTHER INFORMATION CONTACT:

Steven Schrader, Senior Export Policy Analyst, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, by phone (202) 482–1338 or by email Steven.Schrader@bis.doc.gov or the BIS Foreign Policy Division at (202) 482–4252.

SUPPLEMENTARY INFORMATION:

Background

In the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Pub. L. 108–175, codified as a note to 22 U.S.C. 2151) (the SAA), the United States addressed the Syrian government's support for terrorist groups, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq (Section 5(a) and (d)). Section 5(a)(1) of the SAA requires the President to prohibit the export to Syria of all items on the Commerce Control List (15 CFR Part 774). The SAA also requires the President to impose two or more of the six additional sanctions set forth in Section 5(a)(2)(A)–(F).

The President implemented those sanctions through Executive Order (EO) 13338 of May 11, 2004, which includes an additional sanction prohibiting the export to Syria of products of the United States other than food and medicine. However, the President exercised national security waiver authority pursuant to Section 5(b) of the SAA, which authorized certain transactions under BIS license and delegated his authority to issue additional waivers to the Secretary of State.

In accordance with this EO, BIS implemented sanctions on Syria by issuing General Order No. 2 to Supplement No. 1 to Part 736 of the Export Administration Regulations (EAR). See 69 FR 26766 (May 14, 2004). In addition, BIS later made administrative changes to General Order No. 2 and § 746.9 of the EAR to facilitate compliance with the comprehensive U.S. sanctions on Syria. See 74 FR 77115 (Dec. 12, 2011).

On June 12, 2013, the Secretary of State exercised authority delegated to him by the President in Section 9 of EO 13338 to waive the application of specific sanctions imposed on Syria pursuant to the SAA. This rule

implements the Secretary of State's waiver by amending General Order No. 2 and § 746.9 of the EAR. Specifically, BIS revises the list of waivers in General Order No. 2 and the associated licensing policy in § 746.9 of the EAR to allow case-by-case review of applications for exports and reexports of items necessary for the support of the Syrian people. These exports are necessary to support a political transition, restore stability, and counter destabilizing influences in the region, and are therefore essential to the national security of the United States. The items may include, but are not limited to, commodities, software, and technology related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure.

Since August 21, 2001, the Export Administration Act (the Act) has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended most recently by the Notice of August 15, 2012, 77 FR 49699 (August 16, 2012), has continued the EAR in effect under the IEEPA. BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to EO 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action" although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

2. Notwithstanding any other provisions of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid

OMB Control Number. This rule involves collections of information subject to the PRA. This collection has been approved by OMB under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 43.8 minutes to prepare and submit form BIS-748. Total burden hours associated with the PRA and OMB control number 0694-0088 are not expected to increase as a result of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. Pursuant to 5 U.S.C. 553(a)(1), the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). This rule implements the waiver of certain sanctions on Syria to authorize the exportation or reexportation of items necessary for the support of the Syrian people. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility analysis is required and none has been prepared. Notwithstanding these considerations, BIS welcomes public comments and will review them on a continuing basis.

List of Subjects

15 CFR Part 736

Exports.

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 736 and 746 of the EAR (15 CFR parts 730-774) are amended as follows:

PART 736—[AMENDED]

■ 1. The authority citation for 15 CFR part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p.

168; Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012); Notice of November 1, 2012, 77 FR 66513 (November 5, 2012).

■ 2. Supplement No. 1 to part 736, in paragraph (b), General Order No. 2 is amended by revising the last phrase in the third sentence and adding a phrase after it to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

(b) * * *

General Order No. 2 * * * ; items in support of United Nations operations in Syria; and items necessary for the support of the Syrian people, including, but not limited to, items related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure. * * *

* * * * *

PART 746—[AMENDED]

■ 3. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108-11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Presidential Determination 2003-23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007-7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

■ 4. In § 746.9, paragraph (c)(2) is amended by revising the last phrase in the first sentence and adding a phrase after it to read as follows:

§ 746.9 Syria

* * * * *

(c) * * *

(2) * * * ; items in support of United Nations operations in Syria; and items necessary for the support of the Syrian people, including, but not limited to, items related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure. * * *

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Dated: July 17, 2013.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2013-17665 Filed 7-22-13; 8:45 am]

BILLING CODE 3510-33-P

FEDERAL TRADE COMMISSION

16 CFR Part 305

[3084-AB15]

Energy and Water Use Labeling for Consumer Products Under the Energy Policy and Conservation Act (Energy Labeling Rule)

AGENCY: Federal Trade Commission (“FTC” or “Commission”).

ACTION: Final rule.

SUMMARY: The Commission amends the Energy Labeling Rule (“Rule”) by updating comparability ranges and unit energy costs for many EnergyGuide labels. The Commission also issues a conditional exemption and amendments for modified refrigerator and clothes washer labels to help consumers compare the labels for these products after the implementation of upcoming changes to the Department of Energy (“DOE”) test procedures.

DATES: The amendments published in this document will become effective on November 15, 2013.

ADDRESSES: Requests for copies of this document should be sent to: Public Reference Branch, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580. The complete record of this proceeding is also available at that address. Relevant portions of the proceeding, including this document, are available at <http://www.ftc.gov>.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326-2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Energy Labeling Rule (“Rule”) in 1979,¹ pursuant to the Energy Policy and Conservation Act of 1975 (EPCA).² The Rule requires energy labeling for major

home appliances and other consumer products, to help consumers compare competing models. When first published, the Rule applied to eight categories: Refrigerators, refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces. The Commission subsequently expanded the Rule’s coverage to include central air conditioners, heat pumps, plumbing products, lighting products, ceiling fans, and televisions. The Commission is currently conducting a regulatory review of the Rule.³

The Rule requires manufacturers to attach yellow EnergyGuide labels for many of the covered products, and prohibits retailers from removing the labels or rendering them illegible. In addition, the Rule directs sellers, including retailers, to post label information on Web sites and in paper catalogs from which consumers can order products. EnergyGuide labels for covered products contain three key disclosures: Estimated annual energy cost (for most products); a product’s energy consumption or energy efficiency rating as determined from DOE test procedures; and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models. For energy cost calculations, the Rule specifies national average costs for applicable energy sources (e.g., electricity, natural gas, oil) as calculated by DOE. The Rule sets a five-year schedule for updating comparability range and annual energy cost information.⁴ The Commission updates the range information based on manufacturer data submitted pursuant to the Rule’s reporting requirements.

II. Notice of Proposed Rulemaking

In a Notice of Proposed Rulemaking (NPRM) announced December 31, 2012,⁵ the Commission, consistent with its five-year schedule, proposed to update the comparability ranges (Appendices A–J to Part 305) and national average energy costs (Appendix K to Part 305) for many EnergyGuide labels. The NPRM also contained several minor, proposed revisions and updates to the label’s content, some suggested by commenters as part of the ongoing regulatory review. Finally, the Commission proposed to grant a request

from the Association of Home Appliance Manufacturers (AHAM) for an exemption related to labeling requirements for refrigerators, refrigerator-freezers, and freezers (hereinafter referred to as “refrigerators”), and clothes washers to address recent DOE test procedures.

In response to the NPRM, the Commission received 10 comments from organizations and individuals as well as 2,915 nearly identical letters from individual consumers as part of a mass mailing.⁶ As discussed in detail below, the comments generally supported the Commission’s proposals.

The Commission now publishes final amendments on these issues, with some minor changes detailed below.⁷ Although the present amendments, along with an earlier final rule notice published on January 10, 2013 (78 FR 2200), address several issues raised during the regulatory review, the Commission plans to consider additional issues in a future notice.⁸

A. Comparability Range and Energy Cost Revisions

Background: The NPRM contained proposed revisions to the comparability range and energy cost information for many products bearing EnergyGuide labels.⁹ In addition, the Commission proposed to update the average energy cost (e.g., 12 cents per kWh) manufacturers must use to calculate a model’s estimated energy cost for the label based on updated national

⁶ See <http://ftc.gov/os/comments/energylabellrangers/index.shtm>. The organizational comments included: Alliance Laundry Systems LLC (# 563707-00002 and # 563707-00012), Association of Home Appliance Manufacturers (AHAM) (#563707-00003 and #563707-00013), Air-Conditioning, Heating, and Refrigeration Institute (AHRI) (#563707-00004 and #563707-00010), joint comments from several energy, environmental and consumer organizations (including Alliance to Save Energy, Appliance Standards Awareness Project, Consumer Federation of America, Consumers Union, Earthjustice, Natural Resources Defense Council, Public Citizen, and the Sierra Club) (“Joint Commenters”) (#563707-00005 and #563707-00011), and the California Independently Owned Utilities Codes & Standards Team (CA IOU) (#563707-00009), VanBrocklin (#563707-00008), and individual consumer letters (2,915 letters from individual consumers) (#563707-00006). All the consumer letters, which were gathered and submitted by Earthjustice, addressed the issue of label categories for refrigerator configurations.

⁷ The amendments also contain several corrections to the numbering for the Rule’s sample labels (section 305.17 and Appendix L), the list of states and capacity references on heating and cooling equipment labels in Appendix L, references to heating and cooling products in 305.12, and a Web site address in 305.20.

⁸ 77 FR 15298.

⁹ 16 CFR 305.10. In addition to revising existing comparability ranges, the Commission proposed to include a new range for instantaneous electric water heaters based on data submitted by industry.

¹ 44 FR 66466 (Nov. 19, 1979) (Rule’s initial promulgation).

² 42 U.S.C. 6294. EPCA also requires the DOE to develop test procedures that measure how much energy appliances use, and to determine the representative average cost a consumer pays for different types of energy.

³ 77 FR 15298 (Mar. 15, 2012) (regulatory review). The Commission currently has another open proceeding related to light bulb coverage. See 76 FR 45715 (Aug. 1, 2011) (proposed expanded light bulb coverage).

⁴ 16 CFR 305.10.

⁵ See <http://www.ftc.gov/opa/2012/12/energylabel.shtm>. 78 FR 1779 (Jan. 9, 2013).