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**FEDERAL TRADE COMMISSION**  
**Agency Information Collection Activities;**  
**Proposed Collection; Comment Request; Extension**

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

**ACTION:** Notice.

**SUMMARY:** The information collection requirements described below will be submitted to the Office of Management and Budget (“OMB”) for review, as required by the Paperwork Reduction Act (“PRA”). The FTC seeks public comments on its proposal to extend for an additional three years the current PRA clearance for information collection requirements contained in its Alternative Fuels Rule (“Rule”). That clearance expires on May 31, 2019.

**DATES:** Comments must be submitted on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below.

Write “Paperwork Comment: FTC File No. P134200” on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/altfuelspra> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue, NW, Suite CC-5610 (Annex J), 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 J), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information requirements for the Alternative Fuels Rule should be directed to Hampton Newsome, Attorney, (202) 326-2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Under the PRA, 44 U.S.C. 3501-3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor.

“Collection of information” means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c).

As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the Alternative Fuels Rule, 16 CFR Part 309 (OMB Control Number 3084-0094).

The Rule, which implements the Energy Policy Act of 1992, Pub. L. 102– 486, and as revised by the Commission’s 2013 final amendments,<sup>1</sup> requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels. To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels.

It is common practice for alternative fuel industry members to determine and monitor fuel ratings in the normal course of their business activities. This is because industry members must know and determine the fuel ratings of their products in order to monitor quality and to decide how to market

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<sup>1</sup> 78 FR 23832 (April 23, 2013). The final amendments consolidated the FTC’s alternative fueled vehicles (AFV) labels

them. “Burden” for PRA purposes is defined to exclude effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.2(b)(2). Moreover, as originally anticipated when the Rule was promulgated in 1995, many of the information collection requirements and the originally estimated hours were associated with one-time start up tasks of implementing standard systems and processes.

Other factors also limit the burden associated with the Rule. Certification may be a one-time event or require only infrequent revision. Disclosures on electric vehicle fuel dispensing systems may be useable for several years. Nonetheless, there is still some burden associated with posting labels. There also will be some minimal burden associated with new or revised certification of fuel ratings and recordkeeping.

#### **I. Annual Hours Burden: 6,000 hours**

*Recordkeeping:* Affected industry (all non-liquid fuel producers, distributors, and retailers) comprise an estimated 20,000+ members, and staff estimates further that recordkeeping compliance requires approximately one-tenth of an hour each per year for a total of 2,000 hours.

*Certification:* Staff estimates that the Rule’s fuel rating certification requirements will affect approximately 400 industry members (compressed natural gas producers and distributors and manufacturers of electric vehicle fuel dispensing systems) and consume approximately one hour each per year for a total of 400 hours.

*Labeling:* Staff estimates that labeling requirements affect approximately nine of every ten industry retailers (or roughly 18,000 out of approximately 20,000 retailers), but that the number of

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with the then new fuel economy labels required by the EPA thereby eliminating the FTC’s separate labeling

annually affected members is approximately 3,600 because labels may remain effective for several years (staff assumes that in any given year approximately 20% of 18,000 industry retailers will need to replace their labels). Staff estimates that retailers require approximately one hour each per year for labeling their fuel dispensers for a total of 3,600 hours.

Thus, estimated total burden for non-liquid alternative fuels is 6,000 hours (400 + 2,000 +3,600).

## **II. Labor Costs: \$162,157**

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described and estimated above. According to Bureau of Labor Statistics data for 2017 (most recent available whole-year information),<sup>2</sup> the average compensation for fuel system operators is \$32.78 per hour; and \$12.07 per hour for automotive service attendants. These are factored into the FTC's estimates and assumptions below.

*Recordkeeping:* Staff estimates that only 1/6 of the total recordkeeping hours are performed by fuel system operators (1/6 of 2,000 hours = approximately 333 hours; 333 hours × \$32.78 = \$10,916) and that automotive service attendants account for the remaining 5/6 of recordkeeping hours (5/6 of 2,000 hours = approximately 1,667 hours; 1,667 hours × \$12.07 = \$20,121). Thus, the labor

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requirements for used AFV labels.

<sup>2</sup> The wage estimates in this Notice are based on mean hourly wages found at <http://www.bls.gov/news.release/ocwage.nr0.htm> ("Occupational Employment and Wages—May 2017," U.S. Department of Labor, released March 30, 2018, Table 1 ("National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2017"). The figure for fuel system operators is drawn from "petroleum pump system operators, refinery operators, and gaugers." That figure for automotive attendants is drawn from "Automotive and watercraft service attendants."

cost for recordkeeping for affected industry is approximately \$31,037 (\$10,916 for fuel system operators + \$20,121 for service station employees).

*Certification:* Staff assumes that certification is performed by fuel system operators. Estimated associated labor costs would be \$13,112. [(400 certification hours × \$32.78)]

*Labeling:* Staff also assumes that labeling is performed by fuel system operators. Estimated labor costs would be \$118,008. [3,600 labeling hours x \$32.78]

Associated labor cost: \$162,157 (\$31,037 for recordkeeping + \$13,112 for certification + \$118,008 for labeling).

### **III. Non-Labor Cost Burden: \$3,040**

Staff believes there are no current start-up costs associated with the Rule, inasmuch as the Rule has been in effect since 1995. Industry members, therefore, have in place the capital equipment and means necessary to determine automotive fuel ratings and comply with the Rule. Industry members, however, incur the cost of procuring fuel dispenser labels to comply with the Rule.

The estimated annual fuel labeling cost, based on estimates of approximately 8,000 fuel dispensers (assumptions: an estimated 20% of 20,000 total fuel retailers need to replace labels in any given year with an approximate five-year life for labels—i.e., 4,000 retailers—multiplied by an average of two dispensers per retailer) at thirty-eight cents for each label (per industry sources), is \$3,040 ( $\$0.38 \times 8,000$ ).

### **IV. Request for Comment**

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on:

(1) whether the recordkeeping and disclosure requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) how to improve the quality, utility, and clarity of the disclosure requirements; and (4) how to minimize the burden of providing the required information to consumers.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. Write “Paperwork Comment: FTC File No. P134200” on your comment. Your comment -- including your name and your state -- will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals’ home contact information from comments before placing them on the Commission Website.

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, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/altfuelspra>, by following the instructions on the web-based form. When this Notice appears at <http://www.regulations.gov/#!home>, you also may file a comment through that Website.

If you file your comment on paper, write “Paperwork Comment: FTC File No. P134200” 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 J), 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 J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Website at <https://www.ftc.gov/>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else'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. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential" – as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2) – including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material 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). 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). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Website – as legally required by FTC Rule 4.9(b) – we cannot redact or remove your comment from the FTC Website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

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 [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Heather Hipsley,  
Deputy General Counsel.  
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