

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 02-5126 Filed 3-4-02; 8:45 am]

BILLING CODE 6750-01-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 259

#### Guide Concerning Fuel Economy Advertising for New Automobiles

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has completed its review of the Guide Concerning Fuel Economy Advertising for New Automobiles ("Fuel Guide"), and announces its decision to retain the Guide.

**EFFECTIVE DATE:** March 5, 2002.

**ADDRESSES:** Requests for copies of this document should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580. The document is available on the Internet at the Commission's website, <http://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Willie L. Greene, Investigator, Federal Trade Commission, East Central Region, 1111 Superior Avenue—Suite 200, Cleveland, Ohio 44114, telephone number (216) 236-3406, e-mail <[wgreene@ftc.gov](mailto:wgreene@ftc.gov)>.

**SUPPLEMENTARY INFORMATION:** As part of the Commission's review of its rules and guides, the Commission published a **Federal Register** Notice seeking comments about the Fuel Guide's overall costs and benefits, and the continuing need for the Guide.<sup>1</sup> The Fuel Guide, adopted in 1975 and subsequently revised twice,<sup>2</sup> provides guidance to automobile manufacturers to prevent deceptive advertising and to facilitate the use of fuel economy information in advertising. The Guide advises vehicle manufacturers and dealers how to disclose the established fuel economy of a vehicle, as determined by the Environmental Protection Agency's rules pursuant to the Automobile Information Disclosure Act (15 U.S.C. 2996), in advertisements that make representations regarding the fuel economy of a new vehicle. The disclosure is tied to the claim made in the advertisement. If both city and highway fuel economy claims are made, both city and highway EPA figures

should be disclosed. A claim regarding either city or highway fuel economy should be accompanied by the corresponding EPA figure. A general fuel economy claim would trigger disclosure of the EPA city figure, although the advertiser would be free to state the highway figure as well.

The Commission received three comments in response to the **Federal Register** Notice.<sup>3</sup> All three of the comments recommended that the Commission retain the Fuel Guide. Two of the comments supported this recommendation by asserting that the Fuel Guide prevents deceptive or misleading fuel economy advertising and provides consumers with fuel economy numbers that can be used in making comparisons among vehicle models.<sup>4</sup> One comment also noted that the expense to automobile manufacturers of implementing the Guide is minimal.<sup>5</sup>

After review of the Fuel Guide and its effect on the new vehicle industry and purchasers of new vehicles, the Commission concludes that the Fuel Guide is useful to both consumers and the new vehicle industry. The Guide affords clarity in the advertising of fuel economy and therefore should be retained. Price escalation in gasoline and diesel fuels has caused considerable interest and concern in the fuel industry and among consumers. The Commission believes that consumers will continue to benefit from accurate information in the advertising of fuel economy for new vehicles.

The Fuel Guide has been a benefit to consumers, providing fuel economy numbers in advertising that allow meaningful comparisons of different vehicle models. While the benefit to consumers has been great, the cost to vehicle manufacturers of complying with the Guide's provisions has been minimal.

Based on its review, the Commission has concluded that there is a continuing need for the Fuel Guide, which has benefitted both consumers and the new vehicle industry. The Commission

<sup>3</sup> The Commission's request for public comment elicited comments from: (1) Josephine S. Cooper, Alliance of Automobile Manufacturers, Washington, DC ("AAM"), #00001; (2) James C. Minnis, National Automobile Dealers Association, McLean, VA ("NADA"), #00002 and (3) David Sokol, Houston, TX ("Sokol") #00003. These comments are on the public record in file number P004243 as document numbers B25589500001 through B25589500003. The comments are available for viewing in Room 130 at the Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, from 8:30 a.m. to 5:00 p.m., Monday-Friday.

<sup>4</sup> AAM, #00001; NADA, #00002.

<sup>5</sup> AAM, #00001.

therefore has decided to retain the Fuel Guide.

#### List of Subjects in 16 CFR Part 259

Advertising, Fuel economy, Trade practices.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 02-5125 Filed 3-4-02; 8:45 am]

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## TENNESSEE VALLEY AUTHORITY

### 18 CFR Part 1315

#### New Restrictions on Lobbying

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Final rule.

**SUMMARY:** The Tennessee Valley Authority is amending its rules regarding restrictions on lobbying to make inflation adjustments in the range of civil monetary penalties it may assess against persons who violate these rules. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

**EFFECTIVE DATE:** March 5, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Clifford L. Beach, Jr., Attorney, 865-632-4146, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10A, Knoxville, Tennessee 37902-1401.

**SUPPLEMENTARY INFORMATION:** Section 4 of the "Federal Civil Penalties Inflation Adjustment Act of 1990" (Public Law 101-410), as amended by the "Debt Collection Improvement Act of 1996" (Public Law 104-134), requires each Federal agency with statutory authority to assess a civil monetary penalty (CMP) to adjust each CMP by the inflation adjustment described in section 5 of the Act. Such adjustment is to be made by regulation published in the **Federal Register**. Agencies are to make inflation adjustments by regulation at least once every four years. Any increase in a CMP made pursuant to the Act applies only to violations that occur after the date the increase takes effect.

TVA's only statutory authority to assess a CMP is found at 31 U.S.C. 1352(c), which describes the range of penalties TVA may impose for a violation of that statute's prohibition against use of appropriated funds to pay any person for influencing or attempting to influence a Federal official in connection with any Federal action and for a failure to file a declaration or a declaration amendment as required by that statute. The penalties to be imposed

<sup>1</sup> 64 FR 19729 (Apr. 22, 1999).

<sup>2</sup> 40 FR 42003 (Sept. 10, 1975); 43 FR 55747 (Nov. 29, 1978); 60 FR 56230 (Nov. 8, 1995).

for such violations and failures to file range from \$11,000 to not more than \$110,000. Based on application of the standard inflation adjustment formula in the Act, TVA is amending its rules at 18 CFR 1315.400(a), (b), and (e) to increase the minimum CMP it may assess under 31 U.S.C. 1352(c) to \$12,000 and the maximum CMP it may assess under the statute to \$120,000.

#### Matters of Regulatory Procedures

Notice and an opportunity for public comment are not necessary prior to issuance of this final rule because it implements a definitive statutory formula mandated by the Act.

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain any information collection requirements that require the approval of the Office of Management and Budget.

#### List of Subjects in 18 CFR Part 1315

Administrative practice and procedures, Penalties.

Accordingly, for the reasons set out in the preamble, 18 CFR part 1315 is amended as follows:

#### PART 1315—NEW RESTRICTIONS ON LOBBYING

1. The authority citation for part 1315 is revised to read as follows:

**Authority:** 16 U.S.C. 831–831ee; 31 U.S.C. 1352.

2. Section 1315.400 is amended by removing the figure “\$11,000” and adding in its place “\$12,000” each time it appears in paragraphs (a) and (b); by removing the figure “\$110,000” and adding in its place “\$120,000” each time it appears in paragraphs (a) and (b); by removing the figure “\$10,000” and adding in its place “\$12,000” each time it appears in paragraph (e); and by removing the figure “\$100,000” and adding in its place “120,000” in paragraph (e).

Dated: February 6, 2002.

**Clifford L. Beach, Jr.,**  
Attorney.

[FR Doc. 02–5014 Filed 3–4–02; 8:45 am]

**BILLING CODE 8120–08–M**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 02–300; MM Docket No. 01–18; RM–10026; RM–10098]

#### Radio Broadcasting Services; Arriba, Bennett, Brush and Pueblo, CO; Pine Bluffs, WY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Communications Commission published in the *Federal Register* of February 22, 2002, a document concerning updating the FM Table of Allotments for Section 73.202(b). The effective date was published incorrectly. This document corrects the effective date.

**DATES:** Effective March 25, 2002.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** On February 22, 2002, the Commission published a document (67 FR 8205) amending § 73.202(b), the Table of FM Allotments by adding Channel 240A to Arriba, Colorado, Channel 296C to Bennett, Colorado, Channel 295C2 to Pueblo, Colorado, and Channel 238C3 to Pine Bluffs, Wyoming. In addition, the document removed Channel 296C1 from Brush, Colorado<sup>1</sup> and Channel 296C2 from Pueblo, Colorado. The correct effective date is March 25, 2002.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 02–5162 Filed 3–4–02; 8:45 am]

**BILLING CODE 6712–01–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 02–368; MM Docket No. 01–183; RM–10192]

#### Radio Broadcasting Services; Rule, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 239C2 to Rule, Texas, as that

<sup>1</sup> 47 CFR parts 70 to 79, revised October 1, 2000, at Section 73.202(b) under Colorado, reflects the allotment of Channel 296A at Brush, Colorado. However, that allotment was modified in the context of MM Docket No. 88–605, adopted September 11, 1989, to specify Channel 296C1.

community’s first local aural transmission service, in response to a petition for rule making filed by Katherine Pyeatt. See 66 FR 42621, August 14, 2001. The allotment of Channel 239C2 at Rule, Texas, requires a site restriction 12.7 kilometers (7.9 miles) east of the community, utilizing coordinates 33–13–01 NL and 99–45–45 WL.

**DATES:** Effective April 8, 2002. A filing window for Channel 239C2 at Rule, Texas, will not be opened at this time. Instead, the issue of opening the allotment for auction will be addressed by the Commission in a subsequent Order.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process for Channel 239C2 at Rule, Texas, should be addressed to the Audio Services Division, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Report and Order, MM Docket No. 01–183, adopted February 6, 2002, and released February 22, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, Qualtex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Rule, Channel 239C2.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 02–5163 Filed 3–4–02; 8:45 am]

**BILLING CODE 6712–01–P**