

Assuming that managers perform the bulk of the work, and clerical personnel perform associated tasks (e.g., placing advertisements and responding to inquiries about offerings or prices), the total cost to the industry for the Rule's information collection requirements would be approximately \$152,350 [(80 hours managerial time × 25 clubs × \$70.70 per hour) + (20 hours clerical time × 25 clubs × \$21.90 per hour)].

Because the Rule has been in effect since 1974, the vast majority of the negative option clubs have no current start-up costs. For new clubs entering the market, the costs associated with the Rule's disclosure requirements, beyond the additional labor costs discussed above, are *de minimis*. Negative option clubs already have access to the ordinary office equipment necessary to comply with the Rule. Similarly, the Rule imposes few, if any, printing and distribution costs. The required disclosures generally constitute only a small addition to the advertising for negative option plans. Because printing and distribution expenditures are incurred to market the product regardless of the Rule, adding the required disclosures results in marginal incremental expense.

#### Request for Comment

Pursuant to section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the disclosure and recordkeeping 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information.

For the FTC to consider a comment, we must receive it on or before October 30, 2023. Your comment, including your name and your state, will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website.

You can file a comment online or on paper. Due to heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you file your comment on paper, write "Negative Option Rule; PRA Comment: FTC File No. P072108" 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.

Because your comment will become publicly available at <https://www.regulations.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 (1) be filed in paper form, (2) be clearly labeled "Confidential," and (3) 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 publicly at [www.regulations.gov](https://www.regulations.gov), we cannot redact or remove your comment 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 October 30, 2023. 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>.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

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BILLING CODE 6750-01-P

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 ("PRA"), the Federal Trade Commission ("FTC" or "Commission") is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements in the Trade Regulation Rule entitled Labeling and Advertising of Home Insulation ("R-value Rule" or "Rule"). That clearance expires on March 31, 2024.

**DATES:** Comments must be filed by October 30, 2023.

**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 "R-value Rule; PRA Comment: FTC File No. P072108," on your comment, and file your comment online at <https://www.regulations.gov> 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.

**FOR FURTHER INFORMATION CONTACT:** Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Room CC-9528, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326-2889.

#### SUPPLEMENTARY INFORMATION:

*Title of Collection:* R-value Rule, 16 CFR part 460.

*OMB Control Number:* 3084-0109.

*Type of Review:* Extension without change of currently approved collection.

*Abstract:* The R-value Rule establishes uniform standards for the substantiation and disclosure of accurate, material product information about the thermal performance characteristics of home insulation products. The R-value of an insulation signifies the insulation's

degree of resistance to the flow of heat. This information tells consumers how well a product is likely to perform as an insulator and allows consumers to determine whether the cost of the insulation is justified.

*Affected Public:* Insulation manufacturers, installers, home builders, home sellers, insulation sellers.

*Estimated Annual Burden Hours:* 100,874 hours.

*Estimated Annual Labor Costs:* \$2,424,450.68 (solely related to labor costs).

As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the R-value Rule.

## Burden Statement

*Estimated Annual Burden Hours:* 100,874 hours.

The Rule's requirements include product testing, recordkeeping, and third-party disclosures on labels, fact sheets, advertisements, and other promotional materials. Based on information provided by industry and government sources, FTC staff estimates that the Rule affects: (1) 150 Insulation manufacturers and their testing laboratories; (2) 1,615 installers who sell home insulation; (3) 1,670,000 new home sales; and (4) 7,500 retail sellers who sell home insulation for installation by consumers.

### 1. Manufacturers

Under the Rule's testing requirements, manufacturers must test each insulation product for its R-value. Based on past industry input, FTC staff estimates that the test takes approximately two hours. Approximately 15 of the 150 insulation manufacturers in existence introduce one new product each year. Their total annual testing burden is therefore approximately 30 hours.

FTC staff further estimates that most manufacturers require an average of approximately 20 hours per year regarding third-party disclosure requirements in advertising and other promotional materials. Only the five or six largest manufacturers require additional time, approximately 80 hours each. Thus, the annual third-party disclosure burden for manufacturers is approximately 3,360 hours [(144 manufacturers × 20 hours) + (6 manufacturers × 80 hours)].

While the Rule imposes recordkeeping requirements, most manufacturers and their testing laboratories keep their testing-related

records in the ordinary course of business. FTC staff estimates that no more than one additional hour per year per manufacturer is necessary to comply with this requirement, for an annual recordkeeping burden of approximately 150 hours (150 manufacturers × 1 hour).

This yields a total annual burden of 3,540 hours (30 hours for testing + 3,360 hours for third-party disclosures + 150 hours for recordkeeping) for manufacturers.

### 2. Installers

Installers are required to show the manufacturers' insulation fact sheet to retail consumers before purchase. They must also disclose information in contracts or receipts concerning the R-value and the amount of insulation to install. FTC staff estimates that two minutes per sales transaction is sufficient to comply with these requirements. Approximately 2,000,000 retrofit insulations (an industry source's estimate) are installed by approximately 1,615 installers per year, and, thus, the related annual burden total is approximately 66,667 hours (2,000,000 sales transactions × 2 minutes). FTC staff anticipates that one hour per year per installer is sufficient to cover required disclosures in advertisements and other promotional materials. Thus, the burden for this requirement is approximately 1,615 hours per year. In addition, installers must keep records that indicate the substantiation relied upon for savings claims. The additional time to comply with this requirement is minimal—approximately 5 minutes per year per installer—for a total of approximately 135 hours.

This yields a total annual burden of 68,417 hours (66,667 hours for contract disclosures + 1,615 hours for promotional material disclosures + 135 hours for recordkeeping) for installers.

### 3. New Home Sellers

New home sellers must make contract disclosures concerning the type, thickness, and R-value of the insulation they install in each part of a new home. FTC staff estimates that not more than 30 seconds per sales transaction are required to comply with this requirement, for a total annual burden of approximately 13,917 hours (an estimated 1,670,000 new home sales per year<sup>1</sup> × 30 seconds). New home sellers who make energy savings claims must also keep records regarding the substantiation relied upon for those

claims. FTC staff believes that the 30 seconds covering disclosures would also encompass this recordkeeping element.

This yields a total annual burden of 13,917 hours (for disclosures) for new home sellers.

### 4. Retail Sellers

The Rule requires that the approximately 7,500 retailers who sell home insulation make fact sheets available to consumers before purchase. This can be accomplished by, for example, placing copies in a display rack or keeping copies in a binder on a service desk with an appropriate notice. Replenishing or replacing fact sheets should require no more than approximately one hour per year per retailer, for a total of 7,500 annual hours, industry-wide.

The Rule also requires specific disclosures in advertisements or other promotional materials to ensure that the claims are fair and not deceptive. This burden is very minimal because retailers typically use advertising copy provided by the insulation manufacturer, and even when retailers prepare their own advertising copy, the Rule provides some of the language to be used. Accordingly, approximately one hour per year per retailer should suffice to meet this requirement, for a total annual burden of approximately 7,500 hours.

Retailers who make energy savings claims in advertisements or other promotional materials must keep records that indicate the substantiation they are relying upon. Because few retailers make these types of promotional claims and because the Rule permits retailers to rely on the insulation manufacturer's substantiation data for any claims that are made, the additional recordkeeping burden is de minimis. The time calculated for disclosures, above, would be more than adequate to cover any burden imposed by this recordkeeping requirement.

This yields a total annual burden of 15,000 hours (for fact sheet and other disclosures) for retail sellers.

*Estimated Annual Cost Burden:* \$2,424,450.68 (solely related to labor costs).

The total annual labor cost for the Rule's information collection requirements is approximately \$2,424,450.68, derived as follows: approximately \$963 for testing, based on 30 hours for manufacturers (30 hours × \$32.10 per hour for skilled technical personnel); \$5,420.70 for manufacturers' and installers' compliance with the Rule's recordkeeping requirements, based on 285 hours (285 hours × \$19.02 per hour for clerical personnel); \$63,907.20 for manufacturers'

<sup>1</sup> See Table 3b on housing starts for privately owned units for 2022 at U.S. Census Bureau, *Monthly New Residential Construction—June 2023* (July 19, 2023), <https://www.census.gov/construction/nrc/pdf/newresconst.pdf>.

compliance with third-party disclosure requirements, based on 3,360 hours (3,360 hours × \$19.02 per hour for clerical personnel); and \$2,354,159.78 for disclosure compliance by installers, new home sellers, and retailers (97,199 hours × \$24.22 per hour for sales persons).<sup>2</sup>

There are no significant current capital or other non-labor costs associated with this Rule. Because the Rule has been in effect since 1980, members of the industry are familiar with its requirements and already have in place the equipment for conducting tests and storing records. New products are introduced infrequently. Because the required disclosures are placed on packaging or on the product itself, the Rule's additional disclosure requirements do not cause industry members to incur any significant additional non-labor associated costs.

#### Request for Comment

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the disclosure and recordkeeping 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information.

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You can file a comment online or on paper. Due to heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you file your comment on paper, write "R-value Rule; PRA Comment: FTC File No. P072108," 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.

Because your comment will become publicly available at <https://www.regulations.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.

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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 October 30, 2023. 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>.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

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#### FEDERAL TRADE COMMISSION

##### Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") is seeking public comments on its proposal to extend for an additional three years the current Paperwork Reduction Act ("PRA") clearance for information collection requirements contained in the Fair Packaging and Labeling Act regulations ("FPLA Rules"). That clearance expires on March 31, 2024.

**DATES:** Comments must be filed by October 30, 2023.

**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 "FPLA Rules, PRA Comment, P074200" on your comment, and file your comment online at <https://www.regulations.gov> 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.

**FOR FURTHER INFORMATION CONTACT:** Jock Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room CC-9543, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326-2984.

##### SUPPLEMENTARY INFORMATION:

*Title of Collection:* Regulations Under Section 4 of the Fair Packaging and Labeling Act (FPLA), 16 CFR parts 500–503.

*OMB Control Number:* 3084–0110.

*Type of Review:* Extension without change of currently approved collection.

*Abstract:* The Fair Packaging and Labeling Act, 15 U.S.C. 1451 *et seq.*, was enacted to enable consumers to obtain accurate package quantity information to facilitate value comparisons and prevent unfair or deceptive packaging

<sup>2</sup> The wage rates for skilled technical personnel (engineering technologists and technicians, except drafters), clerical personnel (file clerks), and sales persons (sales and related occupations) are based on are based on recent data from the Bureau of Labor Statistics Occupational Employment Statistics Survey. See U.S. Bureau of Labor Statistics, *Table 1. National Employment and Wage Data from the Occupational Employment and Wage Statistics Survey by Occupation* (May 2022), <https://www.bls.gov/news.release/ocwage.t01.htm>.