

Burden Statement

Estimated total annual hours burden: 1,500 hours (for the FTC).

Commission staff estimates that the Rule's recordkeeping requirements will affect approximately 1,000 persons⁶ who would not otherwise retain such records in the ordinary course of business. As noted, this estimate includes lead generators and rate aggregators that may provide commercial communications regarding mortgage credit product terms.⁷ Although the Commission cannot estimate with precision the time required to gather and file the required records, it is reasonable to assume that covered persons will each spend approximately 3 hours per year to do these tasks, for a total of 3,000 hours (1,000 persons × 3 hours). Since the FTC generally shares enforcement authority with the CFPB for Regulation N, the FTC's allotted PRA burden is 1,500 annual hours.⁸

Estimated labor costs: \$31,515.

Commission staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. Staff further assumes that office support file clerks will handle the Rule's record retention requirements at an hourly rate of \$21.01.⁹ Based upon the above estimates and assumptions, the total annual labor cost to retain and

file documents, for the FTC's allotted burden, is \$31,515 (1,500 hours × \$21.01 per hour).

Absent information to the contrary, staff anticipates that existing storage media and equipment that covered persons use in the ordinary course of business will satisfactorily accommodate incremental recordkeeping under the Rule. Accordingly, staff does not anticipate that the Rule will require any new capital or other non-labor expenditures.

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 14, 2025. 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 "Regulation N, PRA Comment, P085405," 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, 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 14, 2025. 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.

[FR Doc. 2025–15323 Filed 8–12–25; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension**

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: The FTC requests that the Office of Management and Budget (OMB) extend for three years the current Paperwork Reduction Act (PRA)

⁶ No general source provides precise numbers of the various categories of covered persons. Commission staff, therefore, has used the following sources and inputs to arrive at this estimated total: 1,000 lead generators and rate aggregators, based on staff's administrative experience.

⁷ The Commission does not know what percentage of these persons are, in fact, engaged in covered conduct under the Rule, *i.e.*, providing commercial communications about mortgage credit product terms. For purposes of these estimates, the Commission has assumed all of them are covered by the recordkeeping provisions and are not retaining these records in the ordinary course of business.

⁸ This estimate reflects the same burden compared to prior FTC estimates, because many entities can be indirectly covered by state recordkeeping requirements for mortgage advertisements and/or retain ads to demonstrate compliance with state law, as discussed above. See *supra* note 3. The FTC notes that the CFPB's recent information collection filing with OMB for Regulation N also reflects the view that, in large part, most entities either retain records in the ordinary course of business or to demonstrate compliance with other laws. See generally Bureau of Consumer Financial Protection, Agency Information Collection Activities: Submission for OMB Review; Comment Review, 87 FR 40513 (July 7, 2022), available at <https://www.govinfo.gov/content/pkg/FR-2022-07-07/pdf/2022-14474.pdf>.

⁹ This estimate is based on mean hourly wages for office support file clerks provided by the Bureau of Labor Statistics. See U.S. Bureau of Labor Statistics, Occupational Employment and Wages—May 2024, table 1 ("National employment and wage data from the Occupational Employment Statistics survey by occupation"), released April 2, 2025, available at <https://www.bls.gov/news.release/pdf/ocwage.pdf>.

clearance for information collection requirements contained in the agency's Mail, internet, or Telephone Order Merchandise Rule (MITOR or Rule). That clearance expires on August 31, 2025.

DATES: Comments must be filed by September 11, 2025.

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. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michelle Schaefer, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC-6316, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326-3515.

SUPPLEMENTARY INFORMATION:

Title of Collection: Mail, internet, or Telephone Order Merchandise Rule (MITOR or Rule), 16 CFR part 435.

OMB Control Number: 3084-0106.

Type of Review: Extension of currently approved collection.

Affected Public: Businesses engaged in the sale of merchandise by mail, internet or telephone.

Estimated Annual Burden Hours: 4,003,250 hours [(68,358 established businesses × 50 hours) + (2,545 new entrants × 230 hours)].

Estimated Annual Labor Costs: \$104,084,500 (4,003,250 hours × \$26.00/hour).¹

Estimated Annual Non-Labor Costs: \$0.

Abstract: Generally, the MITOR requires a seller (or merchant) to: (1) have a reasonable basis for any express or implied shipment representation made in soliciting the sale (if no express time period is promised, the implied

shipment representation is 30 days); (2) notify the buyer (or consumer) and obtain the buyer's consent to any delay in shipment; and (3) make prompt and full refunds when the buyer exercises a cancellation option or the seller is unable to meet the Rule's other requirements.

Request for Comment

On April 25, 2025, the FTC sought public comment on the information collection requirements associated with the Rule. 90 FR 17436 (Apr. 25, 2025) ("April 2025 Notice"). The Commission received one germane comment. The commenter suggested that the OMB control number for this collection was improperly changed in violation of OMB's regulations. However, the OMB control number (3084-0106) for this collection has not changed since it was initially approved. In regard to the commenter's statement that "The Federal Trade Commission is not part of the rule making process in the OMB system as well,"² the Commission notes that E.O. 14215³ requires all agencies, including independent agencies, to submit their proposed and final significant regulatory actions to OMB for review before they are published in the **Federal Register**. This E.O. does not apply retroactively to previously published FTC rulemaking documents or notices requesting comment on PRA collections. Thus, the commenter's concerns regarding the OMB control number for this collection (3084-0106) and the FTC's participation in E.O. 12866's OMB review process are unfounded.

This commenter also referenced contractual burdens created by the need for consent from telephone orders, and the cost to taxpayers created by these burdens since 1995. The specific relevance of this comment in the context of renewing the Rule's Paperwork Reduction Act clearance is unclear. To the extent this commenter suggests MITOR's information collection requirements related to telephone sales create unique circumstances because of the "need for consent," the Rule does not require extra consent just because orders are placed over the phone. It does, however,

require consent to delays and post-sale changes—which applies equally to mail, phone, and online orders.⁴ Therefore, telephone orders do not create exceptional circumstances that would impact the FTC's analysis seeking renewal of pre-existing clearance for the Rule.

Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.*, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. For more details about the Rule's requirements and the basis for the calculations summarized above, see 90 FR 17436.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone'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 ensuring 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 in 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.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2025-15316 Filed 8-12-25; 8:45 am]

BILLING CODE 6750-01-P

¹ The hourly wage rates for sales and related workers are based on the hourly mean wage rates provided by the Bureau of Labor Statistics. See U.S. Bureau of Labor Statistics, Occupational Employment and Wages—May 2024, table 1 ("National employment and wage data from the Occupational Employment Statistics survey by occupation"), released April 2, 2025, <https://www.bls.gov/news.release/ocwage.htm>.

² Kelly Moore Cmt. on FTC Agency Information Collection Activities; Proposed Collection; Comment Request; Extension, Jun. 24, 2025, <https://www.regulations.gov/comment/FTC-2025-0032-0012>.

³ E.O. 14215, Ensuring Accountability for All Agencies, 90 FR 10477 (Feb. 24, 2025).

⁴ There is no requirement in MITOR that a customer affirmatively consent before placing any order, be it through the telephone, mail, or internet. For telephone sales, like any distance sale, the seller must be clear about the delivery timeframe at point of sale. At the time of sale, sellers must have a reasonable basis to expect they can ship the goods within the advertised time or within 30 days if no time is stated. 16 CFR 435.2(a)(1). Consent comes into play after purchase if there are delays and customers must be notified and agree to wait or cancel. 16 CFR 435.2(b).