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## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Submission for OMB Review; Comment Request

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice and request for comment.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for the information collection requirements contained in the Consumer Product Warranty Rule. That clearance expires on November 30, 2013 (OMB Control No. 3084-0111).

**DATES:** Comments must be received by [INSERT DATE 30 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.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information requirements should be addressed to Svetlana Gans, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H-286, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326-3708.

**SUPPLEMENTARY INFORMATION:**

*Title:* Rule Concerning Disclosure of Written Consumer Product Warranty Terms and Conditions (the Consumer Product Warranty Rule or Warranty Rule), 16 CFR 701

*OMB Control Number:* 3084-0111.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* The Warranty Rule is one of three rules<sup>1</sup> that the FTC implemented pursuant to requirements of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 *et seq.* (Warranty Act or Act). The Warranty Rule specifies the information that must appear in a written warranty on a consumer product costing more than \$15. The Rule tracks Section 102(a) of the Warranty Act, specifying information that must appear in the written warranty and, for certain disclosures, mandates the exact language that must be used. Neither the Warranty Rule nor the Act requires that a manufacturer or retailer warrant a consumer product in writing, but if they choose to do so, the warranty must comply with the Rule.

On August 5, 2013, the Commission sought comment on the Rule's information collection requirements.<sup>2</sup> The Commission did not receive any comments.

As required by OMB regulations, 5 CFR Part 1320, the FTC is providing this second opportunity for public comment.

*Likely Respondents:* Manufacturers of consumer products.

*Estimated Annual Hours Burden:* 116,128 hours (derived from estimated 14,516

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<sup>1</sup> The other two rules relate to the pre-sale availability of warranty terms and minimum standards for informal dispute settlement mechanisms that are incorporated into a written warranty.

<sup>2</sup> See 78 FR 47317 (60-Day Federal Register Notice) and 78 FR 65649 (extended

manufacturers x 8 hours of burden per year).

*Estimated Annual Cost Burden:* \$15,710,000, rounded to the nearest thousand (which is derived from \$14,516,000 for legal professionals + \$713,316 for legal support + \$480,189 for clerical workers).<sup>3</sup>

- Legal Professionals: (0.5) (116,128 hours) (\$250/hour) = \$14,516,000
- Legal Support: (0.25) (116,128 hours) (\$24.57/hour) = \$713,316
- Clerical Workers: (0.25) (116,128 hours) (\$16.54/hour) = \$480,189.

#### *Request for Comment*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Write “Warranty Rules: Paperwork Comment, FTC File No. P044403” 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.

Because your comment will be made public, you are solely responsible for

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comment period until Nov. 8, 2013).

<sup>3</sup> Staff has derived an hourly wage rate (\$250/hour) for legal professionals based upon industry knowledge. The wage rates for legal support workers (\$24.57) and for clerical support (\$16.54) used in this Notice are based on recent data from the Bureau of Labor Statistics National Compensation Survey (Mar. 29, 2013), *available at* <http://www.bls.gov/news.release/ocwage.htm>.

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 making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which is . . . privileged or confidential," as discussed 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). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you are required to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comment online, or to send it 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/consumerwarrantypra2>, by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov>,

you also may file a comment through that website.

If you file your comment on paper, write “Warranty Rules: Paperwork Comment, FTC File No. P044403” on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex J), 600 Pennsylvania Avenue, NW, Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Website at <http://www.ftc.gov> to read this Notice. 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 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at <http://www.ftc.gov/ftc/privacy.shtm>.

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to

heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395-5167.

David C. Shonka  
Principal Deputy General Counsel.

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