

Nonmaterial/Nonsubstantive Change to a Currently Approved Collection
Federal Trade Commission
Appliance Labeling Rule, 16 C.F.R. Part 305
(OMB Control Number: 3084-0069)

As explained in the Notice of Proposed Rulemaking (“NPRM”), the Federal Trade Commission (“FTC” or “Commission”), under the direction of Congress, proposed to expand the coverage of the Appliance Labeling Rule (“Rule”) to require the labeling of metal halide lamp fixture packaging and ballasts (“metal halides”). 73 FR 17263 (April 1, 2008). The Commission’s final rule, 73 FR 39221 (July 9, 2008), with some minor exceptions, followed the proposed rule provision. Of the final rule’s departures from the NPRM, only one related to a PRA “collection of information,” specifically, the reporting requirement within the Rule.

Although the substantive aspect of the final rule’s reporting modification does not affect PRA information collection,¹ staff, consistent with its preamble discussion for the final rule, is revising its prior estimate of reporting burden hours. The lone commenter on the PRA, the National Electrical Manufacturers Association (“NEMA”), questioned the FTC’s reporting burden estimate, arguing that staff should have taken into account the many product lines (“well over 100”) in the industry and not just the number of manufacturers. Accordingly, in revising its prior estimate, staff is assuming there are 110 divisions or product lines and that reporting will require six hours apiece.² Thus, staff’s revised estimate is 660 hours (110 product/division lines X 6 hours) for reporting burden for industry members. In addition, staff estimates that the yearly

¹ It changed the annual reporting date from March 1 to September 1, to give manufacturers more time to prepare their initial submissions under the Rule.

² Staff is making this assumption across all industry, regardless of a given manufacturer’s size of product line or division. It believes this assumption is very conservative because some product lines or divisions may be very small and require substantially less than six hours of burden per year.

recordkeeping burden for metal halide manufacturers will be no more than 2 hours each.

Applied to product lines, that amounts to 220 hours total for industry (2 hours x 110 product lines). Therefore, the total estimated annual burden of the final amendments is 880 hours.³

³ As before, staff believes that there are no current start-up costs associated with the amendments. Estimated labor costs, applying the revised hours total to the previously assumed clerical hourly wage of \$14.35 (based on BLS data), becomes \$12,628.