

*Non-Labor Costs:* \$1,350.

## Abstract

The Energy Policy Act of 1992 established federal programs to encourage the development of alternative fuels and alternative fueled vehicles (AFVs). Section 406(a) of the Act directed the Commission to establish uniform labeling requirements for alternative fuels and AFVs. 42 U.S.C. 13232(a). Such labels must provide “appropriate information with respect to costs and benefits [of alternative fuels and AFVs], so as to reasonably enable the consumer to make choices and comparisons.” The required labels must be “simple and, where appropriate, consolidated with other labels providing information to the consumer.”

Pursuant to the Act, the Commission published the Alternative Fuels Rule in 1995, and the Rule was later amended in 2013.<sup>2</sup> The Rule requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels. To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels. In addition, the Rule requires that distributors of non-liquid alternative vehicle fuel provide certifications of the fuel rating in each transfer to anyone who is not a consumer.

## Request for Comment

On January 28, 2025, the FTC sought public comment on the information collection requirements associated with the Rule. 90 FR 8296. The Commission received one germane comment from Imaging Inc., Cardiac, which encouraged the Commission to assess whether the information collection requirements are still efficient and not overly burdensome, particularly for small businesses. The Commission’s analysis and findings in this notice’s accompanying Supporting Statement address this concern. Pursuant to the 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 Rules.

Statistics. See Table 1. National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2024, at <https://www.bls.gov/news.release/ocwage.t01.htm>, which was made publicly available on April 2, 2025.

<sup>2</sup> 78 FR 23832 (April 23, 2013). The final amendments consolidated the Commission’s AFV labels with the then new fuel economy labels required by the Environmental Protection Agency thereby eliminating the FTC’s separate labeling requirements for used AFV labels.

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 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.

**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. (FTC).

**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 Mail, internet, or Telephone Order Merchandise Rule (“MITOR” or “Rule”). That clearance expires on August 31, 2025.

**DATES:** Comments must be filed by June 24, 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. Write “Paperwork Reduction Act 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:

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).<sup>1</sup>

*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.

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 MITOR.

<sup>1</sup> The hourly wage rates for sales and related workers are based on the hourly mean wage rates found at <https://www.bls.gov/news.release/ocwage.htm> (“Occupational Employment and Wages—May 2024,” U.S. Department of Labor, last modified April 2, 2025, Table 1 (“National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2024”).

## Burden Statement

### A. Estimated Total Annual Hours Burden: 4,003,250 Hours

As discussed in prior **Federal Register** Notices related to this clearance,<sup>2</sup> FTC staff estimates that established companies each spend an average of 50 hours per year on compliance with the Rule, and that new industry entrants spend an average of 230 hours (an industry estimate) on compliance.<sup>3</sup> Thus, the total estimated hours burden is calculated by multiplying the estimated number of established companies by 50 hours, multiplying the estimated number of new entrants by 230 hours, and adding the two products.

Since the FTC's renewal request in 2022, however, the number of businesses engaged in the sale of merchandise subject to the MITOR has increased. The most currently available data from the U.S. Census Bureau indicates that, between 2012 and 2022, the number of businesses subject to the MITOR grew from 30,185 to 55,633, or an average increase of 2,545 new businesses a year [(55,633 businesses in 2022 – 30,185 businesses in 2012) ÷ 10 years].<sup>4</sup> Assuming this growth rate continues from 2025 through 2028, the average number of established businesses during the three-year period for which OMB clearance is sought for the Rule would be 68,358:<sup>5</sup>

Year	Established businesses	New entrants
2025–26 .....	65,813	2,545
2026–27 .....	68,358	2,545
2027–28 .....	70,903	2,545
Average .....	68,358	2,545

<sup>2</sup> See, e.g., 62 FR 63717 (Dec. 2, 1997).

<sup>3</sup> Most of this estimated time is start-up time tied to the development and installation of computer systems geared to more efficiently handle customer orders.

<sup>4</sup> U.S. Census Bureau, *All Sectors: County Business Patterns, including ZIP Code Business Patterns, by Legal Form of Organization and Employment Size Class for the U.S., States, and Selected Geographies: 2022*, available at <https://data.census.gov/table/CBP2022.CB2200CBP?y=2022&n=4541>.

<sup>5</sup> Conceptually, this might understate the number of new entrants. Given the virtually unlimited diversity of retail establishments, it is very unlikely that there is a reliable external measure; nonetheless, as in the past, the Commission invites public comment that might better inform these estimates. For example, many online marketplace sellers that use *Amazon.com*'s marketplace to sell to customers have agreements that provide that Amazon handles packaging and shipping the products to customers. Whether *Amazon.com* is also the entity responsible for sending customers delay notices when necessary could affect which entity is subject to MITOR disclosure requirements (Amazon or the individual marketplace seller).

<sup>6</sup> As noted above, the existing OMB clearance for the Rule expires on August 31, 2025, and the FTC is seeking to extend the clearance for three years.

FTC staff estimates that, in an average year during the three-year OMB clearance period, established businesses and new entrants will devote 4,003,250 hours to comply with the MITOR [(68,358 established businesses × 50 hours) + (2,545 new entrants × 230 hours) = 4,003,250].

The estimated PRA burden per seller to comply with the MITOR is likely overstated because much of the estimated time burden for disclosure-related compliance would arguably be incurred even absent the Rule. Over the years, industry trade associations and individual witnesses have consistently taken the position that providing consumers with notice about the status of their orders fosters consumer loyalty and encourages repeat purchases, which are important to marketers' success. In recent years, the demands of the internet's online marketplace and its leading retailers, such as *Amazon.com*, *Walmart.com*, and *Ebay.com* have driven many businesses to upgrade the information management systems to track and ship orders more effectively.<sup>7</sup> These upgrades were primarily prompted by the industry's need to deal with growing consumer demand for merchandise that is timely shipped. Accordingly, most companies now provide updated order information of the kind required by the Rule in their ordinary course of business to meet consumer expectations regarding timely shipment, notification of delay, and prompt and full refunds.<sup>8</sup>

### B. Estimated Labor Costs: \$102,563,265

FTC staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. According to the most recent data available from the Bureau of Labor and Statistics,<sup>9</sup> the mean hourly income for workers in sales and related occupations was \$26.00/hour. The bulk of the burden of complying with the MITOR is borne by clerical personnel along with assistance from sales personnel. FTC staff believes that the mean hourly income for workers in sales and related occupations is an appropriate measure of a direct marketer's average labor cost

to comply with the Rule. Thus, the total annual labor cost to new and established businesses for MITOR compliance during the three-year period for which OMB approval is sought would be approximately \$104,084,500 (4,003,250 hours × \$26.00/hour). Relative to direct industry sales, this total is negligible.<sup>10</sup>

## 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 June 24, 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 "Paperwork Reduction Act 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

<sup>10</sup> Considering that sales for "electronic shopping and mail order houses" grew from \$411.480 billion in 2015 to \$1,593.380 billion in 2022, FTC staff estimates the annual mail, internet, or telephone sales to consumers in the three-year period for which OMB clearance is sought will average \$1.3 trillion. Thus, the projected average labor cost for MITOR compliance by existing and new businesses for that period would amount to 0.006438% of sales. U.S. Census Bureau, *Supplemental Estimated Annual Sales for Employer-only U.S. Electronic Shopping and Mail-Order Houses (NAICS 4541)—Total and E-commerce Sales by Primary Business Activity: 2015–2022* (Sep. 25, 2024), available at <https://www.census.gov/data/tables/2022/econ/arts/2022restated/supplemental-ecommerce.html>.

<sup>7</sup> Brian Baskin, *Amazon's Free Shipping Pushes Small Retailers, Delivery Firms to Compete*, *The Wall Street Journal* (Apr. 8, 2017), available at <https://www.wsj.com/articles/amazons-free-shipping-pushes-small-retailers-delivery-firms-to-compete-1491649203>.

<sup>8</sup> Under the OMB regulation implementing the PRA, burden is defined to exclude any effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2).

<sup>9</sup> See Table 1, *National Employment and Wage Data from the Occupational Employment Statistics Survey by Occupation*, May 2024, available at <https://www.bls.gov/news.release/ocwage.t01.htm>.

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](http://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 June 24, 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.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278)

**AGENCY:** Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is inviting public comments on revisions to an approved information collection. The request consists of several forms that allow the Unaccompanied Alien Children Bureau to assess the suitability of potential sponsors for unaccompanied alien children. Note this information collect was previously titled Family Reunification Application for Sponsors of Unaccompanied Alien Children and has been retitled at the direction of ORR leadership.

**DATES:** Comments due June 24, 2025. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** You can obtain copies of the proposed collection of information and submit comments by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all requests by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

*Description:* Proposed revisions for each form are listed below and include terminology updates requested by the current Administration.

Additionally, ORR proposes changing the title of this information collection from "Family Reunification Packet for Sponsors of Unaccompanied Children" to "Unaccompanied Alien Children Sponsor Application Packet" to better reflect the purpose of the information collection.

Finally, the current Administration has requested more comprehensive information on sponsor income to support suitability assessments as part of the sponsorship application. In addition to the information already collected in form SAP-3, ORR is planning to prepare an Affidavit of Support that will be completed by the

sponsor and provide certification that the sponsor has the financial means to provide for the child's physical and mental well-being (per 45 CFR 410.1202(c)). This new instrument will be incorporated into the information collection in time for the second **Federal Register** notice, to ensure proper notification to the public and solicitation of comments.

- *All Forms:* Replace "unaccompanied child" or "UC" with "unaccompanied alien child" or "UAC".

- *Authorization for Release of Information (Form SAP-2):* This instrument collects respondents' written consent to background investigations with Federal, State, or local law enforcement and/or child welfare agencies, allows ORR to determine whether an unaccompanied alien child will be safe in the custody of a potential sponsor, adult household members, and alternate adult caregivers. The expected respondents of this instrument are, under certain circumstances, potential sponsors, adult household members, and alternate adult caregivers.

- Remove "in black ink" from the instruction at the top of the form to reflect that ORR accepts both wet and electronic signatures for this form.
  - Make the following revisions to the third declaration:

- Reword "I Understand that my biometric and biographical information, including my fingerprints . . ." to "I Understand that my biometric and biographical information, including my fingerprints and my photograph . . ."

- Remove the last sentence and related footnote that reference restrictions from the Consolidated Appropriations Act of 2023.

- Revise the burden estimate to account for a decrease in the number of sponsors applying to sponsor a child, an increase in the number of individuals required to undergo fingerprint checks, and an increase in the number of care provider facilities. The annual number of respondents increased from 81,532 to 183,588; the annual number of record keepers increased from 235 to 300; and the annual number of responses per record keeper increased from 347 to 612.

- *Sponsor Application (Form SAP-3):* This form collects information related to the potential sponsor's ability to provide for the unaccompanied alien child's mental and physical wellbeing. ORR uses the information collected to determine the suitability of a potential sponsor as a custodian of an unaccompanied alien child. The expected respondents of this instrument are potential sponsors.