

SUPPORTING STATEMENT
FOR
49 CFR PART 543, EXEMPTION FROM VEHICLE
THEFT PREVENTION STANDARD
(OMB Clearance Number 2127-0542)

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.

49 U.S.C. Chapter 331 requires the Secretary of Transportation to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. 49 U.S.C. Section 33106 provides for an exemption to this identification process by petitions from manufacturers who equip covered vehicles with standard original equipment antitheft devices, which the Secretary determines are likely to be as effective in reducing or deterring theft as the identification system.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate actual use of information from the current collection.

This information will be used by NHTSA in exercising its delegated authority to grant exemptions from the vehicle identification requirements of 49 CFR Part 541. The statute requires, in Section 33106, that these exemptions be granted in whole or in part, based on "substantial evidence." Without this information, no exemption would be available from the parts-marking requirements and manufacturers would be required to identify parts on all vehicle lines designated for identification.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

49 CFR Part 543 does not impose any obstacles for automobile manufacturers to use technological collection techniques or other forms of information technology for transmission and storage of the information. The manufacturer may use any form of improved information technology it deems necessary that minimizes the burden as long as the required reports are provided. Manufacturers have chosen to submit this information to NHTSA in hard copy form. However, to increase information technology, the agency will encourage manufacturers to continue to submit this information on computer disks (using NHTSA-approved format), by email format or by

the internet.

4. Describe efforts to identify duplication

This information is not required by any other law or standard and would not be available without this regulation. This agency is the only agency authorized to grant an exemption from the requirements of the Theft Prevention Standard based on the manufacturer's petition. No similar information is currently available.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The agency believes that few, if any, small entities will be affected by this rule. No business is required to submit this data. This process is for any manufacturer who wishes to petition for an exemption, under Section 33106, from the application of the identification requirements of the Federal Motor Vehicle Theft Prevention Standard.

6. Describe the consequence to Federal Program or policy activities if the collection is not collected or collected less frequently.

The submittal of this information is a one-time-only submission and is made at the discretion of the manufacturer. If the manufacturer does not submit a petition for exemption under the procedures contained in 49 CFR Part 543, then it must comply with all requirements of 49 CFR Part 541.

7. Explain any special consequences that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

The procedures specified for this information collection are fully consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the FEDERAL REGISTER document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's actions in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.

The agency requested public comment on the extension of the previously approved collection in the Federal Register (72 FR 56130, October 2, 2007). No public comments were received in response to this request.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No gift or payment will be given to any respondent.

10. Describe any assurance of confidentiality provided to respondents.

Part 543 directs petitioners seeking confidential treatment of their submissions to 49 CFR Part 512, which sets forth the procedures for seeking confidentiality.

11. Provide additional justification for any questions on matters that are commonly considered private.

No questions of a sensitive nature are involved in this information collection.

12. Provide estimates of the hour burden of the collection of information on respondents.

The petition for exemption is made by the manufacturer according to whichever line(s) it determines has a standard equipment antitheft device which the manufacturer believes will meet the established minimum capabilities as promulgated in the Theft Prevention Standard. Section 33106 limited such exemptions to two vehicle lines per model year for each manufacturer until MY 1997. Thereafter, only one vehicle line may be exempted per model year.

The agency is unable to provide an accurate count of how many manufacturers will be affected, because the submission of an exemption petition is voluntary. Currently 27 manufacturers have one or more car lines exempted. Approximately 14 manufacturers are expected to apply in a typical year. Disclosure burden for approximately 14 manufacturers, times the number of responses, multiplied by hours per response equals:

Estimated annual petitions for exemption submitted	14	
Average hours per submittal		226
Total annual burden		226
	hours reporting	
<u>Reporting Burden (hours)</u>		

Part 543 Exemption from vehicle theft prevention standard 226

Reporting total for all 14 manufacturers: 3,164
(14 manufacturers x 226 hours)

We estimate an annual reporting burden of 226 burden-hours at an estimated cost of \$8,275.50 per manufacturer. \$8,275.50 divided by 226 burden hours equals \$36.62 per hour for those manufacturers who seek an exemption. The cost associated with the burden hours endured by the manufacturers effected is \$115,866 (3,164 x \$36.62).

13. Provide estimates of the total annual cost to the respondents or recordkeepers.

The petitions for exemptions require no additional costs to the respondents.

14. Provide estimates of annualized cost to the Federal Government.

Congress estimated that the required activities of the Department of Transportation under 49 U.S.C. Chapter 331 would cost the Department \$200,000 annually (H. Rep. No. 1087, 98th Congress, 2nd Sess. (1984)).

The cost incurred by the Federal Government to analyze the information contained in each petition is estimated to be \$84,300. Although, the number of petitions have increased, the petitions take less time to process. This is based on clerical and technical expenses. Note each petition (submittal) must be reviewed separately.

15. Explain reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The reporting burden hours have increased because the number of manufacturers that have filed petitions for exemptions have increased.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

This collection of information will not have the result published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Approval is not sought to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, “Certification for paperwork reduction act submissions,” of OMB Form 83-I.

No exceptions to the certification statement are made.

- B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection of information does not employ statistical methods.

NHTSA

NVS:OCPC:Theft:Ballard:12/1/04:x60846

No Control #

cc:

NVS-01 Chron, NVS-30 Chron, NVS-131 Chron

NVS-131 Subj/Chron/Ballard

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