

**SUPPORTING STATEMENT
FOR
JUSTIFICATION OF THE RENEWAL OF
REPLACEABLE LIGHT SOURCE DIMENSIONAL INFORMATION
SUBMISSION REQUIREMENTS FOR MOTOR VEHICLE EQUIPMENT
49 CFR 564
OMB Control Number 2127-0563**

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.

Title 49 U.S.C. 322, 30111, 30112, and 30117, authorize the issuance of Federal Motor Vehicle Safety Standards (FMVSS) and the collection of data which supports their implementation. The agency, in prescribing a FMVSS, is to consider available relevant motor vehicle safety data, and to consult with other agencies as it deems appropriate. Further, the Title 49 U.S.C. mandates, that in issuing any FMVSS, the agency consider whether the standard is "reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed," and whether such standards will contribute to carrying out the purpose of Title 49 U.S.C. The Secretary is authorized to revoke such rules and regulations as deemed necessary to carry out this subchapter. This collection supports the Department of Transportation's Strategic goal in safety by working towards the elimination of transportation related deaths and injuries.

Using this authority, the agency issued the initial FMVSS No. 108, "Lamps, Reflective Devices, and Associated Equipment," specifying requirements for vehicle lighting for the purposes of reducing traffic accidents and their tragic results by providing adequate roadway illumination, improved vehicle conspicuity, appropriate information transmission through signal lamps, in both day, night, and other conditions of reduced visibility. The standard has been amended numerous times in order to permit new headlighting designs. In recent years, the standard had become burdensome to both regulators and regulated parties in that the standard has not been able to fully accommodate the styling needs of motor vehicle designers, while at the same time assuring the safety on the highways. This has resulted in numerous burdensome petitions for rulemaking to be submitted by the vehicle and lighting manufacturers to change the design restrictive language. The reason for this burden was that as originally adopted the standard was more equipment design oriented, rather than performance oriented. Recent amendments have helped to rectify this situation. The requirement for replaceable light source dimensional information has resulted in a further extension of that effort to make the standard more performance oriented, and reduce the burden of petitioning for amendments to the Standard.

The standard now allows headlamp light sources (bulbs) that are specified in the standard as well as those listed in Part 564, to assure proper photometric performance upon replacement of the light source upon failure of the original. The original manufacturer may not be the same as that of the aftermarket replacement, consequently, headlamp bulbs regardless of where they are listed, are required to be standardized by inclusion of their interchangeability dimensions and other fit and photometric aspects, thus requiring all identical type bulbs to be manufactured to those pertinent interchangeability specifications. Implementation of Part 564 reduces the burden to manufacturers and users of new light sources by eliminating the 18 month petitioning process and substituting a 1 month agency review. Upon completion of that review, the new bulb's interchangeability information is listed in Part 564 and the new bulbs may be used 1 month later on new vehicles.

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

The information is to be placed in a public docket for the use by vehicle, headlamp and headlamp light source manufacturers for determining the interchangeability aspects of headlamp light sources for manufacturing purposes. In order for replacement light sources to be designated as acceptable replacements, the replacement light sources are required to comply with the dimensional and performance information in the docket for its type. The Federal program for reducing highway fatalities, injuries and accidents would likely be adversely affected if the information was not collected, since the bulbs would, in fact, not be standardized for performance interchangeability. If the interchangeability information were not available to manufacturers who normally provide aftermarket parts, replacements could become significantly more costly to replace upon burnout, and ready availability would also likely diminish since the parts would be available from only the vehicle manufacturer or its dealer. As a potential adverse safety consequence, more and more vehicles would likely be on the highways at night with headlamps having one or more failed bulbs and therefore reduce the roadway illumination and increase the risk of accident. In the event that the information collection were not re-approved, it is likely that this de-regulatory action would be terminated and the previous burdensome petitioning process reinstated.

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

There is no constraint regarding what form the information is submitted, paper or electronic. Currently, the agency has received only paper copies. The agency feels that respondents would find it difficult to submit various diagrams in an electronic format. However, an electronic submission is acceptable as long as it is readable with popularly available software. Given this option the agency believes it would receive 100% of the necessary material through electronic means.

4. Describe efforts to identify duplication. Show specifically why similar information cannot be used.

The information to be collected would be new, and available from only the original designer, developer and manufacturer of the headlamp light source or its customer, a headlamp manufacturer or vehicle manufacturer. Consequently, there would be no duplication.

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

There are no small businesses known that have the capability to develop or manufacture the replaceable light sources; consequently there is no burden on these entities.

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

The collection program would cease to exist since the submission for any particular set of information is a onetime submission. Consequently, the effect on the Federal program would be to increase the risk of crashes on highways and prevent the quick introduction of new headlamp light sources because such quick introduction is permitted only when new light sources are listed in Part 564. Without this provision, new light sources would be requested by the petitioning process and a cause significant drain on regulated party and agency resources for petitioning for and completing new rulemakings. This would also have a significant adverse effect on the business of vehicle and lighting manufacturers who would be constrained to

introduce new hardware only after the completion of a successful and protracted rulemaking. It was because of this that the agency abandoned the rulemaking process and established Part 564, thus eliminating the eighteen month petitioning burden and replacing it with a one month administrative review.

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

The procedures specified for these data collections 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.

A notice soliciting public comment was published February 12, 2008 (Vol. 73, No. 29, pg. 8103). No comments were received.

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

There is no possibility of providing any payment or gift to respondents, other than remuneration of contractors or grantees, thus no decision on such was ever made.

10. Describe any assurance of confidentiality provided to respondents.

No assurance of confidentiality is given by the agency, because the information is an integral part of the public process of assuring safety compliance and of assuring public availability of replacement headlamp light sources. Consequently, the aspects of performance and interchangeability could never be confidential.

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

The requirements for headlamp light source information was determined through public notice and comment; it is not of a sensitive nature, therefore, no justification statements are necessary.

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

The average estimated cost of the information submissions is estimated to be 4 hours per submission at \$100 per hour for a cost of \$400 each, thus at a rate 7 submissions per year, the average annual cost is \$2800 and the average annual hour burden is 28 hours.

13. Provide estimates of the total annual cost to the respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in Question 12 or 14).

None.

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

The estimated cost of reviewing, storing and displaying the information submission is 10 hours per submission at \$50 per hour for a cost of \$500 each, with a total cost of \$8000 for three years, for a yearly cost of \$2667.

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

The slight increase to the average number of submissions over the past several years has caused the burden and cost to increase.

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

This collection of data will not have the results 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 being sought to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, A Certification for Paperwork Reduction Act Submissions,@ of OMB Form 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

No such methods are used.