

SUPPORTING STATEMENT
OMB No. 2127-0039
Petitions for Hearings on Notification and Remedy of Defects.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Sections 30118(e) and 30120(e) of Title 49 of the United States Code specify that any interested person may petition NHTSA to hold a hearing to determine whether a manufacturer of motor vehicles or motor vehicle equipment has met its obligations under 49 U.S.C. §§ 30118 (b), (c), and 31020, to notify owners, purchasers, and dealers of vehicles or equipment of a safety-related defect or noncompliance with Federal motor vehicle safety standards (FMVSS) in the manufacturer's products, and to remedy that defect or noncompliance.

To implement these statutory provisions, NHTSA promulgated 49 CFR Part 557, Petitions for Hearings on Notification and Remedy of Defects. Part 557 establishes procedures providing for the submission and disposition of petitions for hearings on the issues of whether the manufacturer has met its obligation to notify owners, purchasers, and dealers of safety-related defects or noncompliances, or to remedy such defect or noncompliance free of charge.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate actual use the agency has made of the information received from the current collection.

Persons who believe that a manufacturer has been deficient in notifying owners, purchasers, or dealers of a safety related defect or noncompliance with FMVSS, or has not remedied the problem in accordance with statutory requirements, may petition the agency pursuant to 49 CFR Part 557. The agency uses the petition, and may use other information available to it, to determine whether a hearing is necessary to determine whether a manufacturer has reasonably met its obligation to notify owners, purchasers, and dealers of the safety defect or noncompliance with FMVSS, or to remedy that defect or noncompliance. Should the agency, on the basis of information provided at that hearing or other information, determine the manufacturer has not reasonably met its obligations, the agency orders the manufacturer to take specified action to bring itself into compliance with those obligations.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection

techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

A petitioner may use improved technology such as a personal computer or word processor to prepare a petition. The only burdens associated with preparing these petitions is stating the reason for the petition and making sure the petition is formatted and submitted in the simple manner set forth in 49 CFR Part 557. There are no legal or technical obstacles to using any information technology the petitioner may choose.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

This information collection is not duplicative of any other information collection. The information collected as part of it is inherently unique because the information is only collected as the result of action initiated by a member of the public who is requesting, via a petition document, certain agency action based on the petitioner's contention that a manufacturer has not met one or more of its statutory obligations as describe earlier in Supporting Statement No. 1.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The petitions may be filed by any person, including individuals or businesses. Requirements governing the format and content of the petitions are the same for all persons regardless of nature or size. As described in Supporting Statement No. 3, the burdens associated with the filing of a petition are very limited.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Not applicable. This information collection is only conducted at the behest of the petitioner. The agency does not require these petitions to be filed.

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

Not applicable. This regulation is consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the Federal Register document soliciting comments on the information collection prior to submission to OMB. Summarize public comments

received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported.

NHTSA's Federal Register notice (76 Fed. Reg. 6515, February 4, 2011) is attached. NHTSA received one public comment in response to this notice. The comment read, "If the respondents per year total 1 and the time required to handle the response is 1 hour it would reason that this is an unnecessary function. Presumably, there is someone that holds a position to handle these matters; they may need to be redistributed."

The commenter's assumption is incorrect as there is no dedicated person whose sole duty it is to process this information collection. To the extent work would be required by petitions filed under this regulation, that work has been and would be distributed among current staff that are assigned multiple tasks and responsibilities covered by multiple regulations falling within the agency's jurisdiction, in addition to other tasks and responsibilities achieving NHTSA's missions.

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

Not applicable. No payment or gift will be given to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Not applicable. No specific assurance of confidentiality will be provided to respondents by NHTSA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Not applicable. No questions of a sensitive nature are involved in this information collection.

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

In recent years, only a single petition has been filed. Our estimate of the time it takes to prepare each petition remains at 1 hour. Accordingly, the burden estimate remains at 1 hour annually. The estimated cost associated with the burden hour is \$20 (1 hour x \$20 = \$20).

13. Provide estimates of the total annual cost to the respondents or record keepers resulting from the collection of information.

None. We believe that, except for the cost of the hours of burden, there will be no other cost resulting from this collection of information.

14. Provide estimates of the annualized costs to the Federal government.

There is no cost to the Federal government.

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

Not applicable. No program changes or adjustments reported in Items 13 or 14.

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

Not applicable.

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.

Not applicable.

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

Not applicable. No exceptions to the certification statement are made.