

**SUPPORTING STATEMENT FOR
JUSTIFICATION OF PHASE-IN PRODUCTION REPORTING REQUIREMENTS FOR
FMVSS 141, MINIMUM SOUND REQUIREMENTS FOR
HYBRID AND ELECTRIC VEHICLES
OMB Control No. New**

A. JUSTIFICATION

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

The Pedestrian Safety Enhancement Act (PSEA) of 2010, Public Law 111-373, 124 Stat. 4086 (January 4, 2011), requires the National Highway Traffic Safety Administration (NHTSA) to promulgate a Federal Motor Vehicle Safety Standard (FMVSS) setting minimum sound requirements for hybrid and electric vehicles. The PSEA requires that the final rule establishing this standard be issued by January 4, 2014, and include a phase-in schedule that concludes with “full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.” The PSEA requires NHTSA to establish a phase-in period for compliance with the new FMVSS.

49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act of 1966 (the “Act”) specify that the Secretary of Transportation shall prescribe FMVSSs, and that each safety standard shall be practicable, meet the safety need for motor vehicle safety, and be stated in objective terms. The Secretary is authorized to issue, amend and revoke such rules and regulations as she/he deems necessary to carry out these sub-chapters.

NHTSA, in prescribing a FMVSS, is to consider available relevant motor vehicle safety data, consult with appropriate agencies, and obtain safety comments from the responsible agencies, states, safety commissions, public and other related parties. Further, the Act mandates that in issuing any FMVSS, the agency considers 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 the Act.

Using this authority, and following the mandate of the PSEA, NHTSA has proposed a new FMVSS No. 141, Minimum sound requirements for hybrid and electric vehicles. Part of that proposal is the mandated phase-in requirement as follows:

- For vehicles manufactured on or after September 1, 2015, and before September 1, 2016 the number of vehicles complying with the standard must not be less than 30 percent of: the manufacturer’s average annual production of vehicles manufactured on or after September 1, 2012, and before September 1, 2015; or the manufacturer’s production on or after September 1, 2015, and before September 1, 2016.

- For vehicles manufactured on or after September 1, 2016, and before September 1, 2017, the number of vehicles complying with the standard must not be less than 60 percent of: the manufacturer's average annual production of vehicles manufactured on or after September 1, 2013, and before September 1, 2016; or the manufacturer's production on or after September 1, 2016, and before September 1, 2017.
- For vehicles manufactured on or after September 1, 2017, and before September 1, 2018, the number of vehicles complying with the standard must not be less than 90 percent of: the manufacturer's average annual production of vehicles manufactured on or after September 1, 2014, and before September 1, 2017; or the manufacturer's production on or after September 1, 2017, and before September 1, 2018.
- All vehicles manufactured on or after September 1, 2018 must comply with the standard.
- Vehicles manufactured during any of the three years of the September 1, 2015 through August 31, 2018 phase-in by a manufacturer that produces fewer than 5,000 vehicles for sale in the United States during that year are not subject to the requirements of the phase-in.
- Vehicles that are manufactured in two or more stages or that are altered (within the meaning of 49 CFR 567.7) after having previously been certified not subject to the phase in requirements. Instead, all vehicles produced by these manufacturers on or after September 1, 2018 must comply with the standard.

The purpose of the reporting requirements will be to aid NHTSA in determining whether a manufacturer has complied with the requirements of the new standard. In addition, this collection supports the Department of Transportation's strategic goal in safety.

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

The information will be submitted to NHTSA by about 73 vehicle manufacturers. The production reporting system provides a procedure whereby NHTSA may acquire the information needed to determine the extent to which manufacturers are complying with the stated goals in the phase-in requirements. If these reports are not provided, NHTSA will not be able to determine whether vehicle manufacturers are complying with the proposed regulatory requirements.

For each report, the manufacturer will provide, in addition to the identity, address, etc., several numerical items of information. The information should include, but is not be limited to, the following items:

- a. Total number of vehicles manufactured for sale during the preceding production year; and
- b. Total number of vehicles manufactured during the production year that are in compliance with the regulatory requirements.

At NHTSA, the Office of Vehicle Safety Compliance will receive, review and evaluate the information in the required reports.

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

This standard requires that manufacturer's report the percent of their annual production complying with the requirements of the standard, and that manufacturers maintain records related to the report. This standard does not impose any obstacles to using improved information technology to prepare these reports. Thus, a manufacturer may use a computer, word processor, etc. to prepare the report.

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

NHTSA is the only Federal government agency tasked by Congress with regulating the minimum sound emission of hybrid and electric vehicles. No duplication of the reporting system exists. The required information is pertinent to a new regulatory requirement that did not exist before 2012 and is not related to other standards issued by NHTSA. It is not possible to use or modify for use the existing information for other standards.

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

While there will be some manufacturers of vehicles that will be subject to the proposed requirements that are small businesses, NHTSA believes that that the burden on small businesses will be limited. In general, small firms who produce one or two vehicle models per year would not choose a phase-in plan and, therefore, they are not required to file an annual production report. Small firms who choose a phase-in plan are required to file an annual production report. It is expected that the annual production of small firms would be relatively low, resulting in a relatively low burden in preparing an annual production report. Additionally, Manufacturers that produce less than 5000 vehicles for sale in the United States during one year are exempted from the requirements of the phase-in and would not need to file a report.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This option would make the compliance enforcement impossible. NHTSA would not be able to determine whether a manufacturer is meeting the stipulated production requirements. This could have consequences in terms of providing the required improved crash avoidance protection to pedestrians and pedal cyclists.

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 information collection is consistent with the guidelines set forth in 5 CFR 1320.6. However, all respondents are required to retain their vehicle production records for the years covered by the phase-in period until December 31, 2023, for verification purposes.

8. Provide a copy of the Federal Register document soliciting comments on extending the collection of information, a summary of 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.

NHTSA has included a request for comment on this information collection in the Notice of Proposed Rulemaking to establish FMVSS No. 141 (78FR2798 January 14, 2013).

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

NHTSA does not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents.

If a respondent claims that its report contains confidential business information, NHTSA will consider that claim under 49 CFR Part 512, Confidential Business Information.

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

The information provided is not of a private nature. Therefore, no justification is necessary.

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

The respondents to this collection of information are manufacturers of hybrid and electric passenger cars, multipurpose passenger vehicles, trucks, buses, motorcycles and low-speed vehicles. The agency estimates that there are about 73 such manufacturers who would be subject to the reporting requirements. The proposed collection would occur once per year and would take each manufacturer approximately two hours to complete. Therefore we estimate the total annual burden to be 146 hours (2 x 73).

We estimate the cost of each burden hour to be \$35 and the annual cost associated with the total annual burden hours to be \$5,110 for all manufacturers (\$35 x 146) or \$70 per manufacturer (\$35 x 2).

13. Provide estimates of the total annual cost to 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).

There are no additional costs to respondents or record keepers.

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

This estimate of the required cost is based on NHTSA's experience with programs of a similar nature. The total annual cost is equal to the cost associated with analyzing all reports prepared by each individual respondent.

Annual Cost = N x H x C, where:

N, Number of respondents = 73

H, Hours to analyze one report = 1

C, Cost per hour in dollars = 25

The estimated annual cost to Federal government is \$1825.

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

This is a new collection as result of the PSEA requiring NHTSA to establish a phase-in period for compliance with the new FMVSS. There will be an additional 146 hours added to NHTSA's overall total.

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

NHTSA does not plan to publish the results.

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

NHTSA is not seeking such approval.

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

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection involves the submission of a written or electronically-submitted report on each respondent's annual vehicle production and the percent of that production meeting requirements of FMVSS No. 141. The information is used to determine the compliance of each respondent with the phase-in requirements of the standard. Thus, the agency does not believe that the use of sophisticated statistical survey methodology is necessary.