

**National Highway Traffic Safety Administration**  
**Information Collection Request Supporting Statements: Part A**  
**Petitions for Hearings on Notification and Remedy of Defects**  
**OMB Control No. 2127-0039**

**Abstract:**<sup>1</sup>

NHTSA seeks approval from the Office of Management and Budget (OMB) of an extension of a currently approved collection of information (OMB Control Number: 2127-0039) for petitions from any interested person requesting a hearing to decide whether a manufacturer has reasonably met requirements for notification and remedy of safety defects or noncompliance with a Federal motor vehicle safety standard (FMVSS). The submission of a petition is voluntary, and 49 CFR Part 557 establishes procedures for the submission and disposition of petitions for hearings on the issues of whether the manufacturer has reasonably met its obligation to notify owners, purchasers, and dealers of a safety-related defect or noncompliance, or to remedy such defect or noncompliance free of charge. NHTSA's estimate of the annual hour burden for this information collection remains at 1 hour. NHTSA's estimate of the annual burden has changed from \$0 to \$7.95 to account for postage costs.

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.

NHTSA reviews filed complaints from vehicle owners and other information related to alleged defects or noncompliances to decide whether to open an investigation. Should a manufacturer determine or NHTSA decide, through testing, inspection, investigation or research, that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety or does not comply with an applicable FMVSS, Section 30118 of Title 49 of the United States Code requires the manufacturer of motor vehicles or replacement equipment to notify NHTSA, owners, purchasers, and dealers of the safety defect or noncompliance. Section 30120 requires the manufacturer to remedy, without charge, the defect or noncompliance and specifies the ways in which a noncompliance or defect can be remedied. Sections 30118(e) and 30120(e) of Title 49 specify that any interested

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<sup>1</sup> The Abstract must include the following information: (1) whether responding to the collection is mandatory, voluntary, or required to obtain or retain a benefit; (2) a description of the entities who must respond; (3) whether the collection is reporting (indicate if a survey), recordkeeping, and/or disclosure; (4) the frequency of the collection (e.g., bi-annual, annual, monthly, weekly, as needed); (5) a description of the information that would be reported, maintained in records, or disclosed; (6) a description of who would receive the information; (7) if the information collection involves approval by an institutional review board, include a statement to that effect; (8) the purpose of the collection; and (9) if a revision, a description of the revision and the change in burden.

person may petition the Secretary of Transportation (NHTSA by delegation) to hold a hearing to determine whether a manufacturer of motor vehicles or motor vehicle equipment has reasonably 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 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 reasonably 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.

The information to be collected for a petition for hearing on notification and remedy of defects should:

- be written in the English or Spanish language;
- have the word, "Petition," before the text;
- contain a brief statement about the alleged failure of a manufacturer to reasonably meet its obligation to notify or remedy;
- contain a brief summary of the data, views, or arguments that the petitioner wishes to present in a hearing to support the allegation; and
- specifically request a hearing.

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 information collected in 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 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 described earlier in Supporting Statement No. 1.

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

A Part 557 petition may be filed by any person, including individuals or businesses. Although the requirements governing the format and content of the petitions are the same for all persons regardless of nature or size, NHTSA does not believe the requirements are burdensome to small entities. As described in Supporting Statement No. 12, NHTSA estimates that submitting Part 557 petitions take, on average, 1 hour.

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.

NHTSA cannot conduct this information collection less frequently because the information collection is only conducted at the behest of the petitioner. The agency does not require these petitions to be filed. Further, as the Sections 30120 and 30118 provide a right to petition the Secretary of Transportation (NHTSA by delegation) for a hearing to decide whether a manufacturer has reasonably met its notification or remedy requirements, NHTSA cannot cease this information collection.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a. requiring respondents to report information to the agency more often than quarterly;
- b. requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c. requiring respondents to submit more than an original and two copies of any document;
- d. requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- e. in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- f. requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g. that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- h. requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would cause this collection to be collected in a manner inconsistent with 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), 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.

NHTSA published a 60-day notice on (January 18, 2022) requesting comment on NHTSA's intention to submit this Information Collection Request ("ICR") to OMB for approval (87 FR 2664). NHTSA received 0 comments.

NHTSA published a 30-day notice on (March 30, 2022) requesting comment on NHTSA's intention to submit this Information Collection Request ("ICR") to OMB for approval (87 FR 18469).

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

No payment or gift will be given to any respondent in connections with this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not involve any questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information on the respondents and estimates of the annualized labor cost to respondents associated with that hour burden.

When NHTSA last sought approval for the extension of this information collection, the agency estimated it would receive one petition a year and estimated that with, an estimated one hour of preparation time for each petition, the total annual burden for this collection would be 1 hour. The agency now believes that a more accurate estimate would be 0 petitions and 0 burden hours each year, based on the agency not receiving of any such petitions submitted in recent years. However, NHTSA continues to estimate that the time to prepare a petition is 1 hour and, to account for the possibility of receiving a petition in a given year, NHTSA estimates the total annual burden of this collection to be 1 hour (1 petition × 1 hour to prepare).

Using the national average hourly earnings of all employees on private nonfarm payrolls which the Bureau of Labor Statistics lists at \$30.44,<sup>2</sup> the estimated opportunity cost associated with the burden hour is \$30.44 (1 hour × \$30.44 = \$30.44).

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any hour burden already reflected in the response provided in question 12.

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<sup>2</sup> See Table B-3. Average hourly and weekly earnings of all employees on private nonfarm payrolls, June 2021, available at <https://www.bls.gov/news.release/empsit.t19.htm> (accessed September 24, 2021).

We believe that, except for the opportunity cost associated with the hour burden, the only cost to respondents will be postage costs. NHTSA estimates that each mailed response is estimated to cost \$7.95 (priority flat rate envelope from USPS). Therefore, the total cost for the estimated 1 request per year is \$7.95.

14. Provide estimates of the annualized costs to the Federal government. Provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The only cost to to the Federal government for this information collection would be the time spent reviewing Part 557 petitions. As described above, NHTSA has not received any Part 557 petitions in recent years. However, to account for the possibility of receiving a petition in a given year, NHTSA has estimated the annual cost to the Federal government to be the time to review 1 petition. NHTSA estimates the time to review a Part 557 petition to be 30 minutes. NHTSA estimates the cost of reviewing reports based on review time spent by a NHTSA attorney at a GS-15 salary. The hourly wage of a GS-15-2 employee is \$71.36.<sup>3</sup> To estimate total compensation costs, NHTSA used the Bureau of Labor Statistics' estimate that wages and salary only represent 61.9 % of total employee compensation cost for State and local employees,<sup>4</sup> which brings the total hourly cost for this employee's time to \$115.28. . Therefore, NHTSA estimates the total annual cost to the Federal government to be \$57.64.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet. If this is a new collection, the program change will be entire burden cost and number of burden hours reported in response to questions 12 and 13. If this is a renewal or reinstatement, the change is the difference between the new burden estimates and the burden estimates from the last OMB approval.

When NHTSA last sought approval for this information collection, it estimated that the total annual burden was 1 hour and \$0. NHTSA now estimates the burden to be 1 hour and \$7.95. The increase in costs is a result of including postage costs. Not applicable.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions as applicable.

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<sup>3</sup> 2020 General Schedule hourly rate with Washington DC locality pay: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf). Accessed 06/17/2021.

<sup>4</sup> Employer Costs for Employee Compensation, <https://www.bls.gov/news.release/ecec.t01.htm>. Accessed 06/17/2021.

The collection of this information will not have results published for statistical use. However, after receiving a petition for hearing that meets the requirements in Part 557, NHTSA will publish a notice in the Federal Register. If the petition is denied, a Federal Register notice of the denial is issued within 45 days of the denial, setting forth the reasons for it. If the petition is granted, NHTSA will publish a notice of public hearing in the Federal Register, to advise interested persons of the time, place, and subject matter of the public hearing and invite their participation

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.

NHTSA is seeking approval to not display the expiration date for this collection because it is contained in a regulation and displaying the expiration date would require rulemaking.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.” The required certifications can be found at 5 CFR 1320.9.

No exceptions to the certification statement are made.