

National Highway Traffic Safety Administration
Information Collection Request Supporting Statements: Part A
Criminal Penalty Safe Harbor Provision
OMB Control No. 2127-0609

Abstract:¹

This information collection request (ICR) is to seek approval from the Office of Management and Budget (OMB) for reinstatement of a previously approved information collection. This information collection is for reporting submitted on an as-needed basis. The reporting is required to obtain a benefit. 49 U.S.C. § 30170 allows a person to seek “safe harbor” from potential criminal liability for violating 18 U.S.C. § 1001 with respect to the reporting requirements of 49 U.S.C. § 30166. Respondents are motor vehicle and motor vehicle equipment manufacturers, including officers or employees thereof, and other persons who respond to or have a duty to respond to an information collection pursuant to 49 U.S.C. § 30166 or a regulation, requirement, request, or order issued thereunder. The information collection applies to persons who seek “safe harbor” under § 30170. In order to qualify, a respondent must: (1) at the time of the violation, not know that the violation would result in an accident causing death or serious bodily injury; and (2) correct any improper reports or failure to report within a reasonable time. NHTSA anticipates using the information collection to evaluate a person’s application for protection from criminal prosecution and to aid in the identification of potential safety defects in motor vehicles and motor vehicle equipment. However, no information has been collected under this information collection since it was established in 2000.

Since the last time NHTSA sought approval for this information collection notice, the total burden hours remain the same at two hours annually, and the total burden costs were revised to reflect a change in postage, resulting in a total of \$12.90.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal and 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.**

Section 5 of the Transportation Recall Enhancement, Accountability, and Documentation (“TREAD”) Act (Pub. L. No. 106-414), codified at 49 U.S.C. § 30170, notes that 18 U.S.C. § 1001 provides for criminal liability in circumstances where a person had the intention of misleading the Secretary of Transportation (Secretary) regarding safety-related defects in motor vehicles or motor vehicle equipment that caused death or serious bodily injury. Section 30170

¹ 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.

also contains a “safe harbor” provision that allows a person to avoid criminal penalties if that person lacked knowledge at the time of the violation that the violation would result in an accident causing death or serious bodily injury and if that person corrects any improper reports or failure to report to the Secretary (NHTSA by delegation) within a reasonable time. As required by Section 5 of the TREAD Act, NHTSA published a final rule to implement the “safe harbor” provision and establish what constitutes a “reasonable time” and a sufficient manner of “correction,” as they apply to the “safe harbor” from criminal penalties. 66 FR 38380 (July 24, 2001). The rule is codified at 49 CFR § 578.7.

Not only is this information collection required by statute, it also helps NHTSA further its mission. Without this information collection, NHTSA would not have a way to accept submissions from persons seeking “safe harbor.” This process serves to encourage persons to correct violations and submit corrections of any improper reports or failures to report, thereby increasing the likelihood of NHTSA receiving information about safety related defects.

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

This collection of information applies to any person who seeks “safe harbor” protection as noted above. Thus, it applies to motor vehicle and motor vehicle equipment manufacturers, including officers or employees thereof, and other persons who respond to or have a duty to respond to an information collection pursuant to 49 U.S.C. § 30166 or a regulation, requirement, request, or order issued thereunder.

A respondent that seeks “safe harbor” under § 30170 and 49 CFR § 578.7 must sign and submit to NHTSA a dated document identifying: (1) each previous improper report, and each failure to report as required under 49 U.S.C. § 30166, including a regulation, requirement, request or order issued thereunder, for which protection is sought; and (2) the specific predicate under which the improper or omitted report should have been provided. Respondents must submit the complete and correct information that was required to be submitted but was improperly submitted or was not previously submitted, including relevant documents that were not previously submitted, or, if the person cannot do so, provide a detailed description of that information and/or the content of those documents and the reason why the individual cannot provide them to NHTSA (*e.g.*, the information or documents are not in the individual’s possession or control).

NHTSA anticipates using the information collection to evaluate a person’s request for protection from criminal prosecution and to aid in the identification of potential safety defects in motor vehicles and motor vehicle equipment. However, no information has been collected since NHTSA issued the implementing regulation at 49 CFR § 578.7 in an interim final rule on December 26, 2000 (65 FR 81419) and amended the regulation on July 24, 2001 (66 FR 38384).

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.

This collection of information does not require the use of any specific technological collection technique and, based on experience from prior years, NHTSA has not established an automated process because it does not expect a large volume of information to be submitted under this information collection. Nor does it impose any obstacles to using improved information technology to prepare the information to be provided to NHTSA. Thus, a person submitting information pursuant to 49 U.S.C. § 30170 may do so by any means that person would prefer, so long as the information necessary to satisfy the criminal penalty “safe harbor” provision of 49 U.S.C. § 30170 is provided in a manner that meets the regulation, as set out in 49 CFR § 578.7. The sufficient manner of correction under Section 578.7(c) requires a signed document identifying the previous improper reports or failures to report, the directive (*e.g.*, regulation, information collection request, or special order) under which the previous reports should have been provided, and the complete and corrected information that was not previously provided submitted by a means that permits the sender to verify receipt by NHTSA.

It seems unlikely that the use of improved information technology would significantly reduce the amount of time needed to organize and set forth the information that would be reported by a person seeking a “safe harbor” from potential criminal liability. However, there are no obstacles to using improved technology in preparing the information necessary to qualify for that “safe harbor.”

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.

The collection of information contained within this rule does not require respondents to submit duplicative information. In fact, submission of this information is only required in the event it was inadvertently not previously submitted as required. This information collection only requires the submission of information necessary for a determination to be made regarding providing protection from criminal liability. Given that the information that would be reported here pertains to specific matters, similar information cannot be used.

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

It is possible that a small business could be impacted by this information collection. This collection only applies to persons who have existing reporting requirements under 49 U.S.C. § 30166, which may include small businesses. However, NHTSA does not believe this collection to be burdensome. NHTSA has never received any submissions from persons seeking “safe harbor.” The burden associated with this collection is also expected to be minimal. Insofar as this collection would burden small businesses, it still only requires respondents to provide the following three pieces of information, which they already were obligated to provide, and only to the extent that the information is available to them: (1) a report identifying each previous improper item of information or document and each failure to report under 49 U.S.C. § 30166, or a regulation or order issued thereunder, for which protection is sought; (2) the specific predicate under which the improper or omitted report should have been provided; and (3) the complete and correct reports, including all information and documents required to be submitted that were not previously submitted or were improperly submitted to NHTSA or, if the person cannot provide

this, then a detailed description of that information and/or the content of those documents and the reason why the entity cannot provide it to NHTSA.

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.

The “safe harbor” provided under 49 U.S.C. § 30170(a)(2) is to encourage reporting and whistleblowers. If this information were not collected or were not collected on a per matter basis, NHTSA would be impeded in meeting its statutorily-mandated obligations, primarily to identify safety-related defects in motor vehicles and motor vehicle equipment, which can save lives, prevent injuries, and reduce economic costs due to road traffic crashes.

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 the 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 published notices on May 29, 2026 and July 27, 2026, requesting comment over a 60-day period on NHTSA's intention to submit this ICR to OMB for approval (91 FR 32193, 91 FR 47031). NHTSA received no comments.

NHTSA published a 30-day notice on September 15, 2026, requesting comment on NHTSA's intention to submit this ICR to OMB for approval (91 FR 58524).

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 provided to any respondent in connection 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.

The regulation that contains this information collection provides no assurances of confidentiality to respondents. However, a person submitting information under this information collection may seek confidential treatment of the information in its submission under NHTSA's regulation governing such requests, 49 CFR Part 512, Confidential Business Information.

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.

The information requested from the respondents under this collection is not 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.

The agency has received no reports from entities since this information collection was first put into place. However, to account for the possibility of receiving submissions in the future, NHTSA estimates that one person per year will submit a report under this collection of information. NHTSA also estimates that a maximum of two hours would be needed to gather and provide the information. Thus, NHTSA estimates that two burden hours a year would be spent on this collection of information. To calculate the labor cost associated with submitting the collection of information, NHTSA looked at wage estimates for the type of personnel involved with compiling and submitting the documents. NHTSA estimates the total labor costs associated

with these burden hours by looking at the average wage for Management Occupations. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for Management Occupations (BLS Occupation code 11-0000) in the Motor Vehicle Manufacturing Industry is \$69.84.² The Bureau of Labor Statistics estimates that private industry workers' wages represent 69.9% of total labor compensation costs.³ Therefore, NHTSA estimates the hourly labor costs to be \$99.91 for BLS Occupation code 11-0000. NHTSA likewise estimates the total labor cost associated with the two burden hours to be \$199.82. Table 1 provides a summary of the estimated burden hours and labor costs associated with those submissions.

Table 1: Burden Estimates

Annual Responses	Estimated Burden Per Response	Average Hourly Labor Cost	Labor Cost Per Hour	Total Burden Hours	Total Labor Costs
1	2 hours	\$69.84	\$99.91	2	\$199.82

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.

Assuming the respondent uses the U.S. Postal Service, NHTSA estimates that each mailed response is estimated to cost \$12.90 (priority flat rate envelope from USPS). Accordingly, NHTSA estimates the total annual costs for this information collection to be \$12.90 (1 submission × \$12.90). If the respondent emails the report to NHTSA, the cost may be less than \$12.90.

14. Provide estimates of 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.

Although NHTSA has never received a submission under this information collection, if it did, an attorney in NHTSA's Office of the Chief Counsel would review it. NHTSA estimates that reviewing and processing such requests would involve approximately 2 hours of attorney time. NHTSA estimates the cost associated with these attorney hours using the hourly wage for a GS-15 employee (\$81.11)⁴ and dividing by 61.5% to estimate total compensation costs.⁵ Therefore, using an hourly cost of \$131.89, NHTSA estimates the total cost for attorney hours is \$263.78

² See Occupational Employment and Wage Statistics—Industry: Motor Vehicle Manufacturing (May 2025), available at <https://data.bls.gov/oes/#/industry/336100> (accessed August 27, 2026).

³ See Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2026), available at <https://www.bls.gov/news.release/ecec.t01.htm> (accessed August 27, 2026).

⁴ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB.pdf>, (accessed August 27, 2026).

⁵ The Bureau of Labor Statistics (BLS) estimates that wages represent 61.5% of compensation for State and local government workers (March 2026), available at <https://www.bls.gov/news.release/ecec.t01.htm>, (accessed August 27, 2026).

(\$120.32 × 2 hours). Therefore, the total annual cost to the Federal government is estimated to be \$263.78.

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.

This reinstatement involves an adjustment to the estimated annual burden for this collection based on an increase in postage costs. The estimated annual burden for this collection is 2 hours and \$12.90. This is an increase of 0 hours and \$3.25 from when the information collection was last approved (from 2 hours and \$9.65). The change in burden is a result of an increase in postage costs.

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.

NHTSA has no plans to publish information submitted under this information collection.

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 OMB approval because the information collection is 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.

Attachment(s):

1. 49 U.S.C. § 30170, Criminal Penalties
2. 49 CFR § 578.7, Civil and Criminal Penalties, Criminal Safe Harbor Provision
3. 66 FR 38380 (July 24, 2001), Motor Vehicle Safety: Criminal Penalty Safe Harbor Provision Final Rule