

NHTSA focuses on the consequence to an occupant who is exposed to the consequence of that noncompliance.⁶ The Safety Act is preventive, and manufacturers cannot and should not wait for deaths or injuries to occur in their vehicles before they carry out a recall.⁷ Indeed, the very purpose of a recall is to protect individuals from risk. *Id.*

NHTSA evaluated the merits of the petition submitted by Mobility and has determined that its petition has not met the burden of persuasion that the subject FMVSS No. 126 noncompliance is inconsequential to motor vehicle safety. Specifically, S5.3.3 of FMVSS No. 126 requires that the ESC malfunction telltale must illuminate when a malfunction of the ESC system exists and must remain continuously illuminated under the conditions specified in paragraph S5.3 for as long as the malfunction exists (unless the “ESC malfunction” and “ESC Off” telltale are combined in a two-part telltale and the “ESC Off” telltale is illuminated), or whenever the ignition locking system is in the “On” (“Run”) position.

In making this determination, NHTSA considered Mobility’s argument that the condition which causes this noncompliance is inconsequential to motor vehicle safety because when it occurs, it would alert the vehicle operator of the possibility of an ESC malfunction due to it immediately illuminating the “Traction Control Off” warning lamp when the fault occurs as opposed to the ESC malfunction lamp and then later illuminating the ESC malfunction lamp after the vehicle is driven for some period of time. While reviewing this petition, NHTSA requested clarification from Mobility about some of the details in the petition and attempted to learn how the issue would manifest itself to the operator in a real-life scenario. Mobility responded to NHTSA’s request and provided supplemental information about how the fault code would set and the conditions in which it would illuminate the malfunctions lamps. Despite the additional information provided, Mobility has not met its burden of proof that this noncompliance is inconsequential to vehicle safety. The ESC system, with its corresponding ESC malfunction lamp, is a required safety

system with the purpose of reducing the number of deaths and injuries that result from crashes in which the driver loses directional control of the vehicle, including those resulting in vehicle rollovers. It would not be in the best interest of the public to allow a vehicle to operate with an ESC malfunction at any point without illuminating the required ESC malfunction lamp. An illuminated Traction Control Off lamp does not carry the same sense of urgency as the ESC malfunction lamp. Whenever an ESC failure is detected, it is imperative that the ESC malfunction lamp illuminates as to alert the driver that the ESC system is not active and that the system should be serviced immediately.

VIII. NHTSA’s Decision

In consideration of the foregoing, NHTSA finds that Mobility has not met its burden of persuasion that the subject FMVSS No. 126 noncompliance is inconsequential to motor vehicle safety. Accordingly, Mobility’s petition is hereby denied. Mobility is consequently obligated to provide notification of and free remedy for that noncompliance under 49 U.S.C. 30118 and 30120.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Anne L. Collins,

Associate Administrator for Enforcement.

[FR Doc. 2022–15491 Filed 7–19–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. DOT–NHTSA–2022–0011]

Agency Information Collection Activities; Notice and Request for Comment; Record Retention

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on an extension of a currently approved information collection

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from (OMB). Under procedures

established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval. The information collection is for mandatory record retention requirements.

DATES: Written comments should be submitted by September 19, 2022.

ADDRESSES: You may submit comments identified by the Docket No. DOT–NHTSA–2022–0011 through any of the following methods:

- **Electronic Submissions:** Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** (202) 493–2251.

- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you please (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2020 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Paul Simmons, Office of Defect Investigation (NEF–110), (202) 366–2315, National Highway Traffic Safety Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, email paul.simmons@dot.gov.

⁶ See *Gen. Motors Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance*, 69 FR 19897, 19900 (Apr. 14, 2004); *Cosco Inc.; Denial of Application for Decision of Inconsequential Noncompliance*, 64 FR 29408, 29409 (June 1, 1999).

⁷ See, e.g., *United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977).

Please identify the relevant collection of information by referring to its OMB Control Number 2127–0042.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Record Retention—49 CFR part 576.

OMB Control Number: 2127–0042.

Form Number(s): N/A.

Type of Request: Extension of a currently approved information collection.

Type of Review Requested: Regular.

Summary of the Collection of Information

Under 49 U.S.C. Section 30166(e), NHTSA “reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor or dealer to make reports, to enable [NHTSA] to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed under this chapter.”

To ensure that NHTSA will have access to this type of information, the agency exercised the authority granted in 49 U.S.C. Section 30166(e) and

promulgated 49 CFR part 576 Record Retention, initially published on August 20, 1974 and most recently amended on July 10, 2002 (67 FR 45873), requiring manufacturers to retain one copy of all records that contain information concerning malfunctions that may be related to motor vehicle safety for a period of five calendar years after the record is generated or acquired by the manufacturer. Manufacturers are also required to retain for five years the underlying records related to early warning reporting (EWR) information submitted under 49 CFR part 579. The information collections support NHTSA's mission by increasing the effectiveness of NHTSA's investigations into potential safety related defects.

Description of the Need for the Information and Proposed Use of the Information

The records that are required to be retained per 49 CFR part 576 are used to promptly identify potential safety-related defects in motor vehicles and motor vehicle equipment in the United States. When a trend in incidents arising from a potentially safety-related defect is discovered, NHTSA relies on this information, along with other agency data, to determine whether or not to open a formal defect investigation (as authorized by Title 49 U.S.C. Chapter 301—Motor Vehicle Safety). NHTSA normally becomes aware of possible safety-related defects because it receives consumer complaints.

Agency experience has shown that manufacturers receive significantly more consumer complaints than does the agency. This is because the consumer with the product does not know whether their particular vehicle or equipment has a problem that is common with an entire group of vehicles or equipment. Whereas consumers know the manufacturer of their vehicle or equipment, relatively few know how to file a complaint with the National Highway Traffic Safety Administration's Auto Safety Hotline. The complaints filed with the manufacturer give the agency a fair indication of how widespread the potential problem may be.

If the manufacturer did not retain its records, NHTSA would be unable to enforce the statutory requirements that the manufacturer notify the agency and other persons of a safety-related defect when the manufacturer “learns” of the defect, and notify the agency and other persons of a noncompliance when it “decides in good faith” that the noncompliance exists. Without access to the manufacturer's records, it would be impossible for anyone other than the

manufacturer to show when or if that manufacturer had obtained knowledge of a potential defect or had determined in good faith that the noncompliance did or did not exist. Without access to manufacturers' records, NHTSA's examinations of potential defects and non-compliances would be seriously handicapped. NHTSA could conduct surveys of vehicle owners or use other means to learn of problems with vehicles and equipment, but any of these other methods would require significantly more information collections by the agency and necessitate a larger staff of the agency's Office of Defect Investigations.

Affected Public: Manufacturers of motor vehicles and motor vehicle equipment.

Estimated Number of Respondents: 1,030.

NHTSA estimates that approximately 1,030 manufacturers of vehicles and equipment (including tires, child restraint systems and trailers) are required to maintain records under Part 576.

Frequency: As needed.

Number of Responses: 1,030.

Estimated Total Annual Burden

Hours: 40,225.

NHTSA estimates the total annual burden for each vehicle, tire, and child restraint manufacturer to be 40 hours for a subtotal of 40,200 hours (1,005 respondents × 40 hours). In addition, there are approximately 23,660 equipment manufacturers (excluding tires, child seat restraint systems and trailer manufacturers) whose record retention requirements under Part 576 are limited to the documents underlying their Part 579 reporting requirements. Their Part 579 requirements include only the reporting of incidents involving deaths. Therefore, based on the number of death reports submitted to date by these equipment manufacturers, we estimate that an additional 25 equipment manufacturers have record retention requirements imposed by Part 576. We estimate that it will take one hour each to maintain the necessary records each year for a subtotal burden of 25 hours (25 respondents × one hour). Accordingly, NHTSA estimates that the total annual burden hours is 40,225 hours ((1,005 respondents × 40 hours) + (25 respondents × 1 hour)).

To calculate the labor cost associated with maintaining, 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 clerical workers. The Bureau of Labor Statistics (BLS) estimates that the

average hourly wage for office clerks (BLS Occupation code 43-9061) in the Motor Vehicle Manufacturing Industry is \$20.98.¹ The Bureau of Labor Statistics estimates that private industry

workers' wages represent 70.2% of total labor compensation costs.² Therefore, NHTSA estimates the hourly labor costs to be \$29.89 and NHTSA estimates the total labor cost associated with the

40,225 burden hours to be \$1,202,325.25. 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 response	Total burden hours	Total labor costs
1,030	39.05 hours	\$29.89	\$1,167.31	40,225	\$1,202,325.25

Estimated Total Annual Burden Cost: \$0.

NHTSA estimates that there are no costs resulting from this collection of information other than labor costs associated with the burden hours.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Stephen Ridella,

Director, Office of Defect Investigation.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0031]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Fatality Analysis Reporting System and Non-Traffic Surveillance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on an extension with modification of a currently approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This document describes a currently approved collection of information for which NHTSA intends to seek approval from OMB for extension on NHTSA's State data reporting systems: Fatality Analysis Reporting System (FARS) and Non-Traffic Surveillance (NTS). A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 4, 2022. Three supporting comments were received.

DATES: Comments must be submitted on or before August 19, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at www.reginfo.gov/public/do/PRAMain. To find this particular information collection, select "Currently under Review—Open for Public Comment" or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Barbara Rhea, State Data Reporting Systems Division (NSA-120), (202) 366-2714, National Highway Traffic Safety Administration, Room W53-304, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant

collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on April 04, 2022 (87 FR 19573).

Title: Fatality Analysis Reporting System and Non-Traffic Surveillance.

OMB Control Number: 2127-0006.

Form Number: N/A.

Type of Request: Request for extension of a currently approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years from date of approval.

Summary of the Collection of Information

NHTSA is authorized by 49 U.S.C. 30182 and 23 U.S.C. 403 to collect data on motor vehicle traffic crashes to aid in the identification of issues and the development, implementation, and evaluation of motor vehicle and highway safety countermeasures to reduce fatalities and the property damage associated with motor vehicle crashes. Using this authority, NHTSA established the Fatal Analysis Reporting System (FARS) and the Non-Traffic Surveillance (NTS), which collect data on fatal motor vehicle traffic crashes. Among other things, the information aids in the establishment and

¹ May 2020 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, available at <https://www.bls.gov/oes/2020/may/>

[naics4_336100.htm#43-0000](https://www.bls.gov/naics4_336100.htm#43-0000) (accessed March 25, 2022).

² See Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2020), available

at https://www.bls.gov/news.release/archives/ecec_06182020.pdf (accessed March 25, 2022).