

compelling evidence showing that the crash was eligible and not preventable. Therefore, if only the PAR is submitted and it contains conflicting or insufficient information about the crash (*i.e.*, the narrative is different than the diagram or point of impact information) and FMCSA cannot determine eligibility for one of the 21 crash types, the crash will be deemed not eligible. If the crash is found to be eligible, but FMCSA does not have compelling evidence to make a determination, FMCSA will issue an undecided determination.

Additionally, if the submitter starts an RDR in DataQs without having a PAR, the submitter can save the request as a draft. Once a saved draft is inactive for more than 14 days and the crash is older than 90 days from the date of the crash, CPDP will close these requests. The submitter still has an opportunity to open a new RDR but should ensure that a PAR is uploaded with the request and confirm that the submission is completed.

#### Impacts to SMS and Pre-Employment Screening Program (PSP)

For any of the 21 crash types noted above, FMCSA will continue to display the crashes in SMS with notations of not preventable, preventable, or undecided and will remove crashes with not preventable determinations from the SMS Crash Indicator BASIC calculation. FMCSA will also note the not preventable determinations in PSP for 5 years. FMCSA will continue to refrain from notating preventable or undecided determinations in PSP because the driver may not be aware when the motor carrier submits a crash that results in one of those determinations.

#### Crash Preventability Determinations During Investigations and Safety Audits

It should be noted that the Crash Preventability Determination Program does not change FMCSA's processes for reviewing crashes during an investigation or safety audit. If an investigation or audit results in a different determination than was made through this program, FMCSA will review all information provided, and the determination made through this program may change.

#### Implementation of Crash Type Updates to CPDP

In order to accommodate the needed changes to FMCSA's DataQs system, FMCSA expects that to have a start date for the new crash types. These new crash types will not be retroactive, that is, a crash that occurs before the start date of the new crash types will not become eligible for submission under

the CPDP after the start date. The new date will be provided in the subsequent **Federal Register** notice or on the Agency's website for the program.

For unchanged crash types and crash types with wording changes, DataQs will continue to allow submissions for crashes occurring on or after August 1, 2019, up to 5 years from the date of the crash. For example, a crash from 2020 where a CMV was struck because another motorist failed to stop at a traffic control device may be submitted after the DataQs changes are implemented.

In addition, RDRs submitted but not yet receiving a determination in crash types with wording changes will be converted into the new types by FMCSA during the DataQs programming.

The DataQs changes may require the system to be temporarily unavailable to accept new RDRs. System information will be conveyed on the program's website and on DataQs.

#### IV. Comments Sought

FMCSA seeks comments generally on the proposals described above. However, FMCSA has been advised that obtaining PARs from some States, specifically Oregon, is more complex. FMCSA also seeks information on any other State that generally does not provide a PAR and requests comments on what alternative official document or combination of documents the submitter could provide as a substitute for the required PAR.

Once comments are reviewed, and any needed program changes are made, the Agency will respond to comments received to this notice and announce the start of the updated program in the **Federal Register**.

**Robin Hutcheson,**  
*Administrator.*

[FR Doc. 2023-07818 Filed 4-12-23; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0094; Notice 1]

#### Hitachi Cable America Inc., Now Known as Proterial Cable America, Inc., and Harley-Davidson Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Hitachi Cable America Inc. (HCA), now known as Proterial Cable America, Inc. (PCA), and Harley-Davidson Motor Company (Harley-Davidson) (collectively, "the Petitioners") have determined that certain PVC, Nylon, and "Revised Socket" Nylon brake hose assemblies equipped in certain model year (MY) 2008-2022 Harley-Davidson motorcycles, and also sold to Harley-Davidson dealers as replacement parts, do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses*. HCA filed an original noncompliance report on July 27, 2022, and amended the report on August 25, 2022, October 18, 2022, October 26, 2022, November 16, 2022, and March 30, 2023. Harley-Davidson filed its initial noncompliance report dated August 9, 2022, and amended the report on December 6, 2022, February 7, 2023, February 8, 2023, and March 8, 2023. HCA petitioned NHTSA (the "Agency") on August 19, 2022, and amended its petition on November 10, 2022, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. Harley-Davidson petitioned NHTSA on September 2, 2022, and amended its petition on December 29, 2022, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. This document announces receipt of the Petitioners' petitions.

**DATES:** Send comments on or before May 15, 2023.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10:00 a.m. to 5:00 p.m., except on Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petitions are granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for these petitions is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477-78).

**FOR FURTHER INFORMATION CONTACT:** Manuel Maldonado, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366-7235.

**SUPPLEMENTARY INFORMATION:**

*I. Overview:* The Petitioners determined that certain PVC, Nylon, and "Revised Socket" Nylon brake hose assemblies equipped in certain MY 2008-2022 Harley-Davidson Touring, CVO Touring, Trike, Softail, Revolution Max, VRSC, XG750A, and XL Sportster motorcycles, and also sold as replacement parts, do not fully comply with paragraph S5.3 of FMVSS No. 106, *Brake Hoses* (49 CFR 571.106).

HCA filed its initial noncompliance report on July 27, 2022, and amended the report on August 25, 2022, October 18, 2022, October 26, 2022, November 16, 2022, and March 30, 2023, pursuant

to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. HCA petitioned NHTSA on August 19, 2022, and later amended its petition on November 10, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that the subject noncompliances are inconsequential as they relate to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Harley-Davidson filed its initial noncompliance report on August 9, 2022, and later amended the report on December 6, 2022, February 7, 2023, February 8, 2023, and March 8, 2023, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Harley-Davidson petitioned NHTSA on September 2, 2022, and amended its petition on December 29, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

This notice of receipt of the Petitioners' petitions is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or another exercise of judgment concerning the merits of the petitions.

*II. Motorcycles and Equipment Involved:* Approximately 6,174,355 PVC, Nylon, and "Revised Socket" Nylon brake hose assemblies manufactured by HCA, between February 28, 2007, and October 13, 2022, were reported by HCA as the population of the recall. Approximately 1,527,260 MY 2008-2022 Harley-Davidson Touring, CVO Touring, Trike, Softail, Revolution Max, VRSC, XG750A, and XL Sportster motorcycles, manufactured between May 17, 2007, and October 16, 2022, may have been equipped with the noncompliant brake hoses assemblies manufactured by HCA.

*III. Noncompliance:* The Petitioners explain that certain Nylon, and "Revised Socket" Nylon assemblies do not meet high temperature impulse (HTI), brake fluid compatibility (BFC), constriction, whip resistance, and water absorption whip resistance requirements, and certain PVC assemblies did not meet the whip resistance, water absorption whip resistance, constriction, tensile, burst, and high temperature impulse requirements. Therefore, the subject

brake hose assemblies do not comply with paragraph S5.3 of FMVSS No. 106.

*IV. Rule Requirements:* Paragraphs S5.3, S5.3.1, S5.3.2, S5.3.3, S5.3.4, S5.3.7, S5.3.9, and S5.3.12 of FMVSS No. 106 include the requirements relevant to the petitions, and are broadly summarized herein. A hydraulic brake hose assembly must be capable of meeting the requirements when tested under the conditions specified in the standard and the applicable procedures of paragraph S6. Paragraph S5.3.1 pertains to the constriction requirement that every inside diameter of the brake hose assembly shall not be less than 64 percent of the nominal inside diameter of the brake hose. Paragraph 5.3.2 pertains to the expansion and burst strength requirement that the maximum expansion of a hydraulic brake hose assembly not exceed the values specified by Table 1 at the given psi. The hydraulic brake hose assembly must then withstand a water pressure of 4,000 psi for 2 minutes without rupture, then not rupture at the less than 7,000 psi for a 1/8 inch hose or smaller or at less than 5,000 psi for a hose with a diameter larger than 1/8 inch. Paragraph S5.3.3 pertains to the whip resistance requirement that the brake hose assembly not rupture when subjected to a 35-hour continuous run on a flexing machine. Paragraph S5.3.4 pertains to the forces that a brake hose assembly must withstand without separation of the hose from its end fittings. Paragraph S5.3.7 pertains to water absorption and whip resistance, and requires the hose not to rupture when subjected to a 35-hour continuous run on a flexing machine after immersion in water for 70 hours. Paragraph S5.3.9 provides the requirements for BFC after the brake hose assembly has been exposed to brake fluid for a specified time at a specified temperature. These requirements include compliance with constriction, per S5.3.1, as well as withstanding water pressure of 4,000 psi for 2 minutes, and then shall not rupture at less than 5,000 psi. Paragraph S5.3.12 describes the HTI test, which requires the brake hose assembly to withstand pressure cycling, followed by a 2-minute, 4,000 psi pressure hold test, during which the hose shall not rupture, and then shall not subsequently burst at a pressure less than 5,000 psi.

*V. Summary of the Petitioners' Petitions:* The following views and arguments presented in this section, "V. Summary of the Petitioners' Petitions," are the views and arguments provided by the Petitioners. These views and arguments have not been evaluated by the Agency and do not reflect the views of the Agency. The Petitioners describe

the subject noncompliances and contend that the noncompliances are inconsequential as they relate to motor vehicle safety. The Petitioners' arguments for PVC, Nylon, and "Revised Socket" Nylon hoses are combined and considered together, unless otherwise noted.

The Petitioners believe that the subject noncompliances are inconsequential to motor vehicle safety for the following reasons, which are summarized in detail below:

1. The Petitioners state that their own testing yielded "variable," "inconsistent," and "nonuniform" results with respect to certain provisions of FMVSS No. 106. Furthermore, they argue that, while there were failures, the leaking exhibited was minimal, and do not pose a significantly greater risk to braking performance.

2. According to the Petitioners, laboratory testing does not reflect use of these brake hose assemblies in the "real-world."

3. The Petitioners argue that supplemental testing demonstrates that under extreme conditions, any noncompliances found in the subject brake hose assemblies are inconsequential to motor vehicle safety. Supplemental testing was performed on similar or affected brake hose assemblies, and the Petitioners believe that those test results support a determination of inconsequential noncompliance.

4. The Petitioners contend that prior Agency decisions on petitions for inconsequential noncompliance support a finding of inconsequential noncompliance for the Petitioners' subject petitions.

5. The Petitioners conducted a review and analysis of field data and concluded that the review revealed no documented crashes or injuries attributable to the Petitioners' FMVSS No. 106 noncompliances.

The following summarizes, in more detail, some of the main arguments made by the Petitioners.

With respect to the testing, HCA states that "failures involved leaks at the pre-crimp, which—as Exponent explains in its Supplemental Technical Report—is not an anticipated failure mode because the rotational test motion applied during Water Whip and Whip testing stresses the hose element, not the end fitting pre-crimp area."<sup>1</sup> Further, the petitioners argue that the leaks that were

observed did not result in observed pressure loss.

The Petitioners also claim that laboratory testing does not reflect use of these brake hose assemblies in the "real-world." The Petitioners contend that Harley-Davidson motorcycles do not experience the extreme stresses that brake hose assemblies are subjected to during FMVSS No. 106 testing. The Petitioners specifically explain that the "real-world" forces that brake hose assemblies are subjected to in the subject vehicles are principally vertical in nature between their upper and lower suspension stopping points. The Petitioners also argue that by contrast, the whip test applies principally rotational force, thus, the Petitioners believe that it does not reflect the way assemblies are typically mounted and utilized on a motorcycle. For this reason, the Petitioners argue that the whip test is sufficient to demonstrate that a brake hose assembly is resistant to dynamic fatigue, but a failure does not necessarily mean that an assembly will fail when exposed to "real-world" forces.

HCA's contractor inspected 156 "real-world" motorcycles spanning model years 2008–2020, which HCA characterizes as motorcycles that are equipped with brake hose assemblies that are included in the scope of HCA's recall. HCA explains that no signs of hose fatigue were observed on those brake hose assemblies.

The Petitioners also claim that supplemental testing demonstrates that under extreme conditions, any noncompliance found in the subject brake hose assemblies is inconsequential to motor vehicle safety. Supplemental testing was performed on similar or affected brake hose assemblies, and the Petitioners believe that those results support a determination of inconsequential noncompliance.

Supplemental testing established by the Petitioners included full vehicle brake performance and/or accelerated durability testing on similar brake hose assemblies or on samples of affected brake hose assemblies. The Petitioners characterize their supplemental tests in various ways to include the following: accelerated durability testing, full vehicle brake performance testing, ABS certification testing, testing in accordance with FMVSS No. 122, laboratory-based dynamic fatigue test, pressure and time sensitivity testing, room temperature durability testing, elevated temperature durability testing, accelerated durability suspension stroke testing, accelerated durability suspension stroke testing following

water absorption, and lifetime accelerated durability testing.

The Petitioners also claim that the following Agency decisions on petitions for inconsequential noncompliance support a finding of inconsequentiality for these petitions:

- Daimler Trucks North America, Grant of Petition for Decision of Inconsequential Noncompliance, 87 FR 14325 (March 14, 2022);
- Coupled Products II, Grant of Petition for Decision of Inconsequential Noncompliance, 70 FR 35774 (June 21, 2005);
- Coupled Products, Grant of Appeal of Decision on Inconsequential Noncompliance, 70 FR 32397 (June 2, 2005);
- General Motors, Grant of Petition for Determination of Inconsequential Noncompliance, 57 FR 1511 (January 14, 1992);
- Volvo GM Heavy Truck Corporation, Grant of Petition for Determination of Inconsequential Noncompliance, 57 FR 1511 (January 14, 1992);
- Navistar International and Mack Trucks, Inc., Grant of Petitions for Determination of Inconsequential Noncompliance, 56 FR 51440 (October 11, 1991);
- Sumitomo Rubber Industries, Inc., Grant of Petition for Decision of Inconsequential Noncompliance; 83 FR 13002 (March 26, 2018);
- Ford Motor Co., Grant of Petition for Determination of Inconsequential Noncompliance; 45 FR 29160 (May 1, 1980);
- Philatron Int'l, Grant of Petition for Determination of Inconsequential Noncompliance; 57 FR 26687 (June 15, 1992); and
- FCA US, Denial of Petition for Determination of Inconsequential Noncompliance, 87 FR 61432 (October 11, 2022).

Finally, the Petitioners petitions included a review and analysis of field data. The Petitioners concluded that the review revealed no documented crashes or injuries attributable to the Petitioners' FMVSS No. 106 noncompliances. The Petitioners searches included the following types of records:

- NHTSA Vehicle Owner Questionnaire ("VOQ") records;
- Legal claims and lawsuits;
- Warranty data; and
- Customer contacts to Harley-Davidson's Technical Service Team's Call Center.

The Petitioners conclude by stating their belief that the subject noncompliances are inconsequential as they relate to motor vehicle safety and their petitions to be exempted from

<sup>1</sup> See HCA's supplemental petition dated November 10, 2022, page 9 available on the docket.

providing notification of the noncompliances, as required by 49 U.S.C. 30118, and a remedy for the noncompliances, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject motorcycles and brake hose assemblies that the Petitioners no longer controlled at the time when the Petitioners determined that the noncompliances existed. However, any decision on these petitions does not relieve equipment and motorcycle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant motorcycles and brake hose assemblies under their control after the Petitioners notified distributors and dealers that the subject noncompliances existed.

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

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2023-07830 Filed 4-12-23; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Joint Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to unavoidable circumstances with the beginning of the TAP year, we will not be able to meet the 15-calendar notice threshold. This meeting will be held via teleconference.

**DATES:** The meeting will be held Thursday, April 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Rosalind Matherne at 1-888-912-1227 or 202-317-4115.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, April 26, 2022, at 2 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information, please contact Rosalind Matherne at 1-888-912-1227 or 202-317-4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>.

The agenda will include reports from the committees, and subcommittee discussions on priorities the TAP will focus on for the 2023 year. Public input is welcomed.

Dated: April 7, 2023.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2023-07750 Filed 4-12-23; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting; correction

**SUMMARY:** In the **Federal Register** notice that was originally published on April 6, 2023, (Volume 88, Number 66, Page 20612) the day for this meeting has been corrected from Wednesday to Thursday, April 13, 2023, at 12 p.m. Eastern Time. All other meeting details remain unchanged.

**DATES:** The meeting will be held Thursday, April 13, 2023.

**FOR FURTHER INFORMATION CONTACT:** Conchata Holloway at 1-888-912-1227 or 214-413-6550.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, April 13, 2023, at 12 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration.

Due to limited time and structure of meeting, notification of intent to participate must be made with Conchata Holloway. For more information, please contact Conchata Holloway at 1-888-912-1227 or 214-413-6550, or write TAP Office, 1114 Commerce St. MC 1005, Dallas, TX 75242 or contact us at the website: <http://www.improveirs.org>. The agenda includes: Welcoming; Roll Call; Agenda Review; Designated Federal Officer Report; National Office Report; Chair Report; Minute Review Approval/Denial; Public Comment; Subcommittee Reports; Outreach Report; Screening Report; Internal Communications Briefing; Action Items; Roundtable; and Closing.

Dated: April 7, 2023.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2023-07753 Filed 4-12-23; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Voluntary Service National Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. 10, that the VA Voluntary Service (VAVS) National Advisory Committee (NAC) will meet on April 26–28, 2023 at the DoubleTree by Hilton located at 3203 Quebec Street in Denver, Colorado 80207. The meeting sessions will begin and end as follows:

| Date(s)                    | Time(s)                                    |
|----------------------------|--|
| Wednesday, April 26, 2023. | 9:00 a.m. to 7:30 p.m. Mountain Time (MT). |
| Thursday, April 27, 2023.  | 8:30 a.m. to 4:30 p.m. MT.                 |
| Friday, April 28, 2023     | 9:00 a.m. to 5:00 p.m. MT.                 |

The meeting sessions are open to the public.

The Committee, comprised of 56 major Veteran, civic, and service organizations, advises the Secretary, through the Under Secretary for Health, on the coordination and promotion of volunteer activities and strategic partnerships within VA health care facilities, in the community, and on matters related to volunteerism and charitable giving.

Agenda topics will include the NAC goals and objectives; review of minutes from the April 27–29, 2022 meeting; an update on VA Center for Development and Civic Engagement (CDCE) activities;