

SUPPORTING STATEMENT
FOR
PETITIONS FOR RULEMAKING, DEFECT AND NONCOMPLIANCE ORDERS
49 CFR PART 552

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

The National Highway Traffic Safety Administration's statute at 49 USC section 30162 specifies that any "interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding" to prescribe a motor vehicle safety standard under 49 USC chapter 301, or to decide whether to issue an order under 49 USC section 30118(b) and the authority to issue an order to a manufacturer to notify vehicle or equipment owners, purchasers, and dealers of the defect or noncompliance and to remedy the defect or noncompliance. Title 49 USC 30111 gives the Secretary authority to prescribe motor vehicle safety standards.

Section 30162 further specifies that all petitions filed under its authority shall set forth the facts under which it is claimed establish that an order is necessary and briefly describe the order the Secretary should issue. Part 552 allows the agency to ensure that the petition filed under this section are both properly substantiated and efficiently processed.

This supports the Department of Transportation's strategic goal in customer service.

The Secretary is authorized to issue, amend, and revoke such rules and regulations as she/he deems necessary. The Secretary is also authorized to require manufacturers to provide information to first purchasers of motor vehicle equipment when the vehicle or equipment is purchased, in a printed matter placed in the vehicle or attached to or accompany the equipment.

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

Any person has a statutory right to petition the agency to issue an order under section 30162. When the agency receives such a petition, the agency's technical staff reviews the petition to determine whether there is a reasonable possibility that the requested order will be issued at the end of the appropriate proceeding. If the agency reaches such a conclusion, the petition is granted and the agency promptly commences the appropriate proceeding to issue the order. The petition is denied if the agency cannot conclude that there is a reasonable possibility that the order will be issued at the end of the appropriate proceeding. The agency is required to grant or deny any petition within 120 days after agency receipt of the petition (49 USC 30162 (d)). The agency uses the information in the petition, together with other information it may have or obtain, to decide whether to grant or deny the petition.

Absent Part 552, any person would still have a statutory right to file a petition requesting the agency to issue an order. The difference would be that the person preparing the petition

would not know how to properly file such a petition and what information should be included in the petition. Further, without Part 552, it would take the agency much longer to evaluate these petitions. Some of the petitions for rulemaking filed under Part 552 ask for complex technical changes to our existing safety standards that require the agency to conduct research or testing to learn if the petitioner's allegations are accurate. If these petitions were not filed in accordance with some specified uniform procedures, the agency would not be able to meet the 120 day statutory deadline for granting or denying the petitions.

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

Part 552 does not impose any obstacles to using improved information technology to prepare these petitions. Thus, a petitioner may use a computer, word processor, etc. to prepare the petition. The main burden associated is with the preparing of reports that contain all data, views, and arguments of the petitioner supporting the petition. Currently, the agency receives only paper copies of the petition and supporting document. Petitions are addresses to the Administrator, therefore are received in paper form.

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

There is no similar information already available to be used. Part 552 does not require petitions to submit duplicative information, nor does it require petitioners to submit more than one petition.

The agency does not obtain the views of the reasons "any person" believes the agency should issue an order under its statutory authority unless it receives these petitions. Accordingly, there is no similar information already available to the agency.

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

Petitions may be filed by any private individual, consumer group, or small or large business. The requirements for the petitions are the same no matter who files the petition. However, these requirements do not impose a serious burden on any petitioner. Three or the five requirements in 552.4 impose almost no burden on the petitioner (petition must be written in English, text must be preceded by the word "Petition", and the petition must contain the name and address of the petitioner). The other two requirements are recitations of the requirements of 49 USC section 30162 (petition must set forth facts which it is claimed establish that an order is necessary and include a brief description of the substance of the order the petitioner believes the agency should issue). The agency concluded that these requirements impose only the statutorily-required burdens on small businesses, and that any small business may interpret these requirements in the way that will minimize its burdens.

6. Describe the consequence to Federal program or policy activities if the information is

not collected or collected less frequently.

Any person has a statutory right to file these petitions. The difference would be that the person preparing the petition would not know how to properly file such a petition and what information should be included in the petition and would take the agency much longer to evaluate these petitions. If these petitions were not filed in accordance with some specified uniform procedures, the agency would not be able to meet the 120 days statutory deadline for granting and denying the petitions.

7. Explain any special circumstances that require the information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

The regulation is fully consistent with all the guidelines set for the in 5 CFR 1320.6.

8. Provide a copy of the *Federal Register* document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency' actions in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.

The *Federal Register* (11/9/07, 72 FR 63650) document soliciting comments on extending the collection of information is attached. No comments were received.

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.

10. Describe any assurance of confidentiality provided to respondents.

No assurances of confidentiality are given by the agency. All information provided to the agency for Part 556 purposes is considered public information.

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

The information required of the manufacturer is not of a private nature.

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

The average number of rulemaking petitions filed with the agency in a year is 20. The petitions are usually three or four typewritten pages long. The agency estimates that it would take a petitioner about one hour to prepare one of these petitions, bases on the length of the petitions and the amount of documentation normally included therein. Since most petitions are filed by regulated manufacturers, we estimate \$40 an hour to process a petition.

Estimated cost associated with the burden hours is:

Number of petitions 20 x 1 hrs. = 20 burden hours @ \$40 per hour = \$800.00

13. Provide estimates of the total annual cost to the respondents or record keepers.

The estimated annual costs to respondents are postage costs:

Twenty petitions x \$0.41 per stamp = \$8.20

14. Provide estimates of annualized cost to the Federal government

The cost to the Federal government is minimal for these petitions. Since 1977, the only continuing cost is the analysis of the petitions, which is handled as a routine part of agency duties. The Office of Chief Counsel, the Office of Safety Assurance, and the Office of Safety Performance Standards are the only persons normally involved in handling these petitions, and inconsequentiality petitions do not involve much of their time. No government forms, printing, or postage involved for this regulation.

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

There are no program changes or adjustments to items 13 and 14 of OMB Form 83-I.

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

The collection of information will not have the results published.

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.

Approval is not sought to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB Form 83-1.

No exceptions to the certification statement are made.