

upon NHTSA's prior decisions on noncompliance issues is the safety risk to individuals who experience the type of event against which the recall would otherwise protect.<sup>2</sup> NHTSA also does not consider the absence of complaints or injuries to show that the issue is inconsequential to safety. "Most importantly, the absence of a complaint does not mean there have not been any safety issues, nor does it mean that there will not be safety issues in the future."<sup>3</sup> "[T]he fact that in past reported cases good luck and swift reaction have prevented many serious injuries does not mean that good luck will continue to work."<sup>4</sup>

NHTSA considered the following factors in evaluating this petition:

First, according to the data provided by Toyota, the noncompliant material has a mass that is insignificant when compared to the overall mass of the carpet assembly. The petitioner stated that the mass of the loop fastener constitutes approximately 0.037 percent or less of the soft material portions of the carpet assembly. However, while Toyota argues that the noncompliant material would not significantly fuel a fire, should it become exposed, the relative measure, *i.e.*, percentage, of a material characteristic, *i.e.*, mass, surface area, thickness, etc. without consideration of other factors, *e.g.* the surrounding of the noncompliant material with complying materials, does not alone mean such a material would not significantly fuel a fire upon exposure to an ignition source.

Second, the loop fastener material in the subject vehicles is covered by the carpet material which complies with FMVSS No. 302, thus, the loop fastener material is protected from contact with an ignition source originating from the occupant space.

Third, the data submitted by Toyota shows that, when tested as a single unit, the loop fasteners along with the carpet comply with FMVSS No. 302.

Toyota also stated that NHTSA has granted previous petitions whose facts align with those at issue in the instant

case. These include a Paccar petition (57 FR 45868, October 5, 1992), a Fischer Price (60 FR 41152, August 11, 1995) petition, a Century petition, (60 FR 41148, August 11, 1995), Kolcraft (63 FR 24585, May 4, 1998), Cosco petition (60 FR 41150, August 11, 1995) and a Toyota petition (80 FR 4035, January 26, 2015) where the non-compliant material represented a small percentage of the interior fabric. As NHTSA states previously in this section, the relative measure, *i.e.*, percentage, of a material characteristic, *i.e.*, mass, surface area, thickness, etc. without consideration of other factors does not alone mean such a material would not significantly fuel a fire upon exposure to an ignition source. Toyota also offered a past grant where a combination of compliant and non-compliant fabric met FMVSS No. 302 when tested as a single unit. (Kolcraft (63 FR 24585, May 4, 1998)). Finally, Toyota cited several grants where NHTSA determined that noncompliant fabric located where it would not encounter an ignition source was inconsequential to safety. These include two Cosco petitions, (63 FR 30809, (June 5, 1998) and 60 FR 41150 (August 11, 1995), two Toyota petitions (83 FR 16433, (April 16, 2018) and (80 FR 4035, January 26, 2015)) and a Ford petition (63 FR 40780, (July 30, 1998)). As noted above, NHTSA evaluates each petition on its individual facts and does not consider itself to be bound by these earlier grants. Nonetheless, NHTSA has evaluated the subject petition and has made a determination in a similar fashion.

#### VII. NHTSA's Decision

NHTSA finds that Toyota has met its burden of persuasion of demonstrating that the noncompliant small loop fasteners sewn into the carpet at issue in this case do not present a risk to safety. The noncompliant fabric present here must be separated from the carpet to be deemed noncompliant as the carpet and loop patch together meet the standard. The loop fasteners also constitute a small percentage of the fabric area and are located where they are not likely to encounter an ignition source. Accordingly, Toyota's petition is hereby granted. Toyota is consequently exempted from the obligation of providing notification of, and a free remedy for, the noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the subject vehicles that Toyota no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed.

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

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*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Proposed Collection; Comment Request; Equal Employment Opportunity Complaint Forms

**AGENCY:** Departmental Offices, U.S. Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collections listed below, in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be received on or before March 22, 2022.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, by the following method:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number TREAS-DO-2022-0003 and the specific Office of Management and Budget (OMB) control number 1505-0262.

**FOR FURTHER INFORMATION CONTACT:** For questions related to these programs, please contact Guizelous Molock by emailing [pra@treasury.gov](mailto:pra@treasury.gov), or calling (202) 923-0498. Additionally, you can view the information collection requests at [www.reginfo.gov](http://www.reginfo.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Equal Employment Opportunity Compliant Forms.

<sup>2</sup> See *Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

<sup>3</sup> *Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance*, 81 FR 21663, 21666 (Apr. 12, 2016).

<sup>4</sup> *United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it "results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future").

OMB Control Number: 1505–0262.

Type of Review: Extension of a currently approved collection.

Description: Title 29 of the United States Code of Federal Regulations (CFR) part 1614, directs agencies to maintain a continuing program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. The Department of the Treasury (Department) is thus required to process complaints of employment discrimination from Department employees, former employees and applicants for jobs with the Department who claim discrimination based on their membership in a protected class, such as, race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (over 40), disability, genetic information, or retaliation for engaging in prior protected activity. Claims of discrimination based on parental status are processed as established by Executive Order 11478 (as amended by Executive Order 13152). Federal agencies must offer pre-complaint “informal” counseling and/or Alternative Dispute Resolution (ADR) to these “aggrieved individuals” (the aggrieved), claiming discrimination by officials of the Department. If the complaint is not resolved during the informal process, agencies must issue a Notice of Right to File a Complaint of Discrimination form to the aggrieved. This information is being collected for the purpose of processing informal and formal complaints of employment discrimination against the Department on the bases of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (over 40), disability, genetic information, parental status, or retaliation. Pursuant to 29 CFR 1614.105, the aggrieved must participate in pre-complaint counseling to try to informally resolve his/her complaint prior to filing a complaint of discrimination. Information provided on the pre-complaint forms may be used by the aggrieved to assist in determining if she or he would like to file a formal complaint against the Department. The information captured on these forms will be reviewed by the staff of the Department’s Office of Civil Rights and Diversity to frame the claims for investigation and determine whether the claims are within the parameters established in 29 CFR part 1614. In addition, data from the complaint forms is collected and aggregated for the purpose of discerning whether any Department of the Treasury policies, practices or procedures may be

curtailing the equal employment opportunities of any protected group.

Forms: TD F 62–03.1, TD F 62–03.2, TD F 62–03.4, TD F 62–03.6, TD 62–03.7, TD 62–03.8, TD F 62–03.9, TD F 62–03.10, TD F 62–03.11, TD F 63–03.5.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 1 to 20 respondents.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 90.

Estimated Time per Response: 3 minutes to 1 hour.

Estimated Total Annual Burden Hours: 47.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 14, 2022.

Molly Stasko,

Treasury PRA Clearance Officer.

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## DEPARTMENT OF THE TREASURY

### Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act

AGENCY: Department of the Treasury.

ACTION: Notice.

**SUMMARY:** Pursuant to section 70913 of the Infrastructure Investment and Jobs Act, the Department of the Treasury has prepared the report provided below regarding its financial assistance programs that provide funding that may be used by recipients for infrastructure projects.

**FOR FURTHER INFORMATION CONTACT:**

For further information about the programs administered by the Office of Recovery Programs, contact Brette Fishman, Director, Office of Grant Policy, Office of Recovery Programs, at [OfficeOfRecoveryPrograms@treasury.gov](mailto:OfficeOfRecoveryPrograms@treasury.gov) or (844) 529–9527.

For further information about the RESTORE Act, Direct Component program administered by the Office of Gulf Coast Restoration, contact Maureen Klovers, Program Director, Office of Gulf Coast Restoration at [maureen.klovers2@treasury.gov](mailto:maureen.klovers2@treasury.gov) or (844) 529–9527.

#### SUPPLEMENTARY INFORMATION:

### Treasury’s Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act

#### 1. Introduction

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (IIJA), which includes the “Build America, Buy America Act” (the Act). This Act ensures that Federal infrastructure programs require the use of materials produced in the United States, increases the requirement for American-made content, and strengthens the waiver process associated with Buy America provisions.

The Act requires that within 60 days of its enactment, January 14, 2022, each agency must submit to the Office of Management and Budget (OMB) and Congress and publish in the **Federal Register** a report (“60-day report”) listing all Federal financial assistance programs for infrastructure administered by the agency. In these 60-day reports, agencies are required to identify and provide a list of which of these programs are “deficient,” as defined in the Act.

In an effort to aid agencies towards compliance with Sections 70913 (Identification of Deficient Programs) and 70914 (Application of Buy America Preference) of the IIJA, OMB issued memorandum M–22–08, “*Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act*” on December 20, 2021. This memorandum provides criteria that assist agencies in identifying which programs constitute infrastructure programs and helps them determine if any of these programs are considered deficient as described in section 70913(c) of the IIJA.

OMB memorandum M–22–08 also informs agencies regarding items that are required to be contained in the 60-