

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****Public Workshop on Corporate Average Fuel Economy Reporting Templates**

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

**ACTION:** Notification to postpone public workshop.

**SUMMARY:** This notice announces that the National Highway Traffic Safety Administration (NHTSA) will be postponing the workshop originally scheduled for January 27, 2022. The workshop was intended to present three new compliance reporting templates for the Corporate Average Fuel Economy (CAFE) Program. The workshop will be rescheduled for later this year.

**DATES:** NHTSA will reschedule the workshop for later this year.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning the public workshop postponement, please contact NHTSA staff at

*NHTSA.Communication@dot.gov* or Chris Lamance at (202) 366–9525. For any legal questions, contact Michael Kuppersmith at *michael.kuppersmith@dot.gov* or (202) 366–9957. For questions concerning the workshop discussions contact Maurice Hicks at *Maurice.Hicks@dot.gov* or (202) 366–5289.

**SUPPLEMENTARY INFORMATION:** 49 CFR part 537, “Automotive Fuel Economy Report,” requires manufacturers to provide early model year projections on automobiles demonstrating how they intend to comply with CAFE standards. The regulation requires manufacturers to submit a pre-model year report by December 31st before the model year and a mid-model year report by July 31st of the model year. When NHTSA received and reviewed manufacturers’ projection reports for MYs 2013 through 2015, the agency observed that most did not conform to the requirements specified in Part 537. In a 2015 notice of proposed rulemaking, NHTSA proposed to amend Part 537 to require a new data format for manufacturers’ CAFE projection reporting template.<sup>1</sup> However, NHTSA did not adopt the proposed data format from the 2015 proposed rule after receiving adverse comments from manufacturers.<sup>2</sup>

After identifying the sources of manufacturers’ concerns, in the April

2020 CAFE final rule, NHTSA established a new standardized template for reporting PMY and MMY information, as specified in 49 CFR 537.7(b) and (c), as well as for the supplementary information required by 49 CFR 537.8. The new template allows manufacturers to build out the required confidential versions of CAFE reports specified in 49 CFR part 537 and to produce automatically the required non-confidential versions by clicking a button within the template. The standardized template assists manufacturers in providing the agency with all necessary data, thereby helping manufacturers to ensure they are complying with CAFE regulations. The template organizes the required data in a manner consistent with NHTSA and EPA regulations and simplifies the reporting process by incorporating standardized responses consistent with those provided to EPA. The template collects the relevant data, calculates intermediate and final values in accordance with EPA and NHTSA methodologies, and aggregates all the final values required by NHTSA regulations in a single summary worksheet. Thus, NHTSA believes that the standardized template will benefit both the agency and manufacturers by helping to avoid reporting errors, such as data omissions and miscalculations, and will ultimately simplify and streamline reporting. NHTSA requires that manufacturers use the standardized Projection Reporting Template for all PMY, MMY, and supplementary CAFE reports beginning in MY 2023. NHTSA also modified its existing compliance database to accept and import the standardized template and automatically aggregate manufacturers’ data. This allows NHTSA to execute its regulatory obligations to the public more efficiently and effectively. Overall, the template helps to ensure compliance with data requirements under EPCA/EISA and drastically reduce the industry and government’s burden for reporting in accordance with the Paperwork Reduction Act.<sup>3</sup> The reporting template is available for download through the PIC located at: [https://one.nhtsa.gov/cafe\\_pic/home](https://one.nhtsa.gov/cafe_pic/home)—see “Light Duty Templates: NHTSA CAFE Projections Reporting Template”.

To reduce the burden on all parties, encourage compliance, and facilitate quicker NHTSA credit transaction approval, in April 2020 final rule, NHTSA added a new template to standardize the information parties submit to the agency to request a credit transaction. Often manufacturers

inconsistently submit the information required by 49 CFR 536.8, making it difficult for NHTSA to process transactions. The credit transaction template is a simple spreadsheet that credit holders and trading parties fill out. When completed, parties are able to click a button on the spreadsheet to generate a credit transaction summary, and if applicable, credit trade confirmation, the latter of which needs to be signed by both trading entities. The credit trade confirmation serves as an acknowledgement that the parties have agreed to trade credits. The completed credit trade summary, and a PDF copy of the signed trade confirmation must be submitted to NHTSA. Using the Credit Transaction Template simplifies the credit trading process for OVSC and manufacturers, and helps to ensure that trading parties follow the requirements for a credit transaction found in 49 CFR 536.8(a).<sup>4</sup> Additionally, the credit trade confirmation includes an acknowledgement of the “error or fraud” provisions in 49 CFR 536.8(f)–(g), and the finality provision of 49 CFR 536.8(g). The credit transaction template is available for download through the PIC located at: [https://one.nhtsa.gov/cafe\\_pic/home](https://one.nhtsa.gov/cafe_pic/home)—see “Light Duty Templates: NHTSA CAFE Credit Transaction Template”.

Finally, NHTSA adopted requirements in the 2020 final rule requiring manufacturers to submit the costs of all credit trade contracts to the agency starting September 1, 2022. NHTSA intends to use this information to determine the true cost of compliance for all manufacturers. This information would allow NHTSA to better assess the impact of its regulations on the industry and provide more insightful information in developing future rulemakings. NHTSA also adopted requirements allowing manufacturers to submit the information confidentially, in accordance with 49 CFR part 512.<sup>5</sup> This confidential information would be held by secure electronic means in NHTSA’s database systems. As for public information, NHTSA intends to use the information to provide more credit reports on the PIC such as aggregated credit transactions or data comparable to the credit information which EPA makes available to the public.

In response to NHTSA new templates, manufacturers have identified errors and offered suggestions for improvements. As a result, in the

<sup>1</sup> 80 FR 40540 (Jul. 13, 2015).

<sup>2</sup> 81 FR 73958 (Oct. 25, 2016).

<sup>3</sup> 44 U.S.C. 3501 *et seq.*

<sup>4</sup> Submitting a properly completed template and accompanying transaction letter will satisfy the trading requirements in 49 CFR part 536.

<sup>5</sup> See also 49 U.S.C. 32910(c).

August 2021 CAFE NPRM,<sup>6</sup> NHTSA proposed changes to its new reporting and credit templates as well as established a new standardized template to collect information on the monetary and non-monetary costs of credit trades. NHTSA has identified a series of monetary and non-monetary factors which it believes to be important to the costs associated with credit trading in the CAFE program which predicated the development of its new credit value template.<sup>7</sup> The agency believes this information will allow for a better assessment of the true costs of compliance. NHTSA further notes that greater government oversight is needed over the CAFE credit market and it needs to understand the full range of complexity in transactions, monetary and non-monetary, in addition to the range of partnerships and cooperative agreements between credit account holders—which may impact the price of credit trades.<sup>8</sup> NHTSA proposed that manufacturers should start using both credit templates starting September 1, 2022. Note, the credit value template is available for download through the PIC located at: [https://one.nhtsa.gov/cafe\\_pic/home](https://one.nhtsa.gov/cafe_pic/home)—see “Light Duty Templates: NHTSA CAFE Credit Value Reporting Template”.

In the August 2021 rulemaking, NHTSA also committed to demonstrate its templates through a workshop designed to give manufacturers an open forum for communicating directly with the agency.

**Otto G. Matheke, III,**

*Director of the Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA-2022-0005]**

### Pipeline Safety: Information Collection Activities

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice and request for comments.

<sup>6</sup> <https://www.regulations.gov/document/NHTSA-2021-0053-0012/comment>.

<sup>7</sup> UCS, Detailed Comments, NHTSA-2018-0067-12039; Jason Schwartz, Detailed Comments, NHTSA-2018-0067-12162.

<sup>8</sup> Honda, Detailed Comments, NHTSA-2018-0067-11819.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, PHMSA invites public comments about the Agency's intention to request Office of Management and Budget (OMB) approval to renew four information collections that are scheduled to expire in 2022. PHMSA has reviewed each information collection and considers them vital to maintaining pipeline safety. As such, PHMSA will request renewal from OMB, without change, for each information collection.

**DATES:** Interested persons are invited to submit comments on or before April 4, 2022.

**ADDRESSES:** Comments may be submitted in the following ways:

*E-Gov Website:* <https://www.regulations.gov>. This site allows the public to submit comments on any **Federal Register** notice issued by any agency.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590-0001.

*Hand Delivery:* Room W12-140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Identify the docket number, PHMSA-2022-0005, at the beginning of your comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. You should know that 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit <https://www.regulations.gov> before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to <https://www.regulations.gov> at any time or to Room W12-140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed,

stamped postcard with the following statement: “Comments on: PHMSA-2022-0005.” The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

*Privacy Act Statement:* DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Angela Hill, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP-30, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

#### FOR FURTHER INFORMATION CONTACT:

Angela Hill by telephone at 202-366-1246 or by email at [Angela.Hill@dot.gov](mailto:Angela.Hill@dot.gov).

**SUPPLEMENTARY INFORMATION:** Title 5, Code of Federal Regulations (CFR) section 1320.8(d), requires PHMSA to