

this exemption will be effective on March 24, 2022, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 4, 2022.<sup>3</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 14, 2022.

All pleadings, referring to Docket No. AB 55 (Sub-No. 806X), should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on CSXT's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by February 25, 2022. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by February 22, 2023, and there are no legal or regulatory

offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: February 15, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Stefan Rice,**  
*Clearance Clerk.*

[FR Doc. 2022-03704 Filed 2-18-22; 8:45 am]

**BILLING CODE 4915-01-P**

---

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation; Technical Modifications to 301 Action

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice.

**SUMMARY:** Effective January 27, 2022, the U.S. International Trade Commission (USITC) implemented certain changes to the Harmonized Tariff Schedule of the United States (HTSUS) to conform to amendments adopted by the World Customs Organization. To rectify a technical error and ensure that those amendments do not extend the scope of the additional duties in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation (China 301 investigation), this notice makes two technical modifications in the HTSUS notes implementing the additional duties.

**DATES:** The technical modifications in the Annex to this notice are applicable as of January 27, 2022.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Associate General Counsel Philip Butler or Assistant General Counsel Rachel Hasandras at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusion identified in the Annex to this notice, contact [traderemedy@cbp.dhs.gov](mailto:traderemedy@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Effective January 27, 2022, the USITC, in accordance with Presidential Proclamation 10326 of December 23, 2021, implemented certain changes in the HTSUS in accordance with its responsibility to update the HTSUS to conform to amendments adopted by the World Customs Organization. These changes subjected HTSUS subheading

2931.49.00 to additional duties in the China 301 investigation.

### B. Technical Modifications to China 301 Action

The Annex to this notice makes technical modifications to the HTSUS to correct the error of subjecting HTSUS subheading 2931.49.00 to additional duties in the China 301 investigation. In particular, the Annex makes technical modifications to U.S. notes 20(f) and 20(u) to subchapter III of chapter 99 of the HTSUS, as set out in the Annexes to the notices published at 83 FR 47974 (September 21, 2018), 84 FR 43304 (August 20, 2019), and 84 FR 69447 (December 18, 2019). The technical changes are applicable as of January 27, 2022, which is the same effective date as the HTSUS changes conforming to the World Customs Organization amendments.

#### Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 27, 2022:

1. U.S. note 20(f) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is amended by deleting "2931.49.00"; and

2. U.S. note 20(u) to subchapter III of chapter 99 of the HTSUS is amended:

- by deleting "2931.39.00"; and
- by inserting "2931.49.00", in numerical sequence.

**Greta Peisch,**

*General Counsel, Office of the United States Trade Representative.*

[FR Doc. 2022-03701 Filed 2-18-22; 8:45 a.m.]

**BILLING CODE 3290-F2-P**

---

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0018]

### BMW of North America, LLC and Volkswagen Group of America; Denial of Petitions for Temporary Exemption From FMVSS No. 108 for Vehicles With Adaptive Driving Beam Headlamps

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

**ACTION:** Notice of denial of petitions for a temporary exemption for vehicles equipped with adaptive driving beam headlighting systems from certain requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108;

“Lamps, reflective devices, and associated equipment.”

**SUMMARY:** This document denies petitions from Volkswagen Group of America (Volkswagen) and BMW of North America, LLC (BMW) (collectively, Petitioners) for temporary exemptions from certain requirements of FMVSS No. 108 to allow installation of adaptive driving beam (ADB) headlighting systems. Both manufacturers requested exemptions on the basis that an exemption would facilitate the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. NHTSA has determined that, in light of the publication today of a final rule amending FMVSS No. 108 to allow ADB systems, there is no need to grant the requested exemptions because the standard now allows the deployment of such systems. Accordingly, the petitions are denied.

**FOR FURTHER INFORMATION CONTACT:** John Piazza, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202-366-2992; Email: [John.Piazza@dot.gov](mailto:John.Piazza@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 11, 2017, NHTSA published a notice of receipt of a petition from Volkswagen for a temporary exemption from certain requirements of FMVSS No. 108 to allow the use of ADB headlights (82 FR 42720). On March 22, 2018, NHTSA published a notice of receipt of a similar petition from BMW (83 FR 12650). That notice also requested additional information from Volkswagen, BMW, and any other manufacturers wishing to submit exemption petitions for ADB systems, to assist NHTSA in evaluating such petitions.<sup>1</sup> Volkswagen and BMW subsequently submitted additional information in response to the 2018 notice.

Adaptive driving beam systems are an advanced type of semiautomatic headlamp beam switching technology that aims to address the tradeoff between forward visibility and glare. ADB systems are capable of producing a dynamic adaptive beam pattern brighter than a conventional lower beam, but not as bright as an upper beam. This adaptive beam is

<sup>1</sup> The basis for both petitions is that an exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. 49 CFR 555.6(b).

particularly useful for distance illumination of pedestrians, cyclists, animals, and objects in or near the road when other vehicles are present and thus preclude use of the upper beam.<sup>2</sup>

NHTSA is today publishing a final rule amending FMVSS No. 108 to permit ADB systems. The final rule establishes performance requirements to ensure that ADB systems operate safely by not glaring other motorists and providing a minimum level of visibility. The final rule is effective immediately.

**II. Overview of the Petitions**

*Volkswagen Petition*

Volkswagen petitioned for an exemption from S9.4 and S10.14.6 of FMVSS No. 108 for its Matrix Beam ADB system on Audi A7 models (which may also include S7 and Rs7 variants). Section S9.4 requires that a vehicle have a means of switching between lower and upper beams. The means must be designed and located so that it may be operated conveniently by a simple movement of the driver's hand or foot. The switch must have no dead point and, except as provided by S6.1.5.2, the lower and upper beams must not be energized simultaneously except momentarily for temporary signaling purposes or during switching between beams. S10.14.6 specifies the photometry requirements for integral beam headlighting systems. Volkswagen indicated that the Matrix Beam may not comply with these requirements.

The basis for the application is that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. Volkswagen explained how the Matrix Beam system operates and the safety benefits it believes the system would offer. Volkswagen also submitted additional information in response to NHTSA's request for information in the 2018 notice.

*BMW Petition*

BMW petitioned for an exemption from FMVSS No. 108 for BMW i8 vehicles equipped with its Laserlight

<sup>2</sup> ADB technology can enhance safety in two ways. First, such systems provide more illumination than existing lower beams by providing a sculpted, dynamic beam pattern that adjusts to avoid glaring other motorists; high-resolution ADB systems are even capable of classifying objects and placing optimized levels of light on all objects in the driver's view (such as retroreflective signs or pedestrians). Second, such systems facilitate increased use of the upper beam in situations where other vehicles will not be glaring. For both these reasons, ADB has the potential to reduce the risk of crashes by increasing visibility without increasing glare.

Glare-Free High Beam Assist. Similar to Volkswagen, BMW sought an exemption from the requirement of S9.4 that prohibits the simultaneous energization of the lower and upper beams and from the upper beam photometry requirements of S10.14.6. BMW stated that the photometry requirements specify minimum and maximum photometric intensities of the upper beam light that may not be met by the Glare-Free High Beam Assist.

The basis for the application is that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. BMW explained how the Glare-Free High Beam Assist operates and the safety benefits it believes the system would offer. BMW also submitted additional information in response to NHTSA's requests for information in the 2018 notice.

**III. Summary of Comments**

NHTSA received 17 comments on one or both of the petitions. Several manufacturers or trade groups (Truck and Engine Manufacturers Association, SAE, Osram Sylvania Products, Inc., Alliance of Automobile Manufacturers (Alliance), American Trucking Associations, Mercedes-Benz USA, LLC, and Transportation Safety Equipment Institute (TSEI)) commented in support of the petitions. Two public interest groups (Advocates for Highway Safety and Consumers Union) also supported or conditionally supported granting one or both of the petitions. Several individual citizens commented in support of granting one or both of the petitions.

SAE, the Alliance, and Mercedes also responded to NHTSA's 2018 request for additional information. These comments were repeated in these organizations' comments to the ADB NPRM. OSRAM, the Alliance, Mercedes, and TSEI supported SAE's comment. Advocates for Highway Safety commented on Volkswagen's petition and conditionally supported it. Consumers Union commented on several issues, and submitted similar comments to the NPRM.<sup>3</sup>

**IV. Agency Analysis and Decision**

NHTSA has considered Petitioners' arguments, the comments received on the petitions, and the final rule that is being issued today. NHTSA has determined that the issuance of the final rule makes it unnecessary for NHTSA to grant the petitions.

<sup>3</sup> NHTSA has addressed all significant comments to the NPRM in the ADB final rule published today.

Petitioners argue that an exemption is necessary because their ADB systems may not comply with the requirements of S9.4 and S10.14.6. They also contend that an exemption would facilitate the development and field evaluation of their ADB systems because it would allow them to obtain data and consumer feedback on system performance. The publication of the FMVSS No. 108 final rule published today—that is effective immediately—permitting the deployment of ADB systems renders these petitions unnecessary. Petitioners and other manufacturers wishing to equip vehicles with ADB systems may do so, provided that the systems comply with the requirements set out in the final rule.<sup>4</sup>

The requirements adopted by the final rule are necessary to ensure that ADB systems operate safely with respect to glare prevention and visibility. The requirements are generally within the capabilities of current ADB systems (some system modifications might be necessary). These issues are discussed at length in the preamble to the final rule.

We note that the manufacturers' comments regarding the additional information NHTSA requested were also included in the comments those same manufacturers submitted to the ADB rulemaking docket in response to the NPRM. Those comments are addressed in the preamble to the final rule.

Decision—Based on the foregoing, the petitions from Volkswagen and BMW for temporary exemption are denied.

*Authority:* 49 U.S.C. 30113; delegations of authority at 49 CFR 1.95 and 501.4, and 501.5.

**Steven S. Cliff,**

*Deputy Administrator.*

[FR Doc. 2022-02452 Filed 2-18-22; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2021-0059]

#### Agency Information Collection Activities; Notice and Request for Comments; Consolidated Vehicles' Owner's Manual Requirements for Motor Vehicles and Motor Vehicle Equipment

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

**ACTION:** Notice and request for comments on a reinstatement with modification of a previously approved information collection.

**SUMMARY:** The National Highway Traffic Safety Administration invites public comments about our intention to request approval from the Office of Management and Budget (OMB) to reinstate a previously approved information collection with modification. 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 reinstatements of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on Vehicle Owner's Manual Requirements for Motor Vehicles and Motor Vehicle Equipment. NHTSA is requesting a modification of the information collection to include regulatory changes made by NHTSA's Adaptive Driving Beam Headlamps final rule. NHTSA is also requesting modification to include requirements for owner's manuals in NHTSA's existing regulations.

**DATES:** Written comments should be submitted by April 25, 2022.

**ADDRESSES:** You may submit comments, identified by NHTSA docket number identified above, through any of the following methods:

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

- *Fax:* 202-493-2251.

- *Mail or Hand Delivery:* Docket Management, 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 call (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 <https://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, 2000 (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 <https://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 James Myers, NHTSA, 1200 New Jersey Avenue SE, West Building, Room W43-320, NRM-100, Washington, DC 20590. Mr. Myers' telephone number is 202-493-0031. Please identify the relevant collection of information by referring to its OMB Control Number.

**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

<sup>4</sup> We do not read the petitioners as requesting an exemption from the requirements of the final rule, as the rule did not exist at the time of their petitions. Alternatively, we believe it is not necessary, nor would it be in the public interest, to exempt the ADB systems from the requirements for ADB systems in today's final rule based on the information provided in the petitions.