case of any unforeseen circumstance. Daimler requests that the exemption cover the maximum allowable duration of five years.

A copy of Daimler's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Daimler's application for an exemption from the requirement in 49 CFR 383. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–22412 Filed 10–14–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0002–N–15]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On July 5, 2022, FRA published a notice providing a 60-day period for public comment on the ICR.

DATES: Interested persons are invited to submit comments on or before November 16, 2022.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the particular ICR by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Mr. John Purnell, Information Collection Clearance Officer, at email: *John.Purnell@dot.gov* or telephone: (202) 713–0246, or Ms. Hodan Wells, Information Collection Clearance Officer, at email: *Hodan.Wells@dot.gov* or telephone: (202) 868–9412.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On July 5, 2022, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 87 FR 39894. FRA received no comments related to the proposed collection of information.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(a); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: U.S. DOT Crossing Inventory.

OMB Control Number: 2130–0017.

Abstract: On January 6, 2015, FRA published in the **Federal Register** a final rule that requires railroads that operate one or more trains through highway-rail or pathway crossings to submit information to the U.S. DOT National Highway-Rail Crossing Inventory about the crossings through which they operate. These amendments, mandated by section 204 of the Rail Safety Improvement Act of 2008, require railroads to submit information about previously unreported and new highway-rail and pathway crossings to the U.S. DOT National Highway-Rail Crossing Inventory, and to periodically update existing crossing data.

Type of Request: Extension with change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses, States, and the District of Columbia.

Form(s): FRA F 6180.71.

Respondent Universe: 50 States, the District of Columbia, and 667 railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 421,758.

Total Estimated Annual Burden: 8,663 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $667,051.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett A. Jortland,

Deputy Chief Counsel.

[FR Doc. 2022–22457 Filed 10–14–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0010, Notice 2]

Spartan Motors USA, Inc, Denial of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Denial of petition.

SUMMARY: Spartan Motors USA, Inc (Spartan), has determined that certain model year (MY) 2015–2019 Spartan Specialty MM and K2 motorhome chassis do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems.* Spartan filed a noncompliance report dated December 18, 2017, and subsequently petitioned NHTSA on January 15, 2018, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the denial of Spartan's petition.

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), (202) 366–7236, *Ahmad.Barnes@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview: Spartan has determined that certain MY 2015–2019 Spartan Specialty MM and K2 motorhome chassis do not fully comply with paragraph S5.1.2.1 of FMVSS No. 121, *Air Brake Systems* (49 CFR 571.121). Spartan filed a noncompliance report dated December 18, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Spartan subsequently petitioned NHTSA on January 15, 2018, 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.*

Notice of receipt of Spartan's petition was published with a 30-day public comment period, on May 13, 2019, in the **Federal Register** (84 FR 20947). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2018–0010.''

II. Vehicles Involved: Approximately 414 MY 2015–2019 Spartan Specialty MM and K2 motorhome chassis manufactured between February 12, 2014, and December 11, 2017, are potentially involved.

III. Noncompliance: Spartan describes the noncompliance as a combined volume of air in the service and supply reservoirs in the air brake system is insufficient to meet the required minimum of twelve times the combined volume of air from all service brake chambers specified in paragraph S5.1.2.1 of FMVSS No. 121.

IV. Rule Requirements: Paragraph S5.1.2.1 of FMVSS No. 121, titled ''*Air Brake Systems,*'' states that the combined volume of all service reservoirs and supply reservoirs shall be at least 12 times the combined volume of all service brake chambers.

V. Summary Spartan's of Petition: Spartan describes the subject noncompliance and states its belief that the noncompliance is inconsequential as it relates to motor vehicle safety because the air compressor in the subject vehicles has the capacity to replace the volume of air in the brake system in a relatively short space of time; brake applications for motorhomes appear to be less frequent than stop-and-go applications and the lower air capacity may not be noticeable to the driver nor impact braking performance; and completed subject vehicles are equipped with dual air gauges as well as a visual and audible warning system to alert the driver to a loss of air in the air brake system.

Spartan first calculates the air reservoir capacity necessary for its chassis to be compliant with FMVSS No. 121:

> S5.1.2.1 of FMVSS 121, requires the combined volume of all service reservoirs and supply reservoirs to be at least 12 times the combined volume of all service brake chambers. The chassis affected by this condition are equipped with a T–24 brake chamber on the steer axle, T–30 brake chamber on the drive axle and T–16 brake chamber on the tag axle. In using the values in Table V of FMVSS 121, the cumulative air capacity of these brake chambers would be 404 [cubic inches]. Multiplying by 12, the needed air reservoir capacity would be 4848 [cubic inches].

Spartan also provides a table reflecting its calculations:

Brake chamber size	FMVSS No. 121 cu. in.[1] (Table V)	Number of chambers total cu. in.	Total cu. in.
T–24	67	2	134
T–30	89	2	178
T–16	46	2	92
Total Chamber Cu. In.			404
Required Air Reservoir Capacity (using 12 × Multiplier) Cu. In			4,848
Spartan Actual Reservoir Capacity (Cu. In.)			4,674
Additional Capacity Needed (Cu. In.)			174

Paragraph S5.1.1 of FMVSS No. 121 specifies that a vehicle must be equipped with an air compressor of sufficient capacity to increase air pressure in the supply and service reservoirs from 85 psi to 100 psi when the engine is operating at the vehicle manufacturer's maximum recommended revolutions per minute (r.p.m.) within a time, in seconds, determined by the quotient ((actual reservoir capacity × 25)/required reservoir capacity). According to Spartan, under this paragraph, the subject vehicles would be required to have a compressor with enough capacity to go from 85 psi to 100 psi within 24 seconds ((4,674*25)/4,848). Using the same equation and the required air reservoir capacity of 4,848 cubic inches, the air pressure would need to increase from 85 psi to 100 psi within 25 seconds. However, Spartan contends that the subject vehicles can increase air pressure from 85 psi to 100 psi in less than 6 seconds, well within the requirement of 25 seconds. Further, Spartan states that the subject vehicles are configured so the compressor activates at a pressure set at, or greater than, the minimum requirement of 100 psi.

In Spartan's view, the impact of the noncompliance—having 3.5 percent less air reservoir capacity than required—when combined with the configuration of the activation pressure and the

[1] Cu. In. = Cubic Inch.

capacity of the compressor, ''would appear to have an adverse consequence of a slight increase in air compressor cycling,'' but ''this would be dependent on application of the service brakes.'' To this point, Spartan further submits that motorhomes (vehicles on which the noncompliant chassis here would be installed) have a similar duty cycle to tractor-trailers, where they are driven at highway speeds with infrequent brake applications. Spartan also notes that motorhomes also are largely driven from owner residences to campground locations throughout the traveling season. Accordingly, Spartan contends that brake applications here would appear to be less frequent than those in stop-and-go applications. Spartan therefore concludes that the noncompliant air capacity with a one-second time difference to increase air pressure may not be noticeable to the driver, and would not impact the braking performance of the vehicle. Spartan also contends that completed motorhomes subject to its petition are equipped with two air gauges that monitor the air system pressure in both system 1 and system 2. In addition to the air gauges, there is both a warning light and an audible alarm to alert the driver in the event of a low-air condition.

Based on these assertions, Spartan requests that its petition to be exempted from notice and remedy obligations under the Safety Act.

VI. NHTSA's Analysis: The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in a standard—as opposed to a *labeling requirement with no performance implications*—is more substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[2]

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which the recall would otherwise protect.[3] In general, NHTSA does not consider the absence of complaints or injuries as evidence that the issue is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[4]

Arguments that only a small number of vehicles or items of motor vehicle equipment are affected also do not justify granting of an inconsequentiality petition.[5] Similarly, mere assertions that only a small percentage of vehicles or items of equipment are likely to actually exhibit a noncompliance are unpersuasive. The percentage of potential occupants that could be adversely affected by a noncompliance is not relevant to whether the noncompliance poses an inconsequential risk to safety. Rather, NHTSA focuses on the consequence to an occupant who is exposed to the consequence of that noncompliance.[6]

NHTSA has reviewed Spartan's petition, and is denying the petition.

The purpose of FMVSS No. 121 is to ensure safe braking performance under normal and emergency conditions. Spartan states that it believes that the subject noncompliance is inconsequential to motor vehicle safety even though the air braking system falls short of the required capacity, in part contending that this deviation does not have an adverse effect on braking. Spartan contends that even with the insufficient system capacity, the onboard air compressor has the capacity to raise the system pressure from 85 psi to 100 psi in a short interval that is well under the timeframe specified in FMVSS No. 121. Based on this compressor capacity and the pressure at which the compressor activates, Spartan contends that the deficient system capacity would not be noticed under the conditions in which motor homes are used, or impact braking performance. Spartan also states that completed subject vehicles are equipped with gauges and a visual and audible warning system to alert the driver in the event of a loss of air in the system.

The Agency does not find Spartan's reasoning persuasive.

First, Spartan admits that there may be an adverse consequence of a slight increase in air compressor cycling as a result of the noncompliant air reservoir capacity. Spartan qualifies this by stating that whether there may be such an adverse consequence depends on the application of the service brakes. To this point, Spartan observes that brake applications in the subject vehicles ''would appear to be less frequent than those stop and go applications,'' rendering the time difference to increase air pressure potentially unnoticeable by the driver and not impactful on braking performance. Spartan provided no additional information or data here to support this notion, however. Even assuming that brake application in the subject vehicles as described by Spartan is generally true, Spartan also did not provide evidence that such applications would be true of every affected vehicle. In addition, as a general matter, Spartan provided no test data to support the assertions in its petition. Furthermore, Spartan fails to acknowledge that unsafe conditions could exist while the vehicles are driven under stop-and-go conditions which may increase the risk of crashes or injury.

Second, while Spartan observes that the completed subject vehicles are installed with air gauges to monitor air system pressure, as well as a warning light and audible alarm to alert drivers of a low air condition, Spartan does not explain how driver awareness of a low air condition would serve to mitigate the potential consequences of the noncompliance.

And third, that the system may meet or exceed FMVSS No. 121's requirements for the time in which the compressor can recharge the system does not excuse the failure to meet system capacity requirements. While compressor output may be such that lesser system capacity may appear unnoticeable in normal braking and in the ''typical'' use scenario put forward by Spartan, FMVSS No. 121 seeks to

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[2] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[3] *See, e.g., 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).

[4] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also 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'').

[5] *See Mercedes-Benz, U.S.A., L.L.C.; Denial of Application for Decision of Inconsequential Noncompliance,* 66 FR 38342 (July 23, 2001) (rejecting argument that noncompliance was inconsequential because of the small number of vehicles affected); *Aston Martin Lagonda Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 41370 (June 24, 2016) (noting that situations involving individuals trapped in motor vehicles—while infrequent—are consequential to safety); *Morgan 3 Wheeler Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21664 (Apr. 12, 2016) (rejecting argument that petition should be granted because the vehicle was produced in very low numbers and likely to be operated on a limited basis).

[6] *See Gen. Motors Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19900 (Apr. 14, 2004); *Cosco Inc.; Denial of Application for Decision of Inconsequential Noncompliance,* 64 FR 29408, 29409 (June 1, 1999).

ensure motor vehicle safety in atypical and emergency use conditions as well. In some catastrophic failures—such as compressor and system valve failure—the presence of an adequate air reserve as required by S5.1.2.1 would provide critical braking capacity for these large vehicles. A vehicular crash is a potential consequence of an inadequate air reserve in the event that critical braking is required, and a recall would otherwise protect against such an event.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA has decided that Spartan has not met its burden of persuasion that the subject FMVSS No. 121 noncompliance is inconsequential to motor vehicle safety. Accordingly, Spartan's petition is hereby denied. Spartan is obligated to provide notification of, and free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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

Anne L. Collins,

Associate Administrator for Enforcement.

[FR Doc. 2022–22453 Filed 10–14–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0080]

Agency Information Collection Activities; Notice and Request for Comment; Child Passenger Safety Perceptions and Practices in Ridesharing and Autonomous Vehicles

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

ACTION: Notice and request for comments on a request for approval of a new information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection. 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 reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on Child Passenger Safety Perceptions and Practices in Ridesharing and Autonomous Vehicles.

DATES: Comments must be submitted on or before December 16, 2022.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2022–0080 through any of the following methods:

- *Electronic Submissions:* Go to the Federal e-Rulemaking Portal at *http://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 *http://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 *http://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 Margaret Hendricks, Ph.D., Office of Behavioral Safety Research (NPD–320), (202) 366–2305, National Highway Traffic Safety Administration, W46–466, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

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 collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Child Passenger Safety Perceptions and Practices in Ridesharing and Autonomous Vehicles.

OMB Control Number: New.

Form Numbers: 1687, 1688, 1689, 1690.

Type of Request: Approval of a new information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: The National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation is seeking approval for a one-time voluntary information collection from 24 caregivers of children 8 years old or younger and 12 licensed drivers of rideshare vehicles. The purpose of the collection is to describe child passenger safety (CPS) attitudes and behaviors from caregivers and rideshare drivers. A NHTSA contractor expects to provide screening questionnaires to 200 potential participants to determine their eligibility for the focus group study and to collect contact information for scheduling with a potential burden of 15 minutes per respondent or 50 hours. From the 200 potential participants, the contractor will contact and enroll up to 36 participants in the study. Six 90-