

Porsche describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Porsche believes that the subject noncompliance is inconsequential to vehicle safety. Porsche explains that, in addition to the required brake wear indicator, the affected vehicles have a multi-functional display that provides brake wear information and is readily visible to the driver. Porsche states that the brake wear message can be confirmed and then suppressed at the next ignition cycle, however, the operator would need to read and understand the message in order to do so. Porsche states that the brake wear indicator text is red, which is compliant and a contrasting color to the background of the text. Porsche believes that along with the color, the position of the text makes the brake wear indicator symbol conspicuous to the driver. The symbol is located adjacent to the fuel, temperature, and other vehicle data displays. Furthermore, Porsche states that the brake wear detection is functional and not affected by the noncompliant size of the text. Porsche adds that each letter of the text is capitalized, making it more easily seen and read by the driver due to the uniform height.

Porsche states that owners of the subject vehicles would understand the symbol despite the noncompliant text size because the owner's manual provided with the vehicle contains information about the brake wear warning symbol. Porsche notes that the subject noncompliance has been corrected in production vehicles.

Porsche contends that NHTSA has granted the prior petitions for similar noncompliances.¹ Furthermore, Porsche says that NHTSA has stated in previous determinations that it generally finds labeling noncompliances like the subject noncompliance to be "more appropriate for a determination of inconsequentiality."²

Porsche concludes that the subject noncompliance is inconsequential as it relates to motor vehicle safety and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

VII. NHTSA's Analysis

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.³ In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance 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

The Agency concurs with Porsche that this noncompliance will not have an adverse effect on vehicle safety. Despite the letter height of the brake wear indicators being smaller than the 3.2 mm requirement, the affected vehicles include a multi-functional display which provides supplementary brake wear information that is located within the driver's direct field of vision, immediately adjacent to the fuel, temperature, other critical vehicle data displays. Although the additional brake warnings can be suppressed by the vehicle operator, the information is presented at every new ignition cycle and informs the driver of the need to change the brake pads while also recommending if continued driving is possible/advised. For as long as the brake warnings exist, the driver will be required to make a deliberate action after every new key cycle in order to suppress the additional brake warning messages. Finally, the additional brake warning symbols are accurately depicted and displayed in the correct colors, consistent with Table 1 of FMVSS No. 101, minimizing any confusion about the meaning of the indicators. Due to the aforementioned factors, the Agency concurs with Porsche that the subject noncompliance will have an adverse effect on vehicle

³ 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).

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").

safety and therefore recommends that this petition be granted.

VII. NHTSA's Decision

In consideration of the foregoing, NHTSA finds that Porsche has met its burden of persuasion that the subject FMVSS No. 135 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, Porsche's petition is hereby granted, and Porsche is consequently exempted from the obligation of providing notification of, and a free remedy for, that 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 Porsche 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 Porsche 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)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2023–0063]

Agency Information Collection Activities: Approval of Information Collection

AGENCY: Office of the Secretary (OST), DOT.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments on our intention to request Office of Management and Budget (OMB) approval for an information collection in accordance with the

¹ See 81 FR 92964 (Dec. 20, 2016); see also 67 FR 72026 (Dec. 3, 2002).

² See, *Porsche Cars North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance*, 85 FR 62365, 62366 (Oct. 2, 2020).

requirements of the Paperwork Reduction Act of 1995. This collection is necessary for administration of the Reconnecting Communities (RCP) and Neighborhood Access and Equity (NAE) Discretionary Grant Programs and funding opportunities. Together, these programs are known as “Reconnecting Communities and Neighborhoods (RCN)” in the combined NOFO. RCN provides federal financial assistance for surface transportation infrastructure projects. Through RCP, this includes removing, retrofitting, or mitigating transportation facilities such as highways and rail lines that create barriers to community connectivity including to mobility, access, or economic development. Through NAE, this includes the RCP eligibilities, with the further ability to reduce burdens such as GHG emissions, hot spot areas, gaps in tree canopy coverage, and other natural environment concerns.

DATES: Written comments should be submitted by November 6, 2023.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W-12-140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

Instructions: To ensure proper docketing of your comment, please include the agency name and docket number [DOT-OST-2023-0063] at the beginning of your comments. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact the Office of the Secretary via email at ReconnectingCommunities@dot.gov or contact Andrew Emanuele at andrew.emanuele@dot.gov or 202-366-0622. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993.

SUPPLEMENTARY INFORMATION: New Collection. OMB number will be issued after the collection is approved.

Title: Reconnecting Communities Pilot Program and Neighborhood Access and Equity Program (Reconnecting Communities and Neighborhoods (RCN) Discretionary Grants.

Form Numbers: None.

Type of Review: New Information Collection Request (ICR).

Background: The Office of the Secretary (“OST”) within the Department of Transportation (DOT) provides financial assistance for surface transportation infrastructure projects—including removing, retrofitting, or mitigating transportation facilities such as highways and rail lines that create barriers to community connectivity including to mobility, access, or economic development. The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021) (Bipartisan Infrastructure Law, or BIL) provided funds to the Department to invest in planning and capital construction grants to reduce transportation barriers: the Reconnecting Communities Pilot Program, found under section 11509 of division A. The Inflation Reduction Act (Pub. L. 117-169, August 16, 2022) (IRA) provided funds to the Department for the NAE to invest in planning and construction grants to improve the walkability, safety, and provide affordable access: the Neighborhood Access & Equity grant program, found at 23 U.S.C. 177: To help streamline the process for applicants, the Department has combined the applications for the RCP and NAE programs into the RCN common application.

The DOT combined these two programs into one single Notice of Funding Opportunity (NOFO) to provide a more efficient application process for project sponsors. While they remain separate programs for the purposes of award, the programs share many common characteristics. Because of these shared characteristics, it is possible for many projects to be eligible and considered for multiple programs using a single application.

This notice seeks comments on the proposed information collection, which will collect information necessary to support the ongoing oversight and administration of previous awards, a Letter of Intent screening tool, the evaluation and selection of new applications, the funding agreement negotiation stage for new awards, and the evaluation of the programs. The reporting requirements for the program is as follows:

Prior to applying, a project sponsor may fill out a “Letter of Intent” screening tool to help determine eligibility for one or both programs

within the RCN NOFO or help direct them to a more appropriate grant program.

To be considered to receive an RCN grant, a project sponsor must submit an application to DOT containing a project narrative, as detailed in the NOFO. The project narrative should include the information necessary for the Department to determine that the project satisfies eligibility requirements as warranted by law.

After the award announcement the Department will send out a voluntary survey to all applicants and webinar participants to help evaluate the application process.

Following the announcement of a funding award, the recipient and DOT will negotiate and sign a funding agreement with awardees. In the agreement, the recipient must describe the project that DOT agreed to fund, which is the project that was described in the RCN application or a reduced-scope version of that project. The agreement also includes project schedule milestones, a budget, and project-related climate change, equity, and workforce planning and policies.

During the project monitoring stage, grantees will submit reports on the financial condition of the project and the project’s progress. Grantees will submit progress and monitoring reports to the Government on a quarterly basis until completion of the project. The progress reports will include an SF-425, Federal Financial Report, and other information determined by the administering DOT Operating Administration. This information will be used to monitor grantees’ use of Federal funds, ensuring accountability and financial transparency in the RCN programs.

For Post Construction Reporting, the DOT will evaluate the program for recipients of capital construction grants and include the outcomes and impacts of the highway removal project. The report will document any changes in the overall level of mobility, congestion, access, and safety in the project area, and environmental impacts and economic development opportunities in the project area. Performance reporting continues for several years after project construction is completed in which DOT will not provide grant funding specifically for performance reporting.

For the purposes of estimating the information collection burden below for new applicants and awardees, the Department is assuming that for each year 2023–2025, the Department will review approximately 1,000 applications and negotiate 100 funding agreements. Quarterly project

monitoring will also exist for the 45 RCP breakdown of burden hours, please see projects awarded in FY22. For a detailed Table 1.

TABLE 1

Respondent	Year 1 (2023)			Year 2 (2024)			Year 3 (2025)			Total hrs.
	#	Hrs.	Freq.	#	Hrs.	Freq.	#	Hrs.	Freq.	
Letter of Intent ...	600	0.5	1	.....	.....	.....	.....	.....	.....	300
Applicants	1,000	100	1	.....	.....	.....	.....	.....	.....	100,000
Survey	700	0.5	1	.....	.....	.....	.....	.....	.....	350
Awardee Fund- ing Agree- ments .....	.....	.....	.....	100	6	1	.....	.....	.....	600
Quarterly Moni- toring (2022) ..	45	5	4	.....	.....	.....	.....	.....	.....	900
Letter of Intent ...	.....	.....	.....	600	0.5	1	.....	.....	.....	300
Applicants .....	.....	.....	.....	1,000	100	1	.....	.....	.....	100,000
Survey .....	.....	.....	.....	700	0.5	1	.....	.....	.....	350
Awardee Fund- ing Agree- ments .....	.....	.....	.....	.....	.....	.....	100	6	1	600
Quarterly Moni- toring (2022 & 2023) .....	.....	.....	.....	145	5	4	.....	.....	.....	2,900
Letter of Intent ...	.....	.....	.....	.....	.....	.....	250	0.5	1	125
Applicants .....	.....	.....	.....	.....	.....	.....	435	100	1	43,500
Survey .....	.....	.....	.....	.....	.....	.....	300	0.5	1	150
Awardee Fund- ing Agree- ments .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Quarterly Moni- toring (2022, 2023, 2024) ...	.....	.....	.....	.....	.....	.....	245	5	4	4,900
Grand Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	254,975

The Department's estimated burden for this information collection is the following:

For Letter of Intent Screening Tool

Expected Number of Respondents:
Approximately 600 in Year 1 and 2.
DOT expects 250 in Year 3 with depletion of NAE funding by then, reducing those using the tool.

Frequency: Once.
Estimated Average Burden per Response: .5 hours.

For New Applications

Expected Number of Respondents:
Approximately 1,000 in Year 1 and 2.
435 are expected for Year 3 with depletion of NAE funding.

Frequency: Once.
Estimated Average Burden per Response: 100 hours for each new Application;

For Program Evaluation (Survey)

Expected Number of Respondents:
Approximately 700 in Year 1 and 2. 300 in Year 3.

Frequency: Once.
Estimated Average Burden per Response: 0.5 hours for each application;

For Funding Agreements

Expected Number of Respondents:
Approximately 100 in Year 1 and 2.

Frequency: Once.
Estimated Average Burden per Response: 6 hours for each new Funding Agreement;

For Quarterly Project Monitoring

Expected Number of Respondents:
Approximately 45 in Year 1. 100 in Year 2 and Year 3.

Frequency: Quarterly.
Estimated Average Burden per Response: 5 hours for each request for Quarterly Progress and Monitoring Report;

For Post-Construction Project Monitoring

Because RCN expect no projects to complete construction by 2025, post-construction monitoring hours and cost are not computed in this document.

Estimated Total 3-Year Burden on Respondents: 254,975 Hours

- Letter of Intent [825 hrs]
- New Applicants [242,000 hrs]
- Survey [850 hrs]
- New Awardee Funding Agreements [1,200 hrs]
- Prior Awardee Quarterly Project Monitoring [8,700]

The following is detailed information and instructions regarding the specific reporting requirements for each report identified above:

Letter of Intent Screening Stage

To help applicants determine their eligibility for the RCN combined grant opportunity, OST will develop and use the "Letter of Intent" tool to help applicants determine eligibility for the programs or what application materials they may be missing. The Letter of Intent screening tool will save potential applicants hundreds of hours of application development time if the project has a "fatal flaw" that would render it ineligible. The Letter of Intent tool will consist of 10–20 questions and takes .5 hrs to fill out.

Application Stage

To be considered to receive a RCN grant, a project sponsor must apply to DOT containing a project narrative, as detailed in the NOFO. The project narrative should include the information necessary for the Department to determine that the project satisfies eligibility requirements.

Applications must be submitted through www.valideval.com. Instructions for submitting Planning or Capital applications can be found at https://usg.valideval.com/teams/rcn_planning/signup or https://usg.valideval.com/teams/rcn_capitalconstruction/signup, respectively. The application must

include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative.

The application should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Department recommends that the application be prepared with standard formatting preferences (*i.e.*, a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The only substantive portions that may exceed the page limit are documents supporting assertions or conclusions made in the project narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged.

OST estimates that it takes approximately 100 person-hours to compile an application package for a RCN application. Since OST expects to receive 1000 applications per funding round, the total hours required are estimated to be 50,000 hours (100 hours \times 1,000 applications = 100,000 hours) on a one-time basis, per funding round.

Program Evaluation Stage (Survey)

To understand the RCN grant process from the applicant's point of view, OST plans to send out a survey after all award decisions have been made. This survey will go to all applicants, both successful and unsuccessful, and will take approximately .5 hours to complete.

Funding Agreement Stage

DOT enters a funding agreement with each recipient. In the agreement, the recipient describes the project that DOT agreed to fund, which is typically the project that was described in the RCN application or a reduced-scope version of that project. The agreement also includes a project schedule, budget, and project related climate change and equity planning and policies.

OST estimates that it takes approximately 6 person-hours to respond to provide the information necessary for funding agreements. Based on previous rounds of RCN awards, OST

estimates that there will likely be 100 agreements negotiated per additional funding round. The total hours required are estimated to be 600 (6 hours \times 100 agreements = 600 hours) on a one-time basis, per funding round.

Project Monitoring Stage

OST requires each recipient to submit quarterly reports during the project to ensure the proper and timely expenditure of federal funds under the grant.

The requirements comply with 2 CFR part 200 and are restated in the funding agreement. During the project monitoring stage, the grantee will complete Quarterly Progress Reports to allow DOT to monitor the project budget and schedule.

OST estimates that it takes approximately 5 person-hours to develop and submit a quarterly progress report. OST awarded 45 recipients and awardees in 2022. OST expects approximately 100 projects to be awarded per funding round.

Post Construction Monitoring Stage

For Post Construction Reporting, the DOT will evaluate the program for recipients of capital construction grants and include the outcomes and impacts of the highway removal project. The report will document any changes in the overall level of mobility, congestion, access, and safety in the project area, and environmental impacts and economic development opportunities in the project area. Because RCN expect no projects to complete construction by 2025, post-construction monitoring hours and cost are not computed in this document.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on August 31st, 2023.

John Augustine,

Director of the Office of Infrastructure Finance and Innovation, Office of the Under Secretary for Transportation Policy.

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DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Notice and request for comments.

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 take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

DATES: Written comments should be received on or before November 6, 2023 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006-A, P.O. Box 1328, Parkersburg, WV 26106-1328, or bruce.sharp@fiscal.treasury.gov.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1530-0023.

Abstract: The Bureau of the Fiscal Service conducts various surveys, focus groups, and interviews to assess the effectiveness and efficiency of existing products and services; to obtain knowledge about the potential public audiences attracted to new products being introduced; and to measure awareness and appeal of efforts to reach audiences and customers.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 75,000.

Estimated Time per Respondent: 8 minutes.

Estimated Total Annual Burden Hours: 10,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. 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; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use