

“substantive” requirements of FMVSS No. 108, but has provided no information as to which requirements it considers “substantive” and which it does not. Morgan has submitted no compliance testing data or information showing that the lamps comply with all relevant requirements. Without such information and data, and without a “DOT” mark on the headlamp to imply that such information and data exist, the agency is unable to conclude that the lack of the “DOT” mark is the only noncompliant aspect of the headlamps.

In addition to the arguments addressed above, the agency is also not persuaded by two additional arguments Morgan makes for why it believes NHTSA should grant the petition with respect to both noncompliances. First, Morgan argues that its petition should be granted because the subject vehicle is an exotic vehicle produced in very low numbers and likely to be operated on a limited basis, as opposed to a passenger automobile designed to be used as a family’s primary passenger vehicle. In support of this argument, Morgan cites two previous agency decisions granting inconsequentiality petitions.²¹ Both petitions concerned noncompliances with automatic restraint requirements in FMVSS No. 208. The agency’s decisions in those situations were based on the fact that it had already granted temporary exemption petitions from both manufacturers for the vehicle models at issue in those inconsequentiality petitions. The agency has not previously granted Morgan a temporary exemption for the noncompliances at issue in the present petition. Moreover, the “vehicle attributes” that Morgan implies those grants were based on—that the vehicles were exotic vehicles likely operated on a limited basis—were simply arguments made by the petitioners in those cases, and not, as Morgan’s petition implies, the basis for the agency’s decision. NHTSA expects manufacturers to fulfill their duties and responsibilities to provide vehicles that meet all safety standards regardless of production volume or estimated consumer use.

Second, Morgan states that there have been no reports of any safety issues or injuries related to the subject noncompliances. NHTSA does not consider the absence of complaints to show that the noncompliances are inconsequential to safety. The subject vehicle population is small, so the lack of reports or complaints may not be

surprising. Further, vehicle lighting functions as a signal to other motorists and pedestrians; if other motorists found the noncompliant lighting confusing, it is unlikely that those motorists would have been able to identify the subject vehicle and make a complaint to either NHTSA or Morgan. 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.

Finally, the agency observes that although Morgan’s Part 573 report and inconsequentiality petition only concern the headlamp spacing and headlamp marking noncompliances, the subject vehicles may also fail to comply with other applicable FMVSSs. For example, a motorcycle headlamp that incorporates a replaceable light source that does not comply with FMVSS No. 108, paragraph S11 (e.g., an H4 light source which is only permitted on motorcycle specific headlamps) is also required to have the headlamp lens permanently marked “motorcycle.” This marking may not have appeared on the headlamps of one of the subject vehicles the agency observed.

Morgan’s proposed remedy: Morgan proposes to add a single FMVSS No. 108 compliant headlamp on the M3W’s vertical centerline and have the original, noncompliant headlamps remain as separately switched auxiliary lamps. Paragraph S6.2.1 of FMVSS No. 108 requires that any additional lighting elements (i.e., lighting elements that are not required by the standard) installed on a vehicle must not impair the effectiveness of lighting equipment required by the standard. A motorcycle equipped with both a compliant single headlighting system and an auxiliary (supplemental) dual-headlamp system might be prohibited by the impairment provision. The proximity of the auxiliary lamps to the required front turn signal lamps might also raise impairment concerns. We strongly encourage Morgan to review the standard to ensure that its remedy does indeed comply with all applicable requirements.

NHTSA’s Decision: After carefully considering the arguments presented on this matter, NHTSA finds that the petitioner has not met its burden of persuasion in establishing that the described noncompliances in the subject vehicles are inconsequential to motor vehicle safety. Accordingly, Morgan’s petition is hereby denied, and Morgan must notify owners, purchasers and dealers pursuant to 49 U.S.C. 30118 and provide a free remedy in accordance with 49 U.S.C. 30120.

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

Gregory K. Rea,
Associate Administrator for Enforcement.
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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Notice Regarding Unauthorized Access to Customer Information

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its information collection titled, “Notice Regarding Unauthorized Access to Customer Information.”

DATES: Comments must be submitted on or before June 13, 2016.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0227, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597. Upon

²¹ 60 FR 27593, May 24, 1995 (grant of inconsequentiality petition from Excalibur Automobile Corp.); 61 FR 9517, Mar. 8, 1996 (grant of inconsequentiality petition from Cantab Motors, Ltd.).

arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, OCC Clearance Officer, (202) 649-5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend, with revision, the approval of the following information collection:

Title: Notice Regarding Unauthorized Access to Customer Information.

OMB Control No.: 1557-0227.

Description: Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801) requires the OCC to establish appropriate standards for national banks relating to administrative, technical, and physical safeguards: (1) To insure the security and confidentiality of customer records and information; (2) to protect against any anticipated threats or hazards to the security or integrity of such records; and (3) to protect against unauthorized access to, or use of, such records or information that could result in substantial harm or inconvenience to any customer.

The Interagency Guidelines Establishing Information Security

Standards, 12 CFR part 30, Appendix B and part 170, Appendix B (collectively, Security Guidelines), which implement section 501(b), require each entity supervised by the OCC (supervised institution) to consider and adopt a response program, as appropriate, that specifies actions to be taken when the supervised institution suspects or detects that unauthorized individuals have gained access to customer information.

The Interagency Guidance on Response Programs for Unauthorized Customer Information and Customer Notice (Breach Notice Guidance¹), which interprets the Security Guidelines, states that, at a minimum, a supervised institution's response program should contain procedures for the following:

(1) Assessing the nature and scope of an incident, and identifying what customer information systems and types of customer information have been accessed or misused;

(2) Notifying its primary Federal regulator as soon as possible when the supervised institution becomes aware of an incident involving unauthorized access to, or use of, sensitive customer information;

(3) Consistent with the OCC's Suspicious Activity Report regulations, notifying appropriate law enforcement authorities and filing a timely SAR in situations in which a Federal criminal violation requires immediate attention, such as when a reportable violation is ongoing;

(4) Taking appropriate steps to contain and control the incident in an effort to prevent further unauthorized access to, or use of, customer information, for example, by monitoring, freezing, or closing affected accounts, while preserving records and other evidence; and

(5) Notifying customers as warranted. This collection of information covers the notice provisions in the Breach Notice Guidance.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 20.

Total Estimated Annual Burden: 720 hours.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized and included in the request for OMB 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 6, 2016.

Mary Hoyle Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

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DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0219]

Proposed Information Collection (Civilian Health And Medical Program of the Department of Veterans Affairs (CHAMPVA) Benefits—Application, Claim, Other Health Insurance & Potential Liability); Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify areas for improvement in clinical training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 13, 2016.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System

¹ 12 CFR part 30, Appendix B, Supplement A.