

not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and (3) outside the driver's sight lines to the road and highway signs and signals," will provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the GPS devices would obstruct drivers' views of the roadway, highway signs and surrounding traffic; and (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver, and there will be no impairment of available sight lines to the road and highway signs and signals. In addition, the Agency believes that the use of GPS devices by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency action permitting the placement of vehicle safety technologies on CMVs outside the driver's sight lines to the road and highway signs and signals. FMCSA is not aware of any evidence showing that the installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Section 392.80 of the FMCSRs prohibits (a) drivers from engaging in texting while driving, and (b) motor carriers from allowing or requiring its drivers to engage in texting while driving. The term "texting" is defined in section 390.5 of the FMCSRs as "manually entering alphanumeric text into, or reading text from an electronic device," and includes, but is not limited to, "short message service, emailing, instant messaging, a command or request to access a World Wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication." While the definition of "texting" in section 390.5 of the FMCSRs expressly excludes "Inputting, selecting, or reading information on a global positioning system or navigation system," FMCSA strongly encourages CMV drivers utilizing GPS devices under this temporary exemption to minimize/avoid possible distraction associated with using these devices by (1) programming the device before starting to drive, (2) stopping to reprogram the device if necessary, and (3) enabling the voice command on the

device (instead of muting it) to help avoid glancing at the device display.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning August 22, 2018 and ending August 22, 2023. During the temporary exemption period, motor carriers will be allowed to operate CMVs equipped with GPS devices mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers; or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and (3) outside the driver's sight lines to the road and highway signs and signals.

The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating GPS devices mounted on the windshield in the same location as vehicle safety technologies are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Issued on: August 15, 2018.

Raymond P. Martinez,
Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2018-0057]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 16, 2018. The agency received one relevant comment.

DATES: Comments must be submitted on or before September 21, 2018.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Mazurowski, Office of Crashworthiness Standards, NRM-130, 202-366-1012, National Highway Traffic Safety Administration, Room W43-445, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Before a Federal agency can collect certain information from the public, it must receive approval from the OMB. In compliance with those requirements, this notice announces that the following information collection request has been forwarded to OMB.

Federal Motor Vehicle Safety Standard (FMVSS) No. 218, "Motorcycle helmets," requires that each helmet shall be labeled permanently and legibly in a manner such that the label(s) can be read easily without removing padding or any other permanent part. This collection pertains to the labeling requirements in FMVSS No. 218.

NHTSA published a **Federal Register** notice requesting public comment on

this information collection.¹ In response, the agency received three comments, only one of which was relevant to this collection.²

The Governors Highway Safety Association (GHSA) expressed its support for strong motorcycle helmet labeling requirements, and submitted information about motorcycle safety. GHSA commented that this information collection was “atypical” in their view. GHSA explained that typically ICRs involved the collection or submission of information directly to the agency and that while NHTSA spot checks the performance of motorcycle helmets through a compliance program, the content of the label is more for the benefit of consumers and law enforcement.

GHSA is correct that a common type of information collection under the Paperwork Reduction Act (PRA) occurs when an agency directly collects information from the public. However, a collection of information, as defined by the PRA, means “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format”³ This labeling requirement imposes a disclosure (label) to the public, and is therefore covered by the PRA. NHTSA has sought and received PRA clearance for FMVSS No. 218 dating back to 1984.⁴ Therefore, NHTSA believes no changes are necessary in response to comments.

The following describes the collection of information for which NHTSA intends to seek OMB approval. It is titled “Motorcycle Helmets (Labeling),” OMB Control Number: 2127–0518. NHTSA’s existing collection for FMVSS No. 218 expired during the 60 day notice comment period, therefore the agency has amended the type of request to be a reinstatement of a previously approved collection.

Title: Motorcycle Helmets (Labeling).
OMB Control Number: 2127–0518.

Type of Request: Reinstatement without change of previously approved collection of information.

Abstract: The National Traffic and Motor Vehicle Safety Act, now codified at 49 U.S.C. 30111, authorizes the issuance of FMVSS. Moreover, under 49 U.S.C. 30117, the Secretary is also authorized to require manufacturers to provide information to first purchasers

of motor vehicles or motor vehicle equipment when the vehicle equipment is purchased, in the form of printed matter placed in the vehicle or attached to the motor vehicle or motor vehicle equipment. The Secretary is authorized to issue, amend, and revoke such rules and regulations as he/she deems necessary.

Using this authority, the agency issued the initial FMVSS No. 218 in 1974. Motorcycle helmets are devices used to protect motorcyclists from head injury in motor vehicle crashes. FMVSS No. 218 S5.6 requires that each helmet shall be labeled permanently and legibly in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

Affected Public: Motorcycle helmet manufacturers.

Estimated Number of Respondents: 45.

Frequency: Every certified helmet produced.

Number of Responses: 3,250,000.

Estimated Total Annual Burden Hours: 9,100.

Estimated Total Annual Burden Cost: \$1,300,000 (\$1.3 million).

The 45 respondents (helmet manufacturers) produce a total of 3,250,000 annual responses. A manufacturer spends approximately 0.0028 hours per response. The estimated annual number of burden hours for helmet manufacturers is 9,100 burden hours per year (3,250,000 × 0.028 hours). Using a total labeling cost of \$0.40, the estimated total annual burden cost is \$1,300,000 (3,250,000 × \$0.40).

Public Comments Invited: You are asked to comment on any aspects of this information collection, including: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department’s estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and Delegation of Authority at 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Recordkeeping and Termination of Correspondent Accounts for Foreign Banks

AGENCY: Financial Crimes Enforcement Network (“FinCEN”), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites comment on the renewal of information collections in existing regulations requiring records concerning owners of foreign banks and agents of foreign banks for service of legal process.

DATES: Written comments are welcome and must be received on or before October 22, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0011 and the Office of Management and Budget (“OMB”) control number 1506–0043.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0011 and OMB control number 1506–0043.

Please submit comments by one method only. Comments will also be incorporated to FinCEN’s retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at frc@fincen.gov.

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act (“BSA”), Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951–1959, and 31 U.S.C. *et seq.*, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering

¹ 83 FR 16431 (April 16, 2018).

² www.regulations.gov. Docket Number: NHTSA–2018–0051.

³ 44 U.S.C. 3502(3).

⁴ See: <https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=2127-0518> (last accessed June 22, 2018).