

- MY 2015–2018 Porsche Cayenne S E-Hybrid;
- MY 2011–2014 Porsche Cayenne S Hybrid;
- MY 2010 Porsche Cayenne S Transsyberia;
- MY 2008–2018 Porsche Cayenne S;
- MY 2017–2018 Porsche Cayenne S E-Hybrid “Platinum Edition;”
- MY 2008–2019 Porsche Cayenne Turbo;
- MY 2009–2010 Porsche Cayenne Turbo S;
- MY 2016–2018 Porsche Cayenne Turbo S;
- MY 2014 Porsche Cayenne Turbo S;
- MY 2015–2018 Porsche Macan Turbo;
- MY 2017–2018 Porsche Macan;
- MY 2018 Porsche Macan “Sport Edition;”
- MY 2017–2018 Porsche Macan GTS;
- MY 2015–2018 Porsche Macan S; and
- MY 2017–2018 Porsche Macan Turbo Plus Performance Package.

*III. Noncompliance:* Porsche explains that the noncompliance is that the subject vehicles are equipped with rims that do not contain the required rim markings as specified in paragraph S4.4.2 of FMVSS No. 110. Specifically, the rims on the subject vehicles do not contain the designation symbol “E” as required by paragraph S4.4.2(a) of FMVSS No. 110 and the certification symbol “DOT” as required by paragraph S4.4.2(c) of FMVSS No. 110.

*IV. Rule Requirements:* Paragraphs S4.4.2(a) and S4.4.2(c) of FMVSS 110, include the requirements relevant to this petition. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, each wheel disc shall be marked with the designation that indicates the source of the rim’s published nominal dimensions, specifically, “E” indicating The European Tyre and Rim Technical Organization and the symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable FMVSS.

*V. Summary of Petition:* Porsche described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Porsche submitted the following reasoning:

1. With respect to FMVSS No. 110, paragraph S4.4.2(c), the DOT marking signifies that the manufacturer of the rim has certified that the rim complies with all applicable FMVSSs. As the DOT marking is a “certification,” it is a violation of 49 U.S.C. 30115 (“Certification”), which does not require

notification or remedy. Porsche asserts that this is consistent with NHTSA’s prior decision on petitions for the same issue. (*See* 74 FR 69376).

2. With respect to FMVSS No. 110, paragraph S4.4.2(a), Porsche believes that the omission of the designation symbol “E” will not prevent the proper matching of tires and rims because sufficient information about rim size is available from other markings on the rim and the corresponding owner’s manual instructions. More specifically, Porsche states, the rims are marked correctly with the size designation; the correct tire size information is listed on the Tire and Loading Information placard, and the tire size is marked on the tire sidewall. The vehicles’ Certification label also contains the correct tire and rim sizes. Importantly, the omitted marking does not affect the ability to identify the rims in the event of a recall and is not likely to have any effect on motor vehicle safety. Porsche asserts that this is again consistent with NHTSA’s prior decision on petitions for the same. (*See* 74 FR 69376).

3. The tire and rim of the affected spare wheels are properly matched, and are appropriate for the load-carrying characteristics of the subject vehicle. Porsche asserts that the incorrect association marking has no effect on the performance of the tire/rim combination.

4. The subject tire/rim assembly meets paragraph S4.4.1(b) rapid air loss requirement of FMVSS No. 110. All other applicable requirements of FMVSS Nos. 109 and 110 have been met.

5. Lastly, Porsche is unaware of any accidents, injuries, or customer complaints related to the omitted markings.

Porsche’s complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov> and by following the online search instructions to locate the docket number as listed in the title of this notice.

Porsche concluded by expressing the belief 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.

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, any decision on this petition only applies to the subject vehicles that Porsche no longer controlled at the time it determined that the noncompliance existed. However, any decision on 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.*

[FR Doc. 2019–22347 Filed 10–11–19; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0079; Notice 1]

#### Nissan North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Nissan North America, Inc., (Nissan) has determined that certain model year (MY) 2019 Nissan Armada motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Nissan filed a noncompliance report dated July 01, 2019. Nissan also petitioned NHTSA on July 24, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Nissan’s petition.

**DATES:** The closing date for comments on the petition is November 14, 2019.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket number and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of

Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to [https://www.regulations.gov](https://www.regulations.gov/), including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at [https://www.regulations.gov](https://www.regulations.gov/) by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477-78).

#### **SUPPLEMENTARY INFORMATION:**

*I. Overview:* Nissan has determined that certain MY 2019 Nissan Armada

motor vehicles do not fully comply with S7.4.13.1 of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108). Nissan filed a noncompliance report dated July 01, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Nissan also petitioned NHTSA on July 24, 2019, 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*.

This notice of receipt, of Nissan's petition, is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercises of judgment concerning the merits of the petition.

*II. Vehicles Involved:* Approximately 3,009 MY 2019 Nissan Armada motor vehicles, manufactured between September 13, 2018, and October 23, 2018, are potentially involved.

*III. Noncompliance:* Nissan explains that the noncompliance is that the subject vehicles are equipped with headlamp assemblies that do not meet the photometric intensity requirements as required by paragraph S7.4.13.1 of FMVSS No. 108. Specifically, the reflex reflector is not seated properly in the headlamp assembly, thus, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly. When tested, the photometric intensity of the headlamp assemblies fell below the minimum photometric intensity required.

*IV. Rule Requirements:* S7.4.13.1 of FMVSS No. 108 includes the requirements relevant to this petition. Each side marker lamp must be designed to conform to the photometry requirements of Table X, when tested according to the procedure of S14.2.1, for the lamp color as specified by FMVSS No. 108.

*V. Summary of Nissan's Petition:* The following views and arguments presented in this section, V. Summary of Nissan's petition, are the views and arguments provided by Nissan. They have not been evaluated by the agency and do not reflect the views of the agency.

Nissan described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety. Nissan submitted the following views and arguments in support of the petition:

1. Due to a manufacturing issue affecting only the driver's side marker lamp, the reflex reflector may not be seated properly in the headlamp assembly, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly. The reflector is restrained from further movement by the outer lens of the headlamp. The manufacturing issue has been corrected.

2. Even in the worst-case displaced position, the side marker lamp is only minimally below photometric intensity of the side marker lamp at one test point. Nissan has judged that the minimal difference in photometric intensity between the lamp that tested below standard and a lamp meeting the minimum standard is not perceptible to the human observer. (See also, Subaru of America, Grant of Petition, 56 FR 59971 (Nov. 26, 1991); Hella, Inc., Grant of Petition, 55 FR 37601 (Sept. 12, 1990)).

3. Moreover, in the subject vehicles, the parking lamp wraps around the corners of the headlamp assembly and adds additional illumination in the region where testing showed the photometric intensity of the side marker lamp to be slightly below standard. On the affected MY 2019 Armada vehicles, the parking lamps are on the same circuit as the side marker lamps and therefore always illuminate in conjunction with the side marker lamps.

4. When tested as a unit in real-world conditions, the photometric intensity of the combined parking and side marker lamps is above the required 0.62 cd for all test points and approximately 5 times the test point where the side marker lamp alone was below 0.62 cd.

5. In the event the reflector was to move out of position, the complimentary illumination from the parking lamp compensates for the slight reduction in photometric intensity of the side marker lamp over an exceedingly small range. Therefore, in actual usage conditions, the presence of an affected vehicle is conspicuous and in Nissan's judgement, there is no perceivable difference in the visibility of the subject vehicles compared to compliant vehicles to drivers and pedestrians on the road.

6. In similar situations, NHTSA has granted the applications of other petitioners in which a minor deviation from the standard was deemed imperceptible and therefore inconsequential to safety (See, e.g., BMW of N.Am., LLC, Grant of Petition, 82 FR 55484 (Nov. 21, 2017); Osram Sylvania Prods., Inc., Grant of Petition, 78 FR 46000 (July 30, 2013)). While Nissan recognizes that NHTSA has

denied petitions claiming complimentary illumination, those petitions are distinguishable due to the greater extent of the reduction in illumination over a wider affected area.

Nissan concluded by expressing the belief 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.

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, any decision on this petition only applies to the subject vehicles that Nissan no longer controlled at the time it determined that the noncompliance existed. However, any decision on 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 Nissan 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-2019-0140]

#### Privacy Act of 1974; System of Records; Amendment of a General Routine Use

**AGENCY:** Office of the Secretary of Transportation, Department of Transportation.

**ACTION:** Amendment to existing Privacy Act general routine use.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of Transportation's Office of the Secretary of Transportation (DOT/OST) is amending an existing general routine

use for all DOT systems of records. The amended routine use is consistent with a recommendation in a memorandum issued by the Office of Management and Budget (OMB) on January 3, 2017 (Memorandum M-17-12 "Preparing for and Responding to a Breach of Personally Identifiable Information"). OMB's memorandum recommends that all Federal agencies publish two routine uses for their systems allowing for the disclosure of personally identifiable information to the appropriate parties in the course of responding to a breach or suspected breach of data maintained in a system of records.

**DATES:** Submit comments on or before November 14, 2019. Changes to this system will be effective November 14, 2019.

**ADDRESSES:** You may submit comments, identified by Docket Number DOT-OST-2019-0140, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590.

- *Instructions:* All submissions received must include the agency name and docket number DOT-OST-2019-0140, for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590 or [privacy@dot.gov](mailto:privacy@dot.gov) or (202) 366-8135. For legal questions, contact Evan Baylor, Honors Attorney, Office of General Counsel, at [evan.baylor@dot.gov](mailto:evan.baylor@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, as amended, 5 U.S.C. 552a, governs the means by which the United States Government collects, maintains, and uses personally identifiable information (PII) in a system of records. A "system of records" is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal**

**Register**, for public notice and comment, a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses PII in the system and the routine uses for which the agency discloses such information outside the agency. As provided in "Privacy Act Guidelines" issued by the Office of Management and Budget (OMB) on July 1, 1975 (*see* 40 FR 28966), once an agency has published a routine use that will apply to all of its systems of record (*i.e.*, a general routine use) in the **Federal Register** for public notice and comment, the agency may thereafter incorporate the publication by reference in each system's SORN without inviting further public comment on that use. To date, DOT has published 15 general routine uses (*see* 65 FR 19476 published April 11, 2000; 68 FR 8647 published February 23, 2003; 75 FR 82132 published December 29, 2010; and 77 FR 42796 published July 20, 2012).

The amended general routine use reflects a non-substantive change to an existing DOT general routine use (*see* 75 FR 82132, published December 29, 2010). The amended general routine use implemented by this Notice reflects the two pieces of the existing general routine use in two parts: (a) A general routine use for disclosure of records in response to a breach or suspected breach of DOT's systems of records and (b) a general routine use for disclosure of records in response to breach or suspected breach of another agency's systems of records.

The amended general routine uses are compatible with the purposes for which the information to be disclosed under these general routine uses was originally collected. Individuals whose personally identifiable information is in DOT systems expect their information to be secured. Sharing their information with appropriate parties in the course of responding to a confirmed or suspected breach of a DOT system, or another agency's system, will help DOT and all Federal agencies protect them against potential misuse of their information by unauthorized persons.

For the reasons above, the existing general routine use 11 is amended to reflect the OMB guidance, reflected in a new 11a and 11b, as follows:

11a. To appropriate agencies, entities, and persons when (1) DOT suspects or has confirmed that there has been a breach of the system of records; (2) DOT has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOT (including its information systems, programs, and operations), the Federal