

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

Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOT's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11b. To another Federal agency or Federal entity, when DOT determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

**Claire Barrett,**

*DOT Chief Privacy Officer.*

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## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Bank Enterprise Award Program Application

**ACTION:** Notice and request for public comment.

**SUMMARY:** The U.S. 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 (PRA) of 1995. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Bank Enterprise Award Program (BEA Program) Application, for the fiscal year (FY) 2020–FY 2022 funding rounds (hereafter, the Application or Applications).

**DATES:** Written comments must be received on or before December 16, 2019 to be assured of consideration.

**ADDRESSES:** Submit your comments via email to Mia Sowell, BEA Program Associate Program Manager, CDFI Fund, at [bea@cdfi.treas.gov](mailto:bea@cdfi.treas.gov), or by facsimile to (202) 508-0089. Please note that this is not a toll free number.

**FOR FURTHER INFORMATION CONTACT:** Mia Sowell, BEA Program Associate Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220 or email to [bea@cdfi.treas.gov](mailto:bea@cdfi.treas.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* BEA Program Application.

*OMB Number:* 1559-0005.

*Abstract:* The purpose of the Bank Enterprise Award Program (BEA Program) is to provide an incentive to Federal Deposit Insurance Corporation-insured (FDIC-insured) depository institutions to increase their lending, investment, and financial services to residents and businesses located in economically distressed communities, and provide assistance to Community Development Financial Institutions (CDFIs) through grants, stock purchases, loans, deposits, and other forms of financial and technical assistance. The CDFI Fund will make awards through the BEA Program to FDIC-insured depository institutions, based upon such institutions' demonstrated increase of qualified activities, as reported in the Application. The Application will solicit information concerning: Applicants' eligibility to participate in the BEA Program; the increase in total dollar value of applicants' qualified activities; impact of qualified activities; and appropriate supporting documentation. The questions that the Application contains, and the information generated thereby, will enable the CDFI Fund to evaluate applicants' activities and determine the extent of applicants' eligibility for BEA Program awards.

*Current Actions:* Extension without change of currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Businesses or other for-profit institutions, non-profit entities, and State, local and Tribal entities participating in CDFI Fund programs.

*Estimated Number of Respondents:* 125.

*Frequency of Response:* Annually.

*Estimated Total Number of Annual Responses:* 125.

*Estimated Annual Time per Respondent Including Optional Questions:* 20 hours.

*Estimated Total Annual Burden Hours:* 2,500.

*Requests for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and may be published on the CDFI Fund's website at <https://www.cdfifund.gov>.

The CDFI Fund is seeking: (a) Specific input on the BEA Program Application; and (b) general input on other BEA Program-related topics and considerations. Commentators should ensure that their comments are clearly labeled in order to distinguish those related to: (a) The BEA Program Application or, (b) other BEA Program related topics and considerations. The Application may be obtained on BEA page of the CDFI Fund's website at [https://www.cdfifund.gov/programs-training/Programs/bank\\_enterprise\\_award/Pages/apply-step.aspx#step1](https://www.cdfifund.gov/programs-training/Programs/bank_enterprise_award/Pages/apply-step.aspx#step1).

Commentators are encouraged to consider, at a minimum, the following topics:

#### A. BEA Program Application

Comments concerning the Application are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

In addition, the CDFI Fund requests comments in response to the following general questions about the BEA Program Application:

1. Is the data and information that is proposed to be collected by the BEA Program Application necessary and appropriate for the CDFI Fund to consider for the purpose of making award decisions?

2. In general, does the data and information requested in the BEA Program Application allow an applicant to demonstrate its lending, investment and service activities in BEA Program Distressed Communities or to CDFIs?

3. Are certain data fields, questions or tables redundant or unnecessary?

4. Should any data fields, questions or tables be added to ensure collection of relevant information?

5. Are there any data fields, questions or tables that are particularly difficult or burdensome to answer? If so, please be specific as to which questions or tables and describe why they are difficult or burdensome.