

under an obligation to provide information to the agency. It also includes entities that voluntarily submit information to the agency. Such entities would include manufacturers of motor vehicles and of motor vehicle equipment. Importers are considered to be manufacturers. It may also include other entities that are involved with motor vehicles or motor vehicle equipment but are not manufacturers.

*Estimate of the Total Annual Reporting and Recordkeeping Burdens Resulting from the Collection of Information—4000 hours.*

The agency receives requests for confidential treatment that vary in size from requests that ask the agency to withhold as little as a portion of one page to multiple boxes of documents. NHTSA estimates that it will take on average approximately eight (8) hours for an entity to prepare a submission requesting confidential treatment. This estimate will vary based on the size of the submission, with smaller and voluntary submissions taking considerably less time to prepare. The agency based this estimate on the volume of requests received over the past three years.

NHTSA estimates that it will receive approximately 500 requests for confidential treatment annually. This figure is based on the average number of requests received over the past three years. We selected this period because it provides an estimate based on incoming requests for the most recent three years. The agency estimates that the total burden for this information collection will be approximately 4000 hours, which is based on the number of requests (500) multiplied by the estimated number of hours to prepare each submission (8 hours).

Since nothing in the rule requires those persons who request confidential treatment pursuant to part 512 to keep copies of any records or requests submitted to us, recordkeeping costs imposed would be zero hours and zero costs.

**Authority:** 44 U.S.C. 3506; delegation of authority at 49 CFR 1.95.

Issued on December 21, 2016 in Washington, DC, under authority delegated in 49 CFR part 1.95.

**Paul A. Hemmersbaugh,**  
Chief Counsel.

[FR Doc. 2016–31333 Filed 12–27–16; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0116; Notice 1]

#### Ford Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Ford Motor Company (Ford), has determined that certain model year (MY) 2015–2017 Ford F–150 and Ford F-Super Duty pickup trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 202a, *Head Restraints*. Ford filed a noncompliance information report dated October 18, 2016. Ford also petitioned NHTSA on November 17, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**DATES:** The closing date for comments on the petition is January 27, 2017.

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

- **Mail:** Send comments by mail addressed to 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 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 Federal Holidays.
- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site 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>, 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> 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

Ford Motor Company (Ford), has determined that certain model year (MY) 2015–2017 Ford F–150 and Ford F-Super Duty pickup trucks do not fully comply with paragraph S4.2.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 202a, *Head Restraints*. Ford filed a noncompliance information report dated October 18, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Ford also petitioned NHTSA on November 17, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, 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.

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

##### II. Vehicles Involved

Approximately 274,321 MY 2015–2017 Ford F–150 and MY 2017 Ford

F-Super Duty pickup trucks manufactured between March 12, 2014 and September 28, 2016, are potentially involved. The affected vehicles are those equipped with a 4-way adjustable driver and front passenger seat head restraint and a front row center seating position (referred to as a “40/20/40 front seat”).

**III. Noncompliance**

Ford explains that the noncompliance is that the driver and front passenger seat head restraints in the subject vehicles do not meet the minimum width requirements of paragraph S4.2.2 of FMVSS No. 202a. The head restraints have, on average, a width of 239 mm, which is below the 254 mm minimum width required by the standard.

**IV. Rule Text**

Paragraph S4.2.2 of FMVSS No. 202a states:

S4.2.2 *Width*. When measured in accordance with S5.2.2 of this section, 65 ± 3 mm below the top of the head restraint, the lateral width of a head restraint must be not less than 170 mm, except the lateral width of the head restraint for front outboard designated seating positions in a vehicle with a front center designated seating position, must be no less than 254mm . . .

**V. Summary of Ford’s Petition**

Ford 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, Ford submitted the following reasoning:

1. *Identical bucket seat and head restraint design provides the intended level of protection:* The outboard front bucket seats (cushion, back, head restraint) are identical for trucks built with or without a front row center designated seating position (dsp). In fact, it is possible to remove the seats from a subject truck and swap them with the seats from a truck built without a front center dsp. The center area between the two outboard front bucket seats can be configured with a fold down storage console/dsp, center storage console, or nothing. The

outboard bucket seats are the same, regardless of the selected center option.

a. Review of preamble discussions (FMVSS No. 202a rulemaking) finds that the main reason for retaining the 254 mm width requirement was concern that “occupants seated on bench seats are freer than occupants of single seats to position themselves so that they are not directly in front of the head restraint, and a bench head restraint needs to be wider to assure that the head restraint will be behind the occupant in event of a crash.” (72 FR 25514)

b. Review of preamble discussions finds that the main reason for retaining the 170 mm width requirement, and not increasing to 254 mm, for “bucket seats” is “. . . front outboard non-bench seats have a defined contour that, in addition to belt use, better prescribe occupant seating position relative to the head restraint. Therefore, the front non-bench head restraints can be narrower than the front bench seat head restraints.” (69 FR 74848)

c. Conclusion: The seat utilized in the subject vehicles are not “bench seats” in the traditional sense of providing a single seating surface that spans the width of the vehicle. All of the characteristics cited by the Agency in supporting the basis for narrower head restraints for bucket seat vehicles are present in the outboard seats of the subject trucks because the outboard bucket seats are identical regardless of how the center area between the seats is configured. The ability for an occupant to position or mis-position themselves in the outboard seat is the same for trucks with or without the center dsp because the seat contours and seat belt anchorage locations are the same. The seats are identical and interchangeable but the head restraint width requirement is different. Ford is not advocating that a narrower head restraint width requirement should apply. Rather, Ford believes that the safety risk the agency sought to address by retaining a wider width requirement for seats with a front center dsp is simply not present in the subject bucket

seats because of its contoured design. Regardless how the front center area between the seats is configured, Ford believes that the subject head restraints in the outboard front bucket seats provide the intended level of protection.

2. *Seating reference point measurements demonstrate head restraints provide required width protection and intended level of safety:*

a. Ford evaluated head restraint width protection using seating reference point measurements (SgRP). In promulgating FMVSS No. 202a, the Agency proposed to “maintain the existing width requirements.” In responding to comments to harmonize the requirements with ECE 17, the agency stated that, “The 254 mm width requirement for these head restraints on bench seats has been in effect since January 1, 1969.” (69 FR 74848). Ford believes that this clearly shows that the agency intended to retain the width requirement as-is in the upgraded standard.

b. In retaining the width requirements, the measurement procedure was revised from “when measured either 64 mm below the top of the head restraint or 635 mm above the seating reference point” to “when measured 65 ± 3 mm below the top of the head restraint.”

c. Ford believes that the position of the occupant’s head is determined by their seating position, not by the head restraint. In this case, Ford believes that measuring the head restraint width from the SgRP demonstrates that the subject head restraints provide the intended level of safety. Measuring from the top of the head restraint actually varies the location of the width requirement based on the head restraint design, and is not necessarily based on the position of the occupant’s head. Below is a table providing data illustrating how the height of a head restraint affects the location at which the width requirement applies, further it shows how this is different under the original FMVSS No. 202 standard.

TABLE 1—COMPARISON OF HEAD RESTRAINT WITH MEASUREMENT LOCATION

Top of head restraint (mm)	Height at width measurement—FMVSS No. 202 (635 mm above SgRP)	Height at width measurement—FMVSS No. 202a (65 mm below top)
700 (FMVSS No. 202)	635	635
750 (FMVSS No. 202a)	635	685
800 (FMVSS No. 202a)	635	735
850	635	785

d. The height of the adjustable head restraint in the subject trucks ranges from a minimum of 802 mm up to 851 mm, exceeding the height requirements of FMVSS No. 202a by 50 mm.

e. While the agency argued that the existing requirements should not be changed because they meet the need for motor vehicle safety, in the preambles for the FMVSS No. 202a upgrade, no rationale was provided for excluding the option of measuring up from the SgRP or how this option did not meet the need for motor vehicle safety.

f. Conclusion: In the subject trucks, the outboard dsp head restraint width exceeds the requirement when the width is measured 635 mm above the SgRP. This method is based on the occupant seated height and is consistent for all seats and head restraints, and demonstrates that the subject head restraints provide occupants with the intended level of safety.

*3. Exemplar measurements demonstrate that the subject head restraints provide required width protection and intended level of safety for all occupants:*

a. Ford evaluated head restraint width protection for occupants using a SAEJ826 package manikin. The measured width of the head restraint at the initial point of contact between the head restraint and the head of the manikin is 257 mm. The height at this location is 636 mm above the seating reference point (SgRP).

b. Based on a survey of 15 trucks the highest point on the head restraint that meets the 254 mm width requirement ranged from 674 mm to 721 mm above the SgRP with the head restraint in the full down position. Ford provides the required width across a wide section of the head restraint. Adjusting the head restraint up (up to 50 mm of vertical adjustment is available) further increases the range at which Ford provides the required width. This range of coverage includes occupants as tall and taller than the 95th percentile American male.

c. Conclusion: The subject trucks provide the required width and intended level of safety for all occupants including, and taller than, the 95th percentile American male.

*4. Vehicle performance testing demonstrates head restraints provide intended level of safety:*

a. Another alternative method for evaluating seat performance is testing. The Ford F-150 meets or exceeds all other FMVSS No. 202a requirements and was rated "Good" by the Insurance Institute for Highway Safety based on dynamic whiplash testing. Based on testing, Ford believes that its head

restraints are indeed providing the intended level of safety to occupants.

Ford stated that it has made changes in production to increase the width of the head restraints.

Ford 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 Ford 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 Ford 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.

**Jeffrey M. Giuseppe,**  
*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 2016-31405 Filed 12-27-16; 8:45 am]

**BILLING CODE 4910-59-P**

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network; Bank Secrecy Act Advisory Group; Solicitation of Application for Membership

**AGENCY:** Financial Crimes Enforcement Network ("FinCEN"), Treasury.

**ACTION:** Notice and request for nominations.

**SUMMARY:** FinCEN is inviting nominations from the public for membership on the Bank Secrecy Act Advisory Group. New members will be selected for three-year membership terms.

**DATES:** Nominations must be received by January 27, 2017.

**ADDRESSES:** Nominations must be emailed to [BSAAG@fincen.gov](mailto:BSAAG@fincen.gov).

**FOR FURTHER INFORMATION CONTACT:** FinCEN Resource Center at 800-767-2825.

**SUPPLEMENTARY INFORMATION:** The Annunzio-Wylie Anti-Money Laundering Act of 1992 required the Secretary of the Treasury to establish a Bank Secrecy Act Advisory Group (BSAAG) consisting of representatives from federal regulatory and law enforcement agencies, financial institutions, and trade groups with members subject to the requirements of the Bank Secrecy Act, 31 CFR 1000-1099 *et seq.* or Section 6050I of the Internal Revenue Code of 1986. The BSAAG is the means by which the Treasury receives advice on the operations of the Bank Secrecy Act. As chair of the BSAAG, the Director of FinCEN is responsible for ensuring that relevant issues are placed before the BSAAG for review, analysis, and discussion.

FinCEN invites BSAAG membership nominations for financial institutions, trade groups, and non-federal regulatory and law enforcement agencies. New members will be selected to serve a three-year term and must designate one individual to represent that member at plenary meetings. The designated representative should be knowledgeable about Bank Secrecy Act requirements and must be able and willing to make the necessary time commitment to participate on committees throughout the year by phone and attend biannual plenary meetings held in Washington, DC, in May and October.

It is important to provide complete answers to the following items, as nominations will be evaluated on the information provided through this process. There is no formal application; interested organizations may submit their nominations via email or email attachment. Nominations should consist of:

- Name of the organization requesting membership
- Point of contact, title, address, email address and phone number
- Description of the financial institution or trade group and its involvement with the Bank Secrecy Act, 31 CFR 1000-1099 *et seq.*
- Reasons why the organization's participation on the BSAAG will bring value to the group

Organizations may nominate themselves, but nominations for individuals who are not representing an organization will not be considered. Members will not be remunerated for their time, services, or travel. In making the selections, FinCEN will seek to complement current BSAAG members