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**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2010-0054]

### Notice of Submission of Proposed Information Collections to OMB; Agency Request for Renewal of Previously Approved Information Collections: Nondiscrimination on the Basis of Disability in Air Travel: Reporting Requirements for Disability-Related Complaints

**AGENCY:** Office of the Secretary (OST), Department of Transportation (Department or DOT).

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Department of Transportation's intention to renew an Office of Management and Budget (OMB) control number for information collection request (ICR) OMB No. 2105-0551, "Reporting Requirements for Disability-Related Complaints." This collection is related to a requirement in the Code of Federal Regulations (CFR) for carriers to report annually to the Department the number of disability-related complaints they receive.

**DATES:** Written comments on this notice should be submitted by February 19, 2019.

**ADDRESSES:** You may submit comments (identified by Docket No. DOT-OST-2010-0054) through one of the following methods:

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

- *Fax:* 1-202-493-2251.

- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Rm. W-12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m. EST, Monday through Friday, except on Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Maegan Johnson, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-9342 (Voice), 202-366-7152 (Fax), or [maegan.johnson@dot.gov](mailto:maegan.johnson@dot.gov) (Email). Arrangements to receive this document in an alternative format may

be made by contacting the above-named individuals.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 2105-0551.

*Title:* Reporting Requirements for Disability-Related Complaints.

*Type of Request:* Renewal of information collections.

*Background:* On July 8, 2003, the Office of the Secretary published a final rule that requires most certificated U.S. and foreign air carriers operating to, from and within the U.S. that conduct passenger-carrying service utilizing at least one large aircraft to record complaints that they receive alleging inadequate accessibility or discrimination on the basis of disability. The carriers must also categorize these complaints according to the type of disability and nature of complaint, prepare a summary report annually of the complaints received during the preceding calendar year, submit the report to the Department's Aviation Consumer Protection Division, and retain copies of correspondence and records of action taken on the reported complaints for three years. The rule requires carriers to submit their annual report via the World Wide Web except if the carrier can demonstrate an undue burden by doing so and receives permission from the Department to submit it in an alternative manner. The first required report covered disability-related complaints received by carriers during calendar year 2004, was due to the Department on January 31, 2005. Carriers have since submitted subsequent reports by the last Monday in January for the prior calendar year.

The title, a description of the information collection and respondents, and the periodic reporting burden are set forth below for each of the information collected.

(1) Requirement to record and categorize complaints received.

*Respondents:* Certificated U.S. air carriers and foreign air carriers operating to and from the United States that conduct passenger-carrying service with at least one large aircraft.

*Number of Respondents:* 177 (an average of the total number of respondents that reported over the past three years).

*Estimated Annual Burden on Respondents:* 0-1,611 hours (96,660 minutes) a year for each respondent (estimated time to record and categorize each complaint (15 minutes) multiplied by the lowest number of complaints and the average of the highest number of complaints received per respondent over the past three years (0-6,444 complaints)).

*Estimated Total Annual Burden:* 8,148 hours (488,880 minutes) for all respondents (time to record and categorize each complaint (15 minutes) multiplied by the average total number of complaints received over the past three years (32,591) for all respondents).

*Frequency:* 0-6,444 complaints (a range of the lowest number of complaints and an average of the highest number of complaints received over the past three years).

(2) Requirement to prepare and submit annual report.

*Respondents:* Certificated U.S. air carriers and foreign air carriers operating to and from the United States that conduct passenger-carrying service with at least one large aircraft.

*Number of Respondents:* 177 (an average of the total number of respondents that reported over the past three years).

*Estimated Annual Burden on Respondents:* 30 minutes a year per each respondent.

*Estimated Total Annual Burden:* 88.5 hours (5,310 minutes) for all respondents (estimated annual burden [30 minutes] multiplied by the total number of respondents).

*Frequency:* 1 report to DOT per year for each respondent.

(3) Requirement to retain correspondences and records of action taken on all disability-related complaints.

*Respondents:* Certificated U.S. air carriers and foreign air carriers operating to and from the United States that conduct passenger-carrying service with at least one large aircraft.

*Number of Respondents:* 177 (an average of the total number of respondents that reported over the past three years).

*Estimated Annual Burden on Respondents:* 0-537 hours (0-32,220 minutes) for each respondent (the estimated time it will take for each respondent to retain or save the correspondences and records of action taken on disability-related complaints (5 minutes) multiplied by the lowest number of complaints and the average highest number of complaints received per respondent over the past three years (0-6,444)).

*Estimated Total Annual Burden:* 2,716 hours (162,955 minutes) for all respondents (the estimated time it will take for each respondent to retain or save the correspondences and records of action taken on disability-related complaints (5 minutes) multiplied by the average total number of complaints received over the past three years (32,591) for all respondents).

*Frequency:* 0–6,444 complaints per year for each respondent (A range of the lowest number of complaints and an average of the highest number of complaints received over the past three years).

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the Department's functions, 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. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR part 1.

Issued in Washington, DC, on December 14, 2018.

**Blane A. Workie,**

*Assistant General Counsel for Aviation Enforcement and Proceedings.*

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Agency Information Collection Activities; Proposed Renewal; Comment Request; Reports of Foreign Financial Accounts Regulations and FinCEN Form 114, Report of Foreign Bank and Financial Accounts

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

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

**SUMMARY:** FinCEN invites comment on a renewal, without change, of existing information collection requirements concerning reports of foreign financial accounts and FinCEN Form 114, Report of Foreign Bank and Financial Accounts (“FBAR”). This request for comments is being made pursuant to the Paperwork Reduction Act (“PRA”) of 1995.

**DATES:** Written comments are welcome and must be received on or before February 19, 2019 to be assured of consideration.

**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–2018–0018 and the Office of Management and Budget (“OMB”) control number 1506–0009.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0018 and OMB control number 1506–0009.

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](mailto: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. 5311–5314 and 5316–5332, 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 programs and compliance procedures.<sup>1</sup> Title III of the USA PATRIOT Act of 2001, Pub. L. 107–56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.*, which are intended to aid in the prevention, detection, and prosecution of international money laundering and terrorist financing.

Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement as well

<sup>1</sup> Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, P.L. 107–56 (“USA PATRIOT Act”).

as regulatory authorities in the identification, investigation, and prosecution of money laundering and other matters.

Under 31 U.S.C. 5314, the Secretary is authorized to require any “resident or citizen of the United States or a person in, and doing business in, the United States, to . . . keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency.” The term “foreign financial agency” encompasses the activities found in the statutory definition of “financial agency,”<sup>2</sup> which means, in pertinent part, “a person acting for a person as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, or a transaction in money, credit, securities, or gold.”<sup>3</sup> The Secretary is also authorized to prescribe exemptions to the reporting requirement and to prescribe other matters the Secretary considers necessary to carry out section 5314.

Pursuant to the authority in section 5314, 31 CFR 1010.350 generally requires each U.S. person having a financial interest in, or signature or other authority over, a bank, securities, or other financial account in a foreign country to report such relationship to the Commissioner of Internal Revenue for each year in which such relationship exists, and to provide and report such information specified in a reporting form prescribed under 31 U.S.C. 5314. Section 1010.350 provides certain exceptions from reporting. FinCEN Form 114 (the FBAR) is the form used to file the required information. The recordkeeping requirements associated with foreign financial accounts required to be reported under section 1010.350 are set forth in 31 CFR 1010.420. Specifically, filers must retain records of such accounts for a period of 5 years and make the records available for inspection as authorized by law.<sup>4</sup>

In accordance with the requirements of the PRA and its implementing regulations, the following information is presented concerning the information collection below.

*Title:* Reports of foreign financial accounts and records to be made and retained by persons having financial

<sup>2</sup> 31 U.S.C. 5312(b)(2).

<sup>3</sup> See 31 U.S.C. 5312(a)(1), which exempts from the definition of financial agency a person acting for a country, a monetary or financial authority acting as a monetary or financial authority or an international financial institution of which the United States government is a member.

<sup>4</sup> The penalties provided in the BSA apply to both the FBAR reporting and recordkeeping requirement.