

- Bullying is the use of force, threat, or coercion to abuse, intimidate or aggressively dominate others. The behavior is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power, which distinguishes bullying from conflict.

- Consent means clear words or overt acts by a competent person indicating freely given agreement to engage in mutually agreed upon sexual conduct. An expression of refusal through words or conduct means there is no consent. Consent may not be inferred from silence, passivity, or lack of resistance alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence of a current or previous dating or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent may be initially given but can be withdrawn at any time.

- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, being asleep, being involuntarily restrained, or being coerced or intimidated. Depending on the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants, may be incapacitated and, therefore, unable to consent.

- Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit or for the advantage or benefit of anyone else. Examples of sexual exploitation include but are not limited to the following:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has the reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, each without the affirmative consent of all parties);

- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's affirmative consent;

- Exposing one's genitals to another person without affirmative consent; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

- Retaliation (sometimes referred to as reprisal) means taking or threatening to take any adverse action taken against an individual for making a good faith

report of conduct prohibited under the organization's Policy, or for participating in any investigation or proceeding resulting from such a report. Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from making a report, or from participating in proceedings related to such a report. Examples of retaliation include, but are not limited, to the following:

- Disadvantaging or restricting a person in their status as an employee or cadet, or in their ability to gain benefits or opportunities available at the organization or the USMMA;

- Precluding a person from filing a report of prohibited conduct;

- Pressuring someone to drop or not support a complaint, or to provide incomplete, false, or misleading information; or

- Adversely altering the educational or work environment of someone who has r participated in the complaint process.

By order of the Acting Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2021-0068]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Petitions for Hearings on Notification and Remedy of Defects

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

**ACTION:** Notice and request for comments on a request for extension of a currently approved information collection.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This ICR is for a request for extension of NHTSA's currently approved information collection for petitions for hearings on notification and remedy of

defects. A **Federal Register** Notice with a 60-day comment period soliciting comments on the ICR was published on January 18, 2022. No comments were received.

**DATES:** Comments must be submitted on or before April 29, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). To find this particular information collection, select "Currently under Review—Open for Public Comment" or use the search function.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to background documents, contact Nicholas LaBruna, Recall Management Division (NEF-107), Room W46-438, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590. Telephone: (202) 366-1781. Please identify the relevant collection of information by referring to its OMB Control Number (2127-0039).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

*Title:* Petitions for Hearings on Notification and Remedy of Defects.

*OMB Control Number:* 2127-0039.

*Form Numbers(s):* N/A.

*Type of Request:* Extension of a currently approved information collection.

*Type of Review Requested:* Regular.

*Requested Expiration Date of Approval:* 3 Years from the date of approval.

*Summary of the Collection of Information:* NHTSA reviews filed complaints from vehicle owners and other information related to alleged defects or noncompliances to decide whether to open an investigation. Should a manufacturer determine or NHTSA decide, through testing, inspection, investigation or research, that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety or does not comply with an applicable Federal motor vehicle safety standard (FMVSS),

Section 30118 of title 49 of the United States Code requires the manufacturer of motor vehicles or replacement equipment to notify NHTSA, owners, purchasers, and dealers of the safety defect or noncompliance. Section 30120 requires the manufacturer to remedy, without charge, the defect or non-compliance and specifies the ways in which a noncompliance or defect can be remedied. Sections 30118(e) and 30120(e) of title 49 specify that any interested person may petition the Secretary of Transportation (NHTSA by delegation) to hold a hearing to determine whether a manufacturer of motor vehicles or motor vehicle equipment has reasonably met its obligation to notify owners, purchasers, and dealers of vehicles or equipment of a safety-related defect or noncompliance with a FMVSS in the manufacturer's products and to remedy that defect or noncompliance.

To implement these statutory provisions, NHTSA promulgated 49 CFR part 557, Petitions for Hearings on Notification and Remedy of Defects. Part 557 establishes procedures for the submission and disposition of petitions for hearings on the issues of whether the manufacturer has reasonably met its obligation to notify owners, purchasers, and dealers of safety-related defects or noncompliance, or to remedy such defect or noncompliance free of charge.

*Description of the Need for the Information and Proposed Use of the Information:* Persons who believe that a manufacturer has been deficient in notifying owners, purchasers, or dealers of a safety related defect or noncompliance with FMVSS, or has not remedied the problem in accordance with statutory requirements, may petition the agency pursuant to 49 CFR part 557. The agency uses the information collected in the petition, and may use other information available to it, to determine whether a hearing is necessary to determine whether a manufacturer has reasonably met its obligation to notify owners, purchasers, and dealers of the safety defect or noncompliance with FMVSS, or to remedy that defect or noncompliance. Should the agency, on the basis of information provided at that hearing or other information, determine the manufacturer has not reasonably met its obligations, the agency orders the manufacturer to take specified action to bring itself into compliance with those obligations.

*60-Day Notice:* A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was

published on January 18, 2022 (87 FR 2664). No comments were received.

*Affected Public:* Businesses or other interested persons.

*Estimated Number of Respondents:* 1 respondent.

*Frequency:* On occasion.

*Estimated Total Annual Burden Hours:* 1 hour.

When NHTSA last sought approval for the extension of this information collection, the agency estimated it would receive one petition a year and estimated that, with an estimated one hour of preparation time for each petition, the total annual burden for this collection would be 1 hour. The agency now believes that a more accurate estimate would be 0 petitions and 0 burden hours each year, based on the agency not receiving of any such petitions submitted in recent years. However, NHTSA continues to estimate that the time to prepare a petition is 1 hour and, to account for the possibility of receiving a petition in a given year, NHTSA estimates the total annual burden of this collection to be 1 hour (1 petition × 1 hour to prepare).

*Estimated Total Annual Burden Cost:* \$7.95.

NHTSA estimates that the only cost burden to respondents (*i.e.*, petitioners) except for the time invested (opportunity cost) associated with the time to submit the petition will be postage costs. NHTSA estimates that each mailed response is estimated to cost \$7.95 (priority flat rate envelope from USPS). Therefore, the total cost for the estimated 1 request per year is \$7.95.

*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 agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as

amended; 49 CFR 1.49; and DOT Order 1351.29.

**Stephen Ridella,**

*Director, Office of Defects Investigation, NHTSA.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0029]

#### Denial of Motor Vehicle Defect Petition, DP21-005

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

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted on September 27, 2021, by Mr. James Lamb to NHTSA's Office of Defects Investigation (ODI). The petition requests that the Agency initiate an investigation into alleged "defects in the 2006 J1939 databus," citing a 2016 research paper published through the University of Michigan. On December 23, 2021, NHTSA opened Defect Petition DP21-005 to evaluate the petitioner's request. After reviewing the information provided by the petitioner regarding the alleged defect and conducting searches of complaints from vehicle owners, operators, and fleet supervisors, NHTSA has concluded that there is insufficient evidence to warrant further action at this time. Accordingly, the Agency has denied the petition.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ryan Rahimpour, Medium and Heavy-Duty Vehicle Defects Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590 (telephone 202-366-8756).

#### SUPPLEMENTARY INFORMATION:

##### 1.0 Introduction

Pursuant to 49 CFR 552.1, interested persons may petition NHTSA requesting that the Agency initiate an investigation to determine whether a motor vehicle or item of replacement equipment fails to comply with applicable motor vehicle safety standards or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162; 49 CFR part 552. Upon receipt of a properly filed petition, the Agency conducts a technical review of the petition, material submitted with the petition, and any additional information. 49 U.S.C. 30162(c); 49 CFR