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FEDERAL REGISTER

Vol. 79 Friday,

No. 35 February 21, 2014

Pages 9855–9980

OFFICE OF THE FEDERAL REGISTER

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Federal Register

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0085; Airspace Docket No. 14–AEA–2]

Revocation of Class E Airspace; Leesburg, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E Airspace at Leesburg Executive Airport, Leesburg, VA. Surface area airspace is not required and was published in error in the **Federal Register** of January 3, 2014.

DATES: Effective 0901 UTC, February 21, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On January 3, 2014, the FAA published in the **Federal Register** a final rule establishing Class E surface airspace at Leesburg Executive Airport, Leesburg, VA (79 FR 346) Docket No. FAA–2013–0033. The Class E surface area airspace was published in error and is removed. Class E airspace designations are published in paragraph 6002 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR Part 71.1.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes Class E surface area airspace within a 6-mile radius at Leesburg Executive Airport, Leesburg, VA, Potomac TRACON found the airspace would not add to the orderly flow of air traffic in the area. The final rule published in the **Federal Register** of January 3, 2014, (FR 79 346), Docket No. FAA–2013–0033, establishing Class E surface area airspace at Leesburg Executive Airport, Leesburg, VA, was published in error.

Since any delay in removing the controlled airspace in order to seek public comment would be inconsistent with the agency's safety mandate, immediate corrective action is required in the interest of flight safety. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest. Also, in consideration of the need to remove this controlled airspace to avoid confusion on the part of pilots flying in the vicinity of Leesburg, VA, and the Washington Dulles International Airport area, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of airspace in the area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes controlled airspace at Leesburg Executive Airport, Leesburg, VA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6002 Class E Airspace Areas Extending Upward from the Surface of the Earth.

AEA VA E2 Leesburg, VA [Removed]

Issued in College Park, Georgia, on February 11, 2014.

Eric Fox,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–03546 Filed 2–20–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0862; FRL–9906–24]

Alkyl Alcohol Alkoxylate Phosphate and Sulfate Derivatives; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends two exemptions from the requirement of a tolerance for residues of α-alkyl (minimum C_6 linear, branched, saturated and/or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles, herein referred to as alkyl alcohol alkoxylate phosphate derivatives (AAAPD) and α-Alkyl(C_6-C_{15})-ω-hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles, herein referred to alkyl alcohol alkoxylate sulfate derivatives (AAASD) when used as inert ingredients (surfactants) applied to growing crops and raw agricultural commodities after harvest under 40 CFR 180.910 and applied to animals under 40 CFR 180.930; not to exceed 30% of pesticide formulations. Joint Inerts Task Force Cluster Support Team 2 (JITF CST 2) c/o Huntsman Corp. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an amendment to an existing requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of alkyl alcohol alkoxylate phosphate and sulfate derivatives.

DATES: This regulation is effective February 21, 2014. Objections and requests for hearings must be received on or before April 22, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0862 is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0862 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 22, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0862, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of July 29, 2009 (74 FR 37571) (FRL–8424–6), EPA issued a Final Rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7533) by the Joint Inerts Task Force (JITF) Cluster Support Team Number 2 (CST 2) c/o CropLife America, 1156 15th Street NW., Suite 400, Washington, DC 20005. The petition requested that

40 CFR 180.910, 40 CFR 180.920 and 40 CFR 180.930 be amended by establishing exemptions from the requirement of a tolerance for residues of a group of substances known as alkyl alcohol alkoxylate phosphate and sulfate derivatives. The exemptions narratively describe the subject chemical as α-alkyl (minimum C_6 linear, branched, saturated and/or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles and α-Alkyl(C_6-C_{15})-ω-hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles. The current petition seeks to expand the exemptions for alkyl alcohol alkoxylate sulfate derivatives by adding additional chemicals identified by Chemical Abstract Service Registry Numbers (CAS Reg. Nos.).

In the **Federal Register** of August 20, 2010 (75 FR 51382) (FRL–8836–5), EPA issued a Final Rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7628) by the Joint Inerts Task Force (JITF) Cluster Support Team Number 2 (CST 2) c/o CropLife America, 1156 15th Street NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by establishing an exemption from the requirement of a tolerance for residues of a group of substances known as alkyl alcohol alkoxylate phosphate derivatives. The current petition seeks to expand the exemptions for alkyl alcohol alkoxylate phosphate derivatives by adding additional chemicals identified by CAS Reg. Nos.

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 2E8092) by Joint Inerts Task Force, Cluster Support Team 2, (JITF CST2), c/o Huntsman Corp., 8600 Gosling Rd., The Woodlands, TX 77381. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by modifying two exemptions from the requirement of a tolerance for residues of alkyl alcohol alkoxylate phosphate derivatives to include CAS Reg. Nos. 9004–80–2; 26982–05–8; 31800–89–2; 39341–09–8; 39341–65–6; 39464–69–2; 50668–50–3; 51884–64–1; 57486–09–6; 59112–71–9; 62362–49–6; 63747–86–4; 63887–55–8; 66272–25–1; 67786–06–5; 67989–06–4; 68071–37–4; 68130–44–9; 68130–45–0; 68130–46–1; 68186–29–8; 68186–34–5; 68238–84–6; 68311–04–6; 68389–72–0; 68413–78–5; 68425–75–2; 68439–39–4; 68511–15–9; 68511–36–4; 68551–05–3; 68585–15–9; 68585–16–0; 68585–17–1; 68585–39–7; 68603–24–7; 68607–14–7; 68610–64–0; 68649–30–9; 68650–84–0; 68855–46–9; 68856–03–1; 68890–90–4; 68890–91–5; 68891–12–3; 68891–26–9; 68909–65–9; 68909–67–1; 68909–69–3; 68921–24–4; 68921–60–8; 68954–87–0; 68954–88–1; 68954–92–7; 68987–35–9; 69029–43–2; 69980–69–4; 70247–99–3; 70248–14–5; 70903–63–8; 71965–23–6; 71965–24–7; 72480–27–4; 72623–67–7; 72623–68–8; 72828–56–9; 72828–57–0; 73018–34–5; 73050–08–5; 73050–09–6; 73361–29–2; 73378–71–9; 73378–72–0; 73559–42–9; 73559–43–0; 73559–44–1; 73559–45–2; 74499–76–6; 76930–25–1; 78330–22–0; 91254–26–1; 93925–54–3; 96416–89–6; 103170–31–6; 103170–32–7; 106233–09–4; 106233–10–7; 110392–49–9; 111798–26–6; 111905–50–1; 116671–23–9; 117584–36–8; 119415–05–3; 121158–61–0; 121158–63–2; 125139–13–1; 125301–86–2; 125301–87–3; 126646–03–5; 129870–77–5; 129870–80–0; 130354–37–9; 136504–88–6; 143372–50–3; 143372–51–4; 154518–40–8; 155240–11–2; 160498–49–7; 160611–24–5; 171543–66–1; 210493–60–0; 246159–55–7; 251298–11–0; 261627–68–3; 422563–19–7; 1072943–56–6; 1187742–89–7; 1187743–35–6 and alkyl alcohol alkoxylate sulfate derivatives to include CAS Reg. Nos. 9021–91–4; 27140–00–7; 27731–61–9; 27731–62–0; 34431–25–9; 35015–74–8; 52286–18–7; 52286–19–8; 54116–08–4; 61702–79–2; 63428–86–4; 63428–87–5; 65086–57–9; 65086–79–5; 67674–66–2; 67845–82–3; 67845–83–4; 68037–05–8; 68037–06–9; 68171–41–5; 68610–66–2; 68649–53–6; 68890–88–0; 68891–29–2; 68891–30–5; 69011–37–6; 75422–21–8; 78330–16–2; 78330–17–3; 78330–25–3; 78330–26–4; 78330–27–5; 78330–28–6; 78330–29–7; 78330–30–0; 96130–61–9; 106597–03–9; 110392–50–2; 125301–88–4; 125301–89–5; 125301–92–0; 125736–54–1; 157707–85–2; 160104–51–8; 160901–27–9; 160901–28–0; 160901–29–1; 160901–30–4; 161025–28–1; 161074–79–9; 162063–19–6 when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and applied to animals; not to exceed 30% of pesticide formulations. That document referenced a summary of the petition prepared by Joint Inerts Task Force, Cluster Support Team 2, (JITF CST2), c/o Huntsman Corp., the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

In this petition, the JITF CST 2 claims that the requested chemical CAS Reg. Nos. listed in Unit II. should be covered by the published tolerance exemptions for alkyl alcohol alkoxylate phosphate and sulfate derivatives and that no further data or review is required to amend the existing tolerance exemption to include the additional CAS Reg. Nos.

Based upon review of the data supporting the petition, EPA has confirmed that the requested CAS Reg. Nos. are appropriately added to the currently approved respective descriptors (alkyl alcohol alkoxylate phosphate derivatives or alkyl alcohol alkoxylate sulfate derivatives).

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide

chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for alkyl alcohol alkoxylate phosphate and sulfate derivatives including exposure resulting from the exemption amended by this action. EPA's assessment of exposures and risks associated with alkyl alcohol alkoxylate phosphate and sulfate derivatives follows.

The Agency agrees with the petitioner that CAS Reg. Nos.: 9004–80–2; 26982–05–8; 31800–89–2; 39341–09–8; 39341–65–6; 39464–69–2; 50668–50–3; 51884–64–1; 57486–09–6; 59112–71–9; 62362–49–6; 63747–86–4; 63887–55–8; 66272–25–1; 67786–06–5; 67989–06–4; 68071–37–4; 68130–44–9; 68130–45–0; 68130–46–1; 68186–29–8; 68186–34–5; 68238–84–6; 68311–04–6; 68389–72–0; 68413–78–5; 68425–75–2; 68439–39–4; 68511–15–9; 68511–36–4; 68551–05–3; 68585–15–9; 68585–16–0; 68585–17–1; 68585–39–7; 68603–24–7; 68607–14–7; 68610–64–0; 68649–30–9; 68650–84–0; 68855–46–9; 68856–03–1; 68890–90–4; 68890–91–5; 68891–12–3; 68891–26–9; 68909–65–9; 68909–67–1; 68909–69–3; 68921–24–4; 68921–60–8; 68954–87–0; 68954–88–1; 68954–92–7; 68987–35–9; 69029–43–2; 69980–69–4; 70247–99–3; 70248–14–5; 70903–63–8; 71965–23–6; 71965–24–7; 72480–27–4; 72623–67–7; 72623–68–8; 72828–56–9; 72828–57–0; 73018–34–5; 73050–08–5; 73050–09–6; 73361–29–2; 73378–71–9; 73378–72–0; 73559–42–9; 73559–43–0; 73559–44–1; 73559–45–2; 74499–76–6; 76930–25–1; 78330–22–0; 91254–26–1; 93925–54–3; 96416–89–6; 103170–31–6; 103170–32–7; 106233–09–4; 106233–10–7; 110392–49–9; 111798–26–6; 111905–50–1; 116671–23–9; 117584–36–8; 119415–05–3; 121158–61–0; 121158–63–2; 125139–13–1; 125301–86–2; 125301–87–3; 126646–03–5; 129870–77–5; 129870–80–0; 130354–37–9; 136504–88–6; 143372–50–3; 143372–51–4; 154518–40–8; 155240–11–2; 160498–49–7; 160611–24–5; 171543–66–1; 210493–60–0; 246159–55–7; 251298–11–0; 261627–68–3; 422563–19–7; 1072943–56–6; 1187742–89–7; and 1187743–35–6 are alkyl alcohol alkoxylate phosphate derivatives similar to those present in the existing exemption.

The Agency agrees with the petitioner that CAS Reg. Nos.: 9021–91–4; 27140–00–7; 27731–61–9; 27731–62–0; 34431–25–9; 35015–74–8; 52286–18–7; 52286–19–8; 54116–08–4; 61702–79–2; 63428–86–4; 63428–87–5; 65086–57–9; 65086–79–5; 67674–66–2; 67845–82–3; 67845–83–4; 68037–05–8; 68037–06–9; 68171–41–5; 68610–66–2; 68649–53–6; 68890–88–0; 68891–29–2; 68891–30–5; 69011–37–6; 75422–21–8; 78330–16–2; 78330–17–3; 78330–25–3; 78330–26–4; 78330–27–5; 78330–28–6; 78330–29–7; 78330–30–0; 96130–61–9; 106597–03–9; 110392–50–2; 125301–88–4; 125301–89–5; 125301–92–0; 125736–54–1; 157707–85–2; 160104–51–8; 160901–27–9; 160901–28–0; 160901–29–1; 160901–30–4; 161025–28–1; 161074–79–9; and 162063–19–6 are alkyl alcohol alkoxylate sulfate derivatives similar to those present in the existing exemption.

In 2009, in establishing the exemption for alkyl alcohol alkoxylate sulfate derivatives and in 2010, in establishing the exemption for alkyl alcohol alkoxylate phosphate derivatives, EPA assessed their safety generally using worst case exposure assumptions (see Unit IV. of 74 FR 37571 and Unit IV. of 75 FR 51382). Based upon the review of the data supporting both of these petitions, EPA has confirmed that the requested CAS Reg. Nos. are appropriately added to the currently approved descriptors. The requested CAS Reg. Nos. consist of compounds that are either: α-alkyl (minimum C_6 linear or branched, saturated and or unsaturated)-ω-hydroxypolyoxyethylene polymers with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters or the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts thereof with a minimum oxyethylene content averages 2 moles and minimum oxypropylene content is 0 moles; or α-Alkyl(C_6–C_{15})-ω-hydroxypoly(oxyethylene)sulfate, or the ammonium, calcium, magnesium, potassium, sodium, and zinc salt thereof, with a poly(oxyethylene) content averaging 2–4 moles. As such, the requested CAS Reg. Nos. fall within the existing tolerance exemption descriptors for alkyl alcohol alkoxylate phosphate and sulfate derivatives given in 40 CFR 180.910 and 40 CFR 180.930. The Agency has determined that the proposed addition of the requested CAS Reg. Nos. is adequately supported by the existing data and assessment and that no additional data or review is required. Inclusion of the additional chemicals described in Unit IV. in the risk assessments for the alkyl alcohol alkoxylate phosphate and sulfate derivatives would in no way alter the prior risk assessments given the generic findings on toxicity and the worst case exposure assumptions used in those risk assessments. Accordingly, based on the findings in that earlier rule, EPA has determined that there is a reasonable certainty that no harm to any population subgroup, including infants and children, will result from aggregate exposure to alkyl alcohol alkoxylate phosphate and sulfate derivatives by including the additional chemicals described in Unit IV., under reasonably foreseeable circumstances. Therefore, the amendment to an existing requirement of a tolerance under 40 CFR 180.910 and 40 CFR 180.930 for residues of alkyl alcohol alkoxylate phosphate and sulfate derivatives to include the chemicals described in Unit IV. is safe under FFDCA section 408.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical level of residues of the alkyl alcohol alkoxylate phosphate and sulfate derivatives that cannot be exceeded in or on any food commodities. EPA is establishing a limitation on the amount of the alkyl alcohol alkoxylate phosphate and sulfate derivatives that may be used in pesticide formulations. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide for sale or distribution that contains greater than 30% of the alkyl

alcohol alkoxylate phosphate and sulfate derivatives by weight in the pesticide formulation.

VI. Conclusions

Therefore, the exemptions from the requirement of a tolerance under 40 CFR 180. 910 and 40 CFR 180.930 for alkyl alcohol alkoxylate phosphate and sulfate derivatives are amended to include the requested CAS Reg. Nos. when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and to animals, not to exceed 30% of pesticide formulations.

VII. Statutory and Executive Order Reviews

This final rule establishes an exemption from the requirement for a tolerance in response to a petition submitted to the Agency under FFDCA section 408(d). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 11, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, revise the following inert ingredients in the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* * *	* * *	*
α-Alkyl(C_6-C_{15})-ω-hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles (CAS Reg. Nos. 3088–31–1, 9004–82–4, 9004–84–6, 9021–91–4, 13150–00–0, 25446–78–0, 26183–44–8, 27140–00–7, 27731–61–9, 27731–62–0, 32612–48–9, 34431–25–9, 35015–74–8, 50602–06–7, 52286–18–7, 52286–19–8, 54116–08–4, 61702–79–2, 62755–21–9, 63428–86–4, 63428–87–5, 65086–57–9, 65086–79–5, 67674–66–2, 67845–82–3, 67845–83–4, 68037–05–8, 68037–06–9, 68171–41–5, 68424–50–0, 68511–39–7, 68585–34–2, 68610–66–2, 68611–55–2, 68649–53–6, 68890–88–0, 68891–29–2, 68891–30–5, 68891–38–3, 69011–37–6, 73665–22–2, 75422–21–8, 78330–16–2, 78330–17–3, 78330–25–3, 78330–26–4, 78330–27–5, 78330–28–6, 78330–29–7, 78330–30–0, 96130–61–9, 106597–03–9, 110392–50–2, 125301–88–4, 125301–89–5, 125301–92–0, 125736–54–1, 157707–85–2, 160104–51–8, 160901–27–9, 160901–28–0, 160901–29–1, 160901–30–4, 161025–28–1, 161074–79–9, 162063–19–6).	Not to exceed 30% of pesticide formulation.	Surfactants, related adjuvants of surfactants.

Inert ingredients	Limits	Uses
* * *	* * *	*
α-alkyl (minimum C_6 linear, branched, saturated and/or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; minimum oxyethylene content averages 2 moles; minimum oxypropylene content is 0 moles (CAS Reg. Nos. 9004–80–2, 9046–01–9, 26982–05–8, 31800–89–2, 37280–82–3, 39464–66–9, 39341–09–8, 39341–65–6, 39464–69–2, 42612–52–2, 50643–20–4, 50668–50–3, 51884–64–1, 52019–36–0, 57486–09–6, 58318–92–6, 59112–71–9, 60267–55–2, 61837–79–4, 62362–49–6, 63747–86–4, 63887–55–8, 66272–25–1, 67711–84–6, 67786–06–5, 67989–06–4, 68070–99–5, 68071–17–0, 68071–35–2, 68071–37–4, 68130–44–9, 68130–45–0, 68130–46–1, 68130–47–2, 68186–29–8, 68186–36–7, 68186–34–5, 68186–37–8, 68238–84–6, 68311–02–4, 68311–04–6, 68389–72–0, 68413–78–5, 68425–73–0, 68425–75–2, 68439–39–4, 68458–48–0, 68511–15–9, 68511–36–4, 68511–37–5, 68551–05–3, 68585–15–9, 68585–16–0, 68585–17–1, 68585–36–4, 68585–39–7, 68603–24–7, 68607–14–7, 68610–64–0, 68610–65–1, 68649–29–6, 68649–30–9, 68650–84–0, 68815–11–2, 68855–46–9, 68856–03–1, 68890–90–4, 68890–91–5, 68891–12–3, 68891–13–4, 68891–26–9, 68908–64–5, 68909–65–9, 68909–67–1, 68909–69–3, 68921–24–4, 68921–60–8, 68954–87–0, 68954–88–1, 68954–92–7, 68987–35–9, 69029–43–2, 69980–69–4, 70247–99–3, 70248–14–5, 70903–63–8, 71965–23–6, 71965–24–7, 72480–27–4, 72623–67–7, 72623–68–8, 72828–56–9, 72828–57–0, 73018–34–5, 73038–25–2, 73050–08–5, 73050–09–6, 73361–29–2, 73378–71–9, 73378–72–0, 73559–42–9, 73559–43–0, 73559–44–1, 73559–45–2, 74499–76–6, 76930–25–1, 78330–22–0, 78330–24–2, 91254–26–1, 93925–54–3, 96416–89–6, 103170–31–6, 103170–32–7, 106233–09–4, 106233–10–7, 108818–88–8, 110392–49–9, 111798–26–6, 111905–50–1, 116671–23–9, 117584–36–8, 119415–05–3, 121158–61–0, 121158–63–2, 125139–13–1, 125301–86–2, 125301–87–3, 126646–03–5, 129870–77–5, 129870–80–0, 130354–37–9, 136504–88–6, 143372–50–3, 143372–51–4, 154518–39–5, 154518–40–8, 155240–11–2, 160498–49–7, 160611–24–5, 171543–66–1, 210493–60–0, 246159–55–7, 251298–11–0, 261627–68–3, 317833–96–8, 422563–19–7, 873662–29–4, 936100–29–7, 936100–30–0, 1072943–56–6, 1187742–89–7, 1187743–35–6).	Not to exceed 30% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
* * *	* * *	*

■ 3. In § 180.930, revise the following inert ingredients in the table to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* * *	* * *	*
α-Alkyl(C_6-C_{15})-ω-hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles (CAS Reg. Nos. 3088–31–1, 9004–82–4, 9004–84–6, 9021–91–4, 13150–00–0, 25446–78–0, 26183–44–8, 27140–00–7, 27731–61–9, 27731–62–0, 32612–48–9, 34431–25–9, 35015–74–8, 50602–06–7, 52286–18–7, 52286–19–8, 54116–08–4, 61702–79–2, 62755–21–9, 63428–86–4, 63428–87–5, 65086–57–9, 65086–79–5, 67674–66–2, 67845–82–3, 67845–83–4, 68037–05–8, 68037–06–9, 68171–41–5, 68424–50–0, 68511–39–7, 68585–34–2, 68610–66–2, 68611–55–2, 68649–53–6, 68890–88–0, 68891–29–2, 68891–30–5, 68891–38–3, 69011–37–6, 73665–22–2, 75422–21–8, 78330–16–2, 78330–17–3, 78330–25–3, 78330–26–4, 78330–27–5, 78330–28–6, 78330–29–7, 78330–30–0, 96130–61–9, 106597–03–9, 110392–50–2, 125301–88–4, 125301–89–5, 125301–92–0, 125736–54–1, 157707–85–2, 160104–51–8, 160901–27–9, 160901–28–0, 160901–29–1, 160901–30–4, 161025–28–1, 161074–79–9, 162063–19–6).	Not to exceed 30% of pesticide formulation.	Surfactants, related adjuvants of surfactants.

Inert ingredients	Limits	Uses
* * *	* * *	*
α-alkyl (minimum C_6 linear, branched, saturated and/or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; minimum oxyethylene content averages 2 moles; minimum oxypropylene content is 0 moles (CAS Reg. Nos. 9004–80–2, 9046–01–9, 26982–05–8, 31800–89–2, 37280–82–3, 39464–66–9, 39341–09–8, 39341–65–6, 39464–69–2, 42612–52–2, 50643–20–4, 50668–50–3, 51884–64–1, 52019–36–0, 57486–09–6, 58318–92–6, 59112–71–9, 60267–55–2, 61837–79–4, 62362–49–6, 63747–86–4, 63887–55–8, 66272–25–1, 67711–84–6, 67786–06–5, 67989–06–4, 68070–99–5, 68071–17–0, 68071–35–2, 68071–37–4, 68130–44–9, 68130–45–0, 68130–46–1, 68130–47–2, 68186–29–8, 68186–36–7, 68186–34–5, 68186–37–8, 68238–84–6, 68311–02–4, 68311–04–6, 68389–72–0, 68413–78–5, 68425–73–0, 68425–75–2, 68439–39–4, 68458–48–0, 68511–15–9, 68511–36–4, 68511–37–5, 68551–05–3, 68585–15–9, 68585–16–0, 68585–17–1, 68585–36–4, 68585–39–7, 68603–24–7, 68607–14–7, 68610–64–0, 68610–65–1, 68649–29–6, 68649–30–9, 68650–84–0, 68815–11–2, 68855–46–9, 68856–03–1, 68890–90–4, 68890–91–5, 68891–12–3, 68891–13–4, 68891–26–9, 68908–64–5, 68909–65–9, 68909–67–1, 68909–69–3, 68921–24–4, 68921–60–8, 68954–87–0, 68954–88–1, 68954–92–7, 68987–35–9, 69029–43–2, 69980–69–4, 70247–99–3, 70248–14–5, 70903–63–8, 71965–23–6, 71965–24–7, 72480–27–4, 72623–67–7, 72623–68–8, 72828–56–9, 72828–57–0, 73018–34–5, 73038–25–2, 73050–08–5, 73050–09–6, 73361–29–2, 73378–71–9, 73378–72–0, 73559–42–9, 73559–43–0, 73559–44–1, 73559–45–2, 74499–76–6, 76930–25–1, 78330–22–0, 78330–24–2, 91254–26–1, 93925–54–3, 96416–89–6, 103170–31–6, 103170–32–7, 106233–09–4, 106233–10–7, 108818–88–8, 110392–49–9, 111798–26–6, 111905–50–1, 116671–23–9, 117584–36–8, 119415–05–3, 121158–61–0, 121158–63–2, 125139–13–1, 125301–86–2, 125301–87–3, 126646–03–5, 129870–77–5, 129870–80–0, 130354–37–9, 136504–88–6, 143372–50–3, 143372–51–4, 154518–39–5, 154518–40–8, 155240–11–2, 160498–49–7, 160611–24–5, 171543–66–1, 210493–60–0, 246159–55–7, 251298–11–0, 261627–68–3, 317833–96–8, 422563–19–7, 873662–29–4, 936100–29–7, 936100–30–0, 1072943–56–6, 1187742–89–7, 1187743–35–6).	Not to exceed 30% of pesticide formulation.	Surfactants, related adjuvants of surfactants
* * *	* * *	*

[FR Doc. 2014–03733 Filed 2–20–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0775 and EPA–HQ–OPP–2013–0008; FRL–9905–87]

Saflufenacil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of saflufenacil in or on multiple commodities which are identified and discussed later in this document. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 21, 2014. Objections and requests for hearings must be received on or before April 22, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The dockets in this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0775 and EPA–HQ–OPP–2013–0008, are available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure

proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2012–0775 and/or EPA–HQ–OPP–2013–0008 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 22, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0775 and/or EPA–HQ–OPP–2013–0008, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of November 7, 2012 (77 FR 66781) (FRL–9367–5) (EPA–HQ–OPP–2012–0775), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8065) by BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709–3528. The petition requested that 40 CFR 180.649 be amended by establishing tolerances for residues of the herbicide, saflufenacil, including its metabolites and degradates, in or on sugarcane, cane at 0.03 parts per million (ppm); sugarcane, molasses at 0.075 ppm; and sugarcane, refined sugar at 0.045 ppm. That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

In the **Federal Register** of February 27, 2013 (78 FR 13295) (FRL–9380–2) (EPA–HQ–OPP–2013–0008), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8139) by BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709–3528. The petition requested that 40 CFR 180.649 be amended by establishing tolerances for residues of the herbicide, saflufenacil, including its metabolites and degradates, in or on crayfish at 0.01 ppm. In the **Federal Register** of December 30, 2013 (78 FR 79359) (FRL–9903–69) (EPA–HQ–OPP–2013–0008) EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing a revision to the original pesticide petition (PP 2F8139) by BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709–3528. The revised petition requested that 40 CFR 180.649 be amended by establishing tolerances for residues of the herbicide, saflufenacil, including its metabolites and degradates, in or on fish-freshwater finfish and fish-shellfish crustacean at 0.01 ppm instead of ''crayfish at 0.01 ppm'' based on the Agency's evaluation of the data supporting the original petition. That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2) (EPA–HQ–OPP–2013–0008), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8129) by BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709–3528. The petition requested that 40 CFR 180.649 be amended by amending tolerances for residues of the herbicide, saflufenacil, including its metabolites and degradates, in or on rice, straw at 0.30 ppm and amend the current commodity definition ''Grain, cereal, forage, fodder and straw group 16'' to ''Grain, cereal, forage, fodder and straw group 16 (except rice straw).'' That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petitions, EPA has determined that the tolerance level of 0.03 ppm requested for sugarcane, cane is increased to 0.05 ppm; and the tolerance level of 0.075 ppm requested for sugarcane, molasses is increased to 0.08 ppm. Additionally, tolerances requested for sugarcane, refined sugar and rice, straw are not being established at this time. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for saflufenacil including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with saflufenacil follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Saflufenacil has low acute toxicity via all routes of exposure. Subchronic and

chronic toxicity studies in rats, mice, and dogs identified the hematopoietic system as the primary target of saflufenacil. Consistent with its proposed mode of toxicity involving protoporphyrinogen IX oxidase (PPO) inhibition and subsequent disruption of heme biosynthesis, decreased hematological parameters were seen at about the same dose level [lowest-observed adverse-effect levels (LOAELs) of 13–39 milligram/kilogram/day (mg/kg/day)] across species, except in the case of the dog, where the effects were seen at a slightly higher dose (LOAELs of 50–100 mg/kg/day). These effects occurred around the same dose level from short- through long-term exposures without increasing in severity. In line with findings that male rats achieve a greater systemic exposure than females, males were the most sensitive sex in mice and rats. Effects were also seen in the liver (increased weight, centrilobular fatty change, lymphoid infiltrate) in mice, the spleen (increased spleen weight and extramedullary hematopoiesis) in rats, and in both of these organs (increased iron storage in the liver and extramedullary hematopoiesis in the spleen) in dogs. These effects also occurred around the same dose level from short- through long-term exposures without increasing in severity.

Increased fetal susceptibility was observed in the developmental toxicity studies in the rat and rabbit and in the 2-generation reproduction study in the rat. Developmental effects (decreased fetal body weights and increased skeletal variations in rats and increased liver porphyrins in rabbits) occurred at doses that were not maternally toxic, indicating increased quantitative susceptibility. In the 2-generation reproductive toxicity study in rats, the reported offspring effects were more severe than the maternal effects at the same dose level, indicating evidence for increased qualitative susceptibility. An increased number of stillborn pups, decreased viability and lactation indices, decreased pre-weaning body weight and/or body-weight gain, and changes in hematological parameters occurred at the same dose level as maternal decrements in food intake, body weight, body-weight gain, and changes in hematological parameters and organ weights indicative of anemia.

There is no evidence of neurotoxicity or immunotoxicity in the saflufenacil database.

Saflufenacil was weakly clastogenic in the *in vitro* chromosomal aberration assay in V79 cells in the presence of S9 activation; however, the response was not evident in the absence of S9 activation. It was neither mutagenic in bacterial cells nor clastogenic in rodents *in vivo.* Carcinogenicity studies in rats and mice showed no evidence of increased incidence of tumors at the tested doses. Saflufenacil is classified as ''not likely carcinogenic to humans.''

Specific information on the studies received and the nature of the adverse effects caused by saflufenacil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Saflufenacil. Human-Health Risk Assessment in Support of Tolerances for Residues in/on Fish, Crayfish, and Imported Sugarcane'' at p. 26 in docket ID numbers EPA–HQ–OPP–2012–0775 and EPA–HQ–OPP–2013–0008.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for saflufenacil used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SAFLUFENACIL FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	NOAEL = 500 mg/kg/day. UF_A = 10X UF_H = 10X FQPA SF = 1X	Acute RfD = 5.0 mg/kg/day. aPAD = 5.0 mg/kg/day	Acute Neurotoxicity Study (rat). LOAEL = 2,000 mg/kg/day based on decreased motor activity representing mild and transient systemic toxicity in male rats.
Chronic dietary (All populations).	NOAEL= 4.6 mg/kg/day. UF_A = 10X UF_H = 10X FQPA SF = 1X	Chronic RfD = 0.046 mg/kg/day. cPAD = 0.046 mg/kg/day.	Chronic/Carcinogenicity (mouse). LOAEL = 13.8 mg/kg/day based on decreased red blood cells, hemoglobin, hematocrit, and porphyria observed in the satellite group.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SAFLUFENACIL FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Cancer (Oral, dermal, inhalation).	Not likely carcinogenic to humans based on the lack of tumors in the mouse and rat carcinogenicity studies and lack of mutagenicity.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. NOAEL = no-observed-adverse-effect-level. PAD = population-adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to saflufenacil, EPA considered exposure under the petitioned-for tolerances as well as all existing saflufenacil tolerances in 40 CFR 180.649. EPA assessed dietary exposures from saflufenacil in food as follows:

i. *Acute and chronic exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for saflufenacil.

In estimating both acute and chronic dietary exposure, EPA used the Dietary Exposure Evaluation Model—Food Consumption Intake Database (DEEM) which incorporates food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA; 2003–2008). As to residue levels in food, EPA assumed 100 percent crop treated (PCT), DEEM 7.81 default processing factors, and tolerance-level or higher (i.e., tolerance levels adjusted to take into account metabolite levels) residues for all foods.

ii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that saflufenacil does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iii. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for saflufenacil. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for saflufenacil in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of saflufenacil. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Tier 1 Rice Model and Tier II Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of saflufenacil for acute exposures are estimated to be 133 parts per billion (ppb) for surface water and 69.2 ppb for ground water. Chronic exposures for non-cancer assessments are estimated to be 120 ppb for surface water and 51.5 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 133 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 120 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Saflufenacil is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found saflufenacil to share a common mechanism of toxicity with any other substances, and saflufenacil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that saflufenacil does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Increased fetal susceptibility was observed in the developmental toxicity studies in the rat and rabbit and in the 2-generation reproduction study in the rat. Developmental effects (decreased fetal body weights and increased skeletal variations in rats and increased liver porphyrins in rabbits) occurred at doses that were not maternally toxic in the developmental studies, indicating increased quantitative susceptibility. In the 2-generation reproductive toxicity study in rats, the reported offspring effects were more severe than the maternal effects at the same dose level, indicating evidence for increased qualitative susceptibility. An increased number of stillborn pups, decreased viability and lactation indices, decreased pre-weaning body weight and/or body-weight gain, and changes

in hematological parameters occurred at the same dose level as maternal decrements in food intake, body weight, body-weight gain, and changes in hematological parameters and organ weights indicative of anemia.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for saflufenacil is complete.

ii. There is no indication that saflufenacil is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. The concern for increased susceptibility following prenatal or postnatal exposure is low because clear NOAELs/LOAELs were established for the developmental effects seen in rats and rabbits as well as for the offspring effects seen in the 2-generation reproductive toxicity study. Further, the dose-response relationship for the effects of concern is also well characterized and being used for assessing risks. None of the effects in the developmental or reproduction studies were attributable to a single exposure and, therefore, are not of concern for acute risk assessment. The chronic point of departure used for risk assessment is protective of any developmental and offspring effects observed in these studies.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to saflufenacil in drinking water. These assessments will not underestimate the exposure and risks posed by saflufenacil.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to saflufenacil will occupy <1% of the aPAD for infants less than 1-year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to saflufenacil from food and water will utilize 18% of the cPAD for infants <1-year old, the population group receiving the greatest exposure. There are no residential uses for saflufenacil.

3. *Short and intermediate-term risk.* Short and intermediate-term aggregate exposure takes into account short and intermediate-term residential exposures plus chronic exposure to food and water (considered to be a background exposure level). Because there is no short or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term risk for saflufenacil.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, saflufenacil is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to saflufenacil residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methods ''D0603/02'' and ''L0073/01'' (liquid chromatography/mass spectroscopy/mass spectroscopy (LC–MS/MS)) are available to enforce the tolerance expression. These methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for saflufenacil.

C. Revisions to Petitioned-for Tolerances

EPA has increased the tolerance level requested by BASF Corporation in petition 2E8065 for sugarcane, cane from 0.03 ppm to 0.05 ppm based on the residue data for sugarcane and use of the Organization for Economic Co-operation and Development (OECD) tolerance calculation procedures. Also, based on the residue data for sugarcane and to account for concentrations of residues during processing, a tolerance of 0.08 ppm is required for residues in or on sugarcane, molasses. Residues did not concentrate in refined sugar, so the tolerance proposed for this commodity will not be established at this time. In addition, the proposed tolerances for rice straw in PP 2F8129 will not be established since rice straw is not a significant livestock item. Therefore, the associated request for a change in the commodity definition is not necessary.

V. Conclusion

Therefore, tolerances are established for residues of saflufenacil, 2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluoro-*N*-[[methyl(1-methylethyl)amino]sulfonyl]benzamide, and its metabolites and degradates in or on sugarcane, cane at 0.05 ppm and sugarcane, molasses at 0.08 ppm. Also, tolerances are established for residues of the parent, saflufenacil, in fish-freshwater finfish and fish-shellfish, crustacean at 0.01 ppm. Compliance with the sugarcane, cane and sugarcane, molasses tolerances is to be determined by measuring the sum of saflufenacil, 2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)- 1(2*H*)-pyrimidinyl]-4-fluoro-*N* -[[methyl(1-methylethyl)amino]sulfonyl]benzamide, and its metabolites *N*-[2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-3,6-dihydro-

1(2*H*)-pyrimidinyl)-4-fluorobenzoyl]-*N*-isopropylsulfamide and *N*-[4-chloro-2-fluoro-5 ({[(isopropylamino)sulfonyl] amino}carbonyl)phenyl]urea calculated as the stoichiometric equivalent of saflufenacil; compliance with the fish-freshwater finfish and fish-shellfish, crustacean tolerances are to be determined by measuring only saflufenacil, 2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluoro-*N*-[[methyl(1-methylethyl)amino]sulfonyl]benzamide.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 11, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.649:

■ a. Add alphabetically the following commodities and footnote 2 to the table in paragraph (a)(1).

■ b. Add alphabetically the following commodities to the table in paragraph (a)(2).

The amendments read as follows:

§ 180.649 Saflufenacil; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Sugarcane, cane [2]	0.05
Sugarcane, molasses [2]	0.08
* * * * *	

* * * * *

[2] No U.S. registration as of February 21, 2014.

(2) * * *

Commodity	Parts per million
* * * * *	
Fish-freshwater finfish	0.01
Fish-shellfish, crustacean	0.01
* * * * *	

* * * * *

[FR Doc. 2014–03734 Filed 2–20–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02]

RIN 0648–XD137

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) to close the hook-and-line component of the commercial sector for king mackerel in the southern Florida west coast subzone. This closure is necessary to protect the Gulf of Mexico (Gulf) king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, February 21, 2014, through June 30, 2014.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727–824–5305, email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 27, 2000, NMFS implemented the final rule (65 FR 16336, March 28, 2000) that divided the Florida west coast subzone of the Gulf eastern zone into northern and southern subzones, and established their separate commercial quotas. On January 30, 2012, NMFS implemented the final rule (76 FR 82058, December 29, 2011) that established annual catch limits (ACLs), equal to commercial quotas. The 2013 to 2014 fishing year quota for the hook-and-line component of the commercial sector in the southern Florida west coast subzone is 551,448 lb (250,133 kg) (50 CFR 622.384(b)(1)(i)(B)(*1*)).

From November 1 through March 31, the southern subzone encompasses an area of the EEZ south of a line extending due west of the Lee/Collier County, FL, boundary on the Florida west coast, and south of a line extending due east of the Monroe/Miami-Dade County, FL, boundary on the Florida east coast, which includes the EEZ off Collier and Monroe Counties, FL. From April 1 through October 31, the southern subzone is reduced to the EEZ off Collier County, and the EEZ off Monroe County becomes part of the Atlantic migratory group area.

On February 16, 2014, NMFS implemented a 500-lb (227-kg) trip limit for vessels in the hook-and-line component of the commercial sector for king mackerel in or from the EEZ in the southern Florida west coast subzone.

Under 50 CFR 622.8(b), NMFS is required to close any component of the king mackerel commercial sector when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined the quota for the hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the southern Florida west coast subzone will be reached by February 21, 2014. Accordingly, the hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the southern Florida west coast subzone is closed effective 12:01 a.m., local time, February 21, 2014, through June 30, 2014, the end of the fishing year. On January 29, 2014, NMFS implemented a temporary rule to close commercial harvest of king mackerel in the southern Florida west coast subzone of the eastern zone of the Gulf EEZ using run-around gillnet gear (79 FR 3200, January 31, 2014).

As specified in 50 CFR 622.384(e), during the closure period no person aboard a vessel for which a commercial permit for king mackerel has been issued may harvest or possess Gulf migratory group king mackerel in or from Federal waters of the closed subzone. However, there is one exception that a person aboard a vessel that has a valid charter/headboat permit and also has a commercial king mackerel permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the 2-fish daily bag limit, provided the vessel is operating as a charter vessel or headboat. Charter vessels or headboats that hold a commercial king mackerel permit are considered to be operating as a charter vessel or headboat when they carry a passenger who pays a fee or when more than three persons are aboard, including operator and crew.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the Gulf migratory group king mackerel resource and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.8(b) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the hook-and-line component of the commercial sector constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the ACL (quota). Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 18, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–03718 Filed 2–18–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 35
Friday, February 21, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23809; Directorate Identifier 2005–NE–52–AD]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2007–10–07, which applies to all Turbomeca S.A. Arriel 2B, 2B1, and 2B1A turboshaft engines. AD 2007–10–07 currently requires an inspection of the splines of the coupling assembly and the hydro-mechanical metering unit (HMU) drive gear shaft for wear. This proposed AD would require the same inspection and expand the affected population. This proposed AD would also remove Arriel 2B1A engines from the applicability. We are proposing this AD to prevent failure of the HMU drive gear shaft, which could lead to damage to the engine and damage to the airplane.

DATES: We must receive comments on this proposed AD by April 22, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* 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 to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Turbomeca, S.A., 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2006–23809; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Anthony W. Cerra Jr., Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7128; fax: 781–238–7199; email: *anthony.cerra@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–23809; Directorate Identifier 2005–NE–52–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On May 4, 2007, we issued AD 2007–10–07, Amendment 39–15048 (72 FR 26711, May 11, 2007). AD 2007–10–07 applies to all Turbomeca Arriel S.A. 2B, 2B1, and 2B1A turboshaft engines. AD 2007–10–07 requires an initial inspection of the splines of the coupling assembly and the HMU drive gear shaft for wear as well as an additional inspection every time the HMU is removed. AD 2007–10–07 resulted from reports of in-flight shutdown resulting from deterioration of the splines of the coupling assembly and the HMU drive gear shaft. We issued AD 2007–10–07 to prevent failure of the HMU drive gear shaft, which could lead to damage to the engine, and damage to the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2007–10–07, Amendment 39–15048 (72 FR 26711, May 11, 2007), we received a report of HMU drive gear shaft spline wear on Turbomeca S.A. Arriel 2 engines. Also, since we issued AD 2007–10–07, the European Aviation Safety Agency issued AD 2013–0170, dated July 30, 2013. AD 2013–0170 requires inspection of the coupling assembly splines and the HMU drive gear shaft for wear. AD 2013–0170 also adds the Arriel 2C, 2C1, 2C2, 2S1, and 2S2 engines to the list of affected engines.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2007–10–07, Amendment 39–15048 (72 FR 26711, May 11, 2007) except it would eliminate the additional inspection when the HMU is compliant after the 500 hour inspection and the HMU assembly is unchanged. This proposed AD would expand the applicability to include Turbomeca S.A. Arriel 2C, 2C1, 2C2, 2S1, and 2S2 engines, while removing Arriel 2B1A engines.

Costs of Compliance

We estimate that this proposed AD would affect 470 engines installed on aircraft of U.S. registry. We also estimate

that it would take about 2 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. No parts are required. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $79,900.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2007–10–07, Amendment 39–15048 (72 FR 26711, May 11, 2007), and adding the following new AD:

Turbomeca S.A: Docket No. FAA–2006–23809; Directorate Identifier 2005–NE–52–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by April 22, 2014.

(b) Affected ADs

This AD supersedes AD 2007–10–07, Amendment 39–15048 (72 FR 26711, May 11, 2007).

(c) Applicability

This AD applies to all Turbomeca S.A. Arriel 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines.

(d) Unsafe Condition

This AD was prompted by a report of an additional case of wear of the hydro-mechanical metering unit (HMU) drive gear shaft splines on both Turbomeca S.A. Arriel 2 engines on a twin-engine helicopter. We are issuing this AD to prevent failure of the HMU drive gear shaft, which could lead to damage to the engine and damage to the aircraft.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(1) Arriel 2B and 2B1 Engines

(i) If on the effective date of this AD the HMU has 500 or more operating hours since new or since last overhaul, then within 25 HMU operating hours from the effective date of this AD, inspect the high-pressure (HP) pump drive gear shaft splines and coupling shaft assembly splines. Use paragraph 2.B.(1)(b) of Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 73 2812, Version G, dated June 24, 2013, to do your inspection.

(ii) If on the effective date of this AD the HMU has less than 500 operating hours since new or since last overhaul, then inspect the HP pump drive gear shaft splines and coupling shaft assembly splines between 500 and 525 operating hours since new or since last overhaul. Use paragraph 2.B.(1)(b) of Turbomeca S.A. MSB No. 292 73 2812, Version G, dated June 24, 2013, to do your inspection.

(2) Arriel 2C, 2C1, 2C2, 2S1, and 2S2 Engines

(i) If on the effective date of this AD the HMU has 500 or more operating hours since new, since last overhaul, or if HMU operating hours are unknown, then within 200 HMU operating hours from the effective date of this AD, inspect the HP pump drive gear shaft splines and coupling shaft assembly splines. Use paragraph 2.B.(1)(b) of Turbomeca S.A. MSB No. 292 73 2822, Version F, dated June 21, 2013, to do your inspection.

(ii) If on the effective date of this AD the HMU has more than 300 but less than 500 operating hours since new or since last overhaul, then within 225 HMU operating hours, but no earlier than 500 or later than 700 HMU operating hours from the effective date of this AD, inspect the HP pump drive gear shaft splines and coupling shaft assembly splines. Use paragraph 2.B.(1)(b) of Turbomeca S.A. MSB No. 292 73 2822 Version F, dated June 21, 2013, to do your inspection.

(iii) If on the effective date of this AD the HMU has 300 operating hours or less since new or since last overhaul, then inspect the HP pump drive gear shaft splines and coupling shaft assembly splines between 500 and 525 HMU operating hours since new or since last overhaul. Use paragraph 2.B.(1)(b) of Turbomeca S.A. MSB No. 292 73 2822, Version F, dated June 21, 2013, to do your inspection.

(f) Credit for Previous Actions

If, before the effective date of this AD, you inspected your HMU after 500 HMU operating hours since new or since last overhaul using an earlier version of Turbomeca S.A. MSB No. 292 73 2822, Version F, dated June 21, 2013, for 2C, 2C1, 2C2, 2S1 and 2S2 engines, or MSB No. 292 73 2812, Version G, dated June 24, 2013, for 2B or 2B1 engines, you have met the requirements of this AD.

(g) Installation Prohibition

After the effective date of this AD, do not install any HMU onto any engine, nor install any engine onto any helicopter with an HMU affected by this AD, unless the HMU passed the inspection required by paragraph (e)(1) of this AD for Arriel 2B and 2B1 engines or paragraph (e)(2) of this AD for Arriel 2C, 2C1, 2C2, 2S1, and 2S2 engines.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Anthony W. Cerra, Jr., Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7128; fax: 781–238–7199; email: *anthony.cerra@faa.gov*.

(2) Refer to MCAI European Aviation Safety Agency AD 2013–0170, dated July 30, 2013, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2006-23809*.

(3) Turbomeca S.A. MSB No. 292 73 2822, Version F, dated June 21, 2013, and Turbomeca S.A. MSB No. 292 73 2812, Version G, dated June 24, 2013, pertain to the subject of this AD and can be obtained from Turbomeca S.A. using the contact information in paragraph (i)(4) of this AD.

(4) For service information identified in this AD, contact Turbomeca, S.A., 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 1.

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on February 11, 2014.

Robert J. Ganley,

Acting Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–03673 Filed 2–20–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0023; FRL–9904–98]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before March 24, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), email address: *BPPDFRNotices@epa.gov;* or Lois Rossi, Registration Division (RD) (7505P), email address: *RDFRNotices@epa.gov;* main telephone number: (703) 305–7090; Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the

pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available online at *http://www.regulations.gov*.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance

1. *PP 3E8162.* (EPA–HQ–OPP–2013–0714). Technology Sciences Group on behalf of Isagro S.p.A., 1150 18th Street NW., Suite 1000, Washington, DC 20036, requests to establish import tolerances in 40 CFR part 180 for residues of the fungicide benalaxyl-M, in or on grape at 1.1 parts per million (ppm); grape, juice at 1.1 ppm; grape, wine at 1.1 ppm; grape, raisin at 2.2 ppm; tomato at 0.25 ppm; and tomato, processed at 0.25 ppm. The liquid chromatography (LC) with a mass spectrometer (MS) detector is used to measure and evaluate residues of benalaxyl-M for the proposed uses. (RD)

2. *PP 3E8212.* (EPA–HQ–OPP–2013–0768). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide pendimethalin, [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine], and its metabolite, 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol, calculated as the stoichiometric equivalent of pendimethalin, in or on berry, low growing subgroup 13–07G at 0.1 ppm; fruit, citrus, group 10–10 at 0.1 ppm; fruit, pome, group 11–10 at 0.1 ppm; fruit, stone, group 12–12 at 0.1 ppm; hops, dried cones at 0.1 ppm; onion, bulb subgroup 3–07A at 0.1 ppm; onion, green subgroup 3–07B at 0.2 ppm; sunflower, subgroup 20B at 0.1 ppm; and vegetable, fruiting, group 8–10 at 0.1 ppm. In plants, the analytical method is aqueous organic solvent extraction, column clean up, and quantitation by gas chromatography (GC). The method has a limit of quantitation (LOQ) of 0.05 ppm for pendimethalin and the alcohol metabolite. (RD)

Amended Tolerance

PP 3E8212. (EPA–HQ–OPP–2013–0768). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to remove the existing tolerances in 40 CFR 180.361 for residues of the herbicide pendimethalin, [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine], and its metabolite, 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol, calculated as the stoichiometric equivalent of pendimethalin, in or on fruit, citrus, group 10 at 0.1 ppm; fruit, pome, group 11 at 0.1 ppm; fruit, stone, group 12 at 0.1 ppm; garlic at 0.1 ppm; leek at 0.20 ppm; onion, bulb at 0.1 ppm; onion, green at 0.20 ppm; onion, welsh at 0.20 ppm; shallot at 0.20 ppm; strawberry at 0.10 ppm; sunflower seed at 0.10 ppm; and vegetable, fruiting, group 8 at 0.10 ppm, upon establishment of the proposed tolerances listed in paragraph 2. under ''New Tolerance''. (RD)

New Tolerance Exemption

1. *PP 3E8181.* (EPA–HQ–OPP–2013–0761). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to establish an exemption from the requirement of a tolerance for residues of the herbicide, *Tobacco mild green mosaic tobamovirus* U2 (TMGMV), in or on all commodities of crop group 17 (grass forage, fodder, and hay group) and crop group 18 (nongrass animal feeds (forage, fodder, straw, and hay) group). The petitioner believes no analytical method is needed because *Tobacco mild green mosaic tobamovirus* U2 is already present in the environment; therefore, any applied pesticide containing TMGMV would be indistinguishable from that which is naturally occurring. Additionally, since an exemption from the requirement of a tolerance is being requested, there is no need to analyze for pesticidal residues. (BPPD)

2. *PP 2F8102.* (EPA–HQ–OPP–2012–0963). BASF Corporation, 26 Davis Dr., Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance for residues of the fungicide, *Trichoderma fertile* strain JM41R, in or on all food commodities. The petitioner believes no analytical method is needed because, as proposed, the use of *Trichoderma fertile* strain JM41R would not result in residues that are of toxicological concern. (BPPD)

3. *PP IN–10630.* (EPA–HQ–OPP–2013–0756). Clariant Corporation, 4000 Monroe Road, Charlotte, NC 28205, requests to establish an exemption from the requirement of a tolerance for the use of secondary alkane (C_{13}-C_{17}) sulfonates (C_{13}-C_{17} SAS) as pesticide inert ingredients (as surfactants) for use in food crops in accordance with 40 CFR 180.920 (pre-harvest) for seed treatment and foliar applications pursuant to section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act (FFDCA). There are currently no approved non-food uses or food use tolerance exemptions for C_{13}-C_{17} SAS as a pesticide inert ingredient. The following CAS Registry Numbers (CAS No.) are supported by way of this petition: Sulfonic acids, C_{13}-C_{17} sec-alkane (CAS No. 85711–69–9); and sulfonic acids, C_{14}-C_{17} sec-alkane (CAS No. 97489–15–1). The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients. (RD)

4. *PP IN–16031.* (EPA–HQ–OPP–2013–0757). Clariant Corporation, 4000 Monroe Road, Charlotte, NC 28205, requests to establish an exemption from the requirement of a tolerance for residues of C.I. Pigment Red 112 (CAS No. 6535–46–2), also known as 3-hydroxy-N-(2-methylphenyl)-4-[2-(2,4,5-trichlorophenyl)diazenyl]-naphthalene-2-carboxamide), as a seed treatment pigment, not to exceed 10% wt/wt, under 40 CFR 180.920 pursuant to section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act (FFDCA). There are currently no approved non-food uses or food use tolerance exemptions for C.I. Pigment Red 112 as a pesticide inert ingredient. The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients. (RD)

Amended Tolerance Exemption

PP IN–10658. (EPA–HQ–OPP–2013–0796). Spring Trading Co., 10805W. Timberwagon Circle, Spring, TX 77380–4030, on behalf of Croda, Inc., 315 Cherry Lane, New Castle, DE 19720, requests to amend 40 CFR part 180.960 to establish an exemption from the requirement of tolerances for polyoxyalkylated trimethylopropanes with 20 to 80 moles of ethylene and/or

propylene oxide, fatty acid esters with C_8 through C_{22} aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene trimethylopropane esters having a minimum molecular weight of 1,500 in or on growing crops, pre- or post-harvest or in products to treat animals. The requested CAS Nos. are: 25765–36–0; 29860–47–7; 37339–03–0; 52624–57–4; 58090–24–7; 63964–38–5; 72939–62–9; 74521–14–5; 75300–70–8; 75300–90–2; 84271–03–4; 84271–04–5; 86850–92–2; 107120–02–5; 133331–01–8; 137587–60–1; 149797–40–0; 149797–41–1; 150695–97–9; 152130–24–0; 163349–94–8; 163349–95–9; 163349–96–0; 163349–97–1; 163349–98–2; 165467–70–9; 183619–46–7; 183619–50–3; 185260–01–9; 202606–04–0; 210420–84–1; 233660–70–3; 263011–96–7; 283602–94–8; 701980–40–7; 872038–58–9; 875709–44–7; 875709–45–8; 875709–46–9; 875709–47–0; 879898–63–2; 910038–01–6; 1190748–04–9; 1225384–02–0; 1428944–41–5; and 1446498–15–2. An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. (RD)

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 10, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–03728 Filed 2–20–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 403, 416, 418, 441, 460, 482, 483, 484, 485, 486, 491, and 494

[CMS–3178–N]

Medicare and Medicaid Programs; Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers; Extension of Comment Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule; extension of the comment period.

SUMMARY: This document extends the comment period for the Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers proposed rule, which was published in the December 27, 2013 **Federal Register** (78 FR 79082 through 79200). The comment period for the proposed rule, which would have ended on February 25, 2014, is extended to March 31, 2014.

DATES: The comment period for the proposed rule published in the December 27, 2013 **Federal Register** (78 FR 79082 through 79200) is extended to March 31, 2014.

ADDRESSES: In commenting, please refer to file code CMS–3178–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3178–P, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3178–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

FOR FURTHER INFORMATION CONTACT: Janice Graham, (410) 786–8020, Mary Collins, (410) 786–3189, Diane Corning, (410) 786–8486, Ronisha Davis, (410) 786–6882, Lisa Parker, (410) 786–4665.

SUPPLEMENTARY INFORMATION: In the December 27, 2013 **Federal Register** (78 FR 79082 through 79200), we published the Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers proposed rule that proposes to revise and, for some providers/suppliers, establish, emergency preparedness requirements. These emergency preparedness requirements would apply to 17 provider and supplier types with various capabilities and capacities to comply with the proposed requirements. The proposed rule, if finalized, would require providers and suppliers to meet these four broad standards:

- To develop an emergency plan based on a risk assessment that utilizes an all-hazards approach.
- To develop and implement policies and procedures based on the plan and their risk assessment.
- To develop and maintain a communication plan to locate patients and/or residents and address their health care needs during and after a disaster. The plan must comply with both Federal and State laws and it must be well-coordinated within the facility and across health care providers.
- To provide personnel training and to test their emergency program annually.

In the proposed rule, we proposed to establish national emergency preparedness requirements for Medicare and Medicaid participating providers and suppliers to ensure that they plan for both natural and man-made disasters and coordinate with federal, state, tribal, regional, and local emergency preparedness systems. These requirements would ensure that these providers and suppliers are adequately prepared to meet the needs of patients,

residents, clients, and participants during disasters and emergency situations.

We have received inquiries from industry organizations regarding the short turn-around time to canvass their membership for input on this proposed rule. One organization stated that they needed additional time to respond to the rule due to current regional emergencies that are requiring the attention of emergency management personnel who would likely be interested in commenting on the proposal. Because of the scope of the proposed rule, and since we have specifically requested the public's comments on various aspects of the rule in an attempt to benefit from the vast experiences of emergency management and provider/supplier communities, we believe that it is important to allow ample time for all sections of the public to comment on this proposed rule. Therefore, we are extending the comment period until March 31, 2014.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 12, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–03710 Filed 2–20–14; 8:45 am]

BILLING CODE 4120–01–P

Notices

Federal Register

Vol. 79, No. 35

Friday, February 21, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0111]

Notice of Request for Extension of Approval of an Information Collection; Importation of Hass Avocados From Michoacan, Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the importation of Hass avocados from Michoacan, Mexico.

DATES: We will consider all comments that we receive on or before April 22, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0111-0001.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0111, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0111* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of Hass avocados from Michoacan, Mexico, contact Mr. David Lamb, Regulatory Policy Specialist, RCC, RPM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2103. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Importation of Hass Avocados From Michoacan, Mexico.

OMB Control Number: 0579–0129.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests, including avocado stem weevils, avocado seed weevils, and seed moths, into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–64).

Section 319.56–30 provides the requirements for the importation of Hass avocados from Michoacan, Mexico, under certain conditions. These requirements include, among other things, trust fund agreements, work plans, phytosanitary certificates, stickers, truck and container seals, and box marking.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.0015 hours per response.

Respondents: Importers, shippers, and the national plant protection organization of Mexico.

Estimated annual number of respondents: 2,205.

Estimated annual number of responses per respondent: 31,782.

Estimated annual number of responses: 70,080,307.

Estimated total annual burden on respondents: 105,558 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 18th day of February 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–03691 Filed 2–20–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0112]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Plants for Planting Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the plants for planting regulations.

DATES: We will consider all comments that we receive on or before April 22, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0112-0001.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0112, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0112* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the plants for planting regulations, contact Dr. Arnold Tschanz, Senior Regulatory Policy Specialist, PPIP, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2179. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2283.

SUPPLEMENTARY INFORMATION:

Title: Plants for Planting Regulations.

OMB Control Number: 0579–0190.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: As authorized by the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture, either independently or in cooperation with States, may carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA).

APHIS regulations contained in ''Subpart–Plants for Planting'' (7 CFR 319.37 through 319.37–14) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation. In accordance with these regulations, plants for planting from certain parts of the world may be imported into the United States only under certain conditions to prevent the introduction of plant pests into the United States. Individuals who are involved in growing, exporting, and importing plants for planting must provide information to APHIS about the commodities they wish to bring into the United States. This information serves as the supporting documentation needed to issue required forms and documents, and is vital to help ensure that plant pests are not introduced into the United States.

This notice includes the information collection requirements currently approved by the Office of Management and Budget (OMB) for the importation of plants for planting under OMB control number 0579–0279, and update of nursery stock regulations under OMB control number 0579–0190. After OMB approves and combines the burden for both collections under one collection (0579–0190), the USDA will retire OMB control number 0579–0279.

In addition, on May 27, 2011, APHIS published a final rule in the **Federal Register** (76 FR 31172–31210, Docket No. APHIS–2006–0011) [1] that changed the nursery stock regulations (7 CFR 319.37 through 319.37–14) to refer instead to ''plants for planting.'' In addition, since the final rule has been published, ''update'' is no longer needed. As a result, we have revised the title of this information collection to ''Plants for Planting Regulations.''

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.1204 hours per response.

Respondents: Importers and exporters of plants for planting.

Estimated annual number of respondents: 94.

Estimated annual number of responses per respondent: 57.

Estimated annual number of responses: 5,364.

Estimated total annual burden on respondents: 646 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 18th day of February 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–03690 Filed 2–20–14; 8:45 am]

BILLING CODE 3410–34–P

[1] *http://www.regulations.gov/#!docketDetail;D=APHIS-2006-0011.*

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0037]

RIN 0583–AD32

Discontinuation of the Qualitative (30 mL) Campylobacter Analysis for Young Chickens

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is discontinuing the use of its 30-mL qualitative analysis for *Campylobacter* for young chickens. The Agency suspended this analysis on June 3, 2013. FSIS evaluated the available *Campylobacter* data, and its analysis suggested that the performance standard based on an analysis of the 1-mL sample volume is sufficiently sensitive to identify establishments whose process control is substandard. This is the only

change that FSIS has made to its *Campylobacter* sampling program.

DATES: Comments on this notice must be received by March 24, 2014.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs etc.:* Send to Docket Room Manager, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.
- *Hand-or courier-delivered submittals:* Deliver to Docket Room Manager, Patriots Plaza 3, 355 E Street SW., Room 8–163B, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, FSIS, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–3700; Telephone: (202) 720–2709.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 2010, FSIS published a **Federal Register** notice announcing its intent to implement new *Salmonella* and *Campylobacter* performance standards for young chickens and young turkeys (*New Performance Standards for Salmonella and Campylobacter in Young Chicken and Turkey Slaughter Establishments; New Compliance Guides,* 75 FR 27288). In the notice, the Agency stated that it intended to implement new *Salmonella* performance standards, but that it was leaving unchanged the current sampling procedures for *Salmonella.*

For the young chicken *Campylobacter* performance standard, the Agency stated that it planned to use a combination of a smaller, 1-mL quantitative, and a larger, 30-mL qualitative, sample portion. The 30-mL portion analysis detects lower levels of *Campylobacter,* and the 1-mL portion is only able to detect higher levels. The Agency said that it would test each of the 51 samples in a *Salmonella* verification set for *Campylobacter* using the initial 1-mL sample portion, and if the 1-mL procedure was negative, the Agency would analyze the 30-mL portion. The performance standard would have allowed a maximum of 27 positive carcasses on the 30-mL sample portion, and only 8 *Campylobacter*-positive samples on the 1-mL portion.

On March 21, 2011, the Agency issued another **Federal Register** notice to respond to public comments submitted in response to the May 2010 notice and to explain the changes that the Agency adopted after analyzing the comments (*New Performance Standards for Salmonella and Campylobacter in Young Chicken and Turkey Slaughter Establishments; Response to Comments and Announcement of Implementation Schedule,* 76 FR 15282). In that notice, FSIS explained that it had decided to use only the results of the 1-mL quantitative portion to assess whether establishments were meeting the new *Campylobacter* performance standard. The Agency said that it would continue to perform internal analysis of the 30-mL sample results and to publicly report aggregated data. FSIS also stated that, after 90 percent of eligible establishments had been sampled for two full sets, the Agency would decide whether additional actions relating to *Campylobacter* would be necessary.

Suspension and Discontinuation of the 30-mL Analysis

In the May 31, 2013, edition of the FSIS Constituent Update, FSIS announced that with nearly 90 percent of eligible establishments having completed two *Campylobacter* sets, the Agency had evaluated the available *Campylobacter* data. Its analysis showed that a performance standard based on an analysis of the 1-mL sample volume is sufficiently sensitive to identify establishments whose process control is substandard (*http://www.fsis.usda.gov/wps/wcm/connect/9a3a7078-0ff4-4ebc-8de6-ad889382fd7f/Const_Update_053113.pdf?MOD=AJPERES).*

The Agency determined that the minor sensitivity gained by including the 30-mL portion does not warrant the resources required to conduct the sampling, and that there is greater value in moving laboratory resources reserved for this effort to other sampling projects. The Agency included a link to a report that describes the methods used to conduct this analysis and a review of the 30-mL data. The report is available on the FSIS Web page at: *http://www.fsis.usda.gov/shared/PDF/Campylobacter_Methods_Comparison_Report.pdf?redirecthttp=true.* FSIS did not receive any comments on this report or on its decision to suspend the use of the 30-mL qualitative analysis.

FSIS is issuing this notice to announce that it has decided to discontinue the use of the 30-mL qualitative analysis for *Campylobacter.* This is the only change in this sampling program.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done in Washington, DC: February 12, 2014.

Alfred V. Almanza,

Administrator.

[FR Doc. 2014–03716 Filed 2–20–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS), invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by April 22, 2014.

FOR FURTHER INFORMATION CONTACT: Michele L. Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5159–S, Washington, DC 20250–1522. Telephone: (202) 690–1078, FAX: (202) 720–8435. Email: *Michele.Brooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension. Comments are invited on: (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele L. Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5159 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078, FAX: (202) 720–8435.

Title: 7 CFR Part 1783, ''Revolving Fund Program''

OMB Control Number: 0572–0138

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

Abstract: Rural Development supports the sound development of rural communities and the growth of our economy without endangering the environment. Rural Development provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need.

The Revolving Fund Program (RFP) has been established to assist communities with water or wastewater systems. Qualified private non-profit organizations will receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be the same entities eligible to obtain a loan, loan guarantee, or grant from Rural Development Water and Waste Disposal and Wastewater loan and grant programs. As grant recipients, the non-profit organizations will set up a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems.

The collection of information consists of the materials to file a grant application with the agency, including forms, certifications and required documentation.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8.24 hour per response.

Respondents: Non-profit institutions.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 7.6

Estimated Total Annual Burden on Respondents: 313 Hours.

Copies of this information collection can be obtained from MaryPat Daskal, Management Analyst, Program Development and Regulatory Analysis, at (202) 720–7853; FAX: (202) 720–8435.

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.

Dated: February 12, 2014.

John Charles Padalino,

Administrator, Rural Utilities Service.

[FR Doc. 2014–03675 Filed 2–20–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on the following information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by April 22, 2014.

FOR FURTHER INFORMATION CONTACT: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5162 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078, FAX: (202) 720–8435 or email: *Michele.brooks@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension.

Comments are invited on: (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., STOP 1522, Room 5162 South Building, Washington, DC 20250–1522. FAX: (202) 720–8435 or email: *Michele.brooks@wdc.usda.gov*.

Title: Public Television Station Digital Transition Grant Program.

OMB Control Number: 0572–0134.

Type of Request: Revision of a currently approved information collection.

Abstract: The Federal Communications Commission (FCC) required television broadcasters to have converted transmitters to broadcast digital signals by June 12, 2009. The FCC deadline did not apply to translators often used by rural stations serving small or isolated areas and some continue to broadcast in analog and have not completed the transition to digital. Public television stations rely on community and business financial support to operate and, in many rural areas the cost of the transition to digital broadcasting exceeds community resources. Since rural communities depend on public television stations for services ranging from educational course content in their schools to local news, weather, and agricultural reports, disruption of public television broadcasting would be detrimental.

Full digital transition requires installation of a new antenna, transmitter or translator, and new digital program management facilities consisting of processing and storage systems. Public television stations use a combination of transmitters and translators to serve the rural public and to perform program origination functions, digital cameras, editing and mastering systems are required. A new studio-to-tower site communications link may be required to transport the digital broadcast signal to each transmitter and translator. The capability to broadcast some programming in a high definition television format can require additional studio facilities.

In designing the competition for the distribution of grant funds, priority is given to public television stations serving areas most unable to fund digital transition without a grant. The largest sources of funding for public television stations are public membership and business contributions and less densely populated rural areas have a lower membership and fewer business per capita than urban and suburban areas. Therefore, rurality is a primary predictor of the need for grant funding for a public television station's digital transition. Some rural areas have economic needs that are higher than the national average, and public television stations covering these areas may have difficulty funding the digital transition. As a result, the consideration of the National School Lunch Program (NSLP) eligibility percentages for all school districts within the station coverage area is a secondary predictor of need for grant funding. Finally, because public television stations may face special difficulty accomplishing the transition, a third scoring factor for station hardship accounts for conditions that make these public television stations less likely to accomplish the digital transition without a grant.

The collection of information consists of the materials to file a grant application with the Agency, including forms, certifications and required documentation.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 23 hours per response.

Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 30.

Estimated Number of Responses per Respondent: 1.26.

Estimated Total Annual Burden on Respondents: 714 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202) 720–8435 or email: *rebecca.hunt@wdc.usda.gov.*

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.

Dated: February 12, 2014.

John Charles Padalino,

Administrator, Rural Utilities Service.

[FR Doc. 2014–03674 Filed 2–20–14; 8:45 am]

BILLING CODE P

BROADCASTING BOARD OF GOVERNORS

Notice of Membership of SES Performance Review Board

AGENCY: Broadcasting Board of Governors (BBG).

ACTION: Notice of Membership of SES Performance Review Board.

SUMMARY: Title 5 United States Code, Section 4314, requires that notice of the appointment of an individual to serve as a member of a performance review board (PRB) shall be published in the **Federal Register**. The following individuals have been appointed to serve as members of the PRB for the Broadcasting Board of Governors: Carol Chan, Director of the Office of U.S. Foreign Disaster Assistance, U.S. Agency for International Development; Gil H. Harden, Assistant Inspector General for Audit, U.S. Department of Agriculture; and Steven Rickrode, Deputy Assistant Inspector General for Audit, U.S. Department of Agriculture.

ADDRESSES: Broadcasting Board of Governors, 330 Independence Ave. SW., Washington, DC 20237.

FOR FURTHER INFORMATION CONTACT: Donna S. Grace, Director, Office of Human Resources, 202–382–7500.

Oanh Tran,

Director of Board Operations, Broadcasting Board of Governors.

[FR Doc. 2014–03707 Filed 2–20–14; 8:45 am]

BILLING CODE 8610–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1930]

Reorganization of Foreign-Trade Zone 185 Under Alternative Site Framework; Culpeper County, VA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the County of Culpeper, grantee of Foreign-Trade Zone 185, submitted an application to the Board (FTZ Docket B–78–2012, docketed 11–01–2012) for authority to reorganize under the ASF with a service area comprised of certain counties in Virginia (which the application indicated were adjacent to the Front Royal Customs and Border Protection port of entry) and FTZ 185's existing Sites 1, 2, and 3 would be categorized as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (77 FR 66796, 11/07/12) and

the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendation of the examiner's report (including addendum), and finds that the requirements of the FTZ Act and the Board's regulations are satisfied if the service area is comprised of Culpeper, Greene, Madison, Orange, Page, Rappahannock, Shenandoah and Warren Counties;

Now, Therefore, the Board hereby orders:

The application to reorganize FTZ 185 under the ASF is approved with a service area comprised of Culpeper, Greene, Madison, Orange, Page, Rappahannock, Shenandoah and Warren Counties, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 1 and 3 if not activated by January 31, 2019.

Signed at Washington, DC, this 7th day of February 2014.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

ATTEST:

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–03709 Filed 2–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–920]

Lightweight Thermal Paper From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On October 1, 2013, the Department of Commerce (the Department) initiated the first five-year (sunset) review of the antidumping duty order on lightweight thermal paper from the People's Republic of China (PRC) pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] As a result of this sunset review, the Department finds that revocation of the antidumping duty order on lightweight thermal paper from the PRC would likely lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* February 21, 2014.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4136.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 2013, the Department received a notice of intent to participate from Appvion, Inc. (Appvion),[2] a domestic interested party, within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i). On November 18, 2013, we received a complete substantive response from Appvion within the 30-day deadline applicable under 19 CFR 351.218(d)(3)(i).[3] We received no response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the *AD Order.*

Scope of the Order

The merchandise covered by the order is lightweight thermal paper. The merchandise subject to the order is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3703.10.60, 4811.59.20, 4811.90.8000, 4811.90.8030, 4811.90.8040, 4811.90.8050, 4811.90.9000, 4811.90.9030, 4811.90.9035, 4811.90.9050, 4811.90.9080, 4811.90.9090, 4820.10.20, and 4823.40.00. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, see ''Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Lightweight Thermal Paper from the People's Republic of China,'' dated concurrently with this notice (Issues and Decision Memorandum).

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *AD Order* were to be revoked. Parties may find a complete discussion of these issues and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the *AD Order* would be likely to lead to continuation or recurrence of dumping and that the magnitudes of the margins of dumping that are likely to prevail are as follows:

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 60253 (October 1, 2013); *see also Antidumping Duty Orders: Lightweight Thermal Paper From Germany and the People's Republic of China,* 73 FR 70959 (November 24, 2008) (*AD Order*).

[2] Appvion was formerly known as Appleton Papers Inc. Under that name, Appvion was the petitioner in the underlying less-than-fair-value investigation of lightweight thermal paper from the PRC.

[3] As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013. *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013). Therefore, all deadlines in this sunset review have been extended by 16 days.

Exporter/producer combination	Percent margin
Exporter: Shanghai Hanhong Paper Co., Ltd, also known as Hanhong International Limited/Producer: Shanghai Hanhong Paper Co., Ltd	115.29
Exporter: Guangdong Guanhao High-Tech Co., Ltd/Producer: Guangdong Guanhao High-Tech Co., Ltd.	19.77
PRC-Wide Entity	115.29

Administrative Protective Order

This notice also serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This sunset review and notice are in accordance with sections 751(c), 752(c), and 771(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary, for Enforcement and Compliance.

[FR Doc. 2014–03708 Filed 2–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Reporting Requirements for the Ocean Salmon Fishery Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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 of 1995.

DATES: Written comments must be submitted on or before April 22, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Peggy Mundy, (206) 526–4323 or *peggy.mundy@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

Based on the management regime specified each year, designated regulatory areas in the commercial ocean salmon fishery off the coasts of Washington, Oregon, and California may be managed by numerical quotas. To accurately assess catches relative to quota attainment during the fishing season, catch data by regulatory area must be collected in a timely manner. Requirements to land salmon within specific time frames and in specific areas may be implemented in the preseason regulations to aid in timely and accurate catch accounting for a regulatory area. State landing systems normally gather the data at the time of landing. If unsafe weather conditions or mechanical problems prevent compliance with landing requirements, fishermen need an alternative to allow for a safe response. Fishermen would be exempt from landing requirements if the appropriate notifications are made to provide the name of the vessel, the port where delivery will be made, the approximate amount of salmon (by species) on board, and the estimated time of arrival.

II. Method of Collection

Notifications are made by at-sea radio or cellular phone transmissions.

III. Data

OMB Control Number: 0648–0433.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 40.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 10 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed 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 (including hours and cost) of the proposed collection of information;

(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 through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 14, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–03666 Filed 2–20–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 131018873–4107–01]

RIN 0648–XC924

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List Multiple Species and Subpopulations of Marine Mammals as Threatened or Endangered Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of 90-day petition finding; request for information.

SUMMARY: We (NMFS) announce a 90-day finding on a petition to list two species and three distinct population segments of marine mammals as threatened or endangered under the Endangered Species Act (ESA). We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted for the Galápagos fur seal (*Arctocephalus galapagoensis*). We also find that the petition presents substantial information indicating that the petitioned action may be warranted for Hector's dolphin (*Cephalorhynchus hectori*), the Baltic Sea subpopulation of harbor porpoise (*Phocoena phocoena*), the eastern Taiwan Strait subpopulation of the Indo-Pacific humpback dolphin (*Sousa chinensis*), and the Fiordland subpopulation of bottlenose dolphin (*Tursiops truncatus*). We will conduct status reviews for this species and three subpopulations to determine if the petitioned actions are warranted. To ensure that these status reviews are comprehensive, we are soliciting scientific and commercial information pertaining to these marine mammals from any interested party.

DATES: Information and comments on the subject action must be received by April 22, 2014.

ADDRESSES: You may submit comments, information, or data on this document, identified by the code NOAA–NMFS–2013–0151, by any of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0151,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous), although submitting comments anonymously will prevent us from contacting you if we have difficulty retrieving your submission. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of the petition and related materials are available upon request from the Director, Office of Protected Resources, 1315 East West Highway, Silver Spring, MD 20910, or online at: *www.nmfs.noaa.gov/pr/species/petition81.htm.*

FOR FURTHER INFORMATION CONTACT: Lisa Manning, Office of Protected Resources, 301–427–8466.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2013, we received a petition from the WildEarth Guardians to list 81 marine species as threatened or endangered under the ESA and to designate critical habitat under the ESA. Copies of this petition are available from us (see **ADDRESSES**). Of the 81 species petitioned for listing, this notice addresses the marine mammals: specifically, the Galápagos fur seal (*Arctocephalus galapagoensis*), Hector's dolphin (*Cephalorhynchus hectori*); the Baltic Sea subpopulation of harbor porpoise (*Phocoena phocoena*), the eastern Taiwan Strait subpopulation of the Indo-Pacific humpback dolphin (*Sousa chinensis*), and the Fiordland subpopulation of bottlenose dolphin (*Tursiops truncatus*). Separate 90-day findings are being drafted or have already issued for the other species addressed by the petition.

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish the finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates that the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, which includes conducting a comprehensive review of the best available scientific and commercial information. Within 12 months of receiving the petition, we must conclude the review with a finding as to whether, in fact, the petitioned action is warranted. Because the finding at the 12-month stage is based on a significantly more thorough review of the available information, a ''may be warranted'' finding at the 90-day stage does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively; 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, the determination of whether a species is threatened or endangered shall be based on any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and the U.S. Fish and Wildlife Service (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. When evaluating whether substantial information is contained in a petition, we must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

At the 90-day stage, we evaluate the petitioner's request based upon the information in the petition, including references provided, and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files which indicates that the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude that it supports the petitioner's assertions. Conclusive information indicating that the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding, if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating that the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species at issue faces extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species at issue (e.g., population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union for Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards of the ESA and our policies as described above.

With respect to the two species and three subpopulations of marine mammals discussed in this finding, the petitioner relies almost exclusively on the risk classifications of the IUCN as the source of information on the status of each petitioned species. All of the petitioned marine mammals are listed as ''endangered'' or ''critically endangered'' on the IUCN Red List and the petitioner notes this as an explicit consideration in offering petitions on these species. Species classifications under the IUCN and the ESA are not equivalent, and the data standards, evaluation criteria, and treatment of uncertainty are also not necessarily the same.

DPS Policy

A joint NOAA–U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (''DPS Policy''; 61 FR 4722; February 7, 1996). The joint DPS Policy (61 FR 4722; February 7, 1996) identifies two criteria for making DPS determinations: (1) The population must be discrete in relation to the remainder of the taxon (species or subspecies) to which it belongs; and (2) the population must be significant to the remainder of the taxon to which it belongs.

A population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions: (1) ''It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation''; or (2) ''it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D)'' of the ESA (61 FR 4722; February 7, 1996).

If a population segment is found to be discrete under one or both of the above conditions, then its biological and ecological significance to the taxon to which it belongs is evaluated. This consideration may include, but is not limited to: (1) ''Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon; (2) evidence that the loss of the discrete population segment would result in a significant gap in the range of a taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; and (4) evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics'' (61 FR 4722; February 7, 1996).

Species Descriptions

The marine mammals addressed by the petition include three dolphins (*Cephalorhynchus hectori, Sousa chinensis, Tursiops truncatus*), a porpoise (*Phocoena phocoena*), and a seal (*Arctocephalus galapagoensis*).

The Galápagos fur seal, *Arctocephalus galapagoensis,* is found on most islands of the Galápagos Archipelago, Ecuador in the southeast Pacific Ocean. This species is the smallest and least sexually dimorphic member of the ''eared seal'' family, Otariidae. The few adult males that have been weighed have ranged from 60–68 kg; adult females are smaller and weigh an average of 27.3 kg (Aurioles and Trillmich, 2013). Galápagos fur seals may mature at about 5–6 years of age, and lactation lasts for 2–3 years (Bonner, 1984). The seals form colonies close to foraging areas and feed primarily at night on squids and fishes. Their preferred haul-out areas are rocky, rugged coasts with large boulders that provide shade.

Hector's dolphin (*Cephalorhynchus hectori*) is a coastal species endemic to New Zealand, and as a result of its very nearshore distribution, it is one of the best-studied dolphins in the world. They are the smallest members of the family Delphinidae. Adults reach lengths of 1.5 m and weights up to 57 kg (Jefferson *et al.,* 1993). Hector's dolphins live in groups of 2–8 individuals but larger aggregations (~50 animals) can also be seen at times (Jefferson *et al.,* 1993). Females bear their first calf at around 7–9 years of age and may bear calves every 2–3 years (Dawson, 1991). Their diet consists of small fishes and squids. Relatively recently, based on genetic and morphological data, the population of Hector's dolphins occurring on the coast of New Zealand's North Island were formally recognized as a new subspecies, *C. hectori maui* or Maui's dolphin (Baker *et al.,* 2002). The dolphins of the South Island can be referred to as the nominate subspecies, *C. hectori hectori.*

The harbor porpoise, *Phocoena phocoena,* is a widely distributed cetacean found in northern temperate and subarctic coastal and offshore waters. They are commonly found in bays, estuaries, harbors, and fiords in waters less than 200 m deep. They are medium to dark gray with a white belly and throat and have a small, stocky body (~45–70 kg; 2.0 m maximum length); a short, blunt beak; and a medium-sized triangular dorsal fin. Sexual maturity is generally reached at about 3–4 years. They feed on demersal and benthic species, mainly schooling fish and cephalopods. They are non-social and are usually seen in groups of 2–5 animals. The petition requests listing of the Baltic Sea subpopulation of harbor porpoise.

The Indo-Pacific humpback dolphin, *Sousa chinensis,* is found from northern Australia and southern China, through Indonesia and westward along the coastal rim of the Indian Ocean and down along the east coast of Africa (Jefferson *et al.,* 1993). This species primarily occurs in nearshore habitats, and is often associated with estuaries, river mouths and mangroves. Although still formally recognized as a single species, some biologists consider there to be two species: *S. plumbea,* found from South Africa to the east coast of India, and *S. chinensis,* found from the east coast of India to China and Australia (Reeves *et al.,* 2008a). Evidence seems to be growing in support of the existences of two or even more species (Reeves *et al.,* 2008a). Color and color patterns are variable among the populations; and, in some populations the dorsal fin sits on a hump on the back, while in other populations this hump is absent (Jefferson *et al.,* 1993). All Indo-Pacific humpback dolphins have a distinctively long, well defined beak. Maximum sizes recorded for males 3.2 m long and 2.5 m long for females. They form social groups of about 10 animals, but groups of up to 30 animals have been documented (Jefferson *et al.,* 1993). Reproductive parameters are not well known. Based on limited information, age at sexual maturity is thought to be around 9–12 years, and gestation length may be about 10–12 months (Jefferson, 2004). Diet consists of mainly nearshore and estuarine fishes. The petition requests listing of the eastern Taiwan Strait subpopulation of the Indo-Pacific humpback dolphin.

The bottlenose dolphin, *Tursiops truncatus,* is one of the most well-known species of marine mammals. They have a robust body and a short, thick beak. Their coloration ranges from light gray to black with lighter coloration on the belly. Inshore and offshore individuals vary in color and size. Inshore animals are smaller and lighter in color, while offshore animals are larger, darker in coloration, and have smaller flippers. Bottlenose dolphins range in length from 1.8 to 3.8 m, with males slightly larger than females. Lifespan is 40–45 years for males and more than 50 years for females. Sexual maturity varies by population and ranges from 5–13 years for females and 9–14 years for males. Calves are born after a 12 month gestation period and are weaned at 18 to 20 months. On average, calving occurs every 3 to 6 years. Females as old as 45 years have given birth. Bottlenose dolphins are commonly found in groups of 2 to 15 individuals, but offshore herds can sometimes have several hundred individuals. They feed on a variety of prey items, including invertebrates and fishes, and may forage individually and cooperatively. The petition requests listing of the Fiordland subpopulation of bottlenose dolphins.

Analysis of the Petition

The petition indicates the recommended administrative measure and gives the scientific and common names of the species involved. The petition is not clear, however, regarding which population or populations of Hector's dolphin are petitioned for listing; we discuss this further below in the section addressing this particular species. The petition contains a narrative justification for the recommended measures and provides information on the species' geographic distributions, habitats, and threats. Information is provided regarding the species' past or present numbers, or population status and trends for all or a significant portion of the species' ranges. Supporting documentation is provided, mainly in the form of IUCN species assessments.

Based on the information presented in the petition, along with the information readily available in our files, we find that the Galápagos fur seal (*Arctocephalus galapagoensis*) and Hector's dolphin (*Cephalorhynchus hectori*) constitute valid ''species'' eligible for listing under the ESA as each is considered a valid taxonomic species. In evaluating the request to list certain DPSs, we must first consider whether the petition provides substantial information indicating that the petitioned subpopulations may qualify as DPSs and thus constitute valid ''species'' eligible for listing. Our analyses and conclusions regarding the possible qualification of the petitioned subpopulations as DPSs are provided below within the relevant species section.

The petition includes a general introductory section discussing threats to all 81 species addressed in the petition, a section on the threats to the marine mammals petitioned for listing, and species-specific sections with information on each individual marine mammal species. We have reviewed and considered the information in each section of the petition, and a synopsis of our analysis of the information provided in the petition and readily available in our files is provided below for each of the petitioned marine mammal species and subpopulations.

Galápagos Fur Seal

This species (*Arctocephalus galapagoensis*) is currently listed as ''endangered'' on the IUCN Red List and

is listed on CITES Appendix II. The petition asserts that this species is being threatened with extinction by all five of the ESA section 4(a)(1) factors—habitat destruction or modification, overutilization, disease and predation, inadequacy of regulatory mechanisms, and other natural factors.

The petition states that Galápagos fur seals, and in fact all of the marine mammals addressed in the petition, are threatened by habitat destruction and modification as a result of various factors, including human population growth and associated consequences such as pollution, dead zones (i.e., areas of very low dissolved oxygen), development, tourism, and ocean acidification. The petition highlights the threat of ocean acidification in particular, and discusses how the acidity of sea water alters the absorption of low and mid-frequency sound. The petition argues that while communication over long distances for some marine mammals may be improved, the increasing ocean acidity also means a ''noisier'' environment and potential loss of suitable habitat. The information in the petition regarding these various habitat threats, however, is general in nature and is not clearly linked to the petitioned species' range or habitats. For example, no information is provided or available to us to indicate what, if any, effect dead zones, pollution, or ocean acidification may be having, or may have in the future, on Galápagos fur seal habitat. Furthermore, the Galápagos fur seals' range lies within the boundaries of the Galápagos National Park, where tourism is closely regulated (Aurioles and Trillmich, 2008) and where, presumably, their habitat receives some measure of protection from development and pollution.

During the 19th century, Galápagos fur seals were heavily exploited by sealers and whalers. By the early 20th century, the species was near extinction but ''has since recovered'' (Aurioles and Trillmich, 2008). Although the seals are now protected, the petition asserts that the seals continue to be threatened indirectly by fishing as evidenced by reports of the seals becoming entangled in fishing nets. According to the most recent IUCN assessment, entanglement of seals is ''thought to be increasing'' (Aurioles and Trillmich, 2008). References or data to support this statement are not provided, and there is no indication of why the entanglements are thought to be increasing (e.g., increased fishing activity). The waters around the islands are also protected by a 40 nautical mile no fishing zone (Aurioles and Trillmich, 2008). No additional information is provided or available in our files regarding fishing activity, the frequency of seal entanglements, or the outcome of seal entanglements (e.g., mortality, injury). Therefore, it is unclear whether and to what extent entanglement is affecting the extinction risk of the species.

The petition states that Galápagos fur seals are threatened by both disease and predation. The petition presents information about feral dogs on Isabela Island and how the dogs decimated colonies of seals on the southwestern end of the island (Aurioles and Trillmich, 2008). The petition also states that transmission of diseases from dogs to the fur seals is the ''most serious threat to the species at this time.'' The feral dogs have since been exterminated from this island (Aurioles and Trillmich, 2008), but because the potential exists for feral dogs to return the island, the petition asserts that predation by dogs and disease transmission from dogs to seals represent ''ongoing'' threats to the species' existence. No information is provided or is available in our files to indicate the likelihood of feral dogs returning, and no information is available in the petition or our files to indicate whether or how these threats are currently being managed within the Galápagos National Park. We also lack information about how specific impacts occurring on Isabela Island would impact the fur seals elsewhere in the archipelago and at the species level. As a result, we cannot conclude that disease and predation by dogs on Isabela Island represent ongoing threats to the species existence.

The petition states that current protections for the Galápagos fur seals are inadequate to protect them against the most serious threats to their existence. Specifically, the petition asserts that although the seals are listed on CITES Appendix II and are protected under Ecuadorian law and by management of the Galápagos National Park, these protections are not adequate to address the threats of bycatch, disease, predation, tourism, El Niño and anthropogenic climate change. The petition does not discuss the existing regulatory context further or indicate what additional regulations might be necessary to adequately protect the fur seals from these threats. Also, as discussed above, we do not have sufficient information to indicate whether bycatch, disease, predation and tourism are posing an extinction risk for the species. Therefore, it is unclear whether existing regulatory mechanisms and protections are inadequate to address these threats. With respect to climate change and El Niño, we agree with statements in the petition that localized protections may not be adequate to protect a species from global events. However, the petition does not present information regarding existing regulatory mechanisms or what protections are needed to address these particular threats as they relate specifically to Galápagos fur seals. For example, the petition does not relate current levels of greenhouse gas emissions to the status of the species, or indicate what reductions would adequately safeguard the seals from anthropogenic climate change given an existing context of the various emission reduction targets and pledges that have been made by a number of countries. Such specific information is also not provided regarding regulatory mechanisms to mitigate the effects of El Niño, a natural feature of our climate system and the seals' habitat. Thus, it is unclear the level and extent to which existing regulatory mechanisms are inadequate to protect Galápagos fur seals from potential consequences of anthropogenic climate change and El Niño.

The petition states that Galápagos fur seals are threatened by El Niño events, which result in declines in primary productivity and reduced food availability for higher trophic levels. The effects of El Niño on Galápagos fur seals and other pinnipeds in the eastern tropical and temperate Pacific Ocean are well documented (Limberger, 1990; Aurioles-Gamboa *et al.,* 2004). The 1982/83 El Niño was an extreme event that had widespread oceanographic effects and resulted in very high mortality rates for Galápagos fur seals and other species (Aurioles and Trillmich, 2008). El Niño events occur irregularly about every 3–6 years, and strong events, as measured by the degree of warming, occur at 8 to 15 year intervals. El Niño events of the magnitude similar to the 1982/83 event, however, only occur one or a few times per century (see *www.elnino.noaa.gov*). Presumably, the seals are somewhat resilient to this periodic disturbance, which forms a part of the evolutionary framework that shaped the species (Limberger, 1990), but the degree of recovery of Galápagos fur seals since the 1982/83 event is not known (Aurioles and Trillmich, 2008). Whether or not El Niño constitutes an extinction risk for the species depends on the rate of recovery of the seals and the frequency of intense El Niño events. Sufficient information to evaluate this is not available in the petition or in in our files. Thus, it is not clear that such events represent an extinction risk to

the species such that listing under the ESA may be warranted.

The petition presents the additional argument that El Niño events ''appear to be increasing in frequency and duration'' and therefore this threat ''will only continue to grow.'' Whether the frequency and intensity of El Niños are increasing or are being influenced by anthropogenic climate change are unanswered questions and currently the subject of much research. Furthermore, there is no information provided to indicate that such environmental changes are occurring at a certain rate that is expected out-pace the species' ability to adapt. Sightings of Galápagos fur seals and other pinnipeds outside their geographic ranges have been documented along the Central and South American coast, and several authors have hypothesized these extra-range sightings are caused in part by El Niño events (Felix *et al.,* 2001; Capella, 2002; Aurioles-Gamboa *et al,* 2004). While much research is still needed to conclusively link El Niño events to these extra-range sightings, such dispersal may play an important role in the long-term persistence of populations as the carrying capacity of their preferred habitats changes in response to climatic events (Capella *et al.,* 2002).

The petition includes brief mention of several other threats to Galápagos fur seals, including small population size, oil spills, a small range, and a declining population trend. We considered each of these factors and concluded that statements about them and their effect on the species are very general in nature or not substantiated by any data or information. For example, the petition states that, although there is limited large vessel traffic in the Galápagos, smaller vessels ''could release moderate quantities'' of oil ''if involved in a marine accident.'' No information regarding frequency or potential for such oil spills is presented or available in our files. Furthermore, according to the last IUCN assessment, the current abundance of Galápagos fur seals is roughly estimated to be about 15,000 to 20,000 animals (Aurioles and Trillmich, 2008), which is not necessarily considered ''small.'' Given the limited information provided, we do not consider the ''other natural factors'' discussed in the petition to constitute substantial information that listing Galápagos fur seals under the ESA may be warranted.

Overall, while the information in the petition suggests that the Galápagos fur seal should continue to be protected, much of the information about threats is overly general or speculative in nature. Insufficient information is provided to demonstrate that ocean acidification, pollution, entanglement, disease, predation and climate change are operative threats that are acting or will act on the species such that it may warrant protection under the ESA. Many of the major threats presented in the petition also appear to have been eliminated (e.g., direct harvest, feral dogs) or addressed through current management action (e.g., no fishing zone, regulation of tourism). Information regarding specific effects of climate change on the seals and the seals response to this threat is lacking, and the argument that Galápagos fur seals will not be able to recover from temporary impacts of El Niño events is not well supported. In conclusion, we do not find that the petition presents substantial information that listing under the ESA may be warranted for the Galápagos fur seals.

Hector's Dolphin

Hector's dolphin (*Cephalorhynchus hectori*) has a discontinuous distribution along the coasts of both the North and South Islands of New Zealand and is comprised of multiple, genetically distinct populations (Reeves *et al.,* 2013a). A separate IUCN assessment has been completed for the subspecies *C. hectori maui* or Maui's dolphin, which occurs off the North Island. The petition states that, because Maui's dolphin has been recognized and assessed separately, ''. . . this Petition is focused on the South Island subspecies and petitions for listing as an endangered or threatened species and not as a DPS.'' Despite this stated focus on the ''South Island subspecies,'' the petition provides status information for both subspecies and relies on the species-level IUCN assessment for *C. hectori.* The Latin name for the South Island subspecies, *C. hectori hectori,* is not mentioned in the petition. Thus, it is not clear which entity the petition is requesting be considered for listing under the ESA. We elected to address the species, *C. hectori,* in our review, because the petition consistently refers to *C. hectori* throughout its discussions and presents status and threats information for the dolphins range-wide.

Hector's dolphin is currently classified as ''endangered'' on the IUCN Red List and is listed on Appendix II of CITES. Maui's dolphin is listed separately as ''critically endangered'' on the Red List. Under the New Zealand Threat Classification System, the South Island subspecies is currently categorized as ''endangered'' (Baker *et al.,* 2010), and Maui's dolphin is categorized as the more serious, ''nationally critical.''

Aside from the vaquita (*Phocoena sinus*), Hector's dolphin is considered to have the most limited range of any marine cetacean (Reeves *et al.,* 2013a). Alongshore ranges of individual dolphins may typically be less than 60 km (Brager *et al,* 2002). The petition states that, due to this limited coastal distribution, Hector's dolphins are threatened by human activities such as ''pollution, vessel traffic and habitat modification.'' The petition refers to a single sentence in the IUCN assessment of *C. hectori* to support of these assertions (Reeves *et al.,* 2013a). No further discussion or information is provided in the petition to clarify these statements or indicate how these factors are threatening the Hector's dolphins of either island. One study in our files, however, suggests that boat strikes are posing more of a threat to this species than previously thought (Stone and Yoshinaga 2000), but the available data are too limited to make conclusive statements regarding the severity or extent of this particular threat.

The petition asserts that that the main threat to Hector's dolphins is incidental entanglement in fishing nets and gear. Multiple, independent modeling efforts have indicated that bycatch is contributing to the decline of Hector's dolphin populations (Martien *et al.,* 1999; Burkhart and Slooten, 2003), and populations are predicted to continue declining throughout New Zealand under the current management scenarios (Slooten, 2013). In a review of such modelling efforts, Slooten and Davies (2012) showed that all analyses are remarkably consistent in indicating that (1) dolphin populations have declined substantially due to fisheries mortality, and (2) recovery is unlikely under recent management efforts. Research has also demonstrated a significant conservation benefit of the Banks Peninsula Marine Mammal Sanctuary (Slooten, 2013), which was enacted in 1988 to protect the dolphins from commercial gillnetting. Despite this sanctuary, additional protected areas, and a slow but steady escalation of protections since 1988, Slooten (2013) reports that population decline is still occurring nationwide. An expert panel, convened in 2012 by the New Zealand Department of Conservation and Ministry for Primary Industries and consisting of scientists from New Zealand and the United States, estimated that fisheries bycatch accounted for 95.5% of all human-caused mortality; pollution, mining, and tidal energy generation were among the threats comprising the remaining 4.5%

of human-caused mortality (Slooten, 2013). Overall, the available information suggests that bycatch is posing an extinction risk for the species.

The petition states that Hectors' dolphins are also threatened with extinction from disease. However, no other information, discussion or references are provided in the petition to indicate what diseases are affecting the dolphins and how these diseases are affecting survivorship or health of the dolphins. While it is possible the species is threatened by some disease or diseases, the available information is insufficient to indicate that it is an operative threat that is posing a potential extinction risk for the species. For example, Duignan *et al.* (2005) confirmed the presence of *Brucella* in a female dolphin, but the prevalence of this potentially significant dolphin pathogen or its impacts on Hector's dolphin is not known.

The petition asserts that Hector's dolphin is threatened by the inadequacy of existing regulatory mechanisms. The petition focuses specifically on CITES and the efforts of the New Zealand government. No information or discussion of international trade is provided, and thus it is not clear whether CITES protections are actually inadequate to address this particular threat. For reasons discussed above, we agree that recent protections extended to Hector's dolphins within New Zealand do not appear to be sufficient to address the threat of bycatch, which is estimated to be occurring at an unsustainable rate (Slooten, 2007).

Although figures vary among studies, Hector's dolphins have been estimated to number 7,270 animals off the South Island (Slooten *et al.,* 2004) and 111 animals off the North Island (Slooten *et al.,* 2006). Dolphin densities have declined since the 1970s and the populations have become increasingly fragmented (Slooten, 2013). In a population viability analysis for the period 1970–2009, Slooten (2007) estimated a rate of decline of 74% over 3 generations for the species as a whole. Given low the abundances and population fragmentation, the ongoing threat of bycatch, and the predicted continued decline in abundance, we find that Hector's dolphin may warrant listing under the ESA.

Baltic Sea Subpopulation of Harbor Porpoise

The petition requests listing of the Baltic Sea subpopulation of harbor porpoise *(Phocoena phocoena)* as a DPS. To meet the definition of a DPS, a population must be both discrete from other populations of the species and significant to the species as a whole (61 FR 4722; February 7, 1996). Several morphological and genetic studies referenced in the petition provide some evidence that the harbor porpoises in the Baltic Sea are distinct from the harbor porpoises living in the Kattegat, Skagerrak and North Seas (Tiedemann *et al.,* 1997; Huggenberger *et al.,* 2002). On the basis of these studies, the petition argues that the Baltic Sea porpoises are markedly separated from other subpopulations and thus meet the ''discreteness'' criterion of the DPS Policy. A more recent paper in our files provides some additional support for this assertion: Wiemann *et al.* (2010) analyzed microsatellite and mitochondrial DNA for over 300 porpoise samples from the Baltic and surrounding seas and found a small but significant amount of genetic separation of the Baltic Sea porpoises from those in the adjacent Belt Sea. The data also suggest some level of gene flow among subpopulations, and the issues of how and where to divide subpopulations into meaningful management units has been a matter of some debate (Palme *et al.,* 2008; Wiemann *et al.,* 2010). In a review article on harbor porpoises in the Baltic Sea, Kochinski (2002) concludes that, although some studies are inconsistent in their findings, the existence of a Baltic Sea subpopulation does seem likely. Thus, we consider the available information sufficient to indicate that there may be a discrete Baltic Sea subpopulation of *P. phocoena.* For ease of discussion, we refer to these harbor porpoises as the Baltic Sea subpopulation (BSS) throughout the remainder of this document.

The petition asserts that the BSS differs from other subpopulations in its genetic characteristics and that loss of the BSS of harbor porpoise would result in a significant gap in the range of the taxonomic species. Based on these two lines of reasoning, the petition argues that the BSS meets the ''significance'' criterion of the DPS Policy. We find limited support for the assertion that loss of this subpopulation from the Baltic Sea would result in a signifigant gap in the range of this very wide-ranging and mobile species. Given the evidence of some degree of migration among the subpopulations (Wiemann, 2010), we cannot concur with the statement in the petition that it is ''highly unlikely'' for harbor porpoises from other subpopulations to fill the gap that would be left by an extirpated BSS. However, we do agree, that on the basis of morphological differences among subpopulations, the BSS may differ markedly in its genetic characteristics. For example, Huggenberger *et al.* (2002) found significant differences in skull morphology among subpopuations of the North and Baltic Sea regions that may stem from differences in prey species among areas. Differences in tooth ultrastructure, which may be genetically or environmentally controlled, have also been found among harbor porpoises from the Baltic, North and Skagerrat Seas (Lockyer, 1999). In conclusion, we find sufficient indication that the BSS may meet the ''significance'' criterion of the DPS Policy.

The weight of the available evidence suggests that the BSS may meet the ''discreteness'' and the ''significance'' criteria of the DPS Policy (61 FR 4722; February 7, 1996) and thus may qualify as a DPS. Therefore, we proceeded to review the petition and information readily available in our files to evaluate whether this presumed DPS may warrant listing under the ESA. We note, however, that precise boundaries for this potential DPS are not known or determined at this stage.

The petition highlights pollution, and specifically polychlorinated biphenyls (PCBs), as a cause of habitat modification, disease and parasitism that is threatening the BSS of harbor porpoise. PCBs are toxic organic chemicals once widely used in many commercial and industrial products (e.g., paints, plastics, electrical equipment), and although used and manufactured to a much lesser extent today, they can still be released into the environment where they persist for long periods of time. PCBs can enter the food chain through direct contact, inhalation or ingestion, and can accumulate in the tissues of animals, especially those of higher trophic levels. An analysis of organic contaminants in harbor porpoises showed that animals in the Baltic Sea have 41 to 245% higher mean levels of PCBs and other organochlorines in their tissues when compared to animals from the Kattegat and Skagerrak Seas (Berggrena *et al.,* 1999). The total mean concentration of PCBs measured in mature harbor porpoises from the Baltic Sea (46 ± 26 μg/g) also exceeds the estimated threshold level for subtle, adverse neurobehavioral effects in harbor porpoises (i.e., ~3 μg/g; (Berggrena *et al,* 1999). Beineke *et al.* (2005) completed detailed pathological examinations on 61 stranded or by-caught harbor porpoises and found that harbor porpoises from the German North and Baltic Seas exhibited a higher incidence of bacterial infection when compared to harbor porpoises from less polluted

Icelandic and Norwegian waters. These authors concluded their findings support the hypothesis of contaminant-induced immunosuppression in harbor porpoise, which may possibly contribute to disease susceptibility (Beineke *et al,* 2005). In a review article, Koschinski (2002) reports that environmental contaminants most likely do affect the long-term viability of the BSS porpoises and may in fact have played a large role in their decline from the 1940s to the 1970s, after which time the concentration of PCBs and other organochlorine contaminants began to decline. The IUCN assessment for the BSS also references multiple studies that report various pathologies in Baltic harbor porpoises, including pneumonia, skin lesions, and heavy parasite loads (see Hammond *et al.,* 2008b). Thus, while it is unclear the level and extent to which pollution is currently affecting the BSS, the available information indicates the BSS is exposed to a relatively high level of pollution, and it suggests this exposure may be having negative health consequences for these animals.

The petition and IUCN assessment for the BSS of harbor porpoise state that the most significant threat to this subpopulation today is bycatch in commercial fisheries (Hammond *et al.,* 2008b). Bycatch of harbor porpoises has been documented to occur in multiple gear types, but the majority of the bycatch is attributed to bottom-set gillnets and driftnets (Koschinski, 2002). Entanglement in such nets typically results in mortality (Koschinski, 2002). Concern about incidental catch of small cetaceans led the European Union (EU) to adopt a regulation in 2004 to help minimize bycatch in EU waters (Hammond *et al.,* 2008b). Information or data to evaluate the effectiveness of this regulation in mitigating bycatch of harbor porpoises are not available to us. Apparently, a complete evaluation of the threat bycatch poses to the BSS is not yet possible due to uncertainty regarding the total amount of bycatch and uncertainty regarding harbor porpoise stock structure, abundance, and population growth rate (Berggren, 1994; Koschinski, 2002). However, Berggren *et al.* (2002); as cited in (Carlstrom *et al,* 2009) concluded that the levels of bycatch in the Skagerrak, Kattegat, and Baltic Sea are not sustainable. Overall, it appears that bycatch is widely accepted to be a serious threat to harbor porpoises in the Baltic Sea; however, sufficient data and information to thoroughly evaluate the extent and severity of this threat appear to be lacking, especially given the context of ongoing conservation action.

The petition argues that existing regulatory measures are inadequate to protect the BSS of harbor porpoise and focuses the discussion on CITES and the 2004 EU fisheries regulation in particular. However, no information is presented on international trade of the BSS of harbor porpoise, and no information is presented to indicate that the current Appendix II listing of *P. phocoena* is not adequate to safeguard the BSS from effects of international trade. The petition argues that the EU's fisheries regulation is inadequate because this regulation does not address sources of bycatch from fisheries other than drift net fisheries (e.g., does not address trawls). The extent of take or mortality in other fisheries or gear types is not discussed further nor is such information available in our files; thus, it is not possible for us to evaluate the extent to which these other fisheries pose a threat to the BSS. Lastly, the petition argues that no regulations are adequately addressing the threat of pollution; but the regulatory context for addressing pollution and PCBs in this region is not discussed, making this assertion difficult to assess. Furthermore, while the petition refers to a report by ASCOBANS (''Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas'') at one point, the petition provides no information on international conservation goals or actions being taken by this group. We have no additional information in our files regarding the management actions of this group or any other individual country. Thus, we do not find there is sufficient information to support the claim that existing measures are inadequate.

The harbor porpoise, *P. phocoena,* is an abundant and widespread species with an estimated global abundance of about 700,000, (Hammond *et al.,* 2008a). In contrast, the BSS is estimated to number fewer than 250 mature animals (Hammond *et al.,* 2008b). In his review of existing literature, Koschinski (2002) states that abundance of porpoises in the Baltic region declined during the second half of the 20th century and the range contracted considerably. Anecdotal data collected by Skora *et al.* (1988) suggest that in Polish waters, harbor porpoise abundance is very low as compared to the abundance in the early 20th century. Harbor porpoises are still fairly abundant in the Kattegat and Belt Seas (0.73–0.99 animals/sq km), especially relative to the Baltic proper where densities are less than 0.01 animals/sq km (Koschinski, 2002). Acoustic and visual surveys conducted in the Baltic Sea and surrounding waters during the summers of 2001 and 2002 have confirmed that the relative abudance and occurrence of harbor porpoises in the Baltic Sea are very low (Gillespie *et al.,* 2005). An unpublished ASCOBANS report (1997; as cited in Koschinski, 2002) also states that harbor porpoises in the Baltic Sea ''appear to be in a serious long-term decline.''

In conclusion, we find that harbor porpoises of the Baltic Sea may meet the ''discreteness'' and ''significance'' criteria of the DPS Policy (61 FR 4722; February 7, 1996) and thus may qualify as a DPS. We also find that, given the available information regarding low abundance, a declining population trend and potential threat of pollution, the BSS of harbor porpoise may warrant listing as threatened or endangered under the ESA.

Eastern Taiwan Strait Subpopulation of Indo-Pacific Humpback Dolphin

The petition requests listing of the eastern Taiwan Strait subpopulation (ETS) of the Indo-Pacific humpback dolphin, *Sousa chinensis,* as a DPS. As discussed previously, a population must be both discrete from other populations of the species and significant to the species as a whole in order to meet the definition of a DPS (61 FR 4722; February 7, 1996). The petition discusses how the ETS dolphins can be distinguished from Indo-Pacific dolphins off the coast of mainland China on the basis of pigmentation patterns. While a genetic basis for this color variation has not yet been established, the maintenance of these phenotypic differences may be indicative of reproductive isolation (Wang *et al.,* 2008). As additional evidence of ''marked separation'' of ETS dolphins, the petition discusses how the ETS dolphins are restricted to the western side of Taiwan, mainly in and around the two main estuaries. With few exceptions, all sightings of ETS dolphins have been reported from within 3 km of shore despite survey efforts beyond this point, and it has been suggested that the depth of the relatively narrow Taiwan Strait may function as a barrier for movement of ETS dolphins across to the coast of mainland China (Wang *et al.,* 2008; Reeves *et al.,* 2008b). An analysis of 450 individually photo-identified dolphins also provided no evidence of movement or exchange of individuals among the ETS and two groups from mainland China (Wang *et al.,* 2008). Overall, this information suggests this subpopulation may be ''discrete'' from other Indo-Pacific humpback dolphins.

With respect to the ''significance'' criterion of the DPS Policy, the petition states that the ETS dolphins are significant to the taxonomic species as a whole, because loss of this particular subpopulation would result in a significant gap in the range of the species. While it may be unlikely that other Indo-Pacific humpback dolphins would move to occupy the available habitat should the ETS dolphins be extirpated (given potential bathymetric barriers), it is not clear that the loss of this small range would constitute a ''significant gap'' given the extensive Indo-Pacific range of this species. The petition also argues that the subpopulation is significant to the species as a whole, because it differs markedly from other subpopulations in its genetic characteristics. While there are no genetic data provided in the petition or in our files to indicate the observed phenotypic differences are genetically controlled, a meaningful degree of genetic differentiation of the ETS dolphins is plausible given the potential year-round residency of the ETS dolphins and the evidence suggesting a lack of migration among regional groups (Wang *et al.,* 2008; Wang and Yang, 2010). Thus, we find sufficient indication that the ETS dolphins may meet the ''significance'' criterion of the DPS Policy.

We conclude that the Indo-Pacific humpback dolphins in the eastern Taiwan Strait may meet both the ''discreteness'' and the ''significance'' criteria of the DPS Policy and thus may qualify as a DPS (61 FR 4722; February 7, 1996). Therefore, we proceeded to review the petition and information readily available in our files to evaluate whether this presumed DPS may warrant listing under the ESA. For ease of discussion, we refer to the ETS subpopulation of the Indo-Pacific humpback dolphin as a DPS throughout the remainder of this text.

The petition states that the ETS DPS of *S. chinensis* is being threatened by habitat destruction and modification and lists multiple causes including reduction of freshwater flows, seabed reclamation, and pollution. The ETS DPS dolphins' exposure to land-based pollution and other threats is relatively high all along the central western coast of Taiwan, because these dolphins are thought to inhabit only a narrow strip of coastal habitat: They have not been observed in waters deeper than 25 m and are typically sighted in waters 15 m deep and within 3 km from shore (Reeves *et al.,* 2008b). Information in our files indicates that much of the preferred habitat of the ETS DPS has been altered or may become altered, but we do not have sufficient information to evaluate what effects this and most of the activities discussed in the petition (e.g., reduced freshwater flows, seabed reclamation) are having on the dolphins' status. For example, while several of the rivers in western Taiwan have already been dammed or diverted for agricultural, municipal, or other purposes, there are no data or information in the petition or our files to indicate what the impact, if any, reduced water flows to the estuaries is having on the ETS DPS dolphins or their prey (Ross *et al,* 2010). However, we do have some information in our files indicating that these dolphins are exposed to toxic PCBs and are likely to be negatively affected through ingestion of contaminated prey. By measuring PCB concentrations of known prey species, Riehl *et al.* (2011) constructed a bioaccumulation model to assess the risk PCBs may be posing to the ETS dolphins. Their results indicated that the ETS dolphins are at risk of immunotoxic effects of PCBs over their lifetime (Riehl *et al.,* 2011). In addition, surveys of 97 ETS DPS dolphins conducted from 2006 to 2010 showed that 73% had at least one type of skin lesion and that 49% of the surveyed dolphins were diseased (Yang *et al.,* 2011). These data suggest the dolphins may have weakened immune systems and are consequently more susceptible to disease. Overall, while we have insufficient information to evaluate several of the claims in the petition, we do have sufficient information to indicate that pollution is probably having a negative impact on the status of the ETS of Indo-Pacific humpback dolphins.

The petition asserts that the greatest threat to this DPS is bycatch in commercial fisheries. Data or information to directly evaluate this assertion appears to be lacking, but some indirect data does suggest that fisheries are posing a threat to this DPS. For example, thousands of vessels deploying trammel or gillnets are known to operate within the range of this DPS, and one third of 32 photo-identified dolphins of this DPS have scars thought to have been caused by either collisions with ships or interactions with fishing gear (Wang *et al.,* 2004). There are also two unpublished reports of dead, stranded ETS dolphins suspected to have died as a result of a fisheries interaction (see Ross *et al.,* 2010). Overall, however, the available information is insufficient to support conclusions regarding whether or to what extent bycatch is contributing to extinction risk for the ETS DPS.

The petition asserts that existing regulatory mechanisms are inadequate to conserve this DPS. The petition specifically identifies the CITES Appendix I listing of *Sousa* spp. as one deficiency; however, no additional information or data are provided in the petition regarding international trade of ETS DPS dolphins. Thus, we cannot conclude that the Appendix I listing is inadequate to safeguard this DPS from the threat of international trade. The ETS DPS dolphins are currently protected under Taiwan's Wildlife Conservation Act, although it appears that no specific habitats or areas are currently being protected (Ross *et al.,* 2010). The petition, the IUCN assessment, and other references in our files also discuss Taiwan's policy on environmental impact assessments and the failure of this process to adequately assess potential impacts of projects to the ETS DPS dolphins or result in meaningful protection for the dolphins (e.g., see Wang *et al.,* 2007). The lack of habitat protections and a rigorous environmental review process is concerning given the large number of new industrial projects awaiting approval and an expectation of continued habitat alteration and degradation (Wang *et al.,* 2007).

The size of the ETS DPS has been estimated to total 99 animals, and additional mark-recapture data from 2007–2010 indicate that the total population size is probably less than 80 animals (Wang *et al.,* 2012). Given the low estimated abundance and restricted range coupled with high exposure to environmental contaminants and potentially weak regulatory protections, we conclude that the ETS DPS of the Indo-Pacific humpback dolphin may warrant listing under the ESA.

Fiordland Subpopulation of Bottlenose Dolphin

The petition requests listing of the Fiordland subpopulation of bottlenose dolphins as a DPS and provides information on how this subpopulation meets both the ''discreteness'' and ''significance'' criteria of the DPS Policy (61 FR 4722; February 7, 1996). Bottlenose dolphins occupy three, discontinuous coastal regions around New Zealand: Northland, Marlborough Sounds and Fiordland. A comprehensive analysis of mitochondrial DNA indicates that there is a high degree of genetic isolation of the Fiordland, Northland and Marlborough Sounds subpopulations from each other (Tezanos-Pinto *et al.,* 2008). Within Fiordland—the mountainous, rainforested region in the southwest portion of New Zealand's

South Island—the population is considered to be further subdivided into three units, which can be referred to as the Milford, Doubtful and Dusky Sounds units (Tezanos-Pinto *et al.,* 2008). The three bottlenose dolphin communities within Fiordland appear to be relatively separate from each other; however, there are some records of exchange among these groups, suggesting that they are part of one metapopulation (Currey *et al.,* 2011a; citing Lusseau *et al.* 2006). We find the available information sufficient to indicate that the Fiordland bottlenose dolphins may meet the ''discreteness'' criterion of the DPS Policy.

The petition argues that the Fiordland bottlenose dolphins are significant to their taxon as a whole for multiple reasons. We agree with the assertion in the petition that the Fiordland bottlenose dolphins differ markedly from other populations in their genetic characteristics and thereby may meet the ''significance criterion'' of the DPS Policy. As noted above, analysis of mitochondrial DNA indicates that there is significant genetic differentiation of the Fiordland bottlenose dolphins (Tezanos-Pinto *et al.,* 2008). The Fiordland dolphins also display multiple physical (e.g., larger, more rotund bodies; shorter fins, flukes and rostrum; Currey *et al.,* 2011a; citing Schneider, 1999) and behavioral (e.g., shorter birthing season; Haase and Schneider, 2001) differences that possibly reflect adaptation to their colder water habitat, which lies at the extreme southern end of the species' range (Currey *et al.,* 2011a). The coastal fiords and bays of Fiordland may also represent an ecological setting that is unusual for this species. We find this information sufficient to indicate that the Fiordland bottlenose dolphins may meet the ''significance'' criterion of the DPS Policy.

We conclude, based on the readily available information in our files and the information presented in the petition, that the Fiordland bottlenose dolphins may meet both the ''discreteness'' and the ''significance'' criteria of the DPS Policy and thus may qualify as a DPS (61 FR 4722; February 7, 1996). Therefore, we proceeded to review the petition and information readily available in our files to evaluate whether this potential DPS may warrant listing under the ESA.

Citing the IUCN assessment, the petition states that the Fiordland bottlenose dolphins are exposed to three main threats: Disturbance and boat strikes associated with boat-based tourism, increased freshwater discharge from hydroelectric power generation, and reduced prey availability (Currey *et al.,* 2011a). Other threats discussed in the petition (e.g., anthropogenic climate change, ocean acidification) are general in nature and not clearly or causally linked to the status or habitat of the Fiordland bottlenose dolphins. Thus, as summarized below, our review of the information regarding threats to this subpopulation focused on the three main threats identified in the IUCN assessment.

Tour boats have been shown to affect several behaviors of bottlenose dolphins in Doubtful Sound, and dolphins with boat-strike scars have been observed in both Doubtful and Milford Sounds (Currey *et al.,* 2011a; citing Lusseau *et al.,* 2002; Lusseau, 2003; Boisseau, 2003). In response to the documented impacts on the dolphins, a voluntary code of conduct was adopted in 2006 in Milford and Doubtful Sounds. Dolphin Protection Zones, in which boating activities are limited, were also created and extend 200m out from shore in regions of the fiord that include some of the most frequently used habitats (Currey *et al.,* 2011a). This management effort remains voluntary, and its effectiveness is unknown (Currey *et al.,* 2011a). Tourism in Fiordland is increasing, and thus the potential for impacts on bottlenose dolphins is expected to increase as well, even in the less accessible Dusky Sound (Currey *et al.,* 2011a). Although boating clearly is and will likely continue to affect the Fiordland dolphins, it is not clear what population-level effect boating activity is having on the Fiordland bottlenose dolphins. Thus, based on the available information, it is unclear whether this threat is posing an extinction risk that is cause for concern.

The Lake Manapouri hydroelectric power station tailrace discharges a large volume of freshwater into Deep Cove in Doubtful Sound and creates a distinct low-salinity water layer significantly deeper than that found in neighboring fiords (Currey *et al.,* 2011a; citing Gibbs *et al.* 2000, Gibbs 2001). The bottlenose dolphins of Doubtful Sound exhibit a higher severity of skin lesions, have smaller calves and a more restricted calving season when compared to the bottlenose dolphins of the less-disturbed Dusky Sound (Rowe *et al.,* 2010). This circumstantial evidence supports but does not confirm the hypothesis that the elevated freshwater input is having a negative impact on the bottlenose dolphins within this particular sound. Additional data are required to fully evaluate the extent to which freshwater input from this hydropower facility is contributing to extinction risk for the Fiordland subpopulation.

Quoting from the IUCN assessment, the petition states that the Fiordland bottlenose dolphins are threatened by reduced prey availability as a result of environmental degradation and overfishing. Specific information or data to support this assertion are very limited. The IUCN assessment cites several studies that document an altered sub-tidal community structure and reduced the species' richness in response to the freshwater input in Doubtful Sound from the hydropower facility (Currey *et al.,* 2011a; citing Boyle *et al.* 2001, Tallis *et al.* 2004, Rutger and Wing 2006). These ecological side-effects may translate into reduced or altered prey availability for the dolphins. The IUCN assessment also states that historical fishing has resulted in significant declines in fish abundance throughout Fiordland (Currey *et al.,* 2011a; citing Beentjes and Carbines 2005). Specific information regarding the dolphins' existing prey resources, however, is not presented or available in our files; thus, it is difficult to fully assess whether food limitation is posing a threat to the Fiordland bottlenose dolphins.

While the common bottlenose dolphin, *T. truncatus,* is a cosmopolitan and relatively abundant species, the Fiordland subpopulation contains only about 205 animals (95% CI: 192–219; Currey *et al.,* 2009). Results of population viability analyses by Currey *et al.* (2009) also show that the Fiordland subpopulation is highly likely to decline over periods of one, three and five generations. The average rate of decline for this subpopulation was estimated as 31.4% over one generation (21 years), and the average risk of extinction was calculated as 10.1% over five generations (100 years) (Currey *et al.,* 2009). Capture-recapture modeling of data from 1996–2008 for the bottlenose dolphins in Doubtful Sound indicate that this unit has been declining since 1995, and that the decline has been driven by reduced survivorship of calves (less than 1 year old) and juveniles (less than 3 years old) (Currey *et al.,* 2011b).

In conclusion, while it is difficult to attribute the decline of the Fiordland bottlenose dolphins to a specific cause or causes, we find that low abundance coupled with past and projected decline of these dolphins constitutes substantial information that listing Fiordland bottlenose dolphins as threatened or endangered under the ESA may be warranted.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude that the petition does not present substantial scientific or commercial information indicating the petitioned action may be warranted for the Galápagos fur seal, *Arctocephalus galapagoensis.* In contrast, as described above, we find that there is substantial scientific information indicating the petitioned action may be warranted for Hector's dolphin, *Cephalorhynchus hectori;* the BSS of the harbor porpoise, *Phocoena phocoena;* the ETS subpopulation of the Indo-Pacific humpback dolphin, *Sousa chinensis;* and the Fiordland subpopulation of the bottlenose dolphin, *Tursiops truncatus.* We hereby announce the initiation of status reviews for each of these four entities to determine whether the petition actions are warranted.

Information Solicited

To ensure that the status reviews are based on the best available scientific and commercial data, we are soliciting information relevant to whether Hector's dolphin, the BSS of harbor porpoise, the ETS subpopulation of the Indo-Pacific humpback dolphin, and the Fiordland subpopulation of bottlenose dolphin may warrant listing as threatened or endangered under the ESA. Specifically, we are soliciting data and information, including unpublished data and information, in the following areas: (1) Historical and current distribution and abundance of Hector's dolphin and the petitioned subpopulations of harbor porpoise, Indo-Pacific humpbacked dolphin, and bottlenose dolphin throughout their range; (2) historical and current population trends; (3) life history and habitat requirements (4) genetic analyses of subpopulations, populations or subspecies; (5) past, current and future threats, including any current or planned activities that may adversely impact these marine mammals; (6) ongoing or planned efforts to protect and restore the marine mammals and their habitat; and (7) management, regulatory, and enforcement information. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request to the Office of Protected Resources (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 14, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–03735 Filed 2–20–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD143

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold meetings of its 115th Scientific and Statistical Committee (SSC) and its 159th Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also convene meetings of the Marianas Plan Team (PT), Guam Regional Ecosystem Advisory Committee (REAC), the Commonwealth of the Northern Marianas (CNMI) REAC, the Mariana Archipelago Advisory Panel (AP) and the Council's Program Planning Standing Committee and Executive and Budget Standing Committee.

DATES: The meetings will be held from March 11 through March 21, 2014. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813; telephone: (808) 522–8220.

Guam Hilton Hotel, 202 Hilton Road, Tumon Bay, Guam GU 96913; telephone: (671) 646–1835.

Fiesta Hotel, Saipan Beach, Garapan, MP CNMI 96950; telephone: (670) 234–6412.

Background documents will be available from, and written comments should be sent to, Mr. Arnold Palacios, Chair, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, telephone: (808) 522–8220 or fax: (808) 522–8226.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 115th SSC meeting will be held in Honolulu on March 11–13, 2014 between 8:30 a.m. and 5 p.m.; the Marianas PT on March 14, 2014 between 8:30 a.m. and 5 p.m.; the CNMI REAC will meet on March 14, 2014 between 8:30 a.m. and 12 noon.; The Joint Marianas PT and AP on March 14, 2014 between 6 p.m. and 9 p.m. and March 15, 2014 between 8:30 a.m. and 4 p.m.; and the Guam REAC will meet on March 19, 2014 between 1:30 p.m. and 5 p.m. The Council's Executive and Budget Standing Committee will meet on Saipan on March 16, 2014 between 3 p.m. and 5 p.m. and its Program Planning Standing Committee will meet on Saipan on March 17, 2014 between 7:30 a.m. and 9:30 a.m.; and the 159th Council Meeting will be held on Saipan between 10:30 a.m. and 5 p.m. on March 17, 2004 and on Guam between 9 a.m. and 5 p.m. on March 18, 2014; and in Guam between 8:30 a.m. and 5 p.m. on March 20, 2014, and between 9 a.m. and 5 p.m. on March 21, 2014. In addition, the Council will host Fishers Forums on Saipan on March 17, 2014 between 6 p.m. and 9 p.m. and on Guam on March 20, 2014 between 6 p.m. and 9 p.m.

The 115th SSC will be held at the Council's Office in Honolulu; the Guam REAC, Marianas PT and AP will be held at the Guam Hilton Hotel, Tumon Bay, Guam; the Council's Standing Committees, the CNMI REAC, the 159th Council Meeting on March 17 and 18 and Fishers Forum on March 17 will be held at the Fiesta Hotel, Garapan, Saipan, CNMI. The Council Meeting on March 20 and 21 and the Fishers Forum on March 20 will be held at the Guam Hilton Hotel.

In addition to the agenda items listed here, the SSC and Council will hear recommendations from Council advisory groups. Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for 115th SSC Meeting

8:30 a.m.–5 p.m., Tuesday, March 11, 2014

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs

3. Status of the 115th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center Director
5. Remarks from the New NMFS Senior Scientist for Ecosystem Research
6. Insular Fisheries
A. Main Hawaiian Islands (MHI) Bottomfish Restricted Fishing Area (BRFA) Management Plan
B. Report from MHI Bottomfish Working Group Research Priorities
C. Report on the CNMI Bottomfish Scoping (Action Item)
D. Informing Creel Survey Adjustment Factors Using Village-based Fisheries Profiles
E. Estimation of Catch Weight of Reef Fish from Hawaii Marine Recreational Fisheries Statistical Survey (HMRFSS)
F. Hawaii Kumu (White-saddle Goatfish) Stock Assessment
G. Public Comment
H. SSC Discussion and Recommendations
7. Program Planning
A. Report from P-star Working Group (Action Item)
B. Specifying Acceptable Biological Catches for the Coral Reef Species in the Western Pacific Region (Action Item)
C. Social Science Program Plan
D. Public Comment
E. SSC Discussion and Recommendations

8:30 a.m.–5 p.m., Wednesday, March 12, 2014

8. Pelagic Fisheries
A. Longline Fisheries Quarterly Reports
1. Hawaii
2. American Samoa
B. Economic Collapse of American Samoa Longline Fishery (Action Item)
C. Experimental Fishing Permit—American Samoa Large Vessel Prohibited Area (Action Item)
D. Modifying Hawaii Longline Fishery Eastern Pacific Ocean (EPO) Bigeye Tuna Catch Limit (Action Item)
E. Bigeye Tuna Movement Workshop
F. Disproportionate Burden Workshop
G. Workshop on Ecosystem Approaches to Pelagic Fisheries Management
H. International Fisheries
1. 10th Regular Session of the Western & Central Pacific Fisheries Commission (WCPFC 10)
2. International Scientific Committee (ISC)
I. Public Comment
J. SSC Discussion and Recommendations
9. Protected Species
A. Leatherback Turtle Bycatch Analysis and Revised TurtleWatch
B. SSC Subcommittee Review of the Insular False Killer Whale Photo-ID Data Analysis
C. Update on the Marine Mammal Stock Assessment Reports
D. Analysis of Impacts under the Deep-set Longline Biological Opinion
E. Updates on Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) Actions
1. Results of an Update of the Corals of the World Information Base
2. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the ESA
3. Green Turtle Status Review
4. North Pacific Humpback Whale Petition
5. Proposed 2014 List of Fisheries
6. Other Relevant Actions
F. Report of the Protected Species Advisory Committee Meeting
G. Public Comment
H. SSC Discussion and Recommendations

8:30 a.m.–5 p.m., Thursday, March 13, 2014

10. Other Business
A. Electronic Monitoring Workshop
B. Fishery Ecosystem Plans (FEP) and Program Review
C. 116th SSC Meeting
11. Summary of SSC Recommendations to the Council

Schedule and Agenda for Marianas PT Meeting

8:30 a.m.–5 p.m., Friday, March 14, 2014

1. Welcome and Introductions
2. Approval of the Agenda
3. Assignment of Rapporteurs
4. Report on Previous Plan Team Recommendations and Council Actions
5. Review of the Status of the Western Pacific Insular Fisheries
A. Commonwealth of Northern Mariana Islands
i. Update of fishery dependent and independent studies
ii. Coral Reef Fisheries
iii. Incorporating BioSampling Data in the Annual Report
iv. Bottomfish Fisheries
v. Discussions
B. Guam
i. Update of Fishery Dependent and Independent Studies
ii. Coral Reef Fisheries
iii. Report on Data Summaries for the Guam BioSampling Program
iv. Bottomfish Fisheries
v. Discussions
6. Discussion on the Non-Commercial Module for the Annual Report
7. Planning for the Joint Archipelagic Plan Team Meeting
8. Pre-Workshop Activities for the Technical Committee of the Fishery Data Collection and Research Committee
9. General Discussions
10. Other Business
11. Public Comment

Schedule and Agenda for CNMI REAC Meeting

8:30 a.m.–12 noon, Friday, March 14, 2014

1. Welcome and Introductions
2. Status Report on 158th Council Meeting Recommendations regarding CNMI
3. Council Action Items for 159th meeting
A. CNMI Bottomfish Management—Removing the 50 Nautical Mile Area Closure for Large Vessels Fishing Around the CNMI Southern Islands
B. Coral Reef Annual Catch Limits
C. Discussion and Recommendations
4. Local CNMI Issues
A. President Proclamation on Territorial Waters
B. Status of Local Activities to Address Conflicting Shark Regulations
i. Legislative
ii. Administration
C. Military Activities
i. Prepositioning Ships
ii. Tinian, Farallon de Medinilla (FDM) and Pagan
iii. Discussion and Recommendations
5. Other Business
6. Public Comment
7. Discussion and Recommendations

Schedule and Agenda for Joint Marianas PT and AP Meeting

6 p.m.–9 p.m. Friday, March 14, 2014

1. Welcome and Introductions
2. Status of the Marianas Fisheries
3. Status of the Council
a. New at the Council
i. Advisory Group Changes (Non-Commercial Fisheries Advisory Committee, Protected Species Advisory Committee, Education, Climate Change and Marine Spatial Planning)
ii. AP Solicitation This Year (New 4-year Term Starting 2015)
iii. Outreach-Web site, E-newsletter, etc.
b. Status of 2013 AP Recommendations
c. Council Action Items
i. Annual Catch Limits for Coral Reef Species
ii. CNMI Bottomfish Management—Removing the 50 Nautical Mile Area Closure for Large Vessels Fishing Around the CNMI Southern Islands
d. Updates on Projects and Issues
i. Data Collection Efforts

1. Guam Military Data Collection Project
2. CNMI Data Collection Efforts
ii. Fishery Development
1. Guam Projects
2. CNMI Projects
iii. Community Projects
1. Malesso Community-based Marine Resource Plan
4. Advisory Panel Reports
a. Guam
b. CNMI
5. Public Comment
6. Day 1 Recommendations and Wrap-up
7. Day 2 Workshop Introduction and Expectations

8:30 a.m.–4 p.m., Saturday, March 15, 2014

8. Marianas Fishery Ecosystem Plan Review and Priorities Workshop
a. Plenary-Overview and Purpose, Setting the Process Stage
i. Current/Traditional Approaches to Management
ii. Current Policies, Regulations and Factors
iii. Review of Available Information
iv. Review of Regulatory Regime
v. Essential Fish Habitat (EFH) and Habitat of Particular Concern (HAPC)
vi. Instructions for Plenary and Breakout
b. Breakout Session 1: Data Gathering
c. Breakout Session 2: Defining Needs and Priorities
d. Plenary-Report Back from Groups
e. Breakout Session 3: Developing Management Strategies and Measures
f. Breakout Session 4: Crafting an Effective Plan
g. Plenary-Report Back from Groups
h. Plenary-Wrap-up and Discussion

Schedule and Agenda for Guam REAC Meeting

1:30 p.m.–5 p.m., Wednesday, March 19, 2014

1. Welcome and Introductions
2. Status Report on 158th Council Meeting Recommendations for Guam
3. Community Resource Management Activities and Issues
A. Malesso Community-based Management Plan for Coastal and Marine Resources
B. Micronesia Compact Issues Related to Fisheries
i. Community Issues and Concerns Regarding Fishing Activities
ii. Report on GC Review of Compact Impact Issues Related to Fishing
C. Community Concerns Regarding Military Impact to Fishing Community
D. Discussion
4. NOAA Initiatives
A. NOAA Research Cruise Plans for the Mariana Islands
B. NOAA Habitat Blueprint Designation of Manell-Geus, Guam
C. Discussion
5. Other Business
6. Public Comment
7. Discussion and Recommendations

Schedule for Council Standing Committee Meetings

3 p.m.–5 p.m., Sunday, March 16, 2014

Executive and Budget Standing Committee

7:30 a.m.–9:30 a.m., Monday, March 17, 2014

Program Planning Standing Committee

Schedule and Agenda for 159th Council Meeting

10:30 a.m.–5 p.m., Monday, March 17, 2014

1. Opening Ceremony and Introductions
2. Opening Remarks
3. Approval of the 159th Agenda
4. Approval of the 158th Meeting Minutes
5. Executive Director's Report
6. Election of Officers
7. Agency Reports
A. National Marine Fisheries Service
1. Pacific Islands Regional Office
2. Pacific Islands Fisheries Science Center (PIFSC)
a. 2014 PIFSC Plan
B. NOAA General Counsel, Pacific Islands Region
1. Report on Compact Impact Related to Fishing
C. U.S. Fish and Wildlife Service
D. Enforcement Section
1. U.S. Coast Guard
2. NMFS Office for Law Enforcement
3. NOAA General Counsel for Enforcement and Litigation
E. Public Comment
F. Council Discussion and Action
8. Marianas Archipelago—Part 1: CNMI
A. Arongol Falu
B. Legislative Report
C. Enforcement Issues
D. Marianas Trench Marine National Monument
1. President's Proclamation Regarding Northern Islands, Tinian and Farallon de Medinilla
E. Bottomfish Area Closure Modification (Action Item)
F. Report on CNMI Projects
1. Data Collection Efforts
2. CNMI Commercial Dock Report
3. Marianas Skipjack Assessment Report
4. Status of Fish Market Development at Fishing Base
G. Community Activities and Issues
1. Military Initiatives on Tinian
2. Military Proposed Plans and Status
H. Education and Outreach Initiatives
1. Report of the Lunar Calendar
I. Advisory Group Recommendations
1. AP Recommendations
2. PT Recommendations
3. REAC Recommendations
J. SSC Recommendations
K. Public Hearing
L. Council Discussion and Action

6 p.m.–9 p.m., Monday, March 17, 2014

Fishers Forum: Are Sharks the Frontier?

9 a.m.–5 p.m., Tuesday, March 18, 2014

9. Program Planning and Research
A. Report From P-star Working Group (Action Item)
B. Report From the Social Economic Ecological Management Uncertainty (SEEM) Working Group (Action Item)
C. Specifying Annual Catch Limits for the Coral Reef Species in the Western Pacific Region (Action Item)
D. Social Science Program Plan
E. Five-year Program Review
F. Education and Outreach
G. Advisory Group Recommendations
1. AP Recommendations
2. PT Recommendations
H. SSC Recommendations
I. Program Planning Standing Committee Recommendations
J. Public Hearing
K. Council Discussion and Action
10. American Samoa Archipelago
A. Motu Lipoti
B. Fono Report
C. Enforcement Issues
D. Community Activities and Issues
1. Update on Community Fisheries Development
2. Seafood Market Training Workshop
E. Education and Outreach Initiatives
F. SSC Recommendations
G. Public Comment
H. Council Discussion and Action
11. Public Comment on Non-Agenda Items

8:30 a.m.–5 p.m., Thursday, March 20, 2014

Guam Opening Ceremony and Introductions
Welcoming Remarks
12. Marianas Archipelago—Part 2: Guam
A. Isla Informe
B. Legislative Report
C. Enforcement Issues
D. Report on Guam Projects and Programs
1. Status Report on the Manahak (rabbitfish) Project
2. Status Report on the Fishing Platform Project
3. Status Report on Agat Dock A Project

4. Marianas Skipjack Assessment Report
5. Guam Military Data Collection Project
E. Community Development Activities and Issues
1. Malesso Community-based Marine Resource Plan
2. Report on the Piti Pride Tepungan Wide
3. NOAA Habitat Blue Print
4. Ritidian Point Firing Range Proposal
5. Report on Compact Impact Related to Fishing
F. Education and Outreach Initiatives
1. Report of the Lunar Calendar Festival
2. Festival of the Pacific Arts 2016
3. President's Proclamation on Climate Change
G. Advisory Group Recommendations
1. AP Recommendations
2. PT Recommendations
3. REAC Recommendations
H. SSC Recommendations
I. Public Comment
J. Council Discussion and Action
13. Protected Species
A. Update on Marine Mammal Stock Assessments
B. Deep-set Longline Fishery Biological Opinion
C. Updates on Endangered Species Act and Marine Mammal Protection Act Actions
1. Results of an Update of the Corals of the World Information Base
2. Proposed Rule To List 66 Species of Coral as Endangered or Threatened Under the ESA
3. Green Turtle Status Review
4. North Pacific Humpback Whale Petition
5. Proposed 2014 List of Fisheries
6. Other Relevant Actions
D. Report on the Insular Sea Turtle Programs
E. Advisory Group Recommendations
1. Protected Species Advisory Committee Recommendations
2. AP Recommendations
3. PT Recommendations
4. REAC Recommendations
F. SSC Recommendations
G. Public Comment
H. Council Discussion and Action
14. Public Comment on Non-Agenda Items

6 p.m.–9 p.m., Thursday, March 20, 2014

Fishers Forum: Malesso Community-based Marine Management Plan

9 a.m.–5 p.m., Friday, March 21, 2014

15. Pelagic & International Fisheries
A. Economic Collapse of American Samoa Longline Fishery (Action Item)
B. Experimental Fishing Permit—American Samoa Large Vessel Prohibited Area (Action Item)
C. Modifying Hawaii Longline Fishery EPO Bigeye Tuna Catch Limit (Action Item)
D. Bigeye Tuna Movement Workshop
E. Disproportionate Burden Workshop
F. International Fisheries
1. WCPFC 10
2. ISC
3. North Pacific Regional Fishery Management Organization (NPRFMO)
4. South Pacific Regional Fishery Management Organization (SPRFMO)
G. Longline Fisheries Quarterly Reports
H. Advisory Group Recommendations
1. AP Recommendations
2. PT Recommendations
3. REAC Recommendations
I. SSC Recommendations
J. Public Hearing
K. Council Discussion and Recommendations
16. Hawaii Archipelago
A. Moku Pepa
B. Legislative Report
C. Enforcement
D. Main Hawaiian Island Bottomfish
1. State of Hawaii BRFA Management Plan
2. Bottomfish Working Group
E. Community Projects, Activities and Issues
1. Supporting the Aha Moku System
2. Outreach and Education Report
F. SSC Recommendations
G. Public Comment
H. Council Discussion and Action
17. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Standard Operating Practices and Procedures (SOPP) Review and Changes
D. Council Family Changes
E. Meetings and Workshops
F. Report on Magnuson-Stevens Act (MSA) Reauthorization
G. Other Business
H. Standing Committee Recommendations
I. Public Comment
J. Council Discussion and Action
18. Other Business

Non-Emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 159th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 18, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–03723 Filed 2–20–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products from the Procurement List that was previously furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

Comments must be received on or before: 3/24/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

Bag, Plastic

NSN: 8105–LL–N77–1370
NSN: 8105–LL–N78–1252
NSN: 8105–LL–N86–0770
NSN: 8105–LL–N86–0771
NSN: 8105–LL–N91–2391
NSN: 8105–LL–N91–2392
NSN: 8105–LL–N91–2393
NSN: 8105–LL–N91–2394

NPA: UNKNOWN
Contracting Activity: Dept. of the Navy, U.S. Fleet Forces Command, Norfolk, VA.

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2014–03681 Filed 2–20–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and a service from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 3/24/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 11/29/2013 (78 FR 71582–71583), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

Jackets, Intermediate Weather Outer Layer (IWOL), Layer 6, Army, (FREE), OCP

NSN: 8415–01–583–9470—XSS
NSN: 8415–01–583–9471—XSR
NSN: 8415–01–583–9474—XSL
NSN: 8415–01–583–9479—SS
NSN: 8415–01–583–9480—SR
NSN: 8415–01–583–9483—SL
NSN: 8415–01–583–9485—MS
NSN: 8415–01–583–9488—MR
NSN: 8415–01–583–9445—ML
NSN: 8415–01–583–9447—LS
NSN: 8415–01–583–9449—LR
NSN: 8415–01–583–9450—LL
NSN: 8415–01–583–9451—XLS
NSN: 8415–01–583–9453—XLR
NSN: 8415–01–583–9454—XLL
NSN: 8415–01–583–9455—XXLS
NSN: 8415–01–583–9456—XXLR
NSN: 8415–01–583–9458—XXLL
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick MA
Coverage: C-List for 100% of the requirement of the Department of the Army, as aggregated by the Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick MA.

Trousers, Intermediate Weather Outer Layer (IWOL), Layer 6, Army, (FREE), OCP

NSN: 8415–01–584–1635—XSS
NSN: 8415–01–584–1637—XSR
NSN: 8415–01–584–1639—XSL
NSN: 8415–01–584–1640—SS
NSN: 8415–01–584–1641—SR
NSN: 8415–01–584–1642—SL
NSN: 8415–01–584–1643—MS
NSN: 8415–01–584–1644—MR
NSN: 8415–01–584–1645—ML
NSN: 8415–01–584–1648—LS
NSN: 8415–01–584–1649—LR
NSN: 8415–01–584–1654—LL
NSN: 8415–01–584–1655—XLS
NSN: 8415–01–584–1656—XLR
NSN: 8415–01–584–1663—XLL
NSN: 8415–01–584–1665—XXLS
NSN: 8415–01–584–1672—XXLR
NSN: 8415–01–584–1674—XXLL
NPA: San Antonio Lighthouse for the Blind, San Antonio, TX
Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick MA
Coverage: C-List for 100% of the requirement of the Department of the Army, as aggregated by the Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick MA.

Deletions

On 1/10/2014 (79 FR 1835–1836), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and service listed below are no longer suitable for procurement by the Federal Government under 41 USC 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service deleted from the Procurement List.

End of Certification

Accordingly, the following products and service are deleted from the Procurement List:

Products

Folder, File, Paperboard, Heavy Duty, 1/3 Cut Tab, Clear Sleeve, Kraft, Letter

NSN: 7530–00–281–5907
NPA: L.C. Industries for the Blind, Inc., Durham, NC
Contracting Activity: General Services Administration, New York, NY

DVD Label Refill

NSN: 7530–01–554–7679
NPA: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: General Services Administration, New York, NY

Service

Service Type/Location: Janitorial/Custodial Service, Social Security Administration Building, 50 North Third Street, Chambersburg, PA.
NPA: Unknown.
Contracting Activity: General Services Administration, FPDS Agency

Coordinator, Washington, DC

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–03680 Filed 2–20–14; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting Invitation to Industry and Comment Period on Draft Edition 3 of Standardization Agreement (STANAG) 4671 Unmanned Aerial Vehicle Systems Airworthiness Requirements (USAR); Revision

AGENCY: United States Office of the Secretary of Defense through the United States Department of Defense for North Atlantic Treaty Organization (NATO) STANAG 4671 Custodial Support Team.

ACTION: Notice of meeting location change and document availability; revision.

SUMMARY: On Friday, January 10, 2014 (79 FR 1839–1840), the Department of Defense published a notice titled ''Meeting Invitation to Industry and Comment Period on Draft Edition 3 of Standardization Agreement (STANAG) 4671.'' Subsequent to the publication of that notice, the subject of the notice, the meeting location, the deadline for submitting comments, and parts of the text were revised.

This notice revises the previously-published meeting notice to include these revisions.

DATES: Comments must be submitted no later than March 5, 2014 to Mrs. Sandra A. Greeley at the email address in the **FOR FURTHER INFORMATION CONTACT** section. The meeting date is set for March 25–26, 2014 in Mannheim, Germany.

ADDRESSES: A copy of STANAG 4671 and the comment sheet may be obtained by emailing Mrs. Sandra A. Greeley at the email address in the **FOR FURTHER INFORMATION CONTACT** section. The meetings will be held in Mannheim, Germany at the Federal Academy of Education and Training in the Bundeswehr, the meeting facility location is not yet finalized.

FOR FURTHER INFORMATION CONTACT:

Industry Day Meeting Coordinator: Mrs. Sandra A. Greeley, Email: *sandra.a.greeley.ctr@navy.mil,* Telephone: (301) 342–8635.

STANAG 4671 Technical Information and Questions: Mr. Daniel Beck, Email: *daniel.h.beck2.civ@mail.mil,* Telephone: (256) 313–5306.

SUPPLEMENTARY INFORMATION: The NATO STANAG 4671 Custodial Support Team is inviting industries from NATO countries to review Edition 3 and provide comments and/or concerns prior to finalization and publication for topics of discussion during Industry Day. NATO STANAG 4671 USAR contains the airworthiness requirements to certify Fixed Wing Unmanned Aircraft Systems between 150kg and 20000kg. Interested Industry Day participants may request copy of the draft update to STANAG 4671 (with comment sheet for feedback) by email and copies will be provided within 3 business days of receipt by email only. Upon request from an industry participant to attend Industry Day a formal invitation will be sent via email prior to March 5, 2014 with details for date, location and access requirements. The objective of the March meetings will be to conduct a technical dialogue on the STANAG 4671. Industry Day discussion topics will be generated based on Industry's feedback as well as specific topics identified by the Custodial Support Team. Comments will be prioritized and addressed in an open forum.

Key Words: RPV, UAS, UAV, Remotely Piloted Vehicle, Unmanned Aircraft, Unmanned Aircraft Vehicle, Unmanned Aircraft Systems.

Dated: February 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–03663 Filed 2–20–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, March 6, 2014, 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1864 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of December Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
  - Infrastructure Projects—Greg Simonton, DOE
- Administrative Issues
  - Continued Support of Asset Recovery Recommendation 14–01
  - Public Comments on Recommendation
  - Board Comments on Recommendation
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on February 11, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–03695 Filed 2–20–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. RF–034]

Decision and Order Granting a Waiver to Samsung From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: The U.S. Department of Energy (DOE) gives notice of its decision and order in Case No. RF–034 that grants to Samsung Electronics America, Inc. (Samsung) a waiver from the DOE electric refrigerator and refrigerator-freezer test procedures for specific basic models set forth in its petition for waiver. In its petition, Samsung provides an alternate test procedure that is identical to the test procedure DOE published in a final rule dated January 25, 2012 (77 FR 3559) that manufacturers will be required to use starting in 2014. Under today's decision and order, Samsung shall be required to test and rate these refrigerator-freezers using an alternate test procedure as adopted in that January 2012 final rule, which accounts for multiple defrost cycles when measuring energy consumption.

DATES: This Decision and Order is effective February 21, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371,

Email: *Bryan.Berringer@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–71, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(l)), DOE gives notice of the issuance of its decision and order as set forth below. The decision and order grants Samsung with a waiver from the applicable residential refrigerator and refrigerator-freezer test procedures in 10 CFR part 430, subpart B, appendix A1 for certain basic models of refrigerator-freezers with multiple defrost cycles, provided that Samsung tests and rates such products using the alternate test procedure described in this notice. Today's decision prohibits Samsung from making representations concerning the energy efficiency of these products unless the product has been tested in a manner consistent with the provisions and restrictions in the alternate test procedure set forth in the decision and order below, and the representations fairly disclose the test results.

Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).

Issued in Washington, DC, on February 12, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Samsung Electronics America, Inc. (Case No. RF–034)

I. Background and Authority

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes the residential electric refrigerators and refrigerator-freezers that are the focus of this notice.[1] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for residential electric refrigerators and refrigerator-freezers is set forth in 10 CFR part 430, subpart B, appendix A1.

DOE's regulations for covered products contain provisions allowing a person to seek a waiver from the test procedure requirements for a particular basic model for covered consumer products when (1) the petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that prevent testing according to the prescribed test procedure, or (2) when prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption characteristics.

The Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(l). Waivers remain in effect pursuant to the provisions of 10 CFR 430.27(m).

Any interested person who has submitted a petition for waiver may also file an application for interim waiver of the applicable test procedure requirements. 10 CFR 430.27(a)(2). The Assistant Secretary will grant an interim waiver request if it is determined that the applicant will experience economic hardship if the interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(g).

II. Samsung's Petition for Waiver: Assertions and Determinations

On September 23, 2013, Samsung submitted a petition for waiver from the test procedure applicable to residential electric refrigerators and refrigerator-freezers set forth in 10 CFR part 430, subpart B, appendix A1. Samsung is designing new refrigerator-freezers that incorporate multiple defrost cycles. In its petition, Samsung seeks a waiver from the existing DOE test procedure applicable to refrigerators and refrigerator-freezers under 10 CFR part 430 because the existing test procedure does not account for multiple defrost cycles. Therefore, Samsung has asked to use an alternate test procedure that is the same as the one manufacturers will be required to use in 2014 for products with long-time or variable defrost. See 77 FR 3559 (Jan. 25, 2012) (final rule). Samsung has submitted similar petitions for waiver and requests for interim waiver for other basic models of refrigerator-freezers that incorporate

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

multiple defrost cycles. DOE subsequently granted a waiver for the products specified in these petitions. See 77 FR 1474 (Jan. 10, 2012), 77 FR 75428 (Dec. 20, 2012), 78 FR 35901 (June 14, 2013), 78 FR 35898 (June 14, 2013), and 78 FR 65623 (Nov. 1, 2013).

Samsung's petition included an alternate test procedure to account for the energy consumption of its refrigerator-freezer models with multiple defrost cycles. The alternate test procedure specified by Samsung is the same as the test procedure that DOE finalized in January 2012. See 77 FR 3359. Among other things, the notice to that final rule addressed comments responding to the earlier Samsung petitions that were the subject of the previous waiver, as well as the interim final rule that had previously been issued. See 75 FR 78809 (Dec. 16, 2010). The alternate test procedure that Samsung has requested permission to use as part of its waiver petition is, as with its prior waiver petitions noted above, identical to the test procedure provisions for products with long-time or variable defrost DOE adopted in the final test procedure rule that manufacturers will be required to use starting in 2014.

Because the currently applicable test procedure found in 10 CFR part 430, subpart B, appendix A1 cannot be used to test the basic models at issue or would otherwise lead to materially inaccurate results, DOE previously granted a waiver to Samsung for other basic models incorporating multiple defrost technology. See 77 FR 1474, 77 FR 75428, 78 FR 35901, 78 FR 35898, and 78 FR 65623. DOE has determined that it is desirable to have similar basic models, such as those addressed by the Samsung petition addressed in this notice, tested in a consistent manner and is adopting the same approach laid out in its prior decision by permitting Samsung to use the alternate test procedure specified in this Decision and Order.

III. Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Samsung petition for waiver. The FTC staff did not have any objections to granting a waiver to Samsung.

IV. Conclusion

After careful consideration of all the material submitted by Samsung and consultation with the FTC staff, it is ordered that:

(1) The petitions for waiver submitted by the Samsung Electronics America, Inc. (Case No. RF–034) are hereby granted as set forth in the paragraphs below.

(2) Samsung shall be required to test and rate the following Samsung model according to the alternate test procedure set forth in paragraph (3) of this section.

RS22HD*PN**

(3) Samsung shall be required to test the products listed in paragraph (2) of this section according to appendix A1 to subpart B of 10 CFR part 430 except that the test cycle shall be identical to the test procedure provisions for products with long-time or variable defrost located in section 4.2.1 of appendix A to subpart B of 10 CFR part 430, as adopted in DOE's final rule dated January 25, 2012 (77 FR 3559).

(4) Representations. Samsung may make representations about the energy use of its refrigerator-freezer products for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(m).

(6) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid and accurate. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(7) This waiver applies only to those basic models set out in Samsung's September 23, 2013 petition for waiver. Grant of this waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

Issued in Washington, DC, on February 12, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–03694 Filed 2–20–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Falcon and Amistad Projects' Rate Order No. WAPA–164

AGENCY: Western Area Power Administration (Western), DOE.

ACTION: Notice of proposed extension for the Falcon and Amistad Projects' Power Rate Formula.

SUMMARY: This action is a proposal to extend the existing Falcon and Amistad Projects' Firm Power Rate Formula through June 7, 2019. The Falcon and Amistad Projects' Firm Power Rate Formula will expire on June 7, 2014.

DATES: Thirty days after this notice is published, Western will take further action on the proposed formula rate extension consistent with 10 CFR 903.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn C. Jeka, CRSP Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–6372, email: *jeka@wapa.gov,* or Mr. Rodney Bailey, Power Marketing Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–4007, email: *rbailey@wapa.gov.*

SUPPLEMENTARY INFORMATION: By Delegation Order No. 00–037.00A, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place in effect such rates on an interim basis to the Deputy Secretary of the Department of Energy; and (3) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation to the Federal Energy Regulatory Commission (FERC). This extension is issued pursuant to the Delegation Order and DOE rate extension procedures at 10 CFR 903.23(a).

The Falcon and Amistad Dams are features of international water storage projects located on the Rio Grande River between Texas and Mexico. Under the terms of Contract No. 7–07–50–P0890 (Contract), dated August 9, 1977, as amended, Western marketed the power from these dams to two electric cooperatives, South Texas Electric Cooperative, Inc., and Medina Electric Cooperative. The power rate formula of the Contract was initially approved by the Federal Power Commission, predecessor to FERC, in Docket No. E–9566 on August 12, 1977 (59 FPC 1653), for a 5-year period effective on the date of initial operation of Amistad Power Plant, June 8, 1983.[1]

[1] A 5-year rate extension of this same rate formula through June 7, 1993, was approved by FERC on

Continued

According to article 9(a) of the Contract, Western calculates the annual installment to be paid by the customer for the power generated at the Falcon and Amistad power plants. The annual installment is adjusted on or before August 31 of the year preceding the fiscal year to which it pertains and Western identifies this amount in a revised Exhibit A to the Contract. Each annual installment pays the annual amortized portion of the United States' investment in the Falcon and Amistad hydroelectric facilities with interest and the associated operation, maintenance, and administrative costs. This repayment schedule is not dependent upon the power and energy made available for sale or the rate of generation each year.

Thirty days after this notice is published, Western will take further action on the proposed formula rate extension for the Falcon and Amistad Projects, pursuant to the Delegation Order and DOE rate extension procedures at 10 CFR 903.23(a).

Dated: February 4, 2014.

Mark A. Gabriel,

Administrator.

[FR Doc. 2014–03696 Filed 2–20–14; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9013–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements.

Filed 02/10/2014 Through 02/14/2014, Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140039, Draft EIS, FERC, NY, Constitution Pipeline and Wright Interconnect Projects, Comment Period Ends: 04/07/2014, Contact: Kevin Bowman 202–502–6287

EIS No. 20140040, Draft Supplement, BLM, AK, Alpine Satellite Development Plan GMT1 Development Project, Comment Period Ends: 04/21/2014, Contact: Bridget Psarianos 907–271–4208

EIS No. 20140041, Draft EIS, NRC, MO, Generic—Renewal of Nuclear Plants, Supplement 51, Regarding Callaway Plant, Unit 1, Comment Period Ends: 04/07/2014, Contact: Carmen Fells 301–415–6337

EIS No. 20140042, Final EIS, BIA, MT, Proposed Strategies to Benefit Native Species by Reducing the Abundance of Lake Trout in Flathead Lake, Review Period Ends: 03/24/2014, Contact: Barry Hansen 406–883–2888

EIS No. 20140043, Draft EIS, AFS, UT, Energy Gateway South Transmission Project, Comment Period Ends: 05/22/2014, Contact: Kenton Call 435–865–3730

EIS No. 20140044, Draft EIS, USACE, WA, Skokomish River Ecosystem Restoration, Comment Period Ends: 04/14/2014, Contact: Nancy C. Gleason 206–764–6577

EIS No. 20140045, Draft EIS, BLM, WY, Energy Gateway South Transmission Project and Land-use Plan Amendments, Comment Period Ends: 05/22/2014, Contact: Tamara Gertsch 307–775–6115

Amended Notices

EIS No. 20130001, Draft EIS, BIA, CA, WITHDRAWN—Shu'Luuk Wind Project, Campo Indian Reservation, Lease Approval, San Diego County, CA, Comment Period Ends: 02/25/2013, Contact: Lenore Lamb 951–276–6625 ext. 254

Revision to FR Notice Published 01/11/2013; Officially Withdrawn by preparing agency.

EIS No. 20130340, Draft EIS, USFS, AZ, PROGRAMMATIC—Revision of the Coronado National Forest Land and Resource Management Plan, Comment Period Ends: 03/06/2014, Contact: Yolynda Begay 520–388–8370

Revision to FR Notice Published 11/22/2013; Extending Comment Period from 02/20/2014 to 03/06/2014.

EIS No. 20130365, Draft EIS, NMFS, CA, Bay Delta Conservation Plan, Comment Period Ends: 06/13/2014, Contact: Ryan Wulff 916–930–3733

Revision to the FR Notice Published 12/13/2013; Extending Comment Period from 4/14/2014 to 06/13/2014.

Dated: February 18, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–03726 Filed 2–20–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Thursday, February 20, 2014

Date: February 12, 2014.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, February 20, 2014. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC. The Commission is waiving the sunshine period prohibition contained in Section 1.1203 of the Commission's rules, 47 CFR 1.1203, until 11:59 p.m. on Tuesday, February 18, 2014. Thus, presentations with respect to the items listed below will be permitted until that time.

Item No.	Bureau	Subject
1	CONSUMER & GOVERNMENTAL AFFAIRS AND MEDIA.	TITLE: Closed Captioning of Video Programming (CG Docket No. 05–231); Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking. SUMMARY: The Commission will consider a Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking that addresses the quality and technical compliance of closed captioning on television programming to ensure that video programming is fully accessible to individuals who are deaf and hard of hearing.

July 20, 1988, at 44 FERC ¶ 62,058. Subsequent 5-year extensions of the rate formula have been approved by FERC. The most recent approval was on December 17, 2009, in Docket No. EF09–5101–000, which approved the same rate formula through June 7, 2014 (129 FERC ¶ 62,206).

Item No.	Bureau	Subject
2	PUBLIC SAFETY AND HOMELAND SECURITY.	TITLE: Wireless E911 Location Accuracy Requirements (PS Docket No. 07–114). SUMMARY: The Commission will consider a Third Notice of Proposed Rulemaking to ensure that accurate caller location information is automatically provided to public safety officials for all wireless calls to 911, including indoor calls, to meet consumer and public safety needs and expectations, and to take advantage of new technological developments.

* * * * *

Consent Agenda

The Commission will consider the following subjects listed below as a consent agenda and these items will not be presented individually:

Item No.	Bureau	Subject
1	MEDIA	TITLE: Golden Gulf Coast Broadcasting, Inc., Assignor and Capstar TX Limited Partnership, Assignee, Applications for Assignment and Renewal of License of WQYZ(FM), Ocean Springs, Mississippi. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by WJZD, Inc. seeking review of a decision by the Media Bureau.
2	MEDIA	TITLE: Jet Fuel Broadcasting Application for a New AM Broadcast Station at Orchard Homes, MT and Bott Communications, Inc. Application for a New AM Broadcast Station at Black Hawk, South Dakota. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Jet Fuel Broadcasting seeking review of a decision by the Media Bureau.
3	MEDIA	TITLE: Jet Fuel Broadcasting Application for a New AM Broadcast Station at Lolo, MT and RAMS III Application for a New AM Broadcast Station at Springville, Utah. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Jet Fuel Broadcasting seeking review of a decision by the Media Bureau.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–03753 Filed 2–19–14; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Resolution of a Systemically Important Financial Institution: The Single Point of Entry Strategy

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice; extension of comment period.

SUMMARY: On December 18, 2013, the FDIC published in the **Federal Register** for public comment the *Resolution of Systemically Important Financial Institutions: The Single Point of Entry Strategy* (the ''SPOE Strategy''). To allow the public more time to consider the SPOE Strategy and the issues and questions posed for comment, the FDIC has determined that an extension of the comment period for an additional 30-day period to March 20, 2014, is appropriate. This action will allow interested persons additional time to analyze the SPOE Strategy and prepare their comments.

DATES: Comments must be received on or before March 20, 2014.

ADDRESSES: You may submit comments by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal.* Follow the instructions for submitting comments on the Agency Web site.
- *Email: Comments@FDIC.gov.* Include ''Single Point of Entry Strategy'' in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal* including any personal information provided. Comments may

be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: *FDIC:* Office of Complex Financial Institutions: Herbert Held, Associate Director, Systemic Resolutions & Policy Implementation Group, Resolution Strategy & Implementation Branch (202) 898–7329; Rose Kushmeider, Acting Assistant Director, Systemic Resolutions & Policy Implementation Group, Policy Section (202) 898–3861; Legal Division: R. Penfield Starke, Assistant General Counsel, Receivership Section, Legal Division (703) 562–2422; Elizabeth Falloon, Supervisory Counsel, Receivership Policy Unit, Legal Division (703) 562–6148.

SUPPLEMENTARY INFORMATION:

The *Resolution of Systemically Important Financial Institutions: The Single Point of Entry Strategy* (the ''SPOE Strategy'') was published in the **Federal Register**, 78 FR 76614 (December 18, 2013). The FDIC developed the SPOE Strategy to implement its authority under Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The FDIC sought comment on all aspects of the SPOE Strategy and requested that commenters respond to numerous questions. The proposed publication stated that the public comment period would close after 60 days, on February 18, 2014.

The FDIC has received requests from the public for an extension of the comment period. The FDIC believes that the additional time will facilitate public comment on the SPOE Strategy and the questions posed by the FDIC. Therefore, the FDIC is extending the comment period to March 20, 2014.

Dated at Washington, DC, this 18th day of February, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–03692 Filed 2–20–14; 8:45 am]

BILLING CODE 6741–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Cynthia Ayouch—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

1. Report title: Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies and the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies.

Agency form number: FR Y–11 and FR Y–11S.

OMB control number: 7100–0244.

Frequency: Quarterly and annually.

Reporters: Holding companies.

Estimated annual reporting hours: FR Y–11 (quarterly): 11,125; FR Y–11 (annually): 1,380; FR Y–11S: 255.

Estimated average hours per response: FR Y–11 (quarterly): 6.8; FR Y–11 (annually): 6.8; FR Y–11S: 1.

Number of respondents: FR Y–11 (quarterly): 409; FR Y–11 (annually): 203; FR Y–11S: 255.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Overall, the Federal Reserve does not consider these data to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), (b)(8)). The applicability of these exemptions would need to be determined on a case-by-case basis.

Abstract: The FR Y–11 reporting forms collect financial information for individual non-functionally regulated U.S. nonbank subsidiaries of domestic holding companies (i.e., bank holding companies, savings and loan holding companies, and securities holding companies). Holding companies file the FR Y–11 on a quarterly or annual basis or the FR Y–11S annually predominantly based on asset size thresholds, and for the FR Y–11S, based on an additional threshold related to the percentage of consolidated assets of the top-tier organization. The FR Y–11 data are used with other holding company data to assess the condition of holding companies that are heavily engaged in nonbanking activities and to monitor the volume, nature, and condition of their nonbanking operations.

Current actions: On December 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 75346) requesting public comment for 60 days on the proposal to renew, with revision, the FR Y–11 and FR Y–11S. The comment period for this notice expired on February 10, 2014. The Federal Reserve received one comment letter of support from a banking organization. The revisions will be implemented as proposed.

In addition, the Federal Reserve initially proposed clarifying the FR Y–11 and FR Y–11S instructions as to when these reports must be filed if a subsidiary is divested or liquidated. However, after further consideration, the Federal Reserve will not include this clarification due to potential data gaps that may affect the Federal Reserve's ability to carry out supervisory, regulatory, and other public policy responsibilities.

2. Report title: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations and the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 and FR 2314S.

OMB control number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: U.S. state member banks, holding companies, and Edge or agreement corporations.

Estimated annual reporting hours: FR 2314 (quarterly): 14,546; FR 2314 (annually): 1,452; FR 2314S: 308.

Estimated average hours per response: FR 2314 (quarterly): 6.6; FR 2314 (annually): 6.6; FR 2314S: 1.

Number of respondents: FR 2314 (quarterly): 551; FR 2314 (annually): 220; FR 2314S: 308.

General description of report: This information collection is mandatory (12 U.S.C. 324, 602, 625, 1844(c)). Overall, the Federal Reserve does not consider these data to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), (b)(8)). The applicability of these exemptions would need to be determined on a case-by-case basis.

Abstract: The FR 2314 reporting forms collect financial information for non-functionally regulated direct or indirect foreign subsidiaries of U.S. state member banks (SMBs), Edge and agreement corporations, and holding companies (i.e., bank holding companies, savings and loan holding companies, and securities holding companies). Parent organizations (SMBs, Edge and agreement corporations, or holding companies) file the FR 2314 on a quarterly or annual basis or the FR 2314S annually based predominantly on asset size thresholds, and for the FR 2314S, based on an additional threshold related to the percentage of consolidated assets of the top-tier organization. The FR 2314 data are used to identify current and potential problems at the foreign subsidiaries of U.S. parent companies, to monitor the activities of U.S. banking organizations in specific countries, and to develop a better understanding of activities within the industry, in general, and of individual institutions, in particular.

Current actions: On December 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 75346) requesting public comment for 60 days on the proposal to renew, with revision, the FR 2314 and FR 2314S. The comment period for this notice expired on February 10, 2014. The Federal Reserve received one comment letter of support from a banking organization. The revisions will be implemented as proposed.

In addition, the Federal Reserve initially proposed clarifying the FR 2314 and FR 2314S instructions as to when these reports must be filed if a subsidiary is divested or liquidated. However, after further consideration, the Federal Reserve will not include this clarification due to potential data gaps that may affect the Federal Reserve's ability to carry out supervisory, regulatory, and other public policy responsibilities.

3. Report title: Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations and the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations.

Agency form number: FR Y–7N, FR Y–7NS.

OMB control number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: Foreign bank organizations (FBOs).

Estimated annual reporting hours: FR Y–7N (quarterly): 4,978; FR Y–7N (annually): 660; FR Y–7NS: 93.

Estimated average hours per response: FR Y–7N (quarterly): 6.8; FR Y–7N (annually): 6.8; FR Y–7NS: 1.

Number of respondents: FR Y–7N (quarterly): 183; FR Y–7N (annually): 97; FR Y–7NS: 93.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c), 3106(c) and 3108)). Overall, the Federal Reserve does not consider these data to be confidential. However, individual respondents may request confidential treatment for any of these reports pursuant to sections (b)(4) and (b)(6) of the Freedom of Information Act (5 U.S.C. 522(b)(4) and (b)(6)). The applicability of these exemptions would need to be determined on a case-by-case basis.

Abstract: The FR Y–7N and FR Y–7NS collect financial information for non-functionally regulated U.S. nonbank subsidiaries held by FBOs other than through a U.S. bank holding company (BHC), U.S. financial holding company (FHC), or U.S. bank. FBOs file the FR Y–7N quarterly or annually or the FR Y–7NS annually predominantly based on asset size thresholds.

Current actions: On December 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 75346) requesting public comment for 60 days on the proposal to renew, with revision, the FR Y–7N and FR Y–7NS. The comment period for this notice expired on February 10, 2014. The Federal Reserve did not receive any comments. The revisions will be implemented as proposed.

In addition, the Federal Reserve initially proposed clarifying the FR Y–7N and FR Y–7NS instructions as to when these reports must be filed if a subsidiary is divested or liquidated. However, after further consideration, the Federal Reserve will not include this clarification due to potential data gaps that may affect the Federal Reserve's ability to carry out supervisory, regulatory, and other public policy responsibilities.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. Report title: Capital and Asset Report for Foreign Banking Organizations.

Agency form number: FR Y–7Q.

OMB control number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: FBOs.

Estimated annual reporting hours: FR Y–7Q (quarterly): 545; FR Y–7Q (annually): 43.

Estimated average hours per response: FR Y–7Q (quarterly): 1.25; FR Y–7Q (annually): 1.

Number of respondents: FR Y–7Q (quarterly): 109; FR Y–7Q (annually): 43.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c), 3106(c) and 3108)). Overall, the Federal Reserve does not consider these data to be confidential. However, individual respondents may request confidential treatment for any of these reports pursuant to sections (b)(4) and (b)(6) of the Freedom of Information Act (5 U.S.C. 522(b)(4) and (b)(6)). The applicability of these exemptions would need to be determined on a case-by-case basis.

Abstract: The FR Y–7Q collects consolidated regulatory capital information from all FBOs either quarterly or annually. FBOs that have effectively elected to become FHCs file the FR Y–7Q quarterly, and effective March 31, 2014, FBOs with total consolidated worldwide assets of $50 billion or more will file the FR Y–7Q quarterly. All other FBOs file the FR Y–7Q annually.

Current actions: On December 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 75346) requesting public comment for 60 days on the proposal to renew, without revision, the FR Y–7Q. The comment period for this notice expired on February 10, 2014. The Federal Reserve did not receive any comments.

2. Report title: Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency form number: FR 2886b.

OMB control number: 7100–0086.

Frequency: Quarterly.

Reporters: Edge and agreement corporations and investment (nonbanking) Edge and agreement corporations.

Estimated annual reporting hours: Banking: Edge and agreement corporations (quarterly): 424; Banking: Edge and agreement corporations (annually): 15; Investment: Edge and agreement corporations (quarterly): 1,114; Investment: Edge and agreement corporations (annually): 115.

Estimated average hours per response: Banking: Edge and agreement corporations (quarterly): 15.15; Banking: Edge and agreement corporations (annually): 15.15; Investment: Edge and agreement corporations (quarterly): 9.6; Investment: Edge and agreement corporations (annually): 9.6.

Number of respondents: Banking: Edge and agreement corporations (quarterly): 7; Banking: Edge and agreement corporations (annually): 1; Investment: Edge and agreement corporations (quarterly): 29; Investment: Edge and agreement corporations (annually): 12.

General description of report: This information is mandatory (12 U.S.C. 602, 625). In addition, with respect to the contact information collected in the Patriot Act Contact Information section, the Board's regulation's (12 CFR Part 211.5(m)) instruct Edge and agreement corporations to comply with the information sharing regulations that the Department of the Treasury issued pursuant to Section 314(a) of the USA Patriot Act of 2001, Pub L 107–56, 115 Stat. 307 (31 U.S.C. 5318(h)); and implemented at 31 CFR Part 1010.520(b).

For Edge corporations engaged in banking, current Schedules RC–M (with the exception of item 3) and RC–V are held confidential pursuant to Section (b)(4) of the Freedom of Information Act (5 U.S.C. 552(b)(4)). For investment Edge corporations, only information collected on Schedule RC–M (with the exception of item 3) are given confidential treatment pursuant to Section (b)(4) of the FOIA (5 U.S.C. 552(b)(4)).

In addition, the information provided in the Patriot Act Contact Information section may be withheld as confidential under FOIA to prevent unauthorized individuals from falsely posing as an institution's point-of-contact in order to gain access to the highly sensitive and confidential communications sent by email between the Financial Crimes Enforcement Network or federal law enforcement officials and the Patriot Act point-of-contact. The identity and contact information of private individuals, which is collected and maintained for law enforcement purposes under the Patriot Act, may be exempt from disclosure pursuant to exemption 7(C) of FOIA (5 U.S.C. 552(b)(7)(C)). Lastly, the language indicating that the Emergency Contact information will not be released to the public will be removed.

Abstract: The FR 2886b comprises a balance sheet, income statement, two schedules reconciling changes in capital and reserve accounts, and 11 supporting schedules. The reporting form parallels the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031 and FFIEC 041; OMB No. 7100–0036) that commercial banks file and the Consolidated Financial Statements for Holding Companies (FR Y–9C; OMB No. 7100–0128) filed by large holding companies. Except for examination reports, it provides the only financial data available for these corporations.

The Federal Reserve is solely responsible for authorizing, supervising, and assigning ratings to Edge and agreement corporations. The Federal Reserve uses the data collected on the FR 2886b to identify present and potential problems and monitor and develop a better understanding of activities within the industry. Most Edge corporations are wholly owned by U.S. banks or holding companies and are consolidated into the financial statements of their parent organizations. However, eight banking Edge corporations are owned by foreign banks or nonbanking organizations.

Current actions: On December 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 75346) requesting public comment for 60 days on the proposal to renew, without revision, the FR 2886b. The comment period for this notice expired on February 10, 2014. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, February 18, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–03706 Filed 2–20–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 10, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Mary Ruth Ellis, individually and as Executrix of the Estate of Norman Ellis, North Richland Hills, Texas; David W. Ellis, and Duncan J. Ellis, both of Richland Hills, Texas; and Deana Hoffman,* North Richland Hills, Texas; to acquire voting shares of Wills Point Financial Corporation, and thereby indirectly acquire additional voting shares of Citizens National Bank, both in Wills Point, Texas.

Board of Governors of the Federal Reserve System, February 18, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–03687 Filed 2–20–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the

standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 20, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *A.N.B. Holding Company, Ltd.,* Terrell, Texas; to acquire up to 38 percent of additional shares of The ANB Corporation, and thereby indirectly acquire additional voting shares of The American National Bank of Texas, both in Terrell, Texas, Lakeside Bancshares, Inc., and Lakeside National Bank, both in Rockwall, Texas.

Board of Governors of the Federal Reserve System, February 18, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–03688 Filed 2–20–14; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CIB–2014–01; Docket No. 2014–0002; Sequence No. 1]

Privacy Act of 1974; Notice of an Updated System of Records

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: GSA proposes to create a system of records subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

DATES: March 24, 2014.

ADDRESSES: GSA Privacy Act Officer (ISP), General Services Administration, 1800 F Street NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Call or email the GSA Privacy Act Officer: telephone 202–208–1317; email *gsa.privacyact@gsa.gov.*

SUPPLEMENTARY INFORMATION: GSA proposes to create a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The new system will allow the public and GSA Users to utilize the Salesforce application environment.

Dated: February 14, 2014.

James L. Atwater,

Director, Policy and Compliance Division. Office of the Chief Information Officer.

GSA/CEO–1

SYSTEM NAME:

GSA's Customer Engagement Organization

SYSTEM LOCATION:

The GSA Salesforce Customer Engagement Organization is hosted in the salesforce.com cloud environment. Some employees and contractors may download and store information from this system. Those copies are located within the employees' or contractors' offices or on encrypted workstations issued by GSA for individuals when they are out of the office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by this system are the public who access, or are granted access to, specific minor applications in salesforce.com environment in GSA; and individuals collectively referred to as ''GSA Users'', which are GSA employed individuals who require routine access to agency information technology systems, including federal employees, contractors, child care workers and other temporary workers with similar access requirements. The system does not apply to or contain occasional visitors or short-term guests not cleared for use under HSPD–12.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information needed for the functionality of specific minor applications that are developed for GSA's implementation of the Customer Engagement Organization on the *salesforce.com platform*. This system contains the following information:

Full name.
Personal physical home address.
Personal home or mobile phone.
Personal email addresses.
U.S. citizenship status.
U.S. armed forces veteran status.
Current employer.
Optional links to social networking profiles.
Resume/CV.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 40 U.S.C. 11315; 44 U.S.C. 3506; E.O. 9397, as amended; E-Government Act of 2002 (Pub. L. 107–347); and Homeland Security Presidential Directive 12 (HSPD–12).

PURPOSES:

For the functionality and use of specific minor applications within GSA's implementation of salesforce.com. Information may be collected to meet the business requirements of the application, site, group or instance. The new system will allow users to utilize the Salesforce application environment used by the GSA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office, made at the written request of the constituent about whom the record is maintained.

b. To the National Archives and Records Administration (NARA) for records management purposes.

c. To Agency contractors, grantees, consultants, or experts who have been engaged to assist the agency in the performance of a Federal duty to which the information is relevant.

d. To a Federal, State, local, foreign, or tribal or other public authority, on request, in connection with the hiring or retention of an employee, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision.

e. To the Office of Management and Budget (OMB) when necessary to the review of private relief legislation pursuant to OMB circular No. A–19.

f. To designated Agency personnel for the purpose of performing an authorized audit or oversight evaluation.

g. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), the Government Accountability Office (GAO), or other Federal agencies when the information is required for program evaluation purposes.

h. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by GSA or another agency or entity) that rely upon the compromised information; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to

respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

i. In any criminal, civil or administrative legal proceeding, where pertinent, to which GSA, a GSA employee, or the United States or other entity of the United States Government is a party before a court or administrative body.

j. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and/or an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer records are stored on a secure server and accessed over the Web via encryption software. Paper records, when created, are kept in file folders and cabinets in secure rooms. When individuals download information it is kept on encrypted computers that are accessed using PIV credentials. It is their responsibility to protect the data, including compliance with HCO 2180.1, GSA Rules of Behavior for Handling Personally Identifiable Information (PII).

RETRIEVABILITY:

Records are retrievable by a combination of first name and last name. Group records are retrieved by organizational code or other listed identifiers as configured in the application by the program office for their program requirements.

SAFEGUARDS:

Cloud systems are authorized to operate separately by the GSA CIO at the moderate level. All GSA Users utilize two-factor authentication to access Google Apps and salesforce.com. Access is limited to authorized individuals with passwords or keys. Computer records are protected by a password system that is compliant with National Institute of Standards and Technology standards. Paper records are stored in locked metal containers or in secured rooms when not in use. Information is released to authorized officials based on their need to know.

RETENTION AND DISPOSAL:

Records are retained and disposed of according to GSA records maintenance and disposition schedules, GSA Records Maintenance and Disposition System (CIO P 1820.1), GSA 1820.2ADM, and requirements of the National Archives and Records Administration.

SYSTEM MANAGER AND ADDRESS:

Division Director for Business Intelligence and Enterprise Information Management (BI&EIM), 1800 F Street NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him/her by sending a request in writing, signed, to the System Manager at the above address. When requesting notification of or access to records covered by this notice, an individual should provide his/her full name, date of birth, region/office, and work location. An individual requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access.

RECORD ACCESS PROCEDURES:

Individuals wishing to access their own records should contact the system manager at the address above.

CONTESTING RECORD PROCEDURES:

Rules for contesting the content of a record and appealing a decision are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

The sources for information in the system are the individuals about whom the records are maintained, the supervisors of those individuals, existing GSA systems, a sponsoring agency, a former sponsoring agency, other Federal agencies, contract employers, or former employers.

[FR Doc. 2014–03658 Filed 2–20–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Organization, Functions, and Delegations of Authority; Office of the General Counsel

AGENCY: Office of the General Counsel, HHS.

ACTION: Notice of title changes in agency components.

SUMMARY: This document announces the Office of the Secretary (OS)'s Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Office of the General Counsel (OGC), is being amended to reflect title changes in several of its components.

SUPPLEMENTARY INFORMATION: Part A, of the Office of the Secretary (OS)'s Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Chapter AG, Office of the General Counsel (OGC), as last amended at 56 FR 47965, dated September 23, 1991 is being amended to reflect title changes in several of its components. The changes are as follows:

I. Under Chapter AG, Office of the General Counsel, Section AG.18 ''Divisions in the Office of the General Counsel,'' delete in its entirety and replace with the following:

Section AG.18 Divisions in the Office of the General Counsel. The Divisions of the Office of the General Counsel are:

- General Law Division (AGC)
- Children, Families and Aging Division (AGK)
- Ethics Division (AGE)
- Food and Drug Division (AGF)
- Public Health Division (AGH)
- Legislation Division (AGL)
- Centers for Medicare & Medicaid Services Division (AGP)
- Civil Rights Division (AGR)

II. Under Chapter AG, Office of the General Counsel, Section AG.22 ''Divisions in the Office of the General Counsel,'' make the following changes:

1. Retitle Paragraph #1, ''Business and Administrative Law Division,'' to the ''General Law Division.''

2. Delete Paragraph #3, ''Inspector General Division,'' in its entirety.

Dated: December 23, 2013.

E.J. Holland, Jr.,

Assistant Secretary for Administration.

[FR Doc. 2014–03725 Filed 2–20–14; 8:45 am]

BILLING CODE 4150–26–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2012–0013]

Draft Environmental Impact Statement for the Roybal 2025 Master Plan; Re-Scheduling of Public Meeting and Extension of Public Comment Period

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of public meeting and extension of public comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the re-scheduling of a public meeting to obtain public comment on the Roybal Campus 2025 Master Plan Draft Environmental Impact Statement (DEIS) and the

extension of the public comment period. A public meeting had been scheduled for Wednesday, January 29, 2014 but had to be cancelled due to adverse weather conditions. The new date for the public hearing is Thursday, March 20, 2014.

DATES: A public meeting will be held on Thursday, March 20, 2014 at the CDC Edward R. Roybal Campus, 1600 Clifton Road NE. in Atlanta, Georgia beginning with an ''open house'' at 7:00 p.m. EST. A formal presentation, followed by a public comment period will follow at approximately 8:00 p.m. EST.

To accommodate individuals who wish to attend the public meeting and then provide comment, we are extending the public comment period to April 10, 2014. Written comments must be received on or before that date.

Deadline for Requests for Special Accommodations: Persons wishing to participate in the public meeting who need special accommodations should contact George Chandler (*gec2@cdc.gov* or (404) 639–5153) by Thursday, March 13, 2014.

ADDRESSES: Requests for information on the DEIS or for a paper/electronic copy should be directed to: George F. Chandler, Senior Advisor, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–22, Atlanta, Georgia 30333. Information may also be requested on the DEIS by electronic mail at *gec2@cdc.gov* or by telephone at (404) 639–5153. The DEIS will be available on the *Federal eRulemaking Portal: http://www.regulations.gov*, identified by Docket No. CDC–2012–0013. Hard copies of the DEIS are also available for review at locations listed in the Availability of the DEIS under **SUPPLEMENTARY INFORMATION.**

You may submit comments identified by Docket No. CDC–2012–0013, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* George F. Chandler, Senior Advisor, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–22, Atlanta, Georgia 30333.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. For access to the docket, to read background documents or comments received, go to *http://www.regulations.gov.*

Written and verbal comments on the DEIS will also be accepted during the public meeting scheduled for Thursday, March 20, 2014 at the CDC Edward R. Roybal Campus, Tom Harkin Global Communications Center (Building 19), Auditorium A, 1600 Clifton Road NE., Atlanta, GA 30333. Please be advised that the meeting is being held in a Federal government building; therefore, Federal security measures are applicable. For additional information please see Roybal Campus Security Guidelines under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: George F. Chandler, Senior Advisor, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–22, Atlanta, Georgia 30333. Telephone: (404) 639–5153.

SUPPLEMENTARY INFORMATION: On January 10, 2014 HHS/CDC published a notice in the **Federal Register** (79 FR 1870) announcing the availability of the Draft Environmental Impact Statement (DEIS) for the Roybal Campus 2025 Master Plan for public comment. The notice also announced a public meeting on Wednesday, January 29, 2014 at the Roybal Campus in Atlanta, Georgia to obtain public comment on the DEIS. Unfortunately, HHS/CDC had to cancel the public meeting due to adverse weather in Atlanta. This notice announces the re-scheduling of the public meeting for Thursday, March 20, 2014 and extension of the public comment period to Monday, April 10, 2014. As before, the public hearing will be held at CDC Edward R. Roybal Campus, Tom Harkin Global Communications Center (Building 19), Auditorium A, 1600 Clifton Road NE., Atlanta, GA 30333.

For the convenience of the public, in this notice we are again providing the same background information on this project that appeared in the January 10, 2014 notice.

HHS/CDC has prepared a new long-range Master Plan to guide the future physical development of the Roybal Campus for the planning horizon of 2015 to 2025. The previous 2000–2009 Master Plan has been implemented, and as a result, a new plan is needed in order to ensure that the campus can support HHS/CDC's mission and program requirements through 2025. Mission change and growth resulting from emerging or reemerging infectious diseases, reclassification of pathogens and potential Program staff growth over time are expected to drive increases in laboratory and non-laboratory staff and demand for specialized space. The Master Plan provides an update of baseline existing conditions and examines the potential growth in agency mission, laboratory and laboratory support space, office space and personnel occupying the Roybal Campus, and identifies a preferred alternative for future development. The preferred alternative was the result of an extensive screening process, which identified and evaluated a range of conceptual development alternatives based on future program needs, campus constraints, and specifically developed selection criteria. Selection criteria included the examination of regional and local planning policy, utility demand, air quality, commute time, transportation system capacity and greenhouse gas effects.

Alternatives Considered

HHS/CDC analyzed two alternatives in the DEIS: The Proposed Action and the No Action Alternative. The Proposed Action Alternative consists of HHS/CDC's implementation of the Master Plan preferred alternative. Improvements proposed under the Master Plan preferred alternative include new laboratory construction, existing building renovation, parking expansion, and infrastructure upgrades. Under the Master Plan preferred alternative, the new laboratory building would contain approximately 350,000 to 450,000 gross square feet and would be constructed on an existing surface parking lot located in the eastern portion of the Roybal Campus. In addition to a new laboratory, a new approximately 1,600 space parking deck would be constructed just south of the new laboratory building. Construction of the new parking deck, along with the new laboratory and supporting infrastructure would eliminate an existing surface parking and result in a net increase of approximately 1,200 parking spaces at the Roybal Campus. HHS/CDC anticipates that the construction of the new parking deck would increase the campus parking cap from 3,300 to approximately 4,500 spaces. The employee population at the Roybal Campus is projected to increase by approximately 1,485 new occupants under the Master Plan preferred alternative in 2025.

The No Action Alternative represents continued operation of the existing facilities at the Roybal Campus without any new construction or building additions over the ten-year planning period from 2015 to 2025. However, the employee population at the Roybal Campus is projected to increase by approximately 865 new occupants under the No Action Alternative due to potential background growth of existing Campus programs.

The DEIS evaluates the environmental impacts that may result from the

Proposed Action and the No Action Alternative on the natural and built environment. Potential direct, indirect and cumulative impacts of each alternative are evaluated on the following resource categories: Socioeconomics, land use, zoning, public policy, community facilities, transportation, air quality, noise, cultural resources, urban design and visual resources, natural resources, utilities, waste, and greenhouse gases and sustainability. The DEIS identifies measures to mitigate potential adverse impacts.

Availability of the DEIS: Copies of the DEIS have been distributed to federal, state and local agencies and organizations. The DEIS is also available online on the *Federal eRulemaking Portal: http://www.regulations.gov,* identified by Docket No. CDC–2012–0013. Copies of the DEIS are available at the following locations: Decatur Library, 215 Sycamore Street, Decatur, GA 30030; Toco Hill-Avis G. Williams Library, 1282 McConnell Drive, Decatur, GA 30030; Atlanta-Public Library Ponce de Leon Branch, 980 Ponce de Leon Ave. NE., Atlanta, GA 30306; Atlanta-Public Library-Central Library, One Margaret Mitchell Square, Atlanta, GA 30303; Atlanta-Public Library-Kirkwood Branch, 11 Kirkwood Rd. NE., Atlanta, GA 30317; and, Emory University-Robert W. Woodruff Library, 540 Asbury Cir, Atlanta, GA 30322.

Paper and electronic copies can also be requested as instructed in the **ADDRESSES** section of this notice.

Public Meeting: HHS/CDC has re-scheduled a public meeting on Thursday, March 20, 2014 at the HHS/CDC Edward R. Roybal Campus, Tom Harkin Global Communications Center (Building 19), Auditorium A, 1600 Clifton Road NE., Atlanta, GA 30333 to solicit public comments on the DEIS. Comments can be submitted in writing or verbally during the public meeting. The public meeting will consist of an ''Open House'' from 7:00 p.m. EST to approximately 8:00 p.m. EST, followed by a formal presentation and a formal comment period. Comment cards will be available at the Open House for those who wish to submit written comments for the record. Those wishing to make verbal comments will be asked to pre-register during the Open House portion of the public meeting. The formal presentations will begin at approximately 8:00 p.m. EST, at which time HHS/CDC will provide an overview of the NEPA process and the Master Plan proposed improvements and associated environmental impacts. The formal presentations will be followed by a formal public comment period.

A stenographer will record the formal portion of the public meeting. An American Sign Language Interpreter will also be available at both portions of the public hearing. A transcript of the meeting and all comments will be made available to the public and will be posted to the public docket at *www.regulations.gov,* identified by Docket No. CDC–2012–0013.

Roybal Campus Security Guidelines. The HHS/CDC Edward R. Roybal Campus is the headquarters of the U.S. Centers for Disease Control and Prevention and is located at 1600 Clifton Road NE., Atlanta, Georgia. The public hearing is being held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, please take into account the need to park and clear security. All visitors must enter the Roybal Campus through the entrance on Clifton Road; the guard force will direct visitors to the designated parking area. Visitors must present government issued photo identification (e.g., a valid Federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-United States citizens must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document. All persons entering the building must pass through a metal detector. Visitors will be issued a visitor's ID badge at the entrance to Building 19 and will be escorted in groups of 5 to 10 persons to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: February 14, 2014.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–03659 Filed 2–20–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3294–N]

Medicare Program; Meeting of the Medicare Evidence Development and Coverage Advisory Committee—April 30, 2014

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces that a public meeting of the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC) (''Committee'') will be held on Wednesday, April 30, 2014. The Committee generally provides advice and recommendations concerning the adequacy of scientific evidence needed to determine whether certain medical items and services can be covered under the Medicare statute. This meeting will focus on the use of low dose computed tomography (LDCT) screening for lung cancer in adult smokers. This meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)).

DATES: *Meeting Date:* The public meeting will be held on Wednesday, April 30, 2014 from 7:30 a.m. until 4:30 p.m., Eastern Daylight Time (EDT).

Deadline for Submission of Written Comments: Written comments must be received at the address specified in the **ADDRESSES** section of this notice by 5 p.m., EDT, Monday, March 24, 2014. Once submitted, all comments are final.

Deadlines for Speaker Registration and Presentation Materials: The deadline to register to be a speaker and to submit PowerPoint presentation materials and writings that will be used in support of an oral presentation is 5:00 p.m., EDT on Monday, March 24, 2014. Speakers may register by phone or via email by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Presentation materials must be received at the address specified in the **ADDRESSES** section of this notice.

Deadline for All Other Attendees Registration: Individuals may register online at *http://www.cms.gov/apps/events/upcomingevents.asp?strOrderBy=1&type=3* or by phone by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by 5 p.m. EDT, Wednesday, April 23, 2014.

We will be broadcasting the meeting live via Webcast at *http://www.cms.gov/live/.*

Deadline for Submitting a Request for Special Accommodations: Persons attending the meeting who are hearing or visually impaired, or have a condition that requires special assistance or accommodations, are asked to contact the Executive Secretary as specified in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than 5:00 p.m., EDT Friday, April 11, 2014.

ADDRESSES: *Meeting Location:* The meeting will be held in the main auditorium of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244.

Submission of Presentations and Comments: Presentation materials and written comments that will be presented at the meeting must be submitted via email to *MedCACpresentations@cms.hhs.gov* or by regular mail to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Maria Ellis, Executive Secretary for MEDCAC, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Coverage and Analysis Group, S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244 or contact Ms. Ellis by phone (410–786–0309) or via email at *Maria.Ellis@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

MEDCAC, formerly known as the Medicare Coverage Advisory Committee (MCAC), provides advice and recommendations to Centers for Medicare and Medicaid Services (CMS) regarding clinical issues. (For more information on MCAC, see the December 14, 1998 **Federal Register** (63 FR 68780)). This notice announces the Wednesday, April 30, 2014, public meeting of the Committee. During this meeting, the Committee will discuss the use of low dose computed tomography (LDCT) screening for lung cancer in adult smokers.

Background information about this topic, including panel materials, is available at *http://www.cms.gov/medicare-coverage-database/indexes/medcac-meetings-index.aspx?bc=BAAAAAAAAAAA&.* We will no longer be providing paper copies of the handouts for the meeting. Electronic copies of all the meeting materials will be on the CMS Web site no later than 2 business days before the meeting.

II. Meeting Format

This meeting is open to the public. The Committee will hear oral presentations from the public for approximately 45 minutes. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, we may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 31, 2014. Your comments should focus on issues specific to the list of topics that we have proposed to the Committee. The list of research topics to be discussed at the meeting will be available on the following Web site prior to the meeting: *http://www.cms.gov/medicare-coverage-database/indexes/medcac-meetings-index.aspx?bc=BAAAAAAAAAAA&.* We require that you declare at the meeting whether you have any financial involvement with manufacturers (or their competitors) of any items or services being discussed. Speakers presenting at the MEDCAC meeting must include a full disclosure slide as their second slide in their presentation for financial interests (for example, type of financial association—consultant, research support, advisory board, and an indication of level, such as minor association <$10,000 or major association >$10,000) as well as intellectual conflicts of interest (for example, involvement in a federal or nonfederal advisory committee that has discussed the issue) that may pertain in any way to the subject of this meeting. If you are representing an organization, we require that you also disclose conflict of interest information for that organization. If you do not have a PowerPoint presentation, you will need to present the full disclosure information requested previously at the beginning of your statement to the Committee.

The Committee will deliberate openly on the topics under consideration. Interested persons may observe the deliberations, but the Committee will not hear further comments during this time except at the request of the chairperson. The Committee will also allow a 15-minute unscheduled open public session for any attendee to address issues specific to the topics under consideration. At the conclusion of the day, the members will vote and the Committee will make its recommendation(s) to CMS.

III. Registration Instructions

CMS' Coverage and Analysis Group is coordinating meeting registration. While there is no registration fee, individuals must register to attend. You may register online at *http://www.cms.gov/apps/events/upcomingevents.asp?strOrderBy=1&type=3* or by phone by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the deadline listed in the **DATES** section of this notice. Please provide your full name (as it appears on your state-issued driver's license), address, organization, telephone, fax number(s), and email address. You will receive a registration confirmation with instructions for your arrival at the CMS complex or you will be notified that the seating capacity has been reached.

IV. Security, Building, and Parking Guidelines

This meeting will be held in a federal government building; therefore, federal security measures are applicable. We recommend that confirmed registrants arrive reasonably early, but no earlier than 45 minutes prior to the start of the meeting, to allow additional time to clear security. Security measures include the following:

- Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel.
- Inspection of vehicle's interior and exterior (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.
- Inspection, via metal detector or other applicable means, of all persons entering the building. We note that all items brought into CMS, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 45 minutes prior to the convening of the meeting. All visitors must be escorted in areas other than the lower and first floor levels in the Central Building.

Authority: 5 U.S.C. App. 2, section 10(a).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program).

Dated: February 18, 2014.

Patrick Conway,

Deputy Administrator for Innovation and Quality and CMS Chief Medical Officer, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–03711 Filed 2–20–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0853]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Current Good Manufacturing Practice; Quality System Regulation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On December 19, 2013, the Agency submitted a proposed collection of information entitled ''Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0073. The approval expires on February 28, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: February 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03669 Filed 2–20–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0720]

International Conference on Harmonisation; E2B(R3) Electronic Transmission of Individual Case Safety Reports; Data Elements and Message Specification; Appendix on Backwards and Forwards Compatibility; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''E2B(R3) Electronic Transmission of Individual Case Safety Reports (ICSRs): Implementation Guide—Data Elements and Message Specification'' (the E2B(R3) implementation guidance) and an appendix to the guidance entitled ''ICSRs: Appendix to the Implementation Guide—Backwards and Forwards Compatibility'' (the BFC appendix). The guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The E2B(R3) implementation guidance is intended to revise the standards for submission of ICSRs and improve the inherent quality of the data, enabling improved handling and analysis of ICSR reports. The BFC appendix describes the relationship between data elements from the 2001 ICH E2B guidance and the E2B(R3) implementation guidance.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: *Regarding the guidance:* Roger Goetsch, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg 22, Rm. 4491, Silver Spring, MD 20993–0002, 240–402–3730; or Lise Stevens, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–2743, *Regarding the ICH:* Michelle Limoli, Center for Drug Evaluation and Research, International Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3342, Rockville, MD 20993–0002, 301–796–8377.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; CDER and CBER, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the

preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, Health Canada, and the European Free Trade Area.

In the **Federal Register** of October 20, 2011 (76 FR 65199), FDA published a notice announcing the availability of a draft guidance entitled ''E2B(R3) Electronic Transmission of Individual Case Safety Reports (ICSRs): Implementation Guide—Data Elements and Message Specification'' and an appendix to the guidance entitled ''ICSRs: Appendix to the Implementation Guide—Backwards and Forwards Compatibility.'' FDA also published a correction notice (November 16, 2011, 76 FR 71044) giving interested persons an opportunity to submit comments by January 18, 2012.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies in November 2012.

The guidance provides guidance on the data elements, terminology, and exchange standards for the submission of ICSRs to improve the inherent quality of adverse event data and enable improved handling and analysis of ICSRs. The E2B(R3) implementation guidance provides support for the implementation of software tools for creating, editing, sending, and receiving electronic ICSR messages. The E2B(R3) implementation guidance also provides instruction for how pharmaceutical industries and regulatory authorities should use the ''International Organization for Standardization (ISO) 27953–2 (Part 2)'' ICSR messaging standard for exchanging pharmacovigilance information among ICH regions and in other countries adopting ICH guidelines. The BFC appendix describes the relationship between data elements from E2B(R2) and E2B(R3) and is intended to assist reporters and recipients in implementing systems with special focus on the recommendations for converting back and forth between E2B(R2) and E2B(R3) ICSR reports. The E2B(R3) implementation guidance and BFC appendix are being issued as a package that includes schema files and additional technical information to be used for creating compliant ICSR files.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.regulations.gov, http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: February 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03677 Filed 2–20–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 18, 2014, from 8:30 a.m. to 4:30 p.m. and March 19, 2014, from 9 a.m. to 11:30 a.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1. For those unable to attend in person, the meeting will also be Webcast. The Webcast will be available at the following link: *https://collaboration.fda.gov/bpac2014/.* On link please enter as a guest to the site.

Contact Person: Bryan Emery or Pearline Muckelvene, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–1277 or 301–827–1281, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On the morning of March 18, 2014, the committee will meet in open session to discuss the evaluation of the safety and effectiveness of the Immucor PreciseType™ HEA Molecular BeadChip Assay, manufactured by BioArray Solutions Limited. In the afternoon, the committee will hear update presentations on the following topics: (1) Report from the Presidential Commission for the Study of Bioethical Issues on the ethical implications of incidental findings in clinical, research, and direct-to-consumer contexts; (2) summary of the January 28–29, 2014, FDA public workshop on immune globulin-associated hemolysis; and (3) a summary of the December 4–5, 2013, HHS Advisory Committee on Blood and Tissue Safety and Availability. On the morning of March 19, 2014, the committee will meet in open session to

hear presentations on the research programs of the Laboratory Hemostasis, Division of Hematology, Office of Blood Research and Review, Center for Biologics Evaluation and Research, FDA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On March 18, 2014, from 8:30 a.m. to approximately 4:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 11, 2014. Oral presentations from the public on March 18, 2014, will be scheduled between approximately 1:30 p.m. and 2 p.m. On March 19, 2014, from 9 a.m. to approximately 11 a.m., the meeting is open to the public. Oral presentations from the public on March 19, 2014, will be scheduled between approximately 10:30 a.m. and 11 a.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 3, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 4, 2014.

Closed Committee Deliberations: On March 19, 2014, from approximately 11 a.m. to 11:30 a.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The committee will discuss the site visit report of the intramural research programs and make recommendations regarding personnel staffing decisions.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets. Seating for this meeting may be limited, so the public is encouraged to watch the free Webcast if unable to attend. The Webcast will be available at 8:30 a.m. on March 18, 2014, and on March 19, 2014, at 9 a.m. at the link provided.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 18, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03703 Filed 2–20–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

The Tobacco Products Scientific Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: The Tobacco Products Scientific Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 16, 2014, from 8:30 a.m. to 5 p.m.; on April 17, 2014, from 8:30 a.m. to 5 p.m.; and on April 18, 2014, from 8:30 a.m. to 3 p.m.

Location: Center for Tobacco Products, 9200 Corporate Blvd., Rockville, MD 20850, 1–877–287–1373.

Contact Person: Caryn Cohen, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 1–877–287–1373 (choose option 5), email: *TPSAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On April 16, 2014, the committee will consider scientific issues pertaining to dependence and addiction, including the development of addiction, measurement of dependence and addiction, and concepts concerning the assessment of addiction in the review of product submissions.

On April 17, 2014, the committee will receive information on population modeling in the assessment of tobacco product applications and discuss the ways modeling can inform decisions critical to population health.

On April 18, 2014, the committee will discuss possible approaches for evaluating information on the risks and potential benefits of a proposed modified risk tobacco product to the health of individual tobacco users and to the population as a whole.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written

submissions may be made to the contact person on or before April 2, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 1:30 p.m. on April 16; between approximately 1 p.m. and 1:30 p.m. on April 17; and between approximately 11:30 a.m. and 12 p.m. on April 18. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 25, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 24, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Caryn Cohen at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 18, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03705 Filed 2–20–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Endocrinologic and Metabolic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 1, 2014, from 8 a.m. to 5 p.m.

Location: The Marriott Inn and Conference Center, University of Maryland University College (UMUC), Potomac Ballroom, 3501 University Blvd. East, Hyattsville, MD 20783. The conference center's telephone number is 301–985–7300.

Contact Person: Karen Abraham-Burrell, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *EMDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss new drug application (NDA) 22–472, proposed trade name AFREZZA (TECHNOSPHERE Insulin Inhalation System), 3 unit and 6 unit cartridges for oral inhalation, manufactured by MannKind Corporation. The proposed indication (use) for this application is to improve glycemic control in adult patients with type 1 or type 2 diabetes mellitus.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 18, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 10, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 11, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Karen Abraham-Burrell at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 18, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03704 Filed 2–20–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0179]

Training Program for Regulatory Project Managers; Information Available to Industry

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA's) Center for Drug Evaluation and Research (CDER) is announcing the continuation of the Regulatory Project Management Site Tours and Regulatory Interaction Program (the Site Tours Program). The purpose of this document is to invite pharmaceutical companies interested in participating in this program to contact CDER.

DATES: Pharmaceutical companies may submit proposed agendas to the Agency by April 22, 2014.

FOR FURTHER INFORMATION CONTACT: Dan Brum, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5480, Silver Spring, MD 20993–0002, 301–796–0578, *dan.brum@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

An important part of CDER's commitment to make safe and effective drugs available to all Americans is optimizing the efficiency and quality of the drug review process. To support this primary goal, CDER has initiated various training and development programs to promote high performance in its regulatory project management staff. CDER seeks to significantly enhance review efficiency and review quality by providing the staff with a better understanding of the pharmaceutical industry and its operations. To this end, CDER is continuing its training program to give regulatory project managers the opportunity to tour pharmaceutical facilities. The goals are to provide the following: (1) Firsthand exposure to industry's drug development processes, and (2) a venue for sharing information about project management procedures (but not drug-specific information) with industry representatives.

II. The Site Tours Program

In this program, over a 2- to 3-day period, small groups (five or less) of regulatory project managers, including a senior level regulatory project manager, can observe operations of pharmaceutical manufacturing and/or packaging facilities, pathology/toxicology laboratories, and regulatory affairs operations. Neither this tour nor any part of the program is intended as a mechanism to inspect, assess, judge, or perform a regulatory function, but is meant rather to improve mutual understanding and to provide an avenue for open dialogue. During the Site Tours Program, regulatory project managers will also participate in daily workshops with their industry counterparts, focusing on selective regulatory issues important to both CDER staff and industry. The primary objective of the daily workshops is to learn about the team approach to drug development, including drug discovery, preclinical evaluation, tracking mechanisms, and regulatory submission operations. The overall benefit to regulatory project managers will be exposure to project management, team techniques, and processes employed by the pharmaceutical industry. By participating in this program, the regulatory project manager will grow professionally by gaining a better understanding of industry processes and procedures.

III. Site Selection

All travel expenses associated with the Site Tours Program will be the responsibility of CDER; therefore, selection will be based on the availability of funds and resources for each fiscal year. Selection will also be based on firms having a favorable facility status as determined by FDA's Office of Regulatory Affairs District Offices in the firms' respective regions. Firms interested in offering a site tour or learning more about this training opportunity should respond by submitting a proposed agenda to Dan Brum (see **DATES** and **FOR FURTHER INFORMATION CONTACT**).

Dated: February 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03679 Filed 2–20–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: HRSA AIDS Drug Assistance Program Quarterly Report OMB No. 0915–0294—Extension.

Abstract: HRSA's AIDS Drug Assistance Program (ADAP) is funded through Part B of Title XXVI of the Public Health Service Act, as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (The Ryan White HIV/AIDS Program), which provides grants to states and territories. ADAP provides medications for the treatment of HIV disease. Program funds may also be used to purchase health insurance for eligible clients or for services that enhance access, adherence, and monitoring of drug treatments.

Need and Proposed Use of the Information: Each of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific territories receive ADAP grants. As part of the funding requirements, ADAP grantees submit quarterly reports that include information on patients served,

pharmaceuticals dispensed, pricing, sources of support to provide HIV/AIDS medications, eligibility requirements, costs data, and coordination with Medicaid. Each quarterly report requests updates from programs on the number of patients served, type of pharmaceuticals dispensed, and prices paid to provide medications. The first quarterly report of each ADAP fiscal year (due in July of each year) also requests information that only changes annually (*e.g.,* state funding, drug formulary, eligibility criteria for enrollment, and cost-saving strategies including coordination with Medicaid). The quarterly report is used to determine how ADAP grants are being expended and to provide answers to requests from Congress and other organizations.

Likely Respondents: Each of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific territories that receive ADAP grants.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
ADAP Quarterly Report (Only Section 1 required for 4th quarterly report)	57	1	17	969

Dated: February 12, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–03676 Filed 2–20–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 27, 2014, 01:00 p.m. to February 27, 2014, 04:30 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 6, 2014, 79 FR 7219.

The meeting will be held on March 11, 2014. The location and time remain the same. The meeting is closed to the public.

Dated: February 12, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03660 Filed 2–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2013–N215; 40120–1112–0000–F2]

Endangered and Threatened Wildlife and Plants; Programmatic Incidental Take Permit Application and Environmental Assessment for Development Activities; Charlotte County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: Under the Endangered Species Act of 1973, as amended (Act), we, the U.S. Fish and Wildlife Service, announce the receipt and availability of a proposed county-wide programmatic habitat conservation plan (HCP) and accompanying documents for private and commercial development projects, public works, and municipal infrastructure improvements (activities) regulated or authorized by the Charlotte County Board of County Commissioners (applicant). If approved, the permit would authorize incidental take of Florida scrub-jay (scrub-jay) and eastern indigo snake (indigo snake), in the course of activities conducted or permitted by the applicant in Charlotte County, FL. We invite the public to comment on these documents.

DATES: To ensure consideration, please send your written comments by April 22, 2014.

ADDRESSES: Documents are available for public inspection by appointment during regular business hours at the Fish and Wildlife Service's Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; or the South Florida Field Office, Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES**), telephone: 404–679–7313; or Ms. Elizabeth Landrum, Field Office Project Manager, at the South Florida Field Office (see **ADDRESSES**), telephone: 772–469–4304. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: We announce the availability of the proposed HCP, accompanying incidental take permit (ITP) application, and an environmental assessment (EA), which analyze the take of the scrub-jay (*Aphelocoma coerulescens*) and indigo snake (*Drymarchon courais cooperii*) incidental to activities conducted or permitted by the applicant. The applicant requests a 30-year ITP under section 10(a)(1)(B) of the Act, as amended (16 U.S.C. 1531 et seq.). The applicant's HCP describes the mitigation and minimization measures proposed to address the impacts to the species.

We specifically request information, views, and opinions from the public on our proposed Federal action, including identification of any other aspects of the human environment not already identified in the EA pursuant to National Environmental Policy Act (NEPA) regulations in the Code of Federal Regulations (CFR) at 40 CFR

1506.6. Further, we specifically solicit information regarding the adequacy of the HCP per 50 CFR parts 13 and 17.

The EA assesses the likely environmental impacts associated with the implementation of the activities, including the environmental consequences of the no-action alternative and the proposed action. The proposed action alternative is issuance of the ITP and implementation of the HCP as submitted by the Applicant. The applicant anticipates taking a total of approximately 3,056 acres of scrub-jay and indigo snake habitat incidental to construction of residential, commercial, and public facilities, as well as the associated infrastructure. The minimization and mitigation measures proposed in the HCP include habitat management activities on a total of 4,496 acres of mitigation land. Most of this total is already owned by the applicant, while an additional 1,336 acres would be acquired during the ITP's term. Typical management activities include prescribed burning, mechanical cutting, and related measures to restore dry scrub habitats to support scrub-jays and indigo snakes.

Public Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you wish to comment, you may submit comments by any one of several methods. Please reference TE09117B–0 in such comments. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to *david_dell@fws.gov*. Please include your name and return address in your message. If you do not receive a confirmation from us that we have received your message, contact us directly at either telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Finally, you may hand-deliver comments to either of our offices listed under **ADDRESSES**.

Covered Area

Scrub-jays and indigo snakes historically occurred in dry scrub habitats throughout Charlotte County. The area encompassed by the HCP and ITP application consists of private and applicant-owned lands currently occupied, or suitable for restoration as, scrub-jay and indigo snake habitat in Charlotte County, Florida.

Next Steps

We will evaluate the ITP application, including the HCP and any comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If we determine that the requirements are met, we will issue the ITP for the incidental take of Florida scrub-jay and eastern indigo snake.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: November 21, 2013.

Mike Oetker,

Acting Regional Director.

[FR Doc. 2014–03670 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B814.IA001213]

Revision of Agency Information Collection for Reporting Systems for Public Law 102–477 Demonstration Project

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction; tribal consultation meeting.

SUMMARY: The Bureau of Indian Affairs (BIA) published a notice in the **Federal Register** of February 14, 2014, announcing the revision of agency information collection for Reporting Systems for Public Law 102–477 Demonstration Project authorized by OMB Control Number 1076–0135 and providing information for the tribal consultation meeting. This notice corrects the date and time for the tribal consultation meeting.

In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is seeking comments on the revision of the collection of information for the Reporting System for Public Law 102–477 Demonstration Project authorized by OMB Control Number 1076–0135. This information collection expires January 31, 2017. See the **SUPPLEMENTARY INFORMATION** section of this notice for details on the tribal consultation session.

DATES: Submit comments on or before April 15, 2014. A tribal consultation session will be held on Thursday, March 13, 2014 from 1:00 to 5:00 p.m. at the Westin Washington City Center, 1400 M Street NW., Washington, DC 20005. See the **SUPPLEMENTARY INFORMATION** section of this notice for details on the tribal consultation session.

ADDRESSES: You may submit comments on the information collection to James West, Office of Indian Energy and Economic Development, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., MS–20 SIB, Washington, DC 20240; facsimile: (202) 208–4564; email: *JimR.West@bia.gov*. Copies of the draft forms can be viewed at: *http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm*. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on the consultation session.

FOR FURTHER INFORMATION CONTACT: James West, (202) 208–6310.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Assistant Secretary—Indian Affairs is seeking comments on the revisions for the information collection conducted under OMB Control Number 1076–0135, Reporting System for Public Law 102–477 Demonstration Project. This information allows funding agencies to document compliance with statutory, regulatory, and program specific requirements of the various integrated programs. Public Law 102–477 authorized tribal governments to integrate federally funded employment, training, and related services and programs tribes provide into a single, coordinated, comprehensive service delivery plan. Funding agencies include the Department of the Interior, Department of Labor, and the Department of Health and Human Services. Indian Affairs (IA) is statutorily required to serve as the lead agency and provides a single report format related to the approved plan for the individual project for use by tribal governments to report on integrated activities and expenditures. IA shares the information collected from these reports with the Department of Labor and the Department of Health and Human Services.

There were previously four information collections, three of which

were collected on forms, associated with this OMB Control Number: IA 7701—Narrative Report, IA 7702—Statistical Report, IA 7703—Financial Report, and IA 7703A—Tribal Temporary Assistance for Needy Families (TANF) Financial Report. This revision reduces the number of forms to two: Narrative and Statistical Report and Financial Expenditure Report. The previous TANF Financial Report and Financial Report have been combined to create the Financial Expenditure Report, allowing tribes to complete and submit the information on one form. Revisions were made to the Narrative Report Instructions and Statistical Report and Instructions to provide clear guidance for completion. These revisions are the result of input by a Federal and Tribal workgroup (''477 Workgroup'').

Consultation Session

A consultation session with tribal leaders will be held on Thursday, March 13, 2014 from 1:00 to 5:00 p.m. at the Westin Washington City Center, 1400 M Street NW., Washington, DC 20005. Copies of the draft forms can be viewed at: *http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm*.

II. Request for Comments

The Assistant Secretary—Indian Affairs requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0135.

Title: Reporting System for Public Law 102–477 Demonstration Project.

Brief Description of Collection: Public Law 102–477 authorized tribal governments to integrate federally-funded employment, training and related services programs into a single, coordinated, comprehensive delivery plan. Interior has made available a single universal format for Statistical Reports for tribal governments to report on integrated activities undertaken within their projects, and a single universal format for Financial Reports for tribal governments to report on all project expenditures.

Type of Review: Revision of currently approved collection.

Respondents: Indian tribes participating in Public Law 102–477.

Number of Respondents: 62 on average.

Number of Responses: 62 on average.

Frequency of Response: Each respondent must supply the information for the Financial Status Report and Public Law 102–477 Demonstration Project Statistical Report once.

Estimated Time per Response: Ranges from 2 to 40 hours.

Estimated Total Annual Hour Burden: 3,628 hours.

Estimated Total Non-Hour Dollar Cost: $310.

Dated: February 18, 2014.

Elizabeth K. Appel,

Director, Regulatory Affairs and Collaborative Action.

[FR Doc. 2014–03721 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–G1–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5A211.IA000413]

Contract Support Costs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation.

SUMMARY: The Assistant Secretary—Indian Affairs, in conjunction with the Acting Director, Indian Health Service (IHS), will conduct a consultation session with Indian tribes to work together to identify long-term solutions concerning contract support costs (CSC) as it relates to the Fiscal Year (FY) 2014 Consolidated Appropriations Act.

DATES: The listening session will be held on March 11, 2014, from 9:00 a.m. to noon. Written comments must be received April 22, 2014.

ADDRESSES: See the **SUPPLMENTARY INFORMATION** section of this notice for the location of the tribal consultation session. Submit comments by email to: *consultation@bia.gov* or by U.S. mail to: Office of the Assistant Secretary—Indian Affairs, U.S. Department of the Interior, attn: Sequoyah Simermeyer, Mail Stop 3071 MIB, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sequoyah Simermeyer, Deputy Chief of Staff, Office of the Assistant Secretary—Indian Affairs, (202) 208–7163.

SUPPLEMENTARY INFORMATION: The Assistant Secretary—Indian Affairs, in conjunction with the Acting Director, IHS, will conduct a consultation session on Contract Support Costs (CSC) as part of the National Congress of American Indians Executive Winter Session, Westin Washington DC City Center—Monticello Ballroom, 1400 M Street NW., Washington, DC, from 9:00 a.m. to noon, on Tuesday, March 11, 2014.

The FY 2014 Consolidated Appropriations Act includes funding to implement the Indian Self-Determination and Education Assistance Act of 1975 for both the Bureau of Indian Affairs (BIA) and the IHS. The Act does not specify a limit on the amount of such funds available in FY 2014 for the payment of CSC, nor does it include the proposal put forth in the Administration's FY 2014 budget request that would place a cap on the CSC amounts available for each tribal contract or compact. Instead, as set forth in the Joint Explanatory Statement accompanying the Act, Congress ''remanded back to the agencies to resolve'' the determination of CSC amounts to be paid from within the FY 2014 appropriation.

Congress further directed the BIA and the IHS to consult with the tribes and work with the House and Senate committees of jurisdiction, the Office of Management and Budget, and the Committees on Appropriations to formulate long-term accounting, budget, and legislative strategies that will yield solutions going forward. Congress indicated that the BIA and the IHS should consider a standardized approach that streamlines the contract negotiation process, provides consistent and clear cost categories, and ensures efficient and timely cost documentation for the agencies and the Tribes. A work plan is due to Congress on May 17, 2014 (120 days from enactment of the appropriations bill) for both the BIA and the IHS, and this consultation will help

inform the development of the work plan.

Dated: February 14, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–03720 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK6006201 134A2100DD A0R3B3030.999900]

Final Environmental Impact Statement for Proposed Strategies To Benefit Native Species by Reducing the Abundance of Lake Trout in Flathead Lake, Montana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Confederated Salish and Kootenai Tribes (CSKT) as a cooperating agency, intends to file a final environmental impact statement (FEIS) with the Environmental Protection Agency (EPA) for the CSKT proposed management action on Flathead Lake, Montana to benefit native trout by reducing the abundance of lake trout. The notice also announces that the FEIS is now available for public review.

DATES: Any decision on the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. Any comments on the FEIS must arrive on or before that date.

ADDRESSES: Mail or hand carry written comments to Les Evarts, CSKT Fisheries Program Manager, P.O. Box 278, Pablo, MT 59855. See **SUPPLEMENTARY INFORMATION** for directions on submitting comments and the public availability of the FEIS.

FOR FURTHER INFORMATION CONTACT: Barry Hansen (406) 883–2888.

SUPPLEMENTARY INFORMATION: The BIA and CSKT prepared the FEIS to address the potential environmental effects that increasing the harvest of lake trout in Flathead Lake would have on the biology, fishing opportunity and economy of the area.

The proposed project aims to increase harvest of lake trout beyond the status quo level by authorizing the use of additional harvest tools, including bounties, trapnetting and gillnetting to achieve the goals of the Flathead Lake and River Fisheries Co-Management Plan.

Environmental issues addressed in the FEIS include biological resources (lake trout, bull trout, westslope cutthroat trout, lake whitefish, yellow perch, Mysis and algae); fishing opportunity; and fishing economy. Alternative A is the No Action alternative or status quo, and includes general harvest and fishing contests to achieve a reduction in lake trout abundance. The action alternatives increase the harvest tools to include bounties, commercial fishing, trapnetting and gillnetting, and set specific harvest targets. Alternative B identifies a 25 percent reduction of Age 8 and greater lake trout with a harvest target of 84,000 fish, Alternative C identifies a 50 percent reduction of Age 8 and greater lake trout with a harvest target of 113,000 fish, and Alternative D identifies a 75 percent reduction of Age 8 and greater lake trout with a harvest target of 143,000 fish,

The BIA and CSKT have afforded other government agencies and the public extensive opportunity to participate in the preparation of this EIS. The CSKT held three public scoping meetings in April 2010 in the Polson, Kalispell and Missoula to initiate an Environmental Assessment (EA). During development of the EA, the decision was made to shift to an EIS and a Notice of Intent to prepare the EIS for the proposed action was published in the **Federal Register** on June 5, 2012 (77 FR 33230). The Notice of Availability for the draft EIS was published in the **Federal Register** on June 21, 2013 (78 FR 37568). The draft EIS was available for public comment from June 21, 2013 to August 5, 2013. The CSKT held a public hearing on the draft EIS on August 1, 2013, in Pablo, Montana.

Locations where the FEIS is Available for Review: The FEIS is available for public review at the Tribal Fisheries Office, 408 6th Ave. East, Polson, Montana, and an electronic version of the FEIS can also be viewed at the following Web sites: *http://www.mackdays.com* and at *www.flatheadlakeeis.net.*

Directions for Submitting Comments: Please include your name, return address, and the caption, ''FEIS Comments, Strategies to Benefit native Species by reducing the Abundance of Lake Trout, Flathead Lake, Montana.'' on the first page of your written comments and submit comments to the CSKT address listed above in the ADDRESSES section of this notice.

To obtain a compact disk copy of the FEIS, please provide your name and address in writing or by voicemail to Cindy Benson, at the address listed in the **ADDRESSES** section of this notice, or at the telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including the names and addresses of respondents, will be available for public review at the CSKT mailing address shown in the **ADDRESSES** section, during regular business hours, 7 a.m. to 5:30 p.m., Monday through Thursday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published in accordance with the Council on Environmental Quality regulations (40 CFR 1500 et seq.) and the Department of the Interior regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), and is accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

Dated: February 4, 2014.

Kevin K Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–03722 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000.51010000.ER0000. LVRWK09K1000; WYW174597; COC72909; UTU87237]

Notice of Availability of the Draft Environmental Impact Statement and Land-Use Plan Amendments for the Energy Gateway South Transmission Project in Wyoming, Colorado, and Utah

AGENCIES: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Draft Environmental Impact Statement (EIS) and Land-Use Plan Amendments for the Energy Gateway South Transmission Project (Project).

DATES: The Draft EIS is now available for public review. The BLM and the U.S. Forest Service (USFS) request that comments be structured so that they are substantive and contain sufficient detail to allow the agencies to address them in the Final EIS. To be considered in the Final EIS, written comments on the Draft EIS must be received within 90 days after the Environmental Protection Agency's publication in the **Federal Register** of its Notice of Availability of this Draft EIS. The BLM and the USFS will consider timely filed comments and respond to them in the Final EIS.

All public meetings or other opportunities for public involvement related to the Project will be announced by the BLM at least 15 days in advance through public notices, media news releases, Web site announcements, or mailings.

ADDRESSES: Copies of the Draft EIS have been sent to affected Federal, State, and local governments; public libraries in the Project area; and interested parties that previously requested a copy. The Draft EIS and supporting documents will be available electronically on the following BLM Web site: *http://www.blm.gov/wy/st/en/info/NEPA/documents/hdd/gateway_south.html.* A limited number of DVD copies of the document will be available as supplies last. To request a DVD copy, contact Tamara Gertsch, BLM National Project Manager, BLM, Wyoming State Office, P.O. Box 21150, Cheyenne, WY 82003.

Written comments may be submitted by the following methods:

- *Email: GatewaySouth_WYMail@blm.gov.*
- *Mail:* BLM, Wyoming State Office, P.O. Box 21150, Cheyenne, WY 82003.
- *Courier or hand delivery:* Bureau of Land Management, Energy Gateway South Project, 5353 Yellowstone Road, Cheyenne, WY 82009.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM National Project Manager, Bureau of Land Management, Wyoming State Office, P.O. Box 21150, Cheyenne, WY 82003, or by telephone at 307–775–6115. Any persons wishing to be added to a mailing list of interested parties may write or call the BLM National Project Manager at this address or phone number. You may also contact Charles Kenton Call, USFS Project Manager, Dixie National Forest, 1789 North Wedgewood Lane, Cedar City, UT 84721, or by telephone at 435–865–3730.

Persons who use telecommunications devices for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or questions for Ms. Gertsch. FIRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Copies of the Draft EIS are available for public inspection during normal business hours at the following locations:

- BLM, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009
- BLM, Rawlins Field Office, 1300 N. Third St., Rawlins, WY 82301
- BLM, Little Snake Field Office, 455 Emerson St., Craig, CO 81625
- BLM, White River Field Office, 220 East Market St., Meeker, CO 81641
- BLM, Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506
- BLM, Fillmore Field Office, 35 East 500 North, Fillmore, UT 84631
- BLM, Moab Field Office, 82 East Dogwood, Moab, UT 84532
- BLM, Price Field Office, 125 South 600 West, Price, UT 84501
- BLM, Vernal Field Office,170 South 500 East, Vernal, UT 84078
- BLM, Richfield Field Office, 150 East 900 North, Richfield, UT 84701
- U.S. Forest Service (Lead Forest Office), Dixie National Forest Office, 1789 North Wedgewood Lane, Cedar City, UT 84721

The Draft EIS analyzes the consequences of granting a right-of-way (ROW) to PacifiCorp (doing business as Rocky Mountain Power) for locating a 500-kilovolt (kV), overhead, single-circuit, alternating-current, transmission line beginning near Medicine Bow, Carbon County, Wyoming, at the Aeolus Substation, and extending south and west to the planned Clover Substation near Mona, Juab County, Utah, a distance of between 400 miles and 540 miles (depending on the route selected). The Draft EIS also analyzes the consequences of the USFS issuing special use permits to construct, operate, and maintain those portions of the transmission line which would be located on lands administered by the USFS. The Project would also include a rebuild of two existing 345kV transmission lines between the Clover and Mona Substations (in an existing ROW), reroute of the Mona to Huntington 345kV transmission line through the Clover Substation, and two series compensation stations at points between Aeolus and Clover substations to improve transport capacity and efficiency of the transmission line. Equipment to accommodate the 500kV transmission line would be installed at the Aeolus and Clover substations. The Project is designed to provide up to 1,500 megawatts of capacity to meet current and forecasted needs of Rocky Mountain Power's customers. The BLM, through consultation with other Federal, State, and local cooperating agencies, has included an Agency Preferred Alternative transmission route in the Draft EIS. The following discussions of the Project are specific to the 412-mile-long Agency Preferred Alternative.

The requested ROW width would be 250 feet for the 500kV portion of the Project and 150 feet for the 345kV portion of the Project. Construction is projected to start in 2018. As a general goal, the Agency Preferred Alternative has been located parallel to existing transmission lines and other utilities within the West-wide energy corridors designated pursuant to Section 368 of the Energy Policy Act of 2005 and within other federally designated utility corridors, unless precluded by resource or routing constraints or by technical infeasibility. Approximately 40 miles (10 percent) of the Agency Preferred Alternative is located within designated Federal utility corridors. Transmission line alternatives were developed and analyzed in detail as part of this EIS. These alternatives also cross Federal, State, local, and private lands.

The Draft EIS includes draft amendments of BLM land-use plans (Resource Management Plans) and USFS Land and Resource Management Plans (Forest Plans) that would be needed for the Project under each of the alternative routes. Depending on the alternative selected in the Record of Decision (ROD), the National Park Service may consider applications for the Project across the Deerlodge Road that provides access to Dinosaur National Monument.

By this notice and the Notice of Intent to Prepare an EIS, published in the **Federal Register** on April 1, 2011 (76 FR 18241), the BLM is providing notice to the public of potential amendments to Resource Management Plans and Forest Plans, as required by 43 CFR 1610.2(c) and 36 CFR 219.8. The impacts of these potential amendments are analyzed in the Draft EIS together with the impacts of the various Project alternative routes.

Your input is important and will be considered in the environmental and land-use planning analysis processes. All comment submissions must include the commenter's name and street address. Comments, including the names and addresses of the commenter, will be available for public inspection at the locations listed below during normal business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except Federal holidays. Before including your address, phone number, email address, or any other personal identifying information in your comment, be advised that your

entire comment, including your personal identifying information, may be publicly available at any time. While you may ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. PacifiCorp (doing business as Rocky Mountain Power) originally submitted an Application for Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299) to the BLM and USFS on November 28, 2007. The application was revised by Rocky Mountain Power on December 17, 2008, October 11, 2010, and January 15, 2013, to reflect changes in the Project description and inform the BLM of Rocky Mountain Power's preferred route.

Through planning studies analyzing the electrical power system, Rocky Mountain Power determined its existing system, last upgraded about 25 years ago, needs to be upgraded to ensure sufficient capacity and reliable power is available to its customers. The Project would increase capacity and service reliability for its customers in the region. When completed, the line would transmit up to 1,500 megawatts of electricity. The transmission line would transmit power from both renewable and thermal energy sources. Cooperating agencies currently include Federal, State, and local agencies along all of the alternative routes. The lead agency recognizes 29 cooperating agencies supporting the Project EIS.

To allow the public an opportunity to review the proposal and Project information, the BLM held public meetings from May 10, 2011, to June 2, 2011, in: Baggs, Rock Springs, and Rawlins, Wyoming; Craig, Rangely, and Grand Junction, Colorado; and Roosevelt, Fort Duchesne, Nephi, Price, Mount Pleasant, and Green River, Utah. Issues and potential impacts to specific resources were identified during scoping and preparation of the Draft EIS.

In response to scoping comments, Rocky Mountain Power made alternative route modifications and variations to its Proposed Action in Wyoming, Colorado, and Utah. Some alternative routes presented in scoping were removed from further analysis. Alternative routes that were: (1) Ineffective (i.e., did not meet the agencies' purpose and need); (2) Technically or economically infeasible; (3) Inconsistent with the basic policy objectives of the management of an area (e.g., land-use plans); (4) Remote or speculative (i.e., could not be analyzed); or (5) Substantially similar in design or effects to another alternative route being analyzed were eliminated from further consideration. These route modifications and variations are documented in the *Energy Gateway South Transmission Project Siting Study Report* available online at *http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA/hddo/gatewaysouth.Par.93351.File.dat/FinalSitingStudyReport.pdf*.

In addition to the Proposed Action, the Draft EIS considers the No Action Alternative and 33 alternative routes (including route variations) totaling 1,425 miles in detail. For this Draft EIS, the No Action Alternative means that the BLM ROW and USFS special-use authorization for the Project to cross Federal lands would not be granted and the transmission line and ancillary facilities would not be constructed.

The BLM, in coordination with the USFS and other Federal, State, and local governments and agencies, developed the Agency Preferred Alternative through a comparative evaluation of routing opportunities and constraints and the relative potential impacts among the various alternative routes and route variations. The Agency Preferred Alternative is derived from currently available information and is not a decision. The BLM is inviting the public to offer comments on the Agency Preferred Alternative, as well as other alternative routes and route variations presented in the document.

The Draft EIS analyzes the potential environmental consequences of granting a ROW to Rocky Mountain Power to construct, operate, and maintain a 500kV transmission line from the Aeolus Substation (near Medicine Bow, Carbon County, Wyoming) to the planned Clover Substation (near Mona, Juab County, Utah) and ancillary facilities. The approximately 412-mile Agency Preferred Alternative is discussed below.

The Agency Preferred Alternative for this Project is the combination of routes named Alternative WYCO–B–2 (a route variation of WYCO–B) and Alternative COUT–C–3 (a route variation of Alternative COUT–C).

The Alternative WYCO–B–2 portion of the Agency Preferred Alternative route exits the Aeolus Substation within the utility corridor designated by the Wyoming Executive Order 2011–5 for protection of sage-grouse, continuing to the southwest where it crosses Interstate 80 approximately 10 miles east of Sinclair, Wyoming. This Agency Preferred Alternative route (described below as the route) continues west on the southern side of Interstate 80 (approximately 3 to 5 miles south) for approximately 57 miles. The route then parallels Wamsutter Road (on the east side of the road) south for approximately 15 miles. At that point, the route continues southwest crossing Flat Top Mountain and continues toward the Wyoming and Colorado border, approximately 20 miles west of Baggs, Wyoming.

The route continues south/southwest through the Sevenmile Ridge area where it crosses the Little Snake River, the western edge of the Godiva Rim, and Colorado State Highway 318 in an area approximately 10 miles northwest of Maybell, Colorado. The route continues south, crossing the Yampa River 5 miles northeast of Cross Mountain Gorge to a point near U.S. Highway 40 approximately 12 miles southwest of Maybell. At that point, the route avoids the Tuttle Ranch Conservation Easement by paralleling U.S. Highway 40 on the north and crossing the Deerlodge Road, the eastern entrance to Dinosaur National Monument. The route then crosses the highway and continues southwest paralleling the Bonanza to Bears Ears 345kV and the Hayden to Artesia 138kV transmission lines for approximately 22 miles south of U.S. Highway 40 to approximately 20 miles east of Dinosaur, Colorado.

The Alternative COUT–C–3 portion of the Agency Preferred Alternative route begins at a point northeast of Rangely, Colorado, where Alternative WYCO–B–2 ends. From this point, the route continues to parallel the Bears Ears to Bonanza 345kV and the Hayden to Artesia 138kV transmission lines to the west toward the Colorado/Utah border.

This Agency Preferred Alternative alternative route continues to follow the Bears Ears to Bonanza 345kV transmission line southwest toward the Bonanza Power Plant. The route then continues west/southwest following an underground pipeline through the Uinta Basin and crossing the Green River approximately 8 miles north of Sand Wash boat launch, continuing west toward the western end of the Tavaputs Plateau. Within the plateau, it traverses through Argyle Ridge for approximately 12 miles dropping southwest toward U.S. Highway 191. Following the highway through Indian Canyon for approximately 2 miles; it then crosses the highway heading west/northwest into the Emma Park area (approximately 11 miles north of Helper, Utah) toward Soldier Summit for a distance of approximately 21 miles avoiding sage-grouse leks/habitat to the south and the Reservation Ridge Scenic Backway (designated by the USFS) to the north.

It continues west toward U.S. Highway 6 and parallels the Spanish Fork to Carbon 138kV transmission line

northwest for approximately 25 miles through an area near Sheep Creek. It continues to parallel the Bonanza to Mona 345kV transmission line toward Thistle, Utah, turning south and crosses U.S. Highway 89 near Birdseye, Utah, continuing south/southwest to a point approximately 5 miles north of Fountain Green, Utah. The route continues to parallel the Bonanza to Mona 345kV transmission line west through Salt Creek Canyon, south of Mount Nebo, toward Nephi, Utah, and the Clover Substation.

The BLM, the USFS, and cooperating agencies worked together to develop alternative routes that would conform to existing Federal land-use plans. However, this objective was not reached for a number of the alternative routes analyzed in the Draft EIS. Plan amendments that would be necessary to implement each of the evaluated alternatives were identified by affected agencies and analyzed in Chapter 5 of the Draft EIS. The specific land-use plan amendments that are needed will depend on which alternative route is selected in the BLM's ROD if the BLM makes a decision to approve the ROW application. Proposed plan amendments may be protested to the BLM Director at the Final EIS stage (43 CFR 1610.5–2). The decision to offer a ROW grant may be appealed to the Interior Board of Land Appeals (43 CFR 2801.10) after the BLM issues its ROD.

The USFS's draft ROD, which would describe whether or not any special use permits will be issued, and would describe if any project-level Forest Plan amendments will be made, may be objected to using the pre-decisional objection procedures described in 36 CFR 218 subparts A and B. Legal notice of such opportunity to object will appear in the applicable newspapers of record at the appropriate time (36 CFR 218.26).

In the Final EIS, the BLM will identify the agency-selected alternative and the requisite proposed plan amendments necessary to implement that alternative.

The Agency Preferred Alternative identified in the Draft EIS would involve nine plan amendments (in five BLM Field Offices and one National Forest). The following land-use plan amendments may be needed to bring the Project into conformance with the applicable Resource Management Plans for BLM-managed land and Land and Resource Management Plans (Forest Plans) for National Forest System land crossed by the Project, depending on Project approval and on the final route selected. All prospective plan amendments will comply with applicable Federal laws and regulations, be analyzed in the Project EIS, and apply only to Federal lands and mineral estates administered by the BLM or the USFS.

Rawlins Field Office Resource Management Plan (RMP) (2): Conversion of an underground utility corridor to include aboveground utilities and amending segments of the utility ROW from Visual Resource Management (VRM) Class III to Class IV.

Little Snake Field Office RMP (2): Area within the Project's ROW determined to be noncompliant with VRM Class III objectives would be amended to Class IV.

White River Field Office RMP (5): The approved RMP would be amended for decisions regarding ROW exclusion areas for listed plant species. Area within the Project's ROW determined to be noncompliant with VRM Class III objectives would be amended to Class IV where the Project with appropriate selective mitigation measures may still exceed the acceptable level of change that could occur within a specific VRM class after mitigation. Amend the Dragon Trail-Atchee Ridge utility corridor to include overhead linear facilities. If, after application of all feasible measures to reduce impacts to the amendments above, exceptions for the Project could be granted by the Field Manager to allow for the construction, operation, and maintenance of the Project in areas that are in conflict with the plan.

Grand Junction Field Office RMP (1): The area within the Project's ROW determined to be noncompliant with VRM Class III objectives would be amended to Class IV.

Salt Lake City Field Office RMP (1): Amend the RMP to include the Project ROW as a utility corridor.

Price Field Office RMP (5): Amended to Class IV the areas within the Project's ROW determined to be noncompliant with VRM Class III objectives. An exception for the exclusion for ROW grants for the Project to occur within the Rock Art ACEC for 0.2 mile. Amend the existing Interstate 70 utility corridor to 1.5 miles in width.

Vernal Field Office RMP (5): Amend the RMP to address the areas within the Project's ROW determined to be noncompliant with VRM Class II and III objectives would be adjusted to Class III and IV.

Moab Field Office RMP (3): The areas within the Project's ROW determined to be noncompliant with VRM Class III objectives would be amended to Class IV.

Manti-La Sal National Forest Land and Resource Management Plan (LRMP) (1): Amend the LRMP to address the area within the Project ROW that is inconsistent with partial retention Visual Quality Objectives (VQO) that could not be mitigated through application of selective mitigation measures would be amended from a partial retention VQO to a modification VQO.

Ashley National Forest LRMP (2): The areas within the Project ROW that are inconsistent with a retention and partial retention VQO that could not be mitigated through application of selective mitigation measures would be amended from a retention VQO to a modification VQO.

Uinta-Wasatch-Cache National Forest LRMP (1): The area within the Project ROW that is inconsistent with the utility corridor limitations would be amended to include the Project ROW under the applicable utility corridor.

The BLM will utilize and coordinate the National Environmental Policy Act comment process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3). Ongoing consultations with Native American tribes will continue in accordance with policy and tribal concerns, including impacts on Indian trust assets, will be given due consideration. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this Project, are invited to participate.

The USFS project-specific decisions regarding whether or not to issue the special use permits and project-specific Forest Plan amendments that the USFS will decide whether or not to make: the Notice of Intent to prepare the EIS was published on April 1, 2011. The proposed action is a project or activity implementing a land management plan and is not authorized under the Healthy Forest Restoration Act; therefore, it is subject to subparts A and B of 36 CFR Part 218. After the Notice of Intent to prepare the EIS was published, regulations at 36 CFR Parts 215 and 218 were modified to change the administrative review process for proposed USFS projects implementing land and resource management plans; 78 FR 18481. Under 36 CFR 218.16, for all decisions implementing land management plans issued after September 27, 2013, the USFS is required to follow the pre-decisional administrative review process under 36 CFR Part 218, which replaced the process for notice, comment, and appeal under 36 CFR Part 215 that was in effect when this project was proposed. Further, the amended rule requires that the USFS provide notice that the project

proposal will be subject to the pre-decisional review process. The regulation further provides that ''all interested and affected parties who provided written comment as defined in subsection 218.2 during scoping or the comment period will be eligible to participate in the objections process.'' 36 CFR 218.16(b)(3). The purpose of this paragraph is to provide notice that the proposed decisions made by the USFS for this project will be subject to the pre-decisional review process in 36 CFR Part 218 subparts A and B.

Donald A. Simpson,

Wyoming State Director.

[FR Doc. 2014–03683 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Alpine Satellite Development Plan for the Proposed Greater Mooses Tooth Unit Development Project, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Arctic Field Office, Fairbanks, Alaska, issues the Draft Supplemental Environmental Impact Statement (EIS) for public comment and announces upcoming public meetings and subsistence hearings to receive comments on the Draft Supplemental EIS and the proposed project's potential to impact subsistence resources and activities. Pursuant to the National Environmental Policy Act of 1969, as amended, the Supplemental EIS is being prepared to supplement the Alpine Satellite Development Plan (ASDP) Final EIS, dated September 2004, regarding the establishment of satellite oil production pads and associated infrastructure within the Alpine field.

DATES: To ensure comments will be considered, the BLM must receive written comments on the Draft Supplemental EIS within 60 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. Written comments on the Draft Supplemental EIS will be accepted until April 22, 2014.

Draft Supplemental EIS public meetings will be held in the following communities in Alaska: Anaktuvuk Pass, Anchorage, Atqasuk, Barrow, Fairbanks, Nuiqsut, Point Lay, and Wainwright. The public meetings at Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Lay, and Wainwright will incorporate subsistence hearings. The date, time, and location of the meetings will be announced on BLM Alaska's Web site, through public notices, media news releases, and/or other mailings.

ADDRESSES: Written comments should be mailed to: GMT1 SEIS Comments, Attn: Bridget Psarianos, 222 West 7th Avenue, #13 Anchorage, AK 99513–7504; faxed to 907–271–3933; hand delivered to the BLM Public Information Center in the Federal Building, 222 West 7th Avenue, Anchorage, AK 99513–7504; or emailed to: *gmt1comments@slrconsulting.com*

Copies of the Draft Supplemental EIS are available for public inspection at the BLM Public Information Center in the Federal Building, 222 West 7th Avenue, Anchorage, AK 99513–7504; and the Fairbanks District Office at 1150 University Avenue, Fairbanks, AK 99709. The Draft Supplemental EIS can be reviewed at BLM Alaska's ePlanning Web site at *http:www.blm.gov/ak/GMT*. A CD or paper copy may be requested by calling Bridget Psarianos, BLM project lead at 907–271–4208.

FOR FURTHER INFORMATION CONTACT: Bridget Psarianos, BLM Alaska State Office, 907–271–4208. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The ASDP Draft Supplemental EIS analyzes an application by ConocoPhillips, Alaska, Inc. (CPAI) for issuance of a right-of-way grant and related authorizations to construct, operate, and maintain a drill site, access road, pipelines, and ancillary facilities to support development of petroleum resources at the Greater Mooses Tooth Unit #1 (GMT1) drill site within the National Petroleum Reserve in Alaska (NPR–A). The BLM manages the surface and subsurface at the proposed drill site and a majority of the proposed infield road and pipeline route is on BLM-managed lands. The proposed GMT1 site is approximately 14 miles west of the CPAI-operated Alpine Central Processing Facility (CD–1). The proposed drill site would be operated and maintained by Alpine staff and supported using CD–1 infrastructure. The Draft Supplemental EIS will evaluate any relevant new circumstances and information which have arisen since the ASDP Final EIS was issued in September 2004, update alternatives, and address any changes to CPAI's proposed development plan for GMT1. The Draft Supplemental EIS will result in a Record of Decision (ROD) that will approve, deny, or approve with modification, CPAI's application, as well as incorporate any additional mitigation measures that may be relevant. The Draft Supplemental EIS analyzes CPAI's proposed project, three action alternatives to the proposed project, including an alternative that does not include a road between GMT1 and the currently permitted Colville Delta 5 pad, and a no action alternative. The key issues in the Draft Supplemental EIS center on oil and gas production decisions, the protection of physical, biological, and subsistence resources, and the evaluation and consideration of appropriate on-sight and compensatory mitigation measures.

Section 810 of the Alaska National Interest Lands Conservation Act requires the BLM to evaluate the effects of the alternatives presented in the Draft Supplemental EIS on subsistence activities, and to hold public hearings if it finds that any alternative may significantly restrict subsistence activities. The analysis of environmental impacts in the Draft Supplemental EIS indicates that the action alternatives and the cumulative impacts may significantly restrict subsistence activities in Nuiqsut; the cumulative impacts may also significantly restrict subsistence activities in Barrow, Atqasuk, Wainwright, Point Lay, and Anaktuvuk Pass. Therefore, the BLM will hold public hearings on subsistence in conjunction with the public meetings in the potentially affected communities of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Lay, and Wainwright.

Written comments should be submitted by any of the methods listed in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1502.9, 40 CFR 1506.6, 43 CFR Part 2880.

Bud Cribley,

State Director.

[FR Doc. 2014–03682 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVSO3100 L51010000 ER0000 LVRWF1304100.241A; 14–08807; MO# 4500060501; TAS: 14X5017]

Notice of Availability of the Record of Decision for the Final Supplemental Environmental Impact Statement and the Proposed Resource Management Plan Amendment for the Silver State Solar South Project, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Silver State Solar South Project and Proposed Las Vegas Field Office Resource Management Plan (RMP) amendment. The Principal Deputy Assistant Secretary for Land and Minerals Management signed the ROD on February 14, 2014, which constitutes the final decision of the Department.

ADDRESSES: Copies of the ROD/approved RMP amendment are available for public inspection or upon request at the Southern Nevada District Office, Bureau of Land Management, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130 or via the Internet at *http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/Silver_State_Solar_South.html.*

FOR FURTHER INFORMATION CONTACT: Greg Helseth, Renewable Energy Project Manager, telephone 702–515–5173; address 4701 N. Torrey Pines Drive, Las Vegas, NV 89130; email *ghelseth@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Helseth during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Helseth. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Silver State Solar Power South, LLC, submitted a right-of-way (ROW) application for the construction, operation, maintenance, and termination of a 250–350 megawatt (MW) solar energy generation facility within a 13,184-acre area of public land east of Primm, Nevada. The BLM prepared a Draft and Final Supplemental Environmental Impact Statement (EIS) and proposed RMP amendment in consultation with cooperating agencies, taking into account public comments received during the National Environmental Policy Act process. The Final Supplemental EIS/proposed RMP amendment provides a framework for the future management direction and appropriate use of the project area, located in Clark County, Nevada. Because the BLM would need to amend the October 1998 Las Vegas RMP to address proposed changes in land and resource use within the project area, the Supplemental EIS/proposed RMP amendment considered land use planning decisions and implementation decisions to guide the BLM's management of the project area. The implementation decision to be made was whether to approve, approve with modifications, or deny the issuance of ROW grant applied for by Silver State Solar Power South, LLC, a wholly-owned subsidiary of First Solar, Inc. The planning decisions to be made were to: (1) Reduce the size of the Jean Lake/Roach Lake Special Recreation Management Area (SRMA) to ensure that the proposed ROW grant is in conformance with the Las Vegas Field Office RMP and to ensure a balanced use of the public lands and the resources affected by those uses; (2) Revise the Visual Resource Management classification of lands within the project footprint to ensure management is in conformance with Las Vegas Field Office RMP decisions; and (3) Designate an Area of Critical Environmental Concern (ACEC) and identify management prescriptions for a portion of the proposed ACEC nomination area. The BLM Preferred Alternative for the implementation decision was developed after release of the Draft Supplemental EIS/proposed RMP amendment to address public and agency concerns related to desert tortoise demographic connectivity within the Ivanpah Valley, and agency and public interest in a reduced-scale project. The BLM Preferred Alternative is smaller in area and electricity generation capacity is reduced to 250 MW. The BLM Preferred Alternative would disturb up to 2,427 acres of Federal land entirely within the footprint of alternatives analyzed in the Draft and Final Supplemental EIS/proposed RMP amendment, and thus involves no new areas of effect. The BLM Preferred Alternative for the RMP amendment identified in the Draft Supplemental EIS/proposed RMP amendment was to: (1) Reduce the acreage of the SRMA by the project footprint (if approved); and (2) Change the Visual Resource Management (VRM) class from VRM Class III to IV for the project footprint (if approved). In the Final Supplemental EIS/proposed RMP amendment, the BLM Preferred Alternative also included a 31,859-acre area for designation as an ACEC for desert tortoise protection and management prescriptions that would be required for the designated ACEC.

The Environmental Protection Agency and the BLM published the Notice of Availability for the Final Supplemental EIS/proposed RMP amendment concurrently in the **Federal Register** (78 FR 57849 and 78 FR 57880) on Friday, September 20, 2013, initiating a 30-day protest period and a 60-day Governor's consistency review. The BLM received 12 timely protests, which were resolved prior to the issuance of the ROD. The protest resolution is summarized in the ROD and is addressed in the separate Director's Protest Summary Resolution Report attached to the ROD. The proposed amendment to the Las Vegas Field Office RMP was not modified as a result of the protests received or the resolution. The Governor of Nevada conducted a consistency review of the proposed amendment to the Las Vegas Field Office RMP to identify any inconsistencies with State or local plans, policies or programs. No inconsistencies were identified by the Governor's office.

The ROD approves the BLM Preferred Alternative for the Silver State Solar South project and all mitigation measures identified in the Final Supplemental EIS/proposed RMP amendment. The ROD also approves the BLM Preferred Alternative for the RMP amendment to: (1) Remove the SRMA designation within the ROW grant area; (2) Change the VRM classification from Class III to Class IV within the ROW grant area; and (3) Designate a 31,859-acre ACEC adjacent to the ROW grant area and adopt the management prescriptions for the ACEC identified in the Final Supplemental EIS/proposed RMP amendment.

Because this decision is approved by the Principal Deputy Assistant Secretary of the Interior, it is not subject to administrative appeal (43 CFR 4.410(a)(3)).

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2; 43 CFR 1610.5.

Neil Kornze,

Principal Deputy Director, Bureau of Land Management, U.S. Department of the Interior.

[FR Doc. 2014–03685 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA–048669, LLCAD09000, L51010000.LVRWB09B2380.ER0000]

Notice of Availability of the Record of Decision for the Stateline Solar Farm Project and California Desert Conservation Area Plan Amendment, San Bernardino County, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD)/Approved Amendment to the California Desert Conservation Area Plan (CDCA Plan) for the Stateline Solar Farm Project (SSFP). The Principal Deputy Assistant Secretary, Land and Minerals Management, approved the ROD on February 14, 2014, which constitutes the final decision of the Department.

ADDRESSES: Copies of the ROD/Approved Amendment to the CDCA Plan are available upon request from the BLM Field Manager, Needles Field Office, 1303 S. Highway 95, Needles, CA 92363, and at the California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553, or via the Internet at the following Web site: *http://www.blm.gov/ca/st/en/fo/needles/stateline_solar_farm.html.*

FOR FURTHER INFORMATION CONTACT: Jeffery Childers, BLM Project Manager, telephone, 951–697–5308; mail, BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553–9046; or email *jchilders@blm.gov.*

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Childers during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Childers. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, First Solar Development, LLC, filed an application for a right-of-way (ROW) grant authorization to construct, operate, maintain and decommission the 300-Megawatt (MW) photovoltaic Stateline Solar Farm Project (SSFP). The proposed project includes access roads, photovoltaic arrays, an electrical substation, meteorological station, monitoring and maintenance facility, water wells, and a 2.3 mile generation tie-line on up to 2,143 acres. The project location is in San Bernardino County approximately 2 miles south of the Nevada-California border and 0.5 miles west of Interstate 15.

The Agency-Selected Alternative consists of a 300–MW solar PV facility encompassing 1,685 acres on a single, contiguous footprint, which was described in the Final EIS as the Revised Alternative 3: 1,685 Acre Alternative.

The project site is located in the California Desert District within the planning boundary of the CDCA Plan, which is the applicable resource management plan for the project site and surrounding areas. The CDCA Plan, while recognizing the potential compatibility of solar energy generation facilities with other uses on public lands, requires that all sites associated with power generation or transmission not already identified in the Plan be considered through the BLM's land use plan amendment process. As a result, prior to approval of a ROW grant for the SSFP, the BLM must amend the CDCA Plan to allow the solar energy generating project on that site. The approved Amendment to the CDCA Plan specifically revises the CDCA Plan to allow for the development of the SSFP and ancillary facilities on land managed by the BLM.

A Notice of Availability of the proposed plan amendment/final EIS for the SSFP was published in the **Federal Register** on November 15, 2013 (78 FR 68860). Publication of the Notice of Availability for the plan amendment/final EIS initiated a 30-day protest period for the proposed amendment to the CDCA Plan. At the close of the 30-day period, seven timely and complete written protests were received and thereafter resolved. Their resolution is summarized in the Director's Protest Summary Report attached to the ROD. While the Director's resolution of protests did not identify any issues to be remanded, the BLM made minor corrections and clarifying statements as a result of protests.

Simultaneously with the protest period, the Governor of California conducted a 30-day consistency review of the proposed plan amendment to identify any inconsistencies with State or local plan, policies or programs; no inconsistencies were identified.

Because this decision is approved by the Secretary of the Interior, it is not subject to administrative appeal (43 CFR 4.410(a)(3)).

Authority: 40 CFR 1506.6.

Neil Kornze,

Principal Deputy Director.

[FR Doc. 2014–03678 Filed 2–20–14; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–881]

Certain Windshield Wiper Devices and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination Granting Complainants' Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 27) granting the motion of complainants Federal-Mogul Corporation of Southfield, Michigan and Federal-Mogul S.A. of Aubange, Belgium (collectively ''Federal-Mogul'') to amend the complaint to correct respondent Trico Corporation's corporate name and to identify additional accused products.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 11, 2013, based on a complaint filed by Federal-Mogul. 78 FR 35050–51 (June 11, 2013). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent No. 8,347,449. The complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named as respondents Trico Corporation of Rochester Hills, Michigan (''Trico Corp.''); Trico Products of Brownsville, Texas; and Trico Components, SA de CV of Matamoros, Mexico. The Office of Unfair Import Investigations was also named as a party.

On December 23, 2013, Federal-Mogul filed a motion for leave to amend the complaint and notice of investigation (''NOI'') to correct Trico Corp.'s corporate name to Trico Products Corporation and to identify additional accused products. The motion indicated that the Commission investigative attorney did not oppose the motion. Respondents did not file a response.

On January 22, 2014, the ALJ issued the subject ID, granting Federal-Mogul's motion pursuant to section 210.14(b)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.14(b)(1)). The ALJ found that good cause exists to amend the complaint and NOI to correct Trico Product Corporation's corporate name and to add the additional products. The ALJ noted that Federal-Mogul learned that it had incorrectly identified Trico Product Corporation only after filing its complaint. The ALJ also found that Federal-Mogul learned of the additional products during discovery, and thus, after filing its complaint. The ALJ noted that no party opposed the motion, that Trico Products Corporation has fully participated in the investigation, and that the parties have already addressed the additional products during discovery and in their pretrial submissions. The ALJ, therefore, found that no party would be prejudiced by the amendment. No petitions for review were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: February 18, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–03700 Filed 2–20–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–006]

Meeting; Government in the Sunshine Act

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 28, 2014 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–450 and 731–TA–1122 (Review) (Laminated Woven Sacks from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission on March 11, 2014.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 18, 2014.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–03804 Filed 2–19–14; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0009]

Agency Information Collection Activities: Proposed Collection, Comments Requested; Extension of a Currently Approved Collection; Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted; and Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Accidentally Killed

ACTION: 60-Day notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until April 22, 2014.

This process is conducted in accordance with 5 CFR 1320.10.

All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate 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;

(2) Evaluate 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted Program; and Law Enforcement Officers Killed and Assaulted, Analysis of Officers Accidentally Killed.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:*

Forms 1–701 and 1–701a; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* City, county, state, tribal, and federal law enforcement agencies. Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials this collection requests the number of officers killed or assaulted from city, county, state, tribal, and federal law enforcement agencies in order for the FBI Uniform Crime Reporting Program to serve as the national clearinghouse for the collection and dissemination of law enforcement officer death/assault data and to publish these statistics in Law Enforcement Officers Killed and Assaulted.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 184 law enforcement agency respondents; calculated estimates indicate 1 hour per report.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 184 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitutional Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 18, 2014.

Jerri Murray,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 2014–03686 Filed 2–20–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On February 12, 2014, the Department of Justice lodged a proposed Consent Decree in with the United States District Court for the Northern District of Indiana in the lawsuit entitled *United States and State of Indiana* v. *City of Mishawaka, Indiana,* Civil Action No. 3:14CV281.

In this case, the United States and the State of Indiana (Indiana) seek civil penalties and injunctive relief for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.,* Title 13 of the Indiana Code, Title 327 of the Indiana Administrative Code, and certain terms and conditions of National Pollution Discharge Elimination System permits that Indiana issued to the City of Mishawaka (Mishawaka) for the relevant time periods, related to alleged discharges of untreated sewage from Mishawaka's combined sewer collection system, *i.e.* ''combined sewer overflows,'' during wet weather events, and some dry weather time periods, into ''waters of the United States'' and ''waters of the state.''

The proposed Consent Decree would require Mishawaka to reduce its combined sewer overflows by comprehensively upgrading and expanding its sewage collection, storage, conveyance, and treatment system, at a cost of approximately $132.1 million in 2007 dollars. Mishawaka must complete these improvements by December 31, 2031 or, if Mishawaka demonstrates financial hardship, by December 31, 2036. Additionally, the proposed Decree requires Mishawaka to pay a total civil penalty of $28,000 split equally between the United States and the State of Indiana.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Indiana* v. *City of Mishawaka, Indiana,* D.J. Ref. 90–5–1–1–08205. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $16.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–03714 Filed 2–20–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On February 14, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of New York in the lawsuit entitled *United States* v. *International Business Machines Corp.,* Case No. 14 Civ. 0936. The Consent Decree resolves the claims of Plaintiff set forth in the complaint against Defendant regarding the Shenandoah Road Superfund Site in East Fishkill, New York, under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606 and 9607(a). Under the proposed Consent Decree, Defendant has agreed to implement the remedy selected by the Environmental Protection Agency in September 2012 to address the groundwater contamination at the Site, to pay past response costs of $225,000, and to pay future response costs.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *International Business Machines Corp.,* DJ#: 90–11–3–10844. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://*

www.usdoj.gov/enrd/Consent_Decrees.html.

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $54.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–03661 Filed 2–20–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Continuation of Death Benefit for Student

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Application for Continuation of Death Benefit for Student,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq.

DATES: Submit comments on or before March 24, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201311–1240–002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authorization for the Application for Continuation of Death Benefit for Student, Form LS–266 and codified in regulations 20 CFR 702.121. The OWCP uses Form LS–266 as an application for continuation of death benefits for a dependent who is a student. The benefit may be applied for in any format (e.g., by letter); provided that, the request contains all the information required by the regulation.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0026.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 15, 2013 (78 FR 68867).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0026. The OMB is particularly interested in comments that:

- Evaluate 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;
- Evaluate 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through 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.

Agency: DOL–OWCP.

Title of Collection: Application for Continuation of Death Benefit for Student.

OMB Control Number: 1240–0026.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 20.

Total Estimated Number of Responses: 20.

Total Estimated Annual Time Burden: 10 hours.

Total Estimated Annual Other Costs Burden: $10.

Dated: February 13, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–03701 Filed 2–20–14; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (14–021)]

NASA Asteroid Initiative Opportunities Forum

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of public forum.

SUMMARY: The National Aeronautics and Space Administration announces a

public forum to provide a status on the agency's asteroid initiative planning, including ongoing studies and opportunities for engagement following the request for information last summer. NASA experts will provide an overview of an Asteroid Initiative Announcement of Opportunities (scheduled to release on or before the date of the forum) and announce new engagement opportunities related to the Asteroid Grand Challenge.

DATES: Wednesday, March 26, 2014, 12:30–4:30 p.m. EDT.

Location: James E. Webb Auditorium.

ADDRESSES: NASA Headquarters, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Chris Moore, 202.358.4650.

SUPPLEMENTARY INFORMATION:

- This forum will be open to the public up to the seating capacity of the room.
- This meeting will be streamed live online. Viewing options will be posted at *www.nasa.gov/asteroidinitiative* prior to the event.
- The agenda for this meeting includes the following topics:
  - Update on Asteroid Redirect Mission studies
  - Technology needs related to the Asteroid Redirect Mission
  - Mission capabilities extension to commercial applications and human-class Mars missions
  - Broad Agency Announcement for alternate capture systems concepts, rendezvous sensor systems, secondary payloads, and commercial and international partnership opportunities
  - Asteroid Grand Challenge engagement opportunities

Registration

Individuals who plan to attend the Asteroid Initiative Opportunities Forum in person must register online. Due to capacity limitations, a maximum of 150 registrations will be accepted. Those who intend to watch the live web stream are also encouraged to register as a virtual participant. Registration will open on Monday, February 24th. Details will be posted at *www.nasa.gov/asteroidinitiative*.

Check In

Any individuals who have registered to attend the Asteroid Initiative Opportunities Forum should enter the west lobby doors of the NASA Headquarters building at 300 E Street, SW., Washington, DC. Upon arrival, all participants will be required to check in at the registration table located in the lobby and show photo identification.

Security

Event attendees will not be required to check in at the security desk to obtain a visitor's badge. However, participants will be subject to personal inspection (e.g., passing through a metal detector), prior to entering the auditorium.

Press

News media interested in attending are required to pre-register and should contact Sarah Becky Ramsey at 202–358–1694 for additional information.

Directions

Directions to NASA Headquarters are available online at the following URL: *http://www.nasa.gov/centers/hq/about/map.html*.

Driving

Parking lots are located near the NASA Headquarters building. Check the local yellow pages or Internet for exact locations.

Metro

Metro stops nearest NASA Headquarters are L'Enfant Plaza (orange, blue, yellow, and green lines) and Federal Center SW. (orange and blue lines).

From L'Enfant Plaza station, take the Department of Transportation exit and turn left at the top of the escalators. Head east (on School St. or E St. SW.) and south (on 4th or 6th St. SW.) to arrive at the west entrance of the NASA building near the corner of E St. SW. and 4th St. SW.

From the exit of the Federal Center SW. metro station, head south on 3rd St. SW. and then west on E St. SW. to arrive at the west entrance of the NASA building near the corner of E St. SW. and 4th St. SW.

William Gerstenmaier,

Associate Administrator, Human Exploration & Operations Mission Directorate.

[FR Doc. 2014–03657 Filed 2–20–14; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0108]

Spent Fuel Transportation Risk Assessment

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG–2125, ''Spent Fuel Transportation Risk Assessment.'' This NUREG provides an update of the estimated impacts from transporting spent nuclear fuel (SNF) by highway or railway in NRC certified casks under both routine and accident conditions.

ADDRESSES: Please refer to Docket ID NRC–2012–0108 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0108. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The NUREG is available electronically under ADAMS Accession No. ML14031A323.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John R. Cook, Office of Nuclear Material, Safety and Safeguards, telephone: 301–287–9206; email: *John.Cook@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

NUREG–2125, ''Spent Fuel Transportation Risk Assessment,'' provides an update of the estimated impacts from transporting spent nuclear fuel (SNF) by highway or railway in NRC certified casks under both routine and accident conditions. The draft NUREG–2125 (ML12125A218) was issued on May 14, 2012 with a 60-day public comment period (77 FR 28406). The NRC received 4 public comments and the resolution of these comments is

included in the Public Comment Resolution Report (ADAMS Accession No. ML13249A337). In addition, the report was reviewed by the NRC Advisory Committee on Reactor Safeguards Subcommittee on Radiation Protection and Nuclear Materials and by the full Advisory Committee on Reactor Safeguards (ACRS). The responses to comments from these two committees are included in the ACRS Comment Resolution Report (ADAMS Accession No. ML13249A340). The final NUREG incorporates changes to address public and ACRS comments.

The risks associated with SNF transportation come from the radiation that the spent fuel emits, which is reduced—but not eliminated—by the transportation cask's shielding, and from the possibility of the release of some quantity of radioactive material during a severe accident. This NUREG shows that the risk from radiation emitted from the cask is a small fraction of naturally occurring background radiation, and that the risk from accidental release of radioactive material is several orders of magnitude less. Because there have been only minor changes to the radioactive material transportation regulations between NRC's original transportation risk assessment NUREG–0170, (ADAMS Accession No. ML022590355, 1977) and this risk assessment, the calculated dose due to the radiation from the cask under routine transport conditions is similar to what was found earlier. The improved analysis tools and techniques, improved data availability, and a reduction in the number of conservative assumptions has made the estimate of accident risk from the release of radioactive material in this study approximately five orders of magnitude less than what was estimated in NUREG–0170.

The results in NUREG–2125 demonstrate that the NRC's regulations in Part 71 of Title 10 of the *Code of Federal Regulations,* ''Packaging and Transportation of Radioactive Material'' continue to provide adequate protection of public health and safety during the transportation of SNF.

Dated at Rockville, Maryland, this 10th day of February 2014.

For the Nuclear Regulatory Commission.

Joseph Donoghue,

Acting Chief, Inspections, and Operations Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–03698 Filed 2–20–14; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Annual Reporting (Form 5500 Series)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval (with modifications), under the Paperwork Reduction Act of 1995, of its collection of information for Annual Reporting (OMB control number 1212–0057, expires April 30, 2014). This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted by April 22, 2014.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site at *http://www.pbgc.gov.*

Copies of the collection of information and comments may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, at the above address or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Grace Kraemer, Attorney, or Catherine B. Klion, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The Employee Retirement Income Security Act of 1974 (ERISA) contains three separate sets of provisions—in Title I (Labor provisions), Title II (Internal Revenue Code provisions), and Title IV PBGC provisions)—requiring administrators of employee benefit pension and welfare plans (collectively referred to as employee benefit plans) to file returns or reports annually with the federal government.

PBGC, the Department of Labor (DOL), and the Internal Revenue Service (IRS) work together to produce the Form 5500 Annual Return/Report for Employee Benefit Plan and Form 5500–SF Short Form Annual Return/Report for Small Employee Benefit Plan (Form 5500 Series), through which the regulated public can satisfy the combined reporting/filing requirements applicable to employee benefit plans.

The collection of information has been approved by OMB under control number 1212–0057 through April 30, 2014. PBGC intends to request that OMB extend its approval for another three years, with modifications. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC is proposing a few modifications to the Schedule MB (Multiemployer Defined Benefit Plan Actuarial Information) and the Schedule SB (Single Employer Defined Benefit Plan Actuarial Information) and related instructions. The proposed modifications to the Schedule MB would require plan administrators of multiemployer defined benefit plans to specify the documentation required regarding progress under the applicable funding improvement or rehabilitation plan. Plan administrators of multiemployer plans in critical status would be required to provide information about the plan year in which the plan is projected to emerge from critical status and, if the rehabilitation plan is based on forestalling possible insolvency, the plan year in which insolvency is expected. The proposed modifications to the Schedule SB would require plan adminstrators if single-employer defined benefit plans to report the funding target (vested and total) for each type of participant (active, retired, terminated vested).

PBGC estimates that it will receive approximately 30,300 Form 5500 and Form 5500–SF filings per year under this collection of information. PBGC further estimates that the total annual

burden of this collection of information will be 1,200 hours and $1,250,000.

PBGC is soliciting public comments to—

- Evaluate 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through 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.

Issued in Washington, DC, this 18th day of February, 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–03697 Filed 2–20–14; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Imogo Mobile Technologies Corp.; Order of Suspension of Trading

February 19, 2014.

It appears to the Securities and Exchange Commission that the public interest and the protection of investors require a suspension of trading in the securities of Imogo Mobile Technologies Corp. (''IMTC'') because of questions that have been raised about the accuracy and adequacy of publicly disseminated information concerning, among other things, IMTC's business, revenue, and assets. IMTC is a Nevada corporation based in Bellevue, WA. IMTC's common stock is quoted on OTC Link under the symbol IMTC.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EST on February 19, 2014 through 11:59 p.m. EST on March 4, 2014.

By the Commission.

Lynn M. Powalski,

Deputy Secretary.

[FR Doc. 2014–03822 Filed 2–19–14; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 317X)]

Union Pacific Railroad Company—Discontinuance of Service Exemption—in Yuba County, CA

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over a portion of the Pearson Industrial Lead between milepost 134.39 near Cleveland, CA, and milepost 133.29 near Alicia, CA, a total distance of 1.1 miles in Yuba County, CA (the Line). The Line traverses United States Postal Service Zip Codes 95961 and 95901.

UP has certified that no local or overhead traffic has moved over the Line for at least two years and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the two-year period. UP further has certified that the requirements of 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will be effective on March 25, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [1] must be filed by March 3, 2014.[2] Petitions to reopen must be filed by March 13, 2014, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Jeremy M. Berman, Assistant General Attorney, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: February 14, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2014–03662 Filed 2–20–14; 8:45 am]

BILLING CODE 4915–01–P

[1] Each OFA must be accompanied by the filing fee, which currently is set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because UP is seeking to discontinue service, not to abandon the line, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

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 of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of the Fiscal Service, Department of the Treasury, is soliciting comments concerning the Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

DATES: Written comments should be received on or before April 22, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect

of the information collection, including suggestion for reducing the burden, to the Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331 or email at *PRA@treasury.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 1510–0076.

Type of Review: Extension without change.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Average Expected Number of activities: 10.

Estimated Number of Respondents: 10,000.

Estimated Number of Responses: 10,000.

Frequency of Response: Once per request.

Average Minutes per response: 60.

Estimated Burden Hours: 10,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments 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 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 automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 18, 2014.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–03671 Filed 2–20–14; 8:45 am]

BILLING CODE 4810–35–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 35 February 21, 2014

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91, 120, and 135

Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 120, and 135

[Docket No.: FAA–2010–0982; Amdt. Nos. 91–330; 120–2; 135–129]

RIN 2120–AJ53

Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule addresses helicopter air ambulance, commercial helicopter, and general aviation helicopter operations. To address an increase in fatal helicopter air ambulance accidents, the FAA is implementing new operational procedures and additional equipment requirements for helicopter air ambulance operations. This final rule also increases safety for commercial helicopter operations by revising requirements for equipment, pilot testing, and alternate airports. It increases weather minimums for all general aviation helicopter operations. Many of these requirements address National Transportation Safety Board safety recommendations, and are already found in FAA guidance. Today's changes are intended to provide certificate holders and pilots with additional tools and procedures that will aid in preventing accidents.

DATES: This rule is effective April 22, 2014. Affected parties, however, do not have to comply with the information collection requirements in §§ 120.105(i), 120.215(a)(9), 135.615, 135.617, 135.619, and 135.621 until the Office of Management and Budget (OMB) approves the collection and assigns a control number under the Paperwork Reduction Act of 1995. The FAA will publish in the **Federal Register** a notice of the control number assigned by OMB for these information collection requirements.

The incorporation by reference of certain publications listed in §§ 135.168 and 135.605 is approved by the Director of the Federal Register as of April 22, 2014.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How to Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions about this action contact Andy Pierce, Aviation Safety Inspector, Flight Standards Service, 135 Air Carrier Operations Branch, AFS–250, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; telephone: (202) 267–8238; email *andy.pierce@faa.gov*.

For legal questions about this action contact Dean E. Griffith, Office of the Chief Counsel, AGC–220, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; telephone: (202) 267–3073; email *dean.griffith@faa.gov*.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (U.S.C.). This rulemaking is promulgated under the general authority described in 49 U.S.C. 106(f) and 44701(a), and the specific authority set forth in section 306 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95), which is now codified at 49 U.S.C. 44730.

Specifically, 49 U.S.C. 44730 requires that part 135 certificate holders providing air ambulance services comply with part 135 regulations pertaining to weather minimums and flight and duty time when medical personnel are onboard the aircraft. The statute also directs the FAA to conduct rulemaking on helicopter air ambulance operations to address: (1) Flight request and dispatch procedures; (2) pilot training standards for preventing controlled flight into terrain and recovery from IIMC; and (3) safety-enhancing technology and equipment, including, HTAWS, radio altimeters, and, to the extent feasible, devices that perform the function of flight data recorders and cockpit voice recorders. Further, section 44730 requires the rulemaking to address: (1) Flight risk evaluation programs; and (2) operational control centers for helicopter air ambulance services with 10 or more helicopters. In addition, the statute directs the FAA to issue a final rule by June 1, 2012 with respect to the NPRM published in the **Federal Register** on October 12, 2010 (75 FR 62640).

List of Abbreviations and Acronyms Used in This Document

AC—Advisory Circular
ARC—Aviation Rulemaking Committee
AWOS—Automated Weather Observation System
CFIT—Controlled Flight into Terrain
CVR—Cockpit Voice Recorder
ELT—Emergency Locator Transmitter
EMS—Emergency Medical Service
FDR—Flight Data Recorder
FDMS—Flight Data Monitoring System
FOQA—Flight Operational Quality Assurance
GPS—Global Positioning System
HEMS—Helicopter Emergency Medical Services
HTAWS—Helicopter Terrain Awareness and Warning System
ICAO—International Civil Aviation Organization
IFR—Instrument Flight Rules
IMC—Instrument Meteorological Conditions
LARS—Light-weight Aircraft Recording System
MHz—Megahertz
MEL—Minimum Equipment List
MOU—Memorandum of Understanding
NM—Nautical Mile
NPRM—Notice of Proposed Rulemaking
NTSB—National Transportation Safety Board
NVG—Night Vision Goggles
NVIS—Night-Vision Imaging System
OCC—Operations Control Center
OCS—Operations Control Specialist
OpSpec—Operations Specification
PinS—Point-in-Space Approach
PV—Present Value
SAFO—Safety Alert for Operators
TAWS—Terrain Avoidance and Warning System
TSO—Technical Standard Order
VFR—Visual Flight Rules
VMC—Visual Meteorological Conditions

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I. Executive Summary

The provisions of this rule are directed primarily toward helicopter air ambulance operations and all commercial helicopter operations conducted under part 135. This rule also establishes new weather minimums for helicopters operating under part 91 in Class G airspace.

For helicopter air ambulances, this rule requires operations with medical personnel on board to be conducted under part 135 operating rules and introduces new weather minimums and visibility requirements for part 135 operations. It mandates flight planning, preflight risk analyses, safety briefings for medical personnel, and the establishment of operations control centers (OCC) for certain operators to help with risk management and flight monitoring. The rule also includes provisions to encourage instrument flight rules (IFR) operations. It requires helicopter air ambulances to be equipped with both helicopter terrain awareness and warning systems (HTAWS) (the HTAWS will warn pilots about obstacles in their flight path), and flight data monitoring systems. Finally, helicopter air ambulance pilots will be required to hold instrument ratings.

For all helicopters operated under part 135, these rules require that operators carry more survival equipment for operations over water. Alternate airports named in flight plans must have higher weather minimums than are currently required. These helicopters must be equipped with radio altimeters and pilots must be able to demonstrate that they can maneuver the aircraft during an inadvertent encounter with instrument meteorological conditions (IMC) to get out of those conditions safely.

Additionally, this rule contains a provision affecting part 91 helicopter operations. The rule assigns new weather minimums to part 91 helicopter operations in Class G airspace.

Below, Table 1 shows those affected by today's new rules and how existing rules are being changed; Table 2 shows the costs and benefits of the rule by affected population; and Table 3 shows the cost of the rule by rule provision.

TABLE 1—AFFECTED ENTITIES

Affected entities	Requirements established by this rule
Part 91—All Helicopter Operators	Revises § 91.155 Class G airspace weather minimums for part 91 helicopter operations. This rule provides a greater margin of safety for operators because pilots are required to maintain a fixed amount of visibility and would be less likely to suddenly encounter instrument meteorological conditions (IMC).
Part 135—All Rotorcraft Operators	• Requires each rotorcraft to be equipped with a radio altimeter (§ 135.160). Radio altimeters can greatly improve a pilot's awareness of height above the ground during hover, landing in unimproved landing zones, and landings in confined areas where a more vertical approach may be required. Additionally, radio altimeters help increase situational awareness during inadvertent flight into instrument meteorological conditions (IIMC), night operations, and flat-light, whiteout, and brownout conditions. • Adds § 135.168 equipment requirements for rotorcraft operated over water. Helicopter operations conducted over water will be required to carry additional safety equipment to assist passengers and crew in the event an accident occurs over water. • Revises alternate airport weather minimums for rotorcraft in § 135.221. This rule improves the likelihood of being able to land at the alternate airport if weather conditions in the area deteriorate while the helicopter is en route. • Revises § 135.293 to require pilot testing of rotorcraft handling in flat-light, whiteout, and brownout conditions and demonstration of competency in recovery from an IIMC. This rule improves safety by increasing a pilot's likelihood of escaping and handling IIMC and other hazards.
Part 135—Helicopter Air Ambulance Operators.	• Requires helicopter air ambulance flights with medical personnel on board to be conducted under part 135 (§§ 135.1, 135.601). The safety of helicopter air ambulance flights, including the welfare of the medical personnel and patients on board, will be increased when complying with the more stringent part 135 rules rather than part 91 rules. • Requires certificate holders with 10 or more helicopter air ambulances to establish operations control centers (OCC) (§ 135.619) and requires drug and alcohol testing for operations control specialists (§§ 120.105 and 120.215). OCC personnel will communicate with pilots, provide weather information, monitor flights and assist with preflight risk assessments providing an additional measure of safety for complex operations. Operations control specialists perform safety-sensitive functions, similar to an aircraft dispatcher, and therefore must be subject to the restrictions on drug and alcohol use. • Requires helicopter air ambulances to be equipped with HTAWS (§ 135.605). HTAWS will assist helicopter air ambulance pilots in maintaining situational awareness of surrounding terrain and obstacles, and therefore help prevent accidents.

TABLE 1—AFFECTED ENTITIES—Continued

Affected entities	Requirements established by this rule
	• Requires helicopter air ambulances to be equipped with a flight data monitoring system (§ 135.607). This will promote operational safety and can provide critical information to investigators in the event of an accident. • Requires each helicopter air ambulance operator to establish and document, in its operations manual, an FAA-approved preflight risk analysis (§ 135.617). A preflight risk analysis provides certificate holders with the means to assess and mitigate risk, and make determinations regarding the flight's safety before launch. • Requires pilots to identify and document the highest obstacle along the planned route (§ 135.615). This rule will prevent obstacle collisions by requiring pilots to be aware of the terrain and obstacles along their route. • Requires safety briefings or training for helicopter air ambulance medical personnel (§ 135.621). Medical personnel will be less likely to inadvertently introduce risk to an operation because of increased familiarity with the aircraft and emergency procedures. • Establishes visual flight rules (VFR) weather minimums for helicopter air ambulance operations (§ 135.609). More stringent VFR weather minimums for helicopter air ambulances operations in uncontrolled airspace will have the effect of ensuring that these operations are not conducted in marginal weather conditions. • Permits instrument flight rules (IFR) operations at airports without weather reporting (§ 135.611). This rule is intended to facilitate IFR operations by helicopter air ambulance operators and result in more aircraft operating in a positively controlled environment, thereby increasing safety. • Establishes procedures for transitioning between IFR and VFR on approach to, and departure from, heliports or landing areas (§ 135.613). This rule benefits pilots by enabling them to access more destinations by flying within the IFR structure and its associated safety benefits. • Requires pilots in command to hold an instrument rating (§ 135.603). Having the skills to navigate by instruments will assist helicopter air ambulance pilots to extract themselves from dangerous situations such as inadvertent flight into IMC.

Table 2. Comparison of Benefits and Costs over 10 Years by Population

Comparison of Benefits and Costs over 10 years (Millions)				
	Benefits	Costs	Present Value Benefits	Present Value Costs
Air Ambulance	$481	$286	$347	$224
Commercial	$124	$25	$83	$19
VFR Class G Airspace Helicopter Weather Minimums	$216	$0	$147	$0
Total	$821	$311	$577	$243

Table 3. Costs over 10 Years by Rule Provision

Costs and Present Value Costs of the Rule Over 10 Years (Millions)			
		Total	
		Costs	Present Value Costs
135.601	Applicability and Definitions	-	-
135.619	OCC	$77	$57
135.609-615	Operational Requirements	$29	$22
135.617	Pre-flight Risk Analysis	$56	$41
135.621	Safety Briefing/Medical Personnel Training	$21	$16
135.605	HTAWS	$54	$48
135.607	FDM System	$20	$18
135.603	Instrument Rating	$4	$4
135.221	IFR Alternate Weather	$0	$0
135.160	Radio Altimeter	$21	$16
135.168	Over-water	$3	$2
135.293	Competency in IMC	$26	$19
91.155	VFR Class G Airspace Helicopter Weather Minimums	$0	$0
		$311	$243

II. Background

A. Statement of the Problem

Helicopter air ambulance accidents reached historic levels during the years from 2003 through 2008.[1] The year 2008 was the deadliest. In 2008, five air ambulance accidents killed 21 people, including pilots, patients, and medical personnel. This rule addresses the causes of 62 helicopter air ambulance accidents that occurred during the period from 1991 through 2010. One hundred twenty-five people died in those accidents. The FAA identified four common factors in those accidents—inadvertent flight into IMC, loss of control, controlled flight into terrain (which includes mountains, ground, water, and man-made obstacles), and night conditions.

Helicopter air ambulances operate under unique conditions. Their flights are often time sensitive, which puts pressure on the pilots. Helicopter air ambulances fly at low altitudes and under varied weather conditions. They must often land at unfamiliar, remote, or unimproved sites with hazards like trees, buildings, towers, wires, and uneven terrain. In an emergency, many patients will not have a choice of whether they want to be transported in a helicopter or not. They may be in a medical condition that prevents them from making decisions about transportation or indicating what they want. They cannot choose between competing carriers because the company that responds to the scene may be either the first one called or the only one in the area. For these reasons, the FAA is establishing more stringent safety regulations to protect patients, medical personnel, flightcrew members, and other passengers onboard helicopter air ambulances.

The FAA also identified an increase in accidents in other commercial helicopter operations. This rule addresses the causes of 20 commercial helicopter accidents that occurred from 1991 through 2010. Thirty-nine people died in those accidents. Also from 1991 to 2010, there were 49 accidents that occurred while the helicopter was operating under basic VFR weather minimums and those accidents caused 63 fatalities. The FAA has determined that these accidents may have been prevented if pilots and helicopters were better equipped for IIMC, flat-light, whiteout, and brownout conditions, and for flights over water.[2]

In addition to addressing the causal factors of these accidents, this rule also addresses National Transportation Safety Board (NTSB) safety recommendations and recommendations made by the Part 125/135 Aviation Rulemaking Committee (ARC).

B. Related Actions

The FAA has taken actions to address the problem of helicopter accidents, such as developing standards and issuing guidance, which were discussed in the Notice of Proposed Rulemaking (NPRM) (published October 12, 2010). In addition to the actions noted there, the FAA has revised its guidance materials to align with the provisions of this new rule.

ARC Recommendations

On April 8, 2003, the FAA formed the Part 125/135 ARC. This group was tasked to perform a comprehensive review of parts 125 and 135 and provide recommendations on rule changes. The ARC had close to 200 participants, representing a broad range of interests, and included members of the operator community, unions, trade associations, government, and manufacturers. The ARC worked for 2 years—from 2003 to 2005—and had eight working groups studying a wide range of subjects. They made the recommendations for helicopter air ambulance operations and other commercial helicopter operations that form the basis of several of the provisions in this final rule. ARC proposals addressed in this rulemaking include equipping helicopters with radio altimeters, increasing weather minimums for helicopter air ambulance operations, requiring additional safety equipment for overwater operations, requiring pilot testing on recovery from IIMC, and revising alternate airport weather requirements for instrument flight rules.

C. NTSB Recommendations for Helicopter Operations

Many of the requirements in this rule were developed, in part, in response to safety recommendations from the NTSB. The following is a list of those recommendations, what they required, and how they relate to the rules being codified today.

Recommendations on Helicopter Air Ambulance Operations

A–06–12—Recommends that the FAA require all emergency medical services (EMS) operators to comply with 14 CFR part 135 operations specifications during the conduct of flights with medical personnel on board. The FAA has addressed this recommendation in § 135.1, which requires helicopter air ambulance operations to be conducted under part 135 rules.

A–06–13—Recommends that the FAA require all EMS operators to develop and implement flight-risk evaluation programs that include training for all employees involved in the operation, procedures that support the systematic evaluation of flight risks, and consultation with others in emergency medical service flight operations if the risks reach a predefined level. The FAA has partially addressed this recommendation in § 135.617, which requires a preflight risk analysis prior to helicopter air ambulance operations.

A–06–14—Recommends that the FAA require EMS operators to use formalized dispatch and flight-monitoring procedures that include up-to-date weather information and assistance in flight risk assessment decisions. The FAA has partially addressed this recommendation in § 135.619, which requires OCCs for certificate holders with 10 or more helicopter air ambulances.

A–06–15—Recommends that the FAA require EMS operators to install terrain awareness and warning systems on their aircraft and to provide adequate training to ensure that flightcrews are capable of using those systems to safely conduct EMS operations. The FAA addressed this recommendation in § 135.605, which requires equipping helicopter air ambulances with HTAWS.

A–09–87—Recommends that the FAA develop criteria for scenario-based helicopter EMS pilot training that includes IIMC and hazards unique to helicopter emergency medical services (HEMS), and determine how frequently this training is required to ensure proficiency. The FAA has addressed this recommendation by revising § 135.293, which would require that pilots be tested on recognizing and avoiding flat-light, whiteout, and brownout conditions, and that they demonstrate recovery from IIMC.

A–09–89—Recommends that the FAA require helicopter air ambulance operators to implement a safety

[1] GAO, Aviation Safety: Potential Strategies to Address Air Ambulance Safety Concerns (2009).

[2] Flat light is the diffused lighting that occurs under cloudy skies, especially when the ground is snow-covered, greatly impairing the pilot's ability to perceive depth, distance, altitude, or topographical features when operating under VFR. *See* NTSB Safety Recommendation A–02–33. Whiteout occurs when parallel rays of the sun are broken up and diffused when passing through the cloud layer so that they strike a snow-covered surface from many angles. The diffused light then reflects back and forth countless times between the snow and the cloud, eliminating all shadows, resulting in loss of depth perception. *See* FAA AC 00–6A, Aviation Weather for Pilots and Flight Operations Personnel. Brownout conditions occur when sand or other particles restrict visibility and depth perception.

management system program that includes sound risk management practices. The FAA partially addressed this recommendation by requiring elements of a safety management system program for helicopter air ambulance operators. Section 135.607 requires equipping helicopter air ambulances with flight data monitoring systems, which can be used to identify risk. § 135.617 requires a preflight risk analysis for helicopter air ambulance operations, and § 135.619 requires OCCs for certificate holders with 10 or more helicopter air ambulances.

A–09–90—Recommends that the FAA require helicopter air ambulance operators to install flight data recording devices and establish a structured flight data monitoring program that reviews all available data sources to identify deviations from established norms and procedures and other potential safety issues. The FAA has partially addressed this recommendation in § 135.607, which requires equipping helicopter air ambulances with flight data monitoring devices.

Recommendations for Commercial Helicopter Operations

A–02–33—Recommends that the FAA require all helicopter pilots who conduct commercial passenger-carrying flights in areas where flat-light or whiteout conditions routinely occur to possess a helicopter-specific instrument rating and to demonstrate their competency during initial and recurrent 14 CFR 135.293 evaluation check rides. The FAA has addressed this recommendation by revising § 135.293, which requires testing pilots for recognition and avoidance of flat-light, whiteout, and brownout conditions, and a demonstration of recovery from IIMC. Also § 135.603, which requires an instrument rating for helicopter air ambulance pilots, addresses this recommendation.

A–02–34—Recommends that the FAA require all commercial helicopter operators conducting passenger-carrying flights in areas where flat-light or whiteout conditions routinely occur to include safe practices for operating in those conditions in their approved training programs. The FAA has partially addressed this recommendation in § 135.293, which requires pilot testing on recognizing and avoiding flat-light, whiteout, and brownout conditions, and a demonstration of recovery from IIMC.

A–02–35—Recommends that the FAA require installation of radio altimeters in all helicopters conducting commercial, passenger-carrying operations in areas where flat-light or whiteout conditions routinely occur. The FAA has addressed this recommendation in § 135.160, which requires installation of a radio altimeter in every helicopter operated under part 135.

A–06–17—Recommends that the FAA require all rotorcraft operating under 14 CFR parts 91 and 135 with a transport-category certification to be equipped with a cockpit voice recorder and a flight data recorder. The FAA has partially addressed this recommendation in § 135.607, which requires equipping helicopter air ambulances with a flight data monitoring system.

A–07–87—Recommends that the FAA require all existing and new turbine-powered helicopters operating in the Gulf of Mexico and certificated with five or more seats to be equipped with externally-mounted life rafts large enough to accommodate all occupants. As discussed below this recommendation is not addressed by this final rule.

A–07–88—Recommends that the FAA require all off-shore helicopter operators in the Gulf of Mexico to provide their flightcrews with personal flotation devices equipped with a waterproof global-positioning-system-enabled 406 megahertz (MHz) personal locater beacon, as well as one other signaling device, such as a signaling mirror or strobe light. The FAA partially addresses this recommendation in § 135.168, which requires that helicopters used in operations beyond autorotational distance from the shoreline be equipped with a 406 MHz locator beacon with a 121.5 MHz homing capability and that passengers wear life preservers when over water.

A–99–61—Recommends that the FAA amend record-keeping requirements in § 135.63(c) to apply to single-engine as well as multiengine aircraft. As discussed below this recommendation is not addressed by this final rule.

D. Congressional Action

On February 14, 2012, President Obama signed into law the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95). Section 306 of the Act requires that part 135 certificate holders providing air ambulance services to comply with part 135 regulations pertaining to weather minimums and flight and duty time when medical personnel are onboard the aircraft. Section 306 also directs the FAA to conduct rulemaking on helicopter air ambulance operations which will address: (1) Flight request and dispatch procedures; (2) pilot training standards for preventing controlled flight into terrain and recovery from IIMC; and (3) safety-enhancing technology and equipment including, HTAWS, radio altimeters, and, to the extent feasible, devices that perform the function of flight data recorders and cockpit voice recorders. Additionally, the Act requires the rulemaking to address: (1) Flight risk evaluation programs; and (2) operational control centers for helicopter air ambulance services with 10 or more helicopters.

The FAA is also directed to conduct a subsequent rulemaking addressing pilot training standards, and the use of safety equipment that should be worn or used by flight crewmembers and medical personnel on helicopter air ambulance flights.

Section 318 of the Act requires the FAA to study the ''feasibility of requiring pilots of helicopters providing air ambulance services under part 135 . . . to use NVGs during nighttime operations.''

E. Summary of the NPRM

An NPRM was published in the **Federal Register** on October 12, 2010 (75 FR 62640). That notice proposed—

- Revised weather minimums for all helicopter operations under part 91.
- New load manifest requirements for all aircraft operations under part 135.
- New operations, training, and equipment requirements for all helicopter operations under part 135.
- New operations, training, equipment, and flightcrew requirements for helicopter air ambulance operations under part 135.

The comment period for that NPRM closed on January 10, 2011.

F. General Overview of Comments

The FAA received 179 comments about the proposal for this rulemaking. Among those commenting were 32 operators, 11 manufacturers, and 13 associations. Almost all of the commenters expressed support for the intent of the proposal but many suggested changes to individual requirements. Almost all of the provisions of the rule received some comment.

III. Discussion of Public Comments and Final Rule

This final rule affects three categories of operators—part 91 helicopter operators, part 135 helicopter operators, and helicopter air ambulance operators in part 135. Although addressed in the NPRM, the final rule does not contain a load manifest requirement for all aircraft operations under part 135. Following is a discussion of the current standards, each new rule as it was proposed, the public comments that

were received about that rule, and the final rule as it is adopted today.

A. Weather Minimums for Helicopters Flying Under Visual Flight Rules in Class G Airspace (§ 91.155)

Currently, helicopters operating in Class G airspace, under VFR and less than 1,200 feet above the surface, are required by § 91.155(b)(1) to remain clear of clouds and to operate at a speed that gives the pilot adequate opportunity to see any air traffic or obstruction in time to avoid a collision. The FAA proposed to revise § 91.155 to establish a minimum ½ statute mile visibility by day and one statute mile visibility at night. The FAA received comments expressing support for the proposal from the Air Medical Operators Association (AMOA), PHI Air Medical (PHI), NTSB, the National EMS Pilots Association (NEMSPA), members of the Association of Critical Care Transport (ACCT), LifeFlight of Maine, and REACH Air Medical Services, LLC (REACH). Other commenters expressed opposition based on the FAA's accident analysis and concern over operational limitations that are discussed below.

Accident Analysis

The Experimental Aircraft Association (EAA) commented that the FAA failed to provide documentation to support a change to § 91.155 for all general aviation and commercial helicopter operators. Kestrel Air commented that the FAA did not correlate the air ambulance accident rate with whether the helicopter was operating under part 91 or part 135. It noted that in the NPRM, the FAA cited emotional pressure on pilots to fly if they believed their flight could save lives, and said that this was considered a significant factor in the air ambulance industry's higher accident rate. Kestrel said that this factor is lacking in other part 91 operations, so there is no basis to presume the proposed change would have any positive impact on these other operators. The FAA notes that many operations under part 91, such as firefighting, police work, crop spraying, pipeline patrol, and power line repair can put pressure on a pilot and may be a contributing factor in their industry's accident rate.

Air Shasta Rotor and Wing, LLC (Air Shasta) commented that in a review of the last 5 years of NTSB non-EMS part 91 helicopter accident data, it was ''unable to find a particular accident that could have been avoided if the pilot did not have the proposed requirement'' of ½ mile visibility and clear of clouds. Likewise, Westlog, Inc. (Westlog) claimed that it could not find any accidents in the last 5 years of NTSB data that could have been avoided under this change.

The FAA acknowledges that the NPRM did not contain accident data relating to this proposed change. However, in response to these comments, the FAA conducted a review of accidents to determine whether NTSB accident data supports the proposal. A review of the accident history for the period from 1991 to 2010, the same time period used for the other provisions of this rule, showed that there were 49 helicopter accidents resulting in 63 deaths that may have been prevented had this rule been in place. The FAA determined that these accidents, which occurred when visibility was less than ½ mile during the day or 1 mile at night, and for which controlled flight into terrain, fog, rain, or other adverse weather were contributing factors, may have been prevented had the rule been in effect. Accordingly, the FAA has determined that the accident history supports this change.

Operational Limitations

Several commenters expressed concern that the proposed change would prevent operations that are currently being conducted safely. EAA stated that § 91.155 has been in effect since the early 1970s and has been safely used since that time. It noted that many helicopter operations such as firefighting, wildlife surveys, logging operations, off-shore fish sighting surveys, herding, crop spraying, and power line/high tension wire maintenance/surveys occur from remote field bases, with the majority of operations occurring close to those bases. Further, EAA stated that pilots, based on their experience, are the best judge of what speed and visibility are acceptable for safe operation in those circumstances and that ''to impose a visibility limit shows the FAA does not truly understand the entire scope of what commercial and private helicopter missions are and their combined effect on the national economy.''

Commenters from EGLI Air Haul also believe that part 91 should remain unchanged so that the pilot can decide whether visibility is adequate. In support of leaving the regulation unchanged, they cited an instance when an EGLI pilot made a decision to fly in conditions below those proposed in the NPRM to aid survivors of an airplane crash who were trapped on a mountainside. They contend that the proposed change to § 91.155 would have prevented this pilot from reaching the survivors.

The Los Angeles County Sheriff's department wrote that public safety agencies must be able to make ''go/no go'' decisions based on the higher experience level of their pilots and knowledge of the local flying areas. The commenter stated that weather restrictions would limit its ability to perform numerous search and rescue missions. Air Shasta also stated that a ''detrimental consequence of these proposed limitations would be cancelling or delaying of search and rescue missions'' it occasionally performs.

Westlog stated that the current requirement is safe for helicopters operating clear of clouds because they can stop and land at zero airspeed and commented that this helicopter operation is safer than an airplane operating clear of clouds at night with one mile of visibility when within ½ mile of the runway under § 91.155(b)(2). Additionally, Westlog noted that it operates in coastal Oregon and Northern California and frequents uncontrolled airports served by automated weather observation systems (AWOS). Because coastal advection fog is common in this area, the commenter explained, an AWOS will often report ¼ mile visibility when over half the airport is clear, with 15 miles visibility or more. Westlog claimed that, even with a reported ¼ mile visibility, a helicopter can take off safely under visual flight rules by simply departing into the non-foggy area. Air Shasta similarly commented that it has performed numerous searches when conditions at the departure airport were below what was proposed in the NPRM, but where it could find a point at the airport that was clear enough to depart safely.

One commenter, Safety and Flight Evaluations, International stated that the proposed rule would have an insufficient impact on safety because the proposed weather minimums are equivalent to § 135.205(b) and that the visibility requirements should be doubled to 1 statute mile during the day and 2 statute miles at night.

The FAA has determined that the change proposed in the NPRM is warranted. As discussed above, the FAA has identified numerous accidents that may have been prevented had the changes been in place. In response to Westlog's comments about foggy conditions and readings by an AWOS, the FAA is aware that visibility at some parts of an airport may be sufficiently clear to conduct operations even though the AWOS is reporting minimum visibility. Section 91.155 establishes flight visibility requirements for part 91 VFR operations. Therefore, if the pilot

determines that flight visibility [3] meets the requirements of § 91.155 at the takeoff location, despite the weather reported by the AWOS, the pilot may take off.

The FAA recognizes that this change will prohibit operations that are currently conducted in very low visibility conditions in Class G airspace, including civil and public aircraft operations. However, the FAA has determined that the increased safety justifies any prohibitions that would result. Under current regulations, an operator may apply for a certificate of waiver from § 91.155. The Administrator may issue a certificate of waiver if a proposed operation can be safely conducted. *See* 14 CFR 91.903–91.905. The FAA has determined that this existing waiver authority will provide sufficient flexibility to operators that can safely conduct operations when visibility is below the requirements established in this rule.

In response to the comment by Safety and Flight Evaluations, International that the visibility requirements should be doubled, implementing more restrictive visibility minimums than those proposed would be outside of the scope of the proposed rule.

Final Rule

Based on the comments received and an additional review of the NPRM, the FAA is adopting the rule as proposed with two changes. First, the agency has changed proposed § 91.155(b)(1) to allow helicopters to operate clear of clouds in an airport or heliport traffic pattern within ½ mile of the runway or helipad of intended landing if the flight visibility is ½ statute mile or more. The agency finds that this revision will provide an additional measure of flexibility when operating at night in an airport environment similar to that afforded to airplanes under the current rule. Second, for consistency with the existing regulation, the final rule incorporates the visibility minimums into § 91.155(a), instead of § 91.155(b)(1) as proposed in the NPRM.

B. Load Manifest Requirement for All Aircraft Operating Under Part 135 (§ 135.63)

Currently, § 135.63 requires operators of multiengine aircraft to complete a load manifest in duplicate and carry one copy aboard the aircraft. No specific action is required for the second copy, but certificate holders must retain a copy of the completed load manifest for at least 30 days. Single engine aircraft currently have no requirement to prepare a load manifest.

In the NPRM, the FAA proposed to apply the rule to all airplanes and helicopters, single engine and multiengine, operating under part 135, and to clarify the requirements for preparation and transmission of the load manifest. The proposal required that the load manifest be sent to the certificate holder's principal base of operations or to another location approved by the Administrator, where it must be received before takeoff. The proposal allowed for the load manifest to be provided electronically. It required that if the load manifest is not received by the certificate holder's principal base of operations before takeoff, the pilot must prepare two copies and carry one copy on the aircraft to its destination and arrange, at the takeoff location, for the second copy to be sent to the certificate holder or retained until the flight is complete at a location approved by the Administrator.

The FAA estimated this provision would impose costs of $82 million (present value) over 10 years while the benefits were estimated at $20 million (present value) over 10 years. The FAA requested comments on the cost of the load manifest provision.

The NTSB supported this revision and commented that it responds to NTSB Safety Recommendation A–99–61. The Association of Air Medical Services (AAMS), NEMSPA, Helicopter Association International (HAI), and Angel One Transport supported the intent to maintain accurate load manifest records, but they, and many other commenters, expressed concerns about the cost, justification, and operational impact of this requirement. Commenters noted the high cost of this requirement and questioned how this provision would prevent accidents.

Based on the comments received and additional review of the NPRM, the FAA is withdrawing the load manifest requirement proposed in the NRPM because of the excessive cost of this provision. Therefore, the current rule language in § 135.63 remains unchanged.

The FAA notes that other regulations currently in place require pilots to comply with the operating limitations of the aircraft and to be familiar with all information concerning a flight, which would include the type of information included on a load manifest. *See* §§ 91.9(a) and 91.103. Additionally, the FAA will consider issuing guidance material in order to clarify the requirements for preparation and transmission of the load manifest.

C. Rules Applicable to All Part 135 Helicopter Operations

1. Radio Altimeters (§ 135.160)

The FAA proposed a new requirement for all rotorcraft operated under part 135 to be equipped with a radio altimeter. Commenters, including AAMS and various ACCT members, supported this proposal. The NTSB supported it as well and emphasized that, if adopted, this proposal would respond to NTSB Safety Recommendation A–02–35.

Other commenters, however, objected to this provision on grounds that radio altimeters are not effective in all situations, that the rule would not be cost beneficial, and that not all helicopters can incorporate radio altimeters. These comments are discussed in detail below.

Effectiveness

PHI claimed radio altimeters have minimal impact on pilots flying by visual reference in daytime and that the accident record shows that radio altimeters have not prevented controlled-flight-into-terrain accidents. NorthStar Trekking, an Alaskan operator, commented that radio altimeters are unreliable, give erroneous information over snow-covered surfaces, and realistically create nothing more than a distraction in a day VFR environment. One commenter stated that TAWS is a better investment because radio altimeters ''tell distance to where the aircraft has already been not where it's going to impact.''

Finally, FreeFlight Systems, an avionics manufacturer, commented that the radio altimeter should have the ''performance guarantees of [Technical Standard Order] TSO–C87 and be designated in accordance with DO–178B and DO–254 with at least a Level C design assurance.'' It further stated that some radio altimeters with ''only a PMA—lacking a TSO'' are less accurate at low altitudes which could impact the ability to gauge altitude in critical conditions.

The FAA determined that radio altimeters are an important safety device designed to inform the pilot of the aircraft's actual height above the surface. Although it is true that a radio altimeter may have minimal impact on daytime visual reference flight, this device gives pilots an additional tool to maintain situational awareness in an inadvertent encounter with IMC, where vision is suddenly limited due to brownout or whiteout, or other situations where pilots lose their reference to the horizon and the ground. Additionally, as stated in the NPRM, a radio altimeter can aid a pilot's

[3] See 14 CFR 1.1.

awareness of height above the ground during hover, when landing in unimproved landing zones, or where a more vertical approach is required. All of these scenarios can occur during the day.

In response to the comments that a radio altimeter may not prevent a controlled-flight-into-terrain accident, as discussed in the NPRM, NTSB safety recommendation A–02–35 noted that radio altimeters might aid pilots in recognizing proximity to the ground in flat-light and whiteout conditions. Additionally, the FAA cites 29 accidents in the final regulatory evaluation that may have been prevented by a radio altimeter. Of the 29 accidents, 19 were classified as controlled flight into terrain by the NTSB. A radio altimeter could have provided the pilot with a low altitude warning, enabling the pilot to take corrective action.

In response to NorthStar Trekking, the FAA acknowledges that, in limited circumstances, such as when operating over dry snow or still water, a radio altimeter may provide inaccurate altitude readings. Improper installation of a radio altimeter may exacerbate this problem. The FAA has determined that these infrequent inaccurate readings do not outweigh the safety benefits that will be obtained by requiring installation of radio altimeters in the commercial helicopter fleet.

In response to the comment that this device only tells where the aircraft has been, meaning that it cannot detect obstacles in the flight path, a descending altitude read-out on the radio altimeter could alert a pilot to rising terrain or decreasing altitude over level terrain. Accordingly, although the radio altimeter does not reveal obstacles in the flight path, it does provide valuable information to maintain situational awareness. The FAA agrees with the commenter that TAWS or HTAWS are valuable tools, but is not going to extend the requirement to equip with one of these devices to the entire part 135 helicopter population at this time. Rather, as discussed later in this document and in the NPRM, the FAA is requiring HTAWS for helicopter air ambulance operations because they are often conducted at night and into unimproved landing sites.

Finally, the FAA is not requiring a radio altimeter that meets Technical Standard Order TSO–C87. The FAA determined that an FAA-approved radio altimeter is sufficient because the intended function is demonstrated regardless of the type of FAA approval. A radio altimeter may be approved in one of four ways: Under a Parts Manufacturer Approval; under a TSO authorization; in conjunction with type certification procedures for a product; or approved in any other manner by the Administrator. *See* 14 CFR 21.303. The minimum performance of a TSO or a parts-manufacturer-approved radio altimeter must be demonstrated to meet the intended function.

Cost

NorthStar Trekking commented that contrary to the FAA's assertion that the cost of radio altimeters is negligible, an altimeter costs roughly $6,000, with an additional $500 in maintenance annually—money that could be better spent on training, early retirement of parts, extra pilots, and appropriate avionics that ''truly have an effect on our overall safety. . . .'' It further stated that the accident cited in the NPRM would not have been prevented by a radio altimeter. It noted that the accident may have been far worse had a radio altimeter been installed on the helicopter because of snow and fog, and had the pilot tried to maintain a higher altitude by use of a radio altimeter he may have flown into IMC conditions.

Westlog claimed that requiring a non-air ambulance operator to have a radio altimeter installed is simply too onerous with very little documented benefit. Westlog based this comment on its review of NTSB accident data for the non-air ambulance part 135 helicopter industry. It noted that the only non-air ambulance accident cited in the NPRM occurred in Alaska and maintained that a radio altimeter requirement is not justified for all geographic locations. In response to Westlog's comment, the FAA notes that it identified 11 non-air ambulance commercial helicopter accidents in the final Regulatory Evaluation that might have been prevented if an operational radio altimeter had been installed in the aircraft. These accidents were also cited in the initial Regulatory Evaluation published in the docket with the NPRM.

With respect to the comment on the cost of a radio altimeter, in the initial regulatory evaluation, the FAA estimated the cost of a radio altimeter to be $5,250 (including installation), plus revenue losses for downtime during installation. For the final regulatory evaluation, the FAA revised this cost estimate to a $9,000 cost for the device, which was the highest estimate given by commenters, plus $500 annually for maintenance.

Need for Flexibility

Westlog and Air Shasta expressed concern that their helicopters cannot accommodate additional equipment. Both commenters said that if they are forced to install a radio altimeter, they would have to remove vital equipment, such as the artificial horizon, because there is no room to fit anything more on the instrument panel. Several commenters, including REACH, supported the rule, provided they were able to continue operation without a radio altimeter within a limited period and with acceptable alternative procedures as prescribed under minimum equipment lists (MELs).

The final rule states that an operator must have an ''FAA-approved radio altimeter, or an FAA-approved device that incorporates a radio altimeter. . . .'' The FAA recognizes that limited numbers of older helicopters used in part 135 operations (e.g. Bell–47, Robinson R–22) may not have adequate room on the flight deck to install a radio altimeter. In response to these comments, the FAA is including the ability for a certificate holder to obtain a deviation from the rule for circumstances when a radio altimeter cannot physically be located on the flight deck. However, we also note that an HTAWS or other device such as a multi-function display that incorporates a radio altimeter would be permitted under this rule. Deviation authority may not be warranted for helicopters in which a radio altimeter can be incorporated into the flight deck's existing configuration. Additionally, the operator may not use information derived from a global positioning system (GPS) as a substitute for a radio altimeter.

Finally, the FAA notes that the rule language proposed in the NPRM exempting operators from the radio altimeter requirement when ''authorized in the certificate holder's approved'' MEL is adopted in the final rule. The particular requirements relating to operations with inoperable radio altimeters would be developed by FAA's Flight Standards Service in accordance with its existing master minimum equipment list (MMEL) process.

Compliance Date

The FAA asked for comments on the proposed 3-year compliance period for the radio altimeter provision. The NTSB responded that the compliance period for this requirement should be reduced to 1 year because radio altimeters are readily available for helicopter installation. FreeFlight Systems encouraged adoption as soon as possible, but commented that a 3-year time frame ''seems reasonable since affordable, light-weight equipment is already available.'' The FAA also notes

comments discussed above regarding concerns about the time it takes to obtain FAA approval for equipment installations.

The FAA is implementing the 3-year compliance period proposed in the NPRM. We have determined, based on the comments, that part 135 helicopter operators will be able to comply with the rule in that time period. The FAA also does not anticipate undue delay in approving radio altimeter installations because they are readily available on the market and installation procedures are well established.

Requirement for Helicopter Air Ambulances To Be Equipped With Radio Altimeters and HTAWS

The FAA proposed that helicopters used in air ambulance operations be equipped with both a radio altimeter and an HTAWS unit and asked for comments on the safety benefits of installing both devices. The FAA is requiring in the final rule that helicopter air ambulances be equipped with both a radio altimeter and HTAWS. Aviation Solutions Group, LLC, a member of ACCT, agreed with the proposal to require both technologies to ''provide optimal situational awareness.'' This comment was echoed by other ACCT members. LifeFlight of Maine commented that use of a radio altimeter and HTAWS provides multiple sources of low-altitude warnings to pilots.

We reiterate the statements in the NPRM that an HTAWS that incorporates or works in conjunction with a radio altimeter function would meet the requirements of § 135.160 because those units measure altitude by actively sending radio signals to the surface. They do not rely on a preprogrammed database to derive altitude information. Therefore an HTAWS without a radio altimeter function would not meet the requirements of § 135.160.

The rule is adopted as proposed.[4]

2. *Safety Equipment for Overwater Operations (§§ 1.1, 135.117, 135.167, and 135.168)*

Currently, aircraft operating in extended overwater operations must comply with the equipment requirements in § 135.167. Current § 1.1 defines extended overwater operations for helicopters as an operation at a horizontal distance of more than 50 nautical miles (NM) from the nearest shoreline and 50 NM from an off-shore heliport structure. Additionally, operators must comply with overwater equipment requirements in § 91.205(b)(12) and performance requirements for aircraft in § 135.183 when conducting overwater operations.

In the NPRM, the requirements for helicopter overwater operations were contained in a new section, § 135.168. Additionally, the NPRM proposed removing the reference to off-shore heliports from § 1.1 to define extended overwater operations as operations more than 50 NM from the nearest shoreline. The FAA proposed to amend § 135.167 to exclude rotorcraft. The FAA received comments on the framework of the proposed rule and the equipment requirements. Based on these comments and further review of the NPRM, the FAA has made significant revisions to this rule.

Primarily, the FAA has removed the requirement for helicopters to equip with life rafts when beyond autorotational distance from the shoreline. The FAA is removing the life raft requirement proposed in the NPRM because the cost of equipping with life rafts would not be justified by an increase in the survivability of accidents. The FAA reviewed accidents to ascertain the cost and benefit of each piece of equipment proposed in the NPRM and determined that benefits from the accidents cited in the NPRM do not justify the costs of imposing the life raft requirement. This is for two reasons. First, there are relatively few accidents beyond autorotational distance from the shoreline. Second, among the accidents identified, few qualify as survivable and, of the survivable accidents, the requirement to wear life preservers would generate the greatest likelihood of surviving in the water. Accordingly, the proposed life raft requirement is not being implemented in the final rule.

The FAA is also not implementing the proposed revision to the definition of ''extended over-water operation'' in § 1.1. That definition would have been revised so that the equipment requirements for extended over-water operations would take effect at the same distance from shore for helicopters and airplanes. Currently, helicopters are allowed more flexibility. However, we are withdrawing this revision because it was tied to the life raft proposal.

Additionally, the final rule does not adopt the changes proposed to § 135.167 which would have made that section applicable only to airplanes. The removal of the proposed life raft requirement makes it necessary to leave § 135.167 as it is so that the existing equipage rules, which include a life raft requirement, apply to helicopters engaged in extended overwater operations.

Nevertheless, as discussed below, the FAA is retaining the requirements that life preservers be worn when the aircraft is operated beyond autorotational distance from the shoreline and for helicopters to be equipped with a 406 MHz ELT. The FAA believes it is important to provide passengers with this base level of equipment to increase the odds of surviving a crash into the water. As discussed above, when conducting the accident analysis, the FAA reviewed each piece of equipment proposed in this provision and found that, of the proposed equipment, life preservers would generate the most benefits.

The FAA is not adopting the proposed pyrotechnic signaling device requirement because § 91.205(b)(12) currently requires aircraft operated overwater to be equipped with ''at least one pyrotechnic signaling device.''

406 MHz Emergency Locator Transmitters

This final rule requires that each helicopter have an approved emergency locator transmitter (ELT)—ELT 406/121.5MHz. The NPRM proposed a TSO–C126a approved 406 MHz ELT that only needed to be carried on the rafts. The final rule language has been changed to require that single and multiengine helicopters, not the raft, be equipped with an ELT. This will ensure that all helicopters that conduct operations beyond autorotational distance from the shoreline will have the added safety benefit of a rescue locating and signaling device. This final rule requires an ELT that transmits on the 406 MHz frequency but also includes a low-power 121.5 MHz homing device. The 121.5 MHz frequency remains allocated to aviation emergencies and continues to be monitored by air traffic control, flight service stations, other emergency organizations, and aircraft. We also note that since publication of the NPRM the FAA published TSO–C126b, dated November 26, 2012, which does not allow using hook and loop fasteners to secure the ELT in the aircraft.

Operators required to comply with this rule can find ELT minimum performance standards in FAA TSO–C126b ''406 MHz Emergency Locator Transmitter,'' dated November 26, 2012. The FAA notes that the prior versions of the TSO, TSO–C126a dated December 17, 2008, and TSO–C126 December 23, 1992, provide minimum performance specifications for 406 and 121.5 MHz ELTs that are similar to those found in TSO–C126b. FAA TSO–C126 refers to RTCA DO–204 ''Minimum Operational

[4] Section 306(c)(3) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct a rulemaking that addresses use of radio altimeters in helicopter air ambulance operations.

Performance Standards for 406 MHz Emergency Locator Transmitters,'' dated December 23, 1992, and FAA TSO–C126b and TSO–C126a refer to RTCA DO–204a ''Minimum Operational Performance Standards for 406 MHz Emergency Locator Transmitters,'' dated December 6, 2007. Accordingly, the FAA has changed the rule language to allow TSO–C126, TSO–C126a, and TSO–C126b approved ELTs.

RTCA DO–204 and DO–204a include minimum performance standards for both 406 and 121.5 MHz ELTs. When beneficial to the operator, the FAA will consider approving installations of a stand-alone 406 MHz ELT to augment an existing 121.5 MHz ELT installation.

Life Preservers

In the NPRM, the FAA proposed to include a requirement in § 135.168 that occupants in overwater operations wear life preservers equipped with a survivor locator light from takeoff until the flight is no longer over water.

PHI asked the FAA to strike the words ''from takeoff until the flight is no longer over water'' from the overwater life preserver requirement of § 135.168 and replace them with ''during the overwater portion of the flight.'' AMOA asserted that the rule should not require passengers to wear life preservers, but rather the life preservers should ''be easily accessible'' during overwater operations. Med-Trans proposed a change that would exempt the patients on board medical helicopters from life preserver and briefing requirements.

Many commenters recommended that the FAA exclude patients from life preserver requirements because wearing a life preserver could interfere with the patient's medical care. These comments mirrored a part 125/135 ARC recommendation. The FAA did not intend to require transported patients to wear life preservers if doing so would impede the ability of medical personnel to treat that patient or if it would be inadvisable for medical reasons, such as a need to keep the patient still. Accordingly the FAA has revised § 135.168(b)(1) to reflect this intent.

The FAA agrees with commenters that passengers should be able to don life preservers only for the overwater portion of the flight. After reviewing the proposal, the FAA recognizes that a flight may spend significant time over land before it travels over water. The FAA has amended the final rule to require that occupants wear life preservers while the helicopter is beyond autorotational distance from the shoreline.

Applicability

As proposed in the NPRM and adopted in this final rule, § 135.168 contains an operational solution that addresses commenters' concerns about flights that only cross narrow bodies of inland water or bays. A helicopter does not need to be equipped with a 406 MHz ELT and life preservers if it crosses the water at an altitude within autorotational glide distance of the shore. Autorotational distance refers to the forward distance a helicopter can glide without engine power. During autorotation the rotors continue turning because of the air moving through the rotor as the helicopter loses altitude. Thus, an operator can avoid the need for the additional safety equipment by flying close to the shoreline or at a higher altitude. For example, for a helicopter that has a glide ratio of 3 feet forward to 1 foot of descent, a pilot flying at an altitude of 1,000 feet would be able to operate at least ½ mile from a shoreline without needing overwater equipment. This provides flexibility for operators that fly over narrow bodies of water while still providing the additional level of safety for overwater and extended overwater operations. This standard is consistent with current requirements under § 135.183.

Final Rule

Based on the comments received and additional review of the NPRM, the FAA has adopted § 135.168 with revisions. The most significant changes are to the requirements for helicopter overwater operations in § 135.168. The FAA has not adopted the proposed requirements for life-rafts and pyrotechnic signaling devices or the proposed changes to the definition of extended overwater operations in § 1.1. The proposed amendment to § 135.167 is not adopted.

The final rule requires helicopters to be equipped with a 406 MHz ELT and occupants to wear life preservers on helicopter flights operated beyond autorotational distance from shoreline.

The FAA also notes that passenger briefing requirements proposed in the NPRM as § 135.168(d) have been moved to § 135.117, Briefing of passengers before flight. No substantive changes were made to the briefing requirements.

These changes will take effect 3 years after this rule's publication.

3. Pilot Testing for Recovery From IIMC, Whiteout, Brownout, and Flat-Light Conditions (§ 135.293)

The FAA proposed adding new requirements to § 135.293 to require helicopter pilots to demonstrate recovery from an IIMC on an annual basis and to understand procedures for aircraft handling in flat-light, whiteout, and brownout conditions. Twelve commenters, including AAMS, Air Methods Corporation (Air Methods), AMOA, REACH, and the NTSB supported the proposed change. Twenty-one commenters, including PHI, did not agree with the proposal as written.

Some commenters stated that the testing requirements should be tailored to the certificate holder's operating environment. NorthStar Trekking, an Alaskan operator, noted that it trains its pilots for flat-light and whiteout conditions, but not for brownout conditions. Jack Harter Helicopters stated that because it does not operate in areas where whiteout or brownout are likely, it should not be required to include those conditions in its training program. PHI stated that a majority of its operations rarely encounter flat-light or whiteout conditions, and mandating training for those conditions for all operators would be an onerous requirement.

PHI also stated that this regulation would be redundant with § 135.329(e)(1), which requires training specific to a certificate holder's type of operation. The NTSB commented that the FAA should require operators to incorporate safe practices for operations in flat-light and whiteout conditions in their training programs.

LifeFlight of Maine and other ACCT members commented that the IIMC recovery training should be demonstrated semi-annually. Several individual commenters recommended quarterly training for pilots to maintain proficiency.

AAMS, AMOA, and Air EVAC EMS commented that pilots should be able to use simulators and flight training devices to complete this training. The NTSB also supported increased use of simulators for helicopter pilot training.

The FAA finds that helicopter pilots would benefit from annual testing on all three conditions—whiteout, flat light, and brownout. Although some conditions may be more prevalent in certain areas, such as whiteout conditions in Alaska or brownout conditions in desert environments, these conditions may occur year-round in many places. This testing will help ensure that pilots have a base-level knowledge should they encounter these conditions. To clarify, the rule requires that pilots, on the annual written or oral test required by § 135.293(a), demonstrate knowledge of procedures for aircraft handling in flat-light, whiteout, and brownout conditions, and

methods for recognizing and avoiding these conditions. They would be required to demonstrate a realistic course of action to escape IIMC during the § 135.293(b) competency check. As discussed in the NPRM, the FAA intends for this demonstration to be appropriate to the aircraft, equipment, and facilities available to the pilot during the competency check. The FAA finds that an annual check is sufficient because it can be incorporated into a certificate holder's existing competency check schedule.

This new requirement does not duplicate the crewmember training requirements of § 135.329(e)(1). That section requires, in part, crewmember training, instruction, and practice to ensure that each crewmember remains adequately trained and proficient for each type of operation in which that crewmember serves. While operators may include training on flat-light, whiteout, brownout, and IIMC recovery in training programs, this rule's amendments ensure that these topics will be tested during a pilot's annual competency check. The FAA anticipates that such training will be incorporated into training programs so that pilots will be adequately prepared for their annual competency checks.

We note that the IMC recovery portion of the competency check could be performed in a simulator or flight training device, provided that it is consistent with that device's specific approval.

Final Rule

This rule is adopted as proposed and will take effect 60 days after publication of the final rule.[5] Section 135.293 requires individuals to complete testing in the 12 calendar months prior to serving as a pilot in part 135 operation. The FAA does not intend for pilots to be retested before the new testing requirements take effect. Rather, pilots must comply with the new requirement during their next § 135.293 test.

4. IFR Alternate Airport Weather Minimums (§ 135.221)

Current rules, as provided for in § 135.221, require that to designate an alternate airport for an IFR operation, weather reports or forecasts for that airport must be at or above the alternate airport landing minimums for that airport at the estimated time of arrival. In the NPRM, the FAA proposed to require a more stringent alternate airport weather requirement for rotorcraft, based on minimums established in Operations Specification (OpSpec) H105. Several commenters, including the NTSB, ACCT members, PHI, and AAMS supported the proposed change.

Kestrel Air commented that the FAA proposed this requirement without establishing a connection between existing standards and accidents involving part 135 helicopter operators and that there is no accident history to support this proposal.

Safety and Flight Evaluations, International agreed that increased weather minimums would increase the likelihood of being able to land at the alternate if weather deteriorates. However, it also stated that because it is often more difficult for a helicopter to fly out of a weather system to an alternate airport, as noted in the NPRM, that ''there is little likelihood that an alternate airfield exists that would have significantly different weather conditions than at the primary airfield.'' Accordingly, Safety and Flight Evaluations, International stated that the rule would discourage pilots from flying IFR.

Kestrel Air is correct that the FAA did not cite any accidents to support this proposal. However, as noted in the NPRM, this proposal is based on OpSpec H105, which is issued to all part 135 helicopter operators that conduct IFR operations. Accordingly, this rule change will not require operational changes for these certificate holders, so no additional costs will be incurred. OpSpec H105 has established these minimums and the FAA does not anticipate a change in IFR usage.

This rule is adopted as proposed.

D. Rules Applicable to Helicopter Air Ambulance Operations

This final rule establishes several new requirements for certificate holders conducting helicopter air ambulance operations. It changes the applicability section of part 135 (§ 135.1) to require some operations that have been conducted under part 91 to be conducted under part 135. Additionally, this rule establishes new equipment, operations, and training rules for certificate holders conducting air ambulance operations which are codified in new subpart L, §§ 135.601–135.621.

1. Applicability of Part 135 Rules to Helicopter Air Ambulance Operations (§§ 135.1, 135.267, 135.271, 135.601)

The FAA proposed requiring that all helicopter air ambulance operations with medical personnel on board be conducted under part 135 operating rules. Flights to pick up a patient, the patient transport leg, and the flight returning to base after the patient is dropped off, or other flights with a patient or medical personnel on board would be conducted under part 135. The FAA received many comments from organizations and individuals supporting and opposing this proposal. Comments addressed the FAA's accident analysis which formed the basis of the regulatory evaluation; whether part 135 is the appropriate part of the regulations for this change and whether repositioning flights should continue to be operated under part 91; potential limitations on operations; flight and duty questions; and how the FAA defined flights to be conducted under part 135. These comments are addressed in detail below.

Definition of Medical Personnel

The NPRM defined ''medical personnel'' as ''persons with medical training, including, but not limited to a flight physician, a flight nurse, or a flight paramedic, who are carried aboard a helicopter during helicopter air ambulance operations in order to provide medical care.'' With this rule, any flights for medical transportation that carry a patient or medical personnel must now be conducted under part 135 rules.

NEMSPA suggested a change in the definition of medical personnel to ''medical personnel means persons approved by State or Federal EMS regulations who are carried aboard a helicopter during helicopter air ambulance operations in order to provide onboard medical care.'' AMOA requested a change in the proposed definition of medical personnel to ''persons who are carried aboard a helicopter during helicopter air ambulance operations in order to provide onboard medical care'' because the rule would limit the types of medical professionals often transported and could confuse the rule.

The FAA clarifies that this definition is intended to be applied broadly to individuals who might be carried aboard to provide care. Requiring medical personnel to be approved under State or Federal EMS regulations may result in preventing people currently performing these functions from performing them any longer, because they may be licensed medical professionals but not certified under state or federal EMS regulation. For example, a nurse might be certified to practice by the State board of nursing, but not under a State's EMS regulations. Limiting the definition to this certification could also have the

[5] Section 306(c)(2) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct a rulemaking that addresses pilot training standards in preventing controlled flight into terrain and recovery from IIMC.

unintentional result of allowing operators to use medical caregivers who are not specifically certified under State or Federal EMS regulations. As a result, these individuals would not be included in the definition and thus the operator could avoid the part 135 requirements.

Additionally, we note that the definition of medical personnel proposed in the NPRM referenced ''persons with medical training, *including but not limited to* a flight physician, a flight nurse, or a flight paramedic. . . .'' (See 75 FR 62621) (emphasis added). Accordingly, the definition does not apply to those persons only. Any person with medical training who is ''carried aboard a helicopter during helicopter air ambulance operations in order to provide medical care'' would fall into the definition of medical personnel. The FAA notes that it made a non-substantive change to the definition of ''medical personnel'' to clarify that the definition could apply to a single person as well as to a group.

Accident Analysis

AMOA and PHI contended that the FAA's accident analysis used to justify placing more operations under part 135 was flawed because it categorized flights as occurring under part 91 when, in fact, many were conducted under part 135 rules. Both organizations cited a 1992 memorandum of understanding (MOU) between the NTSB and the FAA that established how air ambulance accidents would be categorized. Pursuant to the MOU, the NTSB categorized accidents involving air medical flights without a patient on board as part 91 accidents. These commenters maintained that many of the accidents categorized as occurring under part 91 actually happened when the helicopter was operating under part 135 rules even though no patient was on board. HAI commented that its members that conduct air medical operations ''currently operate to the requirements of OpSpec A021, which are higher than current part 135 weather minimums, on any leg of a patient transport flight whenever medical personnel are on board. . . .''

The NTSB noted in its comment that, as detailed in its *Special Investigation Report on Emergency Medical Services Operations,* 32 of the 41 helicopter air ambulance accidents investigated by the NTSB occurred while the aircraft was operating under the flight rules specified in part 91.

The FAA acknowledges that the commenters correctly described the way accidents are categorized under the MOU. In light of the information received from the commenters, the FAA reviewed the accidents cited in the NPRM to determine whether the accidents categorized as part 91 accidents were properly used to justify changes to the rule. The NPRM categorized 33 accidents (out of the 135 helicopter air ambulance accidents cited) as occurring during part 91 operations which were given as support for including those operations in part 135.

The FAA determined that 17 of those 33 accidents occurred while the helicopters were flying in weather minimums below those proposed and that will be required under § 135.609, accounting for 42 deaths. Although some operations were conducted under part 135, these flights were operated below the weather minimums for helicopter air ambulance operations proposed in the NPRM. Therefore, the accidents may have been prevented had these helicopters been operating under the stricter rules adopted here and are properly included in justifying this rule.[6]

Relationship Between Parts 91 and 135

AMOA, Air Evac EMS Inc. (Air Evac EMS), AAMS, NEMSPA, and PHI were among commenters that said that applying part 135 regulations to operations traditionally considered to be under part 91 is inconsistent with the current regulatory framework and could introduce confusion. Instead, these commenters said changes to enhance safety requirements for these operations should be made by amending part 91, not part 135. This would ensure the continuity and applicability of the current rules.

The NTSB supported the proposal and stated that it would likely meet the intent of Safety Recommendation A–06–12. However, it also stated that the list of flights conducted under part 135 must be as complete as possible and should include maintenance flights, training flights, helicopter positioning flights performed without medical crewmembers on board, and other operations that would not be required to be conducted under part 135 under this rule.

The commenters are correct that, as discussed in the NPRM, currently non-patient-carrying legs of helicopter air ambulance operations may be conducted under part 91. The FAA, through this rule, is requiring legs with medical personnel onboard to be conducted under part 135. The primary reason for this change is to protect medical personnel by ensuring that those flights are conducted under the more stringent operating rules of part 135. As noted by the NTSB, medical personnel ''cannot be expected to meaningfully participate in the decision-making process to enhance flight safety or to significantly contribute to operational control of the flight.'' Accordingly, the FAA determined that medical personnel deserve the same safety protections that part 135 provides to patients on helicopter air ambulance flights.

Additionally, the FAA is not changing the rule language to provide a more extensive list of flights that must be conducted under part 135. As discussed above, the rule is clear that if medical personnel or a patient are on board the aircraft and the flight is conducted for medical transportation, then it must be conducted under part 135. The non-exclusive list is intended to emphasize that the traditional three-legged helicopter air ambulance flight (base to pick-up site, pick-up site to drop-off site, drop-off site to base) must now be conducted under part 135.

Further, the FAA does not anticipate that the placement of these rules in part 135 rather than in part 91 will cause confusion for certificate holders. It is clear that these rules only apply to part 119 certificate holders authorized to conduct helicopter air ambulance operations under part 135. Part 135 is a logical place for the regulations affecting this population.

The FAA received several comments about this rule's impact on helicopter air ambulance operations. First, AMOA, Air Evac EMS, AAMS, NEMSPA, and PHI commented on the need for flexibility from the part 135 requirements during the repositioning leg for training purposes. They have traditionally used this leg for training newly hired second pilots on instrument approach procedures and stated that they cannot do the same kind of training when operating under part 135 rules as they can when operating under part 91 rules because the pilot in training would not be able to manipulate the controls. Commenters were concerned this proposal could significantly inhibit IFR operations by helicopter air ambulance operators. Second, HAI commented that a

[6] The remaining sixteen accidents originally identified as part 91 operations were flying above the weather minimums established in this rule and are therefore no longer being used to support § 135.609. However, 10 of these accidents were cited in the NPRM in support of other proposed rule provisions. The FAA finds that these accidents are still applicable to those provisions. Six accidents were removed from the final rule's accident analysis. See the Final Regulatory Evaluation for a full explanation of the accident analysis, and methodology used to review the accidents.

requirement to conduct helicopter air ambulance operations under part 135 would prevent operators from using GPS approaches certified for part 91 operations.

The FAA has determined that applying part 135 rules will have only a limited effect on training. Operators may continue training pilots on instrument approaches during flights with no passengers, medical personnel, or patients on board. The FAA has determined that the safety benefits of this rule outweigh the fact that certificate holders may need to conduct additional training flights.

The FAA finds HAI's concern about limitations on GPS approaches to be unwarranted. All instrument approaches are designed and certified to part 97 Terminal Instrument Procedures (TERPS) requirements. Use of these approaches is not restricted to flights conducted under certain operating rules. They can be used by an operator conducting flights under part 91, 121, or 135.

The NTSB also stated that although part 91 may provide additional ''operational flexibilities due to decreased visual flight rules (VFR) weather minimums and no flight crew rest requirements'' it believes that these benefits ''are greatly overshadowed by the increased risk that such operations have historically posed.''

Additionally, the FAA acknowledges that certificate holders may not be able to conduct certain operations because of the more stringent part 135 requirements. For example, the weather minimums may be below part 135 standards, but would have been acceptable for a part 91 operation. Similarly, additional part 135 flights may mean that a flightcrew member reaches flight time limitations more quickly. Nevertheless, the FAA has determined that these restrictions are appropriate given the increased safety of operations that are expected as a result of this regulation. However, the FAA is not extending this regulation to flights conducted without medical personnel onboard. The FAA has determined that such an extension would go beyond the stated rationale of providing additional protections to the medical personnel and passengers onboard the helicopter.

Air Methods commented that operators should follow the weather minimums specified in A021, which are more stringent than the baseline part 135 weather minimums. The FAA agrees and, as discussed later, is adopting those weather minimums into part 135 regulations applicable to helicopter air ambulance operations.

Flight and Duty Time Limitations (Proposed §§ 135.267 and 135.271)

As discussed in the NPRM, one impact of requiring flights traditionally conducted under part 91 to be conducted under part 135 is that these flights will now count toward a pilot's flight time limitations. In the NPRM, the FAA proposed adding language to §§ 135.267 and 135.271 to clarify that helicopter air ambulance operations conducted under part 135 must be included in a pilot's flight time.

Members of ACCT support including pilot duty time limitations in the change to require more helicopter air ambulance flights to be conducted under part 135. The Advanced Life Support and Emergency Response Team agreed with requiring flight time for a part 135 operation when medical personnel are on board to count toward a pilot's daily flight time limitations and stated it already operates under this policy.

PHI, AMOA, and Air Evac EMS commented that the current flight time and duty limitations in § 135.267 should not be altered. PHI believes the proposal is inconsistent with FAA regulatory structure and discriminates against the helicopter air ambulance industry without justification. AMOA does not agree with adoption of § 135.267(g).

PHI also commented that there currently are no part 135 regulations that prevent a pilot from flying while fatigued. The commenter said that the pertinent regulation resides in part 91, part 135 operators must comply with part 91, and that current rest and duty requirements do not guarantee that a pilot will not be fatigued, even if complying with the regulations. Air Evac EMS commented that §§ 91.13 and 135.69(a) afford sufficient protection and claimed that the best measure against pilot fatigue is the pilot knowing when to decline a flight request and appropriate oversight.

AMOA and Air Methods claimed that no accidents as a result of crew rest issues were cited to support this proposal and its change is a profound shift in the agency's regulatory structure that would cause pilots to rush to stay within the prescribed duty period. PHI and AMOA recommended retaining the current requirements until the FAA has reviewed all part 135 pilot rest requirements.

PHI and numerous other commenters requested flexibility for pilot rest requirements under circumstances beyond the control of the pilot or operator.

The FAA did not propose any substantive changes to §§ 135.267 and 135.271 flight time and rest requirements but instead added language to those sections to clarify ''flight time'' as a term that includes any helicopter air ambulance operation as defined in § 135.601. As established by this rule, all helicopter air ambulance operations with medical personnel or patients on board must be conducted under part 135. The provisions of §§ 135.267 and 135.271 would therefore apply to the helicopter air ambulance operations previously conducted under part 91.

In the final rule, the FAA did not add the proposed references to helicopter air ambulance operations in §§ 135.267 and 135.271 because they are redundant with the amendments to § 135.1. Any operation that must be completed under part 135 must comply with the applicable flight and duty time limitations of part 135, and this action does not eliminate this requirement. As commenters noted, §§ 91.13 and 135.69 provide some safeguards, but the FAA has determined that the flight time limitations and rest requirements of part 135, subpart F, are the rules to follow to prevent pilot fatigue.

The FAA also notes that it received several comments about whether circumstances beyond the control of the certificate holder would permit exceeding the flight time limitations in § 135.267. The FAA believes that these comments mirror those submitted to the FAA in response to a draft legal interpretation published for comment that addresses this issue. *See* Docket No. FAA–2010–1259 (Dec. 23, 2010). The FAA advises commenters that it issued a withdrawal of the referenced interpretation in the same docket on November 7, 2013 (79 FR 66865) and is not taking any action in this rule. To do so would be outside the scope of the rule because the issue presented in the draft legal interpretation is one that was not addressed in the NPRM.

Final Rule

Upon review of the NPRM, the FAA made changes to the rule text in §§ 135.1 and 135.601. The FAA did not adopt the proposed changes to §§ 135.267 and 135.271. The applicability statement in § 135.1 was revised for clarity. In § 135.601, the FAA removed the definition of helicopter air ambulance because it was unnecessary and revised the definitions of helicopter air ambulance operation and medical personnel for clarity. All of these changes are non-substantive.[7]

[7] Section 306(a) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires helicopter air ambulance operations to comply with

2. Weather Minimums (§ 135.609—Proposed § 135.607)

Currently, part 135 regulations require visibility of at least ½ statute mile during the day and 1 statute mile at night for VFR helicopter operations at an altitude of 1,200 feet or less above the surface in Class G airspace. In the NPRM, the FAA proposed to add more stringent weather minimums for helicopter air ambulance operations. As stated in the NPRM, this rule codifies the weather requirements of OpSpec A021. *See* Table 4 below. The proposed weather minimums for uncontrolled airspace are determined by whether the helicopter is flying in a mountainous or non-mountainous area and whether, within those classifications, the flight is taking place in a certificate holder's local flying area or is a cross-country flight. The NPRM defined a local flying area as 50 NM in any direction from an operator's base of operation. A cross-country flying area is an area other than a local flying area. Weather minimums are less stringent in local flying areas because of pilots' increased familiarity with obstacles and the operating environment. Based on the NPRM, in all flying areas, helicopter pilots using an FAA-approved night vision imaging system or FAA-approved HTAWS can fly in lower weather minimums during night operations because those systems provide benefits for avoidance of obstacles and controlled flight into terrain avoidance.

TABLE 4—VFR CEILING AND FLIGHT VISIBILITY REQUIREMENTS

Location	Day		Night		Night using an approved NVIS or HTAWS	
	Ceiling	Flight visibility	Ceiling	Flight visibility	Ceiling	Flight visibility
Nonmountainous local flying areas.	800-feet	2 statute miles	1,000-feet	3 statute miles	800-feet	3 statute miles.
Nonmountainous non-local flying areas.	800-feet	3 statute miles	1,000-feet	5 statute miles	1,000-feet	3 statute miles.
Mountainous local flying areas.	800-feet	3 statute miles	1,500-feet	3 statute miles	1,000-feet	3 statute miles.
Mountainous non-local flying areas.	1,000-feet	3 statute miles	1,500-feet	5 statute miles	1,000-feet	5 statute miles.

The FAA received support for this provision from several commenters. The NTSB supports codifying the more stringent weather minimums of OpSpec A021. PHI agrees with the proposal. AAMS expressed support for this provision but opposed the requirement that operators must designate a local flying area, commenting that there are some areas where using cross country weather minimums would be preferable. They recommended replacing the word ''must'' with ''may.'' Similarly, AMOA, Air Evac EMS, and individual members of ACCT commented that a local flying area should be optional and that the FAA should also allow for non-contiguous local flying areas. Safety and Flight Evaluations, International agrees with the proposal to increase the VFR weather minimums, but disagrees with the proposed implementation and commented that there should not be a differentiation between the weather minimums for ''local flying areas'' and ''cross country flying areas'' and that the proposed rule inappropriately decreases the minimums when the aircraft is equipped with an approved night vision imaging system or HTAWS.

Final Rule

The FAA is adopting this provision with several changes. Based on the comments received, the FAA determined that it would be overly restrictive to require operators to designate a local flying area that would not be used. The certificate holder will not be required to designate a local flying area but may do so in order to use the less stringent weather minimums. If an operator does not designate a local flying area, operations must be conducted in accordance with the more restrictive non-local-flying-area minimums in the rule. Thus the change in the rule will not negatively affect safety.

As discussed in the NPRM, a pilot must demonstrate familiarity and detailed knowledge of the hazards and high altitude terrain in local flying areas in order to use the lower minimums. Thus, the final rule includes a requirement that a pilot may not use the local flying area weather minimums unless that pilot has passed an examination given by the certificate holder within the 12 months prior to using the local flying area weather minimums.

Additionally, the final rule will allow non-contiguous local flying areas rather than tying them to the certificate holder's base of operations. This rule does not restrict the number of local flying areas an operator may designate. The intended safety standard will be maintained because before using the less restrictive local flying area weather minimums pilots will demonstrate knowledge of that area. The title of this section has been changed for clarification.

3. IFR Operations at Airports Without Weather Reporting (§ 135.611—Proposed § 135.609)

Current part 135 regulations only permit instrument flight into and out of airports with an on-site weather reporting source. The FAA proposed allowing helicopter air ambulance operators to conduct IFR operations at airports and heliports without a weather reporting facility if they can obtain weather reports from an approved weather reporting facility located within 15 NM of the destination landing area and meet other pilot and equipment requirements.

The NTSB supported the proposal, agreeing that it would ''provide an environment suitable for increased use of IFR,'' and noting that it would partially respond to Safety Recommendation A–06–93 ''because of the potential increase in the availability of IFR approaches for HEMS operators.''

AMOA commented that all part 135 operators should be able to use these procedures. The FAA did not propose permitting all part 135 operators to use these procedures in the NPRM and to

part 135 weather minimums and flight and duty time rules whenever medical personnel are onboard the aircraft.

expand the applicability at this time would not be within the scope of this rule. Accordingly, the FAA is not extending this requirement to all part 135 operators.

Use of an Area Forecast as an Alternate Weather Source

Currently, OpSpec A021 is issued to helicopter air ambulance operators and allows the use of an area forecast as an alternate weather source. The Society of Aviation and Flight Educators noted that the changes to OpSpec A021 were made because the FAA had determined that navigation by instruments is safer than navigation by visual reference. The revisions specifically included area forecasts to facilitate greater use of the instrument flight rules system. Many operators developed an instrument flight rules system that uses those forecasts.

The Society of Aviation and Flight Educators contended that this proposal would require an operator to either add an approved automated weather station at a location within 15 NM or to operate with visual flight rules. This, according to the commenter, would significantly undermine the ability of operators to add instrument operations as a safety improvement. PHI, AMOA, ACCT, MaxViz, and the Health Care District of Palm Beach County all echoed the call for adding the area forecast as an acceptable alternative if a weather reporting station is not available.

The NPRM proposed a higher standard than that required by OpSpec A021. That operations specification permits an operator to use an approved weather reporting source if one is located within 15 NM of the landing area but if there is not such a source within that distance from the landing area, an area forecast may be used.

In response to comments, and upon further review, the FAA has changed the requirements of this rule from those proposed in the NPRM. This final rule allows IFR operations at an airport without weather reporting if the certificate holder has an area forecast for the vicinity of the destination landing from the National Weather Service, a source approved by the NWS, or a source approved by the FAA. As discussed in the NPRM, the FAA finds that an area forecast is sufficient for the purposes of this rule because helicopter air ambulance operators have a history of safely operating under an exemption [8] or under OpSpec A021, on which this rule is based. The area forecast allowance of the exemption and OpSpec A021 is the same as in this final rule language.

Pilot and Equipment Requirements

The FAA also revised the rule language to eliminate several sections that were determined to be redundant with existing part 135 regulations. The redundancies removed were the requirements for pilots to: (1) Have a current § 135.297 instrument proficiency check; (2) hold an instrument rating; (3) complete a course including a review of IFR regulations, interpreting weather, reviewing instrument charts, and crew resource management; (4) learn methods for determining present visibility and ceilings; and (5) be tested on approaches authorized under this provision. In all these cases the FAA finds that pilots who conduct part 135 operations must already meet these standards, or that these standards are sufficiently incorporated into current pilot training requirements.

The FAA also deleted the proposed requirements for aircraft to be equipped with an autopilot if used in lieu of a second in command as required by § 135.101, and for the aircraft to be equipped with navigation equipment appropriate to the approach to be flown. Again, this requirement is redundant with existing §§ 135.101 (SIC) and 135.105 (autopilot), which must be followed during part 135 operations.

In response to a comment from AMOA that the references to ''storm scopes'' were outdated, the FAA deleted the references in proposed § 135.609(b)(2) to ''airborne weather radar'' and ''lightning detection'' as types of severe-weather detection equipment. The final rule requires that helicopters conducting these operations be ''equipped with functioning severe weather-detection equipment.''

Requirements for Departures

The rule requires that the weather at the departure point must be at or above the minimums for visual flight rules for a pilot to make an IFR departure. The pilot in command is authorized to determine whether the weather meets the takeoff requirements of part 97 or of the certificate holder's operation specification.

The FAA concludes that this new provision will increase instrument flight and result in more air ambulance helicopters operating in a positively controlled environment, thereby increasing safety.

4. Approach/Departure IFR Transitions (§ 135.613—Proposed § 135.611)

This rule was proposed to establish weather minimums for helicopter air ambulances that have been using an instrument approach and are now transitioning to visual flight for landing. This section is intended to encourage IFR operations because of their safety benefits. Pilots on an instrument approach would, upon reaching a point in space at a minimum descent altitude or decision altitude, continue the flight to the landing area under visual flight rules if conditions permit. The weather minimums that pilots will follow are based on the type of approach the pilot is flying and the distance between the missed approach point and the heliport or landing area. Pilots continuing on the ''proceed visually'' segment of an instrument approach into an airport or heliport for which the approach is designed would follow the weather minimums on the approach chart when completing that approach.

The FAA notes that in most cases the rule permits flight under less restrictive weather minimums than are currently allowed for cruise flight in uncontrolled airspace. As noted in the NPRM, obstacles in the vicinity of an instrument approach are flight-checked and marked on instrument approach charts. It is less likely that pilots would encounter unexpected obstacles when following an instrument approach chart. However, if the distance of the VFR portion of the flight is 3 NM or more, then the VFR weather minimums for that class of airspace apply. We emphasize that if a 3-NM-or-more VFR segment is flown in Class G airspace, the applicable VFR weather minimums would be those found in § 135.609.

The rule also permits a pilot to depart with a VFR-to-IFR transition under the less restrictive weather minimums allowed for approaches if the pilot follows an FAA-approved obstacle departure procedure, has filed an IFR flight plan and obtains an IFR clearance at a predetermined location, and the transition to IFR occurs no farther than 3 NM from the departure point. Pilots who cannot meet these requirements must use the standard VFR weather minimums required for that class of airspace, which would be those found in § 135.609 for Class G airspace. As noted in the NPRM, a pilot who simply flies the reverse course of the approach used when landing would not be following an FAA-approved obstacle departure procedure. That is because this procedure has not been flight-

[8] Exemptions No. 9490 and 9490B (Regulatory Docket No. FAA–2006–26407); Exemption No. 9665 (Regulatory Docket No. FAA–2008–0169); Exemption No. 6175 (Regulatory Docket No. FAA–2001–9195) (granting authority for departures only); Exemption No. 6175G (Regulatory Docket No. FAA–2001–9195).

checked to specific departure criteria and therefore obstacle clearance cannot be guaranteed.

A total of 21 individuals affiliated with PHI commented on the proposal for this rule. These commenters supported the proposed rule and noted that it is consistent with current OpSpec A021 requirements. Commenters also noted that proposed § 135.611(a)(2) contained an incorrect cross reference to § 135.611(a)(1)(i).

Safety and Flight Evaluations, International stated concerns with the construction of some PinS approaches. First, it noted the complexity in distinguishing between ''proceed visually'' and ''proceed VFR,'' because the weather minimums on the approach charts apply to ''proceed visually'' segments, while the distance from the missed approach point to the landing area dictates the weather minimums. It stated that having various minimums was complex and would not encourage IFR operations. Next, it noted the possibility that a pilot could reach the missed approach point, determine that the weather meets the requirements to proceed VFR, and then lose sight of the landing area. This would leave the pilot unable to continue IFR because the pilot would no longer be in protected airspace. Finally, Safety and Flight Evaluations, International commented that ICAO has established clearer requirements for similar operations and asked whether the proposed requirements comply with ICAO Procedures for Air Navigation Services—Aircraft Operations (PANS–OPS) definitions which limits the proceed VFR PinS procedure to no more than 3 kilometers.

As a result of this comment, the FAA revised the rule language for clarification. During preflight planning, pilots will be able to identify the type of approach to be flown, the distance to the destination from the missed approach point and determine the applicable weather minimums for the VFR segment of the flight. This section does not apply to ''proceed visually'' segments of instrument approaches, which are the final segments (minimum descent altitude or decision height) of instrument approaches prior to landing. VFR flight rules do not apply to ''proceed visually'' segments. Instead, the weather minimums for ''proceed visually'' segments are found on the approach chart. This section applies to the ''proceed VFR'' segments of PinS approaches and VFR maneuvering after transitioning to VFR from an IFR approach.

The FAA has reviewed the ICAO PANS–OPS requirements and concludes that the ICAO operational requirements are not significantly different from this rule. In both cases, once the pilot concludes the IFR portion of the flight, the pilot is no longer under air traffic control and is operating under VFR. Further, the ICAO PANS–OPS paragraph 4.1.2.2 contemplates that member States may establish minimum visibility for PinS Proceed VFR procedures. We note that this rule does not address instrument approach design standards. These are what dictate the length of a segment between a missed approach point and a landing area. The FAA expects that pilots who transition to VFR and then encounter weather below VFR minimums would execute a missed approach procedure, a standard procedure followed when an instrument approach cannot be completed, if available, or follow appropriate emergency procedures.

The title of § 135.613 has been changed so that it more accurately reflects its subject. Additionally, the section has been reorganized for clarification.

5. VFR Flight Planning (§ 135.615—Proposed § 135.613)

In the NPRM, the FAA proposed to require helicopter air ambulance pilots conducting operations under VFR to perform preflight planning to determine the minimum safe altitude along the planned route.[9] This proposal would codify a provision in OpSpec A021.

As proposed, the rule requires helicopter air ambulance pilots conducting VFR operations to evaluate, document, and plan to clear terrain and obstacles by no less than 300 feet for day operations, and 500 feet at night. With this minimum safe cruise altitude established, the pilot must then use it to determine the minimum required ceiling and visibility for the flight. If the weather minimum will not permit visual flight at the minimum safe cruise altitude, the pilot must conduct the flight under IFR or not fly at all. The proposed rule allowed for deviations from the planned flight path if conditions or operational considerations make it necessary. If deviating, however, the pilot must still observe the weather or terrain/obstruction clearance requirements. This rule is intended to prevent obstacle collisions by requiring pilots to be aware of the terrain and highest obstacles along a planned route.

The FAA received 79 comments on the proposal for VFR flight planning, including comments from several individuals affiliated with ACCT, Air Evac EMS, PHI, and REACH. Sixty-nine commenters, including ACCT, AMOA, PHI, Air Evac EMS, Angel One Transport, and REACH, agreed with the proposed language.

NEMSPA strongly opposed the ''highest obstacle determination'' of the proposed rule, commenting that this requirement would have dangerous unintended consequences since pilots with launch time requirements would have up to 40 percent of their available preflight time taken up by a superfluous task, resulting in the likelihood that some critical items will not be accomplished. This commenter further asserted that the highest obstacle requirement should only apply when flying outside of the local flying area in a helicopter not equipped with a night vision imaging system or HTAWS, when the reported or forecasted weather conditions are less than 5 statute miles visibility and/or the ceiling is less than 3,000 feet above ground level or above the highest obstacle on the course.

Although agreeing with this proposal, several commenters, including AMOA, Air Evac EMS, and individual members of ACCT, recommended applying it to all part 135 operators. The NTSB agreed with the intent of the requirement, but believes a number of issues should be clarified. It commented that the FAA should provide guidance for minimum route width requirements for obstacle and terrain clearance evaluation, because aircraft may deviate from the planned course centerline. Several commenters also noted that requiring that obstacles be cleared vertically is not practical when some obstacles can be cleared by flying around them and recommended adding a corresponding route width to the visibility minimum. The NTSB also requested that the FAA clarify whether route evaluations must be performed before each flight or if an approval of a flight path can be performed on a less frequent basis for frequently flown routes.

The FAA has determined that establishing a minimum route width would have an overly burdensome effect on helicopter air ambulance operations and pose operational difficulties for pilots who fly in mountainous or urban environments. A minimum route width would require pilots to fly at an altitude sufficient to clear the obstacles within the designated route width. As an example, a 3-mile route width requirement could force a pilot who safely flies under visual flight rules in a valley to operate at an altitude above

[9] Section 306(a) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct rulemaking on helicopter air ambulance operations to address ''flight request and dispatch procedures.'' Though the benefits are less than costs for this provision, it satisfies the Congressional mandate as required by the Act.

the highest peak because the mountains on each side would be included in the route width. This could easily place a visual flight operator into instrument flight conditions. The FAA recognizes that helicopter air ambulance operations can be safely conducted under VFR, and therefore has chosen not to impose this limitation. Operators would need to evaluate the route prior to each VFR operation.

This requirement is intended to prevent obstacle collisions by ensuring that pilots know the minimum safe altitude that would permit clearance for all obstacles along the route. Therefore, the FAA considers that VFR flight planning is not a superfluous task for pilots with launch time requirements, but rather an important safety requirement. Additionally, the FAA concludes that all helicopter air ambulance operations flights conducted under VFR will benefit from this safety requirement, and does not intend to restrict this requirement to flights outside of the local flying or flights without a night vision imaging system or HTAWS.

This rule requires a pilot to perform preflight planning from takeoff to landing for each flight conducted under VFR. This rule does not permit a pilot to conduct preflight planning on a less frequent basis for frequently flown routes. The purpose of flight planning before each flight is to ensure that the information used is current, as conditions and obstacles may change between each flight. However, the FAA notes that if a route is flown routinely, the amount of time required to do the preflight planning may be reduced. As noted in the NPRM, a helicopter air ambulance mission may include more than one leg. The flight plan may be completed for the whole mission prior to the first leg, but each subsequent leg of the mission must be reconsidered before takeoff and amended as appropriate.

The FAA will not apply this requirement to all commercial helicopter operations because it is not within the scope of the rulemaking.

This requirement is adopted as proposed with minor edits for clarification.

6. Pre-Flight Risk Analysis (§ 135.617—Proposed § 135.615)

The FAA proposed establishing a requirement for helicopter air ambulance operators to conduct a preflight risk analysis. The risk analysis would focus on such variables as the characteristics of the planned flight path, flight crewmember ability to safely conduct the operation, weather, and whether the flight has been rejected by another operator. The purpose of this exercise is to give certificate holders a way to assess risk and determine whether any risks can be mitigated so that the flight can be conducted safely.

A total of 83 commenters, including Air Methods, Advanced Life Support and Emergency Response Team (A.L.E.R.T.), Med-Trans Corporation (Med-Trans), NEMSPA, the NTSB, REACH, and Staff for Life commented on this section. Several of those commenters, including ACCT, MedCenter, MedServ International, LLC (MedServe), NEMSPA, and NTSB agreed with the proposal.

Operational Considerations

The NTSB noted that this rule should not be a substitute for the safety benefits that would be provided by an OCC. Other commenters, including HAI, Med-Trans, and REACH, thought that the proposed requirement might duplicate the requirements for an OCC or safety management program. A.L.E.R.T. said that documenting risk assessments for every flight would be counterproductive and would delay responses without improving safety and that it performs a risk assessment for every shift—not every flight. Staff for Life said that the risk assessment is not necessary because it has never done anything to save lives and pilots are constantly assessing the risks during preflight, flight, and post-flight.

The FAA disagrees that a pilot's in-flight assessment of risks is a sufficient substitute for the preflight risk assessment. Rather, they are complementary. The purpose of assessing risk before an operation is to be able to mitigate those risks before the operation, thereby preventing a pilot from encountering an unmanageable situation while in the air. It is of course possible that a pilot will encounter risks while conducting the helicopter air ambulance operation despite having performed a preflight risk assessment, and it is then that the pilot's skills will be used to mitigate those risks. As discussed in the NPRM, the FAA and the NTSB have identified several accidents which may have been prevented had a preflight risk analysis been completed. The NTSB concluded that ''implementation of flight risk evaluation before each mission would enhance the safety of emergency medical services operations.'' [10]

This rule requires the pilot in command to conduct a preflight risk analysis before the first leg of a helicopter air ambulance operation. As discussed in the NPRM, it would be completed before departure on the first leg, but take into account factors that may be encountered during the entire operation. The FAA acknowledges that certain parts of a preflight risk analysis can be accomplished at the beginning of a shift. However, time-sensitive components of a preflight risk analysis, such as crew fatigue, weather, required fuel, and route-specific information, should be conducted as close to the flight launch as possible. A blanket analysis at the beginning of each shift may not provide an accurate risk assessment.

The FAA acknowledges that the pre-flight risk analysis will be an additional requirement that must be performed before beginning a helicopter air ambulance operation and certificate holders may not be able to launch a flight as quickly as before. The initial regulatory evaluation estimated that the preflight risk analysis would take 10 minutes to complete. The FAA has determined that a 10-minute delay is acceptable because of the safety benefit of identifying risks before flight.

The FAA also understands that there will be overlap between this requirement and the OCC requirement for certificate holders with 10 or more helicopter air ambulances. Under that requirement, both the operations control specialist and the pilot in command will be required to complete and approve the risk analysis worksheet. This overlap is intended to provide larger operations with an additional measure of review over the flight's risk analysis.

Content of the Pre-Flight Risk Analysis

Thirty-five commenters, including Air Methods and REACH, did not agree with the proposal to require certificate holders to establish a procedure to determine whether another operator has refused or rejected a flight, saying that such a procedure would be too haphazard and unreliable to serve as a regulatory requirement. AMOA said the provision is unfair and unrealistic without a companion requirement for operators to report a flight rejection. PHI, like AMOA, believes reporting of flight rejections by other operators cannot be done uniformly unless the other operators are required to report that information.

The FAA has communicated with State EMS medical directors, advising them of the problem of helicopter shopping. We will continue this outreach to emphasize the importance of obtaining the reasons for flight refusal by helicopter air ambulance operators.

[10] NTSB, *Special Investigation Report on Emergency Medical Services Operations* (NTSB/SIR–06/01) 4 (Jan. 25, 2006).

We will also work with emergency dispatchers and certificate holders in sharing this information.

Two commenters, including the Society of Aviation and Flight Educators, agreed with the requirement to obtain concurrence on the preflight risk analysis from someone other than the flightcrew during marginal weather. Air Methods said the requirement for managerial approval of the preflight risk analysis when flight risk exceeds a predetermined level is unfeasible. PHI said it has its own risk assessment, which requires operational control management approval for flight requests above a preset risk matrix level.

PHI requested eliminating the requirement for the pilot's signature on the risk assessment before takeoff. Another commenter asked whether an electronic signature would be sufficient.

The rule requires operators to establish and document, and include in their FAA-approved preflight risk analysis, a procedure for determining ''whether another helicopter air ambulance operator has refused or rejected a flight request.'' The FAA understands the commenters' concerns regarding the ability to obtain information about flight refusals and rejections from other operators. To clarify, it is not the intent of this rule to require a definitive declaration on the preflight risk assessment as to whether the flight has been refused or rejected by another operator. Rather, it would be acceptable for a certificate holder that is called for a flight to ask the dispatcher offering the flight if another operator has turned it down. If the person offering the flight (emergency dispatcher, 911 operator, etc.) does not know or cannot give the reason why the flight was turned down, the certificate holder need only make note of that in the preflight risk analysis and factor in that information as deemed appropriate. Compliance with this rule does not require certificate holders to call other operators to ask if the flight was refused or rejected or to inform other operators that they have refused or rejected a flight. A flight would not be presumed high risk just because there was no definitive response from an emergency dispatcher about whether the flight was refused or rejected by another operator. An operator following this procedure will have fulfilled its duty with respect to the rule.

The FAA has determined that although the flight refusal or rejection information need not be definitive, it can yield useful information about the potential risk of a flight. Additionally, the FAA believes that this requirement will encourage certificate holders to tell dispatchers why a flight is refused or rejected to provide valuable safety information to other operators. It may also encourage emergency dispatchers to develop procedures for obtaining this information.

In the final rule, the FAA did not change the requirement for management approval of flights in situations where a predetermined risk level is exceeded. The FAA has determined that management input provides an important second opinion on whether to conduct a flight if the risk is not clear cut. The FAA reiterates that management involvement must not be used to pressure pilots into conducting a flight that the pilot has determined to be unsafe. Likewise, the FAA emphasizes that the rule permits certificate holders leeway to develop preflight risk assessment procedures that work for them within the parameters set by the rule. Operators like PHI, which have established procedures, may comply with this requirement by incorporating their existing procedures into the mandated risk assessment.

Regarding whether an electronic signature on the preflight risk assessment would be accepted, the final rule does not specify the method by which a pilot must sign a preflight risk assessment. The purpose of the risk analysis requirement is to ensure that pilots examine the risks associated with an operation and get information to mitigate those risks. The signature is important because it is the pilot's verification that the information in the risk analysis is accurate and complete. Therefore, an electronic signature would be acceptable. FAA guidance on electronic signatures is found in Advisory Circular (AC) 120–78 (October 29, 2002).

Other Comments

A few commenters, including Metro Aviation and REACH, stated that the proposal for the risk assessment was unclear and left significant room for interpretation and inconsistent or uneven enforcement. Many commenters asked that the FAA revise its previous guidance on risk assessment to more adequately reflect current industry best practices and provide more consistency to the risk assessment and mitigation process.

Some commenters asked the FAA to develop and improve the preflight risk analysis worksheets so they can be more meaningful and useful to pilots, crews, and operations center personnel. Four commenters, including Air Methods, Metro Aviation, and AMOA, asked that the requirement for FAA approval of the risk analysis procedures be deleted. An individual commented that the requirement to retain the records of the risk analysis for 90 days is inconsistent with the load manifest and flight log data retention requirements.

This requirement is based on FAA Notice 8000.301, *Operational Risk Assessment Programs for Helicopter Emergency Medical Services,* which, in part, provides practical examples of preflight risk assessments. The FAA has determined that these examples, along with this rule, provide adequate direction to certificate holders for implementation of this rule. The FAA will provide guidance to inspectors on how to enforce this rule. Nevertheless, the rule has been designed to allow flexibility so that certificate holders can develop procedures appropriate for their operations.

Finally, the FAA is not modifying the 90-day data retention requirement. The 90-day retention will allow the operator to conduct a quarterly review to identify trends in its operations to further mitigate risks in future flights. This requirement is adopted as proposed.[11]

7. Operations Control Centers (OCCs) (§§ 135.619, 120.105, and 120.215)

The proposal included a new requirement that certificate holders with 10 or more helicopter air ambulances establish OCCs staffed with operations control specialists. These specialists would take part in preflight risk analysis required by § 135.617, maintain two-way communications with pilots, give pilots weather information, and monitor the progress of the flight. They would ensure that the pilot has completed the preflight risk analysis worksheet, confirm and verify the entries on the worksheet, and work with the pilot to mitigate any identified risk. The specialist would also sign the risk assessment worksheet along with the pilot. Certificate holders would be required to train and provide enough staff for their OCCs to make sure these services could be provided.

Applicability of the Rule

A number of commenters (including AMOA, NTSB, LifeFlight of Maine, AAMS, Air Evac EMS, NEMSPA, PHI, and ACCT) addressed the proposed requirement for certificate holders with 10 or more helicopter air ambulances to have an OCC.

[11] Section 306(d)(1) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct a rulemaking that provides for a flight risk evaluation program in helicopter air ambulance operations. Additionally, section 306(c)(1) requires the rule to address flight request and dispatch procedures.

These commenters objected to applying this requirement only to operators with 10 or more helicopter air ambulances. One commenter said that fleet size has no bearing on the stated risks a pilot faces. AMOA, Air Evac EMS, ACCT, and PHI called the distinction ''arbitrary and subjective'' and said this distinction does not recognize the complexity of operating less than 10 helicopter air ambulances that are geographically separated. All of these commenters suggested that if there are clear benefits to the use of an OCC, then the requirements should be applicable to all.

The NTSB commented that if operators with less than 10 helicopters are not included in this requirement, then they ''will transport approximately 100,000 patients or more per year without the added safety benefit of an OCC.'' Commenters explained that while the requirement should apply to all operators, it should be scalable for those with less than 10 helicopters. Comments referenced AC 120–96, which provides guidance for setting up OCCs for four levels of operators based on size.

LifeFlight of Maine commented that all air ambulances (both rotor and fixed wing) should have an OCC and that while 24 large certificate holders operate 70 percent of the aircraft in the industry (as stated in the NPRM), operators with less than 10 aircraft, who make up 68 percent of the certificate holders, are not immune to accidents and need the extra layer of protection given by an OCC.

AAMS recommended allowing smaller operators to subcontract OCC services from larger providers or private vendors for certain flight tracking and communication services, while maintaining ultimate operational control of the flight. Med-Trans and REACH asked for the ability to contract for certain functions of an OCC with another OCC. REACH commented that contracting would allow more operators to take advantage of the many safety benefits of an OCC but also share the cost. It noted that each operator would retain management authority and operational control responsibility.

Med-Trans and REACH also suggested an alternate way of applying the OCC requirements. They said that ''[s]everal companies currently operate aircraft on several different certificates but only utilize one [OCC]. Several air medical operators operate air ambulances on multiple certificates. Operations control center functions can be conducted without imposing a requirement for an [OCC] for each certificate.'' They stated that the rule must allow air medical operators to combine OCC functions for multiple certificate holders that are under the same management. They said that this will achieve the benefits of an OCC without the additional cost. They also noted that this change would prevent companies from establishing multiple certificates with 9 or fewer helicopters on each to avoid the OCC requirement.

Angel One Transport, a hospital-based pediatric critical care transport in Little Rock, Arkansas, commented that the proposed exclusion of fixed-wing air ambulances and air ambulance operators with less than 9 helicopters creates an ''at risk'' group in the air medical industry. Angel One Transport said that ''as a small operator, our program has many of the same characteristics of an OCC established in our program's operations though we do not meet the stated letter of the law in the NPRM.'' Angel One Transport asked the FAA to consider adding language that allows smaller operators to have the ''functional capabilities'' of an operations control center, noting that ''the functions of an OCC are invaluable but the financial obligations for a small operator to comply with such requirements are cost prohibitive.''

Another small operator, A.L.E.R.T. in Kalispell, Montana, operates with only one helicopter. The commenter stated that the requirement for OCCs is a good idea, but that it should be based on the number of aircraft and not the number of dispatches or flights. It further asserted that ''an operational control center would be very costly, which could easily be absorbed by a larger operation but prohibitive to a small one and not necessary.''

NEMSPA said that ''for smaller operations with a dispatch or communications center, placing personnel in that facility who meet the requirements for an operational control specialist should satisfy the requirements for the facility to be an operational control center.''

LifeFlight of Maine supported extending the OCC requirements to all operators of an air ambulance, including rotor or fixed wing, to have an OCC regardless of size. Only one commenter, AAMS, suggested that this compliance requirement should be based on number of hours flown and geographical area covered rather than number of helicopters.

It is possible that a small operator with only one or two helicopters could reach a set hourly limit, but would not have the same level of operational complexity as a certificate holder flying the same number of hours but with 10 or more helicopters. Nevertheless, the FAA is requiring an OCC only for certificate holders with 10 or more helicopter air ambulances, as proposed. As discussed in the NPRM, these larger certificate holders will gain the most benefit from an OCC because their operations are more complex. This requirement will cover approximately 83 percent of the U.S. helicopter air ambulance fleet.

The FAA specifically asked for comments on whether the applicability of this requirement should be based on the number of operations or hours flown by each aircraft, rather than fleet size. After evaluating the comments, the FAA has concluded that fleet size is the best method for determining whether the OCC requirement would apply. The fleet size requirement is easily observed and evaluated by industry and the FAA. Additionally, the FAA does not have data that would allow us to determine how many hours or number of operations would constitute a complex operation, nor has the FAA received such information during the comment period.

The FAA acknowledges that one company may hold several certificates for helicopter air ambulance operations. In these circumstances, each certificate would be evaluated independently rather than in the aggregate. Provided that each certificate holder has fewer than 10 helicopters used for air ambulances in its fleet, then no OCC would be required.

Other OCC Comments

PHI noted that OCCs were originally an invention of air medical operators to more effectively manage operations control. PHI said its Enhanced Operations Control Center has become a critical component in the company's safety and risk management process as well as the OCC within the company. PHI, however, along with AMOA, Air Evac EMS, and ACCT, does not believe the requirement as proposed is consistent with the highest industry standards. These commenters also believe that the OCC requirements are too much like those for part 121 air traffic control and dispatch functions and are not compatible with part 135 on-demand operations. They suggested delaying implementation of the rule until a minimum operating standard based on industry best practices could be developed. They recommend the FAA conduct an additional study of existing OCCs.

LifeFlight of Maine commented that AC 120–96 is inadequate for principal operations inspectors and recommended additional guidance in line with industry best practices. The National

Association of Air Medical Communications Specialists (NAACS) sought clarification on the meaning of ''formalized dispatch'' and ''enhanced operational procedures.''

As noted in the NPRM, the duties and training requirements of operations control specialists are based on AC 120–96, *Integration of Operations Control Centers into Helicopter Emergency Medical Services Operations* (May 2008), which provides recommendations to assist helicopter air ambulance operators with the development and implementation of an OCC. Also as noted, AAMS, HAI, and AMOA commented to the NTSB that the AC is a ''product of a survey of best practices in the air medical industry and gives guidance to other air medical services as to the benefits of this type of operation.'' [12] These requirements found in the AC and in the rule are intentionally similar to part 121, but as noted in the AC, helicopter air ambulance operations are unique and therefore the FAA did not adopt the full part 121 aircraft dispatch requirements. We also note that the standard adopted in this rule is a baseline that can be augmented by an operator.

Operations Control Specialists

One commenter said that the FAA should require a dispatch center staffed with part 121 certificated dispatchers. This commenter said that the FAA should certify dispatchers, and those dispatchers should plan and evaluate the entire flight before contacting the pilot and then monitor the flight's progress to destination.

The NTSB also supported FAA certification of operations control specialists and commented that such a requirement will ensure that the FAA has oversight over training, testing, and certification, and will provide quality control. By requiring operations control specialists with standard certification, NTSB asserts that this may facilitate development of OCCs that will be able to subcontract their services to smaller HEMS entities.

NEMSPA recommended a standard for operations control specialist training set by the industry and approved by the FAA before any requirement is put in place. Med-Trans, REACH, Air Evac EMS, AMOA, California Shock Trauma Air Rescue (CALSTAR), Omniflight Helicopters, Inc. (Omniflight), and Intermountain Life Flight do not believe that operations control specialists should be required to obtain certification in order to do their work. However, one individual questioned why a certified dispatcher is not qualified to act in an operations control position but a graduate of a company-sponsored program is.

The FAA received comments stating that the operations control specialist training proposed in the NPRM too closely follows the training program for part 121 dispatchers. The FAA acknowledges that the requirements of this rule were based on part 121 dispatcher training rules. The topics selected for training, however, were derived from FAA AC 120–96, which provides a recommended training curriculum for communications specialists. The certificate holder may contract for operations control specialist training or testing in accordance with § 135.324. The certificate holder may use a part 142 training center or another certificate holder for operations control specialist training and testing.

Commenters also asked for a clearer distinction between the operations control specialists required by this rule and ''CommSpecs,'' the communication specialists currently employed in the air ambulance industry. NAACS asked whether the aviation base curriculum for operations control specialists would enhance safety benefits beyond the current ''Certified Flight Communicator'' program offered by NAACS. In response to this question, the FAA notes that the areas of required training for an operations control specialist, derived from AC 120–96, are specified in the rule. Compliance with this rule will enhance safety because the training will be required and standardized for all operations control specialists. The FAA does not believe that a distinction between operations control specialists and CommSpecs is necessary. This rule requires that an OCC be staffed by an operations control specialist at all times while helicopter air ambulance flights are being conducted. The number of persons functioning in this capacity is not mandated, but there must be a sufficient number of them to ensure operational control of each flight. An operator may also staff an OCC with CommSpecs, but these persons are not mandated and they may not perform the functions of an operations control specialist as listed in § 135.619(a)(1)–(4) unless they satisfy the qualification and training requirements of an operation controls specialist.

Thirty-four commenters, including Air Evac EMS, Intermountain, Med-Trans, Metro Aviation, Inc. (Metro Aviation), National Air Transportation Association (NATA) and REACH, objected to the proposed 10-hour duty time limitation for operations control specialists. They commented that this operations control specialist work shift limit reflects regulations applied to part 121 dispatchers and does not reflect any best practice or proven standard in the air medical community. Air ambulance pilots, although only permitted to fly 8 hours, work a 12-hour shift. These commenters, including AMOA, PHI, Air Evac EMS, and ACCT, described situations where the differences in shift hours could interfere with completion of a mission. PHI believes that requiring a duty day for these specialists that is less than that required of pilots is both arbitrary and unnecessary. PHI said that the operations control specialist requirement for a 10-hour workday effectively adds an additional full-time employee to the OCC and significant costs to the operator without a demonstrated benefit. REACH remarked that it is unclear why OCC personnel should be more limited in their duty time than flight or medical crews.

After reviewing these comments, the FAA has determined that the proposed operations control specialist duty time is appropriate. The FAA acknowledges that these standards may be different than what some communications specialists may currently be practicing. However, as discussed in the NPRM, the operations control specialist duty time limitation is based on the duty time requirements for part 121 aircraft dispatchers. The FAA has determined that, based on the similarities of these positions, it is appropriate to use the same duty time limitation. Finally, although pilots may have a longer duty period than operations control specialists under this rule, the flight time limitations placed on pilots within their duty periods (or subsequent rest requirements) limits the pilot's exposure to risk.

In conjunction with the proposal for OCCs, the FAA proposed revising §§ 120.105 and 120.215 to add operations control specialists to the list of persons who must be tested for drugs and alcohol. Eleven commenters, including Air Methods, Metro Aviation, and several individuals affiliated with REACH, argued that operations control specialists should be exempt from part 120 drug and alcohol testing.

Operations control specialists will be performing safety-sensitive functions such as providing preflight weather assessment, assisting with fuel planning and alternate airport weather minimums, and communicating with pilots about operational concerns during flight. These duties are similar to those

[12] Statement from the Association of Air Medical Services, Helicopter Association International, and Air Medical Operators Association to the NTSB 14 (Jan. 13, 2009), available at *http://www.ntsb.gov/Dockets/Aviation/DCA09SH001/default.htm.*

of an aircraft dispatcher, and thus operations control specialists would be subject to the same restrictions on drug and alcohol use, and to a certificate holder's drug and alcohol testing program, as described in 14 CFR part 120.

An operations control specialist who failed a drug test, functioned as an operations control specialist without completing training or passing examinations, or verified false entries on a preflight analysis worksheet, could be subject to enforcement action or civil penalties.[13]

The FAA's reference to ''formalized dispatch'' in the NPRM refers to an established consistent process that certificate holders will use when dispatching a flight. The term ''enhanced operational control'' involves more people than only the pilot in the flight release process. For example, it may include the pilot and an operational control specialist, the chief pilot, or the director of flight operations.

Section 135.619 is adopted as proposed. The wording has been modified to ensure clarity.[14]

8. Briefing of Medical Personnel (§§ 135.117 and 135.621—Proposed § 135.619)

In the NPRM, the FAA proposed to require that medical personnel on board a helicopter air ambulance flight receive a supplemental preflight safety briefing with information specific to helicopter air ambulance flights.[15] This information would be in addition to the passenger briefing currently required by § 135.117. As an alternative to the proposed preflight safety briefing, certificate holders would be permitted to provide training every 2 years to medical personnel through an FAA-approved training program.

The NTSB, A.L.E.R.T., LifeFlight of Maine, AAMS, and Angel One Transport supported the requirement. LifeFlight of Maine noted that continual educational opportunities for medical personnel will further enhance situational awareness and promote operational safety.

AAMS, while supporting this proposal, suggested that the FAA work with industry to develop standardized briefing criteria and procedures in order to avoid confusion and inconsistent enforcement of this provision. Several commenters also suggested that accommodations should be made to permit briefings that are not as extensive as those proposed for the rare instances when medical personnel not associated with air medical operations are transported.

Several commenters, including the NTSB, NEMSPA, and the Society of Aviation and Flight Educators, suggested that medical personnel safety training be conducted on an annual basis because much of their knowledge will degrade over time. A.L.E.R.T. made a similar suggestion, noting that it conducts training when it hires new personnel and annually after. AMOA, PHI, NEMSPA, the Health Care District of Palm Beach County and Air Evac EMS recommended that the FAA develop a standard and an approval process for a medical crew training program. Several commenters suggested that the medical personnel training program should be consistent with the Air Medical Resource Management (AMRM) program supported by FAA and industry. AMOA, PHI and Air Evac EMS also commented that it is unnecessary to require medical personnel training record retention for an additional 60 days beyond the 24 months.

AMOA, PHI, and Air Evac EMS expressed several concerns with this provision. They commented that a lack of formal guidance would lead to misunderstanding of the requirements along with inconsistent application and enforcement.

The FAA finds that medical personnel on helicopter air ambulance flights will benefit from an increased familiarity with the helicopter and emergency procedures due to their unique role of providing patient care while simultaneously working around an operating helicopter. The preflight briefing and training is intended to prevent medical personnel from inadvertently introducing risk to the operation when outfitting the passenger compartment for the purpose of providing medical treatment and when providing medical care to a patient.

The FAA notes that medical personnel preflight briefing and training is distinct from AMRM training. The AMRM program is not a preflight safety briefing, but rather a tool used by operators to improve communication and teambuilding skills among its employees during air medical operations. While the FAA supports the use of the AMRM program, it is a distinct program and unrelated to the medical personnel preflight safety briefing/training proposed in the NPRM and adopted in the rule.

As proposed in the NPRM and contained in the final rule, this provision requires a briefing for medical personnel on the physiological aspects of flight, patient loading and unloading, safety in and around the helicopter, in-flight emergency procedures, emergency landing procedures, emergency evacuation procedures, efficient and safe communications with the pilot, and operational differences between day and night operation. The FAA concludes that these requirements will provide certificate holders with sufficient guidance on how to conduct briefings, which will lead to consistent application and enforcement of this provision. Additionally, as proposed in the NPRM and contained in the final rule, this provision mandates that any certificate holder that chooses to conduct a medical personnel training program in lieu of preflight briefings must have an FAA-approved training program in place. This will also ensure consistency in application and enforcement of this provision.

The FAA will not provide exceptions or accommodations to permit briefings that are not as extensive as those proposed for the rare instances when medical personnel not associated with air medical operations are transported. All medical personnel onboard a helicopter air ambulance flight who have not received the optional training provided for by this rule must receive the preflight safety briefing. Medical personnel not associated with that particular operation may still inadvertently introduce risk to the operation when on board the flight. The preflight safety briefing will provide these medical personnel with familiarity with the helicopter and emergency procedures, thus reducing the risk that those personnel will affect the overall safety of the operation. If medical personnel are not being transported during a ''helicopter air ambulance operation'' as defined in § 135.601, the operator would only need to provide the standard part 135 passenger briefing as found in § 135.117.

The FAA has determined that medical personnel safety training will be conducted every 24 months. The NPRM proposed training every 24 months, and although commenters suggested that training occur on an annual basis, the FAA has determined that the required 4

[13] *See* §§ 13.14 (Civil Penalties: General); 13.16 (Civil Penalties); 120.33 (Use of Prohibited Drugs); 120.37 (Misuse of Alcohol).

[14] Section 306(d)(2) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct a rulemaking that requires operations control centers for helicopter air ambulance services with 10 or more helicopters. Additionally, section 306(c)(1) requires the rule to address flight request and dispatch procedures.

[15] Section 306(a) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct rulemaking on helicopter air ambulance operations to address ''flight request and dispatch procedures.'' Though the benefits are less than costs for this provision, it satisfies the Congressional mandate as required by the Act.

hours of ground training and 4 hours of training in and around the air ambulance helicopter every 24 months will provide a sufficient amount of familiarity with the aircraft and emergency procedures.

Final Rule

Based on the comments received, the FAA is adopting the rule as proposed with changes. The FAA concludes that requiring medical personnel training record retention for an additional 60 days beyond the 24 months is unnecessary and has amended the final rule to require that records be maintained for only 24 months following the individual's completion of training. If an incident occurs near the end of the retention period, the FAA expects that these relevant documents will be retained per NTSB regulation 49 CFR § 380.10(d). Additionally, we removed redundant briefing topics in § 135.621 based on existing briefing requirements of § 135.117.

9. Helicopter Terrain Awareness and Warning Systems (HTAWS) (§ 135.605)

The FAA proposed a requirement for equipping helicopter air ambulances with HTAWS. There is no existing requirement for this equipment. One commenter stated that installation of HTAWS has been ''the single most effective technology for reducing helicopter mishaps'' among U.S. military helicopters. The NTSB concurred with the proposal and noted that it would meet Safety Recommendation A–06–15. However, commenters also raised concerns over the effectiveness of HTAWS, the need for flexibility, and the cost of the rule.

A number of commenters, including NEMSPA, questioned why the FAA would propose mandating HTAWS, saying that its technology has not been proven in helicopters. Commenters assert that terrain awareness and warning systems (TAWS), the predecessor to HTAWS technology, has only been truly tested with airplanes operating in the high altitude instrument flight rules environment and that there is no evidence to show that HTAWS is effective in low-level visual flight operations. Other commenters said that this equipment is more effective in mountainous areas than in less challenging terrain, is a ''distraction in the cockpit,'' ''doesn't give the pilot the ability to see and avoid weather,'' and ''doesn't keep you from spatial disorientation.'' A number of commenters said that requiring operators to invest in this technology today might preclude them from acquiring more effective technology as it becomes available in the future.

EADS Cassidian Electronics stated that air ambulance operators are the most prominent part of the flying community for which HTAWS can assist in preventing controlled flight into terrain and obstacle strike accidents, but the FAA should be clear about the limitations of current HTAWS systems caused by the reliance on databases. It stated that the vertical accuracy of the ground altitude of a database is approximately 60 feet, which does not include objects like trees, ''which seems to be insufficient for take-off and landing.'' Databases, according to the commenter, only include a fraction of man-made obstacles, such as power lines, antenna masts, and wind turbines which are not included in the database in real time. To resolve these problems, the commenter stated that the best solution would be to require equipment with a real-time forward-looking sensor system that would issue warnings for every obstacle in the flight.

AAMS commented that HTAWS and night vision goggles (NVGs) should be required together as each provides benefits that complement the other. LifeFlight of Maine commented that HTAWS and NVGs should be a minimum standard for night operations. Max-Viz Inc. (Max-Viz) and several individuals commented that NVGs provide better protection from controlled flight into terrain than HTAWS. Additionally, one individual recommended requiring an autopilot rather than HTAWS because it is less expensive and more effective. Several members of ACCT also stated that autopilots are more effective than HTAWS. They claimed that HTAWS only provides a warning to a pilot of an impending collision or altitude loss, but the pilot's corrective actions with the flight controls prevent controlled flight into terrain. They stated that an autopilot would decrease the risk of controlled flight into terrain and accidents from IIMC by holding the aircraft flight path steady and reducing a pilot's susceptibility to spatial disorientation during IIMC recovery maneuvers. The reasons that the FAA did not adopt NVG or autopilot requirements in this rule are addressed in the discussion of pilot instrument ratings, § 135.603, below.

The FAA disagrees with comments that HTAWS is not proven technology as it relates to helicopters and that it would not be effective in preventing controlled-flight-into-terrain accidents. RTCA/DO–309 Minimum Operational Performance Standards for HTAWS and Airborne Equipment TSO–C194 set the standards for HTAWS. The FAA and manufacturers have installed, evaluated and certified HTAWS in helicopters and the systems have been shown to perform their intended function as designed in low altitude environments.

The FAA concludes that the use of HTAWS would create a safer environment for emergency medical services flight operations by preventing controlled flight into terrain at night or during bad weather. As noted in the NPRM, the NTSB cites 17 accidents in its Special Investigation Report on Emergency Medical Services Operations (Jan. 25, 2006) [16] that may have been prevented if the helicopters had been equipped with TAWS. The FAA maintains that HTAWS will make helicopter air ambulance pilots more aware of surrounding terrain and obstacles and keep them from collisions. It may prevent the accidents that happen when a pilot must take sudden and quick action to avoid a collision and then loses control of the helicopter.

The FAA acknowledges that there may be lags between the time when new obstacles are erected and the time when they are put into an HTAWS database. However, the FAA has determined that the VFR flight planning and the VFR altitude requirements adopted here will help to offset such a lag by providing increased situational awareness to pilots. Likewise, the radio altimeter required under these rules will provide increased situational awareness by providing pilots with additional information about their altitude above the ground.

The FAA received several comments addressing the flexibility in the rule and whether the implementation timeline is appropriate. Commenters including AMOA and PHI expressed the need for minimum equipment list (MEL) relief for HTAWS in the event that the unit is inoperable. Air Methods stated that the rule's reliance on the technical standard order (TSO) process would ''inhibit future technological benefits without a lengthy rule changing process.'' The Health Care District of Palm Beach County stated that, in the future, HTAWS may not be the most effective way to achieve terrain and obstacle avoidance. AMOA commented that the rule should be performance based to allow flexibility for incorporation of later technology.

LifeFlight of Maine and other members of the ACCT stated that they believed that the 3-year timeline for

[16] The report can be accessed at: *http://www.ntsb.gov/safety/safetystudies/sir0601.html* (December, 10, 2013).

implementation provides ample time to comply with the rule and to finance the costs. They did not agree with extending the time to comply or limiting the applicability of this requirement. FreeFlight Systems also commented that the 3-year implementation period seemed reasonable.

Bristow Group noted its support for requiring all helicopters engaged in commercial service to be equipped with HTAWS if not already equipped with a radio-altimeter-based warning system.

The FAA acknowledges that technology could be improved over time, but does not agree that mandating this particular type of equipment will constrain the ability to embrace new technologies. Incorporation by reference of new TSO requirements allows the agency to adopt revised technological standards. The need to incorporate new TSOs into the regulation, due to technological innovation, will not hinder adoption of that technology in helicopter air ambulances.

In response to comments on the need for flexibility should an HTAWS unit become inoperable, the FAA agrees that an HTAWS may meet the requirements for MEL relief with certain conditions on the types of operations that could be conducted while the HTAWS was inoperable. The exact scope of such relief will be addressed through the FAA's standard MEL process.

Based on the comments received, the FAA has determined that the compliance date for the HTAWS requirement does not need to be extended. Extending the HTAWS requirement to the entire commercial helicopter population would be outside the scope of this rulemaking.

Finally, West Michigan Air Care estimated that its cost of compliance with the HTAWS requirement would be $75,000 for its two-helicopter air ambulance operation. The FAA notes that this estimate is consistent with the FAA's estimate of $35,000 per helicopter for equipment and installation, plus $7,000 for revenue loss for equipment downtime. Additionally, while the FAA recognizes the financial burden new equipment requirements impose on operators, providing 3 years from the effective date of the final rule for installation will allow certificate holders to spread the cost of compliance over that period of time and take advantage of scheduled downtime for maintenance.

This rule is adopted as proposed with minor edits for clarification.[17]

[17] Section 306(c)(3) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct a rulemaking that addresses use of HTAWS in helicopter air ambulance operations.

10. Flight Data Monitoring System (§ 135.607) [18]

In the NPRM, the FAA stated it was considering requiring helicopter air ambulance operators to install a flight data monitoring system, referred to in the NPRM as a light weight aircraft recording system (LARS).[19] Currently, § 135.151 requires a cockpit voice recorder (CVR) system in rotorcraft with a passenger seating configuration of six or more seats and for which two pilots are required. Section 135.152 requires flight data recorders (FDRs) in rotorcraft with a passenger seating configuration of 10 or more seats. Most helicopters used in air ambulance operations are configured with fewer than six passenger seats, and thus are not required to be equipped with either CVRs or FDRs.

In the NPRM, the FAA invited comments on the flight data monitoring system proposal under consideration. The FAA proposed that the flight data monitoring system ''would be required to capture data according to a broadly defined set of parameters including information pertaining to the aircraft's state (such as heading, altitude, and attitude), condition (such as rotors, transmission, engine parameters, and flight controls), and system performance (such as full authority digital engine control, and electronic flight instrumentation system).'' Further, as proposed, the flight data monitoring system would have to be operated from the application of electrical power before takeoff until the removal of electrical power after termination of flight. It would be required to receive electrical power from the bus that provides the maximum reliability for operation without jeopardizing service to essential or emergency loads. Under the proposal, certificate holders would have had 3 years to comply with the rule. The FAA noted a flight data monitoring system can be used to promote operational safety, and that, because so few certificate holders are using such systems, it may be necessary to require them. Likewise, the FAA stated that these systems can provide critical information to investigators in the event of an accident.

The FAA received numerous comments on this proposal regarding flight data monitoring system use in accident investigation and Flight Operational Quality Assurance (FOQA) programs, the standards for the flight data monitoring system, the rule's implementation date, and the FAA's cost estimate.

Accident Investigation/Use in a FOQA Program

Many commenters supported a requirement for FOQA. LifeFlight of Maine and members of ACCT support both a requirement to install a flight data monitoring system and a requirement to participate in the FOQA program, and commented that flight data monitors can assist with accident investigation. They recommended that the FAA conduct a joint technical study with the NTSB and air ambulance operators who are using a FOQA program to determine the data capture rate needed to meet NTSB accident investigation needs and what data feedback requirements would best support FOQA programs. Eurocopter commented that FOQA use is preferable to use in accident investigation, and the Global Helicopter Flight Data Monitoring Steering Group commented that accident investigation use is only reactive, but FOQA use can be proactive.

PHI supports installation and use of a flight data monitoring system in air ambulance aircraft. It suggested requiring operators to develop an internal process for using data collected by the system for analysis, identification and mitigation of at-risk behaviors across the organization, as well as development of supplemental educational opportunities for air ambulance pilots. PHI said that the focus of the flight data monitoring system should be to prevent accidents. It said the emphasis should be placed on FOQA and flight data management implementation and benefits. HAI supports and encourages flight data monitoring technology because it has obvious safety benefits for accident investigation and the potential for development of FOQA and other safety programs. Alakai Technologies Corporation commented that the requirement should be extended across all helicopter operations.

An individual commented that satellite tracking, currently in use by his company, records flight information that can be used to help rescue the aircraft and provides the necessary information on aircraft operations making a flight

[18] Section 306(a) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) directs the FAA to conduct rulemaking on helicopter air ambulance operations to address ''safety enhancing technology and equipment,'' including ''devices that perform the function of flight data recorders and cockpit voice recorders.'' Though the benefits are less than costs for this provision, it satisfies the Congressional mandate as required by the Act.

[19] Although the NPRM did not contain proposed rule text, the FAA provided a detailed discussion of the proposals under consideration and asked for comments in anticipation of including an FDMS requirement in the final rule.

data monitoring system unnecessary. Kestrel Air stated that the cause of most air ambulance accidents is already known and that flight data monitoring systems do not record flight visibility data, thus adding little value to analyzing IIMC encounters.

A FOQA program is meant to improve flight safety by providing more information about, and greater insight into, the total flight operations environment. This is accomplished with selective automated recording and analysis of data generated during flight operations. Analysis of FOQA data can reveal situations that require improvement—in operations, in training, and in maintenance procedures, practices, equipment, or infrastructure.

In response to comments about mandatory FOQA participation, the FAA notes that 14 CFR part 13, Investigative and Enforcement Procedures, states conditions under which information obtained from an approved voluntary FOQA program will not be used in enforcement actions against an operator or its employees. Part 193, Protection of Voluntarily Submitted Information, contains provisions for certain protections from public disclosure of voluntarily submitted safety-related information when such information has been designated by an FAA order as protected under that part. As stated in the NPRM, these protections are available only if the data is collected by the operator as part of a voluntary FAA-approved program. In support of this public safety objective, the FAA has endorsed the development and implementation of voluntary FOQA programs as a tool for continuously monitoring and evaluating operational practices and procedures, but maintaining the voluntary nature of the program is paramount and does not allow the FAA to mandate FOQA for any operator.

As discussed in the NPRM, this equipment may be used to provide significant information for investigators to determine accident causation, which may help to prevent future accidents. In addition, the data can be used proactively by an operator to modify operational and maintenance procedures for increased efficiency and lower costs, to provide immediate feedback to pilots in training, and to highlight areas where additional training may be needed.

The final rule requires certificate holders operating helicopter air ambulances to install and operate a flight data monitoring system in their helicopters. The FAA is not extending this requirement to all helicopter operations because that option was not presented in the NPRM. Although the FAA encourages operators to take advantage of the many uses of this data, this final rule does not require data collection because mandating it would open up that data to FAA surveillance, amounting to a required submission. The FAA is concerned that such an action would discourage operators from participating in a FOQA program.

Although operators will not be required to collect data from the flight data monitoring system, the FAA encourages them to gather this information and analyze it for use in improving safety in their day-to-day operations. Based on current practice, some will choose to use the system this way. The rule will not preclude operators from participation in an FAA-approved FOQA program, and data submitted voluntarily as part of a FOQA program will be protected under part 193.

The FAA anticipates that the information that this equipment can gather may be used as a supplement to a certificate holder's training program.

Flight Data Monitoring System Capabilities

The FAA received many comments on the flight data monitoring system standards discussed in the NPRM, including several stating that a regulation is not appropriate at this time. However, the FAA also received comments in support of flight data monitoring system, including from the NTSB.

AAMS supports installation of a flight data monitoring system on air ambulance helicopters but says the proposal was not specific enough to justify a regulation at this time. NORTH Flight Data Systems stated a regulation would slow technological development of these systems. PHI recommended that the FAA conduct a comprehensive outreach process in partnership with certificate holders who currently have a flight data monitoring system installed and are participating in flight data monitoring FOQA programs. The commenter suggested this as a way to determine what data is needed for flight data management and what are realistic cost estimates for installing those systems and operating a fully functional flight data monitoring FOQA program.

AMOA suggested waiting to establish a regulation until there is a more thorough understanding of current products, but also noted the need for MEL relief if a rule were adopted. HAI stated the technology is not sufficiently mature at this time to justify a regulation. Eurocopter recommended defining the required parameters in conjunction with aircraft manufacturers before regulating. Honeywell International also suggested the development of minimum performance specifications. The General Aviation Safety Network commented that what was proposed, with respect to required parameters, is too close to an FDR.

The FAA also received several comments on whether the flight data monitoring system under the rule would need to comply with European Organization for Civil Aviation Equipment (EUROCAE) Document ED–155 or TSO–C197.

NTSB said that a recorder that complies with ED–155 would be a valuable aid to accident investigations and would be fully capable of supporting a structured flight data monitoring program. The NTSB notes that a considerable amount of work has been done by EUROCAE (with full participation by both the FAA and the NTSB) to develop standards for light-weight flight recording devices that would fulfill the requirements outlined in the NPRM. The ED–155 standard covers FDR-like data recording, CVR-like audio recording, cockpit video, and data-link message recording. Several manufacturers are producing recorders to this standard at a cost of less than $10,000.

FreeFlight Systems, an avionics manufacturer, said that TSO–C197 will drive up costs because it does not allow commercial-grade operating systems. This commenter said that, rather than using a TSO, a parts manufacturer approval (PMA) should suffice, since a flight data monitor failure does not endanger the airframe or other systems in the aircraft. For accident investigation purposes, FreeFlight indicated that it produces a hardened memory unit which provides protection of vital information in the event of a crash. It has significant ballistics protection and can withstand a temperature of 1,100 degrees Celsius for up to an hour.

The General Aviation Safety Network commented that no certification should be required, except for RTCA DO–160E environmental categorization. NORTH Flight Data Systems commented that the ''crashworthy focus'' of the NPRM will make many products undergo redesign to meet the TSO or ED–155 standards.

The FAA agrees with the NTSB that several manufacturers have recording systems able to record flight performance data, audio, images, and data-link messages. This final rule is performance based and compliance with this rule does not necessarily require

installation of a TSO-approved system. However, TSO–C197-approved articles are an acceptable means of compliance with new § 135.607. This equipment must be capable of recording flight performance data. Considering the availability of such technology, the FAA has determined that a final rule requiring all air ambulance helicopters to equip with a flight data monitoring system is justified. This final rule requires installation and operation of a flight data monitoring system, but it does not require collection of data from that equipment or development of data collection processes.

In response to these comments, the FAA offers clarification. The parameters described in the NPRM were meant to illustrate the type of data that could be collected by this equipment. In the final rule, the FAA does not specify parameters of data or specifically identify a set of performance standards that must be met. The final rule also does not require data collection or data analysis. It requires only that a flight data monitoring system capable of recording flight performance data be installed. This final rule simply requires equipment—not data collection. The rule does not establish standards for crashworthiness or environmental testing. This final rule uses a cost model for an approved flight data monitoring system designed and produced under a TSO–C197 authorization.

It would be outside the scope of the rule to require satellite tracking of helicopter air ambulances because it was not proposed in the NPRM. In developing the 2010 NPRM, the FAA intended that compliance with § 135.607 would be met by an FDR-like system installed and recording on the helicopter. An operator may demonstrate that a satellite tracking system, combined with onboard reporting, has the capability to meet the standards in § 135.607.

The FAA anticipates that relief could be granted for operations with an inoperable flight data monitoring system. While a flight data monitoring system is a valuable tool that can be used for accident investigation, it is a passive device that collects information and is not essential for safe operation in the way an oil pressure gauge would be. The particular requirements relating to operations with an inoperable flight data monitoring system would be developed by FAA's Flight Standards Service for its MEL program.

Implementation Date for the Flight Data Monitoring System

AMOA recommended that the FAA not issue a rule requiring flight data monitoring systems until there is a better understanding of current products. PHI said that a 3-year implementation time is too ambitious. HAI strongly supports flight data monitoring technology, but does not believe it is sufficiently mature at this time to serve as the basis for a regulatory equipment mandate. HAI and LifeFlight of Maine recommend establishment of a joint FAA/industry work group to collect relevant data and conduct a study on which to base long term guidance. The NTSB, in discussing the work that EUROCAE has done to develop standards for light-weight flight recording systems, said an ED–155-compliant recorder would be an aid to accident investigation and encouraged the FAA to include a requirement for a flight data monitoring system in the final rule. AMOA commented that operators have reported significant delays in the approval process for all types of equipment installations. It asked for expedited approval for any required new equipment

The FAA has carefully reviewed the comments that industry needs sufficient time to manufacture, obtain and install equipment that meets the required performance standards. After considering comments, the FAA has determined that it is appropriate to allow 4, rather than 3 years from the effective date of the rule for compliance. This extra year is warranted to provide additional time for operators to obtain and install equipment.

Cost Estimate for Flight Data Monitoring Systems

In the NPRM, the FAA estimated that the cost of a flight data monitoring system would be $6,450 for equipment and installation, and accompanying software would cost $750 per year. There was also a $1,913 average 10-year cost estimate for evaluation, analysis, and use of the recorded data. The FAA asked the public to evaluate the accuracy of this cost information and those comments are summarized below.

Bristow Group stated that this equipment is affordable and effective and that the FAA should mandate it for all commercial helicopters that are not already required to have FDR. It asserts that this equipment is proven to bring safety and financial benefits to all types of commercial helicopter operations.

Some commenters, including AMOA, PHI, LifeFlight of Maine, AAMS, and Air Evac EMS, said that cost estimates for the flight data monitoring system presented in the NPRM were unrealistic. They said that equipment bought at that price would not be able to perform all the functions mentioned in the NPRM. They also said that the FAA's estimates had not included the cost of installation, the cost of time out of service, or the cost of reviewing data collected by the device. AMOA contended that there is no current device that can perform all the functions listed in the proposal. AMOA estimated that flight data monitoring system costs are more than $30,000, plus costs associated with the development of supplemental type certificates, installation, and time out of service. PHI estimated the actual cost of a complete flight data monitoring software platform can range from $50,000 to in excess of $120,000—a cost that does not include hardware, manpower, or recurring service/support and training. LifeFlight of Maine stated that one member, who is a part 135 certificate holder with an FAA approved FOQA and a flight data monitoring system, found the costs for purchase, installation and data collection/analysis to be $27,250 per aircraft. AAMS stated that reports from its providers already using flight data monitoring systems suggested that the FAA estimates for equipment purchase and installation are 4 to 5 times too low and did not account for program maintenance, data storage, and report development. Air Evac EMS estimated the total cost to be more than $40,000, plus costs associated with the development of supplemental type certificates, installation, time out of service, and very expensive service contracts.

PHI agreed with AMOA on the cost analysis, saying that the FAA had ''grossly underestimated'' the cost of flight data monitoring equipment, accompanying analysis software, and flight data monitoring FOQA program development and maintenance costs. These commenters argued that no system on the market could accomplish all the tasks specified in the NPRM at the price of $6,450. PHI also commented that ''another cost driver for LARS will be the level of crash survivability specified.'' PHI strongly urged the FAA to develop unique specific minimum operational performance specifications (MOPS) or a TSO for helicopter flight data monitoring systems. PHI contended that if this equipment is held to the crashworthiness called for in ED–155, some operators will not be able to afford it.

In response to these comments, we note that the FDM capability described in the NPRM was meant to illustrate the type of data that could be collected by this equipment. We did not intend to propose an FDM system that must record all information pertaining to the aircraft's state (such as heading, altitude, and attitude), condition (such

as rotors, transmission, engine parameters, and flight controls), and system performance (such as full authority digital engine control, and electronic flight instrumentation system) that was discussed in the NPRM. Under this rule, the operator would be able to determine the parameters that the FDM would record. Our estimate of $6,450 ($5,950 plus $500 for installation) was based on a device that could meet the intent of the proposal, not one that could capture every parameter listed as examples in the NPRM.

However, based on the comments received, the FAA reviewed and revised the FDMS cost estimates. In the final rule, the FAA specifically identifies a set of performance standards that must be met. While these performance standards are based on certain requirements in TSO–C197 and ED–155, the final rule does not require equipment that is compliant with TSO–C197 or ED–155. The FAA is aware of equipment that meets TSO–C197 requirements that is currently available for $7,000 and uses this estimate in the final rule. The FAA also now estimates that installation would cost $8,000 (80 hours x $100 per hour) which would include time to run operational performance tests on the FDMS. We estimate a one-time revenue loss of $7,000 per day for installation. Therefore, the FAA estimates the total cost per helicopter to be $22,000 ($7,000 equipment, $8,000 installation, $7,000 revenue loss). Additionally we estimate that operators will incur two, one-time, hardware and software license fee costs of $2,500 and $750, respectively. For detailed cost information see the accompanying regulatory evaluation.

Final Rule

This final rule will require installation of a flight data monitoring system capable of recording helicopter flight performance and operational data.[20] It will not require data collection or prescribe standards or parameters for data collection. The flight data monitoring system must be activated and operative from the time electrical power is turned on before takeoff until it is turned off after the end of the flight. Helicopter air ambulance operators will have 4 years to comply with the rule. Helicopters equipped with an operational FDR that meets the requirements of § 135.607(a)–(b) will be in compliance with this rule.

This rule addresses parts of NTSB Safety Recommendations A–06–17 and A–09–90.

11. Pilot Instrument Ratings (§ 135.603)

The FAA proposed to add § 135.603 to require a helicopter air ambulance pilot to hold a helicopter instrument rating. Currently, § 135.243(b) requires the pilot in command of a helicopter air ambulance to hold, at a minimum, a commercial pilot certificate. Helicopter air ambulance pilots are not currently required to hold instrument ratings unless they will be flying under instrument flight rules (IFR) or, when flying under visual flight rules (VFR), they will be flying above a cloud layer (commonly called ''VFR over-the-top'').

The FAA received comments expressing support for the proposal from commenters including the NTSB, AMOA, AAMS, Air Evac EMS, NEMSPA, and Safety and Flight Evaluations, International.

The NTSB agreed with the requirement for a helicopter air ambulance pilot to hold an instrument rating, but stated that helicopter air ambulance pilots should maintain instrument currency. It commented that instrument currency is generally acknowledged to be a skill that deteriorates rapidly without continued practice and use. AMOA, NEMSPA, Safety and Flight Evaluations, International and numerous individual commenters also suggested that the FAA require helicopter air ambulance pilots to maintain currency or routinely demonstrate the ability to recover from IIMC. Several commenters noted that this requirement should be applied to all commercial pilots.

Identical comments from two individuals suggested requiring frequent short training sessions involving unplanned entry into IMC followed by an instrument approach to landing at least quarterly in an approved aircraft or simulator. They suggested a requirement that a table-top PC-based navigation system trainer or similar device be used at least monthly. They commented that the FAA should not require using a non-motion visual flight simulator with wrap-around visual display. They requested that the FAA prohibit flight assignment within 24 hours of training in a non-motion visual flight simulator with wrap-around visual display.

The FAA notes that IIMC is a common factor in helicopter air ambulance accidents and the intent of the instrument rating requirement is to ensure that helicopter air ambulance pilots are better equipped to handle these situations. A pilot who receives this rating is better equipped to maintain situational awareness and maneuver the helicopter into a safe environment. Requiring an instrument rating, without a requirement to maintain instrument currency, will allow a VFR operator to expend fewer resources than required to meet full currency requirements while ensuring that pilots have the skills necessary to extract themselves from IIMC. Additionally, mandating instrument currency for all commercial pilots is beyond the scope of the current rulemaking.

To prevent IIMC accidents, § 135.293 requires that pilots demonstrate the ability to recover from IIMC during their annual competency checks. The FAA notes that the IIMC-recovery portion of the competency check could be performed in a simulator or flight training device, provided that it is consistent with that device's specific approval. Pilots who obtain the instrument rating supplemented by the preparation for the annual competency check will be adequately prepared to recover from IIMC.

This rule is adopted as proposed.

E. General Comments

FAA Oversight Resources/Delay in Approval/Expedited Approval Process

AMOA commented that numerous operators report significant delays in the approval process for all types of equipment installations. It expressed concern about the FAA's ability to inform and educate field personnel, such as Flight Standards District Offices (FSDOs) and headquarters inspectors, about new rule requirements. It maintained that there are a wide range of interpretations and implementations of rules, resulting in a lack of standardization throughout the FAA.

The FAA understands the commenter's concern and has issued guidance for inspectors to ensure uniform application of the rule's requirements. This rule also contains delayed compliance dates for several of its provisions, which will give certificate holders time to purchase and install the required equipment and to develop and implement required procedures.

Night Vision Goggles and Autopilots

The NPRM did not propose requiring night vision goggles (NVGs) or night vision imaging systems (NVIS). The NPRM included a statement explaining that the FAA considered allowing NVGs as an alternate method of compliance for the HTAWS requirement, but

[20] Section 306(d)(2) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to conduct a rulemaking that addresses use of devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible, in helicopter air ambulance operations.

decided that this technology might not be appropriate for all operations and that the FAA required further study on this equipment before allowing its use instead of HTAWS.

Numerous commenters, including AMOA, PHI, Air Evac EMS, NEMSPA, LifeFlight of Maine, FreeFlight Systems, and AAMS expressed support for an NVG or night vision imaging system requirement in this rule. Many commented that night vision technology should be mandated in lieu of HTAWS. AAMS commented that HTAWS and NVGs should be required together as each provides benefits that complement the other. LifeFlight of Maine commented that HTAWS and NVG should be a minimum standard for night operations. The FAA did not receive any comments stating that the FAA should not require NVGs or night vision imaging systems.

As stated in the NPRM, the FAA considered allowing certificate holders to use NVGs or night vision imaging systems as an alternative to HTAWS but did not include such a proposal in the NPRM for numerous reasons. Night vision goggles may not be appropriate for all operations, such as inadvertent flight into IMC. Additionally, the FAA stated that it must conduct further research to determine the most appropriate use of NVGs before allowing operators to use them as an alternate means of compliance. *See* 75 FR 62654. The FAA is, however, currently investigating the benefits, uses and limitations of NVGs.[21]

Similarly the FAA received comments questioning why this rule did not mandate an autopilot requirement. The NTSB commented that the NPRM did not address Safety Recommendation A–09–96, which recommended that the FAA require all EMS helicopters to be equipped with an autopilot for single-pilot operations. NTSB believes that an autopilot is a significant aid for unexpected high workload situations, such as IIMC. LifeFlight of Maine, Boston MedFlight, Life Flight Network, Angel One Transport, NEMSPA, Safety and Flight Evaluations, International, members of ACCT, and several individual commenters also expressed support for an autopilot requirement. Association of Air Medical Services supported the added safety benefits of autopilot technology but commented that further research, development, and industry collaboration is necessary before a regulatory requirement is considered.

The FAA did not include an autopilot requirement in the NPRM. Therefore, mandating an autopilot unit is outside the scope of this current rulemaking. Furthermore, the FAA concluded that requiring autopilots on helicopter air ambulances in this current rulemaking would be premature. Autopilot units may be cost prohibitive and not widely available, and may pose space and weight issues for helicopters not equipped to handle the units.

Public Aircraft Operations

The FAA received several comments from public safety organizations, including the International Association of Fire Chiefs and the Department of California Highway Patrol, asking about the applicability of this rule to ''public safety operations'' or stating their understanding that the part 135 provisions would not be applicable to such operations. The San Bernardino County Sheriff's Department commented that applying the proposed rules to its public safety operations would limit its ability to conduct its operations and ''render unusable 50% of the helicopter EMS aircraft'' in the county.

In contrast, several commenters, including AMOA, PHI, and West Michigan Air Care, expressed support for extending the provisions of this rule to include public aircraft operations. PHI expressed support for requiring public aircraft operations to comply with the rules proposed in the NPRM, stating that the thousands of passengers transported every year by government operators should benefit from the safety enhancements in the proposed rule. It stated that the FAA has been inconsistent in providing civil aircraft regulatory oversight of government operators engaged in air ambulance operations. PHI also highlighted NTSB Safety Recommendation, A–09–130, which calls for the FAA to seek specific legislative authority to achieve safety oversight of helicopter air ambulance operations conducted using government-owned aircraft. The Airborne Law Enforcement Association suggested that the FAA establish a definition of ''public safety HEMS aircraft.''

In response, the FAA clarifies that the part 135 provisions of this rule do not apply to public aircraft operations. The FAA has statutory authority to promote safe flight of civil aircraft in air commerce. *See* 49 U.S.C. 44701(a). This authority does not extend to public aircraft operations.

Public aircraft operation is limited by statute to certain government operations within U.S. airspace. *See* 49 U.S.C. 40102(a)(41), 40125. Although these operations must comply with certain general operating rules (including those applicable to all aircraft in the National Airspace System), other civil certification and safety oversight regulations do not apply. Whether an operation may be considered a public aircraft operation is determined on a flight-by-flight basis, under the terms of the statute. The FAA considers the following factors in making these determinations: aircraft ownership, the purpose of the flight, and the persons on board the aircraft.

Specifically, 49 U.S.C. 40102(a)(41)(C) includes as a public aircraft ''an aircraft owned or operated by the government of a State . . . or a political subdivision of [one of these] governments, except as provided in section 40125(b).'' *See* Legal Interpretation to Ray Borrato, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (July 14, 2011). Section 40125(b) states that an aircraft included in § 40102(a)(41)(C) ''does not qualify as a public aircraft . . . when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.'' ''Commercial purposes'' under the statute means ''the transportation of persons or property for compensation or hire. . . .'' If an operator receives compensation for conducting operations it would not be providing the service as a public aircraft operation, but as a commercial vendor. Those flights would not qualify as public aircraft operations and the operator would be required to comply with the certification and operating rules of 14 CFR part 135.

To that end, we note that the part 135 provisions of this rule would apply only to civil aircraft operations and would not apply to public aircraft operations. Accordingly, an aircraft operator that only performs public aircraft operations would not need to hold a part 119 operating certificate permitting part 135 operations. An operator that conducts both public aircraft operations and civil operations would need to hold a part 119 operating certificate and conduct its civil operations pursuant to part 135 rules. We also note that public aircraft operations must adhere to part 91 airspace rules; therefore, the provisions of § 91.155 would apply to both public and civil operations.

The FAA encourages government entities that conduct public aircraft operations to inform the local FSDO that they conduct public aircraft operations in the FSDO's area to avoid confusion

[21] Section 318 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) requires the FAA to study the ''feasibility of requiring pilots of helicopters providing air ambulance services under part 135 . . . to use NVGs during nighttime operations.''

about the oversight of those operations. The FAA conducts surveillance and oversight of part 119 certificates holders, including government entities that hold such certificates, to verify that they are complying with appropriate rules during civil operations.

IV. Regulatory Notices and Analysis

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this rule. We suggest readers seeking greater detail read the full regulatory evaluation, a copy of which we have placed in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this final rule: (1) Has benefits that justify its costs; (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866; (3) is ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) will have a significant economic impact on a substantial number of small entities; (5) will not create unnecessary obstacles to the foreign commerce of the United States; and (6) will not impose an unfunded mandate on state, local, tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below.

Total Benefits and Costs of This Rule

The estimated mean benefit value for the rule will be about $821 million, or $577 million present value, over ten years. The FAA estimates the cost of this rule will be approximately $311 million, or $243 million present value, over ten years.

Who is potentially affected by this rule?

Helicopter air ambulance operators, commercial helicopter operators, helicopter aerial application operators, and helicopter external load operators.

Assumptions:

- The rule is expected to take effect in 2013. The time horizon for these potential benefits is 10 years, 2013 through 2022.
- All monetary values are expressed in constant 2013 dollars. We calculated the present value of the potential benefit stream by discounting the monetary values using a 7 percent interest rate from 2013 to 2022.
- The FAA estimated that the helicopter fleet would grow at 2.8 percent per year.

Benefits of This Rule

Benefits will accrue from the implementation of new operational procedures and additional equipment requirements for helicopter air ambulances. This final rule also increases safety for commercial helicopter operations by revising requirements for equipment, pilot training, and alternate airports and it increases weather minimums for helicopters operating under part 91. The estimated mean benefit value for these provisions will be $821 million, or $577 million present value, over ten years.

Costs of This Rule

The FAA estimates the cost of this rule will be approximately $311 million, or $243 million present value, over ten years.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

Based on the criteria used in the initial regulatory flexibility analysis and used again here, this rule will have a significant economic impact on a substantial number of small entities. The FAA's usual threshold for economic significance is a 2 percent annual compliance cost to operating revenue. However, we elected to use a more conservative threshold of 1 percent annual compliance cost to operating revenue in this rulemaking. In the initial regulatory flexibility analysis, we stated that the proposed rule would cause small air ambulance operators to incur compliance costs such that the ratio of annual compliance cost to annual revenue ranged between 1.76 and 1.88 percent, which we considered significant. We did not receive any comments on this determination. In the final regulatory flexibility analysis, we have updated the ratio of annual compliance costs to annual revenue to a range between 1.80 to 1.87 percent, but our determination has not changed—this rule will have a significant economic impact on a substantial number of small air ambulance operators.

This final rule will impact air ambulance, air tour, on demand, aerial application, and external load operators. The U.S. Small Business Administration (SBA) classifies businesses as small based on size standards, typically expressed as annual revenue or number of employees. SBA publishes a table of small business size standards matched to North American Industry Classification System (NAICS) codes. Table 5 shows the size standards for the entities that will be affected by this rule.

Table 5. SBA Size Standards		
NAICS U.S. Industry Title	Affected Entity	Annual Revenue or Employee Threshold for Small Business
Other nonscheduled air transportation	Air ambulance operators	<$7 million
Scenic and sightseeing transportation	Air tour operators	<$7 million
Nonscheduled chartered passenger air transportation	On demand operators	<1,500 employees
Other support activities for air transportation	Aerial applications	<$7 million
Other support activities for air transportation	External Load	<$7 million

Air Ambulance Operators

Because we did not have actual annual revenues for air ambulance operators, we estimated them using helicopter counts as a revenue driver. We assumed an average of 367 operations per year for each helicopter and a charge of $7,000 per operation. The FAA estimated 35 small air ambulance operators (with estimated revenues lower than $7 million) out of the 73 air ambulance operators that will be affected by this regulation, which we consider a substantial number of small entities. Their ratio of annualized cost to annual revenue ranges from 1.80 to 1.87 percent. Based on the criteria used in the initial regulatory flexibility analysis and used again here, this rule will have a significant economic impact on a substantial number of small air ambulance operators. Accordingly, the FAA prepared a regulatory flexibility analysis for small air ambulance operators, as described in the next section.

Air Tour Operators

We assumed an average of 747 air tour operations per year for each helicopter and a charge of $1,689 [22] per air tour operation. As such, the FAA identified 31 small air tour operators (with estimated revenues lower than $7 million) out of the 46 air tour operators that will be affected by this regulation, which we consider a substantial number of small entities. Their ratio of annualized cost to annual revenue for air tour operators ranges from 0.08 to 0.26 percent, which is not significant. While this rule will affect a substantial number of small air tour operators, they will not incur a significant economic impact.

On Demand Operators

The FAA identified 370 small on-demand operators (with 1,500 or fewer employees) out of the 379 that will be affected by this regulation, which we consider a substantial number of small entities. Although their annualized compliance costs range from $980 to $72,784, we were unable to estimate their annual revenues because average revenue per flight for these entities is not meaningful. There are a number of factors (e.g., length of flight, type of helicopter) that determine the revenue for an individual flight. These factors are not likely to result in a distribution around a meaningful average revenue. At the higher end of the compliance cost range, the economic impact may well be significant, but again, we cannot validate such an estimate. In the NPRM, we asked on-demand operators to provide financial data pertaining to the rule's impact on their operations, but we did not receive any comments in response to this request. Therefore we still have no annual revenue data for these operators.

Aerial Application Operators (Part 137)

We assumed an average of 81 aerial application operations per year for each helicopter and a charge of $500 per aerial application operation. The FAA identified 224 small aerial application operators (with estimated revenues lower than $7 million) out of the 224 aerial application operators that will be affected by this regulation, which we consider a substantial number of small entities. Their ratio of annualized cost to annual revenue is 0.01 percent, which is not significant. While this rule will affect a substantial number of small aerial application operators, they will not incur a significant economic impact.

External Load Operators (Part 133)

We assumed an average of 1,159 external load operations per year for each helicopter and a charge of $625 per external load operation. The FAA identified 197 small external load operators (with estimated revenues lower than $7 million) out of the 219 external load operators that will be affected by this regulation, which we consider a substantial number of small entities. Their ratio of annualized cost to annual revenue is less than 0.01 percent, which is not significant. While this rule will affect a substantial number of small external load operators, they will not incur a significant economic impact.

Regulatory Flexibility Analysis

Under section 603(b) of the RFA (as amended), each regulatory flexibility analysis is required to address the following points: (1) Reasons the agency considered the rule, (2) the objectives and legal basis for the rule, (3) the kind and number of small entities to which the rule will apply, (4) the reporting, recordkeeping, and other compliance requirements of the rule, and (5) all Federal rules that may duplicate, overlap, or conflict with the rule.

Reasons the FAA Considered the Rule

Helicopter air ambulance accidents reached the highest levels in history during the years from 2003 through 2008.[23] The year 2008 was the deadliest. In 2008, five air ambulance accidents killed 21 people, including pilots, patients, and medical personnel. A total of 62 helicopter air ambulance accidents occurred during the period from 1991 through 2010, and this number included 125 fatalities and a midair collision between two helicopter air ambulances. Commercial helicopters other than air ambulances had accidents as well. From 1991 through 2010, these helicopters had 20 accidents and 39 fatalities.

There were four common factors in these accidents—night conditions, inadvertent flight into instrument meteorological conditions, loss of control, and controlled flight into terrain.

The impetus for this rulemaking is the number of helicopter accidents, noted above. Helicopter air ambulances operate under unique conditions. Their flights are often time-sensitive, putting pressure on the pilots. Helicopter air ambulances operate at low altitudes and under varied weather conditions. These pilots fly year-round in rural and urban settings, over mountainous and non-

[22] We multiplied the average revenue per person for 5 different operators ($380.56/person) by the average hours per operation (0.7396 hours/operation) and by the average revenue passengers per helicopters (6 passengers/helicopter).

[23] GAO, Aviation Safety: Potential Strategies to Address Air Ambulance Safety Concerns (2009).

mountainous terrain, during the day and during the night, and in conditions where visibility is good and in conditions where it is not. They must often land at unfamiliar, remote, or unimproved sites with hazards like trees, buildings, towers, wires, and uneven terrain.

In an emergency, many patients will not have a choice of whether they want to be transported in a helicopter. They may be in a medical condition that prevents them from making decisions about transportation or indicating what they want. They cannot choose between competing carriers because the company that responds to the scene may be either the only one in the area or the first one called. For these reasons, and those discussed previously, the FAA is establishing more stringent safety regulations to protect patients, medical personnel and flight crewmembers onboard helicopter air ambulances.

The Objectives and Legal Basis for the Rule

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(4), which requires the Administrator to promulgate regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

The Kind and Number of Small Entities to Which the Rule Will Apply

The FAA identified 35 small air ambulance operators on which the rule will have a significant economic impact. We estimate that the small air ambulance operators have annual revenues between $2.6 million and $5.1 million.

The Reporting, Recordkeeping, and Other Compliance Requirements of the Rule

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. The following provisions apply to the Paperwork Reduction Act.

Table 6. Costs and Present Value (PV) Costs for Small Air Ambulance Operators that Apply to the Paperwork Reduction Act (over 10 years)

Provision		Costs	PV Costs
A.1.b	Pilots' Worksheets	$670,340	$465,186
A.1.b	Training records for operators without OCCs	$609	$422
A.1.b	Develop OCS training/amendment to existing manual	$71,952	$67,254
A.1.c	Local flying area	$3,648	$3,409
A.1.c	VFR flight planning	$1,263,046	$876,497
A.1.d	Develop pre-flight risk analysis	$229,337	$214,333
A.1.d	Perform Risk Analysis	$2,405,803	$1,669,518
A.1.e	Develop medical personnel training	$18,326	$17,127
A.1.e	Maintain records of training for medical personnel	$29,748	$21,600
B.2.b	Overwater Equipment	$4,692,809	$3,335,346

All Federal Rules That May Duplicate, Overlap, or Conflict With the Rule

The FAA is unaware of any Federal rules that duplicate, overlap, or conflict with this rule.

Other Considerations

Affordability Analysis

For the purpose of this analysis, the degree to which small entities can afford the cost of the rule is predicated on the availability of financial resources. Costs can be paid from existing assets such as cash, by borrowing, through the provision of additional equity capital, by accepting reduced profits, by raising prices, or by finding other ways of offsetting costs.

One means of assessing the affordability is by determining the ability of each of the small entities to meet its short-term obligations by looking at net income, working capital and financial strength ratios. However, the FAA was unable to find this type of financial information for the affected entities, and so used an alternative way of analyzing affordability. The approach used by the FAA was to compare estimated revenues with the annualized compliance costs.

The average ratio of annualized costs to estimated annual revenues for small air ambulance operators ranges from 1.80% percent to 1.87 percent. Thus, the FAA expects that small air ambulance operators will not have trouble affording this rule.

Competitiveness Analysis

For small air ambulance operators, the average ratio of annualized cost to estimated annual revenue ranges from 1.80 percent to 1.87 percent. For large air ambulance operators, it ranges from 0.90 percent to 1.94 percent. For 33 out of the 38 large air ambulance operators, it ranges from 1.74 percent to 1.94 percent. The FAA expects that, based on these overlapping results, there will be no change in the competitiveness of these 33 small air ambulance operators with large air ambulance operators. However, for the remaining 5 large operators, the average ratio of annualized compliance cost to estimated annual revenue ranges from 0.90 percent to 0.93 percent, and this gives them a competitive advantage over small air ambulance operators.

Alternatives

Alternative One—This alternative considers excluding the Helicopter Terrain Awareness and Warning Systems (HTAWS) unit from the rulemaking. Although this alternative would reduce the ratio of annualized compliance cost to annual revenue from a range of 1.80 percent to 1.87 percent to a range of 1.61 percent to 1.68 percent, there would also be a significant reduction in safety.

Conclusion—The HTAWS is a tool for situational awareness and for helping helicopter air ambulance pilots during night operations. This equipment enhances situational awareness in all aspects of flying including day or night flight, and flight in instrument meteorological conditions. The FAA believes that this equipment is a significant safety enhancement for all aspects of helicopter operations. The accident data shows that the HTAWS provision could have prevented many air ambulance accidents if this equipment had been installed in the helicopter. Also, HTAWS is a Congressional mandate under Public Law 112–95. The Act requires the FAA to conduct rulemaking on helicopter air ambulance operations to address ''safety-enhancing technology and equipment, including HTAWS. . . .'' Thus the FAA does not consider excluding this requirement to be an acceptable alternative in accordance with 5 U.S.C. § 603(d).

Alternative Two—This alternative would affect the requirement for certificate holders engaged in helicopter air ambulance operations to have an OCC. The population affected would change from operators with 10 or more helicopters to those with 15 or more.

Conclusion—The FAA believes that operators with 10 or more helicopters engaged in air ambulance operations comprise 83 percent of the total air ambulance fleet in the U.S. The FAA believes that changing the requirement to apply to operators with 15 or more helicopters would decrease the coverage of the population to 78 percent. Furthermore, the complexity of operations considerably increases for operators of 10 or more helicopters. Thus the FAA does not consider this to be an acceptable alternative in accordance with 5 U.S.C. 603(d).

Minimizing the Burden on Small Entities

The Regulatory Flexibility Act requires agencies to consider the impact of their regulatory proposals on small entities and to analyze one or more significant alternatives to minimize the rule's burden on small entities. The FAA analyzed two alternatives to minimize the burden on small entities. We considered excluding the HTAWS unit requirement from the final rule. Next, we considered increasing the number of helicopters required to trigger the OCC requirement to 15. The FAA, however, did not consider these to be acceptable alternatives due to the significant enhancement for safety that HTAWS provides to helicopter operations. Therefore, the FAA did not adopt this alternative.

Conclusion

This rule will have a significant economic impact on a substantial number of small air ambulance operators. The FAA identified 35 small air ambulance operators on which the rule will have a significant economic impact.

D. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined the regulations will improve safety, which is a legitimate domestic objective and therefore not an unnecessary obstacle to foreign commerce.

E. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

F. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

The final rule will impose the following new information collection requirements.

Private Sector Costs

(1) Require all rotorcraft used in part 135 operations to be equipped with radio altimeters (§ 135.160). Certificate holders may apply for a deviation from the requirement for helicopters in which a radio altimeter cannot physically be installed in the flight deck. Estimated number of applications for deviations from on-demand helicopters = 94. Estimated number of applications for air tour helicopters = 13. Time needed per deviation application = 1 hour. Salary of chief pilot = $79 per hour.

Radio Altimeters						
Year	Applications for on demand helicopters	Applications for air tour helicopters	Time for the Deviation	Total hours	Wage for chief pilot	Total Cost
1 2 3 4 5 6 7 8 9 10	94	13	1.00	107	$79	$8,453
Total				107		$8,453
Average per year				11		$845

(2) Establish VFR ceiling and visibility requirements for helicopter air ambulance operations conducted in class G airspace (§ 135.609). These operators may designate local flying areas. Certificate holders electing to do so would document the local flying area in a manner acceptable to the administrator. We estimate that 50 percent of the air ambulance operators will designate local flying areas.

Air ambulance operators = 73.

Air ambulance operators affected = 50%.

Time needed to develop local flying area = 2 hours.

Salary of chief pilot = $79 per hour.

Local Flying Area						
Year	Air ambulance operators	Affected	Hours to develop local flying area	Total hours	Wage for chief pilot	Total Cost
1 2 3 4 5 6 7 8 9 10	73	50%	2.00	73	$79	$5,767
Total				73		$5,767
Average per year				7		$577

(3) Require air ambulance operators to document the highest obstacle along the planned route prior to a VFR flight (§ 135.615). Affected operators must document the procedures for performing this task in their operations manuals.

Air Ambulance Helicopters = 1,073–1,371.

Air Ambulance operations per helicopter = 367 per year.

Flight planning time = 5 minutes per operation.

Salary of pilot = $75 per hour.

Year	Helicopters	Operations per year	Hours of flight planning	Total hours	Wage for pilot	Cost
1	1,073	367	0.08	34,457	$75	$2,584,253
2	1,103	367	0.08	35,420	$75	$2,656,507
3	1,133	367	0.08	36,383	$75	$2,728,760
4	1,164	367	0.08	37,379	$75	$2,803,421
5	1,196	367	0.08	38,407	$75	$2,880,491
6	1,229	367	0.08	39,466	$75	$2,959,970
7	1,263	367	0.08	40,558	$75	$3,041,857
8	1,298	367	0.08	41,682	$75	$3,126,152
9	1,334	367	0.08	42,838	$75	$3,212,856
10	1,371	367	0.08	44,026	$75	$3,301,968
Total				390,616		$29,296,235
Average per year				39,062		$2,929,624

(4) Require each certificate holder performing helicopter air ambulance operations to implement an FAA-approved pre-flight risk-analysis program documented in its operations manual (§ 135.617).

Air ambulance operators = 73.

Time for chief pilot to develop risk analysis program = 30 hours.

Time for clerk to develop risk analysis worksheet and insert program into operations manual = 30 hours.

Salary of chief pilot = $79 per hour.

Salary of clerk = $25 per hour.

Develop Pre-flight Risk Analysis Program								
Year	Air ambulance operators	Hours to develop risk analysis	Hours chief pilot	Hours Clerk	Total hours	Wage for chief pilot	Wage for clerk	Total Cost
1	73	60.00	2,190	2,190	4,380	$79	$25	$227,760
2								
3								
4								
5								
6								
7								
8								
9								
10								
Total					4,380			$227,760
Average per year					438			$22,776

(5) Require pilots in command to conduct a pre-flight risk analysis, including completion of a risk analysis worksheet before a helicopter air ambulance operation (§ 135.617).

Air Ambulance Helicopters = 1,073–1,371.

Air Ambulance operations per helicopter = 367 per year.

Flight planning time = 10 minutes per operation.

Salary of pilot = $75 per hour.

Perform Risk Analysis						
Year	Helicopters	Operations per year	Hours per risk analysis	Total hours	Wage for pilot	Cost
1	1,073	367	0.17	65,632	$75	$4,922,388
2	1,103	367	0.17	67,467	$75	$5,060,013
3	1,133	367	0.17	69,302	$75	$5,197,638
4	1,164	367	0.17	71,198	$75	$5,339,850
5	1,196	367	0.17	73,155	$75	$5,486,650
6	1,229	367	0.17	75,174	$75	$5,638,038
7	1,263	367	0.17	77,254	$75	$5,794,013
8	1,298	367	0.17	79,394	$75	$5,954,575
9	1,334	367	0.17	81,596	$75	$6,119,725
10	1,371	367	0.17	83,860	$75	$6,289,463
Total				744,031		$55,802,353
Average per year				74,403		$5,580,235

(6) Require operations control specialists to participate in the pre-flight risk analysis required by § 135.617, including acknowledging in writing the date and time the risk analysis was completed and that the flight can be conducted safely (§ 135.619).

Air Ambulance Helicopters operated by certificate holders with an OCC = 895–1,144.

Air Ambulance operations per helicopter = 367 per year.

Time spent by OCS per pilot's worksheet = 5 minutes.

Salary of operations control specialist (OCS) = $42 per hour.

Pilot's Worksheet						
Year	Helicopters	Operations per year	Hours per pilot's worksheet	Total hours	Wage for OCS	Cost
1	895	367	0.08	27,372	$42	$1,149,628
2	920	367	0.08	28,137	$42	$1,181,740
3	945	367	0.08	28,901	$42	$1,213,853
4	971	367	0.08	29,696	$42	$1,247,250
5	998	367	0.08	30,522	$42	$1,281,931
6	1,026	367	0.08	31,379	$42	$1,317,897
7	1,054	367	0.08	32,235	$42	$1,353,863
8	1,083	367	0.08	33,122	$42	$1,391,114
9	1,113	367	0.08	34,039	$42	$1,429,649
10	1,144	367	0.08	34,987	$42	$1,469,468
Total				310,390		$13,036,393
Average per year				31,039		$1,303,639

(7) Require certificate holders with 10 or more helicopter air ambulances to establish operational control centers and document operations control specialist duties and training in their operations manuals. (§ 135.619).

Operators that need to develop the OCS training = 13.

Operators that need to change their manuals = 2.

Time for chief pilot to develop OCS training = 60 hours.

Time for clerk to develop OCS training = 30 hours.

Time for chief pilot to change manual = 1 hour.

Time for clerk to change manual = 0.5 hour.

Salary of chief pilot = $79 per hour.

Salary of clerk = $25 per hour.

Develop OCS Training/Amendment to Existing Manual										
Year	Operators that need to develop the OCS training	Operators that only need to change their manuals	Hours for OCS Training	Hours for manual change	Hours chief pilot	Hours Clerk	Total hours	Wage for chief pilot	Wage for clerk	Total Cost
1	13	2	60.00	1.00	782	391	1,173	$79	$25	$71,553
2										
3										
4										
5										
6										
7										
8										
9										
10										
Total							1,173			$71,553
Average per year							117			$7,155

(8) Require certificate holders that do not currently have operations control centers but will be required to have them to retain records of the training given to operations control specialists (§ 135.619).

Operations control specialists = 119–152.

Time per OCS training record = 5 minutes.

Salary of clerk = $25 per hour.

Training Records for Operators without OCCs					
Year	OCS	Hours per OCS record	Total hours	Wage	Cost
1	119	0.08	10	$25	$248
2	125	0.08	10	$25	$260
3	125	0.08	10	$25	$260
4	130	0.08	11	$25	$271
5	130	0.08	11	$25	$271
6	136	0.08	11	$25	$283
7	141	0.08	12	$25	$294
8	147	0.08	12	$25	$306
9	147	0.08	12	$25	$306
10	152	0.08	13	$25	$317
Total			113		$2,816
Average per year			11		$282

(9) Require certificate holders with operations control centers to retain operations control specialist training records (§ 135.619).

Operations control specialists = 369–472.

Time per OCS training record = 5 minutes.

Salary of clerk = $25 per hour.

Training Records for Operators with OCCs					
Year	OCS	Hours per OCS record	Total hours	Wage	Cost
1	369	0.08	31	$25	$769
2	380	0.08	32	$25	$792
3	391	0.08	33	$25	$815
4	402	0.08	34	$25	$838
5	412	0.08	34	$25	$858
6	423	0.08	35	$25	$881
7	434	0.08	36	$25	$904
8	445	0.08	37	$25	$927
9	456	0.08	38	$25	$950
10	472	0.08	39	$25	$983
Total			349		$8,717
Average per year			35		$872

(10) Require that medical personnel on board helicopter air ambulance flights receive either a supplemental safety briefing or safety training in lieu of a pre-flight briefing (§ 135.621).

Affected air ambulance operators = 37.

Time for chief pilot to develop training = 10 hours.

Time for clerk to incorporate training into operations manual = 10 hours.

Salary of chief pilot = $79 per hour.

Salary of clerk = $25 per hour.

Develop Medical Personnel Training				
Year	Air ambulance operators	Hours/operator to develop medical personnel training	Total hours	Total Cost
1	37	10.00	365.00	$37,960
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total			365.00	$37,960
Average per year				$3,796

(11) Certificate holders choosing the option to provide safety training would be required to retain training records for persons receiving the training (§ 135.621).

Medical personnel = 5,858.

Time per medical personnel training record = 5 minutes.

Training: every 24 calendar months.

Salary of clerk = $25 per hour.

Recordkeeping for Medical Personnel Training			
Year	Training Data to be maintained	Total hours	Total Cost
1	5,858	488	$12,204
2	0	0	$0
3	5,858	488	$12,204
4	0	0	$0
5	5,858	488	$12,204
6	0	0	$0
7	5,858	488	$12,204
8	0	0	$0
9	5,858	488	$12,204
10	0	0	$0
Total	29,290	2,441	$61,020
Average per year			$6,102

Note:

Operations control specialists would be subject to certificate holders' drug and alcohol testing programs (§§ 120.5, 120.15). The FAA believes that, because certificate holders currently administer and maintain records for drug and alcohol testing for other employees (approved under OMB Control Number 2120–0535), the cost for a clerical person to maintain the records would be negligible.

Summary of All Burden Hours and Costs

	Section	Total Burden Hours	Total Cost
1. Radio altimeters	135.160	107	$8,453
2. Local flying area	135.609	73	$5,767
3. VFR Flight Planning	135.615	390,616	$29,296,235
4. Develop pre-flight risk analysis program	135.617	4,380	$227,760
5. Perform risk analysis	135.617	744,031	$55,802,353
6. Pilot's worksheet	135.619	310,390	$13,036,393
7. Develop OCS training/amendment to existing manual	135.619	1,173	$71,553
8. Training records for operators without OCCs	135.619	113	$2,816
9. Training records for operators with OCCs	135.619	349	$8,717
10. Develop medical personnel training	135.621	365	$37,960
11. Recordkeeping for medical personnel training	135.621	2,441	$61,020
Grand Totals		1,454,038	$98,559,027
Average per year		145,404	$9,855,903

Cost to the Federal Government

(1) Radio altimeters for rotorcraft operations (§ 135.160).

Applications for deviations from radio altimeter requirement = 107.

Time needed for review and operations specification = 1.5 hour.

Salary of inspector at headquarters = $76 per hour.

Radio Altimeters					
Year	Applications	Time for review & OpSpecs	Total hours	Wage for inspector at headquarters	Total Cost
1 2 3 4 5 6 7 8 9 10	107	1.50	161	$76	$12,198
Total			161		$12,198
Average per year			16		$1,220

(2) Local Flying Area (§ 135.609).
Air ambulance operators = 73.
Air ambulance operators affected = 50%.
Time needed to review request = 1 hour.
Salary of inspector at field office = $48 per hour.

Local Flying Area						
Year	Air ambulance operators	Affected	Hours to review request	Total hours	Wage for inspector at field office	Total Cost
1 2 3 4 5 6 7 8 9 10	73	50%	1.00	37	$48	$1,752
Total				37		$1,752
Average per year				4		$175

(3) Review pre-flight risk analysis procedure and worksheet (§ 135.617).
Air ambulance operators = 73.
Time to review = 1 hour.
Salary of inspector at field office = $48 per hour.

Review Pre-flight Risk Analysis					
Year	Air ambulance operators	Hours to review	Total hours	Wage for inspector at field office	Total Cost
1	73	1.00	73	$48	$3,504
2					
3					
4					
5					
6					
7					
8					
9					
10					
Total			73		$3,504
Average per year			7		$350

(4) OCS training/amendment to existing manual (§ 135.619).

Operators = 15.
Time to review OCS training = 1 hour.
Salary of inspector at field office = $48 per hour.

Review OCS Training/Amendment to Existing Manual					
Year	Operators	Hours for OCS Training	Total hours	Wage for inspector at field office	Total Cost
1	15	1.00	15	$48	$720
2					
3					
4					
5					
6					
7					
8					
9					
10					
Total			15		$720
Average per year			2		$72

(5) Review Medical Personnel Training (§ 135.621).

Air ambulance operators = 73.
Time to review = 1 hour.
Salary of inspector at field office = $48 per hour.

Review Development of Medical Personnel Training				
Year	Air ambulance operators	Hours/operator to review development of medical personnel training	Total hours	Total Cost
1	73	1.00	73.00	$3,504
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total			73.00	$3,504
Average per year				$350

Summary of All Burden Hours and Costs Over 10 Year Period

	Section	Total Burden Hours	Total Cost
1. Radio altimeters	135.160	161	$12,198
2. Local flying area	135.609	37	$1,752
3. Review pre-flight risk analysis	135.617	73	$3,504
4. Review OCS training/amendment to existing manual	135.619	15	$720
5. Review development of medical personnel training	135.621	73	$3,504
Grand Totals		358	$21,678
Average per year		36	$2,168

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted these information collection amendments to OMB for its review. Notice of OMB approval for this information collection will be published in a future **Federal Register** document.

G. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified the following differences.

ICAO Annex 6 Part III, Section II, Chapter 4 sets standards for helicopter overwater equipment requirements based on performance class and distance from land based on time at normal cruise speed. The FAA did not adopt this requirement but instead bases the rule on existing FAA helicopter performance criteria and distances from shore.

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

H. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f. Additionally, the FAA reviewed paragraph 304 of Order 1050.1E and determined that this rulemaking involves no extraordinary circumstances.

I. Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the FAA, when modifying its regulations in a manner

affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions. In the NPRM, the FAA requested comments on whether the proposed rule should apply differently to intrastate operations in Alaska.

The agency received comments pertaining to this rule's application in Alaska which are discussed in sections III.C.1 (the radio altimeter requirement) and III.C.3 (pilot testing on recovery from inadvertent flight into IMC, flat-light, whiteout, and brownout conditions) of this final rule document. To the requirement for a radio altimeter, NorthStar Trekking commented that this equipment can give erroneous readings on snow-covered surfaces. In response, as discussed in III.C.1, the FAA has determined that the safety benefits of this equipment outweigh the possibility of infrequent inaccurate readings. In response to the comment about pilot testing, the FAA reiterates that pilots will benefit from demonstrating knowledge of procedures for aircraft handling in all three conditions, because these conditions may occur year-round in many places. As a result, the agency has determined that there is no need to make any regulatory distinctions applicable to intrastate aviation in Alaska.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

VI. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visit the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/* or
3. Access the Government Printing Office's Web page at *http://www.gpo.gov/fdsys.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 91

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 120

Airmen, Alcohol abuse, Alcoholism, Alcohol testing, Aviation safety, Drug abuse, Drug testing, Operators, Reporting and recordkeeping requirements, Safety, Safety-sensitive, Transportation.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety, Incorporation by reference, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. Revise the authority citation for part 91 to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

■ 2. Amend § 91.155 by revising paragraphs (a) and (b)(1) to read as follows:

§ 91.155 Basic VFR weather minimums.

(a) Except as provided in paragraph (b) of this section and § 91.157, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude and class of airspace in the following table:

Airspace	Flight visibility	Distance from clouds
Class A	Not Applicable	Not Applicable.
Class B	3 statute miles	Clear of Clouds.
Class C	3 statute miles	500 feet below.
		1,000 feet above.
		2,000 feet horizontal.
Class D	3 statute miles	500 feet below.
		1,000 feet above.
		2,000 feet horizontal.
Class E:		
Less than 10,000 feet MSL	3 statute miles	500 feet below.

Airspace	Flight visibility	Distance from clouds
		1,000 feet above.
		2,000 feet horizontal.
At or above 10,000 feet MSL	5 statute miles	1,000 feet below.
		1,000 feet above.
		1 statute mile horizontal.
Class G:		
1,200 feet or less above the surface (regardless of MSL altitude)		
For aircraft other than helicopters:		
Day, except as provided in § 91.155(b)	1 statute mile	Clear of clouds.
Night, except as provided in § 91.155(b)	3 statute miles	500 feet below.
		1,000 feet above.
		2,000 feet horizontal.
For helicopters:		
Day, except as provided in § 91.155(b)	½ statute mile	Clear of clouds.
Night, except as provided in § 91.155(b)	1 statute mile	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL		
Day	1 statute mile	500 feet below.
		1,000 feet above.
		2,000 feet horizontal.
Night	3 statute miles	500 feet below.
		1,000 feet above.
		2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5 statute miles	1,000 feet below.
		1,000 feet above.
		1 statute mile horizontal.

(b) * * *

(1) *Helicopter.* A helicopter may be operated clear of clouds in an airport traffic pattern within ½ mile of the runway or helipad of intended landing if the flight visibility is not less than ½ statute mile.

* * * * *

PART 120—DRUG AND ALCOHOL TESTING PROGRAM

■ 3. The authority citation for part 120 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101–40103, 40113, 40120, 41706, 41721, 44106, 44701, 44702, 44703, 44709, 44710, 44711, 45101–45105, 46105, 46306.

■ 4. Amend § 120.105 by adding paragraph (i) to read as follows:

§ 120.105 Employees who must be tested.

* * * * *

(i) Operations control specialist duties.

■ 5. Amend § 120.215 by adding paragraph (a)(9) to read as follows:

§ 120.215 Covered employees.

(a) * * *

(9) Operations control specialist duties.

* * * * *

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 6. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 44730, 45101–45105; Pub. L. 112–95, 126 Stat. 58 (49 U.S.C. 44730).

■ 7. Amend § 135.1 by adding paragraph (a)(9) to read as follows:

§ 135.1 Applicability.

(a) * * *

(9) Helicopter air ambulance operations as defined in § 135.601(b)(1).

* * * * *

■ 8. Amend § 135.117 by adding paragraph (a)(9) to read as follows:

§ 135.117 Briefing of passengers before flight.

(a) * * *

(9) If a rotorcraft operation involves flight beyond autorotational distance from the shoreline, as defined in § 135.168(a), use of life preservers, ditching procedures and emergency exit from the rotorcraft in the event of a ditching; and the location and use of life rafts and other life preserver devices if applicable.

* * * * *

■ 9. Add § 135.160 to read as follows:

§ 135.160 Radio altimeters for rotorcraft operations.

(a) After April 24, 2017, no person may operate a rotorcraft unless that rotorcraft is equipped with an operable FAA-approved radio altimeter, or an FAA-approved device that incorporates a radio altimeter, unless otherwise authorized in the certificate holder's approved minimum equipment list.

(b) Deviation authority. The Administrator may authorize deviations from paragraph (a) of this section for rotorcraft that are unable to incorporate a radio altimeter. This deviation will be issued as a Letter of Deviation Authority. The deviation may be terminated or amended at any time by the Administrator. The request for deviation authority is applicable to rotorcraft with a maximum gross takeoff weight no greater than 2,950 pounds. The request for deviation authority must contain a complete statement of the circumstances and justification, and must be submitted to the nearest Flight Standards District Office, not less than 60 days prior to the date of intended operations.

■ 10. Add § 135.168 to read as follows:

§ 135.168 Emergency equipment: Overwater rotorcraft operations.

(a) *Definitions.* For the purposes of this section, the following definitions apply—

Autorotational distance refers to the distance a rotorcraft can travel in autorotation as described by the

manufacturer in the approved Rotorcraft Flight Manual.

Shoreline means that area of the land adjacent to the water of an ocean, sea, lake, pond, river, or tidal basin that is above the high-water mark at which a rotorcraft could be landed safely. This does not include land areas which are unsuitable for landing such as vertical cliffs or land intermittently under water.

(b) *Required equipment.* After April 24, 2017, except as provided for in paragraph (c), when authorized by the certificate holder's operations specifications, or when necessary only for takeoff or landing, no person may operate a rotorcraft beyond autorotational distance from the shoreline unless it carries:

(1) An approved life preserver equipped with an approved survivor locator light for each occupant of the rotorcraft. The life preserver must be worn by each occupant while the rotorcraft is beyond autorotational distance from the shoreline, except for a patient transported during a helicopter air ambulance operation, as defined in § 135.601(b)(1), when wearing a life preserver would be inadvisable for medical reasons; and

(2) An approved and installed 406 MHz emergency locator transmitter (ELT) with 121.5 MHz homing capability. Batteries used in ELTs must be maintained in accordance with the following—

(i) Non-rechargeable batteries must be replaced when the transmitter has been in use for more than 1 cumulative hour or when 50% of their useful lives have expired, as established by the transmitter manufacturer under its approval. The new expiration date for replacing the batteries must be legibly marked on the outside of the transmitter. The battery useful life requirements of this paragraph (b)(2) do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals; or

(ii) Rechargeable batteries used in the transmitter must be recharged when the transmitter has been in use for more than 1 cumulative hour or when 50% of their useful-life-of-charge has expired, as established by the transmitter manufacturer under its approval. The new expiration date for recharging the batteries must be legibly marked on the outside of the transmitter. The battery useful-life-of-charge requirements of this paragraph (b)(2) do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

(c) *Maintenance.* The equipment required by this section must be maintained in accordance with § 135.419.

(d) *ELT standards.* The ELT required by paragraph (b)(2) of this section must meet the requirements in:

(1) TSO–C126, TSO–C126a, or TSO–C126b; and

(2) Section 2 of either RTCA DO–204 or RTCA DO–204A, as specified by the TSO complied with in paragraph (d)(1) of this section.

(e) *ELT alternative compliance.* Operators with an ELT required by paragraph (b)(2) of this section, or an ELT with an approved deviation under § 21.618 of this chapter, are in compliance with this section.

(f) *Incorporation by reference.* The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the FAA must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the FAA's Office of Rulemaking (ARM–1), 800 Independence Avenue SW., Washington, DC 20591 (telephone (202) 267–9677) and from the sources indicated below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(1) U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse M30, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785; telephone (301) 322–5377. Copies are also available on the FAA's Web site. Use the following link and type the TSO number in the search box: *http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgTSO.nsf/Frameset?OpenPage.*

(i) TSO–C126, 406 MHz Emergency Locator Transmitter (ELT), Dec. 23, 1992,

(ii) TSO–C126a, 406 MHz Emergency Locator Transmitter (ELT), Dec. 17, 2008, and

(iii) TSO–C126b, 406 MHz Emergency Locator Transmitter (ELT), Nov. 26, 2012.

(2) RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036, telephone (202) 833–9339, and are also available on RTCA's Web site at *http://www.rtca.org/onlinecart/index.cfm.*

(i) RTCA DO–204, Minimum Operational Performance Standards (MOPS) 406 MHz Emergency Locator Transmitters (ELTs), Sept. 29, 1989, and

(ii) RTCA DO–204A, Minimum Operational Performance Standards (MOPS) 406 MHz Emergency Locator Transmitters (ELT), Dec. 6, 2007.

■ 11. Revise § 135.221 to read as follows:

§ 135.221 IFR: Alternate airport weather minimums.

(a) *Aircraft other than rotorcraft.* No person may designate an alternate airport unless the weather reports or forecasts, or any combination of them, indicate that the weather conditions will be at or above authorized alternate airport landing minimums for that airport at the estimated time of arrival.

(b) *Rotorcraft.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless appropriate weather reports or weather forecasts, or a combination of them, indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following weather minimums—

(1) If, for the alternate airport, an instrument approach procedure has been published in part 97 of this chapter or a special instrument approach procedure has been issued by the FAA to the certificate holder, the ceiling is 200 feet above the minimum for the approach to be flown, and visibility is at least 1 statute mile but never less than the minimum visibility for the approach to be flown.

(2) If, for the alternate airport, no instrument approach procedure has been published in part 97 of this chapter and no special instrument approach procedure has been issued by the FAA to the certificate holder, the ceiling and visibility minimums are those allowing descent from the minimum enroute altitude (MEA), approach, and landing under basic VFR.

■ 12. Amend § 135.293 by—

■ a. Removing the word ''and'' from the end of paragraph (a)(7)(iii);

■ b. Removing the period and adding ''; and'' in its place at the end of paragraph (a)(8);

■ c. Adding paragraph (a)(9);

■ d. Redesignating paragraphs (c) through (f) as paragraphs (d) through (g) respectively; and

■ e. Adding new paragraph (c).

The additions read as follows:

§ 135.293 Initial and recurrent pilot testing requirements.

(a) * * *

(9) After the next scheduled competency check after April 22, 2014

for rotorcraft pilots, procedures for aircraft handling in flat-light, whiteout, and brownout conditions, including methods for recognizing and avoiding those conditions.

* * * * *

(c) Each competency check given in a rotorcraft must include a demonstration of the pilot's ability to maneuver the rotorcraft solely by reference to instruments. The check must determine the pilot's ability to safely maneuver the rotorcraft into visual meteorological conditions following an inadvertent encounter with instrument meteorological conditions. For competency checks in non-IFR-certified rotorcraft, the pilot must perform such maneuvers as are appropriate to the rotorcraft's installed equipment, the certificate holder's operations specifications, and the operating environment.

* * * * *

§ 135.297 [Amended]

■ 13. Amend § 135.297 by removing the reference to ''§ 135.293(d)'' and adding ''§ 135.293(e)'' in its place in the last sentence of paragraph (c) introductory text.

■ 14. Add subpart L to part 135 to read as follows:

Subpart L—Helicopter Air Ambulance Equipment, Operations, and Training Requirements

Sec.

135.601 Applicability and definitions.
135.603 Pilot-in-command instrument qualifications.
135.605 Helicopter terrain awareness and warning system (HTAWS).
135.607 Flight Data Monitoring System.
135.609 VFR ceiling and visibility requirements for Class G airspace.
135.611 IFR operations at locations without weather reporting.
135.613 Approach/departure IFR transitions.
135.615 VFR flight planning.
135.617 Pre-flight risk analysis.
135.619 Operations control centers.
135.621 Briefing of medical personnel.

Subpart L—Helicopter Air Ambulance Equipment, Operations, and Training Requirements

§ 135.601 Applicability and definitions.

(a) *Applicability.* This subpart prescribes the requirements applicable to each certificate holder conducting helicopter air ambulance operations.

(b) *Definitions.* For purposes of this subpart, the following definitions apply:

(1) *Helicopter air ambulance operation* means a flight, or sequence of flights, with a patient or medical personnel on board, for the purpose of medical transportation, by a part 135 certificate holder authorized by the Administrator to conduct helicopter air ambulance operations. A helicopter air ambulance operation includes, but is not limited to—

(i) Flights conducted to position the helicopter at the site at which a patient or donor organ will be picked up.

(ii) Flights conducted to reposition the helicopter after completing the patient, or donor organ transport.

(iii) Flights initiated for the transport of a patient or donor organ that are terminated due to weather or other reasons.

(2) *Medical personnel* means a person or persons with medical training, including but not limited to flight physicians, flight nurses, or flight paramedics, who are carried aboard a helicopter during helicopter air ambulance operations in order to provide medical care.

(3) *Mountainous* means designated mountainous areas as listed in part 95 of this chapter.

(4) *Nonmountainous* means areas other than mountainous areas as listed in part 95 of this chapter.

§ 135.603 Pilot-in-command instrument qualifications.

After April 24, 2017, no certificate holder may use, nor may any person serve as, a pilot in command of a helicopter air ambulance operation unless that person meets the requirements of § 135.243 and holds a helicopter instrument rating or an airline transport pilot certificate with a category and class rating for that aircraft, that is not limited to VFR.

§ 135.605 Helicopter terrain awareness and warning system (HTAWS).

(a) After April 24, 2017, no person may operate a helicopter in helicopter air ambulance operations unless that helicopter is equipped with a helicopter terrain awareness and warning system (HTAWS) that meets the requirements in TSO–C194 and Section 2 of RTCA DO–309.

(b) The certificate holder's Rotorcraft Flight Manual must contain appropriate procedures for—

(1) The use of the HTAWS; and

(2) Proper flight crew response to HTAWS audio and visual warnings.

(c) Certificate holders with HTAWS required by this section with an approved deviation under § 21.618 of this chapter are in compliance with this section.

(d) The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the FAA must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the FAA's Office of Rulemaking (ARM–1), 800 Independence Avenue SW., Washington, DC 20591 (telephone (202) 267–9677) and from the sources indicated below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(1) U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse M30, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785; telephone (301) 322–5377. Copies are also available on the FAA's Web site. Use the following link and type the TSO number in the search box: *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgTSO.nsf/Frameset?OpenPage.*

(i) TSO C–194, Helicopter Terrain Awareness and Warning System (HTAWS), Dec. 17, 2008.

(ii) [Reserved]

(2) RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036, telephone (202) 833–9339, and are also available on RTCA's Web site at *http://www.rtca.org/onlinecart/index.cfm.*

(i) RTCA DO–309, Minimum Operational Performance Standards (MOPS) for Helicopter Terrain Awareness and Warning System (HTAWS) Airborne Equipment, Mar. 13, 2008.

(ii) [Reserved]

§ 135.607 Flight Data Monitoring System.

After April 23, 2018, no person may operate a helicopter in air ambulance operations unless it is equipped with an approved flight data monitoring system capable of recording flight performance data. This system must:

(a) Receive electrical power from the bus that provides the maximum reliability for operation without jeopardizing service to essential or emergency loads, and

(b) Be operated from the application of electrical power before takeoff until the removal of electrical power after termination of flight.

§ 135.609 VFR ceiling and visibility requirements for Class G airspace.

(a) Unless otherwise specified in the certificate holder's operations specifications, when conducting

helicopter air ambulance operations in Class G airspace, the weather minimums in the following table apply:

Location	Day		Night		Night using an Approved NVIS or HTAWS	
	Ceiling	Flight Visibility	Ceiling	Flight Visibility	Ceiling	Flight Visibility
Nonmountainous local flying areas	800-feet	2 statute miles	1,000-feet	3 statute miles	800-feet	3 statute miles
Nonmountainous non-local flying areas	800-feet	3 statute miles	1,000-feet	5 statute miles	1,000-feet	3 statute miles
Mountainous local flying areas	800-feet	3 statute miles	1,500-feet	3 statute miles	1,000-feet	3 statute miles
Mountainous non-local flying areas	1,000-feet	3 statute miles	1,500-feet	5 statute miles	1,000-feet	5 statute miles

(b) A certificate holder may designate local flying areas in a manner acceptable to the Administrator, that must—

(1) Not exceed 50 nautical miles in any direction from each designated location;

(2) Take into account obstacles and terrain features that are easily identifiable by the pilot in command and from which the pilot in command may visually determine a position; and

(3) Take into account the operating environment and capabilities of the certificate holder's helicopters.

(c) A pilot must demonstrate a level of familiarity with the local flying area by passing an examination given by the certificate holder within the 12 calendar months prior to using the local flying area.

§ 135.611 IFR operations at locations without weather reporting.

(a) If a certificate holder is authorized to conduct helicopter IFR operations, the Administrator may authorize the certificate holder to conduct IFR helicopter air ambulance operations at airports with an instrument approach procedure and at which a weather report is not available from the U.S. National Weather Service (NWS), a source approved by the NWS, or a source approved by the FAA, subject to the following limitations:

(1) The certificate holder must obtain a weather report from a weather reporting facility operated by the NWS, a source approved by the NWS, or a source approved by the FAA, that is located within 15 nautical miles of the airport. If a weather report is not available, the certificate holder may obtain the area forecast from the NWS, a source approved by the NWS, or a source approved by the FAA, for information regarding the weather observed in the vicinity of the airport;

(2) Flight planning for IFR flights conducted under this paragraph must include selection of an alternate airport that meets the requirements of §§ 135.221 and 135.223;

(3) In Class G airspace, IFR departures are authorized only after the pilot in command determines that the weather conditions at the departure point are at or above VFR minimums in accordance with § 135.609; and

(4) All approaches must be conducted at Category A approach speeds as established in part 97 or those required for the type of approach being used.

(b) Each helicopter air ambulance operated under this section must be equipped with functioning severe weather detection equipment.

(c) Pilots conducting operations pursuant to this section may use the weather information obtained in paragraph (a) to satisfy the weather report and forecast requirements of § 135.213 and § 135.225(a).

(d) After completing a landing at the airport at which a weather report is not available, the pilot in command is authorized to determine if the weather meets the takeoff requirements of part 97 of this chapter or the certificate holder's operations specification, as applicable.

§ 135.613 Approach/departure IFR transitions.

(a) *Approaches.* When conducting an authorized instrument approach and transitioning from IFR to VFR flight, upon transitioning to VFR flight the following weather minimums apply—

(1) For Point-in-Space (PinS) Copter Instrument approaches annotated with a ''Proceed VFR'' segment, if the distance from the missed approach point to the landing area is 1 NM or less, flight visibility must be at least 1 statute mile and the ceiling on the approach chart applies;

(2) For all instrument approaches, including PinS when paragraph (a)(1) of this section does not apply, if the distance from the missed approach point to the landing area is 3 NM or less, the applicable VFR weather minimums are—

(i) For Day Operations: No less than a 600-foot ceiling and 2 statute miles flight visibility;

(ii) For Night Operations: No less than a 600-foot ceiling and 3 statute miles flight visibility; or

(3) For all instrument approaches, including PinS, if the distance from the missed approach point to the landing area is greater than 3 NM, the VFR weather minimums required by the class of airspace.

(b) *Departures.* For transitions from VFR to IFR upon departure—

(1) The VFR weather minimums of paragraph (a) of this section apply if—

(i) An FAA-approved obstacle departure procedure is followed; and

(ii) An IFR clearance is obtained on or before reaching a predetermined

location that is not more than 3 NM from the departure location.

(2) If the departure does not meet the requirements of paragraph (b)(1) of this section, the VFR weather minimums required by the class of airspace apply.

§ 135.615 VFR flight planning.

(a) *Pre-flight.* Prior to conducting VFR operations, the pilot in command must—

(1) Determine the minimum safe cruise altitude by evaluating the terrain and obstacles along the planned route of flight;

(2) Identify and document the highest obstacle along the planned route of flight; and

(3) Using the minimum safe cruise altitudes in paragraphs (b)(1)–(2) of this section, determine the minimum required ceiling and visibility to conduct the planned flight by applying the weather minimums appropriate to the class of airspace for the planned flight.

(b) *Enroute.* While conducting VFR operations, the pilot in command must ensure that all terrain and obstacles along the route of flight are cleared vertically by no less than the following:

(1) 300 feet for day operations.

(2) 500 feet for night operations.

(c) *Rerouting the planned flight path.* A pilot in command may deviate from the planned flight path for reasons such as weather conditions or operational considerations. Such deviations do not relieve the pilot in command of the weather requirements or the requirements for terrain and obstacle clearance contained in this part and in part 91 of this chapter. Rerouting, change in destination, or other changes to the planned flight that occur while the helicopter is on the ground at an intermediate stop require evaluation of the new route in accordance with paragraph (a) of this section.

(d) *Operations manual.* Each certificate holder must document its VFR flight planning procedures in its operations manual.

§ 135.617 Pre-flight risk analysis.

(a) Each certificate holder conducting helicopter air ambulance operations must establish, and document in its operations manual, an FAA-approved preflight risk analysis that includes at least the following—

(1) Flight considerations, to include obstacles and terrain along the planned route of flight, landing zone conditions, and fuel requirements;

(2) Human factors, such as crew fatigue, life events, and other stressors;

(3) Weather, including departure, en route, destination, and forecasted;

(4) A procedure for determining whether another helicopter air ambulance operator has refused or rejected a flight request; and

(5) Strategies and procedures for mitigating identified risks, including procedures for obtaining and documenting approval of the certificate holder's management personnel to release a flight when a risk exceeds a level predetermined by the certificate holder.

(b) Each certificate holder must develop a preflight risk analysis worksheet to include, at a minimum, the items in paragraph (a) of this section.

(c) Prior to the first leg of each helicopter air ambulance operation, the pilot in command must conduct a preflight risk analysis and complete the preflight risk analysis worksheet in accordance with the certificate holder's FAA-approved procedures. The pilot in command must sign the preflight risk analysis worksheet and specify the date and time it was completed.

(d) The certificate holder must retain the original or a copy of each completed preflight risk analysis worksheet at a location specified in its operations manual for at least 90 days from the date of the operation.

§ 135.619 Operations control centers.

(a) *Operations control center.* After April 22, 2016, certificate holders authorized to conduct helicopter air ambulance operations, with 10 or more helicopter air ambulances assigned to the certificate holder's operations specifications, must have an operations control center. The operations control center must be staffed by operations control specialists who, at a minimum—

(1) Provide two-way communications with pilots;

(2) Provide pilots with weather briefings, to include current and forecasted weather along the planned route of flight;

(3) Monitor the progress of the flight; and

(4) Participate in the preflight risk analysis required under § 135.617 to include the following:

(i) Ensure the pilot has completed all required items on the preflight risk analysis worksheet;

(ii) Confirm and verify all entries on the preflight risk analysis worksheet;

(iii) Assist the pilot in mitigating any identified risk prior to takeoff; and

(iv) Acknowledge in writing, specifying the date and time, that the preflight risk analysis worksheet has been accurately completed and that, according to their professional judgment, the flight can be conducted safely.

(b) *Operations control center staffing.* Each certificate holder conducting helicopter air ambulance operations must provide enough operations control specialists at each operations control center to ensure the certificate holder maintains operational control of each flight.

(c) *Documentation of duties and responsibilities.* Each certificate holder must describe in its operations manual the duties and responsibilities of operations control specialists, including preflight risk mitigation strategies and control measures, shift change checklist, and training and testing procedures to hold the position, including procedures for retesting.

(d) *Training requirements.* No certificate holder may use, nor may any person perform the duties of, an operations control specialist unless the operations control specialist has satisfactorily completed the training requirements of this paragraph.

(1) *Initial training.* Before performing the duties of an operations control specialist, each person must satisfactorily complete the certificate holder's FAA-approved operations control specialist initial training program and pass an FAA-approved knowledge and practical test given by the certificate holder. Initial training must include a minimum of 80 hours of training on the topics listed in paragraph (f) of this section. A certificate holder may reduce the number of hours of initial training to a minimum of 40 hours for persons who have obtained, at the time of beginning initial training, a total of at least 2 years of experience during the last 5 years in any one or in any combination of the following areas—

(i) In military aircraft operations as a pilot, flight navigator, or meteorologist;

(ii) In air carrier operations as a pilot, flight engineer, certified aircraft dispatcher, or meteorologist; or

(iii) In aircraft operations as an air traffic controller or a flight service specialist.

(2) *Recurrent training.* Every 12 months after satisfactory completion of the initial training, each operations control specialist must complete a minimum of 40 hours of recurrent training on the topics listed in paragraph (f) of this section and pass an FAA-approved knowledge and practical test given by the certificate holder on those topics.

(e) *Training records.* The certificate holder must maintain a training record for each operations control specialist employed by the certificate holder for the duration of that individual's employment and for 90 days thereafter.

The training record must include a chronological log for each training course, including the number of training hours and the examination dates and results.

(f) *Training topics.* Each certificate holder must have an FAA-approved operations control specialist training program that covers at least the following topics—

(1) Aviation weather, including:

(i) General meteorology;

(ii) Prevailing weather;

(iii) Adverse and deteriorating weather;

(iv) Windshear;

(v) Icing conditions;

(vi) Use of aviation weather products;

(vii) Available sources of information; and

(viii) Weather minimums;

(2) Navigation, including:

(i) Navigation aids;

(ii) Instrument approach procedures;

(iii) Navigational publications; and

(iv) Navigation techniques;

(3) Flight monitoring, including:

(i) Available flight-monitoring procedures; and

(ii) Alternate flight-monitoring procedures;

(4) Air traffic control, including:

(i) Airspace;

(ii) Air traffic control procedures;

(iii) Aeronautical charts; and

(iv) Aeronautical data sources;

(5) Aviation communication, including:

(i) Available aircraft communications systems;

(ii) Normal communication procedures;

(iii) Abnormal communication procedures; and

(iv) Emergency communication procedures;

(6) Aircraft systems, including:

(i) Communications systems;

(ii) Navigation systems;

(iii) Surveillance systems;

(iv) Fueling systems;

(v) Specialized systems;

(vi) General maintenance requirements; and

(vii) Minimum equipment lists;

(7) Aircraft limitations and performance, including:

(i) Aircraft operational limitations;

(ii) Aircraft performance;

(iii) Weight and balance procedures and limitations; and

(iv) Landing zone and landing facility requirements;

(8) Aviation policy and regulations, including:

(i) 14 CFR Parts 1, 27, 29, 61, 71, 91, and 135;

(ii) 49 CFR Part 830;

(iii) Company operations specifications;

(iv) Company general operations policies;

(v) Enhanced operational control policies;

(vi) Aeronautical decision making and risk management;

(vii) Lost aircraft procedures; and

(viii) Emergency and search and rescue procedures, including plotting coordinates in degrees, minutes, seconds format, and degrees, decimal minutes format;

(9) Crew resource management, including:

(i) Concepts and practical application;

(ii) Risk management and risk mitigation; and

(iii) Pre-flight risk analysis procedures required under § 135.617;

(10) Local flying area orientation, including:

(i) Terrain features;

(ii) Obstructions;

(iii) Weather phenomena for local area;

(iv) Airspace and air traffic control facilities;

(v) Heliports, airports, landing zones, and fuel facilities;

(vi) Instrument approaches;

(vii) Predominant air traffic flow;

(viii) Landmarks and cultural features, including areas prone to flat-light, whiteout, and brownout conditions; and

(ix) Local aviation and safety resources and contact information; and

(11) Any other requirements as determined by the Administrator to ensure safe operations.

(g) *Operations control specialist duty time limitations.* (1) Each certificate holder must establish the daily duty period for an operations control specialist so that it begins at a time that allows that person to become thoroughly familiar with operational considerations, including existing and anticipated weather conditions in the area of operations, helicopter operations in progress, and helicopter maintenance status, before performing duties associated with any helicopter air ambulance operation. The operations control specialist must remain on duty until relieved by another qualified operations control specialist or until each helicopter air ambulance monitored by that person has completed its flight or gone beyond that person's jurisdiction.

(2) Except in cases where circumstances or emergency conditions beyond the control of the certificate holder require otherwise—

(i) No certificate holder may schedule an operations control specialist for more than 10 consecutive hours of duty;

(ii) If an operations control specialist is scheduled for more than 10 hours of duty in 24 consecutive hours, the certificate holder must provide that person a rest period of at least 8 hours at or before the end of 10 hours of duty;

(iii) If an operations control specialist is on duty for more than 10 consecutive hours, the certificate holder must provide that person a rest period of at least 8 hours before that person's next duty period;

(iv) Each operations control specialist must be relieved of all duty with the certificate holder for at least 24 consecutive hours during any 7 consecutive days.

(h) *Drug and alcohol testing.* Operations control specialists must be tested for drugs and alcohol according to the certificate holder's Drug and Alcohol Testing Program administered under part 120 of this chapter.

§ 135.621 Briefing of medical personnel.

(a) Except as provided in paragraph (b) of this section, prior to each helicopter air ambulance operation, each pilot in command, or other flight crewmember designated by the certificate holder, must ensure that all medical personnel have been briefed on the following—

(1) Passenger briefing requirements in § 135.117(a) and (b); and

(2) Physiological aspects of flight;

(3) Patient loading and unloading;

(4) Safety in and around the helicopter;

(5) In-flight emergency procedures;

(6) Emergency landing procedures;

(7) Emergency evacuation procedures;

(8) Efficient and safe communications with the pilot; and

(9) Operational differences between day and night operations, if appropriate.

(b) The briefing required in paragraphs (a)(2) through (9) of this section may be omitted if all medical personnel on board have satisfactorily completed the certificate holder's FAA-approved medical personnel training program within the preceding 24 calendar months. Each training program must include a minimum of 4 hours of ground training, and 4 hours of training in and around an air ambulance helicopter, on the topics set forth in paragraph (a)(2) of this section.

(c) Each certificate holder must maintain a record for each person trained under this section that—

(1) Contains the individual's name, the most recent training completion date, and a description, copy, or reference to training materials used to meet the training requirement.

(2) Is maintained for 24 calendar months following the individual's completion of training.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), 49 U.S.C. 44730, in Washington, DC, on February 18, 2014.

Michael P. Huerta,

Administrator, Federal Aviation Administration.

[FR Doc. 2014–03689 Filed 2–20–14; 8:45 am]

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