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# Presidential Documents

**Title 3—**

## The President

**Executive Order 13573 of May 18, 2011**

## Blocking Property of Senior Officials of the Government of Syria

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, BARACK OBAMA, President of the United States of America, in order to take additional steps with respect to the Government of Syria's continuing escalation of violence against the people of Syria—including through attacks on protestors, arrests and harassment of protestors and political activists, and repression of democratic change, overseen and executed by numerous elements of the Syrian government—and with respect to the national emergency declared in Executive Order 13338 of May 11, 2004, relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and in Executive Order 13460 of February 13, 2008, and expanded in scope in Executive Order 13572 of April 29, 2011, hereby order:

**Section 1.** All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex to this order; and

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to be a senior official of the Government of Syria;

(ii) to be an agency or instrumentality of the Government of Syria, or owned or controlled, directly or indirectly, by the Government of Syria or by an official or officials of the Government of Syria;

(iii) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any person whose property and interests in property are blocked pursuant to this order; or

(iv) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

**Sec. 2.** I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13338 and expanded in scope in Executive Order 13572, and I hereby prohibit such donations as provided by section 1 of this order.

**Sec. 3.** The prohibitions in section 1 of this order include but are not limited to:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

**Sec. 4.** The prohibitions in section 1 of this order apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

**Sec. 5.** (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 6.** For the purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term "Government of Syria" means the Government of the Syrian Arab Republic, its agencies, instrumentalities, and controlled entities.

**Sec. 7.** For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13338 and expanded in scope in Executive Order 13572, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

**Sec. 8.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 9.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to determine that circumstances no longer warrant the blocking of the property and interests in property of a person listed in the Annex to this order, and to take necessary action to give effect to that determination.

**Sec. 10.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Sec. 11.** This order is effective at 1:00 p.m. eastern daylight time on May 18, 2011.

THE WHITE HOUSE,
*May 18, 2011.*

Billing code 3195–W1–P

# ANNEX

Individuals

1. Bashar AL-ASSAD [President of the Syrian Arab Republic, born September 11, 1965]
2. Farouk AL-SHARA [Vice President, born 1938]
3. Adel SAFAR [Prime Minister, born 1953]
4. Mohammad Ibrahim AL-SHAAR [Minister of the Interior, born 1950]
5. Ali Habib MAHMOUD [Minister of Defense, born 1939]
6. Abdul Fatah QUDSIYA [Head of Syrian Military Intelligence, born circa 1950]
7. Mohammed Dib ZAITOUN [Director of Political Security Directorate, born circa 1952]

[FR Doc. 2011–12645
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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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**FEDERAL HOUSING FINANCE BOARD**

**12 CFR Part 956**

**FEDERAL HOUSING FINANCE AGENCY**

**12 CFR Part 1267**

**RIN 2590–AA32**

## Federal Home Loan Bank Investments

**AGENCY:** Federal Housing Finance Agency; Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Housing Finance Agency (FHFA) is re-organizing and re-adopting existing investment regulations that apply to the Federal Home Loan Banks (Banks) and that were previously adopted by the Federal Housing Finance Board (Finance Board). The regulation is being adopted as a new part in FHFA's regulations. As part of this rulemaking, FHFA will incorporate limits on the Banks' investment in mortgage-backed securities (MBS) and certain asset-backed securities (ABS) that were previously set forth in the Finance Board's Financial Management Policy (FMP). The FMP will terminate as of the effective date of this rule.

**DATES:** This rule is effective on June 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Christina Muradian, Division of Federal Home Loan Bank Regulation, Federal Housing Finance Agency, 202–408–2584, 1625 Eye Street, NW., Washington, DC 20006; or Thomas E. Joseph, Senior Attorney-Advisor, 202–414–3095, Office of General Counsel, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

## I. Background

### *A. Creation of the Federal Housing Finance Agency and Recent Legislation*

Effective July 30, 2008, the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, 122 Stat. 2654, created FHFA as a new independent agency of the Federal Government, and transferred to FHFA the supervisory and oversight responsibilities of the Office of Federal Housing Enterprise Oversight (OFHEO) over the Enterprises, the supervisory and oversight responsibilities of the Federal Housing Finance Board (Finance Board) over the Banks and the Office of Finance (OF) (which acts as the Banks' fiscal agent) and certain functions of the Department of Housing and Urban Development. *See id.* at section 1101, 122 Stat. 2661–62. FHFA is responsible for ensuring that the Enterprises and the Banks operate in a safe and sound manner, including that they maintain adequate capital and internal controls, that their activities foster liquid, efficient, competitive and resilient national housing finance markets, and that they carry out their public policy missions through authorized activities. *See id.* at section 1102, 122 Stat. 2663–64. The Enterprises, the Banks, and the OF continue to operate under regulations promulgated by OFHEO and the Finance Board until such regulations are superseded by regulations issued by FHFA. *See id.* at sections 1302, 1312, 122 Stat. 2795, 2798.

### *B. Investment Requirements and the FMP*

Under sections 11(g), 11(h) and 16(a) of the Bank Act, 12 U.S.C. 1431(g), 1431(h), 1436(a), a Bank is specifically authorized, subject to the rules of FHFA, to invest in: (1) Obligations of the United States; (2) deposits in banks and trust companies; (3) obligations, participations or other instruments of, or issued by, Fannie Mae or Government National Mortgage Association (Ginnie Mae); (4) mortgages, obligations or other securities that are or ever have been sold by Freddie Mac; (5) stock of Fannie Mae; (6) stock, obligations or other securities of any small business investment company (SBIC) formed pursuant to 15 U.S.C. 681, to the extent the investment is made for purposes of aiding a Bank member; and (7) instruments that a Bank has determined are permissible investments for fiduciary and trust funds under the laws of the state in which the Bank is located. Part 956 of the Finance Board regulations authorized the Banks to invest in all the instruments specifically identified in the statute, except for stock in Fannie Mae, subject to certain safety and soundness limitations that are also set forth in the regulation. *See* 12 CFR 956.2 and 956.3. The part 956 regulations also allowed the Banks to enter into derivative transactions, standby letters of credit which conform to other regulations, forward asset purchases and sales and commitments to make advances or commitments to make or purchase other loans. *See* 12 CFR 956.5. The regulations further allowed the Banks to enter into derivative contracts only for hedging or other documented, non-speculative purposes, such as intermediating derivative transactions for members, and subjected the Banks to prudential and safety and soundness requirements with regard to derivative transactions. *See* 12 CFR 956.6.

The FMP evolved from a series of policies and guidelines initially adopted by the former Federal Home Loan Bank Board, predecessor agency to the Finance Board, in the 1970s and revised a number of times thereafter. The Finance Board adopted the FMP in 1991, consolidating into one document the previously separate policies on funds management, hedging and interest-rate swaps, and adding new guidelines on the management of unsecured credit and interest-rate risk.[1] Prior to the adoption of the part 956 regulations in 2000, the FMP governed how the Banks implemented their financial management strategies by specifying the types of investments the Banks could purchase. *See* Proposed Rule: *Federal Home Loan Bank Acquired Member Assets, Core Mission Activities, Investments and Advances,* 65 FR 25676, 25686 (May 3, 2000). The FMP also established guidelines relating to the funding and hedging practices of the Banks, the management of their credit, interest-rate, and liquidity risks, and the liquidity requirements for the

[1] *See* Fin. Bd. Res. No. 96–45 (July 3, 1996), as amended by Fin. Bd. Res. No. 96–90 (Dec. 6, 1996), Fin. Bd. Res. No. 97–05 (Jan. 14, 1997), and Fin. Bd. Res. No. 97–86 (Dec. 17, 1997). *See also* 62 FR 13146 (Mar. 19, 1997)).

Banks in addition to those required by statute.

Beginning in 2000, many of the provisions contained in the FMP were superseded by regulations adopted by the Finance Board including regulations that implemented the new capital structure for the Banks that had been mandated by the Gramm-Leach-Bliley Act of 1999, Public Law No. 106–102, 113 Stat. 1338 (Nov. 12, 1999) (GLB Act). Among other things, the new capital structure incorporated risk-based capital requirements to support the risks in the Banks' activities, and therefore eliminated the need for most of the FMP restrictions on investments. *See* 12 CFR part 932. In approving the capital plans that each Bank was required to adopt under provisions of the GLB Act, the Finance Board issued separate orders providing that upon a Bank's implementation of its capital plan and its full coverage by the capital regime in part 932 of the regulations, the Bank would be exempted from future compliance with all provisions of the FMP except for a few specific restrictions related to the Bank's investment in mortgage-backed and certain asset-backed securities along with some related restrictions on entering into some derivative transactions.[2] *See, e.g.,* Fin. Bd. Res. No. 2002–11 (Mar. 13, 2002). Currently, all the Banks but the Federal Home Loan Bank of Chicago (Chicago Bank) have implemented their capital plans and are fully subject to the part 932 capital provisions.[3] Thus, only a few of the provisions of the FMP remain applicable to all the Banks.

*C. Considerations of Differences Between the Banks and the Enterprises*

Section 1201 of HERA requires the Director, when promulgating regulations relating to the Banks, to consider the following differences between the Banks and the Enterprises: Cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; and joint and several liability. *See* section 1201 Public Law 110–289, 122 Stat. 2782–83 (*amending* 12 U.S.C. 4513). The Director also may consider any other differences that are deemed appropriate. In preparing this rule, FHFA considered the differences between the Banks and the Enterprises as they relate to the above factors.

Section 1201 also specifically provides that its requirements shall not apply if the Director is reissuing any regulation, advisory document or examination guidance previously issued by the Finance Board. While most of this final rule is re-issuance of existing Finance Board regulations, the rule also incorporates into regulations provisions from the FMP. The FMP itself is not a substantive rule or interpretative guidance on existing regulations issued by the Finance Board, but instead has been described as a list of general guidelines. *See, Texas Savings.* v. *Federal Housing Finance Bd.,* 201 F.3d 551, 556 (5th Cir., 2000). Therefore, incorporation of the FMP guidelines into regulations does not firmly fit within the section 1201 exception for reissuance of existing Finance Board rules or advisory documents.

FHFA therefore has considered the differences between the Banks and the Enterprises as required by section 1201 of HERA in developing this final rule. As part of its proposed rulemaking, FHFA also specifically requested comments from the public about whether differences related to these factors should result in any revisions to the proposal, but received no specific comments in response to that request.

## II. The Final Rule

*A. The Proposed Rule*

On May 4, 2010, FHFA published for comment a proposed rule that would re-organize the investment regulation and re-adopt it as part 1267 of FHFA's regulations. It also would have incorporated into the rule certain limits that are now set forth in the FMP and made other conforming changes. *See* Proposed Rule: Federal Home Loan Bank Investments, 75 FR 23631 (May 4, 2010) (*hereinafter* Proposed Rule). The rule, as proposed, would not have substantively altered regulatory requirements applicable to Bank investments.

In the **SUPPLEMENTARY INFORMATION** to the proposed rule, however, FHFA noted its concern with the financial condition of some Banks and the negative performance of the Banks' private-label MBS (PLMBS), in part because the Banks' investment policies and pre-purchase analytics were deficient. As a result, FHFA requested comments on whether it should adopt additional restrictions, or lower the overall limit, on the Banks' investment in MBS generally, and in PLMBS in particular, as part of the final rule. *Id.* at 23633–34. Among other things FHFA asked if there should be a separate limit or additional restriction on the purchase of PLMBS (*e.g.,* a limit of one or two times capital, or a separate limit linked to retained earnings or some other basis), including whether FHFA should prohibit the purchase of PLMBS in the final rule, or if FHFA should restrict purchases of PLMBS based on collateral characteristics. *Id.*

FHFA received 10 comment letters on the proposed rule. Nine of the Banks submitted comments, and one comment letter was submitted by a trade association. Except for a suggested clarification made by some of the Banks on the calculation of the proposed 300 percent of capital investment limit for MBS, the comments mainly addressed FHFA's questions concerning additional restrictions on MBS investment. The letters also provided some general comments on the Banks' authority to invest in MBS. The comments are discussed more fully below.

*B. Final Rule Provisions*

1. Incorporation of the FMP Provisions Into the Investment Regulation

Most comments indicated that it was important for the Banks to maintain their current authority to invest in MBS. These commenters believed that the Banks' investment in MBS was consistent with the Banks' mission and provided support for mortgage market liquidity and stability especially in the period of current market stress. A number of commenters also thought that continued Bank investment in PLMBS could play a limited but important role in helping to revive the private label

[2] The restrictions in question are found in sections II.C.2., 3., 4. and 5. and section V.C.5. of the FMP. These limits, among other things, prohibit investment in residual interest and interest accrual classes of securities and in interest-only and principal-only stripped securities, and limit a Bank's investment in MBS and ABS to 300 percent of a Bank's total capital. The provisions also limit an increase in a Bank's holdings of MBS and ABS to no more than 50 percent of its total capital in any calendar quarter. The restrictions also prohibit the Bank from entering into swap transactions that would amortize similar to residual interest or interest accrual classes of securities or to interest-only and principal-only stripped securities.

In March 2008, the Finance Board temporarily expanded the Banks' authority to invest in MBS guaranteed by the Enterprises by an additional three times total capital, subject to certain conditions. *See* Fin. Bd. Res. No. 2008–08 (Mar. 24, 2008). The temporary authority expired on March 31, 2010. The Finance Board believed that the temporary increase in the Banks' investment authority would help address severe liquidity and other constraints that were affecting the housing finance markets in early 2008.

[3] In addition to the FMP provisions already discussed and applicable to all the Banks, the Chicago Bank remains subject to FMP provisions related to prudential limits on investments (other than MBS or ABS) and interest rate risk guidelines. The latter have been subsumed into the risk management and hedging guidelines that the Chicago Bank was required to submit for review and approval (and update as necessary) under Article III of the *Consent Order to Cease and Desist* entered into with the Finance Board on October 10, 2007, and which remains in effect. *See* 2007–SUP–01.

secondary mortgage market. One Bank agreed with FHFA's stated concern with the performance of some Banks' MBS investment portfolios and believed it was important to continue to limit Bank investment in MBS and require adequate retained earnings as a cushion against potential losses from such investments. Another Bank specifically supported a prohibition on future investment in PLMBS investment, although most other comment letters specifically objected to such a ban.

Almost all comments also supported the incorporation of the FMP limits, including the 300 percent of capital limit, into the investment rule. A number of commenters also felt that it would be premature to institute additional restrictions on Banks' MBS investment at this time, given the extensive regulatory and market changes now taking place. One commenter, however, believed the 300 percent of capital limit on MBS investment was inflexible and out of date and believed it should be reconsidered or eliminated, especially when applied to investment in agency MBS.

FHFA also received a number of comments supporting a limit on MBS investment based on retained earnings to either supplement or replace the current limit based on a Bank's total capital. Some comments suggested that FHFA undertake a study to identify an appropriate retained earnings limit or that FHFA consider such a limit only as part of a future rulemaking.

A number of commenters supported incorporating limits on MBS based on the underlying characteristics of the loans if such requirements incorporated the principles in FHFA Advisory Bulletins 2007–AB–01 and 2008–AB–02 [4] and in the interagency guidance published by Federal banking regulators, *Interagency Guidance on Nontraditional Mortgage Product Risks* (71 FR 58609 (Oct. 4, 2006)), and *Statement on Subprime Mortgage Lending* (72 FR 37569 (July 10, 2007)). Other commenters, however, felt that given the new standards being implemented for the secondary mortgage markets and the changes that this market is expected to undergo, it ultimately may prove unnecessary to incorporate this prior guidance into the regulation. Nevertheless, commenters felt that collateral backing future Bank purchases of MBS should be expected to comply with the highest standards of prudent and sustainable lending and that the current FHFA Advisory Bulletins on this issue should remain in effect.

After consideration of all these comments, FHFA has determined to adopt the 300 percent of capital limit from the FMP into its regulations. Contrary to suggestions that the 300 percent of capital limit was inflexible and out-dated, FHFA believes the limit reasonably serves to control Bank investment activity that does not directly advance the Banks' primary statutory mission of making advances to members, as well as limit the potential losses that can arise from this type of investment. As FHFA noted when proposing this rule, this FMP limit addressed both mission and safety and soundness concerns, 75 FR at 23633, and FHFA believes that it would be reasonable to adopt this longstanding limit into its regulations at this time in consideration of these concerns.

New § 1267.3(c)(1) incorporates the restriction in section II.C.2 of the FMP that limited a Bank's level of investment in authorized MBS or ABS to 300 percent of its total capital.[5] It clarifies that a Bank is not required to divest securities solely to bring the level of its holdings into compliance with the limit, provided that the original purchase of the securities complied with these limits. New § 1267.3(c)(2) further restricts a Bank's purchase of authorized MBS or ABS in any calendar quarter such that a Bank's total holdings of allowable MBS cannot increase by more than 50 percent of its total capital as of the beginning of such quarter, a limit that also was set forth in section II.C.2 of the FMP.

Although FHFA is adopting the 300 percent of capital limit as part of its regulations and has determined not to place additional limits on Bank investment in MBS at this time, it continues to have concerns with Bank investment in MBS from both a safety and soundness and mission stand point. With regard to the latter issue, despite the suggestions of some commenters to the contrary, FHFA still questions the extent to which Bank investment in MBS furthers the System's housing finance mission. FHFA considers it more appropriate to take into account the mission aspect of the Bank investment authority overall and not in segments by addressing only one class of investment.[6]

FHFA is likely, therefore, to reconsider questions related to Bank investment in MBS as part of a future rulemaking that would address and consider all aspects of the Banks' investment authority, including the mission relevance of various types of investments that are allowed under existing rules. Such considerations are beyond this current rulemaking, which was more modest in its scope and intended only to incorporate the remaining provisions of the FMP into the regulations and to transfer the existing Finance Board's investment rules into the FHFA's regulations.

FHFA also is incorporating into the regulations the other restrictions on MBS investment now set forth in the FMP, generally as proposed. Thus, new § 1267.3(a)(5) through (7) sets forth restrictions found in section II.C.3 through C.5 of the FMP related to investment in MBS, including the prohibition on investment in residual interest and interest accrual classes of securities and interest-only and principal-only stripped MBS. The final rule also adopts new § 1267.4(b) which incorporates the remaining applicable limitations on derivative transaction found in section V.C.5 of the FMP. These FMP restrictions prevent the Banks from using derivatives to create exposures or investments similar to residual interest and interest accrual

[4] Advisory Bulletin 2007–AB–01 (Apr. 12, 2007) established expectations for the Banks' pre-purchase analysis and periodic reviews of MBS investments. It advised the Banks' boards of directors to establish: (1) Limits on the level of MBS with underlying nontraditional or subprime mortgage collateral; (2) requirements for the level of credit protection for particular credit tranches when purchased at the time of original issuance of the security, and (3) limits on concentrations by geographic area, issuer, servicer, and size. Advisory Bulletin 2008–AB–02 (July 1, 2008) set forth the expectation that the Banks' purchases of PLMBS would be limited to securities in which the underlying mortgage loans complied with all aspects of the Federal banking agencies' *Interagency Guidance on Nontraditional Mortgage Product Risks,* and *Statement on Subprime Mortgage Lending.*

[5] As adopted, § 1267.3(c)(1) refers to MBS or ABS "otherwise authorized under this part". FHFA intends this reference to encompass future purchases of agency or government guaranteed MBS or ABS that are authorized under part 1267 as well as Banks' existing holdings of MBS or ABS to the extent that they were authorized by part 956. Thus, in calculating compliance with the limits under § 1267.3(c), Banks will be expected to include all MBS and ABS purchased and currently held under the authority that had existed in part 956.

[6] An overall re-consideration of the investment authority in light of the Bank System's mission was also raised by the United States Department of the Treasury and the United States Department of Housing and Urban Development in a recent report to Congress:

> Similar to Fannie Mae and Freddie Mac, several of the FHLB[anks] were allowed to build up large investment portfolios. These portfolios should be reduced and their composition altered to better serve the FHLB[anks'] mission of providing liquidity and access to capital for insured depository institutions. We support FHFA's efforts to address this issue, and we will work with Congress to provide clarity to the FHLB[ank's] investment authority.

The Department of the Treasury and U.S. Department of Housing and Urban Development, "Reforming America's Housing Finance Market: A Report to Congress," p. 15 (Feb. 2011).

classes of securities, interest-only and principal-only stripped MBS and ABS, or other investments that are currently prohibited by Section II.C of the FMP (and continue to be prohibited by new § 1267.3(a)(5) through (7)).

2. Clarification of the Calculation of the 300 Percent of Capital Limit on MBS

Seven commenters requested that the wording of the provision adopting the 300 percent of capital limit be amended to clarify how the limit will be calculated. Specifically, the commenters requested that the value of the securities in question be based on amortized historical cost for held-to-maturity (HTM) and available-for-sale (AFS) securities and fair value for trading securities, and total capital used for the calculation of the limit should be as defined in FHFA regulation § 1229.1. Section 1267.1 of the rule, both as proposed and as being adopted, already defines total capital as having the same meaning as set forth in § 1229.1 of FHFA regulations and thus, FHFA already made clear that the investment limits in § 1267.3(c) are to be calculated based on regulatory total capital.[7]

After considering the comments, FHFA also agrees that it would be appropriate to clarify how the value of relevant MBS and ABS will be calculated for purposes of the limit and, therefore, is adopting the suggestions of the commenters in § 1267.3(c)(3) of the final rule. This provision provides that for purposes of applying the limits in § 1267.3(c), the value of a Bank's MBS and ABS shall be calculated based on amortized historical costs for securities classified as HTM or AFS [8] and on fair value for trading securities.

The approach being adopted in the final rule differs somewhat from how these securities would be valued under generally accepted accounting principles (GAAP) in that under GAAP, AFS securities would be recorded at fair value, with changes in value (not related to other-than-temporary credit impairment charges) run through accumulated other comprehensive income (AOCI).[9] However, because the Bank's regulatory total capital is not adjusted for AOCI, the total capital component of the limit would not reflect changes in the value of AFS. This can lead to certain paradoxical results in applying the limit, if GAAP standards were used to value the ASF securities when applying the investment limit.

For example, as the market value of AFS securities declines, the Banks would have more "room" under the limit to make new investments in MBS/ABS relative to the actual pay down in their current portfolio as a result of such market value losses. At the same time, in periods of rising market values, the Banks' investment limits would become more restrictive relative to the pay down in the portfolio, restricting their ability to replace their existing investments as they pay down. Similarly, the same security held by different Banks would be valued differently in the calculation of the limit depending on whether a Bank classifies the security as HTM or AFS, creating an opportunity to game the limit. The clarification being adopted should help eliminate these outcomes as well as provide greater certainty for Banks in planning and implementing long term investment strategies, as the limit and the Banks' abilities to invest in allowable MBS/ABS will not be affected by (non-credit related) price volatility in securities classified as AFS.

FHFA has also added language to § 1267.3(c)(1) and § 1267.3(c)(2) to clarify that for purposes of determining compliance with the restrictions in these sections, the Banks shall determine the aggregate value of its investment in MBS and ABS as of the transaction trade date for any new purchase of such securities.[10]

3. Reorganization of the Investment Rule

The final rule also reorganizes the investment regulation as proposed. The final rule will combine into new § 1267.2 former § 956.2 and § 956.5, which respectively provided a list of authorized investments and authorization for derivative and other transactions. This will consolidate all authority for investments and other transactions into a single section but does not otherwise substantially alter the former part 956 provisions. The final rule will also carry over former § 956.3, which set forth a list of prohibited investments and other prudential requirements, as new § 1267.3, and incorporate into this new section the restrictions on MBS investment from the FMP, as previously highlighted. It will adopt former § 956.6 as new § 1267.4, and former § 956.4 as new § 1267.5.

4. References to Credit Ratings and Credit Rating Organizations

Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) requires Federal agencies to review regulations that require the use of an assessment of the credit-worthiness of a security or money market instrument, or any references to, or requirements in, such regulations regarding credit ratings issued by NRSROs, and to remove such references or requirements. *See* section 939A, Public Law 111–203, 124 Stat. 1887 (July 21, 2010)). This provision also requires an agency, to the extent feasible, to adopt uniform standards of credit-worthiness in its regulations, taking into account the entities regulated by it and the purpose for which such regulated entities would rely on the credit-worthiness standard. *Id.*

The Proposed Rule was published prior to the passage of the Dodd-Frank Act. FHFA did not seek comment on replacing references to or requirements based on specific credit ratings in those investment rules that it proposed to carry over from the existing Finance Board regulations. Among those references or requirements are those included in § 1267.3(a)(3), § 1267.3(a)(4)(iii) and § 1267.5, as well as certain definitions in § 1267.1. Such references and requirements will need to be removed pursuant to section 939A of the Dodd-Frank Act.

To that end, FHFA recently issued an advance notice of proposed rulemaking (ANPR) that sought comments on a range of issues related to implementation of section 939A of the Dodd-Frank Act, including what standards would be appropriate to replace existing credit rating references and requirements in the investment rule. *See* Advance Notice of Proposed Rulemaking; Alternatives to Use of Credit Ratings in Regulations Governing the Federal National Mortgage

[7] Section 1229.1 defines "total capital" as:

The sum of the Bank's permanent capital, the amount paid-in for its Class A stock, the amount of any general allowances for losses, and the amount of any other instruments identified in a Bank's capital plan that the Director has determined to be available to absorb losses incurred by such Bank. For a Bank that has issued neither Class A nor Class B stock, the Bank's total capital shall be the measure of capital used to determine compliance with its minimum capital requirement.

[8] The amortized historical cost for the HTM and AFS securities would generally be calculated as the sum of the initial investment, less cash collected, less write-downs plus yield accreted to date. *See* Master Glossary of FASB Accounting Standards Codification 2009.

[9] While the FMP does not specify how securities should be valued for purposes of the three times capital limit, this limit has generally been applied based on the carrying value of the securities calculated under GAAP.

[10] The language in § 1267(c)(1) has also been revised to clarify that for purposes of determining compliance with this provision total capital shall be based on the amount most recently reported by a Bank to FHFA. Currently, the Banks report their regulatory total capital to FHFA in their monthly call reports. These clarifications are consistent with how compliance had been determined under the FMP. No further clarification was needed with regard to the measure of total capital in § 1267(c)(2), given that the provision, as proposed and adopted, states clearly that compliance is determined based on total capital as of the beginning of each calendar quarter.

Association, the Federal Home Loan Mortgage Corporation and the Federal Home Loan Banks, 76 FR 5292, 5295 (Jan. 31, 2011). FHFA has determined to carry over the investment rules as proposed on a temporary basis, pending completion of the ANPR process, rather than attempt to adopt changes at this time to provisions in part 1267 that continue to reference specific credit ratings or base their requirements on such ratings. FHFA believes that this approach will best allow it to implement the Dodd-Frank requirements that it adopt uniform standards of credit-worthiness in its regulations while not delaying the completion of this rulemaking process. Thus, FHFA will propose changes to relevant sections of part 1267 as part of a future rulemaking designed to remove references to, or requirements based on, specific credit ratings, as required by the Dodd-Frank Act.

5. Cancellation of the FMP

Finally, FHFA confirms that the FMP is hereby cancelled and rescinded as of the effective date of this final rule, and thereafter, none of its provisions will be applicable to any Bank.

**III. Paperwork Reduction Act**

The rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to the Office of Management and Budget for review.

**IV. Regulatory Flexibility Act**

The rule applies only to the Banks, which do not come within the meaning of small entities as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, FHFA certifies that this final rule will not have significant economic impact on a substantial number of small entities.

**List of Subjects**

*12 CFR Part 956*

Federal home loan banks, Investments.

*12 CFR Part 1267*

Community development, Credit, Federal home loan bank, Housing, Reporting and recordkeeping requirements.

Accordingly, for reasons stated in the preamble and under the authority of 12 U.S.C. 1429, 1430, 1430b, 1431, 1436, 4511, 4513, 4526, FHFA is amending subchapter G of chapter IX and subchapter D of chapter XII of title 12 of the Code of Federal Regulations as follows:

**CHAPTER IX—FEDERAL HOUSING FINANCE BOARD**

**Subchapter G—Federal Home Loan Bank Assets and Off-Balance Sheet Items**

## PART 956—[REMOVED]

■ 1. Remove part 956.

**CHAPTER XII—FEDERAL HOUSING FINANCE AGENCY**

**Subchapter D—Federal Home Loan Banks**

■ 2. Add part 1267 to subchapter D to read as follows:

## PART 1267—FEDERAL HOME LOAN BANK INVESTMENTS

Sec.

1267.1 Definitions.
1267.2 Authorized investments and transactions.
1267.3 Prohibited investments and prudential rules.
1267.4 Limitations and prudential requirements on use of derivative instruments.
1267.5 Risk-based capital requirements for investments.

**Authority:** 12 U.S.C. 1429, 1430, 1430b, 1431, 1436, 4511, 4513, 4526.

### § 1267.1 Definitions.

As used in this part:

*Asset-backed security* means a debt instrument backed by loans, but does not include debt instruments that meet the definition of a mortgage-backed security.

*Bank,* written in title case, means a Federal Home Loan Bank established under section 12 of the Bank Act, as amended (12 U.S.C. 1432).

*Bank Act* means the Federal Home Loan Bank Act, as amended (12 U.S.C. 1421 through 1449).

*Consolidated obligation* means any bond, debenture or note on which the Banks are jointly and severally liable and which was issued under section 11 of the Bank Act (12 U.S.C. 1431) and in accordance with any implementing regulations, whether or not such instrument was originally issued jointly by the Banks or by the Federal Housing Finance Board on behalf of the Banks.

*Deposits in banks or trust companies* means:

(1) A deposit in another Bank;

(2) A demand account in a Federal Reserve Bank;

(3) A deposit in or sale of Federal funds to:

(i) An insured depository institution, as defined in section 2(9) of the Bank Act, that is designated by the Bank's board of directors;

(ii) A trust company that is a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation and is designated by the Bank's board of directors; or

(iii) A U.S. branch or agency of a foreign Bank as defined in the International Banking Act of 1978, as amended, (12 U.S.C. 3101 *et seq.*) that is subject to supervision of the Board of Governors of the Federal Reserve System and is designated by the Bank's board of directors.

*Derivative contract* means generally a financial contract the value of which is derived from the values of one or more referenced assets, rates, or indices of asset values, or credit-related events. Derivative contracts include interest rate derivative contracts, foreign exchange rate derivative contracts, equity derivative contracts, precious metals derivative contracts, commodity derivative contracts and credit derivatives, and any other instruments that pose similar risks.

*GAAP* means the United States generally accepted accounting principles.

*Indexed principal swap* means an interest rate swap agreement in which the notional principal balance amortizes based upon the prepayment experience of a specified group of mortgage-backed securities or asset-backed securities or the behavior of an interest rate index.

*Interest-only stripped security* means a class of mortgage-backed or asset-backed security that is allocated only the interest payments made on the underlying mortgages or loans and receives no principal payments.

*Investment grade* means:

(1) A credit quality rating in one of the four highest credit rating categories by an NRSRO and not below the fourth highest credit rating category by any NRSRO; or

(2) If there is no credit quality rating by an NRSRO, a determination by a Bank that the issuer, asset or instrument is the credit equivalent of investment grade using credit rating standards available from an NRSRO or similar standards.

*Mortgage-backed security* means a security or instrument, including collateralized mortgage obligations (CMOs), and Real Estate Mortgage Investment Trusts (REMICS), that represents an interest in, or is secured by, one or more pools of mortgage loans.

*NRSRO* means a credit rating organization registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization.

*Principal-only stripped security* means a class of mortgage-backed or asset-backed security that is allocated only the principal payments made on the underlying mortgages or loans and receives no interest payments.

*Total capital* shall have the meaning set forth in § 1229.1 of this chapter.

**§ 1267.2 Authorized investments and transactions.**

(a) In addition to assets enumerated in parts 1266 and 955 of this title and subject to the applicable limitations set forth in this part, and in part 1272 of this chapter, each Bank may invest in:

(1) Obligations of the United States;

(2) Deposits in banks or trust companies;

(3) Obligations, participations or other instruments of, or issued by, the Federal National Mortgage Association or the Government National Mortgage Association;

(4) Mortgages, obligations, or other securities that are, or ever have been, sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454 or 1455);

(5) Stock, obligations, or other securities of any small business investment company formed pursuant to 15 U.S.C. 681, to the extent such investment is made for purposes of aiding members of the Bank; and

(6) Instruments that the Bank has determined are permissible investments for fiduciary or trust funds under the laws of the state in which the Bank is located.

(b) Subject to any applicable limitations set forth in this part and in part 1272 of this chapter, a Bank also may enter into the following types of transactions:

(1) Derivative contracts;

(2) Standby letters of credit, pursuant to the requirements of part 1269 of this title;

(3) Forward asset purchases and sales;

(4) Commitments to make advances; and

(5) Commitments to make or purchase other loans.

**§ 1267.3 Prohibited investments and prudential rules.**

(a) *Prohibited investments.* A Bank may not invest in:

(1) Instruments that provide an ownership interest in an entity, except for investments described in § 1265.3(e) and (f) of this chapter;

(2) Instruments issued by non-United States entities, except United States branches and agency offices of foreign commercial banks;

(3) Debt instruments that are not rated as investment grade, except:

(i) Investments described in § 1265.3(e) of this chapter; and

(ii) Debt instruments that were downgraded to a below investment grade rating after acquisition by the Bank;

(4) Whole mortgages or other whole loans, or interests in mortgages or loans, except:

(i) Acquired member assets;

(ii) Investments described in § 1265.3(e) of this title;

(iii) Marketable direct obligations of state, local, or Tribal government units or agencies, having at least the second highest credit rating from an NRSRO, where the purchase of such obligations by the Bank provides to the issuer the customized terms, necessary liquidity, or favorable pricing required to generate needed funding for housing or community lending;

(iv) Mortgage-backed securities, or asset-backed securities collateralized by manufactured housing loans or home equity loans, that meet the definition of the term "securities" under 15 U.S.C. 77b(a)(1) and are not otherwise prohibited under paragraphs (a)(5) through (a)(7) of this section, and

(v) Loans held or acquired pursuant to section 12(b) of the Bank Act (12 U.S.C. 1432(b)).

(5) Residual interest and interest accrual classes of securities;

(6) Interest-only and principal-only stripped securities; and

(7) Fixed rate mortgage-backed securities or eligible asset-backed securities or floating rate mortgage-backed securities or eligible asset-backed securities that on the trade date are at rates equal to their contractual cap, with average lives that vary more than six years under an assumed instantaneous interest rate change of 300 basis points, unless the instrument qualifies as an acquired member asset under part 955 of this title.

(b) *Foreign currency or commodity positions prohibited.* A Bank may not take a position in any commodity or foreign currency. The Banks may issue consolidated obligations denominated in a currency other than U.S. Dollars or linked to equity or commodity prices, provided that the Banks meet the requirements of § 1270.9(d) of this chapter, and all other applicable requirements related to issuing consolidated obligations.

(c) *Limits on certain investments.*—(1) A purchase, otherwise authorized under this part, of mortgage-backed securities or asset-backed securities, may not cause the aggregate value of all such securities held by the Bank to exceed 300 percent of the Bank's total capital. For purposes of this limitation, such aggregate value will be measured as of the transaction trade date for such purchase, and total capital will be the most recent amount reported by a Bank to FHFA. A Bank will not be required to divest securities solely to bring the level of its holdings into compliance with the limits of this paragraph, provided that the original purchase of the securities complied with the limits in this paragraph.

(2) A Bank's purchase of any mortgage-backed or asset-backed security may not cause the value of its total holdings of mortgage-backed and asset-backed securities, measured as of the transaction trade date for such purchase, to increase in any calendar quarter by more than 50 percent of its total capital as of the beginning of such quarter.

(3) For purposes of applying the limits under this paragraph (c), the value of relevant mortgage-backed or asset-backed securities shall be calculated based on amortized historical costs for securities classified as held-to-maturity or available-for-sale and on fair value for trading securities.

**§ 1267.4 Limitations and prudential requirements on use of derivative instruments.**

(a) *Non-speculative use.* Derivative instruments that do not qualify as hedging instruments pursuant to GAAP may be used only if a non-speculative use is documented by the Bank.

(b) *Additional Prohibitions.*—(1) A Bank may not enter into interest rate swaps that amortize according to behavior of instruments described in § 1267.3(a)(5) or (6) of this part.

(2) A Bank may not enter into indexed principal swaps that have average lives that vary by more than six years under an assumed instantaneous change in interest rates of 300 basis points, unless they are entered into in conjunction with the issuance of consolidated obligations or the purchase of permissible investments or entry into a permissible transaction in which all interest rate risk is passed through to the investor or counterparty.

(c) *Documentation requirements.*—(1) Derivative transactions with a single counterparty shall be governed by a single master agreement when practicable.

(2) A Bank's agreement with the counterparty for over-the-counter derivative contracts shall include:

(i) A requirement that market value determinations and subsequent adjustments of collateral be made at least on a monthly basis;

(ii) A statement that failure of a counterparty to meet a collateral call will result in an early termination event;

(iii) A description of early termination pricing and methodology, with the methodology reflecting a reasonable estimate of the market value of the over-the-counter derivative contract at termination (standard International Swaps and Derivatives Association, Inc. language relative to early termination pricing and methodology may be used to satisfy this requirement); and

(iv) A requirement that the Bank's consent be obtained prior to the transfer of an agreement or contract by a counterparty.

**§ 1267.5 Risk-based capital requirements for investments.**

Any Bank which is not subject to the capital requirements set forth in part 932 of this title shall hold retained earnings plus general allowance for losses as support for the credit risk of all investments that are not rated by an NRSRO, or are rated or have a putative rating below the second highest credit rating, in an amount equal to or greater than the outstanding balance of the investments multiplied by:

(a) A factor associated with the credit rating of the investments as determined by FHFA on a case-by-case basis for rated assets to be sufficient to raise the credit quality of the asset to the second highest credit rating category; and

(b) 0.08 for assets having neither a putative nor actual rating.

Dated: May 13, 2011.

**Edward J. DeMarco,**

*Acting Director, Federal Housing Finance Agency.*

[FR Doc. 2011–12358 Filed 5–19–11; 8:45 am]

**BILLING CODE 8070–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 878

**[Docket No. FDA–2006–N–0045; Formerly Docket No. 2006N–0109]**

### Medical Devices; Reclassification of the Topical Oxygen Chamber for Extremities; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of April 25, 2011 (76 FR 22805). The document announced that FDA is reclassifying the topical oxygen chamber for extremities (TOCE) from class III to class II. The document published inadvertently used outdated contact information. This document corrects that error.

**DATES:** Effective May 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Durfor, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G424, Silver Spring, MD 20993–0002, 301–796–6438.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2011–9899 appearing on page 22805 in the **Federal Register** of Monday, April 25, 2011, the following correction is made: 1. On page 22805, in the third column, the **FOR FURTHER INFORMATION CONTACT** section is corrected to read as follows:

**FOR FURTHER INFORMATION CONTACT:** Charles N. Durfor, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. G424, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–6438.

Dated: May 17, 2011.

**Nancy K. Stade,**

*Deputy Director for Policy, Center for Devices and Radiological Health.*

[FR Doc. 2011–12410 Filed 5–19–11; 8:45 am]

**BILLING CODE 4160–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R09–OAR–2011–0030; FRL–9308–3]**

### Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the MDAQMD. We are approving these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on July 19, 2011 without further notice, unless EPA receives adverse comments by June 20, 2011. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2011–0030, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

*Docket:* The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Allen, EPA Region IX, (415) 947–4120, *allen.cynthia@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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## I. The State's Submittal

### *A. What negative declarations did the State submit?*

Table 1 lists the negative declarations we are approving with the dates that they were adopted by the Mojave Desert Air Quality Management District (MDAQMD) and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

| Local agency | Title | Adopted | Submitted |
|---|---|---|---|
| MDAQMD | Pneumatic Rubber Tire Manufacturing | 01/22/07 | 07/11/07 |
| MDAQMD | Large Petroleum Dry Cleaners | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating of Cans | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating of Coils | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating Fabrics | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating Operations at Automotive and Light Duty Truck Assembly Plants | 01/22/07 | 07/11/07 |
| MDAQMD | Surface of Coating of Large Appliances | 01/22/07 | 07/11/07 |
| MDAQMD | Surface of Coating of Magnet Wire | 01/22/07 | 07/11/07 |
| MDAQMD | Vacuum Producing Devices or Systems | 01/22/07 | 07/11/07 |
| MDAQMD | Leaks From Petroleum Refinery Equipment | 01/22/07 | 07/11/07 |
| MDAQMD | Process Unit Turnarounds | 01/22/07 | 07/11/07 |
| MDAQMD | Equipment Leaks From Natural Gas/Gasoline Processing Plants | 01/22/07 | 07/11/07 |
| MDAQMD | Synthesized Pharmaceutical Products | 01/22/07 | 07/11/07 |
| MDAQMD | Air Oxidation Process—SOCMI | 01/22/07 | 07/11/07 |
| MDAQMD | Polymer Manufacturing SOCMI and Polymer Manufacturing Equipment Leaks | 01/22/07 | 07/11/07 |
| MDAQMD | Reactor Processes and Distillation Operations in SOCMI | 01/22/07 | 07/11/07 |
| MDAQMD | Synthetic Organic Chemical Polymer and Resin Manufacturing | 01/22/07 | 07/11/07 |
| MDAQMD | Petroleum Refinery Equipment | 08/23/10 | 10/22/10 |
| MDAQMD | Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins | 08/23/10 | 10/22/10 |
| MDAQMD | Fugitive Emissions From Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment. | 08/23/10 | 10/22/10 |

On November 16, 2010, EPA determined that the submittal for Mojave Desert AQMD Negative Declarations submitted on October 22, 2010, met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

On January 11, 2008, the submittal for Mojave Desert Negative Declarations submitted on July 11, 2007 was deemed by operation of law to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

### *B. Are there other versions of these negative declarations?*

There are no previous versions of these negative declarations.

### *C. What is the purpose of the submitted negative declarations?*

The negative declarations were submitted to meet the requirements of CAA section 182(b)(2). Ozone Nonattainment areas classified at moderate and above are required to adopt volatile organic compound (VOC) regulations for the published Control Technique Guideline (CTG) categories and for major non-CTG sources of VOC or $NO_x$. If a nonattainment area does not have stationary sources covered by an EPA published CTG, then the area is required to submit a negative declaration. The negative declarations were submitted because there are no applicable sources within the MDAQMD jurisdiction. EPA's technical support document (TSD) has more information about these negative declarations.

## II. EPA's Evaluation and Action

### *A. How is EPA evaluating the negative declarations?*

The negative declarations are submitted as SIP revisions and must be consistent with Clean Air Act requirements for Reasonable Available Control Technology (RACT) (see section 182(b)(2)) and SIP relaxation (see sections 110(1) and 193.) To do so, the submittal should provide reasonable assurance that no sources subject to the CTG requirements currently exist or are planned for the MDAQMD.

### *B. Do the negative declarations meet the evaluation criteria?*

We believe these negative declarations are consistent with the relevant policy and guidance regarding RACT and SIP relaxations. The TSD has more information on our evaluation.

### *C. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted negative declarations as additional information to the SIP because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of these negative declarations. If we receive adverse comments by June 20, 2011, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on July 19, 2011.

## III. Background Information

### *A. Why were these negative declarations submitted?*

These negative declarations were submitted to fulfill the requirements of CAA Section 182(a)(2). Section 182 requires that ozone nonattainment areas adopt VOC regulations found in the

Control Technique Guideline Series and for all major non-CTG sources of VOC or $NO_X$ in their geographic area. Mojave Desert AQMD is a nonattainment area for ozone and thus is required to adopt reasonable available control technology (RACT) regulations for all CTG sources and major non-CTG sources. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency negative declarations.

TABLE 2—OZONE NONATTAINMENT MILESTONES

| Date | Event |
|---|---|
| March 3, 1978 | EPA promulgated a list of ozone attainment areas Under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305. |
| May 26, 1988 | EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act. |
| November 15, 1990 | Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. |
| May 15, 1991 | Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date. |

## IV. Administrative Requirements

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not interfere with Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) because EPA lacks the discretionary authority to address environmental justice in this rulemaking.

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 9, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

## Subpart F—California

■ 2. Section 52.222 is amended by adding paragraphs (a)(1)(v) and (vi) to read as follows:

### § 52.222 Negative declarations.

(a) * * *

(1) * * *

(v) Pneumatic Rubber Tire Manufacturing, Large Petroleum Dry Cleaners, Surface Coating of Cans, Surface Coating of Coils, Surface Coating Fabrics, Surface Coating Operations at Automotive and Light

Duty Truck Assembly Plants, Surface of Coating of Large Appliances, Surface of Coating of Magnet Wire, Vacuum Producing Devices or Systems, Leaks From Petroleum Refinery Equipment, Process Unit Turnarounds, Equipment Leaks From Natural Gas/Gasoline Processing Plants, Synthesized Pharmaceutical Products, Air Oxidation Process—SOCMI, Polymer Manufacturing SOCMI and Polymer Manufacturing Equipment Leaks, Reactor Processes and Distillation Operations in SOCMI, and Synthetic Organic Chemical Polymer and Resin Manufacturing were submitted on July 11, 2007 and adopted January 22, 2007.

(vi) Petroleum Refinery Equipment, Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins, and Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment were submitted on October 22, 2010 and adopted on August 23, 2010.

* * * * *

[FR Doc. 2011–12362 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

**[OAR–2004–0091; FRL–9304–4]**

## Outer Continental Shelf Air Regulations Consistency Update for California

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the update of the Outer Continental Shelf ("OCS") Air Regulations proposed in the **Federal Register** on January 10, 2011. Requirements applying to OCS sources located within 25 miles of States' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 ("the Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District ("Santa Barbara County APCD" or "District") is the designated COA. The intended effect of approving the OCS requirements for the Santa Barbara County APCD is to regulate emissions from OCS sources in accordance with the requirements onshore.

**DATES:** This rule is effective on June 20, 2011. The incorporation by reference of certain publications listed in this rule is approved by the Director of the **Federal Register** as of June 20, 2011.

**ADDRESSES:** EPA has established docket number OAR–2004–0091 for this action. The index to the docket is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia G. Allen, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4120, *allen.cynthia@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, the terms "we," "us," or "our" refer to U.S. EPA.

*Organization of this document:* The following outline is provided to aid in locating information in this preamble.

I. Background
II. Public Comment
III. EPA Action
IV. Statutory and Executive Order Reviews

### I. Background

On January 10, 2011 (76 FR 1389), EPA proposed to incorporate various Santa Barbara County APCD air pollution control requirements into the OCS Air Regulations at 40 CFR part 55. We are incorporating these requirements in response to the submittal of these rules by the District. EPA has evaluated the proposed requirements to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards or Part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e).

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

### II. Public Comment

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments on the proposed action.

### III. EPA Action

In this document, EPA takes final action to incorporate the proposed changes into 40 CFR part 55. No changes were made to the proposed action except for minor technical corrections to the list of rules in the part 55 regulatory text to accurately reflect the action we proposed. EPA is approving the proposed action under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into Part 55 as they exist onshore.

### IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the Clean Air Act. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the

exercise of any policy discretion by EPA. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, nor does it impose substantial direct compliance costs on Tribal governments, nor preempt Tribal law.

Under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, 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 approved the information collection requirements contained in 40 CFR part 55 and, by extension, this update to the rules, and has assigned OMB control number 2060–0249. Notice of OMB's approval of EPA Information Collection Request ("ICR") No. 1601.07 was published in the **Federal Register** on February 17, 2009 (74 FR 7432). The approval expires January 31, 2012. As EPA previously indicated (70 FR 65897–65898 (November 1, 2005)), the annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 549 hours per response, using the definition of burden provided in 44 U.S.C. 3502(2).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

**List of Subjects in 40 CFR Part 55**

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 31, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Title 40 of the Code of Federal Regulations, part 55, is amended as follows:

## PART 55—[AMENDED]

■ 1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

■ 2. Section 55.14 is amended by revising paragraph (e)(3)(ii)(F) to read as follows:

**§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.**

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources,* March 2011.

* * * * *

■ 3. Appendix A to Part 55 is amended by revising paragraph (b)(6) under the heading "California" to read as follows:

**Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State**

* * * * *

California

* * * * *

(b) * * *

(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources*:

| | |
|---|---|
| Rule 102 ..... | Definitions (Adopted 09/20/10). |
| Rule 103 ..... | Severability (Adopted 10/23/78). |
| Rule 106 ..... | Notice to Comply for Minor Violations (Repealed 01/01/2001). |
| Rule 107 ..... | Emergencies (Adopted 04/19/01). |
| Rule 201 ..... | Permits Required (Adopted 06/19/08). |
| Rule 202 ..... | Exemptions to Rule 201 (Adopted 09/20/10). |
| Rule 203 ..... | Transfer (Adopted 04/17/97). |
| Rule 204 ..... | Applications (Adopted 04/17/97). |
| Rule 205 ..... | Standards for Granting Permits (Adopted 04/17/97). |
| Rule 206 ..... | Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91). |

| | |
|---|---|
| Rule 207 ..... | Denial of Application (Adopted 10/23/78). |
| Rule 210 ..... | Fees (Adopted 03/17/05). |
| Rule 212 ..... | Emission Statements (Adopted 10/20/92). |
| Rule 301 ..... | Circumvention (Adopted 10/23/78). |
| Rule 302 ..... | Visible Emissions (Adopted 10/23/78). |
| Rule 304 ..... | Particulate Matter—Northern Zone (Adopted 10/23/78). |
| Rule 305 ..... | Particulate Matter Concentration—Southern Zone (Adopted 10/23/78). |
| Rule 306 ..... | Dust and Fumes—Northern Zone (Adopted 10/23/78). |
| Rule 307 ..... | Particulate Matter Emission Weight Rate—Southern Zone (Adopted 10/23/78). |
| Rule 308 ..... | Incinerator Burning (Adopted 10/23/78). |
| Rule 309 ..... | Specific Contaminants (Adopted 10/23/78). |
| Rule 310 ..... | Odorous Organic Sulfides (Adopted 10/23/78). |
| Rule 311 ..... | Sulfur Content of Fuels (Adopted 10/23/78). |
| Rule 312 ..... | Open Fires (Adopted 10/02/90). |
| Rule 316 ..... | Storage and Transfer of Gasoline (Adopted 01/15/09). |
| Rule 317 ..... | Organic Solvents (Adopted 10/23/78). |
| Rule 318 ..... | Vacuum Producing Devices or Systems—Southern Zone (Adopted 10/23/78). |
| Rule 321 ..... | Solvent Cleaning Operations (Adopted 09/20/10). |
| Rule 322 ..... | Metal Surface Coating Thinner and Reducer (Adopted 10/23/78). |
| Rule 323 ..... | Architectural Coatings (Adopted 11/15/01). |
| Rule 324 ..... | Disposal and Evaporation of Solvents (Adopted 10/23/78). |
| Rule 325 ..... | Crude Oil Production and Separation (Adopted 07/19/01). |
| Rule 326 ..... | Storage of Reactive Organic Compound Liquids (Adopted 01/18/01). |
| Rule 327 ..... | Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85). |
| Rule 328 ..... | Continuous Emission Monitoring (Adopted 10/23/78). |
| Rule 330 ..... | Surface Coating of Metal Parts and Products (Adopted 01/20/00). |
| Rule 331 ..... | Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91). |
| Rule 332 ..... | Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 06/11/79). |
| Rule 333 ..... | Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 06/19/08). |
| Rule 342 ..... | Control of Oxides of Nitrogen ($NO_X$) from Boilers, Steam Generators and Process Heaters) (Adopted 04/17/97). |
| Rule 343 ..... | Petroleum Storage Tank Degassing (Adopted 12/14/93). |
| Rule 344 ..... | Petroleum Sumps, Pits, and Well Cellars (Adopted 11/10/94). |
| Rule 346 ..... | Loading of Organic Liquid Cargo Vessels (Adopted 01/18/01). |
| Rule 352 ..... | Natural Gas-Fired Fan-Type Central Furnaces and Residential Water Heaters (Adopted 09/16/99). |
| Rule 353 ..... | Adhesives and Sealants (Adopted 08/19/99). |
| Rule 359 ..... | Flares and Thermal Oxidizers (Adopted 06/28/94). |
| Rule 360 ..... | Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (Adopted 10/17/02). |
| Rule 361 ..... | Small Boilers, Steam Generators, and Process Heaters (Adopted 01/17/08). |
| Rule 370 ..... | Potential to Emit—Limitations for Part 70 Sources (Adopted 06/15/95). |
| Rule 505 ..... | Breakdown Conditions Sections A., B.1., and D. only (Adopted 10/23/78). |
| Rule 603 ..... | Emergency Episode Plans (Adopted 06/15/81). |
| Rule 702 ..... | General Conformity (Adopted 10/20/94). |
| Rule 801 ..... | New Source Review (Adopted 04/17/97). |
| Rule 802 ..... | Nonattainment Review (Adopted 04/17/97). |
| Rule 803 ..... | Prevention of Significant Deterioration (Adopted 04/17/97). |
| Rule 804 ..... | Emission Offsets (Adopted 04/17/97). |
| Rule 805 ..... | Air Quality Impact Analysis and Modeling (Adopted 04/17/97). |
| Rule 808 ..... | New Source Review for Major Sources of Hazardous Air Pollutants (Adopted 05/20/99). |
| Rule 1301 ..... | Part 70 Operating Permits—General Information (Adopted 06/19/03). |
| Rule 1302 ..... | Part 70 Operating Permits—Permit Application (Adopted 11/09/93). |
| Rule 1303 ..... | Part 70 Operating Permits—Permits (Adopted 11/09/93). |
| Rule 1304 ..... | Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Adopted 11/09/93). |
| Rule 1305 ..... | Part 70 Operating Permits—Enforcement (Adopted 11/09/93). |

* * * * *

[FR Doc. 2011–12211 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

**[GEN Docket No. 86–285; FCC 11–27]**

## Amendment of the Schedule of Application Fees Set

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission amends its rules to revise its Schedule of Application Fees per Section 8(b)(1) of the Communications Act of 1934. The Commission is required to revise its application fee rates every two years based on changes in the Consumer Price Index. For FY 2011, calculated from October 2007 and October 2009, the Consumer Price Index for all Urban Consumers ("CPI–U") increased 3.5 percent. The attached Schedule of Application Fees reflects revised fee rates based on a CPI–U rate increase of 3.5 percent.

**DATES:** Effective June 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418–0444.

**SUPPLEMENTARY INFORMATION:**

1. By this Order, adopted February 28, 2011 and released March 3, 2011, the Commission makes rule changes to part 1 of the Commission's rules, and amends its Schedule of Application Fees, 47 CFR 1.1102 *et seq.* to adjust its fees for processing applications and other filings. Section 8(a) of the Communications Act of 1934, as amended ("the Act"), requires the Commission to "assess and collect application fees at such rates as the Commission shall establish or at such modified rates as it shall establish

pursuant to" Section 8(b). Section 8 contains the Schedule of Charges for a broad range of application categories as well as procedures for modifying and collecting these charges. The Commission began assessing such application fees in 1987, and, as required by section 8(b), it began reviewing the fees every two years beginning after October 1, 1991 to make adjustments to reflect changes in the Consumer Price Index. As required by section 8(e) of the Act, collected fees are deposited in the general fund of the United States Treasury. As required by the statute and consistent with our prior practice, this Order increases application fees to reflect the net change in the Consumer Price Index for all Urban Consumers ("CPI–U") of 3.5 percent, calculated from October 2007 to October 2009.[1] The adjustments made to the fee schedule comport with the statutory formula set forth in Section 8(b).

2. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

3. Accordingly, *it is ordered,* that, pursuant to sections 1, 4(i), 4(j), and 8 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 158, the rule changes specified herein *are adopted* and the Schedule of Application Fees, 47 CFR 1.1102 *et seq., is amended* as set forth in the attached Appendices.

4. *It is further ordered* that the rule changes and amendment to the Schedule of Application Fees made herein shall become effective 30 days after publication in the **Federal Register.**

**List of Subjects in 47 CFR Part 1**

Administrative practice and procedure.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 to read as follows:

## PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 15 U.S.C. 79 *et seq.;* 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 303(r), and 309, unless otherwise noted.

■ 2. Section 1.1102 is revised to read as follows:

**§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.**

Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to § 1.1152 for the appropriate regulatory fee that must be paid for this service. Remit manual filings and/or payment for these services to the: Federal Communications Commission, Wireless Bureau Applications, P.O. Box 979097, St. Louis, MO 63197–9000.

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| 1. Marine Coast: | | | |
| a. New; Renewal/Modification | 601 & 159 | $120.00 | PBMR* |
| b. Modification; Public Coast CMRS; Non-Profit | 601 & 159 | 120.00 | PBMM |
| c. Assignment of Authorization | 603 & 159 | 120.00 | PBMM |
| d. Transfer of Control | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing for Public Coast | 608 & 159 | 60.00 | PATM |
| e. Duplicate License | 601 & 159 | 60.00 | PADM |
| f. Special Temporary Authority | 601 & 159 | 175.00 | PCMM |
| g. Renewal Only | 601 & 159 | 120.00 | PBMR* |
| h. Renewal (Electronic Filing) | 601 & 159 | 120.00 | PBMR* |
| i. Renewal Only (Non-Profit; CMRS) | 601 & 159 | 120.00 | PBMM |
| j. Renewal (Electronic Filing) Non-profit, CMRS | 601 & 159 | 120.00 | PBMM |
| k. Rule Waiver | 601, 603 or 608 & 159 | 180.00 | PDWM |
| l. Modification for Spectrum Leasing for Public Coast Stations | 608 & 159 | 120.00 | PBMM |
| m. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | PATM |
| 2. Aviation Ground: | | | |
| a. New; Renewal/Modification | 601 & 159 | 120.00 | PBVR* |
| b. Modification; Non-Profit | 601 & 159 | 120.00 | PBVM |
| c. Assignment of Authorization | 603 & 159 | 120.00 | PBVM |
| d. Transfer of Control | 603 & 159 | 60.00 | PATM |
| e. Duplicate License | 601 & 159 | 60.00 | PADM |
| f. Special Temporary Authority | 601 & 159 | 175.00 | PCVM |
| g. Renewal Only | 601 & 159 | 120.00 | PBVR* |
| h. Renewal (Electronic Filing) | 601 & 159 | 120.00 | PBVR* |
| i. Renewal Only Non-Profit | 601 & 159 | 120.00 | PBVM |
| j. Renewal Non-Profit (Electronic Filing) | 601 & 159 | 120.00 | PBVM |
| k. Rule Waiver | 601 or 603 & 159 | 180.00 | PDWM |
| 3. Ship: | | | |
| a. New; Renewal/Modification; Renewal Only | 605 & 159 | 60.00 | PASR* |
| b. New; Renewal/Modification; Renewal Only (Electronic Filing) | 605 & 159 | 60.00 | PASR* |
| c. Renewal Only; Non-profit | 605 & 159 | 60.00 | PASM |
| d. Renewal Only; Non-profit (Electronic Filing) | 605 & 159 | 60.00 | PASM |
| e. Modification; Non-profit | 605 & 159 | 60.00 | PASM |
| f. Modification; Non-profit (Electronic Filing) | 605 & 159 | 60.00 | PASM |
| g. Duplicate License | 605 & 159 | 60.00 | PADM |

[1] Application fees are calculated based upon the process set forth in 47 CFR 1.1115. The increase in the CPI–U between October 2007 (the month used to calculate the last CPI–U adjustment of the Schedule of Application Fees) and October 2009 is 7l24 index points, or 3.5 percent. However, the actual calculation in fees is based on index points that are averaged over a time period beginning in December 1989. *See* Bureau of Labor Statistics CPI–U Index, *ftp://ftp.bls.gov/pub/special.request/cpi/cpiai.txt* (showing CPI–U Index of 208.936 for October 2007 and 216.177 for October 2009).

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| h. Duplicate License (Electronic Filing) | 605 & 159 | 60.00 | PADM |
| i. Exemption from Ship Station Requirements | 605 & 159 | 180.00 | PDWM |
| j. Rule Waiver | 605 & 159 | 180.00 | PDWM |
| k. Exemption from Ship Station Requirements (Electronic Filing) | 605 & 159 | 180.00 | PDWM |
| l. Rule Waiver (Electronic Filing) | 605 & 159 | 180.00 | PDWM |
| 4. Aircraft: | | | |
| a. New; Renewal/Modification | 605 & 159 | 60.00 | PAAR* |
| b. New; Renewal/Modification (Electronic Filing) | 605 & 159 | 60.00 | PAAR* |
| c. Modification; Non-Profit | 605 & 159 | 60.00 | PAAM |
| d. Modification; Non-Profit (Electronic Filing) | 605 & 159 | 60.00 | PAAM |
| e. Renewal Only | 605 & 159 | 60.00 | PAAR* |
| f. Renewal (Electronic Filing) | 605 & 159 | 60.00 | PAAR* |
| g. Renewal Only; Non-Profit | 605 & 159 | 60.00 | PAAM |
| h. Renewal; Renewal/Modification; Non-Profit (Electronic Filing) | 605 & 159 | 60.00 | PAAM |
| i. Duplicate License | 605 & 159 | 60.00 | PADM |
| j. Duplicate License (Electronic Filing) | 605 & 159 | 60.00 | PADM |
| k. Rule Waiver | 605 & 159 | 180.00 | PDWM |
| l. Rule Waiver (Electronic Filing) | 605 & 159 | 180.00 | PDWM |
| 5. Private Operational Fixed Microwave and Private DEMS: | | | |
| a. New; Renewal/Modification | 601 & 159 | 270.00 | PEOR* |
| b. New; Renewal/Modification (Electronic Filing) | 601 & 159 | 270.00 | PEOR* |
| c. Modification; Consolidate Call Signs; Non-Profit | 601 & 159 | 270.00 | PEOM |
| d. Modification; Consolidate Call Signs; Non-Profit (Electronic Filing) | 601 & 159 | 270.00 | PEOM |
| e. Renewal Only | 601 & 159 | 270.00 | PEOR* |
| f. Renewal (Electronic Filing) | 601 & 159 | 270.00 | PEOR* |
| g. Renewal Only Non-Profit | 601 & 159 | 270.00 | PEOM |
| h. Renewal Non-Profit (Electronic Filing) | 601 & 159 | 270.00 | PEOM |
| i. Assignment | 603 & 159 | 270.00 | PEOM |
| j. Assignment (Electronic Filing) | 603 & 159 | 270.00 | PEOM |
| k. Transfer of Control | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing | 608 & 159 | 60.00 | PATM |
| l. Transfer of Control | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing (Electronic Filing) | 608 & 159 | 60.00 | PATM |
| m. Duplicate License | 601 & 159 | 60.00 | PADM |
| n. Duplicate License (Electronic Filing) | 601 & 159 | 60.00 | PADM |
| o. Special Temporary Authority | 601 & 159 | 60.00 | PAOM |
| p. Special Temporary Authority (Electronic Filing) | 601 & 159 | 60.00 | PAOM |
| q. Rule Waiver | 601, 603 or | 180.00 | PDWM |
| | 608 & 159 | 180.00 | PDWM |
| r. Rule Waiver (Electronic Filing) | 601, 603 or | 180.00 | PDWM |
| | 608 & 159 | 180.00 | PDWM |
| s. Modification for Spectrum Leasing | 608 & 159 | 270.00 | PEOM |
| t. Modification for Spectrum Leasing (Electronic Filing) | 608 & 159 | 270.00 | PEOM |
| u. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | PATM |
| 6. Land Mobile PMRS; Intelligent Transportation Service: | | | |
| a. New or Renewal/Modification (Frequencies below 470 MHz (except 220 MHz)) 902–928 MHz & RS. | 601 & 159 | 60.00 | PALR* |
| b. New; Renewal/Modification (Frequencies below 470 MHz (except 220 MHz)) (Electronic Filing). | 601 & 159 | 60.00 | PALR* |
| c. New; Renewal/Modification (Frequencies 470 MHz and above and 220 MHz Local). | 601 & 159 | 60.00 | PALS* |
| d. New; Renewal/Modification (Frequencies 470 MHz and above and 220 MHz Local) (Electronic Filing). | 601 & 159 | 60.00 | PALS* |
| e. New; Renewal/Modification (220 MHz Nationwide) | 601 & 159 | 60.00 | PALT* |
| f. New; Renewal/Modification (220 MHz Nationwide) (Electronic Filing) | 601 & 159 | 60.00 | PALT* |
| g. Modification; Non-Profit; For Profit Special Emergency and Public Safety; and CMRS. | 601 & 159 | 60.00 | PALM |
| h. Modification; Non-Profit; For Profit Special Emergency and Public Safety; and CMRS (Electronic Filing). | 601 & 159 | 60.00 | PALM |
| i. Renewal Only | 601 & 159 | 60.00 | PALR* |
| | 601 & 159 | 60.00 | PALS* |
| | 601 & 159 | 60.00 | PALT* |
| j. Renewal (Electronic Filing) | 601 & 159 | 60.00 | PALR* |
| | 601 & 159 | 60.00 | PALS* |
| | 601 & 159 | 60.00 | PALT* |
| k. Renewal Only (Non-Profit; CMRS; For-Profit Special Emergency and Public Safety). | 601 & 159 | 60.00 | PALM |
| l. Renewal (Non-Profit; CMRS; For-Profit Special Emergency and Public Safety) (Electronic Filing). | 601 & 159 | 60.00 | PALM |
| m. Assignment of Authorization (PMRS & CMRS) | 603 & 159 | 60.00 | PALM |
| n. Assignment of Authorization (PMRS & CMRS) (Electronic Filing) | 603 & 159 | 60.00 | PALM |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| o. Transfer of Control (PMRS & CMRS) | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing | 608 & 159 | 60.00 | PATM |
| p. Transfer of Control (PMRS & CMRS) | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing (Electronic Filing) | 608 & 159 | 60.00 | PATM |
| q. Duplicate License | 601 & 159 | 60.00 | PADM |
| r. Duplicate License (Electronic Filing) | 601 & 159 | 60.00 | PADM |
| s. Special Temporary Authority | 601 & 159 | 60.00 | PALM |
| t. Special Temporary Authority (Electronic Filing) | 601 & 159 | 60.00 | PALM |
| u. Rule Waiver | 601, 603 or 608 & 159 | 180.00 | PDWM |
| | | 180.00 | PDWM |
| v. Rule Waiver (Electronic Filing) | 601, 603 or 608 & 159 | 180.00 | PDWM |
| | | 180.00 | PDWM |
| w. Consolidate Call Signs | 601 & 159 | 60.00 | PALM |
| x. Consolidate Call Signs (Electronic Filing) | 601 & 159 | 60.00 | PALM |
| y. Modification for Spectrum Leasing | 608 & 159 | 60.00 | PALM |
| z. Modification for Spectrum Leasing (Electronic Filing) | 608 & 159 | 60.00 | PALM |
| aa. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | PATM |
| 7. 218–219 MHz (previously IVDS): | | | |
| a. New; Renewal/Modification | 601 & 159 | 60.00 | PAIR* |
| b. New; Renewal/Modification (Electronic Filing) | 601 & 159 | 60.00 | PAIR* |
| c. Modification; Non-Profit | 601 & 159 | 60.00 | PAIM |
| d. Modification; Non-Profit (Electronic Filing) | 601 & 159 | 60.00 | PAIM |
| e. Renewal Only | 601 & 159 | 60.00 | PAIR* |
| f. Renewal (Electronic Filing) | 601 & 159 | 60.00 | PAIR* |
| g. Assignment of Authorization | 603 & 159 | 60.00 | PAIM |
| h. Assignment of Authorization (Electronic Filing) | 603 & 159 | 60.00 | PAIM |
| i. Transfer of Control | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing | 608 & 159 | 60.00 | PATM |
| j. Transfer of Control | 603 & 159 | 60.00 | PATM |
| Spectrum Leasing (Electronic Filing) | 608 & 159 | 60.00 | PATM |
| k. Duplicate License | 601 & 159 | 60.00 | PADM |
| l. Duplicate License (Electronic Filing) | 601 & 159 | 60.00 | PADM |
| m. Special Temporary Authority | 601 & 159 | 60.00 | PAIM |
| n. Special Temporary Authority (Electronic Filing) | 601 & 159 | 60.00 | PAIM |
| o. Modification for Spectrum Leasing | 608 & 159 | 60.00 | PAIM |
| p. Modification for Spectrum Leasing (Electronic Filing) | 608 & 159 | 60.00 | PAIM |
| q. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | PATM |
| 8. General Mobile Radio (GMRS): | | | |
| a. New; Renewal/Modification | 605 & 159 | 60.00 | PAZR* |
| b. New; Renewal/Modification (Electronic Filing) | 605 & 159 | 60.00 | PAZR* |
| c. Modification | 605 & 159 | 60.00 | PAZM |
| d. Modification (Electronic Filing) | 605 & 159 | 60.00 | PAZM |
| e. Renewal Only | 605 & 159 | 60.00 | PAZR* |
| f. Renewal (Electronic Filing) | 605 & 159 | 60.00 | PAZR* |
| g. Duplicate License | 605 & 159 | 60.00 | PADM |
| h. Duplicate License (Electronic Filing) | 605 & 159 | 60.00 | PADM |
| i. Special Temporary Authority | 605 & 159 | 60.00 | PAZM |
| j. Special Temporary Authority (Electronic Filing) | 605 & 159 | 60.00 | PAZM |
| k. Rule Waiver | 605 & 159 | 180.00 | PDWM |
| l. Rule Waiver (Electronic Filing) | 605 & 159 | 180.00 | PDWM |
| 9. Restricted Radiotelephone: | | | |
| a. New (Lifetime Permit) | 605 & 159 | 60.00 | PARR |
| New (Limited Use) | 605 & 159 | 60.00 | PARR |
| b. Duplicate/Replacement Permit | 605 & 159 | 60.00 | PADM |
| Duplicate/Replacement Permit (Limited Use) | 605 & 159 | 60.00 | PADM |
| 10. Commercial Radio Operator: | | | |
| a. Renewal Only; Renewal/ Modification | 605 & 159 | 60.00 | PACS |
| b. Duplicate | 605 & 159 | 60.00 | PADM |
| 11. Hearing | Corres & 159 | 11,590.00 | PFHM |
| 12. Common Carrier Microwave (Pt. To Pt., Local TV Trans. & Millimeter Wave Service): | | | |
| a. New; Renewal/Modification (Electronic Filing Required) | 601 & 159 | 270.00 | CJPR* |
| b. Major Modification; Consolidate Call Signs (Electronic Filing Required) | 601 & 159 | 270.00 | CJPM |
| c. Renewal (Electronic Filing Required) | 601 & 159 | 270.00 | CJPR* |
| d. Assignment of Authorization; Transfer of Control | 603 & 159 | 95.00 | CCPM |
| Spectrum Leasing | 608 & 159 | 95.00 | CCPM |
| Additional Stations (Electronic Filing Required) | 603 or 608 & 159 | 60.00 | CAPM |
| e. Duplicate License (Electronic Filing Required) | 601 & 159 | 60.00 | PADM |
| f. Extension of Construction Authority (Electronic Filing Required) | 601 & 159 | 95.00 | CCPM |
| g. Special Temporary Authority | 601 & 159 | 120.00 | CEPM |
| h. Special Temporary Authority (Electronic Filing) | 601 & 159 | 120.00 | CEPM |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| i. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 270.00 | CJPM |
| j. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | CAPM |
| 13. Common Carrier Microwave (DEMS): | | | |
| a. New; Renewal/Modification (Electronic Filing Required) | 601 & 159 | 270.00 | CJLR* |
| b. Major Modification; Consolidate Call Signs (Electronic Filing Required) | 601 & 159 | 270.00 | CJLM |
| c. Renewal (Electronic Filing Required) | 601 & 159 | 270.00 | CJLR* |
| d. Assignment of Authorization; Transfer of Control | 603 & 159 | 95.00 | CCLM |
| Spectrum Leasing | 608 & 159 | 95.00 | CCLM |
| Additional Stations (Electronic Filing Required) | 603 or 608 & 159 | 60.00 | CALM |
| e. Duplicate License (Electronic Filing Required) | 601 & 159 | 60.00 | PADM |
| f. Extension of Construction Authority (Electronic Filing Required) | 601 & 159 | 95.00 | CCLM |
| g. Special Temporary Authority | 601 & 159 | 120.00 | CELM |
| h. Special Temporary Authority (Electronic Filing) | 601 & 159 | 120.00 | CELM |
| i. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 270.00 | CJLM |
| j. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | CALM |
| 14. Broadcast Auxiliary (Aural and TV Microwave): | | | |
| a. New; Modification; Renewal/Modification | 601 & 159 | 150.00 | MEA |
| b. New; Modification; Renewal/Modification (Electronic Filing) | 601 & 159 | 150.00 | MEA |
| c. Special Temporary Authority | 601 & 159 | 175.00 | MGA |
| d. Special Temporary Authority (Electronic Filing) | 601 & 159 | 175.00 | MGA |
| e. Renewal Only | 601 & 159 | 60.00 | MAA |
| f. Renewal (Electronic Filing) | 601 & 159 | 60.00 | MAA |
| 15. Broadcast Auxiliary (Remote and Low Power): | | | |
| a. New; Modification; Renewal/Modification | 601 & 159 | 150.00 | MEA |
| b. New; Modification; Renewal/Modification (Electronic Filing) | 601 & 159 | 150.00 | MEA |
| c. Renewal Only | 601 & 159 | 60.00 | MAA |
| d. Renewal (Electronic Filing) | 601 & 159 | 60.00 | MAA |
| e. Special Temporary Authority | 601 & 159 | 175.00 | MGA |
| f. Special Temporary Authority (Electronic Filing) | 601 & 159 | 175.00 | MGA |
| 16. Pt 22 Paging & Radiotelephone: | | | |
| a. New; Major Mod; Additional Facility; Major Amendment; Major Renewal/Mod; Fill in Transmitter (Per Transmitter) (Electronic Filing Required). | 601 & 159 | 395.00 | CMD |
| b. Minor Mod; Renewal; Minor Renewal/Mod; (Per Call Sign) 900 MHz Nationwide Renewal Net Organ; New Operator (Per Operator/Per City) Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic Filing Required). | 601 & 159 | 60.00 | CAD |
| c. Auxiliary Test (Per Transmitter); Consolidate Call Signs (Per Call Sign) (Electronic Filing Required). | 601 & 159 | 345.00 | CLD |
| d. Special Temporary Authority (Per Location/Per Frequency) | 601 & 159 | 345.00 | CLD |
| e. Special Temporary Authority (Per Location/Per Frequency) (Electronic Filing) | 601 & 159 | 345.00 | CLD |
| f. Assignment of License or Transfer of Control | 603 & 159 | 395.00 | CMD |
| Spectrum Leasing (Full or Partial) (Per First Call Sign) | 608 & 159 | 395.00 | CMD |
| Additional Call Signs (Per Call Signs) (Electronic Filing Required) | 603 or 608 & 159 | 60.00 | CAD |
| g. Subsidiary Comm. Service (Per Request) (Electronic Filing Required) | 601 & 159 | 175.00 | CFD |
| h. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 395.00 | CMD |
| i. Minor Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 60.00 | CAD |
| j. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | CAD |
| 17. Cellular: | | | |
| a. New; Major Mod; Additional Facility; Major Renewal/Mod (Per Call Sign) (Electronic Filing Required). | 601 & 159 | 395.00 | CMC |
| b. Minor Modification; Minor Renewal/Mod (Per Call Sign) (Electronic Filing Required). | 601 & 159 | 105.00 | CDC |
| c. Assignment of License; Transfer of Control (Full or Partial) (Per Call Sign) | 603 & 159 | 395.00 | CMC |
| Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 395.00 | CMC |
| d. Notice of Extension of Time to Complete Construction; (Per Request) Renewal (Per Call Sign) (Electronic Filing Required). | 601 & 159 | 60.00 | CAC |
| e. Special Temporary Authority (Per Request) | 601 & 159 | 345.00 | CLC |
| f. Special Temporary Authority (Per Request) (Electronic Filing) | 601 & 159 | 345.00 | CLC |
| g. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 395.00 | CMC |
| h. Minor Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 105.00 | CDC |
| 18. Rural Radio: | | | |
| a. New; Major Renew/Mod; Additional Facility (Per Transmitter) (Electronic Filing Required). | 601 & 159 | 180.00 | CGRR* |
| b. Major Mod; Major Amendment (Per Transmitter) (Electronic Filing Required) | 601 & 159 | 180.00 | CGRM |
| c. Minor Modification; (Per Transmitter) (Electronic Filing Required) | 601 & 159 | 60.00 | CARM |
| d. Assignment of License; Transfer of Control (Full or Partial) (Per Call Sign) | 603 & 159 | 180.00 | CGRM |
| Spectrum Leasing | 608 & 159 | 180.00 | CGRM |
| Additional Calls (Per Call Sign) (Electronic Filing Required) | 603 or 608 & 159 | 60.00 | CARM |
| e. Renewal (Per Call Sign); Minor Renewal/Mod (Per Transmitter) (Electronic Filing Required). | 601 & 159 | 60.00 | CARR* |
| f. Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic Filing Required). | 601 & 159 | 60.00 | CARM |
| g. Special Temporary Authority (Per Transmitter) | 601 & 159 | 345.00 | CLRM |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| h. Special Temporary Authority (Per Transmitter) (Electronic Filing) | 601 & 159 | 345.00 | CLRM |
| i. Combining Call Signs (Per Call Sign) (Electronic Filing Required) | 601 & 159 | 345.00 | CLRM |
| j. Auxiliary Test Station (Per Transmitter) (Electronic Filing Required) | 601 & 159 | 345.00 | CLRM |
| k. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 180.00 | CGRM |
| l. Minor Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 60.00 | CARM |
| 19. Offshore Radio: | | | |
| a. New; Major Mod; Additional Facility; Major Amendment; Major Renew/Mod; Fill in Transmitters (Per Transmitter) (Electronic Filing Required). | 601 & 159 | 180.00 | CGF |
| b. Consolidate Call Signs (Per Call Sign); Auxiliary Test (Per Transmitter) (Electronic Filing Required). | 601 & 159 | 345.00 | CLF |
| c. Minor Modification; Minor Renewal/Modification (Per Transmitter); Notice of Completion of Construction or Extension of Time to Construct (Per Application); Renewal (Per Call Sign) (Electronic Filing Required). | 601 & 159 | 60.00 | CAF |
| d. Assignment of License; Transfer of Control (Full or Partial) | 603 & 159 | 180.00 | CGF |
| Spectrum Leasing | 608 & 159 | 180.00 | CGF |
| Additional Calls (Electronic Filing Required) | 603 or 608 & 159 | 60.00 | CAF |
| e. Special Temporary Authority (Per Transmitter) | 601 & 159 | 345.00 | CLF |
| f. Special Temporary Authority (Per Transmitter) (Electronic Filing) | 601 & 159 | 345.00 | CLF |
| g. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 180.00 | CGF |
| h. Minor Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 60.00 | CAF |
| 20. Broadband Radio Service (Previously Multipoint Distribution Service): | | | |
| a. New station/Renewal/Modification (Electronic Filing Required) | 601 & 159 | 270.00 | CJM |
| b. Major Modification of Licenses (Electronic Filing Required) | 601 & 159 | 270.00 | CJM |
| c. Certification of Completion of Construction (Electronic Filing Required) | 601 & 159 | 785.00 | CPM * |
| d. License Renewal (Electronic Filing Required) | 601 & 159 | 270.00 | CJM |
| e. Assignment of Authorization; Transfer of Control (first station) (Electronic Filing Required). | 603 & 159 | 95.00 | CCM |
| Spectrum Leasing (first station) | 608 & 159 | 95.00 | CCM |
| Additional Station | 608 & 159 | 60.00 | CAM |
| f. Extension of Construction Authorization (Electronic Filing Required) | 601 & 159 | 225.00 | CHM |
| g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (Electronic Filing). | 601 & 159 | 120.00 | CEM |
| h. Special Temporary Authority | 601 & 159 | 120.00 | CEM |
| i. Major Modification for Spectrum Leasing (Electronic Filing Required) | 608 & 159 | 270.00 | CJM |
| j. Designated Entity Licensee Reportable Eligibility Event | 609–T & 159 | 60.00 | CAM |
| 21. Communications Assistance for Law Enforcement (CALEA) Petitions | Correspondence & 159 | 6,085.00 | CALA |

■ 3. Section 1.1103 is revised to read as follows:

**§ 1.1103 Schedule of charges for equipment approval, experimental radio services (or service).**

Remit manual filings and/or payment for these services to the: Federal Communications Commission, OET Services, P.O. Box 979095, St. Louis, MO 63197–9000.

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| Equipment Approval Service(s): | | | |
| 1. Certification | | | |
| a. Receivers (except TV and FM) (Electronic Filing Only) | 731 & 159 | $490.00 | EEC |
| b. Devices Under Parts 11, 15 & 18 (except receivers) (Electronic Filing Only) | 731 & 159 | 1,265.00 | EGC |
| c. All Other Devices (Electronic Filing Only) | 731 & 159 | 635.00 | EFT |
| d. Modifications and Class II Permissive Changes (Electronic Filing Only) | 731 & 159 | 60.00 | EAC |
| e. Request for Confidentiality under Certification (Electronic Filing Only) | 731 & 159 | 180.00 | EBC |
| f. Class III Permissive Changes (Electronic Filing Only) | 731 & 159 | 635.00 | ECC |
| 2. Advance Approval of Subscription TV Systems | Corres & 159 | 3,870.00 | EIS |
| a. Request for Confidentiality For Advance Approval of Subscription TV Systems. | Corres & 159 | 180.00 | EBS |
| 3. Assignment of Grantee Code: | | | |
| a. For all Application Types, except Subscription TV (Electronic Filing Only—Optional Electronic Payment). | Electronic Assignment & Form 159 or Optional Electronic Payment. | 60.00 | EAG |
| 4. Experimental Radio Service(s): | | | |
| a. New Station Authorization | 442 & 159 | 60.00 | EAE |
| b. Modification of Authorization | 442 & 159 | 60.00 | EAE |
| c. Renewal of Station Authorization | 405 & 159 | 60.00 | EAE |
| d. Assignment of License or Transfer of Control | 702 & 159 or | 60.00 | EAC |
| | 703 & 159 | 703 & 159 | EAE |
| e. Special Temporary Authority | Corres & 159 | 60.00 | EAE |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| f. Additional fee required for any of the above applications that request withholding from public inspection. | Corres & 159 | 60.00 | EAE |

■ 4. Section 1.1104 is revised to read as follows:

**§ 1.1104 Schedule of charges for applications and other filings for media services.**

Remit manual filings and/or payment for these services to the: Federal Communications Commission, Media Bureau Services, P.O. Box 979089, St. Louis, MO 63197–9000. The asterisk (*) indicates that multiple stations and multiple fee submissions are acceptable within the same post office box.

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| 1. Commercial TV Services: | | | |
| a. New and Major Change Construction Permits (per application) (Electronic Filing) | 301 & 159 | $4,350.00 | MVT |
| b. Minor Change (per application) (Electronic Filing) | 301 & 159 | 970.00 | MPT |
| c. Main Studio Request | Corres & 159 | 970.00 | MPT |
| d. New License (per application) (Electronic Filing) | 302–TV & 159 | 295.00 | MJT |
| | 302–DTV & 159 | 295.00 | MJT |
| e. License Renewal (per application) (Electronic Filing) | 303–S & 159 | 175.00 | MGT |
| f. License Assignment | | | |
| (i) Long Form (Electronic Filing) | 314 & 159 | 970.00 | MPT* |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDT* |
| g. Transfer of Control | | | |
| (i) Long Form (Electronic Filing) | 315 & 159 | 970.00 | MPT* |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDT* |
| h. Call Sign (Electronic Filing) | 380 & 159 | 95.00 | MBT |
| i. Special Temporary Authority | Corres & 159 | 175.00 | MGT |
| j. Petition for Rulemaking for New Community of License (Electronic Filing) | 301 & 159 | 2,685.00 | MRT |
| | 302–TV & 159 | 2,685.00 | MRT |
| k. Ownership Report (Electronic Filing) | 323 & 159 | 60.00 | MAT* |
| | Corres &159 | 60.00 | MAT* |
| 2. Commercial AM Radio Stations: | | | |
| a. New or Major Change Construction Permit (Electronic Filing) | 301 & 159 | 3,870.00 | MUR |
| b. Minor Change (per application) (Electronic Filing) | 301 & 159 | 970.00 | MPR |
| c. Main Studio Request (per request) | Corres & 159 | 970.00 | MPR |
| d. New License (per application) (Electronic Filing) | 302–AM & 159 | 635.00 | MMR |
| e. AM Directional Antenna (per application) (Electronic Filing) | 302–AM & 159 | 730.00 | MOR |
| f. AM Remote Control (per application) (Electronic Filing) | 301 & 159 | 60.00 | MAR |
| g. License Renewal (per application) (Electronic Filing) | 303–S & 159 | 175.00 | MGR |
| h. License Assignment | | | |
| (i) Long Form (Electronic Filing) | 314 & 159 | 970.00 | MPR* |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDR* |
| i. Transfer of Control | | | |
| (i) Long Form (Electronic Filing) | 315 & 159 | 970.00 | MPR* |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDR* |
| j. Call Sign (Electronic Filing) | 380 & 159 | 95.00 | MBR |
| k. Special Temporary Authority | Corres & 159 | 175.00 | MGR |
| l. Ownership Report (Electronic Filing) | 323 & 159 | 60.00 | MAR |
| | or | | |
| | Corres & 159 | 60.00 | MAR |
| 3. Commercial FM Radio Stations: | | | |
| a. New or Major Change Construction Permit (Electronic Filing) | 301 & 159 | 3,485.00 | MTR |
| b. Minor Change (Electronic Filing) | 301 & 159 | 970.00 | MPR |
| c. Main Studio Request (per request) | Corres & 159 | 970.00 | MPR |
| d. New License (Electronic Filing) | 302–FM & 159 | 200.00 | MHR |
| e. FM Directional Antenna (Electronic Filing) | 302–FM & 159 | 610.00 | MLR |
| f. License Renewal (per application) (Electronic Filing) | 303–S & 159 | 175.00 | MGR |
| g. License Assignment | | | |
| (i) Long Form (Electronic Filing) | 314 & 159 | 970.00 | MPR* |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDR* |
| h. Transfer of Control | | | |
| (i) Long Form (Electronic Filing) | 315 & 159 | 970.00 | MPR* |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDR* |
| i. Call Sign (Electronic Filing) | 380 & 159 | 95.00 | MBR |
| j. Special Temporary Authority | Corres & 159 | 175.00 | MGR |
| k. Petition for Rulemaking for New Community of License or Higher Class Channel (Electronic Filing). | 301 & 159 | 2,685.00 | MRR |
| | or | | |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| | 302–FM & 159 | 2,685.00 | MRR |
| l. Ownership Report (Electronic Filing) | 323 & 159 or | 60.00 | MAR |
| | Corres & 159 | 60.00 | MAR |
| 4. FM Translators: | | | |
| a. New or Major Change Construction Permit (Electronic Filing) | 349 & 159 | 730.00 | MOF |
| b. New License (Electronic Filing) | 350 & 159 | 150.00 | MEF |
| c. License Renewal (Electronic Filing) | 303–S & 159 | 60.00 | MAF |
| d. Special Temporary Authority | Corres & 159 | 175.00 | MGF |
| e. License Assignment (Electronic Filing) | 345 & 159 | 140.00 | MDF * |
| | 314 & 159 | 140.00 | MDF * |
| | 316 & 159 | 140.00 | MDF * |
| f. Transfer of Control (Electronic Filing) | 345 & 159 | 140.00 | MDF * |
| | 315 & 159 | 140.00 | MDF * |
| | 316 & 159 | 140.00 | MDF * |
| 5. TV Translators and LPTV Stations: | | | |
| a. New or Major Change Construction Permit (per application) (Electronic Filing) | 346 & 159 | 730.00 | MOL |
| b. New License (per application) (Electronic Filing) | 347 & 159 | 150.00 | MEL |
| c. License Renewal (Electronic Filing) | 303–S & 159 | 60.00 | MAL * |
| d. Special Temporary Authority | Corres & 159 | 175.00 | MGL |
| e. License Assignment (Electronic Filing) | 345 & 159 | 140.00 | MDL * |
| | 314 & 159 | 140.00 | MDL * |
| | 316 & 159 | 140.00 | MDL * |
| f. Transfer of Control (Electronic Filing) | 345 & 159 | 140.00 | MDL * |
| | 315 & 159 | 140.00 | MDL * |
| | 316 & 159 | 140.00 | MDL * |
| g. Call Sign (Electronic Filing) | 380 & 159 | 95.00 | MBT |
| 6. FM Booster Stations: | | | |
| a. New or Major Change Construction Permit (Electronic Filing) | 349 & 159 | 730.00 | MOF |
| b. New License (Electronic Filing) | 350 & 159 | 150.00 | MEF |
| c. Special Temporary Authority | Corres & 159 | 175.00 | MGF |
| 7. TV Booster Stations: | | | |
| a. New or Major Change (Electronic Filing) | 346 & 159 | 730.00 | MOF |
| b. New License (Electronic Filing) | 347 & 159 | 150.00 | MEF |
| c. Special Temporary Authority | Corres & 159 | 175.00 | MGF |
| 8. Class A TV Services: | | | |
| a. New and Major Change Construction Permits (per application) (Electronic Filing) | 301–CA & 159 | 4,350.00 | MVT |
| b. New License (per application) (Electronic Filing) | 302–CA & 159 | 295.00 | MJT |
| c. License Renewal (per application) (Electronic Filing) | 303–S & 159 | 175.00 | MGT |
| d. Special Temporary Authority | Corres & 159 | 175.00 | MGT |
| e. License Assignment. | | | |
| (i) Long Form (Electronic Filing) | 314 & 159 | 970.00 | MPT * |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDT * |
| f. Transfer of Control | | | |
| (i) Long Form (Electronic Filing) | 315 & 159 | 970.00 | MPT * |
| (ii) Short Form (Electronic Filing) | 316 & 159 | 140.00 | MDT * |
| g. Main Studio Request | Corres & 159 | 970.00 | MPT |
| h. Call Sign (Electronic Filing) | 380 & 159 | 95.00 | MBT |
| 9. Cable Television Services: | | | |
| a. CARS License | 327 & 159 | 270.00 | TIC |
| b. CARS Modifications | 327 & 159 | 270.00 | TIC |
| c. CARS License Renewal (Electronic Filing) | 327 & 159 | 270.00 | TIC |
| d. CARS License Assignment | 327 & 159 | 270.00 | TIC |
| e. CARS Transfer of Control | 327 & 159 | 270.00 | TIC |
| f. Special Temporary Authority | Corres & 159 | 175.00 | TGC |
| g. Cable Special Relief Petition | Corres & 159 | 1,355.00 | TQC |
| h. Cable Community Registration (Electronic Filing) | 322 & 159 | 60.00 | TAC |
| i. Aeronautical Frequency Usage Notifications (Electronic Filing) | 321 & 159 | 60.00 | TAC |

■ 5. Section 1.1105 is revised to read as follows:

**§ 1.1105 Schedule of charges for applications and other filings for the wireline competition services.**

Remit manual filings and/or payment for these services to the: Federal Communications Commission, Wireline Competition Bureau Applications, P.O. Box 979091, St. Louis, MO 63197–9000.

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| 1. Domestic 214 Applications | Corres & 159 | 1,050.00 | CDT |
| 2. Tariff Filings: | | | |
| a. Filing Fees (per transmittal or cover letter) | Corres & 159 | 845.00 | CQK |
| b. Application for Special Permission Filing (request for waiver of any rule in Part 61 of the Commission's Rules) (per request). | Corres & 159 | 845.00 | CQK |
| c. Waiver of Part 69 Tariff Rules (per request) | Corres & 159 | 845.00 | CQK |
| 3. Accounting: | | | |
| a. Review of Depreciation Update Study (single state) | Corres & 159 | 35,465.00 | BKA |
| (i) Each Additional State | Corres & 159 | 1,170.00 | CVA |
| b. Petition for Waiver (per petition) | | | |
| (i) Waiver of Part 69 Accounting Rules & Part 32 Accounting Rules Part 43 Reporting Requirements Part 64 Allocation of Costs Rules Part 65 Rate of Return & Rate Base Rules | Corres & 159 | 7,990.00 | BEA |
| (ii) Part 36 Separation Rules | Corres & 159 | 7,990.00 | BEB |

■ 6. Section 1.1106 is revised to read as follows:

**§ 1.1106 Schedule of charges for applications and other filings for the enforcement services.**

Remit manual filings and/or payment for these services to the: Federal Communications Commission, Enforcement Bureau, P.O. Box 979094, St. Louis, MO 63197–9000 with the exception of Accounting and Audits, which will be invoiced. Carriers should follow invoice instructions when making payment.

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| 1. Formal Complaints | Corres & 159 | $210.00 | CIZ |
| 2. Accounting and Audits: | | | |
| a. Field Audit | Carriers will be invoiced for the amount due. | 106,790.00 | BMA |
| b. Review of Attest Audit | Carriers will be invoiced for the amount due. | 58,290.00 | BLA |
| 3. Development and Review of Agreed upon—Procedures Engagement | Corres & 159 | 58,290.00 | BLA |
| 4. Pole Attachment Complaint | Corres & 159 | 260.00 | TPC |

■ 7. Section 1.1107 is revised to read as follows:

**§ 1.1107 Schedule of charges for applications and other filings for the international services.**

Remit manual filings and/or payment for these services to the: Federal Communications Commission, International Bureau Applications, P.O. Box 979093, St. Louis, MO 63197–9000.

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| 1. International Fixed Public Radio (Public & Control Stations): | | | |
| a. Initial Construction Permit (per station) | 407 & 159 | $875.00 | CSN |
| b. Assignment or Transfer (per Application) | 702 & 159 | 875.00 | CSN |
| | or | | |
| | 704 & 159 | 875.00 | CSN |
| c. Renewal (per license ) | 405 & 159 | 635.00 | CON |
| d. Modification (per station) | 403 & 159 | 635.00 | CON |
| e. Extension of Construction Authorization (per station) | 701 & 159 | 320.00 | CKN |
| f. Special Temporary Authority or request for Waiver (per request) | Corres & 159 | 320.00 | CKN |
| 2. Section 214 Applications: | | | |
| a. Overseas Cable Construction | Corres & 159 | 15,645.00 | BIT |
| b. Cable Landing License | | | |
| (i) Common Carrier | Corres & 159 | 1,760.00 | CXT |
| (ii) Non-Common Carrier | Corres & 159 | 17,405.00 | BJT |
| c. All other International 214 Applications | Corres & 159 | 1,050.00 | CUT |
| d. Special Temporary Authority (all services) | Corres & 159 | 1,050.00 | CUT |
| e. Assignments or transfers (all services) | Corres & 159 | 1,050.00 | CUT |
| 3. Fixed Satellite Transmit/Receive Earth Stations: | | | |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| a. Initial Application (per station) | 312 Main & Schedule B & 159. | 2,615.00 | BAX |
| b. Modification of License (per station) | 312 Main & Schedule B & 159. | 180.00 | CGX |
| c. Assignment or Transfer | | | |
| (i) First station | 312 Main & Schedule A & 159. | 515.00 | CNX |
| (ii) Each Additional Station | Attachment to 312–Schedule A. | 175.00 | CFX |
| d. Renewal of License (per station ) | 312–R & 159 | 180.00 | CGX |
| e. Special Temporary Authority (per request) | 312 Main & 159 | 180.00 | CGX |
| f. Amendment of Pending Application (per station) | 312 Main & Schedule B & 159. | 180.00 | CGX |
| g. Extension of Construction Permit (modification) (per station) | 312 Main & 159 | 180.00 | CGX |
| 4. Fixed Satellite transmit/receive Earth Stations (2 meters or less operating in the 4/6 GHz frequency band): | | | |
| a. Lead Application | 312 Main & Schedule B & 159. | 5,795.00 | BDS |
| b. Routine Application (per station) | 312 Main & Schedule B & 159. | 60.00 | CAS |
| c. Modification of License (per station) | 312 Main & Schedule B & 159. | 180.00 | CGS |
| d. Assignment or Transfer | | | |
| (i) First Station | 312 Main & Schedule A & 159. | 515.00 | CNS |
| (ii) Each Additional Station | Attachment to 312–Schedule A. | 60.00 | CAS |
| e. Renewal of License (per station) | 312–R & 159 | 180.00 | CGS |
| f. Special Temporary Authority (per request) | 312 Main & 159 | 180.00 | CGS |
| g. Amendment of Pending Application (per station) | 312 Main & Schedule A or B & 159. | 180.00 | CGS |
| h. Extension of Construction Permit (modification) (per station ) | 312 & 159 | 180.00 | CGS |
| 5. Receive Only Earth Stations: | | | |
| a. Initial Applications for Registration or License (per station) | 312 Main & Schedule B & 159. | 395.00 | CMO |
| b. Modification of License or Registration (per station) | 312 Main & Schedule B & 159. | 180.00 | CGO |
| c. Assignment or Transfer | | | |
| (i) First Station | 312 Main & Schedule A & 159. | 515.00 | CNO |
| (ii) Each Additional Station | Attachment to 312–Schedule A. | 175.00 | CFO |
| d. Renewal of License (per station) | 312–R & 159 | 180.00 | CGO |
| e. Amendment of Pending Application (per station) | 312 Main & Schedule A or B & 159. | 180.00 | CGO |
| f. Extension of Construction Permit (modification) (per station) | 312 Main & 159 | 180.00 | CGO |
| g. Waivers (per request) | Corres & 159 | 180.00 | CGO |
| 6. Fixed Satellite Very Small Aperture Terminal (VSAT) Systems: | | | |
| a. Initial Application (per station) | 312 Main & Schedule B & 159. | 9,655.00 | BGV |
| b. Modification of License (per system) | 312 Main & Schedule B & 159. | 180.00 | CGV |
| c. Assignment or Transfer of System | 312 Main & Schedule A & 159. | 2,585.00 | CZV |
| d. Renewal of License (per system) | 312–R & 159 | 180.00 | CGV |
| e. Special Temporary Authority (per request) | 312 & 159 | 180.00 | CGV |
| f. Amendment of Pending Application (per system) | 312 Main & Schedule A or B & 159. | 180.00 | CGV |
| g. Extension of Construction Permit (modification) (per system) | 312 & 159 | 180.00 | CGV |
| 7. Mobile Satellite Earth Stations: | | | |
| a. Initial Applications of Blanket Authorization | 312 Main & Schedule B & 159. | 9,655.00 | BGB |
| b. Initial Application for Individual Earth Station | 312 Main & Schedule B & 159. | 2,315.00 | CYB |
| c. Modification of License (per system) | 312 Main & Schedule B & 159. | 180.00 | CGB |
| d. Assignment or Transfer (per system) | 312 Main & Schedule A & 159. | 2,585.00 | CZB |
| e. Renewal of License (per system) | 312–R & 159 | 180.00 | CGB |
| f. Special Temporary Authority (per request) | 312 & 159 | 180.00 | CGB |
| g. Amendment of Pending Application (per system) | 312 Main & Schedule B & 159. | 180.00 | CGB |

| Service | FCC Form No. | Fee amount | Payment type code |
|---|---|---|---|
| h. Extension of Construction Permit (modification) (per system) | 312 & 159 | 180.00 | CGB |
| 8. Space Stations (Geostationary): | | | |
| a. Application for Authority to Launch & Operate (per satellite) | | | |
| (i) Initial Application | 312 Main & Schedule S & 159. | 120,005.00 | BNY |
| (ii) Replacement Satellite | 312 Main & Schedule S & 159. | 120,005.00 | BNY |
| b. Assignment or Transfer (per satellite) | 312 Main & Schedule A & 159. | 8,575.00 | BFY |
| c. Modification (per satellite) | 312 Main & Schedule S (if needed) & 159. | 8,575.00 | BFY |
| d. Special Temporary Authority (per satellite) | 312 & 159 | 860.00 | CRY |
| e. Amendment of Pending Application (per satellite) | 312 Main & Schedule S (if needed) & 159. | 1,715.00 | CWY |
| f. Extension of Launch Authority (per satellite) | 312 Main & Corres & 159. | 860.00 | CRY |
| 9. Space Stations (NGSO): | | | |
| a. Application for Authority to Launch & Operate (per system of technically identical satellites) satellites). | 312 Main & Schedule S & 159. | 413,295.00 | CLW |
| b. Assignment or Transfer (per system) | 312 Main & Schedule A & 159. | 11,815.00 | CZW |
| c. Modification (per system) | 312 Main & Schedule S (if needed) & 159. | 29,525.00 | CGW |
| d. Special Temporary Authority (per request) | Corres & 159 | 2,960.00 | CXW |
| e. Amendment of Pending Application (per request) | 312 Main & Schedule S & 159. | 5,910.00 | CAW |
| f. Extension of Launch Authority (per system) | 312 Main & 159 | 2,960.00 | CXW |
| 10. Direct Broadcast Satellites: | | | |
| a. Authorization to Construct or Major Modification (per satellite) | 312 Main & Schedule S & 159. | 3,485.00 | MTD |
| b. Construction Permit and Launch Authority (per satellite) | 312 Main & Schedule S & 159. | 33,790.00 | MXD |
| c. License to Operate (per satellite) | 312 Main & Schedule S & 159. | 970.00 | MPD |
| d. Special Temporary Authority (per satellite) | 312 Main & 159 | 175.00 | MGD |
| 11. International Broadcast Stations: | | | |
| a. New Station & Facilities Change Construction Permit (per application) | 309 & 159 | 2,925.00 | MSN |
| b. New License (per application) | 310 & 159 | 665.00 | MNN |
| c. License Renewal (per application) | 311 & 159 | 165.00 | MFN |
| d. License Assignment or Transfer of Control (per station license) | 314 & 159 | 105.00 | MCN |
| | or | | |
| | 315 & 159 | 105.00 | MCN |
| | or | | |
| | 316 & 159 | 105.00 | MCN |
| e. Frequency Assignment & Coordination (per frequency hour) | Corres & 159 | 60.00 | MAN |
| f. Special Temporary Authorization (per application) | Corres & 159 | 175.00 | MGN |
| 12. Permit to Deliver Programs to Foreign Broadcast Stations (per application): | | | |
| a. Commercial Television Stations | 308 & 159 | 95.00 | MBT |
| b. Commercial AM or FM Radio Stations | 308 & 159 | 95.00 | MBR |
| 13. Recognized Operating Agency (per application): | Corres & 159 | 1,050.00 | CUG |

■ 8. Section 1.1108 is revised to read as follows:

**§ 1.1108 Schedule of charges for applications and other filings for the international telecommunication services.**

Remit payment (along with a copy of invoice) for these services to the: Federal Communications Commission, International Telecommunication Fees, P.O. Box 979096, St. Louis, MO 63197–9000.

| | | | |
|---|---|---|---|
| 1. Administrative Fee For Collections (per line item) | 99 & 99A | $2.00 | IAT |
| 2. Telecommunication Charges | 99 & 99A | | ITTS |

■ 9. Section 1.1109 is revised to read as follows:

**§ 1.1109 Schedule of charges for applications and other filings for the Homeland services.**

Remit manual filings and/or payment for these services to the: Federal Communications Commission, Homeland Bureau Applications, P.O. Box 979092, St. Louis, MO 63197–9000.

| | | | |
|---|---|---|---|
| 1. Communication Assistance for Law Enforcement (CALEA) Petitions ..... | Corres & 159 ..... | 6,085.00 | CLEA |

[FR Doc. 2011–12263 Filed 5–19–11; 8:45 am]
BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

## Federal Motor Carrier Safety Administration

## 49 CFR Part 390

**[Docket No. FMCSA–2005–23315]**

**RIN 2126–AB37**

## Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule; partial extension of compliance date.

**SUMMARY:** The FMCSA extends until June 30, 2012, the compliance date of the requirement for drivers and motor carriers to prepare a driver-vehicle inspection report (DVIR) on an item of intermodal equipment (IME) when no damage, defects, or deficiencies are discovered by, or reported to, the driver (hereafter "no-defect DVIR"). The previous compliance date was June 30, 2011, as a result of the Agency's August 20, 2010, amended final rule which extended the compliance date of the same provision of the December 17, 2008, final rule concerning maintenance responsibilities for IME. As a result of this action, drivers and carriers are not required to prepare no-defect DVIRs until June 30, 2012. This action is being taken to provide the Agency with sufficient time to address, through a notice-and-comment rulemaking proceeding, a petition to rescind the requirement for no-defect DVIRs. The Agency emphasizes that all requirements concerning drivers' preparation of DVIRs to report damage, defects, or deficiencies to intermodal equipment providers (IEPs) remain in effect, as well as the requirements for IEPs to take appropriate action in addressing the safety issues identified by such reports.

**DATES:** *Compliance date:* As of May 20, 2011, the compliance date for the requirement in § 390.42(b) for drivers and motor carriers to prepare a DVIR on an item of IME if no damage, defects, or deficiencies are discovered by, or reported to, the driver, is extended until June 30, 2012.

**ADDRESSES:**

*Public Access to the Docket:* You may view, print, and download this final rule and all related documents and background material on-line at *http://www.regulations.gov,* using the Docket ID Number FMCSA–2005–23315. These documents can also be examined and copied for a fee at the U.S. Department of Transportation, Docket Operations, West Building-Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah M. Freund, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations (MC–PSV), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone (202) 366–4325.

**SUPPLEMENTARY INFORMATION:**

### Legal Basis

The legal basis of this and all previous notices dealing with the implementation of section 4118 of SAFETEA–LU was set forth in the final rule of December 17, 2008.

### Background

On December 17, 2008, FMCSA published a final rule (73 FR 76794) adopting regulations to implement section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144, 1729, August 10, 2005). The regulations require intermodal equipment providers (IEPs) to register and file with FMCSA an Intermodal Equipment Provider Identification Report (Form MCS–150C); establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each intermodal chassis; maintain documentation of their maintenance program; and provide a means to effectively respond to driver and motor carrier reports about intermodal chassis mechanical defects and deficiencies. These regulations for the first time made IEPs subject to the Federal Motor Carrier Safety Regulations (FMCSRs), and called for shared safety responsibility among IEPs, motor carriers, and drivers. The December 2008 final rule required IEPs to comply with (1) the requirements for establishing systematic inspection, repair, and maintenance programs, recordkeeping systems, and for submitting Form MCS–150C by December 17, 2009, and (2) the requirement to mark their intermodal chassis with a USDOT identification number by December 17, 2010.

On December 29, 2009, FMCSA amended the December 2008 final rule to: (1) Create an additional marking option for identifying the IEP responsible for the inspection, repair, and maintenance of items of IME; (2) clarify regulatory text and correct an inadvertent error; and (3) extend the deadline for IEPs, motor carriers, and drivers operating IME to comply with certain provisions pertaining to driver-vehicle inspections (74 FR 68703).

### Petition for Rulemaking

On March 31, 2010, the Ocean Carrier Equipment Management Association and the Institute of International Container Lessors submitted a joint petition to FMCSA requesting the rescission of the provision in § 390.42(b) of the FMCSRs that requires drivers or motor carriers to prepare and transmit a no-defect DVIR to the IEP at the time the IME is returned to the IEP. The petitioners contend that the preparation and transmittal of these no-defect DVIRs impose an undue burden on drivers, motor carriers, IEPs, and intermodal facilities nationwide.

The Administrator granted the petition on July 30, 2010, based on the Agency's preliminary determination that the petition has merit and that a notice-and-comment rulemaking proceeding should be initiated to provide all interested parties the opportunity to comment on the matter. The Agency then extended the compliance date for no-defect DVIRs to June 30, 2011 (75 FR 51419, August 20, 2010). A copy of the petition and the Administrator's decision has been placed in the docket.

FMCSA plans to issue a notice of proposed rulemaking to eliminate the portion of § 390.42(b) that requires drivers or motor carriers to prepare and transmit no-defect DVIRs. At that time, all interested parties would have the opportunity to submit comments concerning the issue. The Agency would then consider the public comments prior to any decision whether to rescind the no-defect DVIR requirement.

While the Agency is conducting this rulemaking, FMCSA extends until June 30, 2012, the compliance date for the requirement in § 390.42(b) for drivers and motor carriers to prepare a DVIR on an item of IME when no damage,

defects, or deficiencies are discovered by, or reported to, the driver.

Issued on: May 13, 2011.

**William Bronrott,**

*Deputy Administrator.*

[FR Doc. 2011–12366 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–EX–P**

# Proposed Rules

Federal Register
Vol. 76, No. 98
Friday, May 20, 2011

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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 35

**[NRC–2008–0071 and NRC–2008–0175]**

**RIN 3150–AI28, RIN 3150–AI63**

### Medical Use Regulations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Availability of preliminary draft rule language and notice of public workshops.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or Commission) plans to hold a public workshop on June 20–21, 2011, in New York, New York, to solicit comments on certain issues under consideration to amend the medical use regulations, including reporting and notifications of Medical Events (MEs) for permanent implant brachytherapy. The NRC plans to hold a second public workshop on the same subject matter in August 2011 in Houston, Texas. The specific location and dates for the second workshop in Houston are currently being determined. The NRC is also making available for comment preliminary draft rule language concerning the NRC's proposed amendments to the medical use regulations. This document briefly summarizes the proposed amendments.

**DATES:** The first public workshop is planned for June 20–21, 2011, and the second public workshop is planned for August 2011. See **SUPPLEMENTARY INFORMATION** section for public meeting information.

**ADDRESSES:** The first public workshop is scheduled to be held at the Flatotel Hotel, *http://www.flatotel.com/loction_apartment_hotels.shtml* 135 West 52nd Street, New York, NY 10019. The second public meeting is scheduled to be held in Houston, TX (specific location and dates to be determined).

**FOR FURTHER INFORMATION CONTACT:** Varughese Kurian, telephone: 301–415–7426, e-mail: *Varughese.Kurian@nrc.gov* or Michael Fuller, telephone: 301–415–0520, e-mail: *Michael.Fuller@nrc.gov* of the U.S. Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Division of Materials Safety and State Agreements, Mail Stop T–8 F5, 11545 Rockville Pike, Rockville, Maryland 20852–0001.

**SUPPLEMENTARY INFORMATION:**

#### I. Background Information

In SRM–SECY–10–0062, dated August 10, 2010, the Commission directed the staff to work closely with the NRC's Advisory Committee for the Medical Uses of Isotopes (ACMUI) and the broader medical and stakeholder community to develop event definitions that will protect the interests of patients and allow physicians the flexibility to take actions that they deem medically necessary, while continuing to enable the agency to detect failures in process, procedure, and training, as well as any misapplication of byproduct materials by authorized users. Additionally, the staff was directed to hold a series of stakeholder workshops to discuss methods for defining MEs which continue to ensure the safe use of radioactive materials while providing flexibility to account for medically necessary adjustments and the terms and thresholds for reporting medical events to the NRC and patients.

#### II. Purpose of the Public Workshops

In selecting the dates for these public workshops, the staff has taken into consideration and has made efforts to accommodate, as much as possible, the schedules of the major professional society meetings. It is the goal of the NRC staff to organize and execute a facilitated discussion through which comments and suggestions can be obtained from the participants and attendees on the topics and issues identified in this document. The information obtained will help the NRC to better understand the views of the medical community and broader stakeholder community on these issues as proposed rulemaking language is developed to amend certain sections of 10 CFR part 35.

Each workshop is planned for 2 days; from 8:30 a.m. to 5 p.m. The NRC has developed a designated Web site for the purposes of these meetings and will update it as information becomes available. The Web address is *http://www.blsmeetings.net/NRCMedicalRulemakingWorkshop/.* The final agenda for the workshops will be available on the NRC Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm* at least ten days prior to the meeting. Those members of the public unable to travel to the workshop location but still wishing to participate may do so via Web-broadcast via Internet connection, or by telephone via a conference bridgeline. Information about how to participate via Web cast or telephone is available at *http://www.blsmeetings.net/NRCMedicalRulemakingWorkshop/*, or by contacting the NRC as noted in this document.

Prior to the meeting, attendees are required to register with the meeting organizer to ensure sufficient accommodations can be made for their participation. Please let the contact know if special services are needed (hearing impaired, *etc.*) as well as your planned method for attendance (*i.e.,* in person, via telephone, or via Web cast).

#### III. Topics of Discussion

The following format is used in the presentation of the issues that follow. Each topic is assigned a number, a short title, and questions for discussion. These topics and questions are not meant to be a complete or final list, but are intended to initiate discussion. Interested stakeholders are welcome to recommend additions, deletions, or modifications of these general ideas for NRC's consideration. These topics and questions will serve as the basis for discussion at the public meetings. Meeting participants, and those wishing to make comments, can find additional background information on each of these topics through the designated workshop Web site.

*Topic 1. Medical Event Reporting Requirements for Permanent Implant Brachytherapy*

The current regulations in 10 CFR part 35 related to MEs associated with permanent implant brachytherapy are recognized by the NRC, ACMUI, and the broader medical and stakeholder community to be inadequate. There are many areas that need to be addressed including written directive (WD) requirements, training issues, and the basis for defining an ME. The NRC

needs the ability to detect failures in process, procedure, and training, as well as any misapplication of byproduct materials by authorized users (AU), without impeding on the practice of medicine. A proposed rule published on August 6, 2008 (73 FR 45635), was an attempt to balance the goal of achieving the NRC's needs with the medical community's desire to change the basis for defining an ME (dose-base vs. activity-base). A significant number of MEs reported in 2008 gave the NRC a larger data set to analyze, which led to the staff's initiative to re-propose the rule. However, the Commission disapproved, and instead directed the staff to hold public workshops to discuss further methods for defining MEs.

Questions for Discussion

The NRC staff has developed the following questions to provide context for discussion during the public meeting:

- Should the regulations have a specific section for prostate implant brachytherapy rather than combined with all other permanent implant brachytherapy?
- Should the criterion for defining an ME for permanent implant brachytherapy be activity-based only?
- Should the criterion for defining an ME for permanent implant brachytherapy be dose-based only?
- Should the criteria for defining an ME for permanent implant brachytherapy be a combination activity- and dose-based criterion?
- Should the NRC require training on how to identify MEs?
- Many professional organizations have recommended standards for when a dose to the treatment site for permanent prostate implants is assessed. The NRC staff is considering adding a time requirement to the regulations for this purpose. What is the appropriate time frame?

Members of the public may have different or additional questions that should be considered, and are encouraged to raise them during the public workshop. Members of the public are also encouraged to provide for consideration comments that they believe are important.

*Topic 2. Amending Preceptor Attestation Requirements*

Currently, 10 CFR part 35 provides three pathways for individuals to satisfy training and experience (T&E) requirements to be approved as a Radiation Safety Officer (RSO), authorized medical physicist (AMP), authorized nuclear pharmacist (ANP), or authorized user (AU). These pathways are: (1) Approval of an individual who is certified by a specialty board whose certification process has been recognized by the NRC or an Agreement State; (2) approval based on an evaluation of an individual's training and experience; or (3) identification of an individual's name on an existing NRC or Agreement State license. (For this discussion, pathway (1) will be referred to as the certification pathway, and pathway (2) as the alternate pathway.)

Under the certification and alternate pathways, the individual seeking authorization must obtain written attestation signed by a preceptor with the same authorization. The attestation must state that the individual has satisfactorily completed the necessary T&E requirements and has achieved a level of competency sufficient to function independently in the position for which authorization is sought. Prior to the 2002 major revision of 10 CFR part 35, there was no requirement for a board certified individual (except nuclear pharmacists) to provide a preceptor attestation in order to be authorized on an NRC or Agreement State license.

The ACMUI briefed the Commission in April 2008, and recommended that the attestation requirements in 10 CFR part 35 be modified. Based on ACMUI recommendations, NRC staff in SECY–08–0179, "Recommendations on Amending Preceptor Attestation Requirements in 10 CFR part 35, Medical Use of Byproduct Material" made the following recommendations:

a. Eliminate the attestation requirement for individuals seeking authorized status via the board certification pathway.

b. Retain the attestation requirement for individuals seeking authorized status via the alternate pathway, and modify the text stating that the attestation demonstrates that the individual "has achieved a level of competency to function independently."

c. Accept attestations from residency program directors, representing consensus of residency program faculties.

In SRM–SECY–08–0179, dated January 16, 2009, the Commission approved these recommendations and directed the staff to develop the proposed rule language for the alternate pathway attestation requirements.

Questions for Discussion

The NRC staff has developed the following questions to provide context for discussion during the public meeting:

- Should the NRC eliminate the attestation requirement for individuals seeking authorized status via the board certification pathways?
- Should the NRC eliminate the attestation requirement for boards whose processes have been recognized by the NRC or Agreement States?
- Should the NRC eliminate the attestation requirement for individuals "grandfathered" under 10 CFR 35.57?
- Should the NRC eliminate the attestation requirements for all boards?
- For the alternate pathway, should the NRC amend the language for attestation requirements from the current text that states the individual "has achieved a level of competency to function independently" with alternative text such as "has demonstrated the ability to function independently to fulfill the radiation-safety-related duties required by the license, or has received the requisite training and experience in order to fulfill the radiation safety duties required by the licensee?"
- If the attestation is retained for the alternate pathway, who should be allowed to provide the attestations? Should it be the residency program directors representing consensus of residency program faculties, and/or medical institution administrators familiar with the applicant?

Members of the public may have different or additional questions that should be considered, and are encouraged to raise them during the public workshop. Members of the public are also encouraged to provide comments that they believe are important to consider.

*Topic 3. Extending Grandfathering to Certified Individuals*

The NRC received a petition for rulemaking dated September 10, 2006, filed by E. Russell Ritenour, PhD on behalf of the American Association of Physicists in Medicine. The petitioner requested that 10 CFR 35.57, "Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist" be revised to recognize medical physicists certified by either the American Board of Radiology (ABR) or the American Board of Medical Physics (ABMP) on or before October 24, 2005, as "grandfathered" for the modalities that they practiced as of October 24, 2005.

In its review and resolution of the petition, the NRC concluded that revisions made to the regulations in 2005 may have inadvertently affected a group of board certified professionals

who were not listed on an NRC or Agreement State license as October 24, 2005. The NRC concluded that the issues raised in the petition would be considered in the rulemaking process, provided a technical basis could be developed. The NRC staff surveyed the certification boards and based upon their responses has concluded that pursuing a rulemaking is warranted.

*Issue No. 1:* Individuals certified by boards that had been listed in the NRC's former regulations found in 10 CFR part 35, Subpart J, who had not been named on an NRC or Agreement State license or permit prior to October 25, 2005, were not grandfathered under 10 CFR 35.57, and cannot use their board issued certifications to qualify them as AMPs or RSOs.

Questions for Discussion

The NRC staff has developed the following questions to provide context for discussion during the public meeting:

- Should only AMPs and RSOs be grandfathered per the petition request?
- Should the NRC recognize all individuals certified by boards that had been listed in NRC's regulations, and who had not been named on an NRC or Agreement State license or permit prior to October 25, 2005?

Members of the public may have different or additional questions that should be considered, and are encouraged to raise them during the public workshop. Members of the public are also encouraged to provide comments that they believe are important to consider.

*Issue No. 2:* In support of the petition, the petitioner stated that for the RSO preceptor attestations would be provided with the board certification for listing on an NRC or Agreement State license. Additionally, the petitioner requested that medical physicists certified by the ABR or ABMP on or before October 24, 2005, be grandfathered for the modalities they practiced as of that date.

The NRC, in resolving the petition, noted that the rationale for grandfathering individuals under § 35.57 was that their credentials had been reviewed and accepted during the licensing process and that they had been functioning in their positions and had established an acceptable record of performance. For individuals to be grandfathered under 10 CFR 35.57, an attestation would serve as an acceptable record of performance.

The NRC agreed with the petitioner for requiring an attestation for an individual applying to be named as an RSO on a license. Additionally, in expanding the petitioners request for grandfathering medical physicists to include all individuals certified by boards that had been listed in the NRC's regulations, the NRC considered an attestation to be a necessary requirement.

Questions for Discussion

The NRC staff has developed the following questions to provide context for discussion during the public meeting:

- Should the NRC require preceptor attestations for grandfathering under 10 CFR 35.57 for only RSOs per the petition request?
- Should the NRC require an attestation for all individuals to be grandfathered under 10 CFR 35.57?
- Should the NRC require no attestations for individuals to be grandfathered under 10 CFR 35.57?
- Should the NRC require some other means other than an attestation to establish an acceptable record of performance?
- If the NRC adopts the ACMUI recommendation to remove attestation requirements for all board certified individuals, how should the NRC proceed with the grandfathering under the Ritenour petition?

Members of the public may have different or additional questions that should be considered, and are encouraged to raise them during the public workshop. Members of the public are also encouraged to provide comments that they believe are important to consider.

*Topic 4. Revise Part 35 To Allow Assistant/Associate RSOs on a License*

Currently, regulations in 10 CFR part 35 do not allow licensees to have more than one permanent RSO. Section 35.24(c) allows licensees to simultaneously appoint more than one temporary RSO, if necessary, to make sure that the licensee has an individual that is qualified to be an RSO for each of the different types and uses of byproduct material permitted by the licensee.

The NRC is considering amending the regulations to add assistant/associate RSOs on a license. The intent of this proposed change to the regulations would be to allow licensees to appoint qualified individuals with expertise in certain uses of byproduct material to serve as assistant/associate RSOs who would be assigned duties and tasks while reporting to the primary RSO. The primary RSO would continue to be the individual named on the license that is responsible for the day-to-day oversight of the entire radiation safety program. Licensees with multiple operating locations could have a qualified assistant/associate RSO at each location of byproduct use.

Questions for Discussion

The NRC staff has developed the following questions to provide context for discussion during the public meeting:

- What should the qualifications be for an Assistant/Assistant RSO? Should they be the same as the RSO?
- Should there be a limitation on the number of Assistant/Associate RSOs on a License?
- Should the RSO continue to be the one person that the regulations hold responsible for the day-to-day oversight of the licensee's radiation safety program, or should the regulations be changed to allow for Assistant/Associate RSO to have some accountability?
- Should the title of the additional named supporting RSOs be Assistant RSO, or Associate RSO? Does the title matter?

Members of the public may have different or additional questions that should be considered, and are encouraged to raise them during the public workshop. Members of the public are also encouraged to provide comments that they believe are important to consider.

*Topic 5. Require Molybdenum Breakthrough Tests After Each Elution and Require Reporting of Failed Molybdenum Breakthrough Tests*

Currently, 10 CFR 35.204(b) requires that a licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical must measure the molybdenum-99 concentration of only the first eluate. Prior to 2002, 10 CFR 35.204 required the licensee to measure the molybdenum-99 concentration of each eluate. In the April 2002 revision, the NRC decided to require this test to be made only for the first eluate because the frequency of molybdenum breakthrough was considered to be rare by the medical and pharmaceutical industries.

During October 2006 through February 2007, and again in January 2008, medical licensees reported generators that failed the molybdenum-99 breakthrough tests. Some licensees were reporting the failures detected from measuring the first elution, and others were reporting a normal first elution with subsequent elutions.

Generator manufacturers have always recommended testing each elution prior to use in humans. In addition, while § 35.204(d) requires that a licensee

retain a record of each molybdenum-99 concentration measurement and retain the record for three years, there is no requirement that an elution that exceeds the regulatory limit of 0.15 microCuries of molybdenum-99 per milliCurie of technetium-99m must be reported.

Questions for Discussion

The NRC staff has developed the following questions to provide context for discussion during the public meeting.

- Should the NRC require licensees perform the test for each eluate as recommended by the generator manufacturers?
- Should the NRC require reporting of a failed test? If so, how soon should after the failed test is discovered, should the licensee be required to make a report?

Members of the public may have different or additional questions that should be considered, and are encouraged to raise them during the public workshop. Members of the public are also encouraged to provide comments that they believe are important to consider.

*Topic 6. Additional Items Under Consideration for Rulemaking*

The NRC is also considering amending the regulations to address the following 18 items. Members of the public may have questions or comments about these additional items, and are encouraged to raise them during the public workshop.

The following section under consideration relates to the authorized medical physicist issues.

1. Section to be amended: 10 CFR 35.433(a).

*Issue:* 10 CFR 35.433 requires an authorized medical physicist to perform the task described in this section, *i.e.,* calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The Sr-90 eye applicators are typically used in geographic locations that may not have access to an authorized medical physicist and further description of the tasks required of a physicist during the eye applicator use would make it easier to permit other physicists to perform the tasks.

Revising 10 CFR 35.433 to add a description of the tasks required and to permit a medical physicist with training and experience in these specific tasks to perform the tasks in § 35.433 would provide relief to licensees in remote areas.

(Reviewed with ACMUI during its May 23, 2006 meeting).

The following sections under consideration relate to training and experience issues.

2. Section to be amended: 10 CFR 35.51(a)(2)(i).

*Issue:* One of the conditions for recognition of board certification in § 35.51(a)(2)(i) is that all candidates have 2 years of full-time practical training and/or supervised experience in medical physics—under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State. This has been interpreted to mean that a diagnostic medical physicist certified by a board recognized in § 35.50 can serve as the supervising medical physicist under § 35.51. NRC staff believes that a therapy medical physicist should receive supervised experience under a therapy medical physicist.

(Reviewed with ACMUI during its May 23, 2006 meeting).

3. Section to be amended: 10 CFR 35.50(c)(2).

*Issue:* 10 CFR 35.50(c)(2) permits an AU, AMP, or ANP identified on the licensee's license and with experience with the radiation safety aspects of similar types of use of byproduct material for which the individual has RSO responsibilities to be an RSO. This restricts the licensee from naming a qualified AU, AMP, or ANP identified on another licensee's license as an RSO. It also prohibits an individual who meets the requirements to be an AU, AMP, or ANP that has not been listed on a license to be an RSO.

(Reviewed with ACMUI during its April 26, 2006 meeting).

4. Section to be amended: 10 CFR 35.290(b)(ii)(G).

*Issue:* 10 CFR 35.290(b)(ii) requires the supervised work experience to be under the supervision of an AU. Most facilities that provide the supervised work experience training required in 10 CFR 35.290(b)(ii)(G) for generator elution do not have generators available or prepare kits. The effect is that these facilities usually make arrangements with a nuclear pharmacy to obtain this hands-on training and experience from an ANP. Although the supervising AU can make an arrangement for the ANP to provide the training under the AU's supervision, it would be simpler if the ANP providing the training could be recognized as the supervising individual.

(The ACMUI approved the change during its October 22, 2007 meeting).

5. Section to be amended: 10 CFR 35.390(b)(1).

*Issue:* The NRC currently recognizes the residency program approved by the Royal college of Physicians and Surgeons of Canada for physicians seeking authorized user status under §§ 35.390, 35.490, and 35.690. But in each case, the NRC's regulations require supervised work experience under an authorized user. The Canadian residency program does not appear to meet this criterion. The challenge is to determine how to assure physicians going through the Canadian residency programs receive training and supervised work experience in the radiation safety issues unique to the U.S. regulations for medical uses.

6. Section to be amended: 10 CFR 35.390(b)(1)(ii)(G).

*Issue:* Work experience for parenteral administration of alpha emitters: Based upon the interpretation of the regulations, the staff has determined that the current language of 10 CFR 35.390(b)(1)(ii)(G) is insufficient. Contrary to what had been intended, the current language in category 4 does not allow the category to encompass any byproduct material, since the NRC staff has determined that no pure alpha emitter exists. The staff is proposing a change to the regulation to reflect the original intent of placing the parenteral administration of alpha emitters into a separate category from the parenteral administration of beta emitting and low energy photon-emitting byproduct material. References to that section in 10 CFR 35.396(d)(2) and (d)(2)(vi) would also be amended.

7. Section to be amended: 10 CFR 35.490(b)(1)(ii).

*Issue:* Change site requirements for AU work experience. The amendment would allow supervised work experience to be obtained at places other than medical institutions, *i.e.* clinics.

(Reviewed with the ACMUI at the October 19, 2009 meeting).

8. Section to be amended: 10 CFR 35.491(b)(3).

*Issue:* There is an error in 10 CFR 35.491(b)(3). Section 35.491 states the AU of strontium-90 for ophthalmic radiotherapy is a physician who meets the requirements in paragraph (a) or (b). However the attestation statement in 10 CFR 35.491(b)(3) requires the preceptor AU to attest that the individual meets the requirements in paragraphs (a) and (b). The effect is that paragraph (b)(3) requires an attestation statement for the individual that is already an AU under the requirements of 10 CFR 35.490. The statements of consideration (67 FR 20310) state that physicians who meet the requirements in 10 CFR 35.490 automatically meet the requirements to

become an AU under 10 CFR 35.491 which means an attestation is not required under the paragraph (a) pathway. To support this interpretation, the regulations that are structured similar to 10 CFR 35.491(a) (*e.g.,* §§ 35.190(b), 35.290(b), 35.392(b), and 35.394(b)) that require a physician to be a specific AU do not refer to the section requiring an attestation and the corresponding attestation paragraph does not reference the authorized user paragraphs.

(Not reviewed by ACMUI).

9. Section to be amended: 10 CFR 35.610(d).

*Issue:* It is recommended that § 35.610(d) be revised to include a new section on vendor training and distinguish this training from licensee provided "initial" training. The differentiation should be based upon the licensee experience with the unit, *i.e.,* new units and units with significant manufacturer upgrades. The vendor training needs to be provided before first patient treatment using the unit. The vendor training needs to be provided by the device manufacturer or by individuals certified by the device manufacturer.

(Reviewed with the ACMUI during its March 1–2, 2004 meeting).

10. Section to be amended: 10 CFR 35.690(b)(1).

*Issue:* Change site requirements for AU work experience. The amendment would allow supervised work experience to be obtained at places other than medical institutions, *i.e.* clinics.

(Reviewed with the ACMUI at the October 19, 2009 meeting).

The following sections under consideration relate to the Sealed Sources/Device issues.

11. Section to be amended: 10 CFR 35.13.

*Issue:* 10 CFR 30.32 requires that an application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source either (1) identify the source or device by manufacturer and model number as registered with the Commission under § 32.210 or with an Agreement State; or (2) contain the information identified in § 32.210(c). Therefore, an amendment is needed every time the licensee changes the manufacturer or model of a bracytherapy source.

NRC staff is also considering revising § 35.14, "Notifications," to permit medical use licensees to notify the NRC within 30 days of when the licensee obtains sealed sources from a new manufacturer or new model of sealed sources from a manufacturer listed on the license for a use already authorized in the license.

(Reviewed with the ACMUI at the November 12–13, 2003 meeting).

12. Section to be amended: 10 CFR 35.14.

*Issue:* Conforming changes for § 35.13.

13. Section to be amended: 10 CFR 35.65(a) through (d).

*Issue:* 10 CFR 35.65 authorizes a medical use licensee to possess certain calibration, transmission and reference sources if each sealed source or individual amounts of other forms of byproduct material do not exceed a specific activity. A manufacturer of attenuation sources used for SPEC or PET scanners believes this authorization includes its array of 28 sources, since each does not exceed the individual limits specified. The requirement needs to be clarified to exclude bundling or aggregating the sources for one device.

(Reviewed with ACMUI during its April 26, 2006 meeting).

14. Section to be amended: 10 CFR 35.65(a)–(d).

*Issue:* Move transmission sources that are used on patients or human research subjects to Subpart G.

15. Sections to be amended: 10 CFR 35.400, 35.500, and 35.600.

*Issue:* 10 CFR 35.400, 35.500, and 35.600 require licensees to only use the sealed sources and devices in these sections as approved in the Sealed Source and Device Registry (SSDR). Some of the SSDR certificates include specific medical procedures or treatment of specific diseases or treatment areas listed by the manufacturer. If "only as approved in the SSDR" means only for the treatments described in the SSDR, other accepted uses under the practice of medicine would be either for research or not permitted by the regulations. The staff is considering more flexible wording to ensure uses under the practice of medicine are included.

(The ACMUI approved the change during its October 22, 2007 meeting).

16. Section to be amended: 10 CFR 35.655(a).

*Issue:* 10 CFR 35.655(a) requires a licensee to have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during source replacement or at intervals not to exceed 5 years, whichever comes first, to assure proper functioning of the source exposure mechanism. This regulation requires a gamma stereotactic radiosurgery unit to be fully inspected and serviced at 5 years if the source replacement is delayed. However, the type of inspection and full servicing expected can only be done during source replacement for the gamma stereotactic radiosurgery unit.

(Reviewed with the ACMUI during its November 12–13, 2003 meeting).)

In addition, the following sections are also under consideration for amendments.

17. Section to be amended: 10 CFR 35.12(c).

Issue 1: 10 CFR 35.12(d) requires an applicant for a license or amendment for a § 35.1000 medical use to meet the requirements in § 35.12(b) and (c). 10 CFR 35.12(b) requires an applicant for a license for medical use of byproduct material as described in § 35.1000 to file an original and one copy of NRC Form 313, "Application for Material License," that includes the facility diagram, equipment, and training and experience qualifications of the RSO, AU(s), AMP(s), and ANP(s). 10 CFR 35.12(c) requires an applicant for a license amendment or renewal to submit an original and one copy of either NRC Form 313 or a letter requesting the amendment or renewal but is silent on the need to submit the facility diagram or the training and experience of the RSO, AU(s), AMP(s), and ANP(s). It is unclear whether the information specified in § 35.12(b) is included in § 35.12(c).

(Reviewed with ACMUI during its April 26, 2006 meeting).)

*Issue 2:* 10 CFR 35.12(c)(1) indicates that the application will be either on NRC Form 313 or in a letter but does not indicate that the information submitted in the letter must be equivalent to the information submitted on the NRC Form 313. By adding "or equivalent" the burden associated with the letter submission is captured in the information collection and recordkeeping burden of the NRC Form 313. This will also capture the burden on the NRC Form 313 for completing the NRC Form 313A series or letters containing equivalent information to that in the NRC Form 313A series.

(The ACMUI approved the change during its June 13, 2007 meeting).)

18. Section to be amended: 10 CFR 35.12(d).

*Issue 1:* 10 CFR 35.12(d) does not address all the radiation safety aspects for medical use of byproduct material as described in § 35.1000 and, as written, may imply that only the radiation safety aspects in Subparts A through C apply to § 35.1000 medical uses.

(Reviewed with the ACMUI during its March 1–2, 2004 meeting).)

*Issue 2:* 10 CFR 35.12(d) and 10 CFR 35.12(d)(1) are confusing because there are radiation safety aspects that are neither addressed in Subparts A through C of this part nor included in the list

that the Supplemental Information section for § 35.12(d)(1) considers to be all the information NRC needs to approve a § 35.1000 medical use.

(Reviewed with the ACMUI during its March 1–2, 2004 meeting).)

During the two-day workshops, the NRC will be available to discuss preliminary draft rule language under consideration for new and amended sections of 10 CFR part 35. The preliminary draft rule language, and any public comments on that language, can be found at *http://www.regulations.gov* by searching on Docket ID NRC–2008–0175.

Dated at Rockville, Maryland, this 5th day of May 2011.

For the Nuclear Regulatory Commission.

**Michael Fuller,**

*Acting Branch Chief, Radioactive Materials Safety Branch, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Program.*

[FR Doc. 2011–12048 Filed 5–19–11; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2009–0218; Directorate Identifier 2009–CE–006–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Piper Aircraft, Inc. PA–23, PA–31, and PA–42 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to revise an existing airworthiness directive (AD) that applies to Piper Aircraft, Inc. PA–23, PA–31, and PA–42 airplanes. The existing AD currently establishes life limits for safety-critical nose baggage door components. That AD also requires you to replace those safety-critical nose baggage door components and repetitively inspect and lubricate the nose baggage door latching mechanism and lock assembly. Since we issued that AD, through further investigation and a request for an alternative method of compliance (AMOC), we determined the nose baggage door compartment light does not impact the unsafe condition addressed by the AD. This proposed AD would remove the requirement for the nose baggage door compartment interior light inspection and retain the other requirements from AD 2009–13–06, Amendment 39–15944 (74 FR 29118). The door opening in flight could significantly affect the handling and performance of the aircraft. It could also allow baggage to be ejected from the nose baggage compartment and strike the propeller. This failure could lead to loss of control.

**DATES:** We must receive comments on this proposed AD by July 5, 2011.

**ADDRESSES:** You may send comments 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 Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; fax: (772) 978–6573; Internet: *http://www.newpiper.com/company/publications.asp.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

### Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* 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 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:** Gregory K. Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5551; fax: (404) 474–5606.

**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–2009–0218; Directorate Identifier 2009–CE–006–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 June 12, 2009, we issued AD 2009–13–06, Amendment 39–15944 (74 FR 29118), for certain Piper Aircraft, Inc. PA–23, PA–31, and PA–42 airplanes. That AD established life limits for safety-critical nose baggage door components. That AD also required replacement of those safety-critical nose baggage door components and repetitive inspections and lubrications of the nose baggage door latching mechanism and lock assembly. That AD resulted from several incidents and accidents, including fatal accidents, where the nose baggage door opening in flight was listed as a causal factor. We issued that AD to detect and correct damaged, worn, corroded, or non-conforming nose baggage door components, which could result in the nose baggage door opening in flight. The door opening in flight could significantly affect the handling and performance of the aircraft. It could also allow baggage to be ejected from the nose baggage compartment and strike the propeller. This failure could lead to loss of control.

### Actions Since Existing AD Was Issued

Since we issued AD 2009–13–06, through further investigation and a request for a AMOC, we determined that requiring the inspection of the nose baggage door compartment light does not impact the unsafe condition addressed by the AD.

### Relevant Service Information

We reviewed Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008. The service bulletin establishes life limits for safety-critical nose baggage door components, provides instructions on inspection and replacement of nose baggage door components, and provides instructions for lubrication of the nose baggage door latching mechanism and lock assembly.

**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 certain requirements of AD 2009–13–06. This proposed AD would remove the requirement for the nose baggage door compartment interior light inspection and retain the requirements to established life limits for safety-critical nose baggage door components, detect and correct damaged, worn, corroded, or non-conforming nose baggage door components, and repetitive inspections and lubrications of the nose baggage door latching mechanism and lock assembly.

**Differences Between the Proposed AD and the Service Information**

This proposed AD would remove the requirement for the nose baggage door compartment light inspection referenced in the last sentence of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008, Part 1, Step 1.

**Costs of Compliance**

We estimate that this proposed AD affects 8,000 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection and parts replacement of nose baggage door. | 4 work-hours × $85 per hour = $340 ..... | $190 | $530 | $4,240,000 |

The new requirements of this proposed AD add no additional economic burden. The increased estimated cost of this AD is due to increased labor cost from 2009 when AD 2009–13–06 was issued.

**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, 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.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, 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) 2009–13–06, Amendment 39–15944 (74 FR 29118), and adding the following new AD:

**Piper Aircraft, Inc.:** Docket No. FAA–2009–0218; Directorate Identifier 2009–CE–006–AD.

**Comments Due Date**

(a) The FAA must receive comments on this AD action by July 5, 2011.

**Affected ADs**

(b) This AD revises AD 2009–13–06, Amendment 39–15944.

**Applicability**

(c) This AD applies to Models PA–23, PA–23–160, PA–23–235, PA–23–250, PA–23–250 (Navy UO–1), PA–E23–250, PA–31, PA–31–300, PA–31–325, PA–31–350, PA–31P, PA–31P–350, PA–31T, PA–31T1, PA–31T2, PA–31T3, PA–42, PA–42–720, and PA–42–1000 airplanes, all serial numbers, that are:

(1) Certificated in any category; and

(2) Equipped with a baggage door in the fuselage nose section (a nose baggage door).

**Subject**

(d) Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code, 52, Doors.

**Unsafe Condition**

(e) This AD was prompted by several incidents and accidents, including fatal accidents, where the nose baggage door opening in flight was listed as a causal factor. We are issuing this AD to establish life limits for safety-critical nose baggage door components, replace those safety-critical nose baggage door components, and repetitively inspect and lubricate the nose baggage door latching mechanism and lock assembly. The door opening in flight could significantly affect the handling and performance of the aircraft. It could also allow baggage to be ejected from the nose baggage compartment and strike the propeller. This failure could lead to loss of control.

**Compliance**

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

| Actions | Compliance | Procedures |
|---|---|---|
| (1) For all aircraft:<br>(i) Inspect the nose baggage door assembly for damaged, worn, corroded, or non-conforming components;<br>(ii) Replace life-limited components specified in the service information; and<br>(iii) Install or inspect, as applicable, the nose baggage placard following the service information. | Initially within 1,000 hours time-in-service (TIS) since all life-limited components were installed new following Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008, or within the next 100 hours TIS after July 24, 2009 (the effective date retained from AD 2009–13–06), whichever occurs later. Repetitively thereafter at intervals not to exceed 1,000 hours TIS. | Follow INSTRUCTIONS: PART I of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008. As an alternative to using part number 100700–079 placard, you may fabricate a placard (using at least 1/8-inch letters) with the words in figure 1 of this AD and install the placard directly above the nose baggage door handle. This AD does not require verification of proper functioning of the nose baggage compartment interior light as stated in the last sentence of PART 1, paragraph 1, of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008. |
| (2) For all aircraft:<br>(i) Lubricate and inspect all nose baggage door latching and locking components for damaged, worn, corroded, or non-conforming components; and<br>(ii) Verify the key can only be removed from the lock assembly in the locked position in accordance with the service instructions. | Initially within 100 hours TIS after July 24, 2009 (the effective date retained from AD 2009–13–06); and Repetitively thereafter at intervals not to exceed 100 hours TIS. | Follow INSTRUCTIONS: PART II of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008. |
| (3) For all aircraft with damaged, worn, corroded, or non-conforming components: repair/replace any damaged, worn, corroded, or non-conforming components. | Before further flight after any inspection required in paragraphs (f)(1) and (f)(2) of this AD where any evidence of damaged, worn, corroded or non-conforming components was found. | Follow Piper Aircraft, Inc. Mandatory Service Bulletin No. 1194A, dated November 10, 2008. |

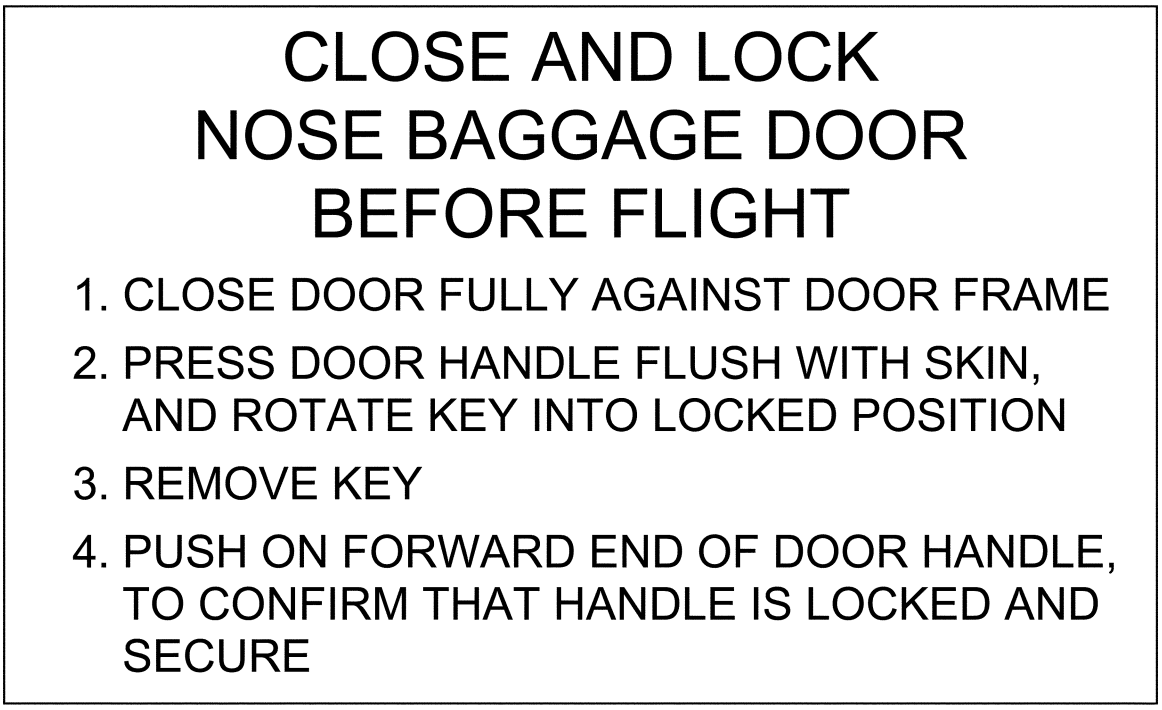


Figure 1. – Nose Baggage Door Placard.

**Alternative Methods of Compliance (AMOCs)**

(g)(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) AMOCs approved for AD 2009–13–06 are approved as AMOCs for this AD.

**Related Information**

(h) For more information about this AD, contact Gregory K. Noles, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia

Avenue, College Park, Georgia 30337; telephone: (404) 474–5551; fax: (404) 474–5606.

(i) For service information identified in this AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; fax: (772) 978–6573; Internet: *http://www.newpiper.com/company/publications.asp.* You may review copies of the referenced service information at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–3768.

Issued in Kansas City, Missouri, on May 13, 2011.

**Earl Lawrence,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2011–12463 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2011–0359; Airspace Docket No. 11–AWP–1]**

## Proposed Modification of Class D and E Airspace; Fort Huachuca, AZ

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify Class D and Class E airspace at Fort Huachuca, AZ, to accommodate aircraft departing and arriving under Instrument Flight Rules (IFR) at Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield. This action, initiated by the biennial review of the Fort Huachuca airspace area, would enhance the safety and management of aircraft operations at the airport. This action would also update the airport name.

**DATES:** Comments must be received on or before July 5, 2011.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2011–0359; Airspace Docket No. 11–AWP–1, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Rick Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4517.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2011–0359 and Airspace Docket No. 11–AWP–1) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA–2011–0359 and Airspace Docket No. 11–AWP–1." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class D airspace, and Class E airspace designated as an extension to Class D surface area, and airspace extending upward from 700 feet above the surface, at Fort Huachuca, AZ. This action was initiated by the FAA's biennial review of the airspace, in which they found additional controlled airspace necessary for the safety and management of aircraft departing and arriving under IFR operations at Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield. This action would also update the geographic coordinates and the airport name from Fort Huachuca, Libby AAF/Sierra Vista Municipal Airport, to Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield.

Class D airspace and Class E airspace designations are published in paragraph 5000, 6004 and 6005, respectively, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class D airspace and Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (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 will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would 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 U.S. Code. Subtitle 1, section 106, describes the authority for 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 the 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 creates additional controlled airspace at Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, Fort Huachuca, AZ.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 14 CFR 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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 5000 Class D airspace.*

* * * * *

**AWP AZ D Fort Huachuca, AZ [Modified]**

Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, AZ
(Lat. 31°35′19″ N., long. 110°20′40″ W.)

That airspace extending upward from the surface to and including 7,200 feet MSL within a 4.7-mile radius of the airport. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6004 Class E airspace areas designated as an extension to Class D or Class E surface area.*

* * * * *

**AWP AZ E4 Fort Huachuca, AZ [Modified]**

Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, AZ
(Lat. 31°35′19″ N., long. 110°20′40″ W.)

That airspace extending upward from the surface within 1.6 miles each side of the Airport 088° bearing, extending from the 4.7-mile radius of the airport to 7 miles east of the airport, and that airspace extending upward from the surface within 1 mile each side of the Airport 270° bearing, extending from the 4.7-mile radius of the airport to 5.5 miles west of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**AWP AZ E5 Fort Huachuca, AZ [Modified]**

Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, AZ
(Lat. 31°35′19″ N., long. 110°20′40″ W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the airport, and within 3.5 miles each side of the Airport 270° bearing extending 9 miles west of the airport, and that airspace 4 miles south and 8 miles north along the Airport 088° bearing extending 15.5 miles east of the airport, excluding that area within Restricted Area R–2312. That airspace extending upward from 1,200 feet above the surface within 25-mile radius of Fort Huachuca-Sierra Vista Municipal Airport-Libby Army Airfield, excluding that area within Mexican airspace.

Issued in Seattle, Washington, on May 12, 2011.

**John Warner,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2011–12361 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R03–OAR–2011–0287; FRL–9309–2]**

## Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Nitrogen Oxides Emissions From Portland Cement Kilns

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the control of nitrogen oxide ($NO_X$) emissions from Portland cement kilns. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before June 20, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R03–OAR–2011–0287 by one of the following methods:

A. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2011–0287, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R03–OAR–2011–0287. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact

you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. On July 23, 2010, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its State Implementation Plan for the control of $NO_X$ from Portland cement kilns.

## I. Background

The SIP revision consists of a regulation to control $NO_X$ emissions from Portland cement kilns. Portland cement manufacturing is an energy intensive process in which cement is made by grinding and heating a mixture of raw materials such as limestone, clay, sand, and iron ore in a rotary kiln. $NO_X$ emissions are generated during fuel combustion by oxidation of chemically-bound nitrogen in the fuel and by thermal fixation of nitrogen in the combustion air. This SIP revision is based on the Ozone Transport Commission (OTC) control measure to reduce $NO_X$ emissions from cement kilns. The OTC members include Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia. The OTC was created under section 184 of the CAA to establish regulatory programs to reduce ozone precursor emissions, which includes the reduction of $NO_X$ emissions from cement kilns.

## II. Summary of SIP Revision

The SIP revision amends the $NO_X$ emission standards in the Title 25 of the Pennsylvania Code (25 Pa. Code) Chapter 145, Subchapter C (Emissions of $NO_X$ from Cement Manufacturing), for Portland cement kilns during the ozone season, from May 1 through September 30, 2011, and for each year thereafter. The SIP revision added new definitions and terms, and revised the following: standard requirements which include emission requirements; compliance determination by operating and maintaining continuous emissions monitoring systems (CEMS) for $NO_X$ emissions; compliance demonstration on a kiln-by-kiln basis, a facility-wide emissions averaging basis or a system-wide averaging basis; and reporting and recordkeeping requirements by reporting CEMS emissions data and maintaining an operating log for each Portland cement kiln on a monthly basis that is maintained onsite for 5 years. A detailed summary of EPA's review of and rationale for proposing to approve this SIP revision may be found in the Technical Support Document (TSD) for this action which is available on line at *http://www.regulations.gov*, Docket number EPA–R03–OAR–2011–0287.

## III. Proposed Action

EPA is proposing to approve the Pennsylvania SIP revision for the control of $NO_X$ emissions from Portland cement kilns submitted on July 23, 2010. This regulation will reduce emissions of $NO_X$ from cement kilns to reduce levels of ozone. The reduction of $NO_X$ emissions will also help protect the public health from high levels of fine particulate matter ($PM_{2.5}$), of which $NO_X$ is a precursor component. The reduction of $NO_X$ emissions also reduces visibility impairment and acid deposition. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

## IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, pertaining to Pennsylvania's control of $NO_x$ emissions from Portland cement kilns, does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: May 9, 2011.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2011–12509 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R09–OAR–2011–0030; FRL–9308–4]**

## Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the MDAQMD. We are proposing to approve these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by June 20, 2011.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2011–0030, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Allen, EPA Region IX, (415) 947–4120, *allen.cynthia@epa.gov.*

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following negative declarations listed in Table 1:

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

| Local agency | Title | Adopted | Submitted |
|---|---|---|---|
| MDAQMD | Pneumatic Rubber Tire Manufacturing | 01/22/07 | 07/11/07 |
| MDAQMD | Large Petroleum Dry Cleaners | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating of Cans | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating of Coils | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating Fabrics | 01/22/07 | 07/11/07 |
| MDAQMD | Surface Coating Operations at Automotive and Light Duty Truck Assembly Plants | 01/22/07 | 07/11/07 |
| MDAQMD | Surface of Coating of Large Appliances | 01/22/07 | 07/11/07 |
| MDAQMD | Surface of Coating of Magnet Wire | 01/22/07 | 07/11/07 |
| MDAQMD | Vacuum Producing Devices or Systems | 01/22/07 | 07/11/07 |
| MDAQMD | Leaks From Petroleum Refinery Equipment | 01/22/07 | 07/11/07 |
| MDAQMD | Process Unit Turnarounds | 01/22/07 | 07/11/07 |
| MDAQMD | Equipment Leaks From Natural Gas/Gasoline Processing Plants | 01/22/07 | 07/11/07 |
| MDAQMD | Synthesized Pharmaceutical Products | 01/22/07 | 07/11/07 |
| MDAQMD | Air Oxidation Process—SOCMI | 01/22/07 | 07/11/07 |
| MDAQMD | Polymer Manufacturing SOCMI and Polymer Manufacturing Equipment Leaks | 01/22/07 | 07/11/07 |
| MDAQMD | Reactor Processes and Distillation Operations in SOCMI | 01/22/07 | 07/11/07 |
| MDAQMD | Synthetic Organic Chemical Polymer and Resin Manufacturing | 01/22/07 | 07/11/07 |
| MDAQMD | Petroleum Refinery Equipment | 08/23/10 | 10/22/10 |
| MDAQMD | Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins | 08/23/10 | 10/22/10 |
| MDAQMD | Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment. | 08/23/10 | 10/22/10 |

In the Rules and Regulations section of this **Federal Register**, we are approving these negative declarations in a direct final action without prior proposal because we believe these negative declarations are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: April 25, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2011–12364 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 10

**RIN 0906–AA94**

## Exclusion of Orphan Drugs for Certain Covered Entities Under 340B Program

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The "Veterans Health Care Act of 1992," enacted section 340B of the Public Health Service Act (PHSA) "Limitation on Prices of Drugs Purchased by Covered Entities." Section 340B implemented a drug pricing program by which manufacturers who participate in Medicaid are required to sell covered outpatient drugs to particular covered entities listed in the statute and must agree to charge a price that will not exceed the amount determined under a statutory formula. The manufacturer's obligation to sell at no greater than the ceiling price extends only to covered outpatient drugs and does not apply to inpatient drugs. Covered entities are required to ensure that drugs purchased under 340B are used only for outpatients. The Patient Protection and Affordable Care Act expanded the types of covered entities eligible to participate in the 340B Drug Pricing Program (340B Program) under the PHSA to include certain free standing cancer hospitals, rural referral centers, sole community hospitals, critical access hospitals, and children's hospitals. Of these entities, children's hospitals were already eligible to participate in the 340B drug pricing program under the Deficit Reduction Act of 2005. The Health Care and Education Reconciliation Act (HCERA) (the Patient Protection and Affordable Care Act and HCERA collectively hereinafter will be referred to as the "Affordable Care Act"), as amended by the Medicare and Medicaid Extenders Act of 2010, contained a provision that limits the types of drugs that free standing cancer hospitals, rural referral centers, sole community hospitals and critical access hospitals could obtain through the 340B Program. Under the changes made by the Affordable Care Act, orphan drugs, when used for the rare condition or disease for which that orphan drug was designated under the Federal Food, Drug, and Cosmetic Act (FFDCA), are excluded from the definition of covered outpatient drug for the specified newly-eligible covered entity types for purposes of the 340B Program. This regulatory action details how these exclusions will be implemented under the 340B Program.

**DATES:** Comments on this proposed rule must be submitted by July 19, 2011.

**ADDRESSES:** You may submit comments, identified by the Regulatory Information Number (RIN) 0906–AA94, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: opaorphan@hrsa.gov.* Include RIN 0906–AA94 in the subject line of the message.
- *Mail:* CDR Krista Pedley, Director, Office of Pharmacy Affairs (OPA), Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Parklawn Building, Room 10C–03, Rockville, Maryland 20857.

All submissions received must include the agency name and RIN for this rulemaking. All comments received will be available for public inspection and copying without charge, including any personal information provided, at Parklawn Building, 5600 Fishers Lane, Room 10C–03, Rockville, Maryland 20857, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** CDR Krista Pedley at the mail address or by telephone at (301) 594–4353.

**SUPPLEMENTARY INFORMATION:**

### I. Background

The purpose of the 340B Program is to permit covered entities "to stretch scarce Federal resources as far as possible, reaching more eligible patients and providing more comprehensive services." H.R. Rep. No.102–384(II), at 12 (1992). The 340B Program was established by section 602 of the Veterans Health Care Act of 1992 (Pub. L. 102–585) and is codified as section 340B of the PHSA. Section 340B instructs HHS to enter into Pharmaceutical Pricing Agreements (PPA) with drug manufacturers. (42 U.S.C. 256b(a)). If manufacturers sign a PPA, they agree that the prices charged for covered outpatient drugs to covered entities (organizations eligible under section 340B to receive 340B discounted pricing) will not exceed defined ceiling prices, which are based on pricing data reported to the Centers for Medicare & Medicaid Services (CMS). The 340B ceiling price is calculated by subtracting the Unit Rebate Amount from the Average Manufacturer Price. Drugs purchased by covered entities through the 340B Program may not be sold or transferred to anyone other than the patients of the covered entities. Since 1992, the program has grown; there are currently over 16,000 participating covered entity sites in the 340B Program.

The Affordable Care Act introduced several changes to the 340B Program. The 340B Program has not previously published codified regulations on the operation of this program, instead relying on published program guidance documents, which were typically finalized after a notice and comment period. However, a number of the provisions of the Affordable Care Act necessitate the development and publication of regulations. This is the first of a series of regulations that will outline certain requirements in the 340B Program.

Section 7101 of the Affordable Care Act added several new categories of eligibility for program participants, allowing them to have access to 340B drug pricing except in the case of an orphan drug when used for a rare disease or condition. The entity types added to the list of eligible entities listed under 340B(a)(4) included: 340B(a)(4)(M) (children's hospitals and free-standing cancer hospitals), 340B(a)(4)(N) (critical access hospitals), and 340B(a)(4)(O) (rural referral centers and sole community hospitals). As amended by the Affordable Care Act, and section 204 of the Medicare and Medicaid Extenders Act of 2010 (Pub. L. 111–309), section 340B(e) of the PHSA (42 U.S.C. 256b(e)) states the following:

> • EXCLUSION OF ORPHAN DRUGS FOR CERTAIN COVERED ENTITIES—For covered entities described in subparagraph (M), (other than a children's hospital described in subparagraph (M)), (N), or (O) of subsection (a)(4), the term 'covered outpatient drug' shall not include a drug designated by the Secretary under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition.

Congress passed the Orphan Drug Act of 1983 to stimulate the development of drugs for rare diseases. The Food and Drug Administration (FDA), Office of Orphan Products Development, administers the Orphan Drug Act and reviews requests for designations. Orphan status designation by the FDA indicates that the drug has been found "promising" for treating a rare disease. The award of an orphan designation does not alter the standard regulatory requirements and process for obtaining

marketing approval, which is a separate process administered by the FDA Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research. In fact, a large majority of drugs with orphan designations do not have approval to be marketed in the United States. Generally, only outpatient drugs that have been approved for marketing in the United States are included in the 340B Program. Thus, among outpatient drugs that have received an orphan designation, only those that have also received marketing approval by the FDA meet the definition of covered outpatient drugs for the 340B Program.

*Rationale for Rulemaking*

The purpose of issuing this proposed rule is to clarify HHS's stated effort in: (1) Providing clarity in the marketplace, (2) maintaining the 340B savings and interests to the newly-eligible covered entities; and (3) protecting the financial incentives for manufacturing orphan drugs designated for a rare disease or condition as indicated in the Affordable Care Act as intended by Congress.

First, HHS is aware of confusion in the marketplace, having been notified of such by affected parties, including covered entities and drug manufacturers. This confusion is due to varying interpretations of the statutory exclusion: whether the language prohibits these newly covered entities from purchasing all orphan drugs through the 340B Program or whether the language only prohibits purchase of orphan drugs when used for the rare disease or condition for which the orphan drug is designated. In response to this uncertainty, some manufacturers have ceased selling orphan drugs through the 340B Program to the newly-eligible covered entities to avoid best price implications. Other manufacturers are waiting for Federal policy before taking action, while still other manufacturers have stated that they will stop selling orphan drugs through the 340B Program to newly-eligible covered entities effective immediately. In addition, the affected covered entities are not sure if they are permitted to purchase orphan drug products and, if they are, at what price. These covered entities do not know if they can buy these orphan drugs using group purchasing organizations or if there are additional record-keeping requirements that they must meet for 340B compliance. Other 340B stakeholders such as wholesalers are also not sure which systems need to be in place to ensure compliance with this new statutory provision. HHS has received numerous requests from these affected parties asking for clear Federal policy on the scope of this provision. The Secretary believes that this proposed rule will provide requested clarity on this issue.

Second, the Affordable Care Act added four newly-eligible covered entity categories to benefit from the 340B Program. As Congress wanted these new covered entities to participate and benefit from the 340B Program "to stretch scarce federal resources as far as possible, reaching more eligible patients and providing more comprehensive services," it is critical that HHS recognizes these covered entities' ability to benefit from the 340B Program savings so there is sufficient value for them to participate in the 340B Program. HHS has been notified by the covered entities that some of the hospitals such as free-standing cancer hospitals are significant purchasers of orphan drugs and if these drugs were excluded from the 340B Program entirely, it is not clear if there would be sufficient financial benefits to participating in the 340B Program. As of October 1, 2010, only 337 hospitals out of approximately 1,500 eligible hospitals have enrolled in the program. Some covered entities are still weighing the benefits while other covered entities are waiting for Federal guidance to clarify how the orphan drug exclusion will impact their organizations. Interpreting the statutory language to exclude all uses of drugs with an orphan designation, including uses for common diseases or conditions, would place a substantial burden on the affected entities and potentially nullify the benefits of the 340B Program for those entities considering enrolling. Thus, this proposed rule would apply an interpretation of the statutory language prohibiting purchase of orphan drugs through the 340B Program by certain newly covered entities that limits the prohibition to uses for the rare disease or condition for which the orphan drug was designated under section 526 of the FFDCA.

Finally, HHS has to maintain financial incentives for the manufacturing of an orphan drug designated for a rare disease or condition. A drug is designated by the FDA as "a drug for a rare disease or condition" pursuant to section 526 of the Federal Food, Drug, and Cosmetic Act at the request of the sponsor if FDA finds that the drug is being or will be investigated for a rare disease or condition and, if approved by FDA, the approval will be for that disease or condition. 21 USC 360bb(a)(1). This designation is referred to as orphan-drug designation. 21 CFR 316.24. FDA has interpreted the law as permitting the designation of a drug for a rare disease or condition in situations where the drug is also approved for a different disease or condition that does not qualify for such a designation. 21 CFR 316.23(b). Some drugs may be used to treat multiple diseases or conditions. This designation provides a number of incentives for the development of the orphan drug for the particular disease or condition. These incentives include: (1) 7-year market exclusivity to sponsors of approved orphan products; (2) a tax credit of 50 percent of the cost of conducting qualified human clinical trials; (3) Federal research grants for clinical testing of new therapies to treat and/or diagnose rare diseases; and (4) an exemption from the usual drug application or "user" fees charged by the FDA. Each of these incentives applies only when the orphan drug is targeted or used to treat a rare disease or condition and not for other indications. First, the marketing exclusion only applies if the drug is the first approved by the FDA to be marketed for an orphan indication and not if the drug is only approved by the FDA for a common condition. Second, the tax credit must relate to testing of the drug for the rare disease or condition underlying the orphan designation and not for other diseases or conditions (non-rare uses). Third, the Federal research grants are for testing the treatment of rare diseases and not for other indications. Finally, the exemption from FDA user fee payments only applies to user fees charged when seeking marketing approval to treat the orphan designated rare disease or condition. Thus, the incentives associated with orphan drug designation do not apply to any indication for a disease or condition that has not itself received orphan drug designation (the product would not be considered to be an "orphan drug" for such additional uses). The approach proposed in this rule (in which the exclusion of orphan drugs is limited to uses for the rare disease or condition for which the orphan drug was designated) is consistent with the general application of incentives associated with orphan drug designation, described above.

To the extent Congressional intent was to not undermine pricing for drugs used to treat rare diseases, a broad exclusion appears to be overly inclusive. Drugs that are marketed for a rare disease are in some cases also approved, or used without approval, for other indications and some such drugs are among some of the most widely used today. This rule, as proposed, serves to maintain orphan drugs outside of 340B

pricing when the drug with such a designation is used for a rare disease or condition. This approach is consistent with the implementation of the FFDCA by FDA without generating an unintended benefit for those manufacturers with drugs that have an orphan indication under section 526 of the Federal Food, Drug, and Cosmetic Act, but are widely or even exclusively utilized for common indications. The fact that drugs can have multiple indications, only some of which qualify for designation, has led HHS to conclude that the exemption from the term "covered outpatient drug" under section 340B(e) of the PHSA only applies to orphan drugs when they are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which the orphan drug was designated.

**II. Summary of the Regulation**

*General Provisions (Subpart A)*

In 1992, Congress enacted the Veterans Health Care Act to provide certain purchasers with a process through which they received drug discounts or rebates. Section 602 of the Veterans Health Care Act provided for drug discounts primarily for certain grantees of the Public Health Service. Since 1992, HHS has administratively established through documents published in the **Federal Register** the terms and certain elements of the 340B Program. HHS is now establishing a regulatory structure for the 340B Program and will also be publishing regulations on other provisions of this program. This is the first regulation to be published.

Section 340B(e) of the PHSA does not alter a manufacturer's obligation to sell covered outpatient drugs at no greater than the ceiling price to the designated covered entities. A manufacturer may not condition the offer of statutory discounts upon a covered entity's assurance of compliance with section 340B provisions. Accordingly, manufacturers cannot condition sales upon receiving prior assurance that the 340B drug will not be used to treat a rare disease or condition. Manufacturers must offer covered entities covered outpatient drugs for purchase at or below the applicable 340B ceiling price if such drug is made available to any other purchaser.

Section 340B(e) of the PHSA creates no additional obligations or restrictions upon drug manufacturers. As provided under section 340B(a)(10) of the PHSA, the law does not prohibit manufacturers from charging a price for a drug that is lower than the maximum price that may be charged under section 340B(a)(1). CMS is delegated the responsibility for regulating the Medicaid best price exemption, and HRSA is working with CMS to develop policy on the treatment of orphan drugs to covered entities under 340B(a)(4)(M) (other than a children's hospital described in subparagraph (M)), (N), and (O) with respect to Medicaid best price. Until HHS issues this policy, which will be prospective in its effect, manufacturers are permitted to make reasonable assumptions regarding the Medicaid best price calculations, including exclusions applicable to those calculations.

*Eligibility To Purchase 340B Drugs (Subpart B)*

Health care entity types that meet the requirements under section 340B(a)(5) of the PHSA and which are listed under section 340B(a)(4) of the PHSA are eligible to enroll in the 340B Program. These safety-net organizations are referred to as "covered entities." Section 7101 of the Patient Protection and Affordable Care Act (Pub. L. 111–148) expanded the types of covered entities eligible to participate in the 340B Drug Pricing Program (340B Program) to include certain free-standing cancer hospitals, rural referral centers, sole community hospitals, and critical access hospitals. After the enactment of the Affordable Care Act, section 340B(a)(4) includes the following entity types: (1) A Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act); (2) A family planning project receiving a grant or contract under section 1001 of the Public Health Service Act; (3) An entity receiving a grant under subpart II of part C of title XXVI of the Public Health Service Act (relating to categorical grants for outpatient early intervention services for HIV disease); (4) A state-operated AIDS drug purchasing assistance program receiving financial assistance under title XXVI of the Public Health Service Act; (5) A black lung clinic receiving funds under section 427(a) of the Black Lung Benefits Act; (6) A comprehensive hemophilia diagnostic treatment center receiving a grant under section 501(a)(2) of the Social Security Act; (7) A Native Hawaiian Health Center receiving funds under the Native Hawaiian Health Care Act of 1988; (8) An urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act; (9) Any entity receiving assistance under title XXVI of the Public Health Service Act (other than a state or unit of local government or an entity described in 340B(a)(4)(D)), but only if the entity is certified by the Secretary pursuant to paragraph 340B(a)(7); (10) An entity receiving funds under section 318 of the Public Health Service Act (relating to treatment of sexually transmitted diseases) or section 317(j)(2) (relating to treatment of tuberculosis) through a state or unit of local government, but only if the entity is certified by the Secretary pursuant to paragraph 340B(a)(7); (11) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—(i) is owned or operated by a unit of state or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of state or local government, or is a private non-profit hospital which has a contract with a state or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the state plan under this title; (ii) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of the Social Security Act) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act; and (iii) does not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement; (12) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act, or a free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act, that would meet the requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act; (13) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of subparagraph (L)(i); and (14) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of subparagraph (L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

*Drugs Eligible for Purchase Under 340B (Subpart C)*

Drugs Eligible for Purchase Under 340B (§ 10.20)

In general, covered entities are eligible to purchase any 340B drugs ("covered outpatient drugs") for their patients. However, as added by the Affordable Care Act, section 340B(e) of the PHSA excludes certain categories of covered entities from purchasing orphan drugs at 340B pricing when used for rare diseases or conditions.

Exclusion of Orphan Drugs for Treating Rare Diseases or Conditions—General (§ 10.21(a))

For the covered entities described in § 10.21(b), a covered outpatient drug does not include orphan drugs that are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA.

However, for these same covered entities, a covered outpatient drug includes designated orphan drugs that are transferred, prescribed, sold, or otherwise used for any indication other than treating the rare disease or condition for which the drug was designated under section 526 of the FFDCA. In other words, the affected entities can purchase these drugs at 340B prices when using them for common conditions for which they are approved or any other lawful use except when using them for the rare condition or disease for which they were given an orphan drug designation by the FDA.

Covered Entities to Which the Orphan Drug Exclusion Applies (§ 10.21(b))

The exclusion of orphan drugs when used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA is applicable only to covered entities qualifying under sections 340B(a)(4)(M), (other than a children's hospital described in subparagraph (M)) of the PHSA (free-standing cancer hospitals), 340B(a)(4)(N) of the PHSA (critical access hospitals), and 340B(a)(4)(O) of the PHSA (rural referral centers and sole community hospitals). The exclusion does not apply to entities that meet the 340B Program eligibility requirements and are enrolled under sections 340B(a)(4)(A) through 340B(a)(4)(L) or to a children's hospital described in 340B(a)(4)(M)). For example, if a hospital potentially qualifies both under 340B(a)(4)(L) as a disproportionate share hospital and under 340B(a)(4)(O) as a sole community hospital, then that hospital must select which type and enroll under the requirements of the type that it selected.

Covered entities enrolled under sections 340B(a)(4)(M) (other than a children's hospital described in subparagraph (M)), (N), and (O) that fail to ensure that orphan drugs that are purchased through the 340B Drug Pricing Program are not transferred, prescribed, sold, or otherwise used for the rare condition or disease for which orphan drugs are designated under section 526 of the FFDCA shall be subject to all sanctions and penalties applicable to failure to comply with section 340B(a)(5)(B). The covered entities shall put in place tracking and recordkeeping requirements to demonstrate compliance with the limits on the use of orphan drugs. To demonstrate compliance, it will be necessary for the covered entities to create separate purchasing accounts and improve inventory and auditing capacity.

In those few cases where safety-net organizations meet more than one eligibility criteria as covered entities that are eligible under sections 340B(a)(4)(L) through 340(a)(4)(O), these safety-net organizations shall be limited to participating in the 340B Program as only one covered entity type and shall abide by all applicable restrictions and requirements for that entity type.

Covered Entity Responsibility To Maintain Records of Compliance (§ 10.21(c))

The covered entities to which the orphan drug exclusion applies are responsible for ensuring that orphan drugs that are purchased through the 340B Program are not transferred, prescribed, sold, or otherwise used for the rare condition or disease for which orphan drugs are designated under section 526 of the FFDCA. These covered entities are required to provide auditable records upon the written request of the government or government-approved manufacturer audit request that directly pertain to the covered entity's compliance with this requirement.

Affected covered entities that cannot or do not wish to maintain auditable records sufficient to demonstrate compliance, must purchase all orphan drugs outside of the 340B Program. Entities are required to notify HRSA that they will be purchasing all designated orphan drugs outside the 340B Program when they enroll in the program and during recertification.

Use of Group Purchasing Organizations by Free-Standing Cancer Hospitals (§ 10.21(d))

The covered entities remain responsible for complying with all other 340B requirements and applicable Federal, state, and local law. Free-standing cancer hospitals enrolled under section 340B(a)(4)(M) of the PHSA must comply with the prohibition against using a group purchasing organization under section 340B(a)(4)(L)(iii) of the PHSA for the purchase of any covered outpatient drug.

If auditable records are maintained that demonstrate full compliance with orphan drug purchasing requirements, then free-standing cancer hospitals enrolled under 340B(a)(4)(M) are permitted to use a group purchasing organization to purchase orphan drugs when they are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA, as these drugs are not considered covered outpatient drugs. However, free-standing cancer hospitals enrolled under 340B(a)(4)(M) are prohibited from using a group purchasing organization to purchase orphan drugs when used for any indication other than treating the rare disease or condition for which the drug was designated under section 526 of the FFDCA, as these drugs are considered covered outpatient drugs. To the extent that free-standing cancer hospitals elect to purchase all orphan drugs outside of the 340B Program, covered entities are permitted to use a group purchasing organization for those purchases.

Identification of Orphan Drugs (§ 10.21(e))

Designations under section 526 of the FFDCA are the responsibility of and administered by the FDA. FDA publishes information pertaining to orphan drug designations pursuant to 21 CFR part 316. Manufacturers and covered entities seeking to determine whether a drug is designated under section 526 of the FFDCA and the indication for which it is designated shall rely on the FDA. This list can be accessed by the public at *http://www.accessdata.fda.gov/scripts/opdlisting/oopd/index.cfm.*

## III. Economic and Regulatory Impact

Executive Order 12866, as amended by Executive Orders 13258 and 13422, directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is

necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety, distributive, and equity effects). In addition, under the Regulatory Flexibility Act, if a rule has a significant economic effect on a substantial number of small entities, the Secretary must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule. Executive Order 12866, as amended by Executive Orders 13258 and 13422, requires that all regulations reflect consideration of alternatives, of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding an unnecessary burden. Regulations which are "significant" because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis.

Impact of the New Rule

Analysis of Impacts

HHS has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). HHS believes that this proposed rule is not a significant regulatory action under the Executive Order; however, the impact is difficult to fully estimate. HHS invites additional comments on the impact of the proposed rule from affected stakeholders.

The Regulatory Flexibility Act (RFA) requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. For purposes of the regulatory flexibility analysis, we consider all health care providers to be small entities either by virtue of meeting the SBA size standard for a small business, or for being a nonprofit organization that is not dominant in its market. The current SBA size standard for health care providers ranges from annual receipts of $7 million to $34.5 million. States and individuals are not considered small entities under the RFA. Because the proposed rule does not create or mandate any new reporting requirements and provides flexibility to entities to voluntarily purchase orphan drugs based on the entities' best interests, the Secretary certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing "any rule that includes any federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is $135 million, using the most current (2009) Implicit Price Deflator for the Gross Domestic Product. HHS does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

In accordance with Executive Order 12866, we analyzed the potential economic effects of the proposed rule. As stated above, we are unable to quantify the costs of the proposed rule and we are unable to quantify the benefits of the final rule. However, we expect the net benefits to exceed the costs of not promulgating a final rule, as explained below.

HHS has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have "federalism implications." This rule would not "have substantial direct effects on the states, or on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government."

The proposals made in this notice of proposed rulemaking, if implemented, would not adversely affect the following family elements: Family safety, family stability, marital commitment; parental rights in the education, nurture and supervision of their children; family functioning, disposable income or poverty; or the behavior and personal responsibility of youth, as determined under section 654(c) of the Treasury and General Government Appropriations Act of 1999.

*A. Costs of the Regulation*

1. Impact on Covered Entities

The proposed rule will not create any new requirements or costs upon the affected covered entities beyond those imposed by statute. The proposed rule will provide covered entities clarity on the meaning of 340B(e) and provide them flexibility in making their own business case in how to proceed. Under the rule as proposed, covered entities will have the choice to either purchase a drug with an orphan designation under the FFDCA outside of the 340B Program or purchase such drugs under the 340B Program while maintaining auditable records required under 340B(a)(5)(C) that show that such drugs are not used for an indication excluded under 340B(e). HHS is not able at this time to estimate the costs of showing compliance for those affected entities that choose to purchase orphan drugs under 340B. HHS does not currently mandate the method of demonstrating compliance and allows flexibility of covered entities to do so.

The proposed rule is expected to result in a net benefit to the affected covered entities, by establishing certainty as to the applicability of the exclusion and ensuring the option of continued access to orphan drugs when used for indications other than those for which the entity received a designation. HHS does not have sufficient information to make a comprehensive assessment. HHS has received anecdotal information suggesting that without this rule, the cost of purchasing orphan drugs for certain covered entities will increase substantially where those drugs are used for indications other than the rare disease for which they received an orphan drug designation. Some drugs with orphan drugs designation are used widely for common indications.

The total amount in reduced expenditures of drugs resulting from this rule depends on what the market would do absent this proposed regulation compared with the result from promulgating this rule in final as proposed. We have estimates that the orphan drug market as a whole for both inpatient and outpatient services is approximately $40 billion. In general, covered entity purchases under the entire 340B Program are estimated to make up less than 2 percent of the prescription drug market. The only covered entities impacted by this proposed rule are the entities listed in 340B(e) which make up a projected 10 percent of the total purchasing volume of all covered entities. The savings for entities purchasing under 340B varies considerably with savings as high as 50 percent. We estimate that the rule as proposed will help ensure access to the 340B ceiling price in 50 to 75 percent of sales where orphan drugs with a designation are used for an indication other than the rare disease or indication for which the orphan drug received its designation. Based upon these estimates, we project that the proposed rule may result in a $20 to $30 million reduction in the cost to acquire drugs by the affected covered entities. We have no data on the breakout of inpatient versus outpatient drug use. Thus, this cost reduction would be less if outpatient purchases by these covered

entities are significantly less than inpatient purchases (*e.g.,* if outpatient drugs are 50% of orphan drug purchases then the cost reduction may only be $10 to $15 million). We welcome additional information from stakeholders to improve the estimated impact of this rule.

While we are unable to provide a concrete estimate, we conclude that this rule will result in a net economic benefit to the affected covered entities. This conclusion is based upon the assumption that the rule as proposed will result in greater access to 340B pricing on orphan drugs than without the rule and on the grounds that the flexibility provided to covered entities will permit them to utilize the program only where there is a net economic benefit. Without a rule, we anticipate continued uncertainty and variability with a general tendency among many manufacturers to take a broad interpretation of the exclusion and minimize or eliminate savings to the covered entities.

2. Impact on Participating Manufacturers

The proposed rule creates no new reporting or record-keeping requirements for manufacturers that have a 340B Pharmaceutical Pricing Agreement with the Secretary. The proposed rule provides clarity to the meaning of section 340B(e) to assist manufacturers in complying with their statutory responsibilities. As noted above, by definition all 340B covered drugs have marketing approval for at least one indication. There are approximately 350 drugs that have been approved for rare diseases and conditions. Also from the FDA's Rare Disease Repurposing Database, there are another 100 orphan designated drugs that have not been approved for the rare disease but are approved for a common disease. There is relatively little quantitative data published on the orphan drug sector and the data published emphasizes approval for rare indications. Data currently publicly available from the FDA on orphan designated drugs tends to focus on approval for rare indications as opposed to common indications. Of those drugs, only those used for outpatients are eligible for purchase under 340B. The pharmaceutical manufacturers of these orphan designated drugs with at least one marketing approval will be affected by this rule.

The impact of this proposed rule is narrowed by the fact that the orphan drug exclusion only applies to a subset of newly-eligible rural hospitals and freestanding cancer hospitals which are expected to make up a small fraction of the total purchases of covered outpatient drugs through the 340B Program. The overall economic impact is therefore difficult to estimate. In general, having a drug subject to the 340B ceiling price provides a cost savings to the purchasing covered entities and, if the drug would have otherwise been purchased at higher cost, a loss of that additional revenue to the manufacturer. The impact of this rule would vary considerably from drug to drug depending on such factors as the level of utilization of drugs with orphan designations by the affected covered entities, the elasticity of demand by the affected patient population, and the availability and cost of alternative treatments. Such anticipated cost savings and revenue losses would not apply when orphan designated drugs are purchased for their designated rare uses. HRSA invites comments from manufacturers regarding orphan drugs and the expected impact of the orphan drug exclusion and this proposed rule.

3. Impact on Other Parties

HHS has concluded that the proposed rule will not have a significant impact on those third party firms that do business with covered entities and drug manufacturers. To the extent that third parties are indirectly affected, HHS estimates that this will result in lowered cost due to increased certainty in the marketplace and reduced likelihood of disputes as to whether a covered entity was properly charged, and decrease the number of disputes between wholesalers and manufacturers.

*B. Benefits of the Regulation*

HHS concludes that the regulation increases clarity for all stakeholders and flexibility for the affected covered entities in how to most efficiently comply with all statutory requirements. The proposed regulation will not create disincentive for manufacturers to pursue designations under section 526 of the FFDCA. It will maintain economic incentives for drugs used for rare diseases, and minimize the increases in health care costs that could result from a broader interpretation of 340B(e) than the one we are offering in the proposed rule.

*C. Initial Regulatory Flexibility Analysis*

The proposed regulation provides flexibility for the affected covered entities while supporting all statutory requirements and harmonizing with the objectives of encouraging development of drugs for treating rare diseases. A broader interpretation of section 340B(e) would reduce flexibility for covered entities and particular smaller covered entities and potentially undermine the addition of entities added to section 340B(a)(4) by the Affordable Care Act, by making it economically infeasible for the entities to participate.

Paperwork Reduction Act

The proposed rule contains information-collection activities for certain covered entities that voluntarily choose to purchase designated orphan drugs and that will be required to establish internal data systems to ensure compliance with the regulation. The information collection requirements will assist the covered entity in maintaining program integrity and compliance with the requirements in Section 340B of the PHSA. The information collection activities are based on data collection requirements approved by the Office of Management and Budget (OMB No. 0915–0176 and OMB No. 0915–0327). The proposed rule references statutory requirements to maintain auditable records sufficient to demonstrate program requirements. The currently approved information collection already includes burdens for certification of maintenance and compliance with statutory mandates of the 340B program and for recordkeeping and reporting requirements associated with potential audits.

As required by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3507(d)), a copy of this proposed rule is submitted to the Office of Management and Budget for its review of the collection of information. Comments concerning information collection requirements are being solicited to: (1) Evaluate whether the proposed information requirement is necessary for the proper performance of functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the Agency's estimate burden; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the information collection burden on the affected public, including automated collection techniques.

Dated: April 20, 2011.

**Mary Wakefield,**

*Administrator, Health Resources and Services Administration.*

Approved: May 16, 2011.

**Kathleen Sebelius,**

*Secretary.*

**List of Subjects in 42 CFR Part 10**

Biologics, Business and industry, Diseases, Drugs, Health, Health care, Health facilities, Hospitals, Orphan drugs, 340B Drug Pricing Program.

For the reasons stated in the preamble, the Department of Health and Human Services, Health Resources and Services Administration proposes to add a new part to 42 CFR part 10 to read as follows:

## PART 10—340B DRUG PRICING PROGRAM

### Subpart A—General Provisions

Sec.
10.1 Purpose.
10.2 Summary of 340B Drug Pricing Program.
10.3 Definitions.

### Subpart B—Eligibility To Purchase 340B Drugs

10.10 Entities eligible to participate in the 340B Drug Pricing Program.

### Subpart C—Drugs Eligible for Purchase Under 340B

10.20 Drugs eligible for purchase under 340B.
10.21 Exclusion of orphan drugs for certain covered entities.

**Authority:** Sec. 340B of the Public Health Service Act (42 U.S.C. 256b), as amended; Sec. 215 of the Public Health Service Act (42 U.S.C. 216), as amended; Sec. 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb); Sec. 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)).

## Subpart A—General Provisions

### § 10.1 Purpose.

This part implements section 340B of the Public Health Service Act (PHSA) "Limitation on Prices of Drugs Purchased by Covered Entities."

### § 10.2 Summary of 340B Drug Pricing Program.

Section 340B of the PHSA instructs the Secretary of Health and Human Services to enter into agreements with manufacturers of covered drugs under which the amount required to be paid to these manufacturers by certain statutorily-defined entities does not exceed the price paid for the drug under title XIX of the Social Security Act reduced by a rebate percentage. Manufacturers participating in the 340B Drug Pricing Program (340B Program) are required to provide these discounts on all covered outpatient drugs.

### § 10.3 Definitions.

*Ceiling price* means the maximum statutory price established under section 340B(a)(1) of the PHSA.

*Covered entity* means an entity that meets the requirements under section 340B(a)(5) of the PHSA and is listed within section 340B(a)(4) of the PHSA.

*Covered outpatient drug* has the same meaning set forth in section 1927(k) of the Social Security Act.

*Group purchasing organization* (GPO) is an entity that contracts with purchasers, such as hospitals, nursing homes, and home health agencies, to realize savings and efficiencies by aggregating purchasing volume and using that leverage to negotiate discounts with manufacturers, distributors, and other vendors.

*Manufacturer* has the same meaning as set forth in section 1927(k)(5) of the Social Security Act.

*Orphan drug* means a drug designated by the Secretary under section 526 of the Federal Food, Drug, and Cosmetic Act (FFDCA).

*Participating drug manufacturer* means a manufacturer that has entered into a Pharmaceutical Pricing Agreement with the Secretary.

*Pharmaceutical Pricing Agreement (PPA)* means an agreement described in section 340B(a)(1) of the PHSA.

*Section 340B* means section 340B of the PHSA.

## Subpart B—Eligibility to Purchase 340B Drugs

### § 10.10 Entities eligible to participate in the 340B Drug Pricing Program.

A covered entity means an entity that meets the requirements under section 340B(a)(5) of the PHSA and is listed within section 340B(a)(4) of the PHSA. Covered entities are eligible to purchase covered outpatient drugs under the 340B Program.

## Subpart C—Drugs Eligible for Purchase Under 340B

### § 10.20 Drugs eligible for purchase under 340B.

The definition of covered outpatient drug has the meaning given such terms in section 1927(k) of the Social Security Act except as provided in § 10.21 of this chapter.

### § 10.21 Exclusion of orphan drugs for certain covered entities.

(a) *General.* For the covered entities described in paragraph (b) of this section, a covered outpatient drug does not include orphan drugs that are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA. A covered outpatient drug includes orphan drugs when they are transferred, prescribed, sold, or otherwise used for any indication other than treating the rare disease or condition for which the drug was designated under section 526 of the FFDCA.

(b) *Covered entities to which the orphan drug exclusion applies.* The exclusion of orphan drugs from covered outpatient drugs described in paragraph (a) of this section shall only apply to covered entities qualifying under sections 340B(a)(4)(M) (other than a children's hospital described in subparagraph (M)) of the PHSA (free-standing cancer hospitals), 340B(a)(4)(N) of the PHSA (critical access hospitals), and 340B(a)(4)(O) of the PHSA (rural referral centers and sole community hospitals). The exclusion does not apply to those entities that meet the 340B Program eligibility requirements and are enrolled under sections 340B(a)(4)(A) through 340B(a)(4)(L) or to children's hospitals enrolled under section 340B(a)(4)(M) of the PHSA. Where safety-net organizations meet more than one eligibility criteria as covered entities that are eligible under sections 340B(a)(4)(L) through 340(a)(4)(O), these safety-net organizations shall be limited to participating in the 340B Program as only one covered entity type and shall abide by all applicable restrictions and requirements for that entity type.

(c) *Covered entity responsibility to maintain records of compliance.* The responsibility rests with the covered entities listed in paragraph (b) of this section to ensure that orphan drugs that are purchased through the 340B Program are not transferred, prescribed, sold, or otherwise used for the rare condition or disease for which orphan drugs are designated under section 526 of the FFDCA. The covered entities listed in paragraph (b) of this section that purchase orphan drugs under the 340B Program are required to maintain separate purchasing accounts and to provide auditable records upon the written request of the government or government-approved manufacturer audit request that directly pertain to the entity's compliance with this requirement. The covered entities listed in paragraph (b) of this section that cannot or do not wish to maintain auditable records sufficient to demonstrate compliance, must purchase all orphan drugs outside of the 340B Program. Covered entities are required to notify the Health Resources and Services Administration if they will be purchasing all designated orphan drugs outside the 340B Program.

(d) *Use of group purchasing organizations by free-standing cancer hospitals.* The covered entities remain responsible for complying with all other 340B requirements and applicable Federal, State, and local laws. Free-

standing cancer hospitals enrolled under section 340B(a)(4)(M) must comply with the prohibition against using a group purchasing organization under section 340B(a)(4)(L)(iii) of the PHSA for the purchase of any covered outpatient drug. If auditable records are maintained that demonstrate full compliance with orphan drug purchasing requirements, then free-standing cancer hospitals enrolled under 340B(a)(4)(M) are permitted to use a group purchasing organization to purchase orphan drugs when they are transferred, prescribed, sold, or otherwise used for the rare condition or disease for which that orphan drug was designated under section 526 of the FFDCA, as these drugs are not considered covered outpatient drugs. However, free-standing cancer hospitals enrolled under 340B(a)(4)(M) are prohibited from using a group purchasing organization to purchase orphan drugs when used for any indication other than treating the rare disease or condition for which the drug was designated under section 526 of the FFDCA, as these drugs are considered covered outpatient drugs. To the extent that free-standing cancer hospitals elect to purchase all orphan drugs outside of the 340B Program, covered entities are permitted to use a group purchasing organization for those purchases.

(e) *Identification of orphan drugs.* Designations under section 526 of the FFDCA are the responsibility of and administered by the FDA. FDA publishes information pertaining to orphan drug designations pursuant to 21 CFR part 316. Drug manufacturers and affected covered entities seeking to determine whether a drug is designated under section 526 of the FFDCA must consult FDA listings of orphan drugs under section 526.

[FR Doc. 2011–12423 Filed 5–19–11; 8:45 am]

**BILLING CODE 4165–15–P**

# Notices

Federal Register
Vol. 76, No. 98
Friday, May 20, 2011

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

### Forest Service

### Lawrence County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Lawrence County Resource Advisory Committee will meet in Spearfish, South Dakota. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The committee has received several formal project proposals and will be soliciting for additional projects. The purpose of the meeting is to review submitted projects and vote on project proposals to recommend for funding.

**DATES:** The meeting will be held May 9, 2011 at 5 p.m.

**ADDRESSES:** The meeting will be held at the Northern Hills Ranger District Office at 2014 N. Main. Written comments should be sent to Rhonda O'Byrne, 2014 N. Main, Spearfish, SD 57783. Comments may also be sent via e-mail to *rlobyrne@fs.fed.us,* or via facsimile to 605–642–4156.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Northern Hills Ranger District office. Visitors are encouraged to call ahead at 605–642–4622 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Rhonda O'Byrne, District Ranger, Northern Hills Ranger District, 605–642–4622.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. The following business will be conducted: Review proposed projects. If Committee members have enough information, they may choose to vote on project proposals submitted to the committee for Title II. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by Friday, May 6, 2011 will have the opportunity to address the Committee at those sessions.

Dated: April 25, 2011.

**Craig Bobzien,**

*Forest Supervisor.*

[FR Doc. 2011–12403 Filed 5–19–11; 8:45 am]

**BILLING CODE 3410–11–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Notice of Idaho Panhandle Resource Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 110–343) the Idaho Panhandle Resource Advisory Committee will meet Friday, June 17, 2011, at 9 a.m. in Coeur d'Alene, Idaho for a business meeting. The business meeting is open to the public.

**DATES:** June 17, 2011.

**ADDRESSES:** The meeting location is the Idaho Panhandle National Forests' Supervisor's Office, located at 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

**FOR FURTHER INFORMATION CONTACT:** Ranotta K. McNair, Forest Supervisor and Designated Federal Official, at (208) 765–7369.

**SUPPLEMENTARY INFORMATION:** The meeting agenda will focus on reviewing proposals for forest projects and recommending funding during the business meeting. The public forum begins at 11 a.m.

Dated: May 16, 2011.

**Ranotta K. Mcnair,**

*Forest Supervisor.*

[FR Doc. 2011–12407 Filed 5–19–11; 8:45 am]

**BILLING CODE 3410–11–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–405–803, A–421–811]**

### Purified Carboxymethylcellulose From Finland and the Netherlands: Continuation of Antidumping Duty Orders

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of the determinations by the Department of Commerce and the U.S. International Trade Commission that revocation of the antidumping duty orders on purified carboxymethylcellulose from Finland and the Netherlands would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department of Commerce is publishing a notice of continuation of these antidumping duty orders.

**DATES:** *Effective Date:* May 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dena Crossland or Angelica Mendoza, AD/CVD Operations Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; *telephone:* (202) 482–3362 and (202) 482–3019, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On July 11, 2005, the Department of Commerce (the Department) published the antidumping duty orders on purified carboxymethylcellulose (purified CMC) from Finland and the Netherlands. *See Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands and Sweden,* 70 FR 39734 (July 11, 2005). On June 2, 2010, the Department published a notice of initiation of its first five-year (sunset) reviews of the antidumping duty orders on purified CMC from Finland and the Netherlands. *See Initiation of Five-Year ("Sunset") Review,* 75 FR 30777 (June 2, 2010).

As a result of these sunset reviews, the Department determined that revocation of the antidumping duty orders on purified CMC from Finland and the Netherlands would likely lead to continuation or recurrence of dumping and, therefore, notified the U.S. International Trade Commission (ITC) of the magnitude of the margins likely to prevail should these orders be revoked. *See Purified Carboxymethylcellulose From Finland, the Netherlands, and Sweden: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders,* 75 FR 61700 (October 6, 2010) and accompanying Issues and Decision Memorandum.

On May 12, 2011, the ITC published its determination in the **Federal Register**, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), that revocation of the antidumping duty orders on purified CMC from Finland and the Netherlands would likely lead to a continuation or recurrence of material injury to an industry in the United Sates within a reasonably foreseeable time. *See Purified Carboxymethylcellulose From Finland, Mexico, Netherlands and Sweden,* 76 FR 27663 (May 12, 2011), and USITC Publication 4225 (May 2011), titled *Purified Carboxymethylcellulose from Finland, Mexico, Netherlands and Sweden* (Investigation Nos. 731–TA–1084–1087 (Review)).

**Scope of the Orders**

The merchandise covered by these orders is all purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations, which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent. The merchandise subject to the orders is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the orders is dispositive.

**Continuation of the Orders**

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on purified CMC from Finland and the Netherlands.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next sunset reviews of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: May 13, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011–12462 Filed 5–19–11; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–357–812]**

### Honey From Argentina: Final Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On January 14, 2011, the Department of Commerce (the Department) published its preliminary results of the 2008–2009 administrative review of the antidumping duty order on honey from Argentina. *See Honey From Argentina: Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 2655 (January 14, 2011) (*Preliminary Results*). This review covers three mandatory respondents, Compania Inversora Platense S.A., Patagonik S.A., and TransHoney S.A.; all three exporters of honey from Argentina to the United States during the period of review (POR) of December 1, 2008, to November 30, 2009. The final weighted-average dumping margins for the exporters are listed below in the "Final Results of Review" section of this notice.

**DATES:** *Effective Date:* May 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** David Cordell, Ericka Ukrow or Dena Crossland, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–0408, (202) 482–0405 or (202) 482–3362, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 14, 2011, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on honey from Argentina for the period December 1, 2008 to November 30, 2009. *See Preliminary Results.* We invited parties to comment on the *Preliminary Results*, and received comments from the mandatory respondents Compania Inversora Platense S.A. (CIPSA), Patagonik S.A. (Patagonik), and TransHoney S.A. (TransHoney). We did not receive any rebuttal comments and no hearing was requested.

As explained in the memorandum from the Deputy Assistant Secretary (DAS) for Import Administration, the Department exercised its discretion to toll Import Administration deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding were extended by seven days. Therefore, the revised deadline for the final results of this review became May 14, 2011.[1] *See* Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

**Period of Review**

The POR is December 1, 2008, through November 30, 2009.

**Scope of the Order**

The merchandise covered by the order is honey from Argentina. The products covered are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of

[1] We note that May 14, 2011, falls on a Saturday. Therefore, the deadline becomes the next business day, Monday, May 16, 2011. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form. The merchandise is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the *Harmonized Tariff Schedule of the United States* (*HTSUS*). Although the *HTSUS* subheadings are provided for convenience and Customs purposes, the Department's written description of the merchandise under this order is dispositive.

**Analysis of Comments Received**

All issues raised in the case briefs by parties to this administrative review are addressed in the accompanying Issues and Decision Memorandum (I&D Memo), which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the I&D Memo, is attached to this notice as an Appendix. In addition, a complete version of the I&D Memo can be accessed directly by the Internet at *http://ia.ita.doc.gov/frn.* The paper copy and electronic version of the I&D Memo are identical in content.

**Changes Since the Preliminary Results**

After considering Patagonik's supplemental cost response, which was submitted too close to the date of the *Preliminary Results* to be thoroughly analyzed and included in our preliminary cost analysis, the Department has made an adjustment to Patagonik's cost of production to properly account for its middleman costs. *See* Memorandum to Neal M. Halper, Director of Office of Accounting, "Cost of Production and Constructed Value Calculation Adjustments for the Final Results—Patagonik S.A.," dated May 16, 2011, and the Analysis Memorandum to the File through Angelica L. Mendoza, Program Manager, from David Cordell for Patagonik Regarding "Analysis Memorandum for the Final Results of the 2008–2009 Administrative Review of the Antidumping Duty Order on Honey from Argentina for Patagonik S.A." dated May 16, 2011, for further details.

**Final Results of Review**

We determine that the following dumping margins exist for the period December 1, 2008, through November 30, 2009:

| Exporter | Weighted-average margin (percentage) |
|---|---|
| Compania Inversora Platense S.A. | 0.00 |
| Patagonik S.A. and Azul Agronegocios S.A[2]. | 0.27 (*de minimis*) |
| TransHoney S.A. and Einsof Trade S.A[3]. | 0.00 |

**Assessment Rates**

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer (or customer)-specific assessment rate is *de minimis* (*i.e.,* less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its automatic assessment regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the POR produced by the company(ies) included in these final results of review for which the reviewed company(ies) did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, consistent with section 751(a)(1) of the Act: (1) For the companies covered by this review, no cash deposit will be required; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (LTFV) investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will continue to be 30.24 percent, which is the all-others rate established in the LTFV investigation. *See Notice of Antidumping Duty Order; Honey From Argentina,* 66 FR 63672 (December 10, 2001). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

**Reimbursement of Duties**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant

[2] Pursuant to section 771(33)(F) of the Tariff Act of 1930, as amended (the Act), the Department has determined that Patagonik and Azul are affiliated. *See Preliminary Results; see also* Memorandum to Richard Weible, "Antidumping Duty Administrative Review of Honey from Argentina: Analysis of the Relationship Between Patagonik S.A. (Patagonik) and Azul Agronegocios S.A. (Azul)," dated January 7, 2011.

[3] Pursuant to section 771(33)(F) of the Act, the Department has determined that TransHoney and Einsof are affiliated. *See Preliminary Results; see also* Memorandum to Richard Weible, "Antidumping Duty Administrative Review of Honey from Argentina: Analysis of the Relationship Between TransHoney S.A. (TransHoney) and Einsof Trade S.A. (Einsof)," dated January 7, 2011.

entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

**Administrative Protective Order**

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 16, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

**Appendix I**

*List of Comments in the Accompanying Issues and Decision Memorandum*

Comment 1: Treatment of Customer-Requested Testing Expenses.
Comment 2: Treatment of Blending of Honey Expenses.
Comment 3: Zeroing Methodology.

[FR Doc. 2011–12449 Filed 5–19–11; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–201–834, A–401–808]**

### Purified Carboxymethylcellulose From Mexico and Sweden: Revocation of Antidumping Duty Orders

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On June 2, 2010, the Department of Commerce initiated sunset reviews of the antidumping duty orders on purified carboxymethylcellulose from Mexico and Sweden. Pursuant to section 751(c) of the Tariff Act of 1930, as amended, the U.S. International Trade Commission determined that revocation of the existing antidumping duty orders on purified carboxymethylcellulose from Mexico and Sweden would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Therefore, pursuant to section 751(d)(2) of the Tariff Act of 1930, as amended, and 19 CFR 351.222(i)(1)(iii), the Department is revoking the antidumping duty orders on purified carboxymethylcellulose from Mexico and Sweden.

**DATES:** *Effective Date:* July 11, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dena Crossland or Angelica Mendoza, AD/CVD Operations Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–3362 and (202) 482–3019, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 11, 2005, the Department of Commerce (the Department) published the antidumping duty orders on purified carboxymethylcellulose (purified CMC) from Mexico and Sweden. *See Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands and Sweden,* 70 FR 39734 (July 11, 2005). On June 2, 2010, the Department initiated its five-year sunset reviews of the antidumping duty orders on purified CMC from Mexico and Sweden. *See Initiation of Five-Year ("Sunset") Review,* 75 FR 30777 (June 2, 2010).

As a result of these sunset reviews, the Department determined that revocation of the antidumping duty orders on purified CMC from Mexico and Sweden would be likely to lead to the continuation or recurrence of dumping. *See Purified Carboxymethylcellulose From Finland, the Netherlands, and Sweden: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders,* 75 FR 61700 (October 6, 2010), and *Purified Carboxymethylcellulose From Mexico: Final Results of the First Five-Year ("Sunset") Review of Antidumping Duty Order,* 76 FR 4865 (January 27, 2011). The Department notified the U.S. International Trade Commission (ITC) of the magnitude of the margins likely to prevail should the antidumping duty orders be revoked.

On May 12, 2011, the ITC published its determination that, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), revocation of the antidumping duty orders on purified CMC from Mexico and Sweden would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Purified Carboxymethylcellulose from Finland, Mexico, Netherlands and Sweden,* 76 FR 27663 (May 12, 2011), and USITC Publication 4225 (May 2011), titled *Purified Carboxymethylcellulose from Finland, Mexico, Netherlands and Sweden* (Investigation Nos. 731–TA–1084–1087 (Review)).

**Scope of the Orders**

The merchandise covered by the orders is all purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations, which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent. The merchandise subject to the orders is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the orders is dispositive.

**Determination**

As a result of the determination by the ITC that revocation of the antidumping duty orders is not likely to lead to the continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d) of the Act, is revoking the antidumping duty orders on purified CMC from Mexico and Sweden. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is July 11, 2010 (*i.e.,* the fifth anniversary of the publication in the **Federal Register** of the notice of these orders). The Department will notify U.S. Customs and Border Protection to terminate suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after July 11, 2010. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. The Department will complete any pending administrative reviews of these orders.

These five-year sunset reviews and notice are in accordance with section 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: May 13, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011–12461 Filed 5–19–11; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Visiting Committee on Advanced Technology

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet Tuesday, June 7, 2011, from 8:30 a.m. to 5 p.m. and Wednesday, June 8, 2011, from 8:30 a.m. to 12 p.m. The Visiting Committee on Advanced Technology is composed of fifteen members appointed by the Director of NIST who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

**DATES:** The VCAT will meet on Tuesday, June 7, 2011, from 8:30 a.m. to 5 p.m. and Wednesday, June 8, 2011, from 8:30 a.m. to 12 p.m.

**ADDRESSES:** The meeting will be held in the Portrait Room, Administration Building, at NIST, Gaithersburg, Maryland. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Shaw, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, Maryland 20899–1060, telephone number (301) 975–2667. Ms. Shaw's e-mail address is *Stephanie.shaw@nist.gov.*

**SUPPLEMENTARY INFORMATION:**

**Authority:** 15 U.S.C. 278.

The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The first day's agenda will include an update on NIST; an update on the Baldrige Performance Excellence Program and proposed changes; a progress report on the National Science and Technology Council's Subcommittee on Standards; and presentations and discussions on the NIST roles in manufacturing and in the President's Wireless Innovation Initiative. A VCAT Subcommittee on Manufacturing and a VCAT Subcommittee on Public Safety Networks will meet concurrently in open session at the end of the day. The VCAT subcommittees will reconvene on the second day, followed by the full Committee's wrap-up discussion and plans for future VCAT subcommittee activities. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.htm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On June 7, 2011, approximately one-half hour will be reserved in the afternoon for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.htm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the VCAT, National Institute of Standards and Technology, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland 20899, via fax at (301) 216–0529 or electronically by e-mail to *gail.ehrlich@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, e-mail address and phone number to Stephanie Shaw by close of business Thursday, June 2, 2011. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Ms. Shaw's e-mail address is *stephanie.shaw@nist.gov* and her phone number is (301) 975–2667.

Dated: May 13, 2011.

**Charles H. Romine,**

*Acting Associate Director for Laboratory Programs.*

[FR Doc. 2011–12453 Filed 5–19–11; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### National Strategy for Trusted Identities in Cyberspace (NSTIC) Governance Workshop

**AGENCY:** National Institute of Standards & Technology (NIST), Commerce.

**ACTION:** Notice of public workshop.

**SUMMARY:** NIST announces the National Strategy for Trusted Identities in Cyberspace (NSTIC) Governance Workshop to be held on Thursday, June 9, 2011, 9 a.m. until 5 p.m. and Friday, June 10, 2011, 9 a.m. until 5 p.m. This workshop will identify and discuss various governance models to administer the process for policy and standards adoption for the Identity Ecosystem Framework in accordance with the Strategy. The goals of this workshop are to provide a venue for discussion and additional clarity on the forthcoming Notice of Inquiry (NOI) on models for a governance structure for the NSTIC Identity Ecosystem, including an overview of key issues pertaining to structure, stakeholder representation, steering group initiation, and priorities. Additional workshops will be announced in the **Federal Register**.

**DATES:** The National Strategy for Trusted Identities in Cyberspace (NSTIC) Governance Workshop will be held Thursday, June 9, 2011, 9 a.m. until 5 p.m. and Friday, June 10, 2011, 9 a.m. until 5 p.m. Attendees must register by 5 p.m. E.d.t. on June 3, 2011.

**ADDRESSES:** The event will be held at the Grand Hyatt Washington, 1000 H St., NW., Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Annie Sokol by e-mail at *annie.sokol@nist.gov* or by phone at (301) 975–2006. *To register, go to: http://www.nist.gov/itl/nstic-workshop-june2011.cfm.* Additional workshop details will be available at *http://www.nist.gov/nstic/.*

**SUPPLEMENTARY INFORMATION:** NIST plans to host several NSTIC workshops. The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops will be posted on the Internet as information becomes

available at: (*http://www.nist.gov/nstic/*).

NIST plans to publish a Notice of Inquiry (NOI) that will seek public comment from all stakeholders, including commercial, academic and civil society sectors, on potential models, key assumptions, and recommendations for structuring a private sector-led steering group for the NSTIC Identity Ecosystem.

The purpose of the first NSTIC Workshop, on June 9 and 10, 2011, is to provide further clarity on the upcoming NOI and to offer opportunities to meet with stakeholders and to gather feedback. Discussions and breakout meetings relating to structure, stakeholder representation, steering group initiation, and priorities of the steering group will be held.

Anyone wishing to attend this meeting must register at *https://www.fbcinc.com/nist_NSTIC/atreg1.aspx* by 5 p.m. E.d.t. on June 3, 2011, in order to attend.

The NSTIC is available at *http://www.whitehouse.gov/sites/default/files/rss_viewer/NSTICstrategy_041511.pdf*. The NIST Web site for NSTIC and its implementation is available at *http://www.nist.gov/nstic*.

Dated: May 17, 2011.

**Michael D. Herman,**

*Executive Officer for Administration.*

[FR Doc. 2011–12451 Filed 5–19–11; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XA402**

### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from the Monterey Bay National Marine Sanctuary (MBNMS or sanctuary) for an incidental harassment authorization (IHA) to take small numbers of marine mammals incidental to permitting professional fireworks displays within the sanctuary in California waters. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to MBNMS to take, by Level B harassment only, two species of marine mammals during the specified activity.

**DATES:** Comments and information must be received no later than June 20, 2011.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. The mailbox address for providing e-mail comments is *ITP.Laws@noaa.gov*. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 713–2289.

**SUPPLEMENTARY INFORMATION:**

#### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is published in the **Federal Register** to provide public notice and initiate a 30-day comment period.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "* * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by Level B harassment as defined below. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization. If authorized, the IHA would be effective for one year from the date of issuance.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

> Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

#### Summary of Request

On April 28, 2011, NMFS received an application from the MBNMS requesting an IHA under section 101(a)(5)(D) of the MMPA for the potential harassment of California sea lions (*Zalophus californianus*) and harbor seals (*Phoca vitulina*) incidental to coastal fireworks displays conducted at MBNMS under permits issued by MBNMS. This would effectively constitute a renewed authorization; NMFS first issued an IHA to MBNMS on July 4, 2005 (70 FR 39235; July 7, 2005), and subsequently issued five-year regulations governing the annual issuance of Letters of Authorization under section 101 (a)(5)(A) of the MMPA (71 FR 40928;

July 19, 2006). Those regulations expire on July 3, 2011.

The MBNMS adjoins 276 mi (444 km), or approximately 25 percent, of the central California coastline, and encompasses ocean waters from mean high tide to an average of 25 mi (40 km) offshore between Rocky Point in Marin County and Cambria in San Luis Obispo County. Fireworks displays have been conducted over current MBNMS waters for many years as part of national and community celebrations (*e.g.,* Independence Day, municipal anniversaries), and to foster public use and enjoyment of the marine environment. In central California, marine venues are the preferred setting for fireworks in order to optimize public access and avoid the fire hazard associated with terrestrial display sites. Many fireworks displays occur at the height of the dry season in central California, when area vegetation is particularly prone to ignition from sparks or embers.

In 1992, the MBNMS was the first national marine sanctuary (NMS) to be designated along urban shorelines and therefore has addressed many regulatory issues previously not encountered by the NMS program. Authorization of professional firework displays has required a steady refinement of policies and procedures related to this activity. Fireworks displays, and the attendant increase in human activity, are known to result in the behavioral disturbance of pinnipeds, typically in the form of temporary abandonment of haul-outs. As a result, pinnipeds hauled out in the vicinity of permitted fireworks displays may exhibit behavioral responses that indicate incidental take by Level B harassment under the MMPA. Numbers of California sea lions and harbor seals, the species that may be subject to harassment, have been recorded extensively at four regions where fireworks displays are permitted in MBNMS. Based on these data and MBNMS's estimated maximum number of fireworks displays, MBNMS is requesting authorization to incidentally harass up to 6,170 California sea lions and 1,065 harbor seals during the one-year time span of the proposed IHA, from July 4, 2011 to July 3, 2012.

**Description of the Specified Activity**

Since 1993, the MBNMS, a component of NOAA's Office of National Marine Sanctuaries, has processed requests for the professional display of fireworks that affect the Sanctuary. The MBNMS has determined that debris fallout (*i.e.,* spent pyrotechnic materials) from fireworks events may constitute a discharge into the sanctuary and thus violate sanctuary regulations, unless a permit is issued by the superintendent. Therefore, sponsors of fireworks displays conducted in the MBNMS are required to obtain sanctuary authorization prior to conducting such displays (see 15 CFR 922.132).

Professional pyrotechnic devices used in fireworks displays can be grouped into three general categories: aerial shells (paper and cardboard spheres or cylinders ranging from 2–12 in (5–30 cm) in diameter and filled with incendiary materials), low-level comet and multi-shot devices similar to over-the-counter fireworks (*e.g.,* roman candles), and ground-mounted set piece displays that are mostly static in nature.

Aerial shells are launched from tubes (*i.e.,* mortars), using black powder charges, to altitudes of 200 to 1,000 ft (61 to 305 m) where they explode and ignite internal burst charges and incendiary chemicals. Most of the incendiary elements and shell casings burn up in the atmosphere; however, portions of the casings and some internal structural components and chemical residue may fall back to the ground or water, depending on prevailing winds. An aerial shell casing is constructed of paper/cardboard or plastic and may include some plastic or paper internal components used to compartmentalize chemicals within the shell. Within the shell casing is a burst charge (usually black powder) and a recipe of various chemical pellets (*i.e.,* stars) that emit colored light when ignited. Chemicals commonly used in the manufacturing of pyrotechnic devices include: potassium chlorate, potassium perchlorate, potassium nitrate, sodium benzoate, sodium oxalate, ammonium, perchlorate, strontium nitrate, strontium carbonate, sulfur, charcoal, copper oxide, polyvinyl chloride, iron, titanium, shellac, dextrine, phenolic resin, and aluminum. Manufacturers consider the amount and composition of chemicals within a given shell to be proprietary information and only release aggregate descriptions of internal shell components. The arrangement and packing of stars and burst charges within the shell determine the type of effect produced upon detonation.

Attached to the bottom of an aerial shell is a lift charge of black powder. The lift charge and shell are placed at the bottom of a mortar that has been buried in earth/sand or affixed to a wooden rack. After a fuse attached to the lift charge is ignited with an electric charge or heat source, the lift charge explodes and propels the shell through the mortar tube and into the air to a height determined by the amount of powder in the lift charge and the weight of the shell. As the shell travels skyward, a time-delay secondary fuse ignites the burst charge within the shell at peak altitude. The burst charge then detonates, igniting and scattering the stars, which may, in turn, produce small secondary explosions. Shells can be launched one at a time or in a barrage of simultaneous or quick succession launches. They are designed to detonate between 200 and 1,000 ft (61 to 305) above ground level (AGL).

In addition to color shells (also known as designer or starburst shells), a typical fireworks show will usually include a number of aerial 'salute' shells. The primary purpose of salute shells is to signify the beginning and end of the show and produce a loud percussive audible effect. These shells are typically 2–3 in (5–7 cm) in diameter and packed with black powder to produce a punctuated explosive burst at high altitude. From a distance, these shells sound similar to cannon fire when detonated.

Low-level devices consist of stars packed linearly within a tube which, when ignited, exit the tube in succession producing a fountain effect of single or multi-colored light as the stars incinerate during the course of their flight. Typically, the stars burn rather than explode, thus producing a ball or trail of sparkling light to a prescribed altitude where they extinguish. Sometimes they may terminate with a small explosion similar to a firecracker. Other low-level devices emit a projected hail of colored sparks or perform erratic low-level flight while emitting a high-pitched whistle, or emit a pulsing light pattern or crackling or popping sound effects. In general, low-level launch devices and encasements remain on the ground or attached to a fixed structure and can be removed upon completion of the display. Common low-level devices are multi-shot devices, mines, comets, meteors, candles, strobe pots and gerbs. They are designed to produce effects between 0 and 200 ft (61 m) AGL.

Set piece or ground level fireworks are primarily static in nature and remain close to the ground. They are usually attached to a framework that may be crafted in the design of a logo or familiar shape, illuminated by pyrotechnic devices such as flares, sparklers and strobes. These fireworks typically employ bright flares and sparkling effects that may also emit limited sound effects such as cracking, popping, or whistling. Set pieces are usually used in concert with low-level effects or an aerial show and sometimes act as a

centerpiece for the display. They may have some moving parts, but typically do not launch devices into the air. Set piece displays are designed to produce effects between 0 and 50 ft (15 m) AGL.

Each display is unique, according to the type and number of shells, the pace and length of the show, the acoustic characteristics of the display site, and the weather and time of day. The vast majority (97 percent) of fireworks displays authorized in the Sanctuary between 1993 and 2005 were aerial displays that usually included simultaneous low-level displays, and this trend has continued. An average large display may last twenty minutes and include approximately 700 aerial shells and 750 low-level effects. An average smaller display may last approximately seven minutes and include 300 aerial shells and 550 low-level effects. Recent displays have shown a declining trend in the total number of shells used in aerial displays, likely due to increasing shell costs and/or fixed entertainment budgets. Low-level displays sometimes compensate for the absence of an aerial show by squeezing a larger number of effects into a shorter timeframe. This results in a dramatic and rapid burst of light and sound effects at low level. A large low-level display may expend 4,900 effects within a seven-minute period, and a small display will use an average of 1,800 effects within the same timeframe. Some fireworks displays are synchronized with musical broadcasts over loudspeakers and may incorporate other non-pyrotechnic sound and visual effects.

The MBNMS has issued 87 permits for professional fireworks displays since 1993. However, the MBNMS staff projects that as many as 20 coastal displays per year may be conducted in, or adjacent to, MBNMS boundaries in the future. Thus, the number of displays will be limited to not more than 20 events per year in four specific areas along 276 mi (444 km) of coastline. Fireworks displays will not exceed 30 minutes (with the exception of up to two displays per year, each not to exceed 1 hour) in duration and will occur with an average frequency of less than or equal to once every two months within each of the four prescribed display areas. NMFS believes—and extensive monitoring data indicates—that incidental take resulting from fireworks displays will be, at most, the short-term flushing and evacuation of non-breeding haul-out sites by California sea lions and harbor seals.

A more detailed description of the fireworks displays permitted by MBNMS may be found in MBNMS' application, in MBNMS' Assessment of Pyrotechnic Displays and Impacts within the MBNMS 1993–2001 (2001), or in the report of Marine Mammal Acoustic and Behavioral Monitoring for the MBNMS Fireworks Display, 4 July 2007 (2007), which are available at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

**Description of Fireworks Display Areas**

The Monterey Bay area is located in the Oregonian province subdivision of the Eastern Pacific Boreal Region. The six types of habitats found in the bay area are: (1) Submarine canyon habitat, (2) nearshore sublittoral habitat, (3) rocky intertidal habitat, (4) sandy beach intertidal habitat, (5) kelp forest habitat, and (6) estuarine/slough habitat. Monterey Bay supports a wide array of temperate cold-water species with occasional influxes of warm-water species, and this species diversity is directly related to the diversity of habitats.

Pyrotechnic displays within the sanctuary are conducted from a variety of coastal launch sites (*e.g.,* beaches, bluff tops, piers, offshore barges, golf courses). Permitted fireworks displays will be confined to only four general prescribed areas (with seven total sub-sites) within the sanctuary, while displays along the remaining 95 percent of sanctuary coastal waters will be prohibited. These sites were approved for fireworks events based on their proximity to urban areas and pre-existing high human use patterns, seasonal considerations such as the abundance and distribution of marine wildlife, and the acclimation of wildlife to human activities and elevated ambient noise levels in the area.

The four conditional display areas are located, from north to south, at Half Moon Bay, the Santa Cruz/Soquel area, the northeastern Monterey Peninsula, and Cambria (Santa Rosa Creek) (see Maps A–J in MBNMS' application). The number of displays will be limited to not more than 20 total events per year within these four specific areas combined, along the whole 276 mi (444 km) of coastline.

*Half Moon Bay*

This site, at Pillar Point Harbor, is typically used annually for a 20-minute, medium-sized Independence Day fireworks display on July 4. The launch site is on a sandy beach inside and adjacent to the east outer breakwater, upon which the aerial shells are launched and aimed to the southwest.

The harbor immediately adjacent to the impact area is home to a major commercial fishing fleet that operates at all times. The harbor also supports a considerable volume of recreational boat traffic. Half Moon Bay Airport is located adjacent to the harbor and approach and departure routes pass directly over the acute impact area. The airport is commonly used by general aviation pilots for training, with an annual average attendance of approximately fifteen flights per day. On weekends, with good weather, the airport may accommodate as many as fifty flights per day. Beachgoers and water sports enthusiasts use the beaches to the south of the launch site. The impact area is also used by recreational fishermen, surfers, swimmers, boaters, and personal watercraft operators. To the north, around Pillar Point, is an area known as 'Mavericks', considered a world-class surfing destination. Surfing contests are held periodically at Mavericks. The impact area is also subjected to daily traffic noise from California Highway 1, which runs along the coast and is the primary travel route through the area.

Concentrations of harbor seals are present to the north around Pillar Point and on the coast to the south of the launch site. It is possible that individual elephant seals (*Mirounga angustirostris*) may enter the area from breeding sites at Año Nuevo Island and the Farallon Islands, but breeding occurs in the winter and displays in Half Moon Bay are limited to summer. Gray whales (*Eschrichtius robustus*) typically migrate west of the reefs extending south from Pillar Point.

*Santa Cruz/Soquel*

Three separate fireworks display sites (Santa Cruz, Capitola, and Aptos, from west to east) are located within the Santa Cruz/Soquel area. The Santa Cruz launch site is typically used annually for City of Santa Cruz anniversary fireworks displays in early October. The launch site is on a sandy beach, adjacent to the Santa Cruz boardwalk and the San Lorenzo River and along the west bank. The aerial shells are aimed to the south.

The harbor immediately adjacent to the Santa Cruz impact area is home to a commercial fishing fleet that operates at all times. The harbor also supports a large volume of recreational boater traffic. The launch site is in the center of the shoreline of a major urban coastal city. The beaches to the west of the launch site are adjacent to a large coastal amusement park complex and are used extensively by beachgoers and water sport enthusiasts from the local area as well as San Jose and San Francisco. The impact area is used by boaters, recreational fishermen,

swimmers, surfers, and other recreational users. Immediately southwest of the launch site is a mooring field and the Santa Cruz Municipal Pier which is lined with retail shops, restaurants, and offices. To the west of the pier is a popular local surfing destination known as 'Steamer Lane'. Surfing contests are routinely held at the site. During the period from sunset through the duration of the fireworks display, 40–70 vessels may anchor within the acute impact area to view the fireworks, with vessels moving throughout the waters south of the launch site to take up position. In addition, U.S. Coast Guard (USCG) and harbor patrol vessels motor through the impact area to maintain a safety zone around the launch site.

The Capitola launch site has been used once since 1993 for a 50-year City of Capitola anniversary fireworks display, on May 23, 1999. This display was one of the largest volume fireworks displays conducted in the MBNMS, incorporating 1,700 aerial shells and 1,800 low-level effects and lasting 25 minutes. The launch site was on the Capitola Municipal Pier, adjacent to the City of Capitola. The aerial shells were aimed above the pier.

The Capitola impact area is immediately adjacent to a small urban community. The beaches to the east and west of the launch site are used daily by beachgoers and water sport enthusiasts from the regional area. The impact area is used by boaters, recreational fishermen, swimmers, surfers, and other recreational users. To the east of the pier is a mooring field and popular public beach.

The Aptos site is typically used annually for a large fundraiser, conducted by the Monte Foundation, for Aptos area schools in October. The launch site is on the Aptos Pier and part of a grounded historical cement vessel at Seacliff State Beach. The aerial shells are aimed above and to the south of the pier. The large aerial show typically lasts for approximately 20 minutes.

The Aptos impact area is immediately adjacent to a recreational beach. The beaches to the east and west of the launch site are used daily by beachgoers and water sport enthusiasts from the regional area. The impact area is used by boaters, recreational fishermen, swimmers, surfers, and other recreational users, but typically at moderate to light levels of activity. To the east and west of the pier are public use beach areas and private homes at the top of steep coastal bluffs. During the period from sunset through the duration of the fireworks display, 30–40 vessels anchor within the acute impact area to view the fireworks, typically traveling throughout the waters seaward of the cement vessel to take up position. In addition, USCG and State Park Lifeguard vessels motor through the impact area to maintain a safety zone around the launch site.

California sea lions routinely use the Santa Cruz Municipal Pier as a haul-out and resting site. Gray whales typically migrate along a southerly course, west of Point Santa Cruz and away from the pier. At the seaward end of the Aptos Pier is a 400 ft (122 m) grounded cement vessel, which was purposefully set in position as an extension of the pier, but has since been restricted to public access. The exposed interior decks of the barge have created convenient haul-out surfaces for harbor seals. In a 2000 survey, the MBNMS recorded as many as 45 harbor seals hauled out on the barge in the month of October.

*Monterey Peninsula*

Two separate fireworks display sites (City of Monterey and Pacific Grove) are located within the Monterey Peninsula area. For Independence Day, the City of Monterey typically launches approximately 750 shells and an equal number of low-level effects from a barge anchored approximately 1,000 ft (305 m) east of Municipal Wharf II and 1,000 feet (305 meter) north of Del Monte Beach. The aerial shells are aimed above and to the northeast. The City's display typically lasts approximately 20 minutes and is accompanied by music broadcasted from speakers on Wharf II. A Monterey New Year's festival has at times used the City's launch barge for an annual fireworks display. This medium-size aerial display typically lasts approximately 8 minutes, when it occurs. In addition, several private displays have been authorized from a launch site on Del Monte Beach, including an aerial display and low-level displays, lasting approximately 7 minutes.

The Monterey fireworks impact area lies directly under the approach/departure flight path for Monterey Peninsula Airport and is commonly exposed to noise and exhaust from general aviation, commercial, and military aircraft at approximately 500 ft (152 m) altitude. The airport supports approximately 280 landings/takeoffs per day in addition to touch-and-goes (landing and takeoff training). Commercial and recreational vessels operate at all hours from the adjacent harbor. A thirty-station mooring field lies within the acute impact area between the launch barge and Municipal Wharf II. The moorings are usually completely occupied during the annual fireworks event. Auto traffic and emergency vehicles are audible from Lighthouse and Del Monte Avenues, main transportation arteries along the adjacent shoreline. The impact area is heavily utilized by recreational users and harbor operations. During the period from sunset through the duration of the fireworks display, 20–30 vessels anchor within the acute impact area to view the fireworks, with vessels transiting through the waters south of the launch site to take up position. In addition, USCG and harbor patrol vessels motor through the impact area to maintain a safety zone around the launch site.

The Pacific Grove site is typically used for an annual 'Feast of Lanterns' fireworks display in late July. The Feast of Lanterns is a community event that has been celebrated in the City of Pacific Grove for over 100 years. The fireworks launch site is at the top of a rocky coastal bluff adjacent to an urban recreation trail and public road. The aerial shells are aimed to the northeast. The small aerial display typically lasts approximately twenty minutes and is accompanied by music broadcasted from speakers at Lover's Cove. The fireworks are part of a traditional outdoor play that concludes the festival.

The Pacific Grove launch site is in the center of an urban shoreline, adjacent to a primary public beach in Pacific Grove. The shoreline to the east and west of the launch site is lined with residences and a public road and pedestrian trail. The impact area is used heavily by boaters and other recreational users. The center of the impact area is in a cove with 30–40 ft (9–12 m) coastal bluffs. Immediately north of the launch site is a popular day use beach area. At peak usage, the beach may support up to 500 visitors at any given time. Surfing activity is common immediately north of the site. During the period from sunset through the duration of the fireworks display, 10–20 vessels anchor within the acute impact area to view the fireworks. A USCG vessel motors through the impact area to maintain a safety zone seaward of the launch site.

The largest concentration of marine mammals near the Monterey impact area are California sea lions resting at the Monterey breakwater approximately 700 yd (640 m) northwest of the center of the impact area. Harbor seals routinely use offshore rocks and wash rocks for haul-outs and also forage in the area.

*Cambria*

The site is typically used annually for a 20-minute, small Independence Day fireworks display on July 4. The launch

site is on a sandy beach at Shamel County Park, and the aerial shells are aimed to the west. Immediately north of the launch site is the mouth of Santa Rosa Creek and Lagoon. The impact area is immediately adjacent to a county park and recreational beach. The impact area is used by boaters, recreational fishermen, swimmers, surfers, and beachgoers. The shoreline south of the launch site is lined with hotels, abuts a residential neighborhood, and is part of San Simeon State Beach.

Low concentrations of harbor seals are typically present in the impact area. California sea lions are present in the impact area in moderate numbers. It is possible that individual elephant seals may enter the area from breeding sites to the north at Point Piedras Blancas, but breeding occurs in the winter and displays at Cambria are limited to the summer. Gray whales migrate along the coast in this area and may pass through the acute impact area, but displays typically occur outside of peak gray whale migration period.

**Description of Marine Mammals in the Area of the Specified Activity**

Twenty-six species of marine mammals are known from the Monterey Bay area. Only six of these species, however, are likely to be present in the acute impact area (the area where sound, light, and debris effects may have direct impacts on marine organisms and habitats) during a fireworks display. These species include the California sea lion, harbor seal, southern sea otter (*Enhydra lutris*), bottlenose dolphin (*Tursiops truncatus*), harbor porpoise (*Phocoena phocoena*), and gray whale. The northern elephant seal is rarely seen in the area.

Though the three aforementioned cetaceans are known to frequent nearshore areas within the sanctuary, they have never been reported in the vicinity of a fireworks display, nor have there been any reports to the MBNMS of stranding events or of injured/dead animals discovered after any display. Because sound attenuates rapidly across the air-water interface, these animals would likely not encounter the effects of fireworks except when surfacing for air. NMFS does not anticipate any take of cetaceans and they are not addressed further in this document.

Past sanctuary observations have not detected any disturbance to sea otters as a result of the fireworks displays; however, past observations have not included specific surveys for this species. Sea otters do frequent all general display areas. Sea otters and other species may temporarily depart the area prior to the beginning of the fireworks display due to increased human activities. Some sea otters in Monterey harbor have become well acclimated to very intense human activity, often continuing to feed undisturbed as boats pass simultaneously on either side and within 20 ft (6 m) of the otters. It is therefore possible that select individual otters may have a higher tolerance level than others to fireworks displays. Otters in residence within the Monterey harbor display a greater tolerance for intensive human activity than their counterparts in more remote locations. However, otters are not under NMFS' jurisdiction. The MBNMS consulted with the U.S. Fish and Wildlife Service (USFWS) pursuant to section 7 of the Endangered Species Act (ESA) regarding effects on southern sea otters. The USFWS concluded in a biological opinion that takes of sea otters are not likely.

The northern elephant seal is seen so infrequently in the areas with fireworks displays that they are not likely to be impacted by fireworks displays. Therefore, the only species likely to be harassed by the fireworks displays are the California sea lion and the harbor seal. Information relevant to the distribution, abundance and behavior of the species that are most likely to be impacted by fireworks displays within the MBNMS is provided below.

*California Sea Lion*

The population of California sea lions ranges from southern Mexico to southwestern Canada (Carretta *et al.* 2007). In the United States, pupping typically occurs in late May to June. Most individuals of this species breed during July on the Channel Islands off southern California (100 mi (161 km) south of the MBNMS) and off Baja and mainland Mexico (Odell 1981), although a few pups have been born on Año Nuevo Island (Keith *et al.* 1984). Following the breeding season on the Channel Islands, most adult and sub-adult males migrate northward to central and northern California and to the Pacific Northwest, while most females and young animals either remain on or near the breeding grounds throughout the year or move southward or northward, as far as Monterey Bay.

Since nearing extinction in the early 1900s, the California sea lion population has increased and is now robust and growing at a current rate of 5.6 to 6.5 percent per year (based on pup counts) with an estimated minimum population of 141,842 animals. The total population level is estimated at 238,000 animals. The population is not listed as endangered or threatened under the ESA, nor is this a depleted or strategic stock under the MMPA.

In any season, California sea lions are the most abundant pinniped in the area (Bonnell *et al.* 1983), primarily using the central California area to feed during the non-breeding season. After breeding farther south along the coast and migrating northward, populations peak in the Monterey Bay area in fall and winter and are at their lowest numbers in spring and early summer. A minimum of 12,000 California sea lions are probably present at any given time in the MBNMS region. Año Nuevo Island is the largest single haul-out site in the sanctuary, hosting as many as 9,000 California sea lions at times (Weise 2000; Lowry 2001).

*Pacific Harbor Seals*

Harbor seals are distributed throughout the west coast of the United States, inhabiting near-shore coastal and estuarine areas from Baja California, Mexico, to the Pribilof Islands in Alaska. They generally do not migrate, but have been known to travel extensive distances to find food or suitable breeding areas (Carretta *et al.* 2006). In California, approximately 400–600 harbor seal haul-out sites are widely distributed along the mainland and on offshore islands (Carretta *et al.* 2006).

The harbor seal population in California is healthy and growing at a current rate of 3.5 percent per year with an estimated minimum population of 31,600 animals (Carretta *et al.* 2006). The total California population is estimated at 34,233 animals. The population is not listed as endangered or threatened under the ESA, nor is this a depleted or a strategic stock under the MMPA.

Harbor seals are residents in the MBNMS throughout the year, occurring mainly near the coast. They haul out at dozens of sites along the coast from Point Sur to Año Nuevo. Within MBNMS, tagged harbor seals have been documented to move substantial distances (10–20 km (3.9–7.8 mi)) to foraging areas each night (Oxman 1995; Trumble 1995). The species does breed in the sanctuary; pupping within the sanctuary occurs primarily during March and April followed by a molt during May and June. Peak abundance on land within the sanctuary is reached in late spring and early summer when they haul out to breed, give birth to pups, and molt (MBNMS FEIS 1992).

**Potential Effects of the Specified Activity on Marine Mammals**

*Physiological Effects*

Temporary (auditory) threshold shift (TTS) is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter 1985). When an animal experiences TTS, its hearing threshold rises and a sound must be stronger in order to be heard. TTS can last from minutes or hours to (in cases of strong TTS) days. Richardson *et al.* (1995) noted that the magnitude of TTS depends on the level and duration of noise exposure, among other considerations. For sound exposures at or somewhat above the TTS threshold, hearing sensitivity recovers rapidly after exposure to the noise ends.

Permanent (auditory) threshold shift (PTS) occurs when there is physical damage to the sound receptors in the ear. In some cases there can be total or partial deafness, while in other cases the animal has an impaired ability to hear sounds in specific frequency ranges. Although there is no specific evidence that exposure to fireworks can cause PTS in any marine mammals, physical damage to a mammal's ears can potentially occur if it is exposed to sound impulses that have very high peak pressures, especially if they have very short rise times (time required for sound pulse to reach peak pressure from the baseline pressure). Such damage can result in a permanent decrease in functional sensitivity of the hearing system at some or all frequencies.

Temporary or permanent hearing impairment is a possibility when marine mammals are exposed to very strong sounds, but there has been no specific documentation of this for marine mammals exposed to fireworks. Some factors that contribute to onset of PTS are as follows: (1) Exposure to single very intense noises, (2) repetitive exposure to intense sounds that individually cause TTS but not PTS, and (3) recurrent ear infections or (in captive animals) exposure to certain drugs.

Based on current information, NMFS takes a precautionary approach in using an exposure threshold of 190 dB re 1 µPa (rms) for onset of Level A harassment (injury) for pinnipeds under water (NMFS 2000). This level would approximately equal an A-weighted airborne sound intensity level of 128 dB re 20 µPa. Precise exposure thresholds for airborne sounds have not been determined; however, monitoring of marine mammal reactions to rocket launches at Vandenberg Air Force Base (VAFB) has indicated that behavioral harassment may occur for harbor seals at received levels of 90 dB re 20 µPa, while similar reactions may occur at levels of 100 dB re 20 µPa for other pinniped species. In those studies, not all harbor seals left a haul-out during a launch unless the Sound Exposure Level (SEL) was 100 dB or above (which, in the case of the VAFB launch locations and durations, is equivalent to an SPL of 89 to 95 dB), and only short-term effects were detected.

In order to determine if harbor seals experience any change in their hearing sensitivity as a result of launch noise, researchers at VAFB conducted Auditory Brainstem Response (ABR) testing on ten harbor seals prior to and after the launches of three Titan IV rockets (one of the loudest launch vehicles used at VAFB). Detailed analysis of the changes in waveform latency and waveform replication of the ABR measurements showed that there were no detectable changes in the seals' hearing sensitivity as a result of the launch noise, an A-weighted SPL of approximately 111 dB and an A-weighted SEL from 96.6 to 103.6 dB (SRS Technologies 2001).

In 2001, the MBNMS and USFWS conducted in-depth quantitative monitoring of the July 4 City of Monterey fireworks display. Monitors recorded species abundance before, during, and after the event and measured the decibel level of exploding fireworks. A hand-held decibel meter was located aboard a vessel adjacent to the Monterey Breakwater, approximately one-half mile from the fireworks launch site. The highest sound pressure level (SPL) reading observed on the decibel meter during the fireworks display was 82 dB. The typical decibel levels for the display ranged from 70 to 78 dB, and no salute effects were used in the display. An ambient noise level of 58 dB was recorded at the survey site 30 minutes following the conclusion of the fireworks. MBNMS conducted additional in-depth acoustic and behavioral monitoring at the breakwater, where sea lions typically haul out, during the 2007 City of Monterey July 4 celebration. This effort is described later in this document (see "SUMMARY OF PREVIOUS MONITORING").

Given the frequency, duration, and intensity of sounds (maximum measured 82 dB for larger aerial shells) that marine mammals may be exposed to, it is unlikely that they would sustain temporary, much less permanent, hearing impairment during fireworks displays.

*Behavioral Disturbance*

In some display locations, marine mammals may avoid or temporarily depart the impact area during the hours immediately prior to the beginning of the fireworks display due to increased human recreational activities associated with the overall celebration event (*e.g.,* noise, boating, kayaking, fishing, diving, swimming, surfing, picnicking, beach combing, tidepooling), and as a fireworks presentation progresses, most marine mammals generally evacuate the impact area. In particular, a flotilla of recreational and commercial boats usually gathers in a semi-circle within the impact area to view the fireworks display from the water. From sunset until the start of the display, security vessels of the USCG and/or other government agencies often patrol throughout the waters of the impact area to keep vessels a safe distance from the launch site.

Sea lions have been observed evacuating haul-out areas upon initial detonation of fireworks, and then returning to the haul-out sites within 4 to 15 hours following the end of the fireworks display. Harbor seals have been seen to remain in the water after initial fireworks detonation around the haul-out site. Sea lions in general are more tolerant of noise and visual disturbances than harbor seals. Adult sea lions have likely habituated to many sources of disturbance and are therefore much more tolerant of nearby human activities. For both pinniped species, pups and juveniles are more likely to be harassed when exposed to disturbance than older animals.

NMFS and MBNMS found no peer-reviewed literature that specifically investigates the response of California sea lions and harbor seals to commercial fireworks displays. However, as described previously, extensive studies have been conducted at VAFB to determine responses by pinnipeds to the effects of periodic rocket launches, the light and sound effects of which would be roughly similar to the effects of pyrotechnic displays, but of greater intensity. This scientific research program was conducted to determine the long-term cumulative impacts of space vehicle launches on the haul-out behavior, population dynamics and hearing acuity of harbor seals at VAFB. In addition, on some occasions, the effects of sonic booms on pinniped populations in the northern Channel Islands have been studied.

The response of harbor seals to rocket launch noise at VAFB depended on the intensity of the noise (size of the vehicle and its proximity) and the age of the

seal (SRS Technologies 2001). The highest noise levels are typically from launch vehicles with launch pads closest to the haul-out sites. The percentage of seals leaving the haul-out increases with noise levels up to approximately 100 dB A-weighted SEL, after which almost all seals leave, although recent data has shown that an increasing percentage of seals have remained on shore, and those that remain are adults. Given the high degree of site fidelity among harbor seals, it is likely that those seals that remained on the haul-out site during rocket launches had previously been exposed to launches; that is, it is possible that adult seals have become acclimated to the launch noise and react differently than the younger inexperienced seals. Of the 20 seals tagged at VAFB, eight (forty percent) were exposed to at least one launch disturbance but continued to return to the same haul-out site. Three of those seals were exposed to two or more launch disturbances. Most of the seals exposed to launch noise appeared to remain in the water adjacent to the haul-out site and then returned to shore within 2 to 22 minutes after the launch disturbance. Of the two remaining seals that left the haul-out after the launch disturbance, both had been on shore for at least 6 hours and returned to the haul-out site on the following day (SRS Technologies 2001).

The launches at VAFB do not appear to have had long-term effects on the harbor seal population in this area. The total population of harbor seals at VAFB is estimated to be 1,040 animals and has been increasing at an annual rate of 12.6 percent. Since 1997, there have been five to seven space vehicle launches per year and there appears to be only short-term disturbance effects to harbor seals as a result of launch noise (SRS Technologies 2001). Harbor seals will temporarily leave their haul-out when exposed to launch noise; however, they generally return to the haul-out within one hour.

On San Miguel Island, when California sea lions and elephant seals were exposed to sonic booms from vehicles launched at VAFB, sea lion pups were observed to enter the water, but usually remained playing in the water for a considerable period of time. Some adults approached the water, while elephant seals showed little to no reaction. This short-term disturbance to sea lion pups does not appear to carry the possibility of any long-term effects to the population. The conclusions of the 5-year VAFB study are almost identical to the MBNMS observations of pinniped response to commercial fireworks displays. Observed impacts have been limited to short-term disturbance only.

*Effects of Sound and Light*

The primary causes of disturbance are sound effects and light flashes from exploding fireworks. Pyrotechnic devices that operate at higher altitudes (*e.g.,* aerial shells) are more likely to have a larger acute impact area, while ground and low-level devices have more confined effects. Acute impact area is defined as the area where sound, light, and debris effects may have direct impacts on marine organisms and habitats. Direct impacts include, but are not limited to, immediate physical and physiological impacts such as abrupt changes in behavior, flight response, diving, evading, flushing, cessation of feeding, and physical impairment or mortality.

The largest commercial aerial shells used within the Sanctuary are 10–12 in (25–30 cm) in diameter and reach a maximum altitude of 1,000 ft (305 m) AGL. The bursting radius of the largest shells is approximately 850 ft (259 m). The acute impact area can extend from 1–2 mi (1.6–3.2 km) from the center of the detonation point, depending on the size of the shell, height and type of the explosions, wind direction, atmospheric conditions, and local topography.

Aerial shells produce flashes of light that can be brilliant (exceeding 30,000 candela) and can occur in rapid succession. Loud explosive and crackling sound effects stem primarily from salutes and bursting charges at altitude. Humans and wildlife on the ground and on the surface of the water may feel the sound waves and the accompanying rapid shift of ambient atmospheric pressure. Sound propagates further from high altitude shells than low altitude shells, thus ensonifying more surface area on the ground and water, as they are not blocked significantly by buildings and landforms. The sound from the lifting charge detonation is vectored upward through the mortar tube opening and reports as a dull thump to bystanders on the ground, far less conspicuous than the high-level aerial bursts. The intensity of an aerial show can be amplified by increasing the number of shells used, the pace of the barrage, and the length of the display.

Low-level devices reach a maximum altitude of 200 ft (61 m) AGL. The acute impact area can extend to 1 mi (1.6 km) from the center of the ignition point depending on the size and flight patterns of projectiles, maximum altitude of projectiles, the type of special effects, wind direction, atmospheric conditions, and local structures and topography. Low-level devices also produce brilliant flashes and fountains of light and sparks accompanied by small explosions, popping, and crackling sounds. Since they are lower in altitude than aerial shells, sound and light effects impact a smaller area. Low-level devices do not typically employ large black powder charges as do aerial shells, but are often used in large numbers in concert with one another and in rapid succession, producing intense localized effects.

Set pieces are stationary, do not launch any encased effects into the air, and produce effects between 0 and 50 ft (15 m) AGL. Small pellets of a pyrotechnic composition, such as those from sparklers or roman candles, may be expelled a short distance into the air. Loud, but not explosive, noises (*e.g.*, crackling, popping, whistling) may emanate from a set piece, though they are usually used in concert with low-level effects and aerial displays. Depending on the size and height of the structure, the number and type of effects, wind direction, and local topography, the acute impact area can extend up to 0.5 mile (0.8 km) from the center of the ignition point, though fallout is generally confined within a 300 ft (91 m) radius. Residue may include smoke, airborne particulates, fine solids, and slag.

The primary impact noted in past observations is disturbance of marine mammals from the light and sound effects of the exploding aerial shells. The loud sound bursts and pressure waves created by the exploding shells appear to cause more wildlife disturbance than the illumination effects. In particular, the percussive aerial salute shells have been observed to elicit a strong flight response in California sea lions in the vicinity of the impact area (within 0.45 mi (0.72 km) of the launch site).

*Increased Boat Traffic*

Increased boat traffic is often an indirect effect of fireworks displays as boaters move in to observe the event. The more boats there are in the area, the larger the chance that a boat could potentially collide with a marine mammal or other marine wildlife. The number of boats present at any one event is largely dependent upon weather, sea state, distance of the display from safe harbors, and season. At the MBNMS, some events have virtually no boat traffic, while there may more typically be anywhere from 20 to 70 boats present, ranging in size from 10 to 65 ft (3 to 20 m) in length.

Prior to and during fireworks displays at the MBNMS, boats typically enter the

observation area at slow speed (less than 8 kts (15 km/hr)) due to the presence of other vessels and limited visibility (*i.e.,* most fireworks displays occur at night). The USCG and/or other Federal agency vessels are on site to enforce safe boating laws and keep vessels out of the debris fallout area during the display. Most boaters anchor prior to the display, while others drift with engines in neutral for convenient repositioning.

MBNMS staff have observed boat traffic during several fireworks displays and generally found that boaters are using good boating and safety practices. They have also never witnessed the harassment, injury, or death of marine mammals or other wildlife as a result of vessels making way at these events. In general, as human activity increases and concentrates in the viewing areas leading up to the display, wildlife avoid or gradually evacuate the area. As noted before, the fireworks venues are marine areas with some of the highest ambient levels of human activity in the MBNMS. Many resident animals are accustomed to stimuli (*e.g.,* emergency sirens, vehicle and crowd noise, marine and beach recreation). Due to the gradual nature of the increase in boat traffic, its infrequent occurrence and short duration, and the slow speed of the boats, NMFS does not believe the increased boat traffic is likely to significantly impact marine mammals.

**Anticipated Effects on Habitat**

*Debris*—The fallout area for the aerial debris is determined by local wind conditions. In coastal regions with prevailing winds, the fallout area can often be projected in advance. This information is calculated by pyrotechnicians and fire department personnel in selection of the launch site to abate fire and public safety hazards. Mortar tubes are often angled to direct shells over a prescribed fallout area, away from spectators and property. Generally, the bulk of the debris will fall to the surface within a 0.5-mi (0.8-km) radius of the launch site. In addition, the tops of the mortars and other devices are usually covered with aluminum foil to prevent premature ignition from sparks during the display and to protect them from moisture. The shells and stars easily punch through the aluminum foil when ignited, scattering pieces of aluminum in the vicinity of the launch site. Through various means, the aluminum debris and garbage generated during preparation of the display may be swept into ocean waters.

Some low-level devices may project small casings into the air (such as small cardboard tubes used to house flaming whistle and firecracker type devices). These casings will generally fall to earth within a 200-yd (183-m) radius of the launch site, because they do not attain altitudes sufficient for significant lateral transport by winds. The acute impact area for set piece devices is typically within 300 ft (91 m), but can extend to a 0.5 mi (0.8 km) radius from the center of the ignition point depending on the size and height of the fixed structure, the number and type of special effects, wind direction, atmospheric conditions, and local structures and topography. Like aerial shells, low-level pyrotechnics and mortars are often covered with aluminum foil to protect them from weather and errant sparks, pieces of which are shredded during the course of the show and initially deposited near the launch site.

The explosion in a firework separates the cardboard and paper casing and compartments, scattering some of the shell's structural pieces clear of the blast while burning others. Some pieces are immediately incinerated, while others burn totally or partially on their way to the ground. Many shell casings part into two halves or into quarters when the burst charge detonates and are projected clear of the explosion. However, during the course of a display, some devices will fail to detonate after launch (duds) and fall back to earth/sea as an intact sphere or cylinder. Aside from post display surveys and recovery, there is no way to account for these misfires. The freefalling projectile could pose a physical risk to any wildlife within the fallout area, but the general avoidance of the area by wildlife during the display and the low odds for such a strike likely present a negligible potential for harm. Whether such duds pose a threat to wildlife once adrift is unknown. After soaking in the sea for a period of time, the likelihood of detonation rapidly declines, and it is unlikely that any animal would attempt to consume such a device. At times, some shells explode in the mortar tube (referred to as a flower pot) or far below their designed detonation altitude. It is highly unlikely that mobile organisms would remain close enough to the launch site during a fireworks display to be within the effective danger zone for such an explosion.

The MBNMS has conducted surveys of solid debris on surface waters, beaches, and subtidal habitat and has discovered no visual evidence of acute or chronic impacts to the environment or wildlife. Aerial displays generally produce a larger volume of solid debris than low-level displays. The MBNMS fireworks permits require the permittee to clean area beaches of fireworks debris for up to 2 days following the display. In some cases, debris has been found in considerable quantity on beaches the morning following the display.

The MBNMS staff have recovered many substantial uncharred casing remnants on ocean waters immediately after marine displays. Other items found in the acute impact area are cardboard cylinders, disks, and shell case fragments; paper strips and wadding; plastic wadding, disks, and tubes; aluminum foil; cotton string; and even whole unexploded shells (duds or misfires). In other cases, virtually no fireworks debris was detected. This variance is likely due to several factors, such as type of display, tide state, sea state, and currents. In either case, due to the requirement for the permittee to clean up following the displays, NMFS does not believe the small amount of remaining debris is likely to significantly impact the environment, including marine mammals or their habitat.

*Chemical Residue*—Possible indirect impacts to marine mammals and other marine organisms include those resulting from chemical residue or physical debris emitted into the water. When an aerial shell detonates, its chemical components burn at high temperatures and are efficiently incinerated. Pyrotechnic vendors have stated that the chemical components are incinerated upon successful detonation of the shell. However, by design, the chemical components within a shell are scattered by the burst charge, separating them from the casing and internal shell compartments.

Chemical residue is produced in the form of smoke, airborne particulates, fine solids, and slag (spent chemical waste material that drips from the deployment canister/launcher and cools to a solid form). The fallout area for chemical residue is unknown, but is probably similar to that for solid debris. Similar to aerial shells, the chemical components of low-level devices produce chemical residue that can migrate to ocean waters as a result of fallout. The point of entry would likely be within a small radius (about 300 ft (91 m)) of the launch site.

The MBNMS has found only one scientific study directed specifically at the potential impacts of chemical residue from fireworks upon the environment. That study (DeBusk *et al.* 1992) indicates that chemical residues (fireworks decomposition products) do result from fireworks displays and can be measured under certain circumstances. The report, prepared for the Walt Disney Corporation, presented the results of a 10-year study of the

impacts of fireworks decomposition products upon an aquatic environment. Researchers studied a small lake in Florida subjected to 2,000 fireworks displays over a 10-year period to measure key chemical levels in the lake. The report concluded that detectable amounts of barium, strontium, and antimony had increased in the lake but not to levels considered harmful to aquatic biota. The report further suggested that "environmental impacts from fireworks decomposition products typically will be negligible in locations that conduct fireworks displays infrequently" and that "the infrequence of fireworks displays at most locations, coupled with a wide dispersion of constituents, make detection of fireworks decomposition products difficult." A report author hypothesized, via personal communication with MBNMS staff, that had the same study been conducted in California, the elevated metal concentrations in the lake would not have been detectable against natural background concentrations of those same metals, due to naturally higher metal concentrations in the western United States. Based on the findings of this report and the lack of any evidence that fireworks displays within the Sanctuary have degraded water quality, it is likely that chemical residue from fireworks does not pose a significant risk to the marine environment. No negative impacts to water quality have been detected.

**Summary of Previous Monitoring**

Past monitoring by the MBNMS has identified at most only a short-term behavioral disturbance of animals by fireworks displays, with the primary causes of disturbance being sound effects and light flashes from exploding fireworks. Additionally, the VAFB study of the effects of rocket-launch noise, which is more intense than fireworks noise, on California sea lions and harbor seals indicated only short-term behavioral impacts. With the mitigation measures proposed below, any takes will be limited to the temporary incidental harassment of California sea lions and harbor seals due to evacuation of usual and accustomed haul-out sites for as little as fifteen minutes and as much as 15 hours following any fireworks event. Most animals depart affected haul-out areas at the beginning of the display and return to previous levels of abundance within 4 to 15 hours following the event. This information is based on observations made by Sanctuary staff over an 8-year period (1993–2001), quantitative surveys conducted in 2001 and 2007, and pre- and post-event monitoring conducted under MMPA authorizations from 2005–2010. Empirical observations have focused on impacts to water quality and selected marine mammals in the vicinity of the displays.

Sea lions in general are more tolerant to noise and visual disturbances than harbor seals. In addition, pups and juveniles are more likely to be harassed when exposed to disturbance than the older animals. Adult sea lions have likely habituated to many sources of disturbance and are therefore much more tolerant of human activities nearby. Of all the display sites in the sanctuary, California sea lions are only present in significant concentrations at Monterey. The following is an excerpt from a 1998 MBNMS staff report on the reaction of sea lions to a large aerial fireworks display in Monterey:

"In the first seconds of the display, the sea lion colony becomes very quiet, vocalizations cease, and younger sea lions and all marine birds evacuate the breakwater. The departing sea lions swim quickly toward the open sea. Most of the colony remains intact until the older bulls evacuate, usually after a salvo of overhead bursts in short succession. Once the bulls depart, the entire colony follows suit, swimming rapidly in large groups toward the open sea. A select few of the largest bulls may sometimes remain on the breakwater. Sea lions have been observed attempting to haul out onto the breakwater during the fireworks display, but most are frightened away by the continuing aerial bursts.

Sea lions begin returning to the breakwater within thirty minutes following the conclusion of the display but have been observed to remain quiet for some time. The colony usually reestablishes itself on the breakwater within 2–3 hours following the conclusion of the display, during which vocalization activity returns. Typically, the older bulls are the first to renew vocalization behavior (within the first hour), followed by the younger animals. By the next morning, the entire colony seems to be intact and functioning with no visible sign of abnormal behavior."

In the 2001 Monterey survey (discussed previously in this document), most animals were observed to evacuate haul-out areas upon the initial report from detonated fireworks. Surveys continued for 4.5 hours after the initial disturbance and numbers of returning California sea lions remained at less than one percent of pre-fireworks numbers. When surveys resumed the next morning (thirteen hours after the initial disturbance), sea lion numbers on the breakwater equaled or exceeded pre-fireworks levels. Nearly two decades of observing sea lions at the City of Monterey's Fourth of July celebration gives the following general observations: (1) Sea lions begin leaving the breakwater as soon as the fireworks begin; (2) clear completely off after an aerial salute or quick succession of loud effects; (3) usually begin returning within a few hours of the end of the display; and (4) are present on the breakwater at pre-firework numbers by the following morning.

Up to fifteen harbor seals may typically be present on rocks in the outer Monterey harbor in early July. The seal haul-out area is approximately 2,100 ft (640 m) from the impact zone for the aerial pyrotechnic display. Only two harbor seals were observed on and near the rocks adjacent to Fisherman's Wharf prior to the 2001 display. Neither were observed to haul out after the initial fireworks detonation, but remained in the water around the haul-out. The haul-out site was only surveyed until the conclusion of the fireworks display; therefore, no animal return data is available from the 2001 study. However, the behavior of the seals after the initial disturbance and during the fireworks display is similar to the response behavior of seals during the VAFB rocket launches, where they loitered in the water adjacent to their haul-out site during the launch and returned to shore within 2 to 22 minutes after the launch disturbance.

A private environmental consultant monitored the Aptos fireworks display each October from 2001 through 2005 (per California Coastal Commission permit conditions) and concluded that harbor seal activity returned to normal at the site by the day following the display. Surveys have detected no evidence of injury or mortality in harbor seals as a result of the annual thirty-minute fireworks display at the site.

Since harbor seals have a smaller profile than sea lions and are less vocal, their movements and behavior are often more difficult to observe at night. In general, harbor seals are more timid and easily disturbed than California sea lions. Thus, based on past observations of sea lion disturbance thresholds and behavior, it is very likely that harbor seals evacuate exposed haul-outs in the acute impact area during fireworks displays, though they may loiter in adjacent surface waters until the fireworks have concluded.

In 2007, MBNMS conducted acoustic monitoring in conjunction with in-depth behavioral monitoring for the City of Monterey Independence Day fireworks display. MBNMS was required to: (1) Conduct counts of marine mammals present within the fireworks impact area immediately before and one day after the event; (2) conduct behavioral observations of marine mammals present during the display; and (3) conduct NMFS-

approved acoustic monitoring of sound levels for the duration of the event. The full report (Marine Mammal Acoustic and Behavioral Monitoring for the Monterey Bay National Marine Sanctuary Fireworks Display 4 July 2007) is available at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

Two separate systems for monitoring sound levels—with one customized for recording low frequency sounds associated with impulsive noise, such as explosions—were placed at the east end of the USCG pier, approximately 800 m from the fireworks launch site. Acoustic monitoring began approximately 3 hours prior to the beginning of the fireworks display. During those three hours, the average one-hour sound level ($L_{eq}$ 1 hour) was approximately 59 dB, and included sea lion vocalizations, private fireworks in the local area, and recreational boat traffic.

The fireworks display began with two sets of fireworks detonations and ended with a grand finale of multiple explosions after 20 minutes. The average sound level measured during the hour containing the fireworks display was 72.9 dB, approximately 14 dB greater than ambient levels recorded before the display. The loudest sound recorded during the event was associated with a detonation of a 10-in shell, and was measured at 133.9 dB re: 20 μPa (peak). The detonation of the 10-in shell had an unweighted SEL of 105 dB re: 20 $\mu Pa^2$-s. The second loudest sound recorded was associated with detonation of an 8-in shell, measured at 127 dB re: 20 μPa (peak) with an unweighted SEL of 90.1 dB re: 20 $\mu Pa^2$-s. Overall, sound generated during the display was low- to mid-frequency and ranged from 97 to 107 dB re: 20 μPa, while the majority of the fireworks detonations ranged from 112 to 124 dB re: 20 μPa.

A marine mammal observer conducted observations aboard a MBNMS vessel in the vicinity of the southern side of the jetty and the western end of Monterey Harbor. The observer used binoculars during the daytime and night vision goggles after dark, and counted species present, including location, age, class, and gender of the species. Visual monitoring was conducted from approximately 5 hours prior to the display until approximately two hours after the conclusion of the fireworks display. The weather and harbor state provided optimal conditions for observations.

Pre-event behavioral monitoring showed a total of 258 sea lions located on the north and south sides of the jetty and underneath the USCG pier from. Most were yearlings or juveniles, though two subadult males were also observed and appeared to be practicing holding territory in the water. With the exception of the subadult males, the observer was unable to determine gender. The number of sea lions hauled out was relatively constant until approximately one-half hour prior to the beginning of the display, when several recreational vessels passed nearby and shot off their own fireworks and firecrackers, causing approximately one-third of the sea lions to enter the water. During pre-event monitoring, eight harbor seals were hauled out on exposed rocks just offshore of the western end of the harbor. Because it was high tide (0.8 m), there were few places for harbor seals to haul out. Approximately one-half hour prior to the display, the observer recorded four harbor seals hauled out and two harbor seals in the water.

By the time the fireworks display commenced, the majority of sea lions had already fled the haul-out areas due to recreational vessels in the area and individuals shooting private fireworks in the area. Six sea lions remaining under the USCG pier entered the water during the display. This last flush is likely correlated with detonation of the 8-in shell described previously. Despite the detonations, the observer noted that the sea lions entered the water at a relatively slow rate, and without apparent injury. There were eighteen different instances of sea lion vocalizations recorded throughout the fireworks display, indicating that, although sea lions flushed into the water, at least some individuals remained in the harbor during the fireworks display. The observer reported that all of the remaining harbor seals at the western end of the harbor had flushed at the beginning of the fireworks display after hearing the first set of detonations.

The first sea lion (a subadult male) returned to the jetty approximately 20 minutes after the conclusion of the fireworks, and was apparently practicing holding a territory at the end of the jetty. Three additional sea lions returned after approximately one hour. No harbor seals were observed during post-event monitoring. A census was conducted the morning following the display, and revealed approximately 291 California sea lions and 31 harbor seals at their respective haul-out sites. No injured or dead animals were observed. These data indicate that California sea lions and harbor seals were only temporarily displaced from haul-out sites during the fireworks display. This monitoring event indicates that a majority of individuals will flush prior to the beginning of a fireworks display, due to the presence and associated noise of recreational boaters and private, un-permitted fireworks, and that any remaining individuals will likely flee the haul-out at the start of the display. In conclusion, fireworks displays likely result in temporary displacement from haul-outs, constituting a short-term disruption in behavior, and pinnipeds are likely to resume normal behavior and full utilization of haul-outs within twelve hours.

From 2006–2010, under the auspices of the regulations currently in effect (71 FR 40928; July 19, 2006), twenty fireworks events were permitted in the MBNMS. For each display, observers conducted a pre-event census to document abundance of marine mammals and post-event surveys to record any injured or dead wildlife species. Pre-event censuses were assumed to be a reasonable proxy for the number of incidental takes, as all animals present within the vicinity of the display area would be expected to temporarily abandon haul-outs prior to or during fireworks displays. Table 1 summarizes these monitoring efforts. In all cases, no marine mammals other than those authorized for taking were observed, and post-event monitoring revealed no injured or dead marine mammals.

TABLE 1—INCIDENTAL TAKE OF MARINE MAMMALS DURING MBNMS-PERMITTED FIREWORKS DISPLAYS, 2006–2010

| Event | Location | Date | California sea lions | Harbor seals |
|---|---|---|---|---|
| Independence Day | Cambria | 7/4/2006 | 0 | 0 |
| Independence Day | Monterey | 7/4/2006 | 61 | 9 |
| Feast of Lanterns | Pacific Grove | 7/30/2006 | 0 | 0 |
| Monte Foundation | Aptos | 10/14/2006 | 0 | 4 |
| Independence Day | Cambria | 7/4/2007 | 0 | 0 |

TABLE 1—INCIDENTAL TAKE OF MARINE MAMMALS DURING MBNMS-PERMITTED FIREWORKS DISPLAYS, 2006–2010—Continued

| Event | Location | Date | California sea lions | Harbor seals |
|---|---|---|---|---|
| Independence Day | Monterey | 7/4/2007 | 258 | 8 |
| Independence Day | Half Moon Bay | 7/4/2007 | 0 | 1 |
| Feast of Lanterns | Pacific Grove | 7/28/2007 | 0 | 8 |
| Monte Foundation | Aptos | 10/13/2007 | 0 | 4 |
| Independence Day | Cambria | 7/4/2008 | 0 | 0 |
| Independence Day | Monterey | 7/4/2008 | 394 | 10 |
| Independence Day | Half Moon Bay | 7/4/2008 | 0 | 2 |
| Feast of Lanterns | Pacific Grove | 7/26/2008 | 0 | 0 |
| Monte Foundation | Aptos | 10/11/2008 | 24 | 2 |
| Independence Day | Cambria | 7/4/2009 | 0 | 0 |
| Independence Day | Half Moon Bay | 7/4/2009 | 45 | 5 |
| Feast of Lanterns | Pacific Grove | 7/25/2009 | 4 | 7 |
| Monte Foundation | Aptos | 10/3/2009 | 35 | 11 |
| Independence Day | Cambria | 7/4/2010 | 0 | 0 |
| Monte Foundation | Aptos | 10/8/2010 | 0 | 18 |
| Total | ..... | ..... | 821 | 89 |

Because of mitigation measures proposed NMFS preliminarily finds that only Level B harassment may occur incidental to authorized coastal fireworks displays and that these events will result in no more than a negligible impact on marine mammal species or their habitats. NMFS also preliminarily finds that no impact on the availability of the species or stocks for subsistence uses will occur because there is no subsistence harvest of marine mammals in California.

**Proposed Mitigation**

In order to issue an incidental take authorization under section 101 (a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant). The MBNMS and NMFS worked to craft a set of mitigation measures designed to minimize fireworks impacts on the marine environment, as well as to outline the locations, frequency, and conditions under which the MBNMS will authorize marine fireworks displays. These mitigation measures, which were successfully implemented under NMFS-issued ITAs from 2005–2010, include four broad approaches for managing fireworks displays:

- Establish a sanctuary-wide seasonal prohibition to safeguard pinniped reproductive periods. Fireworks events will not be authorized between March 1 and June 30 of any year, since this period is the primary reproductive season for pinnipeds.
- Establish four conditional display areas and prohibit displays along the remaining 95 percent of sanctuary coastal areas. Traditional display areas are located adjacent to urban centers where wildlife has often become habituated to frequent human disturbances. Remote areas and areas where professional fireworks have not traditionally been conducted will not be considered for fireworks approval. Permitted fireworks displays will be confined to four prescribed areas of the sanctuary while prohibiting displays along the remaining 95 percent of sanctuary coastal areas. The conditional display areas (described previously in this document) are located at Half Moon Bay, the Santa Cruz/Soquel area, the northeastern Monterey Peninsula, and Cambria (Santa Rosa Creek).
- Create a per-annum limit on the number of displays allowed in each display area. If properly managed, a limited number of fireworks displays conducted in areas already heavily impacted by human activity can occur with sufficient safeguards to prevent any long-term or chronic impacts upon local natural resources. There is a per-annum limit of 20 displays along the entire sanctuary coastline in order to prevent cumulative negative environmental effects from fireworks proliferation. Additionally, displays will be authorized at a frequency equal to or less than one every two months in each area.
- Retain permitting requirements and general and special restrictions for each event. Fireworks displays will not exceed thirty minutes with the exception of two longer displays per year that will not exceed one hour. Standard requirements include the use of a ramp-up period, wherein salutes are not allowed in the first five minutes of the display; the removal of plastic and aluminum labels and wrappings; and post-show reporting and cleanup. The sanctuary will continue to assess displays and restrict the number of aerial salute effects on a case-by-case basis, and will implement general and special restrictions unique to each fireworks event as necessary.

These measures are designed to prevent an incremental proliferation of fireworks displays and disturbance throughout the sanctuary and minimize area of impact by confining displays to primary traditional use areas. They also effectively remove fireworks impacts from 95 percent of the sanctuary's coastal areas, place an annual quota and multiple permit conditions on the displays authorized within the remaining five percent of the coast, and impose a sanctuary-wide seasonal prohibition on all fireworks displays. These measures were developed in order to assure that protected species and habitats are not jeopardized by fireworks activities. They have been well received by local fireworks sponsors who have pledged their cooperation in protecting sanctuary resources.

NMFS has carefully evaluated the applicant's proposed mitigation measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful

implementation of the measure is expected to minimize adverse impacts to marine mammals;

• The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and

• The practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures and their efficacy over the past 6 years of permitting fireworks, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

**Proposed Monitoring**

In order to issue an ITA for an activity, section 101 (a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth "requirements pertaining to the monitoring and reporting of such taking". The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

The MBNMS has monitored commercial fireworks displays for potential impacts to marine life and habitats for many years, beginning in 1993. In July 1993, the MBNMS performed its initial field observations of professional fireworks at the annual Independence Day fireworks display conducted by the City of Monterey. Subsequent 'documented' field observations were conducted in Monterey by the MBNMS staff in July 1994, July 1995, July 1998, March 1998, October 2000, July 2001, and July 2002. MBNMS staff have observed additional displays at Monterey, Pacific Grove, Capitola, and Santa Cruz, but those observations were primarily for permit compliance purposes, and written assessments of environmental impacts were not generated. Documented field observations were also made at Aptos each October from 2000 to 2005, and have been made for all permitted fireworks under NMFS-issued authorizations, beginning in 2005. Though monitoring techniques and intensity have varied over the years and visual monitoring of wildlife abundance and behavioral responses to nighttime displays is challenging, observed impacts have been consistent. Wildlife activity nearest to disturbance areas returns to normal (pre-display species distribution, abundance, and activity patterns) within 12–15 hours, and no signs of wildlife injury or mortality have ever been discovered as a result of managed fireworks displays.

In order to continue the long-term understanding of the effects of fireworks displays on pinnipeds, as well as to estimate levels of incidental take and ensure compliance with MMPA authorizations, MBNMS will require its applicants to conduct a pre-event census of local marine mammal populations within the acute fireworks impact area. Each applicant will also be required to conduct post-event monitoring in the acute fireworks impact area to record injured or dead marine mammals.

MBNMS must submit a draft annual monitoring report to NMFS within 60 days after the conclusion of the calendar year. MBNMS must submit a final annual monitoring report to the NMFS within thirty days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final report. In addition, the MBNMS will continue to make its information available to other marine mammal researchers upon request.

**Estimated Take by Incidental Harassment**

With respect to the activities described here, the MMPA defines "harassment" as:

> Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. The proposed mitigation and monitoring measures are expected to minimize the possibility of injurious or lethal takes such that take by Level A harassment, serious injury or mortality is considered remote. However, as noted earlier, there is no specific information demonstrating that injurious or lethal "takes" would occur even in the absence of the planned mitigation and monitoring measures.

As discussed previously, the two marine mammal species likely to be taken by Level B harassment incidental to fireworks displays authorized within the sanctuary are the California sea lion and the harbor seal, due to the temporary evacuation of usual and accustomed haul-out sites. Both of these species are protected under the MMPA, and neither is listed under the ESA. Numbers of animals that may be taken by Level B harassment are expected to vary due to factors such as tidal state, seasonality, shifting prey stocks, climatic phenomenon (such as El Niño events), and the number, timing, and location of future displays. The estimated take of sea lions and harbor seals was determined by using a synthesis of information, including unpublished data gathered by MBNMS biologists at the specific display sites, unpublished aerial survey data from Point Piedras Blancas to Bodega Rock, results of independent surveys conducted in the MBNMS and personal communication with those researchers, and population estimates from surveys covering larger geographic areas. Numbers of animals that may be present were analyzed for four general areas: Half Moon Bay (HMB), North Monterey Bay (NMB; containing Santa Cruz/Soquel sites), South Monterey Bay (SMB; containing Monterey Peninsula sites), and Cambria. Please see Table 2 for more information.

TABLE 2—ESTIMATED INCIDENTAL TAKE BY DISPLAY AREA

| Display location | Time of year | Estimated maximum number of events per year | Estimated maximum number of animals present per event (total) | |
|---|---|---|---|---|
| | | | California sea lions | Harbor seals |
| HMB | July | 4 | 100 (400) | 65 (260) |
| NMB (Santa Cruz) | October | 3 | 190 (570) | 5 (15) |

TABLE 2—ESTIMATED INCIDENTAL TAKE BY DISPLAY AREA—Continued

| Display location | Time of year | Estimated maximum number of events per year | Estimated maximum number of animals present per event (total) | |
|---|---|---|---|---|
| | | | California sea lions | Harbor seals |
| NMB (Aptos) | October | 2 | 5 (10) | 50 (100) |
| NMB (Capitola) | May | 1 | 190 | 50 |
| SMB (Monterey) | July | 4 | 800 (3200) | 60 (240) |
| SMB (Monterey) | January | 1 | 1500 | 60 |
| SMB (Pacific Grove) | July | 1 | 150 | 100 |
| Cambria* (high intensity) | July | 2 | 50 (100) | 60 (120) |
| Cambria* (low intensity) | July | 2 | 25 (50) | 60 (120) |
| Total | | 20 | 6,170 | 1,065 |

* Intensity refers to public and private displays. Private displays tend to be of lower intensity, and would thus likely result in lower numbers of California sea lions disturbed. Harbor seals are more sensitive to stimuli than California sea lions and numbers disturbed would likely be unchanged.

Stage structure of California sea lions within the sanctuary varies by location, but generally, the majority are adult and subadult males. Weise (2000) reported on the stage structure of California sea lions at two historic fireworks display areas within the MBNMS, noting maximums of 186 animals at the Santa Cruz wharf and 937 animals on the Monterey jetty. At all four designated display sites combined, 20 fireworks events per year could likely disturb a maximum total of 6,170 California sea lions out of a total estimated population of 238,000. This number is small relative to the population size (2.6 percent).

Nicholson (2000) studied harbor seals on the northeast Monterey Peninsula (an area with the largest single concentration of animals within the sanctuary) for 2 years. Using mark recapture methods based on re-sightings of recognizable individuals, Nicholson (2000) estimated a population of 520 seals, with an approximate stage structure of 38 percent adult females, 15 percent adult males, 34 percent sub-adults, and 13 percent yearlings or juveniles. For harbor seals, a maximum of 1,065 animals out of a total estimated population of 34,233 could be disturbed within the sanctuary as a result of twenty fireworks events per year at all four designated display sites combined. These numbers are small relative to the population size (3.1 percent).

With the incorporation of mitigation measures proposed later in this document, the MBNMS expects that only Level B incidental harassment may occur associated with the proposed permitted coastal fireworks displays, and that these events will result in no detectable impact on marine mammal species or stocks or on their habitats.

## Negligible Impact and Small Numbers Analysis and Preliminary Determination

NMFS has defined "negligible impact" in 50 CFR 216.103 as "* * *an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." In making a negligible impact determination, NMFS considers a variety of factors, including but not limited to: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the take occurs.

NMFS has preliminarily determined that the fireworks displays, as described in this document and in MBNMS' application, will result in no more than Level B harassment of small numbers of California sea lions and harbor seals. The effects of coastal fireworks displays are typically limited to short term and localized changes in behavior, including temporary departures from haul-outs to avoid the sight and sound of commercial fireworks. Fireworks displays are inherently highly limited in duration and will not occur on consecutive days at any fireworks site in the sanctuary. The mitigation measures proposed by MBNMS—and implemented as a component of NMFS' incidental take authorizations since 2005—further reduce potential impacts. As described previously, these measures ensure that permitted fireworks displays avoid times of importance for breeding, as well as limiting displays to five percent of sanctuary coastline that is already heavily used by humans, and generally limiting the overall amount and intensity of activity. No take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document. Additionally, the MBNMS fireworks displays will not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence use, as there are no subsistence uses for California sea lions or harbor seals in California waters.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that MBNMS' authorization of coastal fireworks displays will result in the incidental take of small numbers of marine mammals, by Level B harassment only, and that the total taking from coastal fireworks displays will have a negligible impact on the affected species or stocks.

## Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action.

## Endangered Species Act (ESA)

As mentioned earlier, the Steller sea lion and several species of ESA-listed cetaceans may be present at MBNMS at different times of the year and could potentially swim through the fireworks impact area during a display. In a 2001 consultation with MBNMS, NMFS concluded that this action is not likely to adversely affect ESA-listed species under NMFS' jurisdiction. There is no designated critical habitat in the area. This action will not have effects beyond those analyzed in that consultation.

The USFWS is responsible for regulating the take of the southern sea otter. The MBNMS consulted with the USFWS pursuant to section 7 of the ESA regarding impacts to that species. The USFWS issued a biological opinion on June 22, 2005, which concluded that the authorization of fireworks displays, as proposed, is not likely to jeopardize the continued existence of endangered and threatened species within the sanctuary or to destroy or adversely modify any listed critical habitat. The USFWS further found that MBNMS would be unlikely to take any southern sea otters, and therefore issued neither an incidental take statement under the ESA nor an IHA.

**National Environmental Policy Act**

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), and NOAA Administrative Order 216–6, NMFS and MBNMS prepared an Environmental Assessment (EA) on the Issuance of Regulations Authorizing Incidental Take of Marine Mammals and Issuance of National Marine Sanctuary Authorizations for Coastal Commercial Fireworks Displays within the Monterey Bay National Marine Sanctuary, to consider the direct, indirect and cumulative effects to the human environment resulting from issuance of sanctuary permits for fireworks displays and issuance of an IHA to MBNMS. NMFS signed a Finding of No Significant Impact (FONSI) on June 21, 2006. NMFS has reviewed MBNMS's application and determined that there are no substantial changes to the proposed action and that there are no new direct, indirect, or cumulative effects to the human environment resulting from issuance of an IHA to MBNMS. Therefore, NMFS has determined that a new or supplemental EA or Environmental Impact Statement is unnecessary, and reaffirms the existing FONSI for this action. The existing EA and FONSI for this action are available for review at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

**Proposed Authorization**

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to coastal fireworks displays, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: May 16, 2011.

**James H. Lecky,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2011–12487 Filed 5–19–11; 8:45 am]

**BILLING CODE 3510–22–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 services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services from the Procurement List previously provided by such agencies.

**DATES:** *Effective Date:* 6/20/2011.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

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

**SUPPLEMENTARY INFORMATION:**

**Additions**

On 3/11/2011 (76 FR 13362–13363) and 3/25/2011 (76 FR 16733–16734), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c 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 provide the services to the Government.

2. The action will result in authorizing small entities to provide the services 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. 46–48c) in connection with the services proposed for addition to the Procurement List.

**End of Certification**

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

*Services*

*Service Type/Location:* Mailroom Operation, Internal Revenue Service (IRS), 290 North D Street, San Bernardino, CA

*NPAs:* ServiceSource, Inc., Alexandria, VA (Prime)

Pacific Coast Community Services, Richmond, CA (Subcontractor)

*Contracting Activity:* DEPT OF TREAS/INTERNAL REVENUE SERVICE, CONTRACTS & ACQUISITION DIVISION NATIONAL OFFICE, WASHINGTON, DC

*Service Type/Location:* Base Operations Support Service, Mark Center Campus, Washington Headquarters Services, 4800 Mark Center Drive, Alexandria, VA

*NPAs:* ServiceSource, Inc., Alexandria, VA (Prime)

CW Resources, Inc., New Britain, CT (Subcontractor)

Able Forces, Inc, Front Royal, VA (Subcontractor)

*Contracting Activity:* DEPARTMENT OF DEFENSE, ACQUISITION DIRECTORATE, WASHINGTON HEADQUARTERS SERVICES, WASHINGTON, DC

*Service Type/Locations:* Mail Management Support Service, Official Mail Center Indian Head, 4072 N Jackson Road, Suite 101, Indian Head, MD

Official Mail Center Philadelphia, 1498 Constitution Ave, Building 44, Philadelphia, PA

Official Mail Center Carderock, 9500 MacArthur Boulevard, West Bethesda, MD

*NPAs:* NewView Oklahoma, Inc., Oklahoma City, OK (Prime)

ServiceSource, Inc., Alexandria, VA (Subcontractor)

*Contracting Activity:* DEPT OF THE NAVY, FISC NORFOLK, Norfolk, VA

**Deletions**

On 3/25/2011 (76 FR 16733–16734), 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 services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c 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 provide the services 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. 46–48c) in connection with the services deleted from the Procurement List.

**End of Certification**

Accordingly, the following services are deleted from the Procurement List:

*Services*

*Service Type/Locations:* Janitorial/Custodial

U.S. Army Reserve Center: York, SC,

U.S. Army Reserve Center: 515 South Cherry Road, Rock Hill, SC

*NPA:* York County Mental Retardation and Developmental Disabilities Board, Rock Hill, SC

*Contracting Activity:* DEPT OF THE ARMY, W40M NATL REGION CONTRACT OFC, WASHINGTON, DC

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. 2011–12414 Filed 5–19–11; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions

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

**ACTION:** Proposed additions to the Procurement List.

**SUMMARY:** The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

*Comments Must be Received on or Before:* 6/20/2011.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

*For Further Information or to Submit Comments Contact:* Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

**Additions**

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

**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. If approved, 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 and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services 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. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

**End of Certification**

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

*Products*

NSN: 5120–00–NIB–0001 Engineer's Hammer, 2 lb.

NSN: 5120–00–NIB–0002 Engineer's Hammer, 3 lb.

NSN: 5120–00–NIB–0003 Engineer's Hammer, 4 lb.

NSN: 5120–00–NIB–0004 Drilling Hammer, 3 lb.

NSN: 5120–00–NIB–0005 Drilling Hammer, 4 lb.

NSN: 5120–00–NIB–0006 Single Bit Axe, Michigan, 3.5 lb

NSN: 5120–00–NIB–0007 Double Bit Axe, Michigan, 3.5 lb.

NSN: 5120–00–NIB–0008 Sledge Hammer, 16 lb.

NSN: 5120–00–NIB–0010 Sledge Hammer, 20 lb.

NSN: 5120–00–NIB–0011 Splitting Maul, 6 lb.

NSN: 5120–00–NIB–0012 Splitting Maul, 8 lb.

*Contracting Activity:* General Services Administration, FSS Tools Acquisition Division II, Kansas City, MO

*NPA:* Keystone Vocational Services, Inc., Sharon, PA

*Coverage:* B-List for the Broad Government requirement as aggregated by the General Services Administration.

*Services*

*Service Type/Location:* Total Facility Maintenance, FCC—Equipment Developmental Group, 3600 Hiram-Lithia Springs Road, SW., Hiram, GA.

*NPA:* Bobby Dodd Institute, Inc., Atlanta, GA.

*Contracting Activity:* Federal Communications Commission, Washington, DC

*Service Type/Location:* Laundry Services, U.S. Naval Hospital & Naval Dental Clinic Base, Farenholt Road, Agana Heights, GU.

*NPA:* ICAN Resources, Inc., Dededo, GU.

*Contracting Activity:* Dept of the Navy, FISC Pearl Harbor, HI.

*Service Type/Location:* Janitorial Services, Muskogee Armed Force Reserve Center, 6800 S. Cherokee St., Muskogee, OK.

*NPA:* Golden Rule Industries of Muskogee, Inc., Muskogee, OK.

*Contracting Activity:* Dept of the Army, W7NV USPFO ACTIVITY OK ARNG, Oklahoma, OK.

*Service Type/Location:* Custodial and Maintenance Services, NOAA–Atlantic Oceanographic & Meteorological Laboratory (AOML), 4301 Rickenbacker Causeway, Miami, FL.

*NPA:* Goodwill Industries of South Florida, Inc., Miami, FL.

*Contracting Activity:* Dept of Commerce, National Oceanic and

Atmospheric Administration, Kansas City, MO.

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. 2011–12415 Filed 5–19–11; 8:45 am]

**BILLING CODE 6353–01–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Wednesday, May 25, 2011; 10 a.m.–11 a.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Closed to the Public.

**Matter To Be Considered**

*Compliance Status Report*

The Commission staff will brief the Commission on the status of compliance matters. For a recorded message containing the latest agenda information, call (301) 504–7948.

**CONTACT PERSON FOR MORE INFORMATION:** Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: May 17, 2011.

**Todd A Stevenson,**

*Secretary.*

[FR Doc. 2011–12558 Filed 5–18–11; 11:15 am]

**BILLING CODE 6355–01–P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Proposed Information Collection; Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the AmeriCorps Annual Progress Report designed to collect demographic, performance, and narrative information from federal grantees. These reports will be submitted by grantees that receive a grant from AmeriCorps State and National. Completion of the Progress Report is required as a condition of these awards.

Copies of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by July 19, 2011.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service; Attention Amy Borgstrom, Associate Director for Policy, Room 9515; 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606–3476, Attention Amy Borgstrom, Associate Director for Policy.

(4) *Electronically through the Corporation's e-mail address system: aborgstrom@cns.gov* or *http://www.regulations.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Amy Borgstrom, (202) 606–6930, or by e-mail at *aborgstrom@cns.gov.*

**SUPPLEMENTARY INFORMATION:** *The Corporation is particularly interested in comments that:*

- Evaluate the questions being asked and data being collected.
- 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

**Background**

The Annual Progress Report will be completed by grantees of the AmeriCorps State and National program. The purpose of the information collection is to elicit accurate information from CNCS grantees in order to assess impacts and respond to requests for information from stakeholders.

**Current Action**

The Corporation seeks to renew their Annual Progress Report. The information collection will otherwise be used in the same manner as the existing report. The Corporation also seeks to continue using the current report until the revised application is approved by OMB. The current report due to expire on July 31, 2011.

*Type of Review:* Renewal.

*Agency:* Corporation for National and Community Service.

*Title:* Annual Progress Report.

*OMB Number:* 3045–0101.

*Agency Number:* None.

*Affected Public:* Current/prospective recipients of AmeriCorps State and National funding.

*Total Respondents:* 154.

*Frequency:* Annually.

*Average Time Per Response:* Averages 8 hours.

*Estimated Total Burden Hours:* 1232 hours.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

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

Dated: May 16, 2011.

**Lois Nembhard,**

*Deputy Director, AmeriCorps State and National.*

[FR Doc. 2011–12489 Filed 5–19–11; 8:45 am]

**BILLING CODE 6050–$$–P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Information Collection; Submission for OMB Review, Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), has submitted a public information collection request (ICR) entitled Financial Management Survey for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Margaret Rosenberry at (202) 606–6974 or e-mail to *prosenbe@cns.gov*. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, *Attn:* Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and

(2) *Electronically by e-mail to: smar@omb.eop.gov*.

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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, e.g., permitting electronic submissions of responses.

**Comments**

A 60-day public comment Notice was published in the **Federal Register** on January 12, 2011. This comment period ended March 13, 2011. No public comments were received from this Notice.

*Description:* The Corporation is seeking approval of the Financial Management Survey which the Corporation uses to collect information from new grantees about their financial management systems. This allows the Corporation to meet its responsibilities as a Federal grantee agency to determine if appropriate systems are in place to manage federal grant funds or, if not, to identify training and technical assistance a new grantee may need to implement appropriate financial systems. The Corporation requires new grantees who have not received Corporation funds before to complete the form.

*Type of Review:* Renewal.

*Agency:* Corporation for National and Community Service.

*Title:* Financial Management Survey.

*OMB Number:* 3045–0102.

*Agency Number:* None.

*Affected Public:* Organizations that are new grantees to the Corporation.

*Total Respondents:* 20.

*Frequency:* Once.

*Average Time per Response:* Averages 45 minutes to complete the form and one hour to gather and submit the requested documents.

*Estimated Total Burden Hours:* 35.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Dated: May 17, 2011.

**Margaret Rosenberry,**

*Director of Grants Management.*

[FR Doc. 2011–12493 Filed 5–19–11; 8:45 am]

**BILLING CODE 6050–$$–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal Nos. 10–75]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–75 with attached transmittal, and policy justification.

Dated: May 17, 2011.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001–06–P**

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 12 2011

The Honorable John A. Boehner
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-75, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $330 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified Document Provided under Separate Cover)

Transmittal No. 10-75

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Kingdom of Saudi Arabia

(ii) Total Estimated Value:

| | |
|---|---|
| Major Defense Equipment* | $ 0 |
| Other | $330 million |
| TOTAL | $330 million |

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 200 High-performance In-Line Sniper Sight (HISS) Thermal Weapon Sights - 1500 meter, 200 MilCAM Recon III LocatIR Long Range, Light Weight Thermal Binoculars with Geo Location, 7,000 Dual Beam Aiming Lasers (DBAL A2), 6000 AN/PVS-21 Low Profile Night Vision Goggles (LPNVG), spare and repair parts, support equipment, technical documentation and publications, translation services, training, U. S. government and contractor technical and logistics support services, and other related elements of logistical and program support.

(iv) Military Department: Army (VUA)

(v) Prior Related Cases, if any: None

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None

(viii) Date Report Delivered to Congress: MAY 12 2011

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Saudi Arabia – Night Vision Equipment

The Government of the Kingdom of Saudi Arabia has requested a possible sale of 200 High-performance In-Line Sniper Sight (HISS) Thermal Weapon Sights - 1500 meter, 200 MilCAM Recon III LocatIR Long Range, Light Weight Thermal Binoculars with Geo Location, 7,000 Dual Beam Aiming Lasers (DBAL A2), 6000 AN/PVS-21 Low Profile Night Vision Goggles (LPNVG), spare and repair parts, support equipment, technical documentation and publications, translation services, training, U. S. government and contractor technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $330 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale will augment Saudi Arabia's capability to meet current and future threats from potential adversaries during operations conducted at night and during low visibility conditions. The Royal Saudi Land Forces (RSLF) are responsible for regional, perimeter, and border security operations. This proposed sale meets their defense and counter-terrorism requirements to deter current insurgent activity along their southern border and contributes to their overall military posture. The RSLF already has night vision devices in its inventory and will have no difficulty absorbing this night vision equipment into its inventory.

The proposed sale of this equipment will not alter the basic military balance in the region.

The prime contractors will be FLIR Inc. in Boston, Massachusetts and Laser Devices, Inc. in Monterey, California. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government or contractor representatives to recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2011–12405 Filed 5–19–11; 8:45 am]
BILLING CODE 5001–06–C

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Notice of Intent To Prepare Draft Environmental Impact Statements/ Environmental Impact Reports for the Sutter Basin Feasibility Study and the Section 408 Permission for the Feather River West Levee Project, Sutter and Butte Counties, CA

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers; DoD.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, as amended, and the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) intends to prepare a separate Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for each of the following related flood risk management study efforts in north-central California: a Feasibility Study of flood risk management and related water resources problems in the Sutter Basin conducted by USACE under the authority of the Flood Control Act of 1962 (Pub. L. 87–874); and under Section 14 of the Rivers and Harbors Act

of 1899 (as amended) (33 U.S.C. 408), and Section 404 of the Clean Water Act (33 U.S.C. 1344), the proposed Feather River West Levee Project (FRWLP), sponsored by the Sutter Butte Flood Control Agency (SBFCA) as a locally driven flood management improvement project. The two projects are being studied in close coordination because they partially overlap in their study areas, purpose, potential improvements, potential effects, and involved parties. Therefore, a joint scoping process is being conducted for the two projects to explain the relationship between the two efforts and obtain public input in a manner that is convenient, efficient, and integrated. Figures of the two project areas can be viewed at the SBFCA *Web site at: http://www.sutterbutteflood.org/index.php/notices_documents.*

*Sutter Basin Feasibility Study.* On March 20, 2000, the State of California entered into a feasibility cost-sharing agreement (FCSA) with USACE to initiate a feasibility study. An amendment to the FCSA was signed in 2010, which included SBFCA as a non-Federal sponsor. The purpose of the study is to address flood risk, ecosystem restoration and recreation-related issues in the study area. If a Federal interest is determined, the study would result in a decision document, a General Investigation Feasibility Study report and EIS/EIR, which would be the basis for a recommendation to Congress for authorization. The Central Valley Flood Protection Board (CVFPB) and SBFCA are coordinating with USACE on the feasibility study. USACE, as the Federal lead agency under NEPA, and SBFCA, as the state lead agency under CEQA in coordination with CVFPB, have determined that an EIS/EIR will be prepared to describe alternatives, potential environmental effects, and mitigation measures.

*FRWLP.* SBFCA is planning the FRWLP to construct improvements to the west levee of the Feather River from Thermalito Afterbay to the Sutter Bypass confluence to meet Federal, state, and local flood protection criteria and goals. In 2010, an assessment district was enacted to provide local funding toward flood management improvements. These funds may be matched with those from the Early Implementation Program (funded through previous state bonds) administered by the California Department of Water Resources (DWR). In order to implement the project, the sponsor must acquire permission from USACE to alter the Federal project under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408 or, Section 408). USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. The purpose of the FRWLP would be to construct improvements as quickly as possible in advance of and compatible with the Sutter Basin Project. USACE, acting as the Federal lead agency under NEPA, and SBFCA, acting as the state lead agency under the CEQA in coordination with CVFPB, have determined that an EIS/EIR will be prepared to describe alternatives, potential environmental effects, and mitigation measures.

**DATES:** Public scoping meetings will be held on Monday, June 27 at 3:30 p.m. and 6:30 p.m. at the Veterans Memorial Community Building, 1425 Veterans Memorial Circle, Yuba City, CA and on Tuesday, June 28 at 3:30 p.m. and 6:30 p.m. at the Veterans Memorial Hall, 245 Sycamore Street, Gridley, CA. Send written comments by July 8, 2011 (see **ADDRESSES**).

**ADDRESSES:** Written comments and suggestions concerning the scope and content of the environmental information may be submitted to Mr. Matt Davis, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK–PD–R), 1325 J Street, Sacramento, CA 95814. Requests to be placed on the mailing list also should be sent to this address.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed actions and environmental review process should be addressed to Matt Davis at (916) 557–6708, *e-mail: Matthew.G.Davis@usace.army.mil* (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action. Sutter Basin Feasibility Study.* USACE is conducting a feasibility study to evaluate structural and non-structural flood-risk-management measures, including re-operation of existing reservoirs; improvements to existing levees; construction of new levees; and other storage, conveyance, and non-structural options. The Sutter Basin study area covers approximately 285 square miles and is roughly bounded by the Feather River, Sutter Bypass, Wadsworth Canal, Sutter Buttes, and Cherokee Canal. Flood waters potentially threatening the study area originate from the Feather River watershed and/or the upper Sacramento River watershed, above Colusa Weir. The study area is essentially encircled by project levees and the high ground of Sutter Buttes. Geotechnical analysis and historical performance during past floods indicates the project levees are at risk of failure due to underseepage. The risk of levee failure coupled with the consequence of deep flooding presents a threat to public safety and property. Considering the collective changes to riparian and aquatic ecosystems brought about by agriculture, urbanization, mining, and flood risk management and water supply infrastructure, and the national concern for environmental quality and protection, every opportunity to restore and protect natural resources should be taken whenever changes in the water management system are being contemplated. Ecosystem restoration measures likely would include restoration of floodplain function and habitat. Recreation measures include those outdoor recreation opportunities associated with sustainable water resource development. The feasibility phase of this project is cost-shared 50% Federal, 50% non-Federal with the project sponsors, the State of California CVFPB and the SBFCA. The study will focus on alternatives in the study area that comprise flood risk management, ecosystem restoration, and recreation management measures. As part of the study, an EIS/EIR will be prepared with USACE as the lead agency under NEPA and SBFCA in cooperation with CVFPB as the lead agency under CEQA.

*FRWLP.* SBFCA is proposing a levee improvement project along the Feather River west levee under the California DWR's Early Implementation Program to expeditiously complete flood-risk reduction measures in advance of the Sutter Basin Feasibility Study. Known as the FRWLP, the project proposes to construct levee improvements between the Thermalito Afterbay and the Feather River/Sutter Bypass confluence. Primary deficiencies of the levee include through-seepage, under-seepage, and embankment instability (*e.g.,* overly steepened slopes). Alternatives considered may include measures such as slurry cutoff walls, seepage berms, stability berms, internal drains, relief wells, sheet-pile walls, slope flattening, and potential new levee alignments. As part of the project, an EIS/EIR is being prepared. USACE has authority under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), over alterations to Federal flood control project levees and any such alterations as proposed by SBFCA are subject to approval by USACE. USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in

the project area. Due to these authorities, USACE is acting as the lead agency for the EIS pursuant to NEPA. SBFCA will be acting as the lead agency for the EIR according to CEQA as an agency of the State of California with delegated authority to approve the project.

2. *Alternatives.* The EIS/EIRs will consider several alternatives for reducing flood damage. Alternatives analyzed during the investigation will consist of a combination of one or more measures to reduce the risk of flooding. These measures include installing cutoff walls, and constructing seepage berms.

3. *Scoping Process.*

a. A series of public scoping meetings will be held on June 27 and 28, 2011, to present information to the public and to receive comments from the public on both the feasibility study and the FRWLP. These meetings are intended to initiate the process to involve concerned individuals, and local, state, and Federal agencies.

b. Significant issues to be analyzed in depth in the environmental documents include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, aesthetics, cultural resources, recreation, land use, fisheries, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. USACE also is coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft environmental documents. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR for the FRWLP is scheduled to be available for public review and comment in late 2011. The draft EIS/EIR for the Sutter Basin Feasibility Study is scheduled to be available for public review and comment in mid 2012.

Dated: May 12, 2011.

**Andrew B. Kiger,**

*LTC, EN, Commanding.*

[FR Doc. 2011–12510 Filed 5–19–11; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Notice of Availability of the Final Programmatic Environmental Impact Statement for the Mechanical and Artificial Creation and Maintenance of Emergent Sandbar Habitat in the Riverine Segments of the Upper Missouri River, Missouri River Basin, United States

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, the U.S. Army Corps of Engineers intends to file a Final Programmatic Environmental Impact Statement (FPEIS) for the Mechanical and Artificial Creation and Maintenance of Emergent Sandbar Habitat on the Riverine Segments of the Upper Missouri River with the U.S. Environmental Protection Agency. The FEIS is available for final public review. Details on the proposed action, location and areas of environmental concern addressed in the FPEIS are provided below under **SUPPLEMENTARY INFORMATION**.

**DATES:** The review period will be open 30 days from the date of this notice. The Record of Decision is anticipated to be issued in August, 2011.

**ADDRESSES:** Written comments should be sent to: Department of the Army; Corps of Engineers, Omaha District; CENWO–PM–AC; ATTN: Emergent Sandbar Habitat Programmatic EIS; 1616 Capitol Avenue; Omaha, NE 68102–4901, or e-mailed to: *Cynthia.s.upah@usace.army.mil.* Comments must be postmarked, e-mailed, or otherwise submitted no later than June 13, 2011. Copies of the FPEIS have been sent to all agencies and individuals who participated in the scoping process or public hearings and to those requesting copies. The FEIS is available online at: *http://www.moriverrecovery.org/mrrp/MRRP_PUB_DEV.download_documentation_peis.* To obtain a copy, please contact Ms. Cynthia Upah.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cynthia Upah, Project Manager, by telephone: (402) 995–2672, by mail: 1616 Capitol Avenue, Omaha, NE 68102–4901, or by e-mail: *Cynthia.s.upah@usace.army.mil.* For inquires from the media, please contact the USACE Omaha District Public Affairs Officer (PAO), Ms. Monique Farmer by telephone: (402) 995–2416, by mail: 1616 Capitol Avenue, Omaha, NE 68102, or by e-mail: *Monique.l.farmer@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:** 1. *Background.* The Emergent Sandbar Habitat (ESH) program is being implemented by the U.S. Army Corps of Engineers (Corps) for the benefit of the interior population of the Interior least tern (least tern) and the northern Great Plains piping plover (piping plover). This implementation program resulted from a Biological Opinion (BiOp) issued by the U.S. Fish and Wildlife Service (USFWS) in which the Reasonable and Prudent Alternative (RPA) called for the Corps to provide sufficient ESH acreage in order to meet biological metrics (fledge ratios) to avoid jeopardizing continued existence of the species, as defined by the Endangered Species Act (ESA).

The FPEIS is needed to provide National Environmental Policy Act (NEPA) coverage for the mechanical and artificial construction of ESH in the riverine segments of the Upper Missouri River, pursuant to the 2003 BiOp Amendment RPA IV(b) 3, and to compare impacts among a range of alternatives. The goal is to inform the selection of a preferred alternative that allows for the creation and replacement of sufficient habitat to support tern and plover populations on the Missouri River in a safe, efficient and cost-effective manner that minimizes negative environmental consequences.

Alternatives to the proposed project that are considered in the FPEIS include (1) no action, including existing program activities and no action; (2) and 6 action alternatives of various acreage creation. Environmental issues addressed in the FPEIS include hydrology, water quality, aggradation and degradation, biological resources, air quality, noise and recreation.

After detailed consideration of the environmental and social impacts, and cumulative effects, of the Alternatives, the Corps has identified an Adaptive Management Implementation Process (AMIP) as the preferred alternative, and not one of the specific acreage alternatives. The key aspect of the AMIP is that, rather than selecting a specific acreage alternative and pursuing such construction, actions would be progressively implemented with the focus on monitoring a combination of biological and physical metrics (measurements). Implementation of progressively larger acreage amounts of habitat would continue until the desired biological response is attained and sustained.

However, the exact number of acres needed to be constructed and maintained is uncertain at this time. Based on the analysis in the PEIS, the impacts of the larger alternatives (3, 2 and 1) are deemed to be moderate to high. The Corps has chosen a maximum construction ceiling of Alternative 3.5 (4,370 acres) at this time. Impacts of lesser alternatives (3.5, 4 and 5) are deemed to be moderate to low. This checkpoint of Alternative 3.5 is proposed because it represents a midrange of habitat available at a time when the birds were productive (biological metric), and it is anticipated that a positive, sustainable biological response will be met before fully implementing up to Alternative 3.5. If Alternative 3.5 is fully implemented and the birds are not meeting biological metrics, the Corps can consider continuing to higher acreage alternatives or look at other methodologies. Appropriate coordination and disclosure would be pursued if Alternative 3.5 was exceeded (potential amended Record of Decision or additional NEPA).

2. *Document Availability.* The Emergent Sandbar Habitat Programmatic EIS is available online at *http://www.moriverrecovery.org/mrrp/MRRP_PUB_DEV.download_documentation_peis,* or see the **ADDRESSES** section. For more information about the Emergent Sandbar Habitat program, please visit *http://www.moriverrecovery.org* under "BiOp/Mit Efforts."

Dated: May 9, 2011.

**Kayla Eckert Uptmor,**

*Chief Planning Branch, Omaha District.*

[FR Doc. 2011–12511 Filed 5–19–11; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Availability of a Final Environmental Impact Statement To Consider Issuance of a Department of the Army Permit Pursuant to Section 404 of the Clean Water Act for the Sabine Mining Company's Proposal To Construct, Operate, and Reclaim the Rusk Permit Area, Rusk, Panola, and Harrison Counties, TX (USACE Project No. SWF–2007–00560)

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE) Fort Worth District has prepared a Final Environmental Impact Statement (FEIS). This FEIS evaluates project alternatives and potential impacts to the natural, physical and human environment as a result of the Sabine Mining Company's proposal to construct, operate and reclaim the Rusk Permit Area. The USACE regulates this proposed project pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The proposed activity would involve the discharge of dredged and fill material into waters of the United States associated with the proposed construction, operation and reclamation of the Rusk Permit Area.

**DATES:** Submit comments no later than 60 days from the date of publication of this notice.

**ADDRESSES:** Send written comments and suggestions concerning this proposal to Mr. Darvin Messer, Regulatory Project Manager, Regulatory Branch, CESWF–PER–R, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102–0300 or via e-mail: *Darvin.Messer@usace.army.mil.*

Requests to be placed on the mailing list should also be sent to this address. Please reference USACE Project No. SWF–2007–00560.

**FOR FURTHER INFORMATION CONTACT:** Mr. Darvin Messer, Regulatory Project Manager at (817) 886–1744 or via e-mail: *Darvin.Messer@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:** Discharges of fill material into waters of the United States are regulated under Section 404 of the Clean Water Act, with the permitting responsibility administered by the USACE. The proposed project must also address environmental impacts relative to the Clean Air Act, Clean Water Act, Endangered Species Act and the Fish and Wildlife Coordination Act (FWCA). In accordance with the NEPA, the FEIS evaluates practicable alternatives for the USACE's decision making process. As required by NEPA, the USACE also analyzes the "no action" alternative as a baseline for gauging potential impacts.

Written comments should be sent to Mr. Darvin Messer (see **ADDRESSES**). The comments are due no later than 60 days from the date of publication of this notice. Copies of the FEIS may be obtained by contacting USACE Fort Worth District Regulatory Branch at (817) 886–1731 or downloaded/printed from the Fort Worth District USACE Internet Web site at: *http://www.swf.usace.army.mil/pubdata/environ/regulatory/permitting/rusk.asp.*

Copies of the FEIS are also available for inspection at the locations identified below:

(1) Tatum Public Library, 335 Hood Street, Tatum, TX 75691.

(2) Sammie Brown Library, 522 West College Street, Carthage, TX 75633.

(3) Longview Public Library, 222 West Cotton Street, Longview, TX 75601.

(4) Rusk County Library, 106 East Main St., Henderson, TX 75652.

(5) Marshall Public Library, 300 South Alamo Boulevard, Marshall, TX 75670.

(6) Henderson City Hall, 400 West Main Street, Henderson, TX 75652.

(7) Tatum City Hall, 680 Crystal Farms Road, Tatum, TX 75691.

(8) Longview City Hall, 300 West Cotton Street, Longview, TX 75601.

(9) Carthage City Hall, 812 West Panola Street, Carthage, TX 75633.

(10) Marshall City Hall, 401 South Alamo Boulevard, Marshall, TX 75785.

After the public comment period ends, the USACE will consider all comments received, revise the FEIS as appropriate, and issue a Final Environmental Impact Statement.

**Stephen L Brooks,**

*Chief, Regulatory Branch.*

[FR Doc. 2011–12512 Filed 5–19–11; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### Intent To Prepare an Environmental Impact Statement (EIS) for the Alaska Department of Transportation & Public Facilities Foothills West Transportation Access Project

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Notice of Intent.

**SUMMARY:** The Alaska District, U.S. Army Corps of Engineers (Corps) intends to prepare a Draft Environmental Impact Statement (DEIS) to identify and analyze the potential impacts associated with the proposed Foothills West Transportation Access Project (Foothills Project). The Corps is the lead Federal agency; the Bureau of Land Management (BLM) and the Alaska Department of Natural Resources (ADNR) are participating as cooperating agencies in the DEIS development process. The Corps will be evaluating a permit application for work under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The Environmental Impact Statement (EIS) will be used as a basis for the permit decision and to ensure

compliance with the National Environmental Policy Act (NEPA).

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and the DEIS can be answered by: Ms. Melissa Riordan, Regulatory Division, *telephone:* (907) 474–2166, or *mail:* U.S. Army Corps of Engineers, CEPOA–RD, 2175 University Avenue, Suite 201(E), Fairbanks, AK 99709–4927. You may also request to be added to the mailing list and find additional information at the following Web site: *http://www.foothillswesteis.com.*

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action.* The Department of Transportation and Public Facilities (DOT&PF) is proposing to construct an all-season transportation access road from the Dalton Highway to Umiat, to increase access to potential oil and gas resources for exploration and development along the northwestern foothills of the Brooks Range, and within the National Petroleum Reserve—Alaska (NPR–A). The project is considered an important investment by the State of Alaska to further oil and gas resource exploration and development opportunities to benefit Alaska's economy.

The proposed Foothills Project area is within the North Slope Foothills Areawide Oil and Gas Lease Sale Area between the Dalton Highway and Umiat. The project area is within the North Slope Borough; south of the Umiat baseline (principal east-west line dividing survey townships 1 north and 1 south of the Umiat Quadrangle, Alaska), west of the Dalton Highway, north of the Gates of the Arctic National Park and Preserve, and east of the National Petroleum Reserve—Alaska.

Construction components of this project would include an all-season gravel road, associated bridges and other crossing structures (i.e., culverts), pull-outs, maintenance facilities, temporary construction camps, and material sites. The road would be designed to safely accommodate industrial traffic in arctic conditions. Although the road may be closed to the public during periods of exploration, development and production activities, the road may eventually be open to the general public. Depending upon the final route alignment, there could be up to six major river crossings. These are the Anaktuvuk, Chandler, Colville, Itkillik, Kuparuk, and Toolik rivers. Bridges and other crossing structures would be designed to accommodate industrial activities and weight loads associated with oil and gas pipelines. While subsequent efforts by industry to develop infrastructure such as oil and gas pipelines and their associated components are reasonably foreseeable, these elements are not proposed by this action.

2. *Alternatives.* A reasonable range of alternatives will be identified and evaluated through scoping and the EIS process. The DOT&PF has identified several possible road corridors between the Dalton Highway and Umiat within the Foothills Project area, including a preferred corridor that goes from Galbraith Lake at milepost 278 on the Dalton Highway and heads in a northerly, and then northwesterly, route to Umiat. The intent of the DOT&PF is to identify a feasible corridor that concurrently accesses areas with high oil and gas potential, minimizes the distance between the road corridor and likely exploration areas, and traverses as much state land as possible. One or more corridors will be identified through scoping. Within the corridor(s), additional analysis would be conducted to determine optimal road alignments and river crossing locations.

3. *Scoping Process.* The scoping period will begin on May 20, 2011 and end on July 5, 2011.

a. *Public involvement.* The Corps invites full public participation to promote open communication on the issues to be addressed regarding the proposed action. All Federal, state, Tribal, and local agencies, and other interested persons or organizations with an interest are urged to participate in the NEPA scoping process. Scoping meetings will be held to receive public input on the development of proposed alternatives to be reviewed in the EIS, and to identify significant issues to be analyzed.

b. *Scoping meetings.* The Corps plans to hold scoping meetings in Anaktuvuk Pass, Anchorage, Barrow, Fairbanks, and Nuiqsut. Information about these meetings and meeting dates will be published locally, posted at *http://www.foothillswesteis.com,* or available by contacting the Corps as described above. A description of the proposed project will be posted on the project Web site prior to these meetings to help the public focus their scoping comments.

4. *Major Issues To Be Analyzed in the DEIS.* The DEIS will analyze the potential social, economic, physical, and biological impacts on the affected areas. The following major issues will be analyzed in depth in the DEIS: road construction and operation and its effect on the surrounding communities; water resources; fish and wildlife; cultural and subsistence resources; hazardous materials; human health; socioeconomics; and secondary and cumulative impacts.

5. *Other Environmental Review and Consultation Requirements.* Other environmental review and consultation requirements include: Magnuson Stevens Act for Essential Fish Habitat identification, Executive Order 13175 Consultation and Coordination with Indian Tribal Governments; Section 106 of the National Historic Preservation Act of 1966; Section 9 of the Rivers and Harbors Act of 1899; and subsistence uses in accordance with Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA).

6. *Land Ownership.* The lands within the Foothills Project area are mostly state lands, but also include Federal lands administered by the BLM, Arctic Slope Regional Corporation lands, and private lands.

7. *Estimated Date DEIS Available to Public.* It is anticipated that the DEIS will be available June 2012 for public review.

Dated: May 5, 2011.

**Melissa C. Riordan,**

*Project Manager, Alaska District, U.S. Army Corps of Engineers.*

[FR Doc. 2011–12371 Filed 5–19–11; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Comment Request.

**SUMMARY:** The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 19, 2011.

**ADDRESSES:** Comments regarding burden and/or the collection activity

requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 17, 2011.

**Darrin A. King,**

*Director, Information Collection Clearance Division,Privacy, Information and Records Management Services, Office of Management.*

**Office of Elementary and Secondary Education**

*Type of Review:* Extension.

*Title of Collection:* Migrant Education Program Final Regulations and Certificate of Eligibility.

*OMB Control Number:* 1810–0662.

*Agency Form Number(s):* N/A.

*Frequency of Responses:* Annually; Biennially; Once.

*Affected Public:* Individuals or household; State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

*Total Estimated Number of Annual Responses:* 230,047.

*Total Estimated Number of Annual Burden Hours:* 406,297.

*Abstract:* The regulations for Title I, Part C establish minimum requirements for a State Educational Agency comprehensive needs assessment, plan for service delivery, and program evaluation. The regulations also establish minimum requirements for documenting eligibility, re-interviewing, and establishing a system of quality controls. The Secretary will use the information collected to monitor the accuracy of program eligibility determinations, make needed improvements, and adjust State Migrant Education Program allocations based on reported defect rates.

Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4619. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2011–12441 Filed 5–19–11; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Comment Request.

**SUMMARY:** The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 19, 2011.

**ADDRESSES:** Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 17, 2011.

**Darrin A. King,**

*Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

**Office of Special Education and Rehabilitative Services**

*Type of Review:* Revision.

*Title of Collection:* Annual Performance Report for the State Grant for Assistive Technology Program under the Assistive Technology Act of 1998, as Amended.

*OMB Control Number:* 1820–0572.

*Agency Form Number(s):* N/A.

*Frequency of Responses:* Annually.

*Affected Public:* State, Local, or Tribal Government, State Educational Agencies or Local Education Agencies.

*Total Estimated Number of Annual Responses:* 190,456.

*Total Estimated Number of Annual Burden Hours:* 23,968.

*Abstract:* Section 4 of the Assistive Technology Act of 1998, as amended (AT Act), requires states to submit annual data reports. This instrument helps the grantees report annual data related to the required activities implemented by the state under the AT Act. This data is used by the

Rehabilitation Services Administration (RSA) in order to prepare required annual reports to Congress. RSA calls this data collection an annual progress report.

Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4623. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2011–12442 Filed 5–19–11; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

## Applications for New Awards; State Personnel Development Grants (SPDG) Program

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

### Overview Information

*State Personnel Development Grants (SPDG) Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011*

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.323A.

**DATES:**

*Applications Available:* May 20, 2011.

*Deadline for Transmittal of Applications:* July 5, 2011.

*Deadline for Intergovernmental Review:* September 2, 2011.

### Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The purpose of this program, authorized by the Individuals with Disabilities Education Act (IDEA), is to assist State educational agencies (SEAs) in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

*Priorities:* This notice contains two absolute priorities and one competitive preference priority that are explained in the following paragraphs.

*Absolute Priorities:* In accordance with 34 CFR 75.105(b)(2)(v), Absolute Priority 1 is from sections 651 through 655 of IDEA. Absolute Priority 2 is from the notice of final priority for this program, published in the **Federal Register** on June 9, 2006 (71 FR 33578). For FY 2011 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet both of these priorities.

The priorities are:

*Absolute Priority 1: State Personnel Development Grants*

*Statutory Requirements.* To meet this priority, an applicant must meet the following statutory requirements:

1. *State Personnel Development Plan.* An applicant must submit a State Personnel Development Plan that identifies and addresses the State and local needs for the personnel preparation and professional development of personnel, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

(a) Is designed to enable the State to meet the requirements of section 612(a)(14) and section 635(a)(8) and (9) of IDEA;

(b) Is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel who serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

(1) Current and anticipated personnel vacancies and shortages; and

(2) The number of preservice and inservice programs;

(c) Is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965, as amended (ESEA); the Rehabilitation Act of 1973, as amended; and the Higher Education Act of 1965, as amended (HEA);

(d) Describes a partnership agreement that is in effect for the period of the grant, which agreement must specify—

(1) The nature and extent of the partnership described in accordance with section 652(b) of IDEA and the respective roles of each member of the partnership, including, if applicable, an individual, entity, or agency other than the SEA that has the responsibility under State law for teacher preparation and certification; and

(2) How the SEA will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

(e) Describes how the strategies and activities the SEA uses to address identified professional development and personnel needs will be coordinated with activities supported with other public resources (including funds provided under Part B and Part C of IDEA and retained for use at the State level for personnel and professional development purposes) and private resources;

(f) Describes how the SEA will align its personnel development plan with the plan and application submitted under sections 1111 and 2112, respectively, of the ESEA;

(g) Describes strategies the SEA will use to address the identified professional development and personnel needs and how such strategies will be implemented, including—

(1) A description of the programs and activities that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

(2) How such strategies will be integrated, to the maximum extent possible, with other activities supported by grants funded under section 662 of IDEA;

(h) Provides an assurance that the SEA will provide technical assistance to local educational agencies (LEAs) to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

(i) Provides an assurance that the SEA will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving those children;

(j) Describes how the SEA will recruit and retain highly qualified teachers and other qualified personnel in geographic areas of greatest need;

(k) Describes the steps the SEA will take to ensure that economically disadvantaged and minority children

are not taught at higher rates by teachers who are not highly qualified; and

(l) Describes how the SEA will assess, on a regular basis, the extent to which the strategies implemented have been effective in meeting the performance goals described in section 612(a)(15) of IDEA.

2. *Partnerships.*

*Required Partners.*

Applicants must establish a partnership with LEAs and other State agencies involved in, or concerned with, the education of children with disabilities, including—

(a) Not less than one institution of higher education; and

(b) The State agencies responsible for administering Part C of IDEA, early education, child care, and vocational rehabilitation programs.

*Other Partners.*

An SEA must work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

(a) The Governor;

(b) Parents of children with disabilities ages birth through 26;

(c) Parents of nondisabled children ages birth through 26;

(d) Individuals with disabilities;

(e) Parent training and information centers or community parent resource centers funded under sections 671 and 672 of IDEA, respectively;

(f) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

(g) Personnel as defined in section 651(b) of IDEA;

(h) The State advisory panel established under Part B of IDEA;

(i) The State interagency coordinating council established under Part C of IDEA;

(j) Individuals knowledgeable about vocational education;

(k) The State agency for higher education;

(l) Noneducational public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

(m) Other providers of professional development who work with infants, toddlers, preschoolers, and children with disabilities;

(n) Other individuals; and

(o) An individual, entity, or agency as a partner in accordance with section 652(b)(3) of IDEA, if State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the SEA.

3. *Use of Funds.*

(a) Professional Development Activities—Each SEA that receives a grant under this program must use the grant funds to support activities in accordance with the State's Personnel Development Plan, including one or more of the following:

(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

(i) Provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development;

(ii) Use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the ESEA; and

(iii) Encourage collaborative and consultative models of providing early intervention, special education, and related services.

(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

(i) Into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

(ii) To enhance learning by children with disabilities; and

(iii) To effectively communicate with parents.

(3) Providing professional development activities

that—

(i) Improve the knowledge of special education and regular education teachers concerning—

(A) The academic and developmental or functional needs of students with disabilities; or

(B) Effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement;

(ii) Improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices, and that—

(A) Provide training in how to teach and address the needs of children with different learning styles and children who are limited English proficient;

(B) Involve collaborative groups of teachers, administrators, and, in appropriate cases, related services personnel;

(C) Provide training in methods of—

(I) Positive behavioral interventions and supports to improve student behavior in the classroom;

(II) Scientifically based reading instruction, including early literacy instruction;

(III) Early and appropriate interventions to identify and help children with disabilities;

(IV) Effective instruction for children with low-incidence disabilities;

(V) Successful transitioning to postsecondary opportunities; and

(VI) Classroom-based techniques to assist children prior to referral for special education;

(D) Provide training to enable personnel to work with and involve parents in their child's education, including parents of low income and limited English proficient children with disabilities;

(E) Provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate individualized education programs (IEPs); and

(F) Provide training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving those students;

(iii) Train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

(iv) Train early intervention, preschool, and related services providers, and other relevant school personnel in conducting effective individualized family service plan (IFSP) meetings.

(4) Developing and implementing initiatives to promote the recruitment and retention of highly qualified special education teachers, particularly initiatives that have proven effective in recruiting and retaining highly qualified teachers, including programs that provide—

(i) Teacher mentoring from exemplary special education teachers, principals, or superintendents;

(ii) Induction and support for special education teachers during their first three years of employment as teachers; or

(iii) Incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

(i) Innovative professional development programs (which may be

provided through partnerships with institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy and that are consistent with the definition of professional development in section 9101 of the ESEA; and

(ii) The development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

(6) Carrying out programs and activities that are designed to improve the quality of early intervention personnel, including paraprofessionals and primary referral sources, such as—

(i) Professional development programs to improve the delivery of early intervention services;

(ii) Initiatives to promote the recruitment and retention of early intervention personnel; and

(iii) Interagency activities to ensure that early intervention personnel are adequately prepared and trained.

(b) Other Activities— Each SEA that receives a grant under this program must use the grant funds to support activities in accordance with the State's Personnel Development Plan, including one or more of the following:

(1) Reforming special education and regular education teacher certification (including re-certification) or licensing requirements to ensure that—

(i) Special education and regular education teachers have—

(A) The training and information necessary to address the full range of needs of children with disabilities across disability categories; and

(B) The necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

(ii) Special education and regular education teacher certification (including re-certification) or licensing requirements are aligned with challenging State academic content standards; and

(iii) Special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students with disabilities meet challenging State student academic achievement and functional standards.

(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(4) Developing and implementing mechanisms to assist LEAs and schools in effectively recruiting and retaining highly qualified special education teachers.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensure, consistent with title II of the HEA (20 U.S.C. 1021 *et seq.*).

(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this absolute priority may lead to the weakening of any State teacher certification or licensing requirement.

(7) Assisting LEAs to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(8) Developing, or assisting LEAs in developing, merit-based performance systems and strategies that provide differential and bonus pay for special education teachers.

(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement and functional standards, and the results of State assessments for all children with disabilities, to improve instructional practices and improve the academic achievement of children with disabilities.

(10) When applicable, coordinating with, and expanding centers established under section 2113(c)(18) of the ESEA to benefit special education teachers.

(c) Contracts and Subgrants—An SEA that receives a grant under this program—

(1) Must award contracts or subgrants to LEAs, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out the State personnel development plan; and

(2) May award contracts and subgrants to other public and private entities, including the lead agency under Part C of IDEA, to carry out the State plan.

(d) Use of Funds for Professional Development—An SEA that receives a grant under this program must use—

(1) Not less than 90 percent of the funds the SEA receives under the grant for any fiscal year for the Professional Development Activities described in paragraph (a); and

(2) Not more than 10 percent of the funds the SEA receives under the grant for any fiscal year for the Other Activities described in paragraph (b).

*Absolute Priority 2: Additional SPDG Requirements*

Projects funded under this program must:

(a) Budget for a three-day Project Directors' meeting in Washington, DC during each year of the project;

(b) Budget $4,000 annually for support of the State Personnel Development Grants Program Web site currently administered by the University of Oregon (*http://www.signetwork.org*); and

(c) If a project receiving assistance under this program authority maintains a Web site, include relevant information and documents in a form that meets a government or industry-recognized standard for accessibility.

*Competitive Preference Priority:* This competitive preference priority is from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486). For FY 2011 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional three points to an application that meets the following competitive preference priority. We will award points on an "all or nothing" basis (*i.e.,* three points or zero points) to an applicant that addresses the competitive preference priority in its application based on whether the applicant meets the priority. These points are in addition to any points the application earns under the selection criteria. To be considered for the competitive preference, an applicant must state in its application that it is seeking to meet this competitive preference priority.

The priority is:

*Background:* Many States are moving toward the adoption of common,

internationally benchmarked, college- and career-ready academic standards for elementary and secondary school students, including students with disabilities served under the IDEA. States will benefit from assistance in transitioning to these new standards, including assistance in developing and implementing (a) high-quality instructional materials, (b) assessments aligned with the standards, (c) teacher and principal preparation and professional development programs, and (d) other strategies that translate the standards into classroom practice.

*Competitive Preference Priority—Implementing Internationally Benchmarked, College- and Career-Ready Elementary and Secondary Academic Standards*

Projects that are designed to support the implementation of internationally benchmarked, college- and career-ready academic standards held in common by multiple States and to improve instruction and learning, including projects in the following priority area:

The development or implementation of professional development or preparation programs aligned with those standards.

**Program Authority:** 20 U.S.C. 1451–1455.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final priority for this program, published in the **Federal Register** on June 9, 2006 (71 FR 33578). (c) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486).

**Note:** The regulations in 34 CFR part 79 apply to all applicants except Federally recognized Indian Tribes.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $10,900,000.

*Estimated Range of Awards:* $500,000–$1,750,000 (for the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico). In the case of outlying areas, awards will be not less than $80,000.

**Note:** We will set the amount of each award after considering—

(1) The amount of funds available for making the grants;

(2) The relative population of the State or outlying area;

(3) The types of activities proposed by the State or outlying area;

(4) The alignment of proposed activities with section 612(a)(14) of IDEA;

(5) The alignment of proposed activities with State plans and applications submitted under sections 1111 and 2112, respectively, of the ESEA; and

(6) The use, as appropriate, of scientifically based research and instruction.

*Estimated Average Size of Awards:* $900,000 excluding the outlying areas.

*Estimated Number of Awards:* 11.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Not less than one year and not more than five years.

## III. Eligibility Information

1. *Eligible Applicants:* An SEA of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

**Note:** Public Law 95–134, which permits the consolidation of grants to the outlying areas, does not apply to funds received under this competition.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other: General Requirements*—The projects funded under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

## IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, *toll free:* 1–877–433–7827. *Fax:* (703) 605–6794. If you use a telecommunications device for the deaf (TDD), call, *toll free:* 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.EDPubs.gov* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.323A.

To obtain a copy from the program office, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

*Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A "page" is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

*Applications Available:* May 20, 2011.

*Deadline for Transmittal of Applications:* July 5, 2011.

Applications for grants under each competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* September 2, 2011.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for each competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*).

7. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

*a. Electronic Submission of Applications*

We are participating as a partner in the Governmentwide Grants.gov Apply site. The State Personnel Development Grants Program competition, CFDA number 84.323A, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the State Personnel Development Grants Program competition, CFDA number 84.323A at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.323, not 84.323A).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- If you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in a .PDF (Portable Document) format only. If you upload a file type other than a .PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your

application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*b. Submission of Paper Applications by Mail*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.323A), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.323A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers, by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

**VI. Award Administration Information**

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The goal of the SPDG Program is to reform and improve State systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities. The Department is revising the performance measures developed for this program pursuant to the Government Performance and Results Act of 1993 to better assess the success of the program in meeting these goals. The revised measures will assess the extent to which:

- Projects use evidence-based professional development practices to support the attainment of identified competencies.
- Participants in SPDG professional development demonstrate improvement in implementation of SPDG-supported practices over time.
- Projects use SPDG professional development funds to provide activities designed to sustain the use of SPDG-supported practices.
- Highly qualified special education teachers that have participated in SPDG supported special education teacher retention activities remain as special education teachers two years after their initial participation in these activities.

Each grantee funded under this competition must collect and annually report data related to its performance on these measures in the project's annual and final performance report to the Department in accordance with section 653(d) of IDEA and 34 CFR 75.590. Applicants should discuss in the application narrative how they propose to collect performance data for these measures.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

**VII. Agency Contact**

**FOR FURTHER INFORMATION CONTACT:** Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4096, Potomac Center Plaza (PCP), Washington, DC 20202–2550. *Telephone:* (202) 245–6673.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**VIII. Other Information**

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. *Telephone:* (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *http://www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *http://www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 16, 2011.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2011–12471 Filed 5–19–11; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

**[CFDA Number: 84.299B]**

### Funding Down Slate; Indian Education Professional Development Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice of intent to fund down the fiscal year (FY) 2010 grant slate.

**SUMMARY:** The Secretary intends to use the existing slate of applications from the FY 2010 competition for the Professional Development Grants program authorized by 20 U.S.C. 7442 to make new grant awards in FY 2011. The Secretary takes this action because there

are a significant number of unfunded high-quality applications on the FY 2010 slate and there are very limited funds available for new awards for FY 2011. We expect to use an estimated $1,030,816 for new awards in FY 2011. The actual level of funding depends on the amount of FY 2011 program funds that are available after the Department makes continuation awards.

**FOR FURTHER INFORMATION CONTACT:** Lana Shaughnessy, U.S. Department of Education, 400 Maryland Ave., SW., room 3E231, Washington, DC 20202–6335. *Telephone:* (202) 205–2528 or via *e-mail: Lana.Shaughnessy@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or computer diskette) on request by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The Department published a notice inviting applications for new awards under the Professional Development Grant program for FY 2010 in the **Federal Register** on December 18, 2009 (74 FR 67182). In response to the notice inviting applications, we received a significant number of high-quality applications and made eight awards. However, many applications that received high scores from peer reviewers did not receive grants in FY 2010 because of the limited funds available for the program. In addition, we made additional awards from FY 2011 funds to two applicants that were inadvertently not funded in FY 2010 due to an administrative error.

The FY 2010 slate was based on the selection criteria, application requirements, and definitions referenced in the December 18, 2009 notice inviting applications (74 FR 67182).

**Note:** To be eligible to receive a grant under this notice all applicants, including all applicants in a consortium of eligible entities, being considered for funding must currently meet all statutory eligibility criteria and demonstrate a commitment to implement the scope and objectives of the project proposed in the application submitted in FY 2010. Only applications from the FY 2010 slate will be considered. Our intent is to fund down the slate in rank order from the last FY 2010 funded application until all available funds are obligated.

**Program authority:** 20 U.S.C. 7442.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *http://www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *http://www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 17, 2011.

**Thelma Meléndez de Santa Ana,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2011–12501 Filed 5–19–11; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

**[CFDA Number 84.299A]**

### Funding Down Slate; Demonstration Grants for Indian Children Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice of intent to fund down the fiscal year (FY) 2010 grant slate.

**SUMMARY:** The Secretary intends to use the existing slate of applications from the FY 2010 competition for the Demonstration Grants for Indian Children program authorized by 20 U.S.C. 7441 to make new grant awards in FY 2011. The Secretary takes this action because there are a significant number of unfunded, high-quality applications on the FY 2010 slate and there are very limited funds available for new awards in FY 2011. We expect to use an estimated $1,030,815 for new awards in FY 2011. The actual level of funding depends on the amount of FY 2011 program funds that are available after the Department makes continuation awards.

**FOR FURTHER INFORMATION CONTACT:** Lana Shaughnessy, U.S. Department of Education, 400 Maryland Ave., SW., room 3E231, Washington, DC 20202–6335. *Telephone:* (202) 205–2528 or via *e-mail: Lana.Shaughnessy@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The Department published a notice inviting applications for new awards under the Demonstration Grants for Indian Children program for FY 2010 in the **Federal Register** on December 3, 2009 (74 FR 63398). We extended the closing date announced in that notice from February 18, 2010, to February 25, 2010 by a notice published in the **Federal Register** on February 8, 2010 (75 FR 6192). In response to those notices, we received a significant number of high-quality applications and made 10 awards. However, many applications that received high scores from peer reviewers did not receive grants in FY 2010 because of the limited funds available for the program. In addition, we made additional awards from FY 2011 funds to two applicants that were inadvertently not funded in FY 2010 due to an administrative error.

The FY 2010 slate was based on the selection criteria, application requirements, and definitions referenced in the December 3, 2009 notice inviting applications (74 FR 63398).

**Note:** To be eligible to receive a grant under this notice all applicants, including all applicants in a consortium of eligible entities, being considered for funding must currently meet all statutory eligibility criteria and demonstrate a commitment to implement the scope and objectives of the project proposed in the application submitted in FY 2010. Only applications from the FY 2010 slate will be considered. Our intent is to fund down the slate in rank order from the last FY 2010 funded application until all available funds are obligated.

**Program authority:** 20 U.S.C. 7441.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *http://www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *http://www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 17, 2011.

**Thelma Meléndez de Santa Ana,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2011–12499 Filed 5–19–11; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Nevada

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. 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:** Wednesday, June 8, 2011, 5 p.m.

**ADDRESSES:** Aliante Station, 7300 Aliante Parkway, North Las Vegas, Nevada 89084.

**FOR FURTHER INFORMATION CONTACT:** Denise Rupp, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. *Phone:* (702) 657–9088; *Fax* (702) 295–5300 or *E-mail*: *ntscab@nv.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:*

1. Recommendation Development: Greater-Than-Class C Draft Environmental Impact Statement (EIS)
2. CAU 106 Soils Update
3. Site-Wide EIS Work Plan Development

*Public Participation:* The EM SSAB, Nevada, 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 Denise Rupp 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 presentations pertaining to agenda items should contact Denise Rupp at the telephone number listed above. The request 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 to Denise Rupp at the address listed above or at the following Web site: *http://nv.energy.gov/nssab/MeetingMinutes.aspx*.

Issued at Washington, DC on May 16, 2011.

**LaTanya R. Butler,**

*Acting Deputy Committee Management Officer.*

[FR Doc. 2011–12500 Filed 5–19–11; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER01–313–012; *ER01–424–012.*

*Applicants:* California Independent System Operator Corporation, Pacific Gas and Electric Company.

*Description:* Compliance Refund Report of Pacific Gas and Electric Company.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5146.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

*Docket Numbers:* ER11–2048–003.

*Applicants:* New York Independent System Operator, Inc.

*Description:* New York Independent System Operator, Inc. submits tariff filing per 35: NYISO Compliance Filing EITC OATT Attchmnt C 5/11/11 to be effective 5/27/2011.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5133.

*Comment Date:* 5 p.m. Eastern Time on Friday, May 20, 2011.

*Docket Numbers:* ER11–2875–002.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* PJM Interconnection, L.L.C. submits tariff filing per 35: Compliance filing per Order issued in Docket No. ER11–2875–000 to be effective 4/13/2011.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5093.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

*Docket Numbers:* ER11–3380–001.

*Applicants:* Scylla Energy LLC.

*Description:* Scylla Energy LLC submits tariff filing per 35.17(b): Scylla Amendment Filing MBR Tariff to be effective 5/18/2011.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5095.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

*Docket Numbers:* ER11–3556–000.

*Applicants:* San Diego Gas & Electric Company.

*Description:* San Diego Gas & Electric Company submits tariff filing per 35.13(a)(2)(iii: SDGE and Ocotillo EP Agreement to be effective 5/12/2011.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5120.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

*Docket Numbers:* ER11–3557–000.

*Applicants:* NorthWestern Corporation.

*Description:* NorthWestern Corporation submits tariff filing per 35.13(a)(2)(iii: Service Agreement Nos. 584, 585, and 588—PPL Montana, LLC to be effective 8/11/2009.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5129.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

*Docket Numbers:* ER11–3558–000.

*Applicants:* NorthWestern Corporation

*Description:* NorthWestern Corporation submits tariff filing per 35.13(a)(2)(iii: Service Agreement Nos. 586 and 587—PPL Montana, LLC to be effective 5/10/2011.

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5134.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

*Docket Numbers:* ER11–3559–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* PJM Interconnection, L.L.C submits notice of cancellation of a wholesale market participation agreement with Dauphin County Industrial Development Authority *et al.*

*Filed Date:* 05/12/2011.

*Accession Number:* 20110512–5140.

*Comment Date:* 5 p.m. Eastern Time on Thursday, June 02, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12439 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–2719–004; ER10–2718–004; ER10–2578–006; ER10–2633–004; ER10–2570–004; ER10–2717–004; ER10–3140–004.

*Applicants:* Cogen Technologies Linden Venture, L.P., Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Fox Energy Company, LLC, Inland Empire Energy Center, LLC, East Coast Power Linden Holding, LLC.

*Description:* Notice of Non-Material Change in Status of East Coast Power Linden Holding, LLC, *et al.*

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5057.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3560–000.

*Applicants:* ISO New England Inc., The United Illuminating Company.

*Description:* ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: Revisions to Schedule 21—UI to be effective 6/1/2011.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5019.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3561–000.

*Applicants:* MP2 Energy LLC.

*Description:* MP2 Energy LLC submits tariff filing per 35.12: Market Based Rate Application to be effective 5/14/2011.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5031.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3562–000.

*Applicants:* Southwestern Electric Power Company.

*Description:* Southwestern Electric Power Company submits tariff filing per 35.13(a)(2)(iii: 20110513 Minden PSA to be effective 12/17/2010.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5035.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3563–000.

*Applicants:* Southwestern Electric Power Company.

*Description:* Southwestern Electric Power Company submits tariff filing per 35.13(a)(2)(iii: 20110513 Prescott PSA to be effective 12/17/2010.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5036.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3564–000.

*Applicants:* ISO New England Inc.

*Description:* First Quarter Capital Budget Report of ISO New England Inc.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5060.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3565–000.

*Applicants:* PacifiCorp.

*Description:* PacifiCorp submits tariff filing per 35.13(a)(2)(iii: PAC Energy NITSA Rev 8 to be effective 4/14/2011.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5063.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3566–000.

*Applicants:* Kansas City Power & Light Company.

*Description:* Kansas City Power & Light Company submits tariff filing per 35.13(a)(2)(iii: KCP&L RS 130 Baseline & Amendment to be effective 6/1/2011.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5068.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3567–000.

*Applicants:* New Brunswick Power Generation Corporation.

*Description:* New Brunswick Power Generation Corporation submits tariff filing per 35: Market Based Rates Filing to be effective 5/13/2011.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5069.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

*Docket Numbers:* ER11–3568–000.

*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.

*Description:* ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: FTR Enhancements to be effective 7/13/2011.

*Filed Date:* 05/13/2011.

*Accession Number:* 20110513–5084.

*Comment Date:* 5 p.m. Eastern Time on Friday, June 3, 2011.

Any person desiring to intervene or to protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12438 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER11–2210–001.
*Applicants:* Alta Wind III, LLC.
*Description:* Alta Wind III, LLC, Notice of Non-Material Change in Status.
*Filed Date:* 05/13/2011.
*Accession Number:* 20110513–5143.
*Comment Date:* 5 p.m. Eastern Time on Friday, June 03, 2011.

*Docket Numbers:* ER11–2577–001.
*Applicants:* Cedar Creek Wind Energy, LLC.
*Description:* Cedar Creek Wind Energy, LLC submits tariff filing per 35: Cedar Creek Wind Energy, LLC Amendment to Updated Market Power Analysis, *et al.* to be effective 7/11/2011.
*Filed Date:* 05/13/2011.
*Accession Number:* 20110513–5135.
*Comment Date:* 5 p.m. Eastern Time on Friday, June 03, 2011.

*Docket Numbers:* ER11–3569–000.
*Applicants:* Nevada Power Company.
*Description:* Nevada Power Company submits tariff filing per 35.12: Rate Schedule No. 121 Interim Ancillary Services Agreement to be effective 6/1/2011.
*Filed Date:* 05/13/2011.
*Accession Number:* 20110513–5097.
*Comment Date:* 5 p.m. Eastern Time on Friday, June 03, 2011.

*Docket Numbers:* ER11–3570–000.
*Applicants:* Florida Power & Light Company.
*Description:* Florida Power & Light Company submits tariff filing per 35: FPL's Revisions to Attachment E and Attachment I of the FPL OATT to be effective 7/12/2011.
*Filed Date:* 05/13/2011.
*Accession Number:* 20110513–5129.
*Comment Date:* 5 p.m. Eastern Time on Friday, June 03, 2011.

*Docket Numbers:* ER11–3571–000.
*Applicants:* Nevada Power Company.
*Description:* Nevada Power Company submits tariff filing per 35.13(a)(2)(iii: Rate Schedule No. 48 Amended & Restated InterConnection Agmt Deletion Schedule D to be effective 6/1/2011.
*Filed Date:* 05/13/2011.
*Accession Number:* 20110513–5138.
*Comment Date:* 5 p.m. Eastern Time on Friday, June 03, 2011.

*Docket Numbers:* ER11–3572–000.
*Applicants:* Midwest Independent Transmission System Operator.
*Description:* Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 05–13–11 DAMAP Filing to be effective 5/14/2011.
*Filed Date:* 05/13/2011.
*Accession Number:* 20110513–5139.
*Comment Date:* 5 p.m. Eastern Time on Friday, June 03, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and

interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12432 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER11–3561–000]**

### MP2 Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of MP2 Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 6, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2011.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2011–12425 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER11–3551–000]**

### Glacial Energy of New York; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Glacial Energy of New York's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 2, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12437 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER11–3552–000]**

### Glacial Energy of New England, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Glacial Energy of New England, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 2, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12436 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER11–3553–000]**

### Glacial Energy of New Jersey, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request For Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Glacial Energy of New Jersey, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 2, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12435 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER11–3555–000]**

### Glacial Energy of Illinois, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Glacial Energy of Illinois, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 2, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor

must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12434 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER11–3554–000]**

### Glacial Energy of California, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Glacial Energy of California, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 2, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2011.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2011–12433 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP11–477–000]**

### Texas Eastern Transmission, LP; Notice of Request Under Blanket Authorization

Take notice that on May 10, 2011 Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056, filed in Docket No. CP11–477–000, a Prior Notice request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act for authorization to abandon in place, 5.7-miles of its 12-inch pipeline designated Line 40–B–4–C located in federal waters in the Gulf of Mexico near Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Berk Donaldson, Director, Rates & Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas, 77251–1642, or call (713) 627–4488, or fax (713) 627–5947, or by e-mail: *bdonaldson@spectraenergy.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and ill not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii)

and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link.

Dated: May 16, 2011.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2011–12426 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. ER10–1401–000; ER10–1559–000; ER11–2256–000; ER11–3149–000]**

### California Independent System Operator Corporation; Notice of FERC Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that on the following dates members of its staff will participate in teleconferences and meetings to be conducted by the California Independent System Operator (CAISO). The agenda and other documents for the teleconferences and meetings are available on the CAISO's Web site, *http://www.caiso.com.*

May 17, 2011, Systems Interface User Group, Department of Market Monitoring 2010, Market Monitoring Report, Bidding and Mitigation of Commitment Costs

May 18, 2011, Board of Governors Meeting, Settlements and Market Clearing User Group, Congestion Revenue Rights

May 19, 2011, Market Update, Board of Governors Meeting, Settlement Process Timeline Change, CA Transmission Planning Group Call

May 20, 2011, Congestion Revenue Rights Enhancements, Transmission Planning Standards

May 24, 2011, Systems Interface User Group, BPM Change Management

May 25, 2011, Settlements and Market Clearing User Group, Congestion Revenue Rights

May 31, 2011, Systems Interface User Group, Settlement Quality Meter Data

Sponsored by the CAISO, the teleconferences and meetings are open to all market participants, and staff's attendance is part of the Commission's ongoing outreach efforts. The teleconferences and meetings may discuss matters at issue in the above captioned dockets.

For further information, contact Saeed Farrokhpay at *saeed.farrokhpay@ferc.gov;* (916) 294–0322 or Maury Kruth at *maury.kruth@ferc.gov,* (916) 294–0275.

Dated: May 16, 2011.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2011–12427 Filed 5–19–11; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Southeastern Power Administration

### Cumberland System of Projects

**AGENCY:** Southeastern Power Administration, DOE.

**ACTION:** Notice of extension of time to present written comments.

**SUMMARY:** The period for submitting written comments on Southeastern's proposed rate adjustment is extended to July 1, 2011.

**DATES:** Written comments may be submitted until the close of business July 1, 2011.

**ADDRESSES:** *Written comments should be submitted to:* Kenneth E. Legg, Administrator, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635–6711.

**FOR FURTHER INFORMATION CONTACT:** J. W. Smith, Public Utilities Specialist, Finance and Marketing Division, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia, 30635–6711 (706–213–3839).

**SUPPLEMENTARY INFORMATION:** On March 7, 2011, Southeastern published a notice in the **Federal Register** (76 FR 12354) that proposed new rate schedules to replace the current wholesale power schedules for the Cumberland System for a two-year period from October 1, 2011, to September 30, 2013. The notice outlined a public comment process that included a public information and comment forum for the Cumberland customers and interested parties which was held in Nashville, Tennessee, on May 3, 2011. The public information process also provided that additional written comments would be due to Southeastern on or before June 6, 2011. At the public information and comment forum, the Cumberland customers, through their representatives, requested an extension of the comment period from June 6, 2011, to close of business on July 1, 2011. The additional time is needed in order for the customers to review extensive materials and information provided and developed at and after the forum and to allow sufficient time for such necessary review and preparation of informed comments regarding the new proposed rates. For the reasons stated above, Southeastern hereby extends the period for submission of written comments to the close of business July 1, 2011.

Dated: May 9, 2011.

**Herbert R. Nadler,**

*Acting Administrator.*

[FR Doc. 2011–12503 Filed 5–19–11; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2007–0269; FRL–9308–7]**

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Transportation Conformity Determinations for Federally Funded and Approved Transportation Plans (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before June 20, 2011.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0269, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by mail to EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket, Mailcode 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), 725 17th Street, NW., Washington, DC 20503, *Attention:* Desk Officer for EPA.

**FOR FURTHER INFORMATION CONTACT:** Astrid Larsen, State Measures and Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number (734) 214–4812; *fax number:* (734) 214–4052; *e-mail address: larsen.astrid@epa.gov.*

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the

procedures prescribed in 5 CFR 1320.12. On February 10, 2011 (76 FR 7560), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received 4 comments during the comment period, which are addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2007–0269, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Air Docket in the EPA Docket Center (EPA/D.C.), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/D.C. 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 Reading Room is 202–566–1744, and the telephone number for the Air Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

*Title:* Transportation Conformity Determinations for Federally Funded and Approved Transportation Plans, Programs and Projects (Renewal).

*ICR numbers:* EPA ICR No. 2130.04, OMB Control No. 2060–0561.

*ICR Status:* This ICR is scheduled to expire on May 31, 2011. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR Part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Transportation conformity is required under Clean Air Act section 176(c) (42 U.S.C. 7506(c)) to ensure that federally supported transportation activities are consistent with ("conform to") the purpose of the state air quality implementation plan (SIP). Transportation activities include transportation plans, transportation improvement programs (TIPs), and federally funded or approved highway or transit projects. Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standards (NAAQS or "standards") or interim milestones.

Transportation conformity applies under EPA's conformity regulations at 40 CFR Part 93, subpart A, to areas that are designated nonattainment, and those redesignated to attainment after 1990 ("maintenance areas" with plans developed under Clean Air Act section 175A) for the following transportation related criteria pollutants: Ozone, particulate matter ($PM_{2.5}$ and $PM_{10}$), carbon monoxide (CO), and nitrogen dioxide ($NO_2$). The EPA published the original transportation conformity rule on November 24, 1993 (58 FR 62188), and subsequently published several revisions. EPA develops the conformity regulations in coordination with the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

Transportation conformity determinations are required before federal approval or funding is given to certain types of transportation planning documents as well as non-exempt highway and transit projects.

EPA considered the following in renewing the existing ICR: Burden estimates for transportation conformity determinations in current nonattainment and maintenance areas for the ozone, $PM_{2.5,}$ $PM_{10}$, CO, and $NO_2$ NAAQS, which made up EPA's previous ICR; federal burden associated with EPA's adequacy review process for submitted SIP budgets that are to be used in conformity determinations; new start-up burden associated with learning to perform quantitative hot-spot analyses; new burden associated with using the MOVES model for conformity analyses; efficiencies in areas doing conformity for multiple NAAQS; and, differences in conformity resource needs in large and small metropolitan areas and isolated rural areas.

This ICR does not include burden associated with the general development of transportation planning and air quality planning documents for meeting other federal requirements.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 8 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* State and local governments.

*Estimated Number of Respondents:* 174.

*Frequency of Response:* Occasionally.

*Estimated Total Annual Hour Burden:* 88,404 hours.

*Estimated Total Annual Cost:* $5,199,040 includes no annualized capital or without O&M costs.

*Changes in the Estimates:* There is an increase of 36,100 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase reflects EPA's adjustments associated with the actual number of 2006 $PM_{2.5}$ NAAQS nonattainment areas versus the estimated number in the previous ICR, adjustment for increased burden associated with quantitative hot-spot analyses, an adjustment for the increased burden associated with the transition from the MOBILE6.2 to the MOVES model, an adjustment to the frequency of plan and TIP conformity determinations, and an adjustment for burden associated with increased consultation hours.

Dated: May 16, 2011.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2011–12496 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–RCRA–2010–0833, FRL–9308–8]**

## Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Hazardous Waste Generator Standards (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before June 20, 2011.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–RCRA–2010–0833, to (1) EPA, either online using *http://www.regulations.gov* (our preferred method), or by e-mail to *rcra-docket@epa.gov,* or by mail to: RCRA Docket (28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and (2) OMB, by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jim O'Leary, Office of Solid Waste, Mail Code 5304P, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8827; fax number: (703) 308–0514; e-mail address: *oleary.jim@epa.gov.*

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On December 29, 2010 (75 FR 82005), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No EPA–HQ–RCRA–2010–0833, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Resource Conservation and Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270.

Use EPA's electronic docket and comment system at www.regulations.gov, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

*Title:* Hazardous Waste Generator Standards (Renewal).

*ICR numbers:* EPA ICR No. 0820.11, OMB Control No. 2050–0035.

*ICR Status:* This ICR is scheduled to expire on May 31, 2011. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Under the Resource Conservation and Recovery Act (RCRA), as amended, Congress directed EPA to implement a comprehensive program for the safe management of hazardous waste. The core of the national waste management program is the regulation of hazardous waste from generation to transport to treatment and eventual disposal, or from "cradle to grave." Section 3001(d) of RCRA requires EPA to develop standards for small quantity generators. Section 3002 of RCRA states, among other things, that EPA shall establish requirements for hazardous waste generators regarding recordkeeping practices. Section 3002 also requires EPA to establish standards on appropriate use of containers by generators. Finally, Section 3017 of RCRA specifies requirements for individuals exporting hazardous waste from the United States, including a notification of the intent to export, and an annual report summarizing the types, quantities, frequency, and ultimate destination of all exported hazardous waste.

This ICR addresses the following categories of informational requirements in part 262: pre-transport requirements for both large (LQG) and small (SQG) quantity generators; storage requirements in tanks, containment buildings and drip pads; air emission standards requirements for LQGs (referenced in 40 CFR Part 265, Subparts AA and BB); recordkeeping and reporting requirements for LQGs and SQGs; and export requirements for LQGs and SQGs (*i.e.,* notification of intent to export and annual reporting). This collection of information is necessary to help generators and EPA: (1) Identify and understand the waste streams being generated and the hazards associated with them; (2) determine whether employees have acquired the necessary expertise to perform their jobs; and (3) determine whether LQGs have developed adequate procedures to respond to unplanned sudden or non-sudden releases of hazardous waste or hazardous constituents to air, soil, or surface water. This information is also needed to help EPA determine whether tank systems are operated in a manner that is fully protective of human health and the environment and to ensure that releases to the environment are managed quickly and efficiently. Additionally, this information contributes to EPA's goal of preventing contamination of the environment from hazardous waste accumulation practices, including contamination from equipment leaks and process vents. Export information is needed to ensure that: (1) Foreign governments consent to U.S. exported wastes; (2) exported waste is actually managed at facilities listed in the original notifications; and (3) documents are available for compliance audits and enforcement actions.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3 hours per response. Burden means the total time,

effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Entities potentially affected by this action are private business or other for-profit.

*Estimated Number of Respondents:* 88,921

*Frequency of Response:* Occasionally and biennially

*Estimated Total Annual Hour Burden:* 266,384

*Estimated Total Annual Cost:* $15,040,973, includes $14,992,809 annualized labor costs and $48,164 annualized capital or O&M costs.

*Changes in the Estimates:* There is a decrease of 20,482 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease results from a decrease of 12,586 facilities, or 12.4 percent in the estimated universe of small and large quantity generators.

Dated: May 16, 2011.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2011–12491 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2005–0123; FRL–8872–2]**

## Methyl Bromide; Cancellation Order for Registration Amendments To Terminate Certain Soil Uses

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the amendments to terminate soil uses, voluntarily requested by the registrants and accepted by the Agency, of products containing methyl bromide, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a February 9, 2011, **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II to voluntarily amend to terminate uses of these product registrations. These are not the last products containing this pesticide registered for use in the United States. In that notice, EPA indicated that it would issue an order implementing the amendments to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. These amendments do not affect post-harvest fumigant uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The amendments are effective May 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Susan Bartow, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 603–0065; fax number: (703) 308–8090; e-mail address: *bartow.susan@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get copies of this document and other related information?*

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2005–0123. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

### II. What action is the agency taking?

This notice announces the amendments to delete uses, as requested by registrants, of products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Tables 1A and 1B of this unit.

TABLE 1A—METHYL BROMIDE PRODUCT REGISTRATION AMENDMENTS TO DELETE USES

| Registration No. | Product name | Company |
|---|---|---|
| 5785–19 | Terr-O–Gas® 70 | Great Lakes Chemical Corporation. |
| 5785–22 | Terr-O–Gas® 98 | Great Lakes Chemical Corporation. |
| 5785–23 | Terr-O–Gas® 45 | Great Lakes Chemical Corporation. |
| 5785–24 | Terr-O–Gas® 67 | Great Lakes Chemical Corporation. |
| 5785–25 | Terr-O–Gas® 33 | Great Lakes Chemical Corporation. |
| 5785–28 | Terr-O–Gas® 57 | Great Lakes Chemical Corporation. |
| 5785–40 | Terr-O–Gas® 75 | Great Lakes Chemical Corporation. |
| 5785–42 | Brom-O–Gas® 2% | Great Lakes Chemical Corporation. |
| 5785–47 | Terr-O–Gas® 80 | Great Lakes Chemical Corporation. |
| 5785–48 | Terr-O–Gas® 50 | Great Lakes Chemical Corporation. |
| 8536–05 | Pic-Brom 33 | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |

TABLE 1A—METHYL BROMIDE PRODUCT REGISTRATION AMENDMENTS TO DELETE USES—Continued

| Registration No. | Product name | Company |
|---|---|---|
| 8536–06 | Pic-Brom 55 | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |
| 8536–07 | Pic-Brom 43 | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |
| 8536–09 | Pic-Brom 50 | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |
| 8536–11 | Pic-Brom 25 | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |
| 8536–19 | Methyl Bromide 98% | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |
| 8536–20 | Pic-Brom 67 | Soil Chemicals Corporation d/b/a Cardinal Professional Products. |
| 8622–12 | 98–2 Soil Fumigant | ICL–IP America, Incorporated. |
| 8622–13 | 67–33 Preplant Soil Fumigant | ICL–IP America, Incorporated. |
| 8622–14 | 70–30 Preplant Soil Fumigant | ICL–IP America, Incorporated. |
| 8622–15 | 75–25 Preplant Soil Fumigant | ICL–IP America, Incorporated. |
| 8622–17 | Metabrom 99 | ICL–IP America, Incorporated. |
| 8622–39 | 50–50 Preplant Soil Fumigant | ICL–IP America, Incorporated. |
| 8622–40 | 57–43 Preplant Soil Fumigant | ICL–IP America, Incorporated. |
| 8622–44 | 80–20 Preplant Soil Fumigant | ICL–IP America, Incorporated. |
| 8853–1 | MBC Soil Fumigant | Hendrix and Dail, Incorporated. |
| 8853–2 | MBC Concentrate Soil Fumigant | Hendrix and Dail, Incorporated. |
| 8853–3 | MBC–33 Soil Fumigant | Hendrix and Dail, Incorporated. |
| 11220–04 | Tri-Con 57/43 | Trical, Incorporated. |
| 11220–07 | Tri-Con 67/33 | Trical, Incorporated. |
| 11220–08 | Tri-Con 75/25 | Trical, Incorporated. |
| 11220–10 | Tri-Con 50/50 | Trical, Incorporated. |
| 11220–11 | Tri-Con 45/55 | Trical, Incorporated. |
| 11220–17 | Methyl Bromide 89.5% | Trical, Incorporated. |
| 58266–1 | Tri-Con 80/20 Preplant Soil Fumigant | Shadow Mountain Products Corporation. |

TABLE 1B—METHYL BROMIDE PRODUCT REGISTRATION AMENDMENTS TO DELETE USES

| Registration No. | Product name | Company | Uses to be deleted |
|---|---|---|---|
| 8536–12 | Methyl Bromide 99.5% | Soil Chemicals Corporation d/b/a Cardinal Professional Products. | Soil fumigation uses. |

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1A and Table 1B of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1A and Table 1B of this unit.

TABLE 2—REGISTRANTS OF AMENDED PRODUCTS

| EPA Company No. | Company name and address |
|---|---|
| 5785 | Great Lakes Chemical Corporation, P.O. Box 2200, West Lafayette, IN 47996–2200. |
| 8536 | Soil Chemicals Corporation, d/b/a Cardinal Professional Products, P.O. Box 782, Hollister, CA 95024–0782. |
| 8622 | ICL–IP America, Incorporated, 95 MacCorkle Avenue, SW., South Charleston, WV 25303. |
| 8853 | Hendrix and Dail, Incorporated, P.O. Box 648, Greenville, NC 27835–0648. |
| 11220 | Trical, Incorporated, P.O. Box 1327, Hollister, CA 95024–1327. |
| 58266 | Shadow Mountain Products Corporation, P.O. Box 1327, Hollister, CA 95024–1327. |

## III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the February 9, 2011, **Federal Register** notice (76 FR 7200; FRL–8862–5) announcing the Agency's receipt of the requests for voluntary amendments to delete uses of products listed in Table 1A and Table 1B of Unit II.

## IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendments to terminate uses of methyl bromide registrations identified in Table 1A and Table 1B of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1A and Table 1B of Unit II. are amended to terminate the affected uses. The effective date of the amendment of methyl bromide products that include soil uses other than uses that meet the definition of a "critical use," a "quarantine application," or a "pre-shipment application;" caneberries; fresh market tomatoes grown in California; fresh market peppers grown in California; Vidalia onions grown in Georgia; ginger grown in Hawaii; golf courses and athletic/recreational fields for resurfacing/replanting of turf; and treatment of tobacco seedling trays is May 20, 2011. The effective date of the

amendment of methyl bromide products that include the non-CUE/QPS use on fresh market tomatoes (CA), fresh market peppers (CA), Vidalia onions (GA), and ginger (HI) is December 31, 2012. The effective date of the amendment of methyl bromide products that includes the non-CUE/QPS use for resurfacing/replanting turf and sod on golf courses and athletic/recreational fields is December 31, 2013. The effective date of the amendment of methyl bromide products that include the non-CUE/QPS use on caneberry or tobacco seedling tray uses is December 31, 2014. The effective date of the amendment listed in Table 1B is May 20, 2011. These amendments do not affect post-harvest fumigant uses of methyl bromide. Any distribution, sale, or use of existing stocks of the products identified in Table 1A and Table 1B of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. will be a violation of FIFRA.

**V. What is the agency's authority for taking this action?**

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment on February 9, 2011. The comment period closed on March 11, 2011.

**VI. Provisions for Disposition of Existing Stocks**

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

*A. For All Products Listed in Table 1A in Unit II*

1. All sale or distribution of existing stocks of methyl bromide products that include soil uses other than uses that meet the definition of a "critical use," a "quarantine application," or a "pre-shipment application;" caneberries; fresh market tomatoes grown in California; fresh market peppers grown in California; Vidalia onions grown in Georgia; ginger grown in Hawaii; golf courses and athletic/recreational fields for resurfacing/replanting of turf; and treatment of tobacco seedling trays is prohibited after publication of the cancellation order, unless that sale or distribution is solely for the purpose of facilitating disposal or export of the product.

Existing stocks may be used until those stocks are exhausted, provided that such use complies with the EPA-approved label and labeling of the product.

2. Existing stocks of methyl bromide products that include the non-CUE/QPS use on fresh market tomatoes (CA), fresh market peppers (CA), Vidalia onions (GA), and ginger (HI) may be sold and distributed for 120 days after the effective date of cancellation (*i.e.,* 120 days after December 31, 2012); and users may continue to use existing stocks of such products for production of fresh market tomatoes (CA), fresh market peppers (CA), Vidalia onions (GA), and ginger (HI) until those existing stocks are exhausted, provided that no later than August 31, 2012, each registrant has submitted for each of the registrant's products labeled for the fresh market tomatoes (CA), fresh market peppers (CA), Vidalia onions (GA), and ginger (HI) uses, an application for amended registration to revise the approved labeling for those products to delete any language allowing use of the product for any of those uses. For any product that does not meet this condition, EPA may issue an amended order that prohibits sale and distribution and use of existing stocks as of the effective date of cancellation.

3. Existing stocks of methyl bromide products that include the non-CUE/QPS use on golf courses and athletic/recreational fields uses may be sold and distributed for 120 days after the effective date of cancellation (*i.e.,* 120 days after December 31, 2013); and users may continue to use existing stocks of such products for resurfacing/replanting turf and sod on golf courses and athletic/recreational fields until those existing stocks are exhausted, provided that no later than August 31, 2013, each registrant has submitted for each of the registrant's products labeled for the golf course and athletic/recreational field uses, an application for amended registration to revise the approved labeling for those products to delete any language allowing use of the product for any of those uses. For any product that does not meet this condition, EPA may issue an amended order that prohibits sale and distribution and use of existing stocks as of the effective date of cancellation.

4. Existing stocks of methyl bromide products that include the non-CUE/QPS use on caneberry or tobacco seedling tray uses may be sold and distributed for 120 days after the effective date of cancellation (*i.e.,* 120 days after December 31, 2014); and users may continue to use existing stocks of such products on the caneberry and tobacco seedling tray uses until those existing stocks are exhausted, provided that no later than August 31, 2014, each registrant has submitted for each of the registrant's products labeled for the caneberry or tobacco seedling tray uses, an application for amended registration to revise the approved labeling for those products to delete any language allowing use of the product for any of those uses. For any product that does not meet this condition, EPA may issue an amended order that prohibits sale and distribution and use of existing stocks as of the effective date of cancellation.

*B. For the Product Listed in Table 1B in Unit II*

All sale or distribution by the registrant of existing stocks is prohibited after publication of the cancellation order, unless that sale or distribution is solely for the purpose of facilitating disposal or export of the product.

Existing stocks may be sold and distributed by persons other than the registrant for 6 months from the date of the cancellation order.

Existing stocks may be used until those stocks are exhausted, provided that such use complies with the EPA-approved label and labeling of the product.

**List of Subjects**

Environmental protection, Pesticides and pests.

Dated: April 14, 2011.

**Peter Caulkins,**

*Acting Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.*

[FR Doc. 2011–12478 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–8997–1]**

## Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 05/09/2011 through 05/13/2011.

**Notice**

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has included its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html*. Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register**.

Pursuant to 40 CFR 1506.9.

EIS No. 20110145, Final EIS, USFWS, TX, Hays County Regional Habitat Conservation Plan, Application for an Incidental Take Permit, Hays County, TX, Review Period Ends: 06/20/2011, Contact: Adam Zerrenner 512–490–0057.

EIS No. 20110146, Draft EIS, NPS, 00, Yellowstone National Park Draft Winter Use Plan, To Establish a Management Framework, Implementation, WY, MT and ID, Comment Period Ends: 07/18/2011, Contact: David Jacob 303–987–6970.

EIS No. 20110147, Final EIS, USACE, MO, PROGRAMMATIC—Mechanical Creation and Maintenance of Emergent Sandbar Habitat in the Riverine Segments of the Upper Missouri River, To Support Least Tern and Piping Plover Populations, Implementation, MO, Review Period Ends: 06/20/2011, Contact: Cynthia S. Upah 402–995–2672.

EIS No. 20110148, Final EIS, USACE, TX, Rusk Permit Area, Proposes to Construct, Operate, and Reclaim Permit Area, Expansion of Existing South Hallsville No. 1 Mine. Issuance of Section 404 Permit, Rusk, Harrison and Panola Counties, TX, Review Period Ends: 06/20/2011, Contact: Darvin Messer 817–886–1744.

EIS No. 20110149, Draft EIS, USFS, MT, Troy Mine Revised Reclamation Plan, Proposed Revision is to Return Lands Disturbed by Mining to a Condition Appropriate for Subsequent Use of the Area, Kootenai National Forest, MT, Comment Period Ends: 07/05/2011, Contact: Bobbie Loaklen 406–283–7681.

EIS No. 20110150, Final EIS, DOE, ID, ADOPTION—Areva Eagle Rock Enrichment Facility, Construct, Operate, and Decommission, Proposed Facility would Enrich Uranium for Use in Commercial Nuclear Fuel for Power Reactors, Bonneville County, ID, Review Period Ends: 06/20/2011, Contact: Matthew McMillen 202–586–7248.

U.S. DOE has adopted the NRC'S FEIS #20110045, filed 02/14/2011.

DOE was not a Cooperating Agency for the above FEIS; recirculation of the document is necessary under 40 CFR Part 1506.3(b).

EIS No. 20110151, Final EIS, USAF, UT, White Elk Military Operations Area, Propose to Establish a New Military Operations Area (MOA) Linked to the Utah Test, Utah and Training Range (UTTR) Airspaces Nevada, Hill Air Force Base, UT and Nevada, Review Period Ends: 06/20/2011, Contact: Linda Devine 757–764–9434.

EIS No. 20110152, Final EIS, FHWA, CA, Jepson Parkway Project, Proposes to Upgrade and Link a Series of Existing Two and Four-Lane Roadways, Right-of-Way, Endangered Species Act Section 7 and U.S. Army COE Section 404 Permits, Solano County, CA, Review Period Ends: 06/20/2011, Contact: Melanie Brent 510–286–5231.

EIS No. 20110153, Final EIS, DOE, OH, ADOPTION—American Centrifuge Plant, Gas Centrifuge Uranium Enrichment Facility, Construction, Operation, and Decommission, License Issuance, Piketon, OH, Review Period Ends: 06/20/2011, Contact: Mathew McMillen 202–586–7248.

U.S. DOE has adopted the NRC'S FEIS #20060189, filed 05/11/2006.

DOE was not a Cooperating Agency for the above FEIS; recirculation of the document is necessary under 40 CFR Part 1506.3(b).

EIS No. 20110154, Final EIS, NRC, MN, Generic—License Renewal of Nuclear Plants for the Prairie Island Nuclear Generating Plant, Units 1 and 2, Supplement 39, NUREG–1437, Implementation, City of Red Wing, Dakota County, MN, Review Period Ends: 06/20/2011, Contact: Elaine Keegan 301–415–8517.

EIS No. 20110155, Final EIS, NPS, WI, Apostle Islands National Lakeshore General Management Plan/Wilderness Management Plan, Implementation, Bayfield and Ashland Counties, WI, Review Period Ends: 06/20/2011, Contact: Nick Chevance 402–661–1844.

EIS No. 20110156, Final EIS, NRC, TX, Comanche Peak Nuclear Power Plant Units 3 and 4, Application for Combined Licenses (COLs) for Construction Permits and Operating Licenses, (NUREG–1943), Hood and Somervell Counties, TX, Review Period Ends: 06/20/2011, Contact: Michael H. Willingham 301–415–3924.

EIS No. 20110157, Final EIS, NRC, MD, Calvert Cliffs Nuclear Power Plant Unit 3, Application for Combined License for Construct and Operate a New Nuclear Unit, NUREG 1936, Calvert County, MD, Review Period Ends: 06/20/2011, Contact: Laura Quinn 301–415–2220.

**Amended Notices**

EIS No. 20110130, Draft Supplement, NNSA, NM, Nuclear Facility of the Chemistry and Metallurgy Research Replacement Project, To Address New Geologic Information Regarding Seismic Conditions at the Site, Los Alamos National Laboratory, Los Alamos, NM, Comment Period Ends: 06/28/2011, Contact: John Tegtmeier 505–665–0113.

Review of Notice of FR Published 04/29/2011: Extending Comment Period from 06/13/2011 to 06/28/2011.

Dated: May 17, 2011.

**Robert W. Hargrove,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2011–12450 Filed 5–19–11; 8:45 am]

**BILLING CODE 6560–50–P**

## EXPORT–IMPORT BANK OF THE U.S.

**[Public Notice 2011–0035]**

### Agency Information Collection Activities: Comment Request

**AGENCY:** Export-Import Bank of the U.S.

**ACTION:** Submission for OMB Review and Comments Request.

*Form Title:* Broker Registration Form, EIB 92–79.

**SUMMARY:** The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. Our customers will be able to submit this form on paper or electronically.

This application is used by insurance brokers to register with Export Import Bank. The application provides Export Import Bank staff with the information necessary to make a determination of the eligibility of the broker to receive commission payments under Export

Import Bank's credit insurance programs.

This form can be reviewed at *http://www.exim.gov/pub/pending/EIB 92_79 Broker Registration Form.*

**DATES:** Comments should be received on or before June 20, 2011 to be assured of consideration.

**ADDRESSESES:** Comments may be submitted through *http://www.regulations.gov* or mailed to to Office of Information and Regulatory Affairs, 725 17th Street, NW. Washington, DC 20038 *attn:* OMB 3048–0024.

**SUPPLEMENTARY INFORMATION:**

*Titles and Form Number:* EIB 92–79 Broker Registration Form.

*OMB Number:* 3048–0024.

*Type of Review:* Regular.

*Need and Use:* This application is used by insurance brokers to register with Export Import Bank. The application provides Export Import Bank staff with the information necessary to make a determination of the eligibility of the broker to receive commission payments under Export Import Bank's credit insurance programs.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 50.

*Estimated Time per Respondent:* 2 hours.

*Government Annual Burden Hours:* 100 hours.

*Frequency of Reporting or Use:* Once every three years.

**Sharon A. Whitt,**

*Agency Clearance Officer.*

[FR Doc. 2011–12514 Filed 5–19–11; 8:45 am]

**BILLING CODE 6690–01–P**

## EXPORT-IMPORT BANK OF THE U.S.

**[Public Notice 2011–0060]**

### Agency Information Collection Activities: Final Collection; Comment Request

**AGENCY:** Export-Import Bank of the U.S.

**ACTION:** Submission for OMB Review and Comments Request.

*Form Title:* Report of Overdue Accounts Under Short-Term Policies EIB 92–27.

**SUMMARY:** The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

The collection provides Ex-Im Bank staff with the information necessary to monitor the borrower's payments for exported goods covered under its short and medium-term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

Form can be viewed at *http://www.exim.gov/pub/pending/EIB92_27.pdf.*

**DATES:** Comments should be received on or before June 20, 2011 to be assured of consideration.

**ADRESSES:** Comments may be submitted electronically on *http://www.regulations.gov* or by mail to Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20038 attn: OMB 3048–0027.

**SUPPLEMENTARY INFORMATION:**

*Titles and Form Number:* EIB 92–27. Report of Overdue Accounts Under Short-Term Policies.

*OMB Number:* 3048–0027.

*Type of Review:* Regular.

*Need and Use:* The collection provides Ex-Im Bank staff with the information necessary to monitor the borrower's payments for exported goods covered under its short and medium-term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

*Affected Public:* This form affects entities involved in the export of U.S goods and services.

*Annual Number of Respondents:* 396.

*Estimated Time per Respondent:* 15 minutes.

*Government Annual Burden Hours:* 33 hours.

*Frequency of Reporting or Use:* Monthly.

**Sharon A. Whitt,**

*Agency Clearance Officer.*

[FR Doc. 2011–12474 Filed 5–19–11; 8:45 am]

**BILLING CODE 6690–01–P**

## FEDERAL RESERVE SYSTEM

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

**SUMMARY:**

**Background**

Notice is hereby given of the final approval of proposed information collection 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:** Cynthia Ayouch, Acting Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. 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, Washington, DC 20503.

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

*Report title:* The Disclosure Requirements in Connection with Regulation DD (Truth in Savings).

*Agency form number:* Reg DD.

*OMB control number:* 7100–0271.

*Frequency:* Monthly.

*Reporters:* State member banks, branches & agencies of foreign banks, commercial lending companies, and Edge Act or agreement corporations.

*Annual reporting hours:* 166,050.

*Estimated average hours per response: Account disclosures:* 1 hour;

*Change in terms notices:* 1.5 hours; *Notices prior to maturity:* 1.5 hours;

*Periodic statement disclosure:* 8 hours; and Advertising: 30 minutes.

*Number of respondents:* 1,107.

*General description of report:* This information collection is mandatory (12 U.S.C. 4308)). The Federal Reserve does not collect any information; therefore, no issue of confidentiality arises.

*Abstract:* The Truth in Savings Act (TISA) and Regulation DD require depository institutions to disclose yields, fees, and other terms concerning deposit accounts to consumers at account opening, upon request, and when changes in terms occur.

Depository institutions that provide periodic statements are required to include information about fees imposed, interest earned, and the annual percentage yield earned during those statement periods. TISA and Regulation DD mandate the methods by which institutions determine the account balance on which interest is calculated. They also contain rules about advertising deposit accounts and overdraft services.

*Current Actions:* On March 1, 2011, the Federal Reserve published a notice in the **Federal Register** (76 FR 11246) requesting public comment for 60 days on the extension, without revision, of the disclosure requirements in connection with Regulation DD. The comment period for this notice expired on May 2, 2011. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, May 17, 2011.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 2011–12418 Filed 5–19–11; 8:45 am]

**BILLING CODE 6210–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day-11–0138]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Pulmonary Function Testing Course Approval Program, 29 CFR 1910.1043—Extension—(OMB No.0920–0138, Exp 8/31/2011). The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

**Background**

NIOSH has the responsibility under the Occupational Safety and Health Administration's Cotton Dust Standard, 29 CFR 1920.1043, for approving courses to train technicians to perform pulmonary function testing in the cotton industry. Successful completion of a NIOSH-approved course is mandatory under the Standard. To carry out its responsibility, NIOSH maintains a Pulmonary Function Testing Course Approval Program. The program consists of an application submitted by potential sponsors (universities, hospitals, and private consulting firms) who seek NIOSH approval to conduct courses, and if approved, notification to NIOSH of any course or faculty changes during the approval period, which is limited to five years. The application form and added materials, including an agenda, curriculum vitae, and course materials are reviewed by NIOSH to determine if the applicant has developed a program which adheres to the criteria required in the Standard. Following approval, any subsequent changes to the course are submitted by course sponsors via letter or e-mail and reviewed by NIOSH staff to assure that the changes in faculty or course content continue to meet course requirements. Course sponsors also voluntarily submit an annual report to inform NIOSH of their class activity level and any faculty changes. Sponsors who elect to have their approval renewed for an additional 5 year period submit a renewal application and supporting documentation for review by NIOSH staff to ensure the course curriculum meets all current standard requirements. Approved courses that elect to offer NIOSH–Approved Spirometry Refresher Courses must submit a separate application and supporting documents for review by NIOSH staff. Institutions and organizations throughout the country voluntarily submit applications and materials to become course sponsor and carry out training. Submissions are required for NIOSH to evaluate a course and determine whether it meets the criteria in the Standard and whether technicians will be adequately trained as mandated under the Standard. There are no costs to the respondents other than their time. The estimated annual burden to respondents is 196 hours.

| Forms for respondents | Number of respondents | Number of responses/ respondent | Average burden/ response (in hrs) |
|---|---|---|---|
| Initial Application | 3 | 1 | 3.5 |
| Annual Report | 35 | 1 | 30/60 |
| Report for Course Changes | 12 | 1 | 45/60 |
| Renewal Application | 13 | 1 | 6.0 |
| Refresher Course Application | 10 | 1 | 8.0 |

Dated: May 13, 2011.

**Daniel Holcomb,**

*Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2011–12470 Filed 5–19–11; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–11–11BF]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Contact Investigation Outcome Reporting Forms—New—National Center for Emerging, Zoonotic and Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

CDC proposes to collect passenger-level, epidemiologic, demographic, and health status data from state/local Health Departments and maritime operators at the conclusion of contact investigations of individuals believed to have been exposed to a communicable disease during travel. The information requested by CDC would be obtained by the health departments or maritime operators while conducting the contact investigation according to their established policies and procedures, and would be reported to CDC on a voluntary basis. This information will assist CDC in fulfilling its regulatory responsibility to prevent the importation of communicable diseases from foreign countries (42 CFR part 71) and interstate control of communicable diseases in humans (42 CFR part 70). To perform these tasks in a streamlined manner and ensure that all relevant information is collected in the most efficient and timely manner possible, Quarantine Stations use a number of forms: Contact Investigation Outcome Reporting Forms: (1) Optional TB Air/Land Contact Investigation Outcome Reporting, (2) Optional Measles, Mumps, or Rubella Air/Land Contact Investigation Outcome Reporting, (3) Optional General Air/Land Contact Investigation Outcome Reporting Form, (4) Optional TB Maritime Contact Investigation Outcome Reporting Form, (5) Optional Measles, Mumps or Rubella Maritime Contact Investigation Outcome Reporting Form, (6) Optional General Maritime Contact Investigation Outcome Reporting Form.

Section 361 of the Public Health Service (PHS) Act (42 U.S.C. 264) authorizes the Secretary of Health and Human Services to make and enforce regulations necessary to prevent the introduction, transmission or spread of communicable diseases from foreign countries into the United States. The regulations that implement this law, 42 CFR Parts 70 and 71, require conveyances to report an "ill person" or any death onboard to authorized quarantine officers and other personnel to inspect and undertake necessary control measures with respect to conveyances (*e.g.,* airplanes, cruise ships), persons, and shipments of animals and etiologic agents in order to protect the public health. The notification is made possible by contacting individuals who may have been exposed to a communicable disease during travel and their contacts, and investigating this exposure so that the necessary medical or public health interventions can be implemented.

CDC provides state and local health departments and maritime conveyance operators with information to notify and contact individuals and further investigate this exposure by contacting others who may have been potentially exposed to disease. However, there currently is no standardized tool or form to collect pertinent information regarding the outcome of such investigations.

To address the need to inform CDC of additional actions that may be needed to further protect public health based on the outcome of the contact investigations, CDC has developed six forms to assist health departments and maritime conveyance operators in reporting back to CDC. The forms are specific to the nature of the investigation; Tuberculosis (TB), Measles, Mumps, and Rubella or the General forms specific to other diseases of public health concern. The purpose of the forms is the same: to collect information to help CDC quarantine officials to fully understand the extent of disease spread and transmission during travel and to inform the development and or refinement of investigative protocols, aimed at reducing the spread of communicable disease.

All six forms collect the following categories of information: Heath status of traveler, clinical history including diagnosis, and interventions related to exposure.

Respondents are state and local health departments and maritime conveyance operators. Respondents will use these standardized forms to submit data to CDC for each individual contacted via a secure means of their choice, e.g., web-based application, fax or e-mail.

The estimated total burden on the public, included in the chart below, can vary a great deal depending on the number of flights and the number of individuals identified as contacts that are assigned to a given health jurisdiction in the U.S. There is no cost to respondents other than their time. The total estimated annual burden hours are 280.

ESTIMATE ANNUALIZED BURDEN HOURS

| Respondents | Number of respondents | Number of responses/ respondent | Average burden/ response (in hours) |
|---|---|---|---|
| State/Local health department staff | 2154 | 1 | 5/60 |
| State/Local health department staff | 367 | 1 | 5/60 |
| State/Local health department staff | 456 | 1 | 5/60 |
| Maritime Operators | 190 | 1 | 5/60 |
| Maritime Operators | 140 | 1 | 5/60 |
| Maritime Operators | 40 | 1 | 5/60 |

Dated: May 13, 2011.

**Daniel Holcomb,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2011–12469 Filed 5–19–11; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–11–11CB]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

SEARCH for Diabetes in Youth Study—New—Division of Diabetes Translation, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Diabetes is one of the most common chronic diseases among children in the United States. When diabetes strikes during childhood, it is routinely assumed to be type 1, or juvenile-onset, diabetes. Type 1 diabetes (T1D) develops when the body's immune system destroys pancreatic cells that make the hormone insulin. Type 2 diabetes begins when the body develops a resistance to insulin and no longer uses it properly. As the need for insulin rises, the pancreas gradually loses its ability to produce sufficient amounts of insulin to regulate blood sugar.

Reports of increasing frequency of both type 1 and type 2 diabetes in youth have been among the most concerning aspects of the evolving diabetes epidemic. In response to this growing public health concern, the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) funded the SEARCH for Diabetes in Youth Study.

The SEARCH for Diabetes in Youth Study began in 2000 as a multi-center, epidemiological study, conducted in six geographically dispersed Study Centers that reflected the racial and ethnic diversity of the U.S. Phases 1 (2000–2005) and 2 (2005–2010) produced estimates of the prevalence and incidence of diabetes among youth age < 20 years, according to diabetes type, age, sex, and race/ethnicity, and characterized selected acute and chronic complications of diabetes and their risk factors, as well as the quality of life and quality of health care.

CDC proposes to collect de-identified, case-level information from five SEARCH sites during Phase 3 of the SEARCH for Diabetes in Youth Study. Phase 3 brings together major and timely facets of childhood diabetes research: An epidemiologic component that assesses temporal trends in the incidence of diabetes in youth; a pathophysiologic component addressing the natural history of diabetes in youth; a health services research component to evaluate the processes and quality of care for youth with diabetes; and a public health perspective on case classification of diabetes in youth.

Information will be collected for three years through a data collection contractor, which will serve as the SEARCH Study Coordinating Center. Data will be transmitted electronically to the Coordinating Center through a secure, dedicated Web site. Information can be entered and transmitted at any time. The information collection has three components.

The Registry Study will collect information on newly diagnosed incident diabetes cases in youth age < 20 years. CDC estimates that each clinical site will identify and register an average of 255 cases per year. The items collected for each case include an inpatient survey, core information, medications, and physical exam data. The total estimated annualized burden for this information collection is 744 hours.

The Cohort Study is a longitudinal research study about SEARCH cases whose diabetes was incident in 2002 or later. CDC estimates that each clinical site will conduct follow-up on an average of 142 cases per year. The items collected for each case include health questionnaires for youth and parents, physical exam information, and surveys about eating behavior, blood sugar, neuropathy, family relationships, and quality of life. Information will also be collected to monitor unanticipated occurrences and conditions. CDC estimates that each site will report an average of 13 unanticipated occurrences per year.

Respondents will be the five study sites funded for SEARCH Phase 3. Participation in the data collection is required for the study sites, but participation in the SEARCH study is voluntary for individuals who are followed at those sites.

The total estimated annualized burden is 2,132 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Number of respondents | Number of responses per respondent | Form name | Average burden per response |
|---|---|---|---|---|
| SEARCH Clinical Sites: Registry Study | 5 | 255 | Extended Core | 10/60 |
| | | | Medication Inventory | 5/60 |
| | | | Inpatient Survey | 10/60 |
| | | | Specimen Collection (Registry) | 5/60 |
| | | | Physical Exam (Registry) | 5/60 |
| SEARCH Clinical Sites: Cohort Study | 5 | 142 | Health Questionnaire-Youth | 15/60 |
| | | | Health Questionnaire-Parent | 15/60 |
| | | | CES–Depression | 4/60 |
| | | | Medical Record Validation | 10/60 |
| | | | Quality of Care | 13/60 |
| | | | Peds QL | 5/60 |
| | | | SEARCH MNSI Neuropathy | 5/60 |
| | | | Diabetes Eating Survey | 5/60 |

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

| Type of respondents | Number of respondents | Number of responses per respondent | Form name | Average burden per response |
|---|---|---|---|---|
| | | | Low Blood Sugar Survey | 5/60 |
| | | | Supplemental | 10/60 |
| | | | Tanner Stage | 5/60 |
| | | | Retinal Photo | 5/60 |
| | | | Family Conflict | 5/60 |
| | | | Pediatric Diabetes QOL Scale | 5/60 |
| | | | Physical Exam | 5/60 |
| | | | Specimen Collection | 5/60 |
| SEARCH Clinical Sites: Monitoring | 5 | 13 | Unanticipated Occurrence/Condition Reporting Form. | 5/60 |

Dated: May 16, 2011.

**Daniel Holcomb,**

*Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2011–12468 Filed 5–19–11; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day-11–11BW]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Cops and Cars: Reducing Law Enforcement Officer Deaths in Motor Vehicle Crashes— NEW—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Occupational hazards facing law enforcement officers (LEOs) include psychological, biological, physical, and chemical stressors. While homicides, suicides, and stress-related cardiovascular disease have been well documented in the literature, much less is known about work related motor vehicle incidents in this occupation. Motor vehicle incidents and crashes are the leading cause of occupational death among LEOs. This is not surprising given that LEOs spend a large amount of time conducting vehicle patrols, can be involved in dangerous high-speed pursuits, and often perform work alongside interstates and roadways near speeding motor vehicles. While seatbelt use significantly reduces the chance of dying in a motor-vehicle crash, there is some anecdotal evidence that LEOs do not wear seatbelts and often for good reasons. For example, one of the leading reasons why officers report not wearing seatbelts was the tendency of the belt to get caught on their gun holster and therefore inhibit their safety while in the field. A better understanding of how officers view seatbelt usage, ways to decrease barriers to usage in the field, and possible gateways to this behavior change is needed before developing evidence-based interventions.

The Occupational Safety and Health Act, Public Law 91–596 (section 20[a][1]) authorizes the National Institute for Occupational Safety and Health (NIOSH) to conduct research to advance the health and safety of workers. NIOSH is proposing to conduct a population-based, cross-sectional survey among LEOS in the state of Iowa to measure motor-vehicle safety practices, perceptions of these practices, and prior occupational motor-vehicle crashes.

Enrollment for the study will be performed at the agency level. A random sample of Iowa law enforcement agencies, stratified on size of department (small, medium, and large) and type of department (Sheriff's Departments and City/Police Departments) will be drawn using a publicly available database. Recruitment packets will be sent to the leadership of these agencies inviting them to participate in the study. After agency leadership had agreed to participate in the study, survey packets will be mailed to a contact person in the agency. These packets will then be distributed to all sworn officers. Study packets will consist of an introduction letter and paper-and-pencil survey. The questionnaire provides information on the following categories: socio-demographics, occupation, driving behaviors, attitudes & knowledge of policies, and details of prior motor-vehicle crashes.

The sample size is estimated to be 162 agencies, with approximately 2,467 police and sheriff patrol officers. This estimate is derived using a publically available database of all U.S. law enforcement agencies. Pilot test data demonstrated that respondents should take approximately 20 minutes to complete the survey, resulting in an annualized burden estimate of 822 hours. Participation in the study is completely voluntary.

Distribution of the surveys will also utilize the time of first-line supervisors of the participating law enforcement agencies. The surveys will be mailed to the leadership of each participating law enforcement agency. They will be asked to distribute the surveys to all sworn officers in their agencies. Depending on the level of involvement of each agency, additional work activities delineated to the leadership could include: collection of the surveys, verbal and/or written reminders to the officers, re-distribution of surveys, and e-mail/phone communication with NIOSH. One-hundred and sixty-two agencies have been invited to participate in the study. We estimate that on average, leadership at each agency will contribute a total of one burden hour for a grand total burden of 162 burden hours. There are no costs to the respondents other than their time. The total estimated annual burden hours are 984.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|
| Police & Sheriff's Patrol Officers | 2,467 | 1 | 20/60 | 822 |
| First-Line Supervisors/Managers of Police & Detectives | 162 | 1 | 1 | 162 |

Dated: May 16, 2011.

**Daniel Holcomb,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2011–12467 Filed 5–19–11; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–855(O), CMS–855(S) and CMS–855(A, B, I, R)]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Medicare Enrollment Application for Eligible Ordering and Referring Physicians and Non-physician Practices *Use:* CMS is adding a new CMS–855 Medicare Enrollment Application (CMS 855O—Medicare Enrollment Application for Ordering and Referring Physicians only). CMS has found that many providers and suppliers who are not enrolled in Medicare are ordering and referring physicians for Medicare enrolled providers and suppliers. The ordering and referring data field on the CMS 1500 claims submission form requires an ordering or referring physician to have a Medicare identification number. Without an ordering or referring physician, specific types of claims submitted by Medicare approved providers and suppliers are rejected by Medicare Administrative Contractors (MAC) as required by Medicare regulation. Therefore, if an ordering or referring physician does not participate in the Medicare program, but orders or refers his/her patients to a Medicare provider or supplier, the claim submitted by the Medicare provider or supplier for the given ordered or referred service is automatically rejected by the MAC. The CMS 855O allows a physician to receive a Medicare identification number (without being approved for billing privileges) for the sole purpose of ordering and referring beneficiaries to Medicare approved providers and suppliers. This new Medicare application form allows physicians who do not provide services to Medicare beneficiaries to be given a Medicare identification number without having to supply all the data required for the submission of Medicare claims. It also allows the Medicare program to identify ordering and referring physicians without having to validate the amount of data necessary to determine claims payment eligibility (such as banking information), while continuing to identify the physician's credentials as valid for ordering and referring purposes. *Form Number:* CMS–855(O) (OMB#: 0938–NEW0685); *Frequency:* Yearly; *Affected Public:* Private Sector; Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 48,000; *Total Annual Responses:* 48,000; *Total Annual Hours:* 46,000. (For policy questions regarding this collection contact Kim McPhillips at 410–786–5374. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Durable Medical Equipment Supplier Enrollment Application; *Use:* The primary function of the CMS 855S DMEPOS supplier enrollment application is to gather information from a supplier that tells us who it is, whether it meets certain qualifications to be a health care supplier, where it renders its services or supplies, the identity of the owners of the enrolling entity, and information necessary to establish the correct claims payment. The goal of evaluating and revising the CMS 855S DMEPOS supplier enrollment application is to simplify and clarify the information collection without jeopardizing our need to collect specific information. Additionally, periodic revisions are necessary to incorporate new regulatory requirements.

The goal of this revision of the CMS 855S is to incorporate new regulatory provisions found at 42 CFR 424.57(c) (1 through 30) and 42 CFR 424.58. These revisions will allow CMS to be in compliance with the above stated regulations implementing new quality standards for DMEPOS suppliers, including accreditation requirements. This revision will also incorporate new supplier standard regulations found in the final regulation that published on August 27, 2010 (75 FR 52629–52649). *Form Number:* CMS–855(S) (OMB#: 0938–1056); *Frequency:* Yearly; *Affected Public:* Private Sector; Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 140,290; *Total Annual Responses:* 140,290; *Total Annual Hours:* 331,619. (For policy questions regarding this collection contact Kim McPhillips at 410–786–5374. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Enrollment Application; *Use:* The primary function of the CMS–855 Medicare enrollment application is to gather information from a provider or supplier that tells us who it is, whether it meets certain qualifications to be a health care provider or supplier, where it practices or renders its services, the identity of the owners of the enrolling entity, and other information necessary to establish correct claims payments. The goal of this submission is to address

the following issues. The CMS–855A enrollment form currently captures ownership/managerial information on providers. The data required under sections 6401 and 6001, however, is more specific than that currently obtained on the CMS–855A. CMS will therefore create four attachments to the CMS–855A—two for SNFs and the other two for physician-owned hospitals—to secure this information. In addition to the application changes triggered by ACA, CMS is making other revisions to the forms as well.

This information collection request has been revised since the 60-day Federal Register notice published on March 22, 2011 (76 FR 13415). The group/clinic and individual burden has decreased due to the removal of a previously proposed supplier attachment. However, the overall burden hour estimate has increased slightly due to additional role-specific ownership and managerial control data collection for institutional providers. *Form Number:* CMS–855(A, B, I, R) (OMB#: 0938–0685); *Frequency:* Yearly; *Affected Public:* Private Sector; Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 440,450; *Total Annual Responses:* 440,450; *Total Annual Hours:* 856,395. (For policy questions regarding this collection contact Kim McPhillips at 410–786–5374. For all other issues call 410–786–1326.)

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on June 20, 2011. OMB, Office of Information and Regulatory Affairs, *Attention:* CMS Desk Officer, *Fax Number:* (202) 395–6974, *E-mail: OIRA_submission@omb.eop.gov.*

Dated: *May 17, 2011.*

**Martique Jones,**

*Director, Regulations Development Group, Division-B, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2011–12473 Filed 5–19–11; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–R–235]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Data Use Agreement (DUA) for Data Acquired from the Centers for Medicare & Medicaid Services (CMS); *Use:* The Privacy Act of 1976, § 552a requires the Centers for Medicare & Medicaid Services (CMS) to track all disclosures of the agency's Personally Identifiable Information (PII) and the exceptions for these data releases. CMS is also required by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Federal Information Security Management Act (FISMA) of 2002 to properly protect all PII data maintained by the agency. When entities request CMS PII data, they enter into a Data Use Agreement (DUA) with CMS. The DUA stipulates that the recipient of CMS PII data must properly protect the data according to FISMA and also provide for its appropriate destruction at the completion of the project/study or the expiration date of the DUA. The DUA form enables the data recipient and CMS to document the request and approval for release of CMS PII data. The form requires the submitter to provide the Requestor's organization; project/study name; CMS contract number (if applicable); data descriptions and the years of the data; retention date; attachments to the agreement; name, title, contact information to include address, city, state, zip code, phone, e-mail, signature and date signed by the requester and custodian; disclosure provision; name of Federal Agency sponsor; Federal Representative name, title, contact information, signature, date; CMS representative name, title, contact information, signature and date; and concurrence/non-concurrence signatures and dates from 3 CMS System Manager or Business Owners. While the data elements collected are not subject to change, the individualized clauses that are incorporated into any specific DUA are subject to change based on a specific case or situation such as disclosures to states, oversight agencies or DUAs for disproportionate share hospital (DSH) data requests as well as updates to DUAs with additional data descriptions, changes to the requestor or adding custodians to current DUAs. *Form Number:* CMS–R–235 (OCN: 0938–0734) *Frequency:* Once; *Affected Public:* Private Sector—Business or other For-profits and Not-for-profit Institutions; *Number of Respondents:* 2,200; *Number of Responses:* 2,200; *Total Annual Hours:* 916. (For policy questions regarding this collection, contact Sharon Kavanagh at 410–786–5441. For all other issues call (410) 786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at *http://www.cms.gov/PaperworkReductionActof1995/PRAL/list.asp#TopOfPage* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office at 410–786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by July 19, 2011:

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 17, 2011.

**Martique Jones,**

*Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2011–12472 Filed 5–19–11; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–10232, CMS–10251, CMS–R–185, and CMS–R–211]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of currently approved collection; *Title of Information Collection:* State Plan Template to Implement Section 6062 of the Deficit Reduction Act; *Form No.:* CMS–10232 (OMB#: 0938–1045); *Use:* The Deficit Reduction Act (DRA) provides States with numerous flexibilities in operating their State Medicaid Programs. Section 6062 of the DRA (Opportunity for families of Disabled Children to Purchase Medicaid Coverage for Such Children) provides States the opportunity to provide Medicaid benefits to disabled children who would otherwise be ineligible because of family income that is above the State's highest Medicaid eligibility standards for children. States must establish a State Plan for medical assistance to implement this provision. To do this, State Medicaid Agencies will complete the template. CMS will review the information to determine if the State has met all the requirements of the DRA provision; *Frequency:* Once; *Affected Public:* State, Federal, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 10; *Total Annual Hours:* 60. (For policy questions regarding this collection contact Barbara Washington at 410–786–9964. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Integrated Medicare and Medicaid State Plan Preprint; *Form No.:* CMS–10251 (OMB#: 0938–1047); *Use:* The Integrated Care Preprint is an optional tool for use by States to highlight the arrangements provided between the State and Medicare Advantage Special Needs Plans that are also providing Medicaid services. The preprint also provides the opportunity for States to confirm that their integrated care model complies with Federal statutory and regulatory requirements. State Medicaid Agencies may complete the preprint and CMS will review the information provided to determine if the State has properly completed and explained their integrated care arrangements and that the appropriate assurances have been met; *Frequency:* Once; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 10; *Total Annual Hours:* 200. (For policy questions regarding this collection contact Mary Pat Farkas at 410–786–5731. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and of State Exemption Under State Laboratory Programs and Supporting Regulations; *Form No.:* CMS–R–185 (OMB#: 0938–0686); *Use:* The information required is necessary to determine whether a private accreditation organization/State licensure program standards and accreditation/licensure process is at least equal to or more stringent than those of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). If an accreditation organization is approved, the laboratories that it accredits are "deemed" to meet the CLIA requirements based on this accreditation. Similarly, if a State licensure program is determined to have requirements that are equal to or more stringent than those of CLIA, its laboratories are considered to be exempt from CLIA certification and requirements. The information collected will be used by HHS to: Determine comparability/equivalency of the accreditation organization standards and policies or State licensure program standards and policies to those of the CLIA program; to ensure the continued comparability/equivalency of the standards; and to fulfill certain statutory reporting requirements; *Frequency:* Occasionally; *Affected Public:* Private Sector: Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 8; *Total Annual Responses:* 96; *Total Annual Hours:* 384. (For policy questions regarding this collection contact Minnie Christian at 410–786–3339. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Revision of currently approved collection; *Title of Information Collection:* Model Application Template and Instructions for State Child Health Plan Under Title XXI of the Social Security Act, State Children's Health Insurance Program; *Form No.:* CMS–R–211 (OMB#: 0938–0707); *Use:* The information will be used to assess State plan performance and health outcomes and to evaluate the amount of substitute private coverage and the effect of subsidies on access to coverage; *Frequency:* Yearly, occasionally; *Affected Public:* State, Federal, or Tribal Governments; *Number of Respondents:* 40; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200. (For policy questions regarding this collection contact Nancy Goetschius at 410–786–0707. For all other issues call 410–786–1326.)

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on June 20, 2011.

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, *Fax Number:* (202) 395–6974, *E-mail: OIRA_submission@omb.eop.gov.*

Dated: May 16, 2011.

**Martique Jones,**

*Director, Regulations Development Group, Division-B, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2011–12394 Filed 5–19–11; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[CMS–5501–N]**

### Medicare Program; Pioneer Accountable Care Organization Model: Request for Applications

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

**ACTION:** Notice.

**SUMMARY:** This notice announces a request for applications for organizations to participate in the Pioneer Accountable Care Organization Model for a period beginning in 2011 and ending December 2016.

**DATES:** *Letter of Intent Submission Deadline:* Interested organizations must submit a nonbinding letter of intent by June 10, 2011 as described on the Innovation Center Web site *http://innovations.cms.gov/areas-of-focus/seamless-and-coordinated-care-models/pioneer-aco.*

*Application Submission Deadline:* Applications must be received on or before July 19, 2011.

**ADDRESSES:** Applications should be submitted by mail to the following address by the date specified in the **DATES** section of this notice: Pioneer ACO Model, *Attention:* Maria Alexander, Center for Medicare and Medicaid Innovation, Centers for Medicare and Medicaid Services, Mail Stop S3–13–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

**FOR FURTHER INFORMATION CONTACT:** *PioneerACO@cms.hhs.gov* for questions regarding the aspects of the Pioneer Accountable Care Organization Model or the application process.

**SUPPLEMENTARY INFORMATION:**

## I. Background

We are committed to achieving the three-part aim of better health, better health care, and lower per-capita costs for Medicare, Medicaid, and Childrens' Health Insurance Program beneficiaries. One potential mechanism for achieving this goal is for CMS to partner with groups of health care providers of services and suppliers with a mechanism for shared governance that have formed an Accountable Care Organization (ACO) through which they work together to manage and coordinate care for a specified group of patients. We will pursue such partnerships through two complementary efforts—the Medicare Shared Savings Program and initiatives undertaken by the Center for Medicare and Medicaid Innovation (Innovation Center). The Pioneer ACO Model is an Innovation Center initiative targeted at organizations that can demonstrate the improvements in financial and clinical performance with respect to the care of Medicare beneficiaries that are possible in a mature ACO. To be eligible to participate in the Pioneer ACO Model, organizations would ideally already be coordinating care for a significant portion of patients under financial risk sharing contracts and be positioned to transform both their care and financial models from fee-for-service to a three-part aim, value based model. This notice provides a general overview of the Pioneer ACO Model. For more details see the request for application which is available on the Innovation Center Web site at *http://innovations.cms.gov/areas-of-focus/seamless-and-coordinated-care-models/pioneer-aco.*

## II. Provisions of the Notice

Consistent with its authority under section 1115A of the Social Security Act (of the Act), as added by section 3021 of the Affordable Care Act, to test innovative payment and service delivery models that reduce spending under Medicare, Medicaid, or CHIP, while preserving or enhancing the quality of care, the Innovation Center aims to achieve the following goals through implementation of the Pioneer ACO Model:

- Test a more rapid transition for providers from volume based FFS payments to payment for coordination and outcomes.
- Promote a diversity of successful ACOs, including physician-led ACOs and those serving indigent or rural populations.

This Model will test the effectiveness of a combination of the following:

- Payment arrangements that place a group of providers at joint risk for quality performance and financial performance for the majority of their patients and revenues (including non-Medicare patients and revenues). Such payment arrangements will require participants to transition from fee-for-service to population-based payment by the third performance year. We believe the payment arrangements being tested will provide more opportunities for rapid escalation of shared savings and risk compared to the Medicare Shared Savings Program.
- Technical support in the form of rapid data feedback and shared learning activities.
- Size and scope of testing: We expect to partner with approximately 30 organizations in the Model, with a minimum of 15,000 Medicare beneficiaries each (5,000 for rural ACOs). The application process and selection criteria are described in Section IV of the Request for Applications but in general, applications will be prioritized based on the strength of their care improvement plans, leadership, and commitment to outcomes-based contracts with non-Medicare purchasers. Final selection will be based on the strength of the application and interviews of finalists, together with other factors to promote representation of diverse geographic areas, types of organizations, and types of Medicare populations served.
- Population: ACOs will be accountable for all fee-for-service Medicare beneficiaries that CMS determines are aligned with them, and who have continuous enrollment in Parts A and B during baseline and performance periods, with emphasis on encouraging care of underserved populations and dual eligibles.
- Duration: Between 5 and 6 years (start third or fourth quarter of 2011 and end December 2016, which includes two 1-year optional periods).

## III. Collection of Information Requirements

Section 1115A(d) of the Act waives the requirements of the Paperwork Reduction Act of 1995 for the Innovation Center for purposes of testing new payment and service delivery models.

**Authority:** Section 1115A of the Social Security Act.

Dated: March 10, 2011.

**Donald M. Berwick,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2011–12383 Filed 5–17–11; 8:45 am]

**BILLING CODE 4120–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### President's Committee for People With Intellectual Disabilities; Notice of Meeting

**AGENCY:** President's Committee for People with Intellectual Disabilities (PCPID), HHS.

**ACTION:** Notice of Quarterly Meeting.

**DATES:** Thursday, June 16, 2011, from 9:30 a.m. to 4 p.m. EST; and Friday, June 17, 2011, from 9 a.m. to 5 p.m. EST. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held in Room 800 on the Penthouse Level of the Hubert H. Humphrey Building, U.S. Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201. Individuals who would like to participate via conference call may do so by dialing 888–323–9869, pass code: PCPID. Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* sign language interpreting services, assistive listening devices, materials in alternative format

such as large print or Braille) should notify Genevieve Swift, PCPID Executive Administrative Assistant, via e-mail at *Edith.Swift@acf.hhs.gov,* or via telephone at 202–619–0634, no later than June 10, 2011. PCPID will attempt to meet requests for accommodations made after that date, but cannot guarantee ability to grant requests received after this deadline. All meeting sites are barrier free.

*Agenda:* PCPID will meet to swear-in the new members of the Committee and set the agenda for the coming year.

*Additional Information:* For further information, please contact Laverdia Taylor Roach, Director, President's Committee for People with Intellectual Disabilities, The Aerospace Center, Second Floor West, 370 L'Enfant Promenade, SW., Washington, DC 20447. Telephone: 202–619–0634. Fax: 202–205–9519. E-mail: *LRoach@acf.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services, through the Administration on Developmental Disabilities, on a broad range of topics relating to programs, services and supports for persons with intellectual disabilities. The PCPID Executive Order stipulates that the Committee shall: (1) Provide such advice concerning intellectual disabilities as the President or the Secretary of Health and Human Services may request; and (2) provide advice to the President concerning the following for people with intellectual disabilities: (A) Expansion of educational opportunities; (B) promotion of homeownership; (C) assurance of workplace integration; (D) improvement of transportation options; (E) expansion of full access to community living; and (F) increasing access to assistive and universally designed technologies.

Dated: May 13, 2011.

**Sharon Lewis,**

*Commissioner, Administration on Developmental Disabilities.*

[FR Doc. 2011–12508 Filed 5–19–11; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2006–D–0094]**

### Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls; Guidance Document: Topical Oxygen Chamber for Extremities; Availability; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of April 25, 2011 (76 FR 22906). The document announced the availability of the guidance entitled "Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Documents: Topical Oxygen Chamber for Extremities." The document published inadvertently with outdated information in the **ADDRESSES**, **FOR FURTHER INFORMATION CONTACT**, and Electronic Access sections. This document corrects those errors.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Durfor, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. G424, Silver Spring, MD 20993–0002, 301–796–6438.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2011–9898, appearing on page 22906, in the **Federal Register** of Monday, April 25, 2011, *the following corrections are made:*

1. On page 22906, in the first column, correct the **ADDRESSES** caption to read: **ADDRESSES:** Submit written request for single copies of the guidance document entitled "Class II Special Controls Guidance Document: Topical Oxygen Chamber for Extremities" to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

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.

2. On page 22906, in the second column, correct the **FOR FURTHER INFORMATION CONTACT** caption to read:

**FOR FURTHER INFORMATION CONTACT:** Charles N. Durfor, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. G424, Silver Spring, MD 20993–0002, 301–796–6438.

3. On page 22906, in the third column, correct the Electronic Access caption to read:

**III. Electronic Access**

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are available at *http://www.regulations.gov.* To receive "Class II Special Controls Guidance Document: Topical Oxygen Chamber for Extremities" you may send an e-mail request to *dismica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1582 to identify the guidance you are requesting.

Dated: *May 17, 2011.*

**Nancy K. Stade,**

*Deputy Director for Policy, Center for Devices and Radiological Health.*

[FR Doc. 2011–12409 Filed 5–19–11; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA

Reports Clearance Officer at (301) 443–1129.

*Comments are invited on:* (a) The proposed collection of information for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden 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.

**Proposed Project: BHPr Performance Report for Grants and Cooperative Agreements (OMB No. 0915–0061)—Revision**

The HRSA Bureau of Health Professions (BHPr) is revising and updating its existing performance data collection system that is used to monitor and assess its grantee and program performance. The system was formally referred to as the Uniform Progress Report but is now referenced as the BHPr Performance Report for Grants and Cooperative Agreements to be referred to as the BPR. The BHPr Performance Report for Grants and Cooperative Agreements is a critical information and data management tool that supports BHPr in monitoring grantee activities funded by Title III, Title VII, and Title VIII of the Public Health Service Act. The data collected helps to assess the grantee's success in achieving project objectives as well as BHPr's cross-cutting programmatic goals. The current reporting system is comprised of two sets of measures. Part I of the performance report collects information on program-specific activities and Part II collects information on a set of cluster measures that are related to BHPr's strategic goals, objectives, and outcomes.

The principal impetus for this review was the need to renew the Paperwork Reduction Act clearance of the data collection. In addition, the Affordable Care Act reauthorized many of these programs and the data collected needs to address shifts in programmatic emphases, as well as better account for the number of primary care providers trained. The review and revision seeks to insure that all of the critical outputs and outcomes that BHPr programs are charged with accomplishing are represented in the data collected at all points in the grantee process, including in the application, at award, and annually after award. For instance, baseline information at application is necessary as a means to identify performance trends and outcomes. The revised reporting system will provide an easier format and thus more flexibility for grantees to report quantitative and qualitative information on project targets and outcomes. BHPr will better be able to analyze grantee projections and accomplishments across program objectives.

Over the last few months, BHPr staff has been reviewing existing measures and methodologies for measuring program impact, exploring the extent to which development of new measures or adaptation of existing measures is appropriate for specific programs, eliminating data duplication and unnecessary reporting burden, and identifying cross-cutting areas and common performance measures. Existing data collection forms and accompanying guidance, including data definitions and descriptions of data sources, have been examined and revised as needed to support revised performance measures. Discussions were held, whenever possible, with current grantees to involve them in the review and revision process.

This process has resulted in a set of refined measures, tools, and guidance to provide more accurate and programmatically relevant data for Government Performance and Results Act (GPRA) and other reporting as well as to support evaluation activities. In addition to continuing the use of aggregated data for most program reporting, individual-level data collections have been added in selected specific program areas, including programs that produce primary care providers and programs designed to increase the diversity of the health workforce. Finally, limited data will be collected in applications and/or at the time of award to provide baseline data against which to measure progress.

The estimated annual burden is as follows:

| Form | Number of respondents | Responses per respondent | Total responses | Hours per response | Total hour burden |
|---|---|---|---|---|---|
| Performance Baselines and Targets | 1500 | 1 | 1500 | 2 | 3,000 |
| BHPr Annual Performance Report | 1500 | 1 | 1500 | 9.5 | 14,250 |
| Total | 1500 | | 1500 | 11.5 | 17,250 |

The estimated annual burden for the new data collection is only a little higher than the data collection approved in the recent extension. This net increase in number of hours per response reflects some reductions due to eliminating unneeded data tables and improved electronic reporting, as well as some increases due to new data collection forms. The performance baseline and target information is not requesting new information from the grantees. In most cases, applicants currently provide the requested information in various places within the application. The new data forms provide a standard format for collecting this information so HRSA can more easily analyze the data properly.

E-mail comments to *paperwork@hrsa.gov* or mail comments to the HRSA Reports Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received by the Reports Clearance Officer within 60 days of this notice.

Dated: May 16, 2011.

**Reva Harris,**

*Acting Director, Division of Policy and Information Coordination.*

[FR Doc. 2011–12475 Filed 5–19–11; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Part F Special Projects of National Significance Program Cooperative Agreement Under the Ryan White HIV/AIDS Program

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Notice of Non-Competitive Award of Part F Funds for the Special Projects of National Significance (SPNS) Program's Emory University, the Enhancing Linkages to HIV Care and Treatment in Jail Settings Initiative,

Evaluation and Support Center. This supplement will cover the time period from September 1, 2011, through August 31, 2012.

**SUMMARY:** This **Federal Register** notice announces the non-competitive extension of Emory University, the Enhancing Linkages to HIV Care and Treatment in Jail Settings Initiative, Evaluation and Support Center (hereafter referred to as the Enhancing Linkages ESC), in order to complete data collection, analysis, and dissemination of effective models for linking HIV positive individuals in jail settings to HIV care and services in the community upon their release. The findings generated by this Initiative are capable of impacting service delivery systems and increase linkages to critical HIV care and support services if the model programs can be adapted in jails and HIV service delivery settings across the United States, as well as to demonstrate that HIV testing and linkage to care in jail settings, and transitioning individuals to HIV care and treatment in the community is feasible and effective.

**SUPPLEMENTARY INFORMATION:**

*Grantee of record:* Emory University.
*Amount of the award:* $550,000.

**Authority:** Section 2691 of the Public Health Service Act, 42 U.S.C. 300ff–101.

*CFDA Number:* 93.928.
*Project period:* September 1, 2006, to August 31, 2011. The period of support for this award is from September 1, 2011, to August 31, 2012.

### Justification for the Exception to Competition

Emory University's Enhancing Linkages ESC has provided substantial programmatic and evaluation technical assistance, received client and program level data from 10 demonstration sites, and disseminated preliminary descriptive information on demonstration sites' linkage models. This is a temporary extension with Part F Funds, as the grant recipient did not begin receiving client and program level data from the demonstration sites until late into the third year of the ESC's project period. This was due to demonstration sites' delays in receiving required human subjects research approvals. The SPNS Enhancing Linkages ESC is the best qualified Grantee to ensure the continuity of data collection protocols, data integrity and security until all client and program level data has been submitted and analyzed.

**FOR FURTHER INFORMATION CONTACT:** Adan Cajina, by e-mail *acajina@hrsa.gov,* or via telephone, 301–443–3180.

Dated: May 13, 2011.

**Mary K. Wakefield,**

*Administrator.*

[FR Doc. 2011–12481 Filed 5–19–11; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Part F Special Projects of National Significance Program Cooperative Agreement Under the Ryan White HIV/AIDS Program

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Notice of Non-Competitive Supplemental Award of the Ryan White HIV/AIDS Program Part F Funds for the Special Projects of National Significance (SPNS) Program's Enhancing Linkages to HIV Care and Treatment in Jail Settings Initiative, Demonstration Sites. This supplement will cover the time period from September 1, 2011, through August 31, 2012.

**SUMMARY:** This **Federal Register** notice announces the non-competitive extension with funds of the Enhancing Linkages to HIV Care and Treatment in Jail Settings Initiative, Demonstration Sites (hereafter referred to as the SPNS Enhancing Linkages Initiative) in order to complete linkages to HIV medical care and support services for HIV positive individuals returning from jail settings to the community, follow-up data collection, analysis and dissemination of findings and lessons learned. The findings generated by this Initiative are capable of impacting service delivery systems and increasing linkages to critical HIV care and support services if the model programs can be adapted in jails and HIV service delivery settings across the United States, as well as to demonstrate that HIV testing and linkage to care in jail settings, and transitioning individuals to HIV care and treatment in the community is feasible and effective.

**SUPPLEMENTARY INFORMATION:**

GRANTEES OF RECORD AND INTENDED AWARD AMOUNTS

| Grantee/organization name | State | Grant No. | FY 2010 authorized funding level | FY 2011 authorized funding level |
|---|---|---|---|---|
| University of Illinois @ Chicago/The Board Of Trustees of The University of Illinois. | IL | H97HA08534 | $399,424 | $296,937 |
| Miriam Hospital (The) | RI | H97HA08535 | 399,991 | 299,109 |
| AID Atlanta | GA | H97HA08536 | 399,997 | 299,602 |
| Baystate Medical Center | MA | H97HA08537 | 400,000 | 300,000 |
| New York City Department of Health & Mental Hygiene | NY | H97HA08538 | 400,000 | 300,000 |
| AIDS Care Group | PA | H97HA08539 | 400,000 | 300,000 |
| Philadelphia FIGHT | PA | H97HA08540 | 400,000 | 300,000 |
| Yale University | CT | H97HA08541 | 400,000 | 300,000 |
| University of South Carolina Research Foundation | SC | H97HA08542 | 400,000 | 300,000 |
| Care Alliance Health Center | OH | H97HA08543 | 400,000 | 300,000 |

This list is sorted by Grant Number.

**Authority:** Section 2691 of the Public Health Service Act, 42 U.S.C. 300ff-101.

*CFDA Number:* 93.928.

*Project period:* September 1, 2007, to August 31, 2011. The period of support for the supplemental awards is from September 1, 2011 to August 31, 2012.

### Justification for the Exception to Competition

Critical funding for linkages to HIV medical care, treatment services and supportive services to clients enrolled

in the SPNS Enhancing Linkages Initiative will be continued through a non-competitive extension with funds to 10 existing grantees of record. This is a one-time extension with Part F Funds, as the grant recipients did not begin enrolling clients until late into the second year of the project period due to delays in receiving required human subjects research approvals. The SPNS Enhancing Linkages Initiative grantees are the best qualified to ensure the continuity of care, and provide critical services to the service population until all clients are successfully transitioned to routine Ryan White HIV/AIDS Program care and services.

**FOR FURTHER INFORMATION CONTACT:** Adan Cajina, Chief, Demonstration and Evaluation Branch, by e-mail acajina@*hrsa.gov,* or via telephone, 301–443–3180.

Dated: May 13, 2011.

**Mary K. Wakefield,**

*Administrator.*

[FR Doc. 2011–12483 Filed 5–19–11; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Heart, Lung, and Blood Initial Review Group; NHLBI Institutional Training Mechanism Review Committee.

*Date:* June 16–17, 2011.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree by Hilton, 890 Elkridge Landing Rd., Linthicum Heights, MD 21090.

*Contact Person:* Charles Joyce, PhD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924, 301–435–0288, *cjoyce@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 16, 2011.

**Jennifer S. Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2011–12464 Filed 5–19–11; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Research Resources Special Emphasis Panel; National Gene Vector Biorepository (NGVB).

*Date:* June 16, 2011.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

*Contact Person:* Sheri A. Hild, PhD, Scientific Review Officer, National Institutes Of Health, National Center For Research Resources, Office of Review, 6701 Democracy Blvd., Room 1082, Bethesda, MD 20892, 301–435–0811, *hildsa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, 93.702, ARRA Related Construction Awards, National Institutes of Health, HHS)

Dated: May 13, 2011.

**Jennifer S. Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2011–12466 Filed 5–19–11; 8:45 am]

**BILLING CODE 4140–01–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, June 7, 2011, 11 a.m. to June 7, 2011, 5 p.m., Doubletree Hotel Washington, 1515 Rhode Island Avenue, NW., Washington, DC 20005 which was published in the **Federal Register** on April 29, 2011, 76 FR 24036–24038.

The meeting title has been changed to "Collaborative: Child Psychopathology". The meeting is closed to the public.

Dated: May 13, 2011.

**Jennifer S. Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2011–12465 Filed 5–19–11; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–3320–EM; Docket ID FEMA–2011–0001]**

### Mississippi; Amendment No. 2 to Notice of an Emergency Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of an emergency declaration for the State of Mississippi (FEMA–3320–EM), dated May 4, 2011, and related determinations.

**DATES:** *Effective Date:* May 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

**SUPPLEMENTARY INFORMATION:** The notice of an emergency declaration for the State of Mississippi is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of May 4, 2011.

Humphreys County for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011–12452 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–1970–DR; Docket ID FEMA–2011–0001]**

### Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–1970–DR), dated April 22, 2011, and related determinations.

**DATES:** *Effective Date:* May 6, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include the Public Assistance program for the following area among the area determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 22, 2011.

Atoka County for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

May 13, 2011.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011–12369 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–1975–DR; Docket ID FEMA–2011–0001]**

### Arkansas; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–1975–DR), dated May 2, 2011, and related determinations.

**DATES:** *Effective Date:* May 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Arkansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 2, 2011.

Crittenden, Madison, Montgomery, Phillips, and Washington Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011–12454 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–1973–DR; Docket ID FEMA–2011–0001]**

### Georgia; Amendment No. 6 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–1973–DR), dated April 29, 2011, and related determinations.

**DATES:** *Effective Date:* May 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 29, 2011.

Cherokee, Gordon, Harris, Heard, Lumpkin, Newton, and White Counties for Public Assistance, including direct Federal assistance (already designated for Individual Assistance).

Jasper County for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011–12459 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–1976–DR; Docket ID FEMA–2011–0001]**

### Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–1976–DR), dated May 4, 2011, and related determinations.

**DATES:** *Effective Date:* May 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 4, 2011.

Anderson, Boyd, Estill, Grant, Greenup, Henry, Mercer, Robertson, and Trimble for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011–12457 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–1969–DR; Docket ID FEMA–2011–0001]**

### North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–1969–DR), dated April 19, 2011, and related determinations.

**DATES:** Effective Date: May 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of North Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 19, 2011.

Tyrell County for Individual Assistance.

Bertie, Bladen, Craven, Cumberland, Currituck, Greene, Halifax, Harnett, Hertford, Hoke, Johnston, Lee, Onslow, Pitt, Robeson, Sampson, Wake, and Wilson Counties for Public Assistance [Categories C–G] (already designated for Individual Assistance and debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011–12456 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Accreditation and Approval of Saybolt LP, as a Commercial Gauger and Laboratory

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of accreditation and approval of Saybolt LP, as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt LP, 1026 W. Elizabeth Avenue, Linden, NJ 07036, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

**DATES:** The accreditation and approval of Saybolt LP, as commercial gauger and laboratory became effective on December 03, 2010. The next triennial inspection date will be scheduled for December 2013.

**FOR FURTHER INFORMATION CONTACT:** Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: May 12, 2011.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services.*

[FR Doc. 2011–12494 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Inspectorate America Corporation, 4717 Santa Elena, Corpus Christi, TX 78405, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

**DATES:** The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on January 26, 2011. The next triennial inspection date will be scheduled for January 2014.

**FOR FURTHER INFORMATION CONTACT:** Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: May 12, 2011.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services.*

[FR Doc. 2011–12490 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 801 West Orchard St., Suite 5, Bellingham, WA 98225, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/.*

**DATES:** The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 06, 2010. The next triennial inspection date will be scheduled for August 2013.

**FOR FURTHER INFORMATION CONTACT:** Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: May 12, 2011.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services.*

[FR Doc. 2011–12488 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Accreditation of Intertek USA, Inc., as a Commercial Laboratory

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of accreditation of Intertek USA, Inc., as a commercial laboratory.

**SUMMARY:** Notice is hereby given that, pursuant to 19 CFR 151.12, Intertek USA, Inc., 8500 West Bay Road MS#37, Baytown, TX 77523, has been accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12. Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquires regarding the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/commercial_gaugers/*

**DATES:** The accreditation of Intertek USA, Inc., as a commercial laboratory became effective on September 02, 2010. The next triennial inspection date will be scheduled for September 2013.

**FOR FURTHER INFORMATION CONTACT:** Anthony Malana, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: May 12, 2011.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services.*

[FR Doc. 2011–12486 Filed 5–19–11; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5477–N–20]**

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: May 12, 2011.

**Mark R. Johnston,**

*Deputy Assistant Secretary for Special Needs.*

[FR Doc. 2011–12125 Filed 5–19–11; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Amendment and Technical Correction to the Notice of Funding

**[Docket No. FR–5500–N–06]**

### Availability (NOFA) for HUD's Fiscal Year (FY) 2011 Asthma Interventions in Public and Assisted Multifamily Housing Program

**AGENCY:** Office of Healthy Homes and Lead Hazard Control, HUD.

**ACTION:** Notice of Availability, Amendment, and Technical Corrections to the Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2011 Asthma Interventions in Public and Assisted Multifamily Housing Program, FR–5500–N–06.

**SUMMARY:** On April 8, 2011, HUD posted the Notice of Funding Availability (NOFA) for the Fiscal Year (FY) 2011 Asthma Interventions in Public and Assisted Multifamily Housing Program to Grants.gov (FR–5500–N–06). The NOFA announced the availability of information on applicant eligibility, submission deadlines, funding criteria, and other requirements for HUD's FY 2011 Asthma Interventions in Public and Assisted Multifamily Housing Program. The posted NOFA indicated the total amount of funding available was subject to enactment of HUD appropriations.

On May 12, 2011, HUD posted an amendment to the NOFA which provided the funding available as a result of enactment of the HUD appropriations Act, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, Public Law 112–10, approved April 15, 2011, and other technical corrections. Based on the enactment of the FY 2011 HUD appropriations, approximately $2 million is available for the Asthma Interventions in Public and Assisted Multifamily Housing Program.

The notice also amended the deadline date for applications as a result of the technical corrections. The new deadline date for this NOFA is 11:59:59 p.m. June 14, 2011.

The purpose of the Asthma Interventions in Public and Assisted Multifamily Housing program is to fund demonstration projects to improve asthma control among children and others currently residing in Federally assisted multifamily housing developments that are administered by local public housing authorities (*i.e.,* public housing) as well as privately owned multifamily housing that is subsidized by HUD (*e.g.,* Project-based Section 8, section 202, and section 811 housing).

The posting to Grants.gov provides information regarding the application process, funding criteria and eligibility requirements, application and instructions, and amendment and technical corrections. The information can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at *http://www.grants.gov/search/agency.do.* A link to the funding opportunity is also available on the HUD Web site at *http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.*

The link from the funds available page will take you to the agency link on Grants.gov. The Catalogue of Federal Domestic Assistance (CFDA) number for the Asthma Interventions in Public and Assisted Housing is 14.914. Applications must be submitted electronically through *Grants.gov.*

**FOR FURTHER INFORMATION CONTACT:** Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2011 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: May 16, 2011.

**Barbara S. Dorf,**

*Director, Office of Departmental Grants Management and Oversight, Office of the Chief of the Human Capital Officer.*

[FR Doc. 2011–12379 Filed 5–19–11; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5472–FA–01]**

### Announcement of Funding Awards for a Second Round of Funding Under the Historically Black Colleges and Universities Program in Fiscal Year 2010

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Announcement of second round of funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2010 Second-Round Historically Black Colleges and Universities Program. The purpose of this document is to announce the names, addresses and the amount awarded to the winners to be used to help Historically Black Colleges and Universities (HBCUs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Development Act of 1974, as amended.

**FOR FURTHER INFORMATION CONTACT:** Susan Brunson, Office of University

Partnerships, U.S. Department of Housing and Urban Development, Room 8226, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 402–3852. To provide service for persons who are hearing-or-speech-impaired, this number may be reached via TTY by Dialing the Federal Information Relay Service on 800–877–8339 or 202–708–1455. (Telephone number, other than "800" TTY numbers are not toll free).

**SUPPLEMENTARY INFORMATION:** The Historically Black Colleges and Universities Program was approved by the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, approved December 16, 2009) and is administered by the Office of University Partnerships under the Office of the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The HBCU Program provides funds for a wide range of CDBG eligible activities including housing rehabilitation, property demolition or acquisition, public facilities, economic development, business entrepreneurship, a wide range of public service activities, and fair housing programs.

The Catalog of Federal Domestic Assistance number for this program is 14.520.

On December 28, 2010, a Notice of Funding Availability (NOFA) was posted on Grants.gov announcing a second round of funding under this program for approximately $2.3 million to fund HBCU grants. Under this program, HUD awarded two kinds of grants: Previously Unfunded HBCU Grants and Previously Funded HBCU Grants. Previously Unfunded HBCU Grants were awarded to applicants who have never received an HBCU grant or have not received a grant since FY 2000. The maximum amount a Previously Unfunded HBCU applicant could request for award is $500,000 for a three-year (36 months) grant performance period. Previously Funded HBCU Grants were awarded to applicants that had received funding between FY 2001 through FY 2009. The maximum amount a Previously Funded HBCU applicant could request for award is $800,000 for three-year (36 months) grant performance period.

The Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications below, in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545). More information about the winners can be found at *http://www.oup.org.*

**List of Awardees for Grant Assistance Under the FY 2010 Second Round of Funding Under the Historically Black Colleges and Universities Program Funding Competition, by Institution, Address, and Grant Amount**

**Region III**

1. Norfolk State University, Ms. Deirdre Sanderlin, Norfolk State University, Community and Outreach Service, 700 Park Avenue, Norfolk, VA 23504. Grant: $800,000.

**Region IV**

2. Elizabeth City State University, Morris Autry, Elizabeth City State University, 1704 Weeksville Road, Elizabeth City, NC 27909. Grant: $800,000.

3. Tennessee State University, Ginger Hausser, Tennessee State University, 3500 John A Merritt Blvd., Campus Box 9503, Nashville, TN. Grant: $789,031.

Dated: April 29, 2011.

**Raphael W. Bostic,**

*Assistant Secretary for Policy Development and Research.*

[FR Doc. 2011–12495 Filed 5–19–11; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R3–R–2011–N024; 30136–1265–0000–S3]**

### Swan Lake National Wildlife Refuge, Chariton County, MO; Final Comprehensive Conservation Plan and Finding of No Significant Impact for Environmental Assessment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the Final Comprehensive Conservation Plan (CCP) and Finding of No Significant Impact (FONSI) for the Environmental Assessment (EA) for Swan Lake National Wildlife Refuge (NWR). Goals and objectives in the CCP describe how the agency intends to manage the refuge over the next 15 years.

**ADDRESSES:** Copies of the Final CCP and FONSI/EA may be viewed at the Swan Lake National Wildlife Refuge Office or at public libraries near the refuge. You may also request a copy by any of the following methods.

1. *Agency Web site:* View or download a copy of the document at *http://www.fws.gov/midwest/planning/SwanLake/.*

2. *E-mail: r3planning@fws.gov.* Include "Swan Lake Final CCP/EA" in the subject line of the message.

3. *Mail:* Swan Lake National Wildlife Refuge, 16194 Swan Lake Avenue, Sumner, MO 64681.

4. *In Person:* A limited number of hardcopies will be available for distribution at the Refuge Headquarters.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitson, 660–856–3323.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

With this notice, we complete the CCP process for Swan Lake NWR, which we began by publishing a notice of intent on (71 FR 20722, April 21, 2006). For more information about the initial process, see that notice. We released the draft CCP and EA to the public, announcing and requesting comments in a notice of availability (75 FR 30422) on June 1, 2010.

Swan Lake NWR was established in 1937 by Executive Order 7563 to serve as a refuge and breeding ground for migratory birds and other wildlife. The Refuge includes more than 11,000 acres and is also responsible for managing 57 easements and outlying fee-title tracts scattered across 15 counties in Missouri.

The Draft CCP and EA were officially released for public review on June 1, 2010, opening a 35-day comment period that ended on July 5, 2010. Planning information was sent to approximately 200 individuals, organizations, elected officials, and local, State, and Federal agencies, and an electronic copy of the Draft CCP and EA was made available on the Service's Web site. During the comment period, the Refuge also hosted an open house to receive public comments and feedback. An estimated 385 people attended the event and submitted more than 130 written comments. In total, more than 500 comments were received by the Service during the public review period. Based on comments received, a fourth alternative was developed, followed by another public comment period, which produced 50 additional comments and a number of minor changes to the fourth alternative.

**Selected Alternative**

Based on input and feedback during the planning process, alternative 4 was selected as the preferred alternative. The alternative maintains a mixture of woodland, wetland, and grassland habitats, with an emphasis on increasing native habitats such as prairie and wet meadow. Moist soil management would continue, and there would be additional study on methods for increasing the amount of native foods for waterfowl within a 2,100-acre reservoir on the Refuge. The alternative also calls for measuring Refuge water needs, identifying source water, and working with others to address watershed issues, including water quality and flooding. Monitoring migratory birds and threatened and endangered species would inform management actions to benefit these species. The introduction of duck hunting and small game hunting would add to existing wildlife-dependent recreation opportunities available on the Refuge.

**Background**

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee *et seq.*), requires the Service to develop a CCP for each National Wildlife Refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction for conserving wildlife and their habitats, the CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

We will review and update the CCP at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370d).

Dated: February 24, 2011.

**Charles M. Wooley,**

*Acting Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.*

[FR Doc. 2011–12411 Filed 5–19–11; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R8–ES–2011–N062; 80221–1112–0000–F2]**

### Incidental Take Permit; San Bernardino County, CA; Proposed Habitat Conservation Plan, Draft Implementing Agreement, and Draft Environmental Assessment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from Kinder Morgan Energy Partners, L.P. (Applicant), for an incidental take permit under the Endangered Species Act of 1973 (Act), as amended. We are considering issuing a 25-year permit to the Applicant that would authorize incidental take of the endangered Delhi Sands flower-loving fly incidental to activities related to operations and maintenance of storage and distribution facilities for petroleum products within the Colton and Colton North Terminals, and with habitat restoration and management on a proposed on-site conservation area located in the cities of Rialto and Colton, San Bernardino County, California. We request public comment on the proposed HCP, draft Implementing Agreement, and draft Environmental Assessment for the Applicant's proposed activities.

**DATES:** Send written comments on or before July 19, 2011.

**ADDRESSES:** Please send written comments to Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Suite 101, Carlsbad, CA 92011.You also may send comments by facsimile to (760) 431–5902.

**FOR FURTHER INFORMATION CONTACT:** Ken Corey, Assistant Field Supervisor, at the Carlsbad Fish and Wildlife Office address above; telephone (760) 431–9440.

**SUPPLEMENTARY INFORMATION:** We have received an application from Kinder Morgan Energy Partners, L.P. (Applicant), for an incidental take permit under the Endangered Species Act of 1973 (Act), as amended. We are considering issuing a 25-year permit to the Applicant that would authorize take of the endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) incidental to activities described in the Applicant's proposed Habitat Conservation Plan (HCP). The permit, if issued, would authorize incidental take of the species associated with proposed site preparation, future construction, and routine operations and maintenance of storage and distribution facilities for petroleum products on approximately 20 acres (ac) (8 hectares (ha)) within the Colton and Colton North Terminals, and with habitat restoration and management on a proposed approximately 20-ac (8-ha) on-site conservation area, located in the cities of Rialto and Colton, San Bernardino County, California.

**Availability of Documents**

Documents available for public review include the Applicant's permit application, proposed HCP, and accompanying draft Implementing Agreement, and the Service's draft Environmental Assessment.

For copies of the documents, please contact us by telephone at (760) 431–9440, or by letter to the Carlsbad Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). Copies are also available for public review, by appointment, during regular business hours at the Carlsbad Fish and Wildlife Office.

**Background**

Section 9 of the Act and Federal regulations prohibit the "take" of fish and wildlife species Federally listed as endangered or threatened. Take of Federally listed fish or wildlife is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in any such conduct (16 U.S.C. 1538). "Harm" includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns such as breeding, feeding, or sheltering (50 CFR 17.3). To "harass" includes the carrying out of an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns such as breeding, feeding, or sheltering (50 CFR 17.3). Under limited circumstances, we may issue permits to authorize incidental take, which the Act defines as take that is incidental to, and not the purpose of, the carrying out of otherwise lawful activities. Regulations governing incidental take permits for threatened and endangered species are found in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. The incidental take permit, if issued, would confer assurances to the Applicant regarding the endangered Delhi Sands flower-

loving fly under the Service's "No Surprises" regulation at 50 CFR 17.22(b)(5). Take authorization for the Delhi Sands flower-loving fly would become effective upon permit issuance.

**Project Location**

The Applicant is proposing site preparation (vegetation clearing and grading), future construction, and routine operations and maintenance of storage and distribution facilities for petroleum products on approximately 20 ac (8 ha) within the existing Colton and Colton North Terminals and their respective pipeline easements in San Bernardino County, California. The Colton Terminal is located in Rialto and Colton, on the east side of Riverside Avenue, south of Slover Avenue, and north of Santa Ana Avenue. The Colton North Terminal is located in Colton, on the east side of Sycamore Avenue, and north and south of Slover Avenue. The pipeline easements for the terminals traverse the cities of Ontario, Fontana, Rialto, and Colton, from the western end of Ontario International Airport to the Santa Ana River. Land uses surrounding the terminals include petroleum facilities, city streets, vacant lands, a flood control channel (Rialto Creek), and the Colton Dunes Conservation Bank (operated by Vulcan Materials Company as a conservation bank for the Delhi Sands flower-loving fly).

**Project Information**

The Applicant is proposing a variety of projects located both on and off the terminals. These projects are as follows:

(1) Clearance of all vegetation for future developments on several of the vacant parcels located on the Colton and Colton North Terminals.

(2) Construction of the Calnev Expansion Project, a new 16-inch- (41-centimeter-) diameter multiple-product pipeline in Colton. This project also includes the construction of a new electrical transmission line located just east of the Colton North Terminal.

(3) Future development of approximately 6.19 ac (2.5 ha) in the westernmost area of the Sycamore North Parcel.

(4) Routine operations and maintenance of all facilities, including excavations, inspections, and repairs to all the Applicant's pipelines and facilities located within the species' habitat. The combined total length of pipeline to be covered under the permit would be approximately 26 miles.

(5) Inspection, repair (if necessary), and permanent reburial of the exposed portion of Line Section 111, which is located on lands owned by Union Pacific east of the Colton North Terminal.

(6) The placement of Southern California Edison (SCE) substation facilities (*i.e.,* electrical transmission line tower, access roads, *etc.*) off site, within lands owned by the Union Pacific Railroad Company, just outside the northeastern boundary of the Colton North Terminal.

Based on the results of focused surveys, we consider undeveloped portions of the proposed project area, which contain habitat of varying suitability, as occupied by the Delhi Sands flower-loving fly. Therefore, we have determined that the Applicant's proposed activities would result in incidental take of the Delhi Sands flower-loving fly. No other Federally listed species are known to occupy the site.

To minimize and mitigate incidental take of the Delhi Sands flower-loving fly within the project area, the Applicant proposes to set aside approximately 20 ac (8 ha) as a permanent, on-site conservation area. The Applicant would fund the restoration and management of the conservation area for the Delhi Sands flower-loving fly through an agreement with the Riverside Land Conservancy, a nonprofit land trust.

**National Environmental Policy Act**

We have prepared the draft Environmental Assessment under the National Environmental Policy Act, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), to analyze the impacts of authorizing incidental take of the Delhi Sands flower-loving fly, based on the Applicant's application for an incidental take permit and the proposed HCP included with the application. The proposed HCP describes the Applicant's proposed development activities and the measures the Applicant will undertake to minimize and mitigate the effects of incidental take to the maximum extent practicable. The proposed issuance of an incidental take permit is a Federal action requiring Service compliance with NEPA and its implementing regulations at 40 CFR 1506.6. Our draft Environmental Assessment analyzes the environmental consequences of three alternatives: (1) The "Proposed Action," which would result in Service issuance of an incidental take permit and implementation of the Applicant's proposed HCP; (2) an "Other Compensation Lands" alternative, which would involve permit issuance and implementation of a HCP based on the purchase of credits at the Colton Dunes Conservation Bank; and (3) a "No Action" alternative, which would not involve Service issuance of an incidental take permit or the Applicant's implementation of a HCP, would not result in impacts to the Delhi Sands flower-loving fly, and would not establish any additional conservation.

**Public Review**

We invite the public to comment on the proposed HCP, draft Implementing Agreement, and draft Environmental Assessment during our 60-day comment period (see **DATES**). Please direct comments to the Service contact listed in the **ADDRESSES** section, and any questions to the Service contact listed in the **FOR FURTHER INFORMATION CONTACT** section. Before including your address, phone number, e-mail 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 may 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.

**Next Steps**

We provide this notice under section 10(a) of the Act and Service regulations for implementing NEPA. We will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the Applicant for the incidental take of Delhi Sands flower-loving fly. We will make our final permit decision no sooner than 60 days after the date of this notice.

**Michael Fris,**

*Acting Regional Director, Pacific Southwest Region, Sacramento, California.*

[FR Doc. 2011–12413 Filed 5–19–11; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Campo Wind Energy Project, San Diego County, CA

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Campo Band of

Mission Indians (Tribe) as a cooperating agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for the proposed Campo Shu'luuk Wind Project, located on the Campo Indian Reservation in southeastern San Diego County, approximately 60 miles east of San Diego, California. Construction of the Shu'luuk Wind Project within the Campo Reservation is subject to BIA approval of a lease and sublease, which, as proposed, is a major Federal action under the National Environmental Policy Act of 1969 (NEPA), as amended. A brief description of the proposed action and areas of environmental concern are provided below in the **SUPPLEMENTARY INFORMATION** section. This notice also announces a public scoping meeting to identify potential issues, concerns and alternatives to be considered in the EIS. The scoping process will include notice to the public and Federal, State, local, and Tribal agencies of the proposed action.

**DATES:** Written comments on the scope and implementation of this proposal must arrive by July 5, 2011. A public scoping meeting will be held June 21, 2011, from 6 p.m. to 9 p.m., or until the last public comment is received. A second public scoping meeting will be held on June 22, 2011, from 6 p.m. to 9 p.m. or until the last public comment is received.

**ADDRESSES:** You may mail or hand-carry written comments to Robert Eben, Superintendent, Southern California Agency, Bureau of Indian Affairs, 1451 Research Park Drive, Riverside, California 92507. Please include your name, caption, return address and "EIS Scoping Comments, Shu'luuk Wind Project, San Diego County, California," on the first page of your written comments. The June 21 meeting will be held at the Mountain Empire High School, 3305 Buckman Springs Road, Pine Valley, California. The June 22 meeting will be located at the Campo Indian Reservation Tribal Hall, 36190 Church Road, Campo, California.

**FOR FURTHER INFORMATION CONTACT:** Lenore Lamb, (951) 276–6624, Ext 254.

**SUPPLEMENTARY INFORMATION:** BIA approval is required for a lease and sublease to build and operate a commercial wind power generation facility capable of generating up to 250 megawatts (MW) of electricity. The project is planned to be constructed in phases. The initial phase would generate up to 160 MW consisting of up to 80 turbines. The project study area, for all phases, covers approximately 4660 acres on the Campo Indian Reservation. The total area that would be disturbed by the project would be substantially less. The turbines proposed for the project would have a tower hub height of up to 328 feet and a rotor diameter up to approximately 368 feet. Each turbine would be set on a concrete foundation. Turbines would be connected by underground electrical cable to a project substation. The substation would be sited on a 2-acre area and would consist of a graveled, fenced area containing transformer and switching equipment and an area for vehicle parking. Up to 5 miles of new 3-phase 138 kV overhead interconnection transmission circuit would be constructed within the Campo Indian Reservation from the project collector substation to a San Diego Gas & Electric (SDG&E) switchyard. The SDG&E switchyard and related transmission line upgrades will be subject to approval by the California Public Utilities Commission (CPUC) and the BIA. Other required facilities, all located within the Campo Indian Reservation, would include: Up to three permanent meteorological towers; temporary material laydown areas during construction; temporary office areas; an operations and maintenance building; approximately 25 miles of new access roads; and a temporary concrete batch plant. This batch plant would be centrally located within the existing Campo Materials facility off of Church Road. The wind power generation facility would operate year-round for a minimum of 25 years.

*The purpose and need for the project are to:* (1) Improve the economic conditions of the Campo Band through the lease revenue and job creation from development of wind power generation on the Campo Reservation utilizing the renewable resource (wind) that is found in abundance on the Campo Reservation; (2) make use of the Campo Reservation's wind energy resources in an environmentally sound manner to meet existing and future electricity demands to power approximately 40,000 homes in the Southern California region; (3) provide for renewable energy sources as encouraged by the Federal Energy Policy Act of 2005, California's Global Warming Solutions Act (AB 32), and the State's renewable portfolio standard that mandates utilities to increase procurement from eligible renewable energy resources; and (4) reduce carbon dioxide emissions that would otherwise be emitted from fossil fuel powered electric generation sources by as much as 250,000 tons per year.

The EIS will analyze the potential environmental impacts of the construction and operation of a proposed wind generation facility, including access roads, a collector substation, as well as a switchyard and transmission facilities that have previously been analyzed at the programmatic level in the Draft Environmental Impact Report/Environmental Impact Statement for the East County Substation, Tule Wind, and Energia Sierra Juarez Gen-Tie Project (DOI Control No. DES 10–62). The EIS will be prepared in accordance with NEPA (42 U.S.C. 4321); the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508); Department of the Interior regulations (43 CFR part 46); and the BIA NEPA Handbook (59 IAM 3–H). A reasonable range of alternatives to the proposed action including a no-action alternative, will be analyzed in the EIS. The range of issues and alternatives may be expanded based on comments and information received during the scoping process. This notice initiates the public scoping process to identify alternatives and relevant issues associated with the proposed project.

Areas of environmental concern to be addressed in the EIS include land use, wildlife (including birds and bats); vegetation (including noxious and invasive weeds); threatened, endangered, and sensitive plants and animals (including the Quino checkerspot butterfly); visual resources; cultural resources; water quality; air quality (including climate change); noise; emergency services (including fire management and suppression); public health/environmental hazards; traffic and transportation; hazardous waste; environmental justice and socioeconomics.

**Public Comment Availability**

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**Authority**

This notice is published in accordance with sections 1501.7, 1506.6 and 1508.22 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and Sec. 46.305 of the Department of Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371 *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: May 3, 2011.

**Donald Laverdure,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 2011–12416 Filed 5–19–11; 8:45 am]

**BILLING CODE 4310–W7–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Draft Environmental Impact Statement for the Proposed Pueblo of Jemez 70.277-Acre Fee-to-Trust Transfer and Casino Project, Doña Ana County, NM

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of availability; correction.

**SUMMARY:** The Bureau of Indian Affairs (BIA) published a document in the **Federal Register** of April 8, 2011, advising the public that the Bureau of Indian Affairs (BIA), as lead agency, in cooperation with the Pueblo of Jemez, intends to file a Draft Environmental Impact Statement (DEIS) with the U.S. Environmental Protection Agency (EPA) for the proposed approval of a 70.277 acre fee-to-trust transfer and casino project to be located within Doña Ana County, New Mexico. The document contained an error in the public comment deadline.

**DATES:** Written comments on the DEIS must arrive by June 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Priscilla Wade (505) 563–3417.

**SUPPLEMENTARY INFORMATION:**

**Corrections**

In the **Federal Register** of April 8, 2011, in FR Doc. 2011–8035, on page 19783, in the second column, in the **DATES** section, change "May 23, 2011" to "June 1, 2011."

Dated: May 6, 2011.

**Donald Laverdure,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 2011–12412 Filed 5–19–11; 8:45 am]

**BILLING CODE 4310–W7–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLWO3200000–L19900000.PP0000]**

### Proposed Information Collection; Comment Request

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA), the Bureau of Land Management (BLM) is announcing its intention to request that the Office of Management and Budget (OMB) issue a new control number for two forms—Form 3830–4, Affidavit of Annual Assessment Work; and Form 3830–5, Maintenance Fee Payment Form. As required by the PRA, the BLM is soliciting public comments on the proposed forms. Upon approval of the new control number by the OMB, the BLM will consider requesting that the new control number be combined with existing control number 1004–0114, Recordation of Location Notices and Mining Claims; Payment of Fees (43 CFR parts 3832–3838).

**DATES:** Please submit comments by July 19, 2011.

**ADDRESSES:** Please submit comments by mail, electronic mail, or fax:

*Mail:* U.S. Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

*Fax:* to Jean Sonneman at 202–912–7181.

*Electronic mail: Jean_Sonneman@blm.gov.*

Please indicate "Attn: 1004–XXXX" regardless of the form of your comments.

**FOR FURTHER INFORMATION CONTACT:** Sonia Santillan, Mineral Leasing Specialist, Bureau of Land Management, Division of Solid Minerals, (202) 912–7123 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, to contact Ms. Santillan.

**SUPPLEMENTARY INFORMATION:** The PRA (44 U.S.C. 3501–3521) requires Federal agencies to obtain OMB approval, in the form of a control number, for each collection of information they conduct or sponsor. A statutory prerequisite for OMB approval is the solicitation of public comments. This request for comment is being made pursuant to the PRA at 43 U.S.C. 3506(c)(2)(A).

With respect to this proposed collection of information, the BLM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the BLM's functions, including whether the information will have practical utility; (2) The accuracy of the BLM's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information proposed to be collected; and (4) Ways to minimize the burden of the proposed collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Titles**

a. Form 3830–4, Affidavit of Annual Assessment Work; and

b. Form 3830–5, Maintenance Fee Payment Form.

*OMB Control Number:* 1004–XXXX.

*Abstract:* This notice pertains to information that holders of legal interests in unpatented mining claims, mill sites, and/or tunnel sites must submit annually to the BLM in order to retain those interests. Claimants with a legal interest in mining claims or sites located under the Mining Law of 1872, 30 U.S.C. 22–54, must pay an annual maintenance fee in accordance with 43 CFR 3834.11. Proposed Form 3830–5, Maintenance Fee Payment Form, would be an optional form such claimants could use to list their mining claims or sites and submit with their maintenance fee payment to document their compliance with 43 CFR 3834.111.

Proposed Form 3830–4, Affidavit of Annual Assessment Work, would be an optional form claimants with 10 or fewer claims nationwide could file if they have elected to seek a waiver of annual maintenance fees. The proposed form would be the second of two submissions that are required of such claimants. The first required submission is a Maintenance Fee Waiver Certification (Form 3830–2) no later than the beginning of the upcoming assessment year on September 1. OMB has approved Form 3830–2 under control number 1004–0114.

The second submission is required after the end of the assessment year, but no later than December 30 of the year in which the assessment year ends. At that time, a claimant seeking a waiver from annual maintenance fees must

provide the BLM with a certification that the annual assessment work requirements have been completed. Proposed Form 3830–4 is intended to assist eligible claimants comply with this second requirement.

*Frequency of Collection:* Annually.

*Affected Public:* Individuals, associations, and corporations seeking to retain interests under the Mining Law, 30 U.S.C. 28f, and the Federal Land Policy and Management Act, 43 U.S.C. 1744.

*Obligation To Respond:* Required to obtain or retain benefits.

*Estimated Reporting and Recordkeeping "Hour" Burden:* 12,080 responses and 6,040 hours annually. The following table details the individual components and respective hour burdens of this information collection request:

| A. Type of response | B. Number of responses | C. Time per response | D. Total hours (B × C) |
|---|---|---|---|
| Affidavit of Annual Assessment Work (43 CFR part 3835) Form 3830–4 | 5,360 | 30 minutes ... | 2,680 |
| Maintenance Fee Payment Form (43 CFR part 3834) (Form 3830–5) | 6,720 | 30 minutes ... | 3,360 |
| Totals | 12,080 | ..... | 6,040 |

*Estimated Annual Non-Hour Cost:* The BLM assesses a $10 processing fee, per mining claim, for affidavits of assessment work. 43 CFR 3000.12, 3830.21, and 3835.32(c). Some affidavits include information on more than one mining claim. Based on our experience, we estimate that respondents file affidavits of assessment work for 21,679 claims and pay $216,790 in processing fees annually.

Please send comments as directed above under **DATES** and **ADDRESSES**. Please refer to OMB control number 1004–XXXX in your correspondence. Before including your address, phone number, e-mail 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.

**Jean Sonneman,**

*Information Collection Clearance Officer.*

[FR Doc. 2011–12516 Filed 5–19–11; 8:45 am]

**BILLING CODE 4310–84–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Minor Boundary Revision at Rocky Mountain National Park

**AGENCY:** National Park Service, Interior.

**ACTION:** Notification of park boundary revision.

**SUMMARY:** Notice is hereby given, pursuant to 16 U.S.C. 4601–9(c)(1), the boundary of Rocky Mountain National Park is modified to include an additional 0.13 acres of land identified as Tract 03–137, tax parcel number 119304204001. The land is located in Grand County, Colorado, immediately adjacent to the current western boundary of Rocky Mountain National Park and northeast of Grand Lake. The boundary revision is depicted on Map No. 121/105,475 dated August 2010. The map is available for inspection at the following locations: National Park Service, Intermountain Region Land Resources Program Center, 12795 W. Alameda Parkway, Lakewood, CO 80225–0287 and National Park Service, Department of the Interior, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** National Park Service, Glenna F. Vigil, Chief, Land Resources Program Center, Intermountain Region, P.O. Box 25287, Denver, Colorado 80225–0287, 303–969–2610.

**DATES:** The effective date of this boundary revision is May 20, 2011.

**SUPPLEMENTARY INFORMATION:** 16 U.S.C. 460l–9 (c)(1) provides that after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. Inclusion of these lands within the Park boundary will enable the landowner to donate the subject land to the National Park Service. The inclusion and acquisition of this property will allow the Summerland Park Road/North Inlet Trail to remain in its present location and alignment as relocation the road has been determined to be detrimental to Park resources.

Dated: May 5, 2011.

**John Wessels,**

*Regional Director, Intermountain Region.*

[FR Doc. 2011–12497 Filed 5–19–11; 8:45 am]

**BILLING CODE 4310–D8–P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Lighting Control Devices Including Dimmer Switches and Parts Thereof (IV),* DN 2805; the Commission is soliciting comments on any public interest issues raised by the complaint.

**FOR FURTHER INFORMATION CONTACT:** James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and 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 (*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 has received a complaint filed on behalf of Lutron Electronics Co., Inc. on May 16, 2011. The complaint

alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lighting control devices including dimmer switches and parts thereof. The complaint names as respondents Pass & Seymour, Inc., Syracuse, New York; AH Lighting, Los Angeles, California; American Top Electric Corp., Santa Ana, California; Big Deal Electric Corp., Santa Ana, California; Diode LED, Emeryville, California; Elemental LED, LLC, Emeryville, California; Wenzhou Huir Electric Science & Technology Co. Ltd., China; Westgate Mfg., Inc., Vernon, California; Zhejiang Lux Electric Co. LTD, China; Zhejiang Yuelong Mechanical & Electrical Co. LTD, China.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number ("Docket No. 2805") in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

Issued: May 16, 2011.

By order of the Commission.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011–12391 Filed 5–19–11; 8:45 am]

**BILLING CODE P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–478 and 731–TA–1182 Preliminary]**

### Certain Steel Wheels From China

### Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from China of certain steel wheels, provided for in subheading 8708.70 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV) and subsidized by the Government of China.[2]

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

### Background

On March 30, 2011, a petition was filed with the Commission and Commerce byAccuride Corp. (Evansville, IN) and Hayes Lemmerz International, Inc. (Northville, MI), alleging that an industry in the United States is materially injured or threatened with material injury by

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Charlotte R. Lane and Commissioner Dean A. Pinkert determined that there is a reasonable indication that an industry in the United States is materially injured. Vice Chairman Irving A. Williamson and Commissioner Shara L. Aranoff determined that there is a reasonable indication that an industry in the United States is threatened with material injury. Chairman Deanna Tanner Okun and Commissioner Daniel R. Pearson determined that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from China of certain steel wheels that are alleged to be sold in the United States at less than fair value (LTFV) and subsidized by the Government of China.

reason of LTFV and subsidized imports of certain steel wheels from China. Accordingly, effective March 30, 2011, the Commission instituted countervailing duty investigation No. 701–TA–478 (Preliminary) and antidumping duty investigation No. 731–TA–1182 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 5, 2011 (76 FR 18781). The conference was held in Washington, DC, on April 20, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 16, 2011. The views of the Commission are contained in USITC Publication 4233 (May 2011), entitled *Certain Steel Wheels from China: Investigation Nos. 701–TA–478 and 731–TA–1182 (Preliminary).*

By order of the Commission.

Issued: May 16, 2011.

**James R. Holbein,**

*Acting Secretary to the Commission.*

[FR Doc. 2011–12380 Filed 5–19–11; 8:45 am]

**BILLING CODE P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–1185 Preliminary]**

### Certain Steel Nails From the United Arab Emirates

#### Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the United Arab Emirates of certain steel nails, provided for in subheadings 7317.00.55, 7317.00.65 and 7317.00.75 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).[2]

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

#### Background

On March 31, 2011, a petition was filed with the Commission and Commerce by Mid Continent Nail Corporation, Poplar Bluff, Missouri, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of certain steel nails from the United Arab Emirates. Accordingly, effective March 31, 2011, the Commission instituted antidumping duty investigation No. 731–TA–1185 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 6, 2011 (76 FR 19124). The conference was held in Washington, DC, on April 21, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on May 16, 2011. The views of the Commission are contained in USITC Publication 4235 (May 2011), entitled *Certain Steel Nails from the United Arab Emirates: Investigation No. 731–TA–1185 (Preliminary*).

By order of the Commission.

Issued: May 16, 2011.

**James R. Holbein,**

*Acting Secretary to the Commission.*

[FR Doc. 2011–12381 Filed 5–19–11; 8:45 am]

**BILLING CODE P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–479 and 731–TA–1183–1184 (Preliminary)]**

### Galvanized Steel Wire From China and Mexico

#### Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China and Mexico of galvanized steel wire, provided for in subheading 7217.20.30 and 7217.20.45 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV) and subsidized by the Government of China.

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Deanna Tanner Okun and Commissioner Daniel R. Pearson determined that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

**Background**

On March 31, 2011, a petition was filed with the Commission and Commerce by Davis Wire Corporation, Irwindale, CA; Johnstown Wire Technologies, Inc., Johnstown, PA; Mid-South Wire Company, Inc., Nashville, TN; National Standard, LLC/DW–National Standard-Niles, LLC, Niles, MI; and Oklahoma Steel & Wire Company, Inc., Madill, OK, alleging that an industry in the United States is materially injured by reason of LTFV and subsidized imports of galvanized steel wire from China and Mexico. Accordingly, effective March 31, 2011, the Commission instituted countervailing duty investigation No. 701–TA–479 and antidumping duty investigation Nos. 731–TA–1183–1184 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 7, 2011 (76 FR 19382). The conference was held in Washington, DC, on April 21, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce today. The views of the Commission are contained in USITC Publication 4234 (May 2011), entitled *Galvanized Steel Wire from China and Mexico: Investigation Nos. 701–TA–479 and 731–TA–1183–1184 (Preliminary).*

Issued: May 16, 2011.

By order of the Commission.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011–12382 Filed 5–19–11; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on April 21, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bustec Ltd., Shannon, Co. Clare, IRELAND, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on February 24, 2011. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 25, 2011 (76 FR 16820).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011–12238 Filed 5–19–11; 8:45 am]

**BILLING CODE 4410–11–M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open SystemC Initiative

Notice is hereby given that, on April 14, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Open SystemC Initiative ("OSCI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CircuitSutra Technologies Pvt. Ltd., Noida UP, INDIA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OSCI intends to file additional written notifications disclosing all changes in membership.

On October 9, 2001, OSCI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 3, 2002 (67 FR 350).

The last notification was filed with the Department on January 21, 2011. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 7, 2011 (76 FR 12371).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011–12242 Filed 5–19–11; 8:45 am]

**BILLING CODE 4410–11–M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Connected Media Experience, Inc.

Notice is hereby given that, on April 26, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Connected Media Experience, Inc. ("CMX") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Topspin Media, Inc., San Francisco, CA; Vodafone Group Services Limited, Berkshire, England, UNITED KINGDOM; Motion Picture Laboratories, Inc., Palo Alto, CA; Neustar, Inc., Sterling, VA; and Brightcove, Inc., Cambridge, MA, have been added as parties to this venture. Also, Opendisc,

Paris, FRANCE, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CMX intends to file additional written notifications disclosing all changes in membership.

On March 12, 2010, CMX filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 16, 2010 (75 FR 20003).

The last notification was filed with the Department on February 8, 2011. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 25, 2011 (76 FR 16819).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011–12241 Filed 5–19–11; 8:45 am]

**BILLING CODE 4410–11–M**

## DEPARTMENT OF JUSTICE

### National Institute of Corrections

### Solicitation for a Cooperative Agreement—New Jail Planning Initiative: Review and Revision

**AGENCY:** National Institute of Corrections, U.S. Department of Justice.

**ACTION:** Solicitation for a Cooperative Agreement.

**SUMMARY:** The National Institute of Corrections (NIC) Jails Division is seeking applications for the revision of its services related to new jail planning. The project will be for an 18-month period and will be carried out in conjunction with the NIC Jails Division. The awardee will work closely with NIC staff on all aspects of the project. To be considered, applicants must demonstrate, at a minimum: (1) In-depth knowledge of the purpose, functions, and operational complexities of local jails, (2) extensive experience in the roles of architect and planner in the new-jail planning process, as taught by NIC (see **SUPPLEMENTARY INFORMATION**), and (3) expertise and experience in developing curricula based on adult learning principles, specifically the Instructional Theory Into Practice (ITIP) model.

**DATES:** Applications must be received by 4 p.m. (EDT) on Friday, June 10, 2011.

**ADDRESSES:** Mailed applications must be sent to: Director, National Institute of Corrections, 320 First Street, NW., Room 5002, Washington, DC 20534. Applicants are encouraged to use Federal Express, UPS, or similar service to ensure delivery by the due date as mail at NIC is sometimes delayed due to security screening.

Applicants who wish to hand-deliver their applications should bring them to 500 First Street, NW., Washington, DC 20534, and dial 202–307–3106, ext. 0, at the front desk for pickup.

Faxed or e-mailed applications will not be accepted; however, electronic applications can be submitted via *http://www.grants.gov.*

**FOR FURTHER INFORMATION CONTACT:** A copy of this announcement and links to the required application forms can be downloaded from the NIC Web site at *http://www.nicic.gov/cooperativeagreements.*

Questions about this project and the application procedures should be directed to Mike Jackson, Correctional Program Specialist, National Institute of Corrections. Questions must be sent via e-mail to Mr. Jackson at *mpjackson@bop.gov.* Mr. Jackson will respond via e-mail to the individual. Also, all questions and responses will be posted on NIC's Web site at *http://* www.nicic.gov for public review. (The names of those submitting the questions will not be posted).The Web site will be updated regularly and postings will remain on the Web site until the closing date of this cooperative agreement solicitation.

**SUPPLEMENTARY INFORMATION:**

*Background:* The NIC Jails Division offers technical assistance, training, and information on new jail planning to local jurisdictions nationwide. These services cover the full range of activities related to new jail planning, from exploration of the need for a new jail to the decision to build through design, construction, and occupation of the new facility.

Based on a recent review of these services, NIC intends to revise its training and technical assistance to ensure it most effectively meets the needs of local jurisdictions considering building a new jail.

NIC's training and technical assistance on new jail planning currently includes:

Jail and Justice System Assessment—This is a 3-day onsite technical assistance event for individual jurisdictions that are considering renovating an existing jail or constructing a new one because their jail is crowded or in poor condition. Assessment activities include a review of the current jail and interviews with local criminal justice system officials on policies and practices that affect the jail population. This assistance results in recommendations for local officials about possible improvements they can make to the existing jail, construction of jail beds, and ways in which criminal justice system practices might be modified to alleviate jail crowding.

Planning of New Institutions—This 4-day training program conducted at NIC's training center in Colorado is for jurisdictions that have made the commitment to build a new jail or renovate an old one. It focuses on the critical elements of planning a new facility, including collecting and using data, pre-architectural programming, site evaluation, project management, and determining staffing needs. The program stresses the importance of in-depth planning before starting facility design and the need for the owners and operators of the new jail to maintain control of the planning process.

Managing Jail Design and Construction—This 4-day training program conducted at NIC's training center in Colorado is for jurisdictions that are ready to begin designing a new jail. It targets three-person jurisdictional teams whose members have key decision-making roles in the project. These teams may include the sheriff, the jail administrator, the project manager, transition team leader, or other assigned staff member. The program introduces participants to project management and clarifies the roles and responsibilities of those who develop, design, and construct new facilities. Through a variety of exercises, the program guides participants in understanding how the nuances of jail operations must be translated into design. Jurisdictional teams learn how to read and interpret facility planning documents, manage changes during construction, and develop a design and construction plan that meets their needs.

How to Open a New Institution—This training program is delivered onsite for individual jurisdictions that are within 12–18 months of opening a new jail. It is designed for the transition team—those staff charged with planning the details of the day-to-day operations of the new facility and the transition into that facility. Training is provided on the function of the jail's mission statement; development of operational scenarios, policies, procedures, and post orders; move logistics; staff training issues; budgeting for transition; and development of an action plan for transition.

The cooperative agreement awardee will complete revisions to all four of these services, ensuring that information about new jail planning is consistent

both with the NIC model and across all four services.

**Scope of Work**

*Revisions to the Jail and Justice System Assessment*

Currently, NIC service providers collect a variety of information about the local jurisdiction's criminal justice system by gathering data, reviewing the jail, and interviewing key criminal justice system officials. In the revised Jail and Justice System Assessment, NIC service providers will no longer collect data or interview criminal justice officials about system practices. Instead, the service providers will help local officials understand the importance of making a well-informed decision regarding the need for a new jail; the role information plays in decision-making; the need to explore local criminal justice system policies and practices, and how they affect the average daily population and length of stay; and non-jail options for arrestees and offenders.

Service providers will also give an overview of the new jail planning process, stressing the importance of planning and the need for the jail's owners and operators to direct the planning process. In addition, they will review the jail, but only briefly and only as it relates to (1) the condition of the physical plant, (2) major operational challenges posed by the physical plant, and (3) crowding. The revised Jail and Justice System Assessment will be a 2-day technical assistance event conducted onsite in the requesting jurisdiction.

To accomplish these revisions, the awardee will identify pre-service information that the jurisdiction must supply to NIC; develop a form that the jurisdiction will use to record the requested information; identify the elements of the jail review; develop a guide and checklist for the jail review; develop a presentation guide, with presentation slides and participant handouts, on how to determine the need for a new jail, non-jail options, and the new jail planning process; conduct and assess one pilot of the revised Jail and Justice System Assessment; revise the Jail and Justice System Assessment and related materials as indicated by the assessment of the pilot.

*NIC Review:* All draft materials must be sent to NIC for review and approval before they are piloted and again before they are submitted as a final product.

*NIC Reviews:* The awardee will deliver the pre-service information form, the jail review guide and checklist, the presentation guide, and related materials in hard copy (1) and on disk. The awardee must also ensure that all products meet NIC's standards for accessibility and Section 508 compliance.

*Revisions to the Planning of New Institutions Training Program*

Much of the basic content in this program will not be changed. However, some information will be added and this is likely to result in some new modules. NIC will add information on "green" facilities and Leadership in Energy and Environmental Design (LEED) certification; keeping up the new jail planning momentum in the face of political and personnel changes; planning to ensure the jail has resources to support intended operations over the long term; and the importance of the transition process and the role of the transition team.

Although most of the program's content remains relevant, the program must be reviewed in its entirety to ensure effective sequencing, timing, and consistency of information among modules. Also, all lesson plans and other curriculum components must be redesigned to conform to the Instructional Theory into Practice model of training for adult learners. This will require significant revision. All lesson plans, all sections of the participant manual, and all presentation slides must be consistent in format, voice, and level of detail. All materials must have a professional appearance in accordance with the style and design direction provided by NIC.

The project director and the curriculum specialist must attend the current PONI program scheduled for August 22–25, 2011 in Aurora, Colorado to gain insight into the program. Revisions to this program should be ready to pilot during the first year of the cooperative agreement. Both the project director and the curriculum specialist must attend this program. The awardee will then refine the program and related materials based on the assessment of the pilot.

*NIC Reviews:* All draft materials must be sent to NIC for review and approval before they are piloted and again before they are submitted as a final product.

*Final Product:* The final curriculum will includea program description (overview); detailed narrative lesson plans; presentation slides for each lesson plan; a participant manual that follows the lesson plans; and other training materials as identified through this project. The curriculum will be designed according to the Instructional Theory Into Practice model for adult learners. Lesson plans will be in a format that NIC provides. The awardee will deliver all materials in hard copy (1) and on a disk. The awardee must also ensure that all products meet NIC's standards for accessibility and Section 508 compliance. Revisions to the Managing Jail Design and Construction training program:

This program will be redesigned for onsite delivery to individual local jurisdictions. The redesigned program will be up to 3 days long and will not include the 1-day jail tour that is part of the current program.

Most of the content will remain the same, however, the training materials will need to be revised to reflect a single-jurisdiction audience. Also, the revised program must be reviewed in its entirety to ensure effective sequencing, timing, and consistency of information among modules. All lesson plans and other curriculum components must be redesigned to conform to the Instructional Theory into Practice model of training for adult learners. This will require significant revision. All lesson plans, all sections of the participant manual, and all presentation slides must be consistent in format, level of detail, and voice. All materials must have a professional appearance in accordance with the style and design direction provided by NIC.

*NIC Reviews:* All draft materials must be sent to NIC for review and approval before they are piloted and again before they are submitted as a final product.

*Final Product:* The final curriculum will include a program description (overview); detailed narrative lesson plans; presentation slides for each lesson plan; and a participant manual that follows the lesson plans. The curriculum will be designed according to the Instructional Theory Into Practice model for adult learners. Lesson plans will be in a format that NIC provides. The awardee will deliver all materials in hard copy (1) and on a disk. The awardee must also ensure that all products meet NIC's standards for accessibility and Section 508 compliance. Revisions to the How to Open a New Institution training program:

This program will not be revised; however, the awardee will develop one brief lesson plan and related training materials for one module on reading and interpreting construction documents.

**Meetings**

The cooperative agreement awardee, with subject matter experts and the curriculum specialist, will attend an initial meeting with the NIC staff for a project overview and preliminary planning. This will take place shortly

after the cooperative agreement is awarded and will be held in Washington, DC. The meeting will last up to two full days.

The awardee, with subject matter experts and the curriculum specialist, should also plan to meet with NIC staff at least two more times during the course of the project. These meetings will last up to 2 days and may focus on project development and updates. Only one of these meetings will be held in Washington, DC.

The awardee, with subject matter experts, should plan to meet via WebEx several times at key points during the project for updates and project development activities. NIC will host these meetings, which will last up to two hours. The meeting itself will be at NIC's expense, but fees for project staff who attend the meeting will be charged to the cooperative agreement.

*Application Requirements:* An application package must include OMB Standard Form 425, Application for Federal Assistance; a cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year under which the applicant operates (*e.g.,* July 1 through June 30); and an outline of projected costs with the budget and strategy narratives described in this announcement. The following additional forms must also be included: OMB Standard Form 424A, Budget Information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (both available at *http://www.grants.gov);* DOJ/FBOP/NIC Certification Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://www.nicic.org/Downloads/PDF/certif-frm.pdf.)*

Applications should be concisely written, typed double spaced, and reference the NIC opportunity number and title referenced in this announcement. If you are hand delivering or submitting via Fed-Ex, please include an original and three copies of your full proposal (program and budget narrative, application forms, assurances and other descriptions). The original should have the applicant's signature in blue ink. Electronic submissions will be accepted only via *http://www.grants.gov.*

The narrative portion of the application should include, at a minimum, a brief paragraph indicating the applicant's understanding of the project's purpose; a brief paragraph that summarizes the project goals and objectives; a clear description of the methodology that will be used to complete the project and achieve its goals; a statement or chart of measurable project milestones and timelines for the completion of each milestone; a description of the qualifications of the applicant organization; a resume for the principle and each staff member assigned to the project (including instructors) that documents relevant knowledge, skills, and abilities to carry out the project; and a budget that details all costs for the project, shows consideration for all contingencies for the project, and notes a commitment to work within the proposed budget.

The narrative portion of the application should not exceed ten double-spaced typewritten pages, excluding attachments related to the credentials and relevant experience of staff.

In addition to the narrative and attachments, the applicant must submit two full sample curricula developed by the primary curriculum developer named in the application. For each sample curriculum, the applicant must submit lesson plans, presentation slides, and a participant manual.

**Authority:** Public Law 93–415.

*Funds Available:* NIC is seeking the applicant's best ideas regarding accomplishment of the scope of work and the related costs for achieving the goals of this solicitation. Funds may be used only for the activities that are linked to the desired outcome of the project. The funding amount should not exceed $300,000.

*Eligibility of Applicants:* An eligible applicant is any state or general unit of local government, private agency, educational institution, organization, individual, or team with expertise in the described areas. Applicants must have demonstrated ability to implement a project of this size and scope.

*Review Considerations:* Applications will be subject to the NIC Review Process. The criteria for the evaluation of each application will be as follows:

**Project Design and Management—30 Points**

Is there a clear understanding of the purpose of the project and the nature and scope of project activities? Does the applicant give a clear and complete description of all work to be performed for this project? Does the applicant clearly describe a work plan, including objectives, tasks, and milestones necessary to project completion? Are the objectives, tasks, and milestones realistic and will they achieve the project as described in NIC's solicitation for this cooperative agreement? Are the roles and the time required of project staff clearly defined? Is the applicant willing to meet with NIC staff, at a minimum, as specified in the solicitation for this cooperative agreement?

**Applicant Organization & Project Staff Background—50 Points**

Is there a description of the background and expertise of all project personnel as they relate to this project? Is the applicant capable of managing this project? Does the applicant have an established reputation or skill that makes the applicant particularly well qualified for the project? Do primary project personnel, individually or collectively, have in-depth knowledge of the purpose, functions, and operational complexities of local jails? Do the primary project personnel, individually or collectively, have expertise on the key elements in jail administration? Do the primary project personnel, individually or collectively, have expertise and experience specified in the **SUMMARY** section of this Request for Proposal? Does the staffing plan propose sufficient and realistic time commitments from key personnel? Are there written commitments from proposed staff that they will be available to work on the project as described in the application?

**Budget—20 Points**

Does the application provide adequate cost detail to support the proposed budget? Are potential budget contingencies included? Does the application include a chart that aligns the budget with project activities along a timeline with, at a minimum, quarterly benchmarks? In terms of program value, is the estimated cost reasonable in relation to work performed and project products?

**Sample Curricula—70 Points (35 Points per Curriculum)**

Does the sample curriculum include all components specified in the RFP (lesson plans, presentation slides, and participant manual)? Are the lesson plans designed according to the Instructional Theory Into Practice model? Does each lesson plan have performance objectives that describe what the participants will accomplish during the module? Are the lesson plans detailed, clear, and well written (spelling, grammar, punctuation)? Is the participant manual clear, and does it follow the lesson plans? Do the presentation slides effectively illustrate information in the lesson plans? Do the presentation slides have a professional

appearance, and can they be easily read from a distance of 30–40 feet?

**Note:** NIC will NOT award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the Central Contractor Registry (CCR). Applicants can obtain a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 800–333–0505. Applicants who are sole proprietors should dial 866–705–5711 and select option #1.

Applicants may register in the CCR online at the CCR Web site at *http://www.ccr.gov*. Applicants can also review a CCR handbook and worksheet at this Web site.

*Number of Awards:* One

*NIC Opportunity Number:* 11JA03. This number should appear as a reference line in the cover letter, where the opportunity number is requested on Standard Form 424, and on the outside of the envelope in which the application is sent.

Catalog of Federal Domestic Assistance Number: 16.601.

*Executive Order 12372:* This project is not subject to the provisions of the executive order.

**Morris L. Thigpen,**

*Director, National Institute of Corrections.*

[FR Doc. 2011–12455 Filed 5–19–11; 8:45 am]

**BILLING CODE 4410–36–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Contractor Veterans' Employment Report

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Veterans' Employment and Training Service (VETS) sponsored information collection request (ICR) titled, "Federal Contractor Veterans' Employment Report," Forms VETS–100 and VETS–100A, to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

**DATES:** Submit comments on or before June 20, 2011.

**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 from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Veterans' Employment and Training Service (VETS), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

**SUPPLEMENTARY INFORMATION:** The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), 38 U.S.C. 4212(d), requires Federal contractors and subcontractors subject to the Act's affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of covered veterans. The VETS maintains two sets of regulations to implement the reporting requirements under the VEVRAA and uses two different forms for providing the required information on the employment of covered veterans.

Regulations set forth in 41 CFR part 61–250 require contractors with a government contract of $25,000 or more entered into before December 1, 2003, to use Form VETS–100 for reporting information on the number of covered veterans in their workforces. Regulations set forth in 41 CFR part 61–300 implement amendments to the reporting requirements under the VEVRAA made by the Jobs for Veterans Act (JVA) (Pub. L. 107–288) enacted in 2002. The JVA amended the VEVRAA by: (1) Increasing from $25,000 to $100,000, the dollar amount of the contract that subjects a Federal contractor to the requirement to report on veterans' employment; and (2) changing the categories of covered veterans under the VEVRAA, and thus the categories of veterans that contractors are required to track and report on annually. These latter regulations require contractors with a government contract entered into or modified on or after December 1, 2003, in the amount of $100,000 or more to use Form VETS–100A for reporting information on their employment of covered veterans under the VEVRAA.

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 if the collection of information does not display a valid OMB control number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1293–0005. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on January 13, 2011 (76 FR 2420).

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 reference OMB Control Number 1293–0005. 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:* Veterans' Employment and Training Service (VETS).

*Title of Collection:* Federal Contractor Veterans' Employment Report.

*OMB Control Number:* 1293–0005.

*Affected Public:* Private Sector—Businesses or other for-profits.

*Total Estimated Number of Respondents:* 20,700.

*Total Estimated Number of Responses:* 393,300.

*Total Estimated Annual Burden Hours:* 202,100.

*Total Estimated Annual Cost Burden:* $0.

Dated: May 16, 2011.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2011–12400 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–79–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Rehabilitation Plan and Award

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, "Rehabilitation Plan and Award," Form OWCP–16, to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

**DATES:** Submit comments on or before June 20, 2011.

**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 from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Office of Workers' Compensation Programs (OWCP), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

**SUPPLEMENTARY INFORMATION:** The Rehabilitation Plan and Award, Form OWCP–16, is used by vocational rehabilitation counselors to submit an agreed upon rehabilitation plan to OWCP for approval, and it also documents the OWCP award of payment for any approved services.

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 if the collection of information does not display a valid OMB control number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1240–0045. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on January 13, 2011 (76 FR 2421).

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 reference OMB Control Number 1240–0045. 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:* Office of Workers' Compensation Programs (OWCP).

*Title of Collection:* Rehabilitation Plan and Award.

*OMB Control Number:* 1240–0045.

*Affected Public:* Private Sector—Businesses or other for-profits.

*Total Estimated Number of Respondents:* 5500.

*Total Estimated Number of Responses:* 5500.

*Total Estimated Annual Burden Hours:* 2750.

*Total Estimated Annual Cost Burden:* $0.

Dated: May 16, 2011.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2011–12408 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–CR–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Emergency Review: Comment Request; Baseline Information for Green Jobs and Health Care Impact Evaluation of ARRA-Funded Grants

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) has submitted the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "Baseline Information for Green Jobs and Health Care Impact Evaluation of ARRA-funded Grants," to the Office of Management and Budget (OMB) for review and clearance utilizing emergency review procedures in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB approval has been requested by June 1, 2011.

**DATES:** Submit comments on or before May 31, 2011.

**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 from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain* or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or

sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

**SUPPLEMENTARY INFORMATION:** The proposed baseline information collection is preparation for an evaluation of the Green Jobs and Health Care (GJHC) training grants. The ETA sponsors the GJHC grant program for worker training and placement in high growth and emerging industries through training grants, including the Pathways Out of Poverty (POP) and Health Care and High Growth (HHG) grants.

The overall aim of this evaluation is to determine the extent to which enrollees achieve increases in employment, earnings, and career advancement because of their participation in the training provided by POP and HHG grantees and to identify promising best practices and strategies for replication. Individuals enrolling in the GJHC training programs have a 50/50 chance of receiving these services. Those individuals not receiving the training services receive the existing services offered by the grantee. Education, employment, and other outcomes of the two groups will be compared over time to evaluate the GJHC training grant impact. The evaluation will estimate the success in providing educational and occupational skills training that fosters entry into job fields that are innovative and/or experiencing high growth, as in health care industry.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section. In order to help ensure appropriate consideration, comments should reference OMB ICR Reference Number 201105–1205–002. 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.

*Type of Review:* New collection of information (Request for new Control Number).

*Agency:* Employment and Training Administration (ETA).

*Title of Collection:* Baseline Information for Green Jobs and Health Care Impact Evaluation of ARRA-funded Grants.

*Requested Duration of Authorization:* Six months from approval.

*OMB ICR Reference Number:* 201105–1205–002.

*Frequency of Collection:* Once.

*Affected Public:* Individuals or households; State, Local, and Tribal governments.

*Total Estimated Number of Respondents:* 6024.

*Total Estimated Annual Number of Responses:* 12,000.

*Total Estimated Annual Burden Hours:* 2600.

*Total Annualized Capital and Startup Costs:* $0.

*Total Annualized Operation and Maintenance Costs:* $0.

Dated: May 16, 2011.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2011–12417 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–74,935]**

### Husqvarna Turf Care, a Subsidiary of Husqvarna A.B., Beatrice, NE; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated April 23, 2011, a petitioner requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Husqvarna Turf Care, a subsidiary of Husqvarna A.B., Beatrice, Nebraska (subject firm). The negative determination was issued on March 23, 2011. The Department's Notice of Determination was published in the **Federal Register** on April 11, 2011 (76 FR 20048). The workers are engaged in activities related to the production of zero turn mowers for commercial users and home owners.

The negative determination was based on the findings that Criterion III has not been met because the worker separations are not attributable to increased imports or a shift in production to a foreign country. Rather, the investigation established that the worker separations were attributable to a shift in production to an affiliated facility within the United States, and that the shift is attributable to business considerations unrelated to increased imports.

With regard to the affiliated facility (TA–W–74,418), the worker separations were attributable to a shift by the workers' firm of computer-aided design (CAD) services to a foreign country. The investigation confirmed that the shift of CAD services was unrelated to the shift in production in this case.

With respect to Section 222(c) of the Act, the investigation revealed that Criterion (2) has not been met because the firm is not a Supplier or Downstream Producer to a firm that employed a worker group eligible to apply for TAA.

In the request for reconsideration, the petitioner stated that "it has been the intent of Husqvarna to gradually but progressively move these jobs to another country or countries * * * It has been rumored that he (a line leader) has been given the ultimatum to increase his production or they would move this line to Germany. In addition to this, it was rumored that they had built a new building in Germany * * * and that our PZ line was already running in Germany before our plant had closed." In an attachment to the request, another worker stated that "we have reports that some of our jobs have already been moved to foreign soil and that more will be in the future."

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the petitioning workers meet the eligibility requirements of the Trade Act of 1974, as amended.

**Conclusion**

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed in Washington, DC, on this 3rd day of May, 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011–12395 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–71,711A]**

### Superior Technical Resources and Bestway, Inc., Leased Workers Working On-Site at OSRAM Sylvania, Consumer Lighting Division, a Subsidiary of OSRAM GmbH, St. Marys, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 1, 2009, applicable to workers of Superior Technical Resources, leased workers working on-site at OSRAM Sylvania, Consumer Lighting Division, a subsidiary of OSRAM GmbH, St. Marys, Pennsylvania. The workers produce incandescent light bulbs. The notice was published in the **Federal Register** on November 17, 2009 (74 FR 59248).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The company reports that workers leased from Bestway, Inc. were employed on-site at the St. Marys, Pennsylvania location of OSRAM Sylvania, Consumer Lighting Division, a subsidiary of OSRAM GmbH.

The Department has determined that these workers were sufficiently under the control of OSRAM Sylvania, Consumer Lighting Division, a subsidiary of OSRAM GmbH to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Bestway, Inc. working on-site at the St. Marys, Pennsylvania location of OSRAM Sylvania, Consumer Lighting Division, a subsidiary of OSRAM GmbH.

The amended notice applicable to TA–W–71,711A is hereby issued as follows:

All workers of Superior Technical Resources and Bestway, Inc. working on-site at OSRAM Sylvania, Consumer Lighting Division, a subsidiary of OSRAM GmbH, St. Marys, Pennsylvania (TA–W–71,711A), who became totally or partially separated from employment on or after July 1, 2008, through October 1, 2011, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 11th day of May 2011.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011–12398 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–74,592]**

### Interstate Electronics Corp., a Subsidiary of L–3 Communications Including On-Site Leased Workers from Bently Global Resources, Manpower Professional Huntington Beach, Oxford Global Resources, PDS Technical Service, Superior Technical Resources, Systems Pros, Total Tech Services, Triple Crown Consulting, and Ingenium Technology, Inc., Anaheim, CA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 1, 2010, applicable to workers of Interstate Electronics Corp., a subsidiary of L–3 Communications, including on-site leased workers from Bently Global Resources, Manpower Processional Huntington Beach, Oxford Global Resources, PDS Technical Service, Superior Technical Resources, Systems Pros, Total Tech Services, and Triple Crown Consulting, Anaheim, California. The workers provide engineering and software design and component assembly services. The notice was published in the **Federal Register** on October 15, 2010 (75 FR 63510).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The company reports that workers leased from Ingenium Technology, Inc. were employed on-site at the Anaheim, California location of Interstate Electronics Corp., a subsidiary of L–3 Communications. The Department has determined that these workers were sufficiently under the control of Interstate Electronics Corp., a subsidiary of L–3 Communications to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Ingenium Technology, Inc. working on-site at the Anaheim, California location of Interstate Electronics Corp., a subsidiary of L–3 Communications.

The amended notice applicable to TA–W–74,592 is hereby issued as follows:

All workers of Interstate Electronics Corp., a subsidiary of L–3 Communications, including on-site leased workers from Bently Global Resources, Manpower Professional Huntington Beach, Oxford Global Resources, PDS Technical Service, Superior Technical Resources, Systems Pros, Total Tech Services, Triple Crown Consulting, and Ingenium Technology, Inc., Anaheim, California, who became totally or partially separated from employment on or after August 31, 2009, through October 1, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 5th day of May 2011.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011–12399 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by

(TA–W) number issued during the period of *April 25, 2011 through April 29, 2011.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.,* conditions within the industry are adverse).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

*None.*

**Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA–W–80,005; Abbott Laboratories, Including On-Site Leased Workers from Manpower, South Pasadena, CA: May 18, 2010.*

*TA–W–80,009; Carstone Industries, Inc., Including On-Site Leased Workers of J.C. Malone Staffing, Somerset, Kentucky: February 22, 2010.*

*TA–W–80,022; Sulberg USA, Havana, IL: March 2, 2010.*

*TA–W–80,024; MIDI Music Center, Inc., DBA Lowrey Organ Co., Including On-Site Leased Workers From Prime Staffing, LaGrange Park, IL, and Elmhurst, IL: February 16, 2010.*

*TA–W–80,067; Lane Punch Corporation, Including On-Site Leased Workers From Piedmont Correctional Facility, Prisoner Work Release Program, Salisbury, North Carolina: March 8, 2010.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

**Negative Determinations for Alternative Trade Adjustment Assistance**

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

*None.*

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

*None.*

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

*None.*

**Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

*None.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*None.*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*None.*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

*None.*

**Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

*TA–W–80,045; Brookline Furniture LLC, formerly known as Brooks Finch LLC, Conover, NC.*

I hereby certify that the aforementioned determinations were issued during the period of *April 25, 2011 through April 29, 2011.* Copies of these determinations may be requested under the Freedom of Information Act. Request may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or *tofoiarequest@dol.gov.* These determinations also are available on the Department's Web site at *http://www.doleta.gov/tradeact* under the searchable listing of determinations.

Dated: May 11, 2011.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011–12396 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–71,572, TA–W–71,572A, et al.]**

### Notice of Revised Determination on Reconsideration; Severstal Wheeling, Inc., et al.

TA–W–71,572
Severstal Wheeling, Inc., a Subsidiary of Severstal North America, Inc. Martins Ferry, Ohio
TA–W–71,572A
Severstal Wheeling, Inc., a Subsidiary of Severstal North America, Inc., Yorkville, Ohio
TA–W–71,572B
Severstal Wheeling, Inc., a Subsidiary of Severstal North America, Inc., Mingo Junction, Ohio
TA–W–71,572C
Severstal Wheeling, Inc., a Subsidiary of Severstal North America, Inc., Steubenville, Ohio

On October 15, 2010, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Martins Ferry, Ohio (TA–W–71,572); Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Yorkville, Ohio (TA–W–71,572A); Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Mingo Junction, Ohio (TA–W–71,572B); and Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Steubenville, Ohio (TA–W–71,572C) to apply for Trade Adjustment Assistance (TAA). The workers produce a variety of steel coils.

The subject worker groups do not include any on-site leased or temporary workers and exclude workers of Severstal International, Sparrows Point, Maryland (TA–W–74,919; certification issued on February 9, 2011).

During the reconsideration investigation, the Department received additional and new information from the subject firm, conducted an expanded customer survey, reviewed relevant information obtained from affiliated facilities, and analyzed import data of articles like or directly competitive with the coils produced at the subject facilities.

Section 222(a)(1) has been met because a significant number or proportion of workers at each of the subject facilities became totally or partially separated, or threatened with such separation.

Section 222(a)(2)(A)(i) has been met because sales or production of steel coils at each of the subject facilities decreased absolutely.

Section 222(a)(2)(A)(ii) has been met because there were increased imports of articles like or directly competitive with the steel coils produced at the respective facilities, during the relevant periods.

Finally, Section 222(a)(2)(A)(iii) has been met because the increased imports contributed importantly to worker group separations and sales/production declines at each of the subject facilities.

**Conclusion**

After careful review of the additional facts obtained on reconsideration, I determine that workers of the subject facilities meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Martins Ferry, Ohio (TA–W–71,572); Severstal Wheeling, Inc., a subsidiary of

Severstal North America, Inc., Yorkville, Ohio (TA–W–71,572A); Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Mingo Junction, Ohio (TA–W–71,572B); and Severstal Wheeling, Inc., a subsidiary of Severstal North America, Inc., Steubenville, Ohio (TA–W–71,572C), who became totally or partially separated from employment on or after June 17, 2008, through two years from the date of this revised certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 6th day of May, 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011–12397 Filed 5–19–11; 8:45 am]

**BILLING CODE 4510–FN–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–277 and 50–278; NRC–2011–0112]**

## Exelon Generation Company, LLC; Peach Bottom Atomic Power Station Unit Nos. 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment for renewed Facility Operating License Nos. DPR–44 and DPR–56, issued to Exelon Generation Company, LLC (Exelon, the licensee) for operation of the Peach Bottom Atomic Power Station, Units 2 and 3 (PBAPS), located near Lancaster, Pennsylvania, in accordance with Title 10 of the Code of Federal Regulations (10 CFR) 50.90. In accordance with 10 CFR 51.21, the NRC staff prepared an environmental assessment documenting its finding. Based on the results of the environmental assessment, the NRC is issuing a finding of no significant impact.

### Environmental Assessment

*Identification of the Proposed Action*

The proposed action would revise the renewed Facility Operating Licenses for PBAPS to possess, but not separate, byproduct material, specifically Class B and Class C low-level radioactive waste (LLRW), from Exelon's Limerick Generating Station, Units 1 and 2 (LGS). The LLRW will be stored in the PBAPS Low-Level Radioactive Waste Storage Facility (LLRWSF).

The proposed action is in accordance with the licensee's application dated January 6, 2010, as supplemented by letters dated August 20, 2010, October 14, 2010, and December 6, 2010.

*The Need for the Proposed Action*

The proposed action is needed to provide the licensee with adequate storage capacity, in lieu of constructing alternate storage facilities, for its Class B and Class C LLRW generated at LGS since it does not currently have access to a licensed disposal facility for this LLRW. The State of South Carolina's licensed low-level radioactive waste disposal facility, located in Barnwell, has limited access to the facility from radioactive waste generators located in States that are not part of the Atlantic Low-Level Waste Compact. Pennsylvania is not a member of the Atlantic Low-Level Waste Compact. Therefore, LGS and PBAPS do not have access to the Barnwell disposal facility for their Class B and Class C LLRW. LGS does not have the capability to store all the LLRW it generates. However, PBAPS has a LLRWSF capable of safely storing a large amount of LLRW, on an interim basis.

*Environmental Impacts of the Proposed Action*

The proposed action involves the transportation of LLRW from LGS for interim storage at PBAPS. The LLRW will be transported by truck in accordance with U.S. Department of Transportation and NRC regulations. The distance between the plant sites is less than the distance that was previously traveled to the Barnwell disposal facility in South Carolina. The licensee anticipates that there will be approximately two to three shipments a year of LLRW to PBAPS from LGS. The projected number of shipments is consistent with the past annual average number of trips to the Barnwell facility. While the total travel distance for LLRW generated at LGS, once a new disposal site is determined, may be more or less than the current travel distance from LGS to the Barnwell facility, this circumstance is subject to change regardless of interim storage at PBAPS. Since eventual transport of LLWR to a final disposal site will be accomplished in accordance with NRC and DOT regulations, no significant environmental impact will result regardless of the distance to the final disposal site. However, the proposed action will reduce the total annual number of miles driven for the transport of LLRW during the interim storage period. With less miles traveled, it is expected that there will be no change or possibly a corresponding reduction in the impacts associated with transportation during the interim storage period, such as lower radiation exposure to the truck driver and members of the public along the transportation route. The proposed action would not result in an increased risk of accidents and radiological hazards beyond those associated with the transport to the Barnwell facility. There will be no change to radioactive effluents from the power plants or the LLRW containers that affect radiation exposures to plant workers and members of the public. The interim storage building is designed to comply with NRC regulatory guidance, primarily Generic Letter 81–38, "Storage of Low-Level Radioactive Wastes at Power Reactor Sites," November 10, 1981, and to meet radiation protection standards in 10 CFR part 20, "Standards for Protection Against Radiation," and 40 CFR part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations." Guidance in Section 11.4, "Solid Waste Management System," of NUREG–0800, "Safety Review Plan for the Review of Safety Analysis and Reports for Nuclear Power Plants," Revision 3, March 2007, was also reviewed and assessed with respect to the proposed action. The cumulative dose from handling the LLRW from PBAPS and from the additional LLRW from the LGS will be controlled by station procedures to ensure compliance with the radiation dose standards to workers and members of the public. Based on this information, the staff concludes that the radiological impacts associated with the transportation, handling, and storage of LLRW at PBAPS will not result in a significant impact to plant workers and members of the public.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The proposed action does not involve a change to plant buildings or land areas on the PBAPS site. The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. With less miles traveled, it is expected that there will be no change or possibly a corresponding reduction in the impacts associated with transportation such as reduced use of fossil fuels and reduced air emissions

that would affect air quality during the interim storage period. No changes to the National Pollutant Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Stevens Act are expected. There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

The details of the NRC staff's safety evaluation will be provided in the license amendment, if approved by the NRC, which will be issued as part of the letter to the licensee approving the proposed action.

*Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff also considered denial of the proposed actions (*i.e.,* the "no-action" alternative). Denial of the proposed action may result in the eventual need to construct additional LLRW storage space at LGS. The construction of a new storage facility at LGS could involve the disturbance of previously undisturbed soil and would require additional decommissioning and decontamination activities. However, the construction and decommissioning of a LLRW storage facility would be accomplished in accordance with NRC regulations and the LGS Operating License. Therefore, the environmental impact of this alternative would be minimal.

Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the "no action" alternative are similar.

*Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for PBAPS Unit 1, 2, and 3, dated April 1973, and for PBAPS Unit 2 and 3, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," (NUREG–1437, Supplement 10), dated January 2003.

*Agencies and Persons Consulted*

In accordance with its stated policy, on December 2, 2010, the NRC staff consulted with the Commonwealth of Pennsylvania official, Rich Janati, regarding the environmental impact of the proposed action. In response, the Pennsylvania Department of Environmental Protection (PADEP) submitted the following comments on Exelon Generation Company's (EGC) proposed action:

> The Pennsylvania Department of Environmental Protection (PADEP) is providing comments regarding a license amendment request by Exelon Generating Company, LLC (EGC), dated January 6, 2010, to store low-level radioactive waste (LLRW) from Limerick Generating Station (LGS) in the Peach Bottom Atomic Power Station (PBAPS) LLRW Storage Facility.
>
> Considering the nature of the waste, the projected number of shipments and the existing capacity of the on-site storage facility for Class B and C wastes at PBAPS, it is our assessment that the transfer and storage of LLRW from LGS to PBAPS would not pose any danger to public health, safety and the environment. However, this practice should not set a precedent for the transfer of spent nuclear fuel from one facility to another.
>
> It is expected that EGC would immediately cease shipments of LLRW from LGS to PBAPS when a disposal facility for Class B and C wastes becomes available. It is also expected that EGC would implement a waste minimization program, consistent with the latest industry guidelines, to reduce the generation of Class B and C wastes at LGS. We are also requesting that EGC report to PADEP, on an annual basis, the amount of LGS waste (by volume and activity) being stored at PBAPS and inform PADEP in advance of any shipments of LLRW from LGS to PBAPS.

The NRC staff evaluated PADEP's comments to determine whether a change was needed to the EA. The NRC staff finds PADEP's assessment that the transfer and storage of LLRW from LGS to PBAPS would not pose any danger to public health, safety and the environment consistent with the staff's finding on no significant impact. Therefore, no change will be made to the EA based on the comment.

The other comments from PADEP are directed to the licensee, Exelon, and do not change the NRC staff's assessment that there are no significant environmental impacts associated with the proposed action. Therefore, no change will be made to the EA based on these comments. With regard to PADEP's comments concerning the transfer of spent nuclear fuel, the NRC staff notes that the proposed action does not involve any transfer of spent nuclear fuel from LGS to PBAPS.

*Finding of No Significant Impact*

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 6, 2010, as supplemented by letters dated August 20, 2010, October 14, 2010, and December 6, 2010. These documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.*

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland this 13th day of May 2011.

For the Nuclear Regulatory Commission.

**John D. Hughey,**

*Project Manager, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2011–12444 Filed 5–19–11; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52–034 and 52–035, NRC–2008–0594]**

## Luminant Generation Company LLC.; Notice of Availability of the Final Environmental Impact Statement for Combined Licenses for Comanche Peak Nuclear Power Plant Units 3 and 4

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers, Fort Worth District as a cooperating agency have published a final environmental impact statement (EIS), NUREG–1943, "Environmental Impact Statement for Combined Licenses (COLs) for Comanche Peak Nuclear Power Plant Units 3 and 4: Final Report." The site comprises approximately 7,950 acres in Hood and Somervell Counties, Texas on the

Squaw Creek Reservoir approximately 5.2 miles (mi) north of Glen Rose, Texas.

The draft EIS was published by the NRC in August 2010; a notice of availability appeared in the **Federal Register** on August 12, 2010 (75 FR 48998). The purpose of this notice is to inform the public that the final EIS is available for public inspection. *The final EIS may be viewed online at: http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1943/.* In addition, the final EIS is available for inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike Rockville, MD 20852 or from NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* The final EIS is available in two volumes under accession numbers ML11131A001 and ML11131A002. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the PDR reference staff by telephone at 1–800–397–4209 and 1–301–415–4737 or by sending an e-mail to *pdr.resource@nrc.gov.* In addition, the Somervell County Library, 108 Allen Drive, Glen Rose, Texas 76043 and the Hood County Library, 222 North Travis Street, Granbury, Texas 76048 has agreed to make the EIS available to the public.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Willingham, Environmental Projects Branch 1, U.S. Nuclear Regulatory Commission, Mail Stop T7–E30, Washington, DC 20555–0001. Mr. Willingham may be contacted by telephone at 301–415–3924 or via e-mail at *Michael.Willingham@nrc.gov.*

Dated at Rockville, Maryland, this 13th day of May, 2011.

For the Nuclear Regulatory Commission.

**Gregory P. Hatchett,**

*Acting Deputy Director, Division of Site and Environmental Reviews, Office of New Reactors.*

[FR Doc. 2011–12446 Filed 5–19–11; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[DOCKET NO. 52–016; NRC–2008–0250]**

### Calvert Cliffs 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC; Notice of Availability of the Final Environmental Impact Statement for the Combined License Application for Calvert Cliffs Nuclear Power Plant Unit 3

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers, as a cooperating agency, have published a final environmental impact statement (EIS), NUREG–1936, for the Calvert Cliffs Nuclear Power Plant (CCNPP), Unit 3 Combined License (COL) application. The site is located near the town of Lusby in Calvert County, Maryland, on the west shore of the Chesapeake Bay. A notice of availability of the draft EIS was published by the NRC in the **Federal Register** on April 21, 2010 (76 FR 20867), and by the U.S. Environmental Protection Agency on April 26, 2010 and April 30, 2010 (76 FR 21625 and 76 FR 22778).

The purpose of this notice is to inform the public that NUREG–1936, "Environmental Impact Statement for the Combined License for the Calvert Cliffs Nuclear Power Plant Unit 3: Final Report," is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (First Floor) Rockville, MD 20852, or from the Publicly Available Records component of NRC Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *www.nrc.gov/reading-rm/adams.html* which provides access through the NRC Electronic Reading Room link. The accession numbers in ADAMS for the final EIS are ML11129A167 and ML11129A179. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the PDR reference staff by telephone at 1–800–397–4209 or 1–301–415–4737, or by sending an e-mail to *PDR.resource@nrc.gov.* The final EIS may also be viewed on the Internet at: *http://www.nrc.gov/reactors/new-reactors/col/calvert-cliffs/documents/nrc-2011.html.* In addition, the following public libraries in the vicinity of the CCNPP site have agreed to make the final EIS available for public inspection: Calvert Library, Southern Branch located at 20 Appeal Lane, Lusby, Maryland; and Calvert Library, Prince Frederick located at 850 Costley Way, Prince Frederick, Maryland. The U.S. Environmental Protection Agency will also publish a Notice of Filing in the **Federal Register** which is expected to be on May 20, 2011. Such notices are published every Friday.

*For Further Information Contact:* Ms. Laura Quinn, Project Manager, Environmental Projects Branch 3, Division of Site and Environmental Reviews, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Ms. Quinn may be contacted by telephone at 301–415–2220, or via e-mail to *Laura.Quinn@nrc.gov.*

Dated at Rockville, Maryland, this 13th day of May, 2011.

For the Nuclear Regulatory Commission.

**Gregory P. Hatchett,**

*Acting Deputy Director, Division of Site and Environmental Reviews, Office of New Reactors.*

[FR Doc. 2011–12458 Filed 5–19–11; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

## NORTHERN STATES POWER COMPANY

**[Docket Numbers 50–282 and 50–306; NRC–2009–0507]**

### Prairie Island Nuclear Generating Plant, Units 1 and 2; Notice of Availability of the Final Supplement 39 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding the License Renewal of Prairie Island Nuclear Generating Plants, Units 1 and 2

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has published a final plant-specific supplement to the *Generic Environmental Impact Statement for License Renewal of Nuclear Plants* (GEIS), NUREG–1437, regarding the renewal of Operating Licenses DPR–42 and DPR–60 for an additional 20 years of operation for Prairie Island Nuclear Generating Plant, Units 1 and Unit 2 (PINGP 1 and 2). The PINGP 1 and 2 site is located near Red Wing, Minnesota, on the west bank of the Mississippi River in Goodhue County. Possible alternatives to the proposed action (license renewal) include the no action alternative and other reasonable alternative energy sources.

As discussed in Section 9.4 of the final supplement, the staff determined that the adverse environmental impacts of license renewal for PINGP 1 and 2 are not so great that preserving the option

of license renewal for energy-planning decision makers would be unreasonable.

This recommendation is based on: (1) The analysis and findings in the GEIS; (2) information provided in the environmental report and other documents submitted by Northern States Power Company; (3) consultation with Federal, State, local, and Tribal agencies; (4) the staff's own independent review; and (5) consideration of public comments received during the scoping process and on the draft Supplemental Environmental Impact Statement.

The final Supplement 39 to the GEIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at *http://www.nrc.gov/reading-rm/adams.html*. The accession number for the final Supplement 39 to the GEIS is ML11133A029. Persons who do not have access to ADAMS or who encounter problems while accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at (800) 397–4209 or (301) 415–4737, or by e-mail at *pdr.resource@nrc.gov*. In addition, the Red Wing Public Library, 225 East Avenue, Red Wing, Minnesota 55066, has agreed to make the final supplement available for public inspection.

*For Further Information, Contact:* Ms. Elaine Keegan, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O–11F1, Washington, DC 20555–0001. Ms. Keegan may be contacted by telephone at (800) 368–5642, extension 8517, or by e-mail at *Elaine.Keegan@nrc.gov*

Dated at Rockville, Maryland, this 13th day of May, 2011.

For the Nuclear Regulatory Commission.

**David J. Wrona,**

*Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. 2011–12447 Filed 5–19–11; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 72–26; NRC–2011–0110]**

## Diablo Canyon Independent Spent Fuel Storage Installation; Notice of Docketing for Amendment Request No. 2 to Special Nuclear Materials License No. 2511

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Docketing of Amendment Request for Materials License SNM–2511.

**DATES:** A request for hearing and/or petition for leave to intervene must be filed by July 19, 2011.

**FOR FURTHER INFORMATION CONTACT:** John M. Goshen, Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *telephone:* 301–492–3325; *fax number:* 301–492–3348; *e-mail: john.goshen@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application dated January 31, 2011, from Pacific Gas and Electric Company (PG&E) to amend its Special Nuclear Material License No. SNM–2511, under the provisions of 10 CFR part 72, for the receipt, possession, storage and transfer of spent fuel, reactor-related Greater than Class C waste and other radioactive materials associated with spent fuel storage at the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI), located at the Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2 site in San Luis Obispo County, California. If granted, the amendment will revise Materials License SNM–2511 as follows:

1. Changes to Technical Specifications (TS):

a. TS 1.1, "Definitions," is revised to include terms in support of high burnup fuel (HBF) selection criteria and the addition of neutron source assemblies (NSAs), and instrument tube tie rods (ITTRs).

b. TS 2.0, "Approved Contents," is revised in Tables 2.1–1 through 2.1–10 in support of HBF selection criteria and the addition of NSAs, and ITTRs.

c. TS 2.0, "Approved Contents," is revised to add new TS 2.3 and associated Table 2.3–1 to provide alternative calculations for burnup limits for fuel assemblies in a Multi-Purpose Canister (MPC)-32 to allow selection of HBF.

d. TS 3.1.1, "Multi-Purpose Canister (MPC)," is revised to eliminate the vacuum drying option, which is not allowed for HBF, and to add a reference temperature of 70 °F for the MPC Helium backfill pressure range.

e. TS 3.1.2, "Spent Fuel Storage Cask (SFSC) Heat Removal System," is modified to allow the HI–STORM to be considered operable with up to 50 percent vent blockage (although removal of any blockage is still required on discovery).

f. TS 3.1.4, "Supplemental Cooling System," is added to provide the conditions and criteria for the supplemental cooling system (SCS). This change requires an exemption from the requirements of 10 CFR 72.236(f). TS 4.1.2b, "Design Features Important to Criticality Control," is revised to change the B4C content in METAMIC to 33.0 wt%.

g. TS 5.1.3b, "MPC and SFSC Loading, Unloading, and Preparation Program," is revised to delete the requirement for maintaining the annulus full during vacuum drying and to restore the requirement for maintaining the annulus full during reflood (unloading).

2. Revision of the licensing basis as documented in the DC ISFSI Final Safety Analysis Report Update (FSARU) to:

a. Upgrade the thermal analysis methodology to a three dimensional (3D) Computational Fluid Dynamics (CFD) model,

b. Remove the requirement for 100% fuel failure coincident with 100% vent blockage,

c. Change of some allowed component temperatures in the thermal evaluation (peak cladding, concrete, overpack metal, transfer cask lid neutron shielding),

d. Reduce the required torque criteria for the MPC lift cleats, and

e. Addition of design criteria for the SCS including a new accident for loss of SCS.

3. An exemption from the requirements of 10 CFR 72.236(f) to allow use of a nonpassive SCS.

An NRC acceptance review, documented in a letter to PG&E dated April 14, 2011, found that the application contains sufficient information for the NRC staff to begin its technical review. This application was docketed under 10 CFR 72.16; the ISFSI Docket No. is 72–26 and will remain the same for this action. All other procedural requirements in Part 72 will be met as the NRC continues to process this license amendment request (see section II of this notice, "Opportunity to Request a Hearing").

The Commission will approve the license amendment if it determines that the application meets the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations, and pursuant to 10 CFR 72.58, the findings required by 10 CFR 72.40. These findings will be documented in a Safety Evaluation Report.

**II. Opportunity To Request a Hearing**

The Commission may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) or, if a determination is made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected by the Director, Office of Nuclear Material Safety and Safeguards, or his designee, take immediate action on the amendment in accordance with 10 CFR 72.46(b)(2) and provide notice of the action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/EHD/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to

copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from May 20, 2011. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

**III. Further Information**

Documents related to this action, including the application for renewal and supporting documentation, are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: License Renewal Application dated January 31, 2011 (ML110400387), and the acceptance review letter dated April 14, 2011 (ML111050015). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov.*

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 11th day of May, 2011.

For the Nuclear Regulatory Commission.

**Kimberly J. Hardin,**

*Acting Branch Chief, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2011–12460 Filed 5–19–11; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL SERVICE

### Transfer of Post Office Box Service in Selected Locations to the Competitive Product List

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service hereby provides notice that it has filed a request with the Postal Regulatory Commission to transfer Post Office Box service at approximately 6,800 locations from the Mail Classification Schedule's Market Dominant Product List to its Competitive Product List.

**DATES:** May 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Nabeel Cheema, 202–268–7178.

**SUPPLEMENTARY INFORMATION:** On May 13, 2011, the United States Postal Service® filed with the Postal Regulatory Commission a request to transfer Post Office Box service at locations serving populations that reside within five miles of private mailbox service providers from the Mail Classification Schedule's Market Dominant Product List to its Competitive Product List, pursuant to 39 U.S.C. 3642. The transfer would cover approximately 6,800 Post Office Box service locations, out of a total of approximately 31,000 locations offering Post Office Box service. Documents pertinent to this request are available at *http://www.prc.gov,* Docket No. MC2011–25.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 2011–12390 Filed 5–19–11; 8:45 am]

**BILLING CODE 7710–12–P**

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. *Title and purpose of information collection:* Application for Reimbursement for Hospital Insurance Services in Canada; OMB 3220–0086.

Under section 7(d) of the Railroad Retirement Act (RRA), the RRB administers the Medicare program for persons covered by the railroad retirement system. Payments are provided under section 7(d)(4) of the RRA for medical services furnished in Canada to the same extent as for those furnished in the United States. However, payments for the services furnished in Canada are made from the Railroad Retirement Account rather than from the Federal Hospital Insurance Trust Fund, with the payments limited to the amount by which insurance benefits under Medicare exceed the amount payable under Canadian Provincial plans.

Form AA–104, Application for Canadian Hospital Benefits Under Medicare—Part A, is provided by the RRB to a claimant seeking reimbursement for covered hospital services received in Canada. The form obtains information needed to determine the eligibility of the applicant and the amount of any reimbursement due. One response is requested of each respondent. Completion is required to obtain a benefit.

**The RRB Proposes Non-Burden Impacting Formatting and Editorial Changes to Form AA–104**

*Estimate of Annual Respondent Burden*

*The estimated annual respondent burden is as follows:*

| Form No. | Annual responses | Time (minutes) | Burden (hours) |
|---|---|---|---|
| AA–104 | 35 | 10 | 6 |

2. *Title and purpose of information collection:* Employee Non-Covered Service Pension Questionnaire; OMB 3220–0154.

Section 215(a)(7) of the Social Security Act provides for a reduction in social security benefits based on

employment not covered under the Social Security Act or the Railroad Retirement Act (RRA). This provision applies a different social security benefit formula to most workers who are first eligible after 1985 to both a pension based in whole or in part on non-covered employment and a social security retirement or disability benefit. There is a guarantee provision that limits the reduction in the social security benefit to one-half of the portion of the pension based on non-covered employment after 1956. Section 8011 of Public Law 100–647 changed the effective date of the onset from the first month of eligibility to the first month of concurrent entitlement to the non-covered service benefit and the RRA benefit.

Section 3(a)(1) of the RRA provides that the Tier I benefit of an employee annuity shall be equal to the amount (before any reduction for age or deduction for work) the employee would receive if entitled to a like benefit under the Social Security Act. The reduction for a non-covered service pension also applies to a Tier I portion of the employee annuity under the RRA when the annuity or non-covered service pension begins after 1985. Since the amount of a spouse's Tier I benefit is one-half of the employee's Tier I, the spouse annuity is also affected.

Form G–209, Employee Non-Covered Service Pension Questionnaire, is used by the RRB to obtain needed information (1) from a railroad employee who while completing Form AA–1, Application for Employee Annuity (OMB No. 3220–0002), indicates entitlement to or receipt of a pension based on employment not covered under Railroad Retirement or Social Security; (2) from a railroad employee when an independently-entitled divorced spouse applicant believes the employee to be entitled to a non-covered service pension. However, should RRB records indicate the employee has 30 or more years of coverage, this development is unnecessary; or (3) from an employee annuitant who becomes entitled to a pension based on employment not covered under Railroad Retirement or Social Security. One response is requested of each respondent. Completion is required to obtain or retain benefits.

**The RRB Proposes Minor Non-Burden Impacting, Editorial Changes to Form G–209**

*Estimate of Annual Respondent Burden*

*The estimated annual respondent burden is as follows:*

| Form No. | Annual responses | Time (minutes) | Burden (hours) |
|---|---|---|---|
| G–209 (Partial Questionnaire) | 50 | 1 | 1 |
| G–209 (Full Questionnaire) | 100 | 8 | 13 |
| Total | 150 | | 14 |

3. *Title and purpose of information collection:* Availability for Work; OMB 3220–0164.

Under Section 1(k) of the Railroad Unemployment Insurance Act, unemployment benefits are not payable for any day for which the claimant is not available for work.

Under Railroad Retirement Board (RRB) regulation 20 CFR 327.5, "available for work" is defined as being willing and ready for work. A claimant is "willing" to work if willing to accept and perform for hire such work as is reasonably appropriate to his or her employment circumstances. A claimant is "ready" for work if he or she (1) is in a position to receive notice of work and is willing to accept and perform such work, and (2) is prepared to be present with the customary equipment at the location of such work within the time usually allotted.

Under RRB regulation 20 CFR 327.15, a claimant may be requested at any time to show, as evidence of willingness to work, that reasonable efforts are being made to obtain work. In order to determine whether a claimant is: (a) Available for work, and (b) willing to work, the RRB utilizes Forms UI–38 and UI–38s to obtain information from the claimant and Form ID–8k from the union representative. One response is completed by each respondent. The RRB proposes to eliminate question two regarding "pay for time lost" from Form ID–8k. This question was previously included to remind covered employers of their reporting obligations under section 2(f) of the RUIA. The question is being removed as it was determined that other forms, such as the ID–4e and ID–4k, provide sufficient notice of covered employer's reporting obligations under section 2(f). The RRB proposes no changes to Forms UI–38 and UI–38s.

*Estimate of Annual Respondent Burden*

*The estimated annual respondent burden is as follows:*

| Form No. | Annual responses | Time (minutes) | Burden (hours) |
|---|---|---|---|
| UI–38s: | | | |
| In person | 50 | 6 | 5 |
| By mail | 102 | 10 | 17 |
| UI–38 | 3,114 | 11.5 | 597 |
| ID–8k | 4,162 | 5 | 347 |
| Total | 7,428 | | 966 |

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Charles Mierzwa, the RRB Clearance Officer, at (312) 751–3363 or *Charles.Mierzwa@rrb.gov.* Comments regarding the information collection should be addressed to Patricia Henaghan, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or e-mailed to *Patricia.Henaghan@rrb.gov.* Written

comments should be received within 60 days of this notice.

**Charles Mierzwa,**

*Clearance Officer.*

[FR Doc. 2011–12406 Filed 5–19–11; 8:45 am]

**BILLING CODE 7905–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12574 and #12575]**

### Tennessee Disaster #TN–00055

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–1979–DR), dated 05/09/2011.

*Incident:* Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

*Incident Period:* 04/19/2011 and continuing.

*Effective Date:* 05/09/2011.

*Physical Loan Application Deadline Date:* 07/08/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/09/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 05/09/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:*

Benton, Carroll, Crockett, Dyer, Gibson, Henderson, Henry, Houston, Lake, Lauderdale, Madison, Montgomery, Obion, Shelby, Stewart.

The Interest Rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Non-Profit Organizations With Credit Available Elsewhere | 3.250 |
| Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |
| For Economic Injury: | |
| Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |

The number assigned to this disaster for physical damage is 12574C and for economic injury is 12575C.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12385 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12568 and #12569]**

### Iowa Disaster #IA–00031

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–1977–DR), dated 05/05/2011.

*Incident:* Severe Storms, Tornadoes, and Straight-line Winds.

*Incident Period:* 04/09/2011 through 04/10/2011.

*Effective Date:* 05/05/2011.

*Physical Loan Application Deadline Date:* 07/05/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/06/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 05/05/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:*

Buena Vista, Cherokee, Ida, Monona, Pocahontas, Sac.

The Interest Rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Non-Profit Organizations With Credit Available Elsewhere | 3.250 |
| Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |
| For Economic Injury: | |
| Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |

The number assigned to this disaster for physical damage is 12568C and for economic injury is 12569C.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Roger B. Garland,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12387 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12562 and #12563]**

### Arkansas Disaster Number AR–00049

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–1975–DR), dated 05/02/2011.

*Incident:* Severe Storms, Tornadoes, and Associated Flooding.

*Incident Period:* 04/23/2011 and continuing.

*Effective Date:* 05/09/2011.

*Physical Loan Application Deadline Date:* 07/01/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/02/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 05/02/2011, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:*

Carroll, Conway, Crawford, Hot Spring, Montgomery, Stone, Washington.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12389 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12578 and #12579]**

### Missouri Disaster #MO–00049

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA–1980–DR), dated 05/09/2011.

*Incident:* Severe Storms, Tornadoes, and Flooding.

*Incident Period:* 04/19/2011 and continuing.

*Effective Date:* 05/09/2011.

*Physical Loan Application Deadline Date:* 07/08/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/09/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 05/09/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Saint Louis.

The Interest Rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Non-Profit Organizations With Credit Available Elsewhere ... | 3.250 |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 3.000 |
| For Economic Injury: | |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 3.000 |

The number assigned to this disaster for physical damage is 12578B and for economic injury is 12579B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12393 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12554 and #12555]**

### Georgia Disaster Number GA–00033

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–1973–DR), dated 04/29/2011.

*Incident:* Severe Storms, Tornadoes, Straight-line Winds, and Associated Flooding.

*Incident Period:* 04/27/2011 through 04/28/2011.

*Effective Date:* 05/07/2011.

*Physical Loan Application Deadline Date:* 06/28/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 01/30/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, Tx 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 04/29/2011, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:*

Cherokee, Gordon, Harris Heard, Jasper, Lumpkin, Newton, White.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Roger B. Garland,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12392 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12566 and #12567]**

### Kentucky Disaster #KY–00039

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kentucky (FEMA–1976–DR), dated 05/04/2011.

*Incident:* Severe Storms, Tornadoes, and Flooding.

*Incident Period:* 04/22/2011 and continuing.

*Effective Date:* 05/04/2011.

*PHYSICAL LOAN APPLICATION DEADLINE DATE:* 07/05/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/06/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 05/04/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:*

Anderson, Boone, Boyd, Bracken, Campbell, Carroll, Carter, Estill, Fleming, Gallatin, Grant, Greenup, Henry, Kenton, Lawrence, Mercer, Morgan, Nicholas, Oldham, Owen, Robertson, Trimble, Washington.

The Interest Rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Non-Profit Organizations With Credit Available Elsewhere ..... | 3.250 |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 3.000 |
| For Economic Injury: | |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 3.000 |

The number assigned to this disaster for physical damage is 12566C and for economic injury is 12567C.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Roger B. Garland,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12388 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12570 and #12571]**

### Tennessee Disaster #TN–00054

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–1978–DR), dated 05/09/2011.

*Incident:* Severe Storms, Flooding, Tornadoes, and Straight-line Winds.

*Incident Period:* 04/04/2011.

*Effective Date:* 05/09/2011.

*Physical Loan Application Deadline Date:* 07/08/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/09/2012.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 05/09/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:*

Chester, Davidson, Decatur, Dickson, Henderson, Humphreys, Lake, Shelby, Sumner.

The Interest Rates are:

| | Percent |
|---|---|
| For Physical Damage: | |
| Non-Profit Organizations With Credit Available Elsewhere | 3.250 |
| Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |
| For Economic Injury: | |
| Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |

The number assigned to this disaster for physical damage is 12570B and for economic injury is 12571B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2011–12386 Filed 5–19–11; 8:45 am]

**BILLING CODE 8025–01–P**

## DEPARTMENT OF STATE

**[Public Notice 7462]**

### Culturally Significant Objects Imported for Exhibition Determinations: "Pissarro's People"

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition "Pissarro's People," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Sterling and Francine Clark Art Institute, Williamstown, MA, from on or about June 12, 2011, until on or about October 2, 2011; the Fine Arts Museums of San Francisco, from on or about October 22, 2011, until on about January 22, 2012, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: May 13, 2011.

**Ann Stock,**

*Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2011–12448 Filed 5–19–11; 8:45 am]

**BILLING CODE 4710–05–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Pilots Convicted of Alcohol or Drug-Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedure

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 10, 2011, vol. 76, no. 47, page 13266–13267. The requested information is needed to mitigate potential hazards presented by airmen using alcohol or drugs in flight, to identify persons possibly unsuitable for pilot certification.

**DATES:** Written comments should be submitted by June 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Carla Scott on (202) 385–4293, or by e-mail at: *Carla.Scott@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0543.

*Title:* Pilots Convicted of Alcohol or Drug-Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedure.

*Form Numbers:* There are no FAA forms associated with this collection.

*Type of Review:* Renewal of an information collection.

*Background:* Amendments to Parts 61 and 67 of the FAR implement procedures enhance the safety of aviation commerce by identifying (i) those persons who may prove unsuitable for airman certification as indicated by an inability or unwillingness to comply with general safety regulations and, (ii) those persons who have failed to report violations of

general safety regulations in concert with established FAA requirements. The amendment to 14 CFR part 61 requires airmen to report to the FAA, within 60 days, all alcohol or drug related convictions or administrative actions.

*Respondents:* Approximately 1,185 pilots.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 10 minutes.

*Estimated Total Annual Burden:* 197.5 hours.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on May 16, 2011.

**Carla Scott,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.*

[FR Doc. 2011–12477 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Office of Dispute Resolution Procedures for Protests and Contact Disputes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 10, 2011, vol. 76, no. 47, page 13264–13265. 14 CFR part 17 sets forth procedures for filing solicitation protests and contract claims in the FAA's Office of Dispute Resolution for Acquisition. The regulations seek factual and legal information from protesters or claimants primarily through written submissions.

**DATES:** Written comments should be submitted by June 20, 2011.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Carla Scott on (202) 385–4293, or by *e-mail at: Carla.Scott@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0632.

*Title:* Office of Dispute Resolution Procedures for Protests and Contact Disputes.

*Form Numbers:* There are no FAA forms associated with this collection.

*Type of Review:* Renewal of an information collection.

*Background:* 14 CFR 17.15 and 17.25 provide the procedures for filing protests and contract claims with the Office of Dispute Resolution for Acquisition. The regulations seek factual and legal information from protesters or claimants primarily through written submissions. The information sought by the regulations is used by the ODRA, as well as the opposing parties: (1) To gain a clear understanding as to the facts and the law underlying the dispute; and (2) to provide a basis for applying dispute resolution techniques.

*Respondents:* Approximately 45 protestors or claimants.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 20.5 hours.

*Estimated Total Annual Burden:* 923 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on May 16, 2011.

**Carla Scott,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.*

[FR Doc. 2011–12476 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. PE–2011–20]**

### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before June 9, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2011–0447 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

*Docket:* To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** David Staples (202) 267–4058, Keira Jones (202) 267–4025, or Tyneka Thomas (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 17, 2011.

**Dennis R. Pratte,**

*Acting Director, Office of Rulemaking.*

### Petition For Exemption

*Docket No.:* FAA–2011–0447.

*Petitioner:* Northrop Grumman Systems Corporation.

*Section of 14 CFR Affected:* 14 CFR 61.57(b) and (e)(3)(ii).

*Description of Relief Sought:* Northrop Grumman Systems Corporation requests to extend the night currency requirement prescribed in § 61.57(b) to include type-rated, single-pilot by certification aircraft (SFAR 41 and Commuter category aircraft) night currency by obtaining night currency in another aircraft of the same category and class. Additionally, Northrop Grumman requests to extend the night currency provision to include type-rated aircraft that are authorized for single-pilot operation by certification to Northrop Grumman's part 142 simulator program.

[FR Doc. 2011–12429 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. PE–2011–22]**

### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before June 9, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2011–0395 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

*Docket:* To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kenna Sinclair, ANM–113, (425) 227–1556, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, or Frances Shaver, ARM–207, (202) 267–4059, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC on May 17, 2011.

**Dennis R. Pratte,**

*Acting Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA–2011–0395.

*Petitioner:* Sierra Nevada Corporation.

*Section of 14 CFR Affected:* 25.843(a).

*Description of Relief Sought:* Sierra Nevada Corporation requests to use analysis validated by data and component level tests in lieu of the complete pressure vessel test required by 25.843(a) for a Cessna Model 680 airplane.

[FR Doc. 2011–12424 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. PE–2011–23]**

### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or

omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before June 9, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2011–0336 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

*Docket:* To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Stegeman, Aerospace Engineer, Standards Office (ACE–111), Small Airplane Directorate, Aircraft Certification Service, FAA; telephone number (816) 329–4140, fax number (816) 329–4090, e-mail at *robert.stegeman@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 17, 2011.

**Dennis R. Pratte,**

*Acting Director, Office of Rulemaking.*

**Petition for Exemption**

*Docket No.:* FAA–2011–0336.
*Petitioner:* Embraer S.A.
*Section of 14 CFR Affected:*
§ 23.562(a)
*Description of Relief Sought:* The petitioner requests relief to allow it to install two-place side-facing divans in their model EMB–505 airplanes, in accordance with the existing injury criteria requirements in § 23.562(c), which are occupant protection requirements for side-facing seats.

[FR Doc. 2011–12428 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. PE–2011–21]**

### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before May 30, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2011–0505 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

*Docket:* To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** David Staples (202) 267–4058, Keira Jones (202) 267–4025, or Tyneka Thomas (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC on May 16, 2011.

**Dennis R. Pratte,**

*Acting Director, Office of Rulemaking.*

**Petition For Exemption**

*Docket No.:* FAA–2011–0505.

*Petitioner:* International Air Reponse, Inc.

*Section of 14 CFR Affected:*

14 CFR 91.313(a)(1), (c), and (d).

*Description of Relief Sought:* International Air Reponse, Inc. requests relief from pertinent sections of § 91.313 to allow parachuting operations to be conducted for compensation or hire in its Lockheed C–130A aircraft holding restricted category airworthiness certificates in support of motion picture production.

[FR Doc. 2011–12431 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement: Interstate 64 Hampton Roads Bridge Tunnel Corridor, Virginia

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The Federal Highway Administration is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) in cooperation with the Virginia Department of Transportation for potential transportation improvements along the Interstate 64 Hampton Roads Bridge Tunnel (HRBT) corridor in Virginia.

**FOR FURTHER INFORMATION CONTACT:** Marisel Lopez-Cruz, Environmental Protection Specialist, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240–0249; *e-mail: Marisel.Lopez-Cruz@dot.gov; telephone:* (804) 775–3338.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA), in cooperation with the Virginia Department of Transportation (VDOT), will prepare an EIS for potential transportation improvements along the Interstate 64 Hampton Roads Bridge Tunnel (HRBT) corridor in Virginia. The approximate limits of the study are from the I–64 Interchange with I–664 in the City of Hampton to the I–64 Interchange with I–564 in the City of Norfolk. The EIS will evaluate the no-build alternative as well as a range of alternatives to meet the purpose and need.

The FHWA and VDOT are seeking input as part of the scoping process to assist in determining and clarifying issues relative to the study. Letters describing the study and soliciting input will be sent to the appropriate Federal, state, and local agencies, and other interested parties as part of the scoping process. An agency scoping meeting as well as a public scoping meeting are planned and will be announced by VDOT. Notices of public meetings and public hearings will be given through various forums providing the time and place of the meeting along with other relevant information. The Draft EIS will be available for public and agency review and comments prior to the public hearings.

To ensure that the full range of issues related to this study is identified and taken into account, comments and suggestions are invited from all interested parties. Comments and questions concerning this study should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Issued on: May 16, 2011.

**Marisel Lopez-Cruz,**

*Environmental Protection Specialist.*

[FR Doc. 2011–12419 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2011–0131]**

### Medical Review Board Public Meeting; Correction and Republication

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (DOT).

**ACTION:** Correction and Republication; Notice of Medical Review Board (MRB) Public Meeting.

**SUMMARY:** The FMCSA published a notice in the **Federal Register** (FR Doc. 2011–11576, 76 FR 27375, May 11, 2011) announcing that the Agency's Medical Review Board will hold a committee meeting on June 30, 2011. The meeting will provide the public an opportunity to observe and participate in MRB deliberations about its recommendations for changes to the Federal Motor Carrier Safety Regulations' medical standards, in accordance with the Federal Advisory Committee Act (FACA). The notice referenced an incorrect FMCSA docket number. For the convenience of the public, FMCSA republishes this notice referencing the correct docket number.

**DATES:** The MRB meeting will be held from 10 a.m.–4 p.m. on June 30, 2011. Please note the preliminary agenda for this meeting in the **SUPPLEMENTARY INFORMATION** section of this notice for specific information.

**ADDRESSES:** The meeting will take place at the Hilton-Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

You may submit comments identified by the Federal Docket Management System (FDMS) Number in the heading of this document by any of the following methods; however, the Agency encourages use of the Web site that is listed first. It will provide the most efficient and timely method of receiving and processing your comments. Do not submit the same comments by more than one method.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search docket number FMCSA–2011–0131, and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number (FMCSA–2011–0131). Note that all comments received will be posted without change to the Web site at *http://www.regulations.gov,* including any personal information provided. Please refer to the Privacy Act heading on *http://www.regulations.gov* for further information.

*Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the U.S. Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (76 FR 17478). This information is also available at *http://edocket.access.gpo.gov/2008/pdf/E–8–785.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Elaine M. Papp, Division Chief, Medical Programs, 202–366–4001, DOT–FMCSA (MC–PMP), 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m.

Monday through Friday, except Federal holidays.

**Information on Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Elaine M. Papp at 202–366–4001.

**SUPPLEMENTARY INFORMATION:** The preliminary agenda for the meeting includes:

10–10:15a.m. Call to Order, Introduction and Agenda Review.
10:15–10:45 a.m. Updated Evidence Report Diabetes Mellitus.
10:45–11:15 a.m. Preliminary Report on Cochlear Implants.
11:15–11:45 a.m. Public Comment Period.
11:45–12:45 p.m. Break for Lunch.
12:45–2 p.m. Update on 2007 Evidence Report on Sleep Apnea, Overview of 2007 Medical Expert Panel Opinions on Sleep Apnea.
2–2:30 p.m. Review on Previous MRB recommendations on Sleep Apnea.
2:30–4 p.m. Public Comment Period.

Breaks will be announced on meeting day and may be adjusted according to schedule changes, other meeting requirements.

**Background**

The Secretary of the Department of Transportation announced on November 2, 2010, the five medical experts who serve on the MRB. Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU, Pub. L. 109–59) requires the Secretary of Transportation with the advice of the MRB to "establish, review, and revise medical standards for operators of Commercial Motor Vehicles (CMVs) that will ensure that the physical condition of operators is adequate to enable them operate the vehicles safely." FMCSA is planning revisions to the physical qualification regulations of CMV drivers, and the MRB will provide the necessary science-based guidance to establish realistic and responsible medical standards.

The MRB operates in accordance with the Federal Advisory Committee Act (FACA) as announced in the **Federal Register** (70 FR 57642, October 3, 2005). The MRB is charged initially with the review of all current FMCSA medical standards (49 CFR 391.41), as well as proposing new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in CFR 390.5, are physically capable of doing so.

**Meeting Participation**

Attendance is open to the interested public, including medical examiners, motor carriers, drivers, and representatives of medical and scientific associations. Written comments for this MRB meeting will also be accepted beginning on June 30, 2011 and continuing until July 15, 2011, and should include the docket number that is listed in the **ADDRESSES** section. During the MRB meeting (11:15–11:45 a.m. and 2:30–4 p.m.), oral comments may be limited depending on how many persons wish to comment; and will be accepted on a first come, first serve basis as requestors register at the meeting. The comments must directly address relevant medical and scientific issues on the MRB meeting agenda. For more information, please view the following Web site: *http://www.fmcsa.dot.gov/mrb.*

Issued on: May 16, 2011.

**Larry W. Minor,**

*Associate Administrator of Policy.*

[FR Doc. 2011–12365 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

### FTA Supplemental Fiscal Year 2011 Apportionments, Allocations, and Corrections

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112–10), was signed into law by President Obama on April 15, 2011, appropriating funds for all of the surface transportation programs of the U.S. Department of Transportation (DOT) for the remainder of the Fiscal Year (FY) ending September 30, 2011. This Notice supplements the February 8, 2011 **Federal Register** notice that provided a partial apportionment of FY 2011 formula funds.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice contact Kimberly Sledge, Office of Program Management, at (202) 366–2053. Please contact the appropriate FTA regional or metropolitan office for any specific requests for information or technical assistance. The appendix at the end of this notice includes contact information for FTA regional and metropolitan offices.

**SUPPLEMENTARY INFORMATION:**

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Appendix

**I. Overview**

Congress enacted an extension of FTA's current authorization, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU), through September 30, 2011 in the Surface Transportation Extension Act, 2011 (Pub. L. 112–5). Since that time, Congress has also enacted the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112–10), hereinafter "Appropriations Act, 2011," which sets an obligation limitation for Formula and Bus programs and funds other Federal transit programs of DOT through September 30, 2011. This Notice provides the remaining formula funds and full year appropriations for FTA discretionary programs.

## II. FY 2011 Available Funding for FTA Programs

*A. Funding Based on the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112–10)*

The Appropriations Act, 2011 included a total of almost $10.3 billion for FTA programs in obligation limitation of contract authority under the Mass Transit account (MTA) and new appropriations of general funds.

In addition, in FY 2010, Congress appropriated an obligation limitation for the Formula and Bus programs that was slightly lower than the FY 2010 authorized contract authority for those programs creating a $17.39 million difference in FY 2010. This additional contract authority is now available and this Notice apportions these FY 2010 funds to the Formula and Bus programs in addition to the FY 2011 full year apportionment. See Section II of FTA's Supplemental Fiscal Year 2010 Apportionments and Allocations **Federal Register** Notice (FR May 13, 2010 Vol. 75, No. 92) for detailed information.

New FY 2011 funding levels also reflect a $17.39 million difference between the authorized contract authority level and appropriated obligation limitation for Formula and Bus programs.

For other programs, a .2 percent across-the-board rescission for appropriated funds applies as well. The rescission was applied to the budget authority provided for fiscal year 2011 for any discretionary account and the budget authority provided in any advance appropriation for fiscal year 2011 for discretionary accounts in any prior fiscal year appropriation Act. The rescission, however, does not affect contract authority or obligation limitation for Formula and Bus programs.

*B. Morgantown, West Virginia Technical Correction*

In the course of preparing FTA's Fiscal Year 2010 supplemental apportionment tables, the fixed guideway direct route miles and vehicle revenue miles associated with the Morgantown, West Virginia urbanized area were inadvertently included in its Section 5307 Urbanized Area Formula program calculations. The resulting Section 5307 apportionment table published in FTA's Supplemental Fiscal Year 2010 Apportionments and Allocations **Federal Register** Notice (FR May 13, 2010 Vol. 75, No. 92) displayed an allotment for the Morgantown, WV urbanized area that was $751,158 in excess of what the urbanized area should have received under the Section 5307 formula. FTA corrected the Morgantown apportionment record in its grants systems to limit Morgantown's allocation to what should have been received in FY 2010. With the publication of this notice, FTA apportions the $751,158 to those urbanized areas eligible to receive funds under the Fixed Guideway Tier of the Section 5307 program, in proportion to the formula factors of the Fixed Guideway Tier.

*C. FY 2011 Discretionary Program Funds*

The Appropriations Act, 2011 did not include any project specific Congressional designations. Accordingly, FTA has $2.73 billion in discretionary funds available for allocation. It is FTA's intent to publish Notices of Funding Availability (NOFA) for most discretionary programs no later than early Fall 2011. The Major Capital Investment program, commonly referred to as the New Starts and Small Starts programs, will be excluded because the program has an ongoing project development and review process, and funding will be allocated consistent with information already available to FTA. Additionally, FTA plans to consolidate multiple programs into single discretionary solicitations of proposals that further specific Department of Transportation Strategic Goals, consistent with the approach used for FY 2010 funds.

Issued in Washington, DC, this 13th day of May, 2011.

**Peter Rogoff,**

*Administrator.*

## Appendix A

### FTA Regional and Metropolitan Offices

Mary Beth Mello, Regional Administrator, Region 1–Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142–1093, Tel. 617–494–2055.

*States served:* Connecticut, Maine, Massachusetts, New Hampshire, Rhode, Island, and Vermont.

Brigid Hynes-Cherin, Regional Administrator, Region 2–New York, One Bowling Green, Room 429, New York, NY 10004–1415, Tel. 212–668–2170.

*States served:* New Jersey, New York.

New York Metropolitan Office, Region 2–New York, One Bowling Green, Room 428, New York, NY 10004–1415, Tel. 212–668–2202.

Letitia Thompson, Regional Administrator, Region 3–Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103–4124, Tel. 215–656–7100.

*States served:* Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.

Philadelphia Metropolitan Office, Region 3–Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103–4124, Tel. 215–656–7070.

Washington, DC Metropolitan Office, 1990 K Street, NW., Room 510, Washington, DC 20006, Tel. 202–219–3562.

Yvette Taylor, Regional Administrator, Region 4–Atlanta, 230 Peachtree Street, NW., Suite 800, Atlanta, GA 30303, Tel. 404–865–5600.

*States served:* Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Robert C. Patrick, Regional Administrator, Region 6–Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817–978–0550.

*States served:* Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

Mokhtee Ahmad, Regional Administrator, Region 7–Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816–329–3920.

*States served:* Iowa, Kansas, Missouri, and Nebraska.

Terry Rosapep, Regional Administrator, Region 8–Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228–2583, Tel. 720–963–3300,

*States served:* Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Leslie T. Rogers, Regional Administrator, Region 9–San Francisco, 201 Mission Street, Room 1650, San Francisco, CA 94105–1926, Tel. 415–744–3133.

*States served:* American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.

Los Angeles Metropolitan Office, Region 9–Los Angeles, 888 S. Figueroa Street, Suite 1850, Los Angeles, CA 90017–1850, Tel. 213–202–3952.

FTA REGIONAL AND METROPOLITAN OFFICES—Continued

| | |
|---|---|
| Marisol Simon, Regional Administrator, Region 5–Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312–353–2789.<br><br>*States served:* Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.<br>Chicago Metropolitan Office, Region 5–Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312–353–2789. | Rick Krochalis, Regional Administrator, Region 10–Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174–1002, Tel. 206–220–7954.<br>*States served:* Alaska, Idaho, Oregon, and Washington. |

BILLING CODE P

## FEDERAL TRANSIT ADMINISTRATION

### TABLE 1

### FY 2011 APPROPRIATIONS AND APPORTIONMENTS FOR GRANT PROGRAMS

*(The total available amount for a program is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| FORMULA AND BUS GRANTS | |
|---|---|
| **Section 5303 Metropolitan Transportation Planning Program** | |
| Total FY 2011 Available | $93,691,869 |
| Available FY 2010 Contract Authority | $195,331 |
| Less FY 2011 Oversight (one half percent) | ($468,459) |
| Less FY 2010 Oversight (one-half percent) | ($977) |
| Reapportioned Funds | $13,570 |
| Total Apportioned | $93,431,334 |
| **Section 5304 Statewide Transportation Planning Program** | |
| Total FY 2011 Available | $19,571,996 |
| Available FY 2010 Contract Authority | $40,804 |
| Less FY 2011 Oversight (one half percent) | ($97,860) |
| Less FY 2010 Oversight (one-half percent) | ($204) |
| Reapportioned Funds | $336,197 |
| Total Apportioned | $19,850,933 |
| **Section 5307 Urbanized Area Formula Program** | |
| Total FY 2011 Available | $4,151,709,439 |
| Available FY 2010 Contract Authority | $8,655,561 |
| FY 2010 Technical Correction | $751,158 |
| Less FY 2011 Oversight (three-fourths percent) | ($31,137,821) |
| Less FY 2010 Oversight (three-fourths percent) | ($64,917) |
| Section 5340 High Density States | $232,500,000 |
| Section 5340 Growing States | $159,175,083 |
| Reapportioned Funds | $8,236,839 |
| Total Apportioned | $4,529,825,342 |
| **Section 5308 Clean Fuels Grant Program** | |
| Total FY 2011 Available | $51,392,855 |
| Available FY 2010 Contract Authority | $107,145 |
| Total Available for Allocation | $51,500,000 |
| **Section 5309 Bus and Bus Facilities Program** | |
| Total FY 2011 Available | $981,952,806 |
| Available FY 2010 Contract Authority | $2,047,194 |
| Less FY 2011 Oversight (one percent) | ($9,819,528) |
| Less FY 2010 Oversight (one percent) | ($20,472) |
| Total Available for Allocation | $974,160,000 |

| FORMULA AND BUS GRANTS | |
|---|---|
| **Section 5309 Fixed Guideway Modernization** | |
| Total FY 2011 Available | $1,663,032,878 |
| Available FY 2010 Contract Authority | $3,467,122 |
| Less FY 2011 Oversight (one percent) | ($16,630,329) |
| Less FY 2010 Oversight (one percent) | ($34,671) |
| Reapportioned Funds | $350,399 |
| Total Apportioned | $1,650,185,399 |
| **Section 5310 Special Needs of Elderly Individuals and Individuals with Disabilities Program** | |
| Total FY 2011 Available | $133,222,256 |
| Available FY 2010 Contract Authority | $277,744 |
| Less FY 2011 Oversight (one-half percent) | ($666,111) |
| Less FY 2010 Oversight (one-half percent) | ($1,389) |
| Reapportioned Funds | $399,246 |
| Total Apportioned | $133,231,746 |
| **Section 5311 Nonurbanized Area Formula Program** | |
| Total FY 2011 Available | $439,783,131 |
| Available FY 2010 Contract Authority | $916,869 |
| Less FY 2011 Oversight (one-half percent) | ($2,320,163) |
| Less FY 2010 Oversight (one-half percent) | ($4,837) |
| Section 5340 Growing States | $73,324,917 |
| Reapportioned Funds | $1,547,736 |
| Total Apportioned | $513,247,653 |
| **Section 5311(b)(3) Rural Transit Assistance Program (RTAP)** | |
| Total FY 2011 Available | $9,280,652 |
| Available FY 2010 Contract Authority | $19,348 |
| Less Amount Reserved for National RTAP | ($1,392,098) |
| Reapportioned Funds | $57,457 |
| Total Apportioned | $7,965,359 |
| **Section 5311(c) Public Transportation on Indian Reservations** | |
| Total FY 2011 Available | $14,968,793 |
| Available FY 2010 Contract Authority | $31,207 |
| Reapportioned Funds | $75,000 |
| Total Available for Allocation | $15,075,000 |
| **Section 5316 Job Access and Reverse Commute Program** | |
| Total FY 2011 Available | $164,157,761 |
| Available FY 2010 Contract Authority | $342,239 |
| Reapportioned Funds | $10,304,806 |
| Total Apportioned | $174,804,806 |
| **Section 5317 New Freedom Program** | |
| Total FY 2011 Available | $92,307,555 |
| Available FY 2010 Contract Authority | $192,445 |
| Reapportioned Funds | $6,998,940 |
| Total Apportioned | $99,498,940 |

| FORMULA AND BUS GRANTS | |
|---|---|
| **Section 5320 Paul S. Sarbanes Transit in Parks Program** | |
| Total FY 2011 Available | $26,844,035 |
| Available FY 2010 Contract Authority | $55,965 |
| Less FY 2011 Oversight (one-half percent) | ($134,220) |
| Less FY 2010 Oversight (one-half percent) | ($280) |
| Total Available for Allocation | $26,765,500 |
| **Section 5339 Alternative Analysis Program** | |
| Total FY 2011 Available | $24,947,988 |
| Available FY 2010 Contract Authority | $52,012 |
| Total Available for Allocation | $25,000,000 |
| **Over-the-Road Bus Accessibility Program (Pub. L. 105-85, Section 3038)** | |
| Total FY 2011 Available | $8,781,692 |
| Available FY 2010 Contract Authority | $18,308 |
| Total Available for Allocation | $8,800,000 |
| **CAPITAL INVESTMENT GRANTS** | |
| **Section 5309 New Starts** | |
| Total FY 2011 Available | $1,600,000,000 |
| Less .002 Rescission | ($3,200,000) |
| Less FY 2011 Oversight (one percent) | ($15,968,000) |
| Total Available for Allocation | $1,580,832,000 |
| **RESEARCH** | |
| **Research and University Research Centers** | $58,882,000 |
| **OTHER** | |
| **Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER III) Program** | |
| Total FY 2011 Available | $50,000,000 |
| Less .002 Rescission | ($100,000) |
| Total Available for Allocation | $49,900,000 |
| **Washington Metropolitan Area Transit Authority (WMATA)** | |
| Total FY 2011 Available | $150,000,000 |
| Less .002 Rescission | ($300,000) |
| Total Available | $149,700,000 |
| **TOTAL APPROPRIATION (Above Grant Programs)** | **$9,734,527,706** |
| **TOTAL APPORTIONMENT/ALLOCATION (Above Grant Programs)** | **$10,162,656,012** |

FEDERAL TRANSIT ADMINISTRATION

TABLE 2

FY 2011 SECTION 5303 METROPOLITAN TRANSPORTATION PLANNING PROGRAM AND SECTION 5304 STATEWIDE TRANSPORTATION PLANNING PROGRAM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| STATE | SECTION 5303 APPORTIONMENT | SECTION 5304 APPORTIONMENT |
|---|---|---|
| Alabama | $707,238 | $187,830 |
| Alaska | 373,725 | 99,255 |
| Arizona | 1,868,531 | 378,150 |
| Arkansas | 373,725 | 99,255 |
| California | 14,698,391 | 2,904,672 |
| Colorado | 1,400,230 | 310,885 |
| Connecticut | 1,037,845 | 275,618 |
| Delaware | 373,725 | 99,255 |
| District of Columbia | 373,725 | 99,255 |
| Florida | 6,105,783 | 1,303,354 |
| Georgia | 2,408,228 | 484,774 |
| Hawaii | 373,725 | 99,255 |
| Idaho | 373,725 | 99,255 |
| Illinois | 5,181,379 | 942,188 |
| Indiana | 1,407,604 | 330,039 |
| Iowa | 406,150 | 107,866 |
| Kansas | 474,888 | 116,869 |
| Kentucky | 592,699 | 151,598 |
| Louisiana | 925,962 | 245,344 |
| Maine | 373,725 | 99,255 |
| Maryland | 2,094,308 | 415,818 |
| Massachusetts | 2,751,665 | 545,250 |
| Michigan | 3,073,757 | 636,537 |
| Minnesota | 1,311,752 | 262,386 |
| Mississippi | 373,725 | 99,255 |
| Missouri | 1,383,578 | 299,048 |
| Montana | 373,725 | 99,255 |
| Nebraska | 373,725 | 99,255 |
| Nevada | 684,027 | 162,198 |
| New Hampshire | 373,725 | 99,255 |
| New Jersey | 4,334,269 | 750,250 |
| New Mexico | 373,725 | 99,255 |
| New York | 8,261,249 | 1,500,212 |
| North Carolina | 1,370,193 | 363,898 |
| North Dakota | 373,725 | 99,255 |
| Ohio | 2,973,307 | 707,434 |
| Oklahoma | 540,532 | 143,555 |
| Oregon | 831,502 | 191,208 |
| Pennsylvania | 3,838,563 | 794,488 |
| Puerto Rico | 1,550,342 | 336,401 |
| Rhode Island | 386,163 | 99,255 |
| South Carolina | 682,687 | 181,309 |
| South Dakota | 373,725 | 99,255 |
| Tennessee | 1,080,133 | 286,864 |
| Texas | 6,858,559 | 1,431,633 |
| Utah | 636,876 | 169,143 |
| Vermont | 373,725 | 99,255 |
| Virginia | 2,120,314 | 456,055 |
| Washington | 1,991,672 | 416,432 |
| West Virginia | 373,725 | 99,255 |
| Wisconsin | 1,107,633 | 275,037 |
| Wyoming | 373,725 | 99,255 |
| **TOTAL** | **$93,431,334** | **$19,850,933** |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| 1,000,000 or more in Population | $3,217,975,318 |
| 200,000 - 999,999 in Population | 840,664,951 |
| 50,000 - 199,999 in Population | 471,185,073 |
| National Total | $4,529,825,342 |
| *Amounts Apportioned to Urbanized Areas 1,000,000 or more in Population:* | |
| Atlanta, GA | $71,179,417 |
| Baltimore, MD | 58,158,133 |
| Boston, MA--NH--RI | 147,217,259 |
| Chicago, IL--IN | 242,185,715 |
| Cincinnati, OH--KY--IN | 18,029,904 |
| Cleveland, OH | 27,556,074 |
| Columbus, OH | 12,870,277 |
| Dallas--Fort Worth--Arlington, TX | 67,604,537 |
| Denver--Aurora, CO | 47,199,753 |
| Detroit, MI | 43,708,980 |
| Houston, TX | 69,410,267 |
| Indianapolis, IN | 11,827,475 |
| Kansas City, MO--KS | 15,411,419 |
| Las Vegas, NV | 24,307,117 |
| Los Angeles--Long Beach--Santa Ana, CA | 298,720,485 |
| Miami, FL | 99,230,322 |
| Milwaukee, WI | 20,901,940 |
| Minneapolis--St. Paul, MN | 50,038,195 |
| New Orleans, LA | 17,951,207 |
| New York--Newark, NY--NJ--CT | 879,183,251 |
| Orlando, FL | 17,872,313 |
| Philadelphia, PA--NJ--DE--MD | 141,881,546 |
| Phoenix--Mesa, AZ | 52,639,209 |
| Pittsburgh, PA | 33,302,577 |
| Portland, OR--WA | 38,964,404 |
| Providence, RI--MA | 34,127,418 |
| Riverside--San Bernardino, CA | 28,858,911 |
| Sacramento, CA | 22,484,803 |
| San Antonio, TX | 24,343,569 |
| San Diego, CA | 59,636,514 |
| San Francisco--Oakland, CA | 129,303,435 |
| San Jose, CA | 42,042,323 |
| San Juan, PR | 31,355,610 |
| Seattle, WA | 96,270,862 |
| St. Louis, MO--IL | 34,091,980 |
| Tampa--St. Petersburg, FL | 24,278,535 |
| Virginia Beach, VA | 20,122,502 |
| Washington, DC--VA--MD | 163,707,080 |
| **Total** | **$3,217,975,318** |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| *Amounts Apportioned to Urbanized Areas 200,000 to 999,999 in Population* | |
| Aguadilla--Isabela--San Sebastian, PR | $3,768,997 |
| Akron, OH | 6,762,735 |
| Albany, NY | 10,976,867 |
| Albuquerque, NM | 13,495,803 |
| Allentown--Bethlehem, PA--NJ | 7,758,963 |
| Anchorage, AK | 22,926,361 |
| Ann Arbor, MI | 5,063,366 |
| Antioch, CA | 6,365,233 |
| Asheville, NC | 1,958,256 |
| Atlantic City, NJ | 10,873,167 |
| Augusta-Richmond County, GA--SC | 2,462,539 |
| Austin, TX | 20,136,228 |
| Bakersfield, CA | 6,058,751 |
| Barnstable Town, MA | 5,564,895 |
| Baton Rouge, LA | 4,728,266 |
| Birmingham, AL | 6,775,320 |
| Boise City, ID | 2,680,438 |
| Bonita Springs--Naples, FL | 2,846,179 |
| Bridgeport--Stamford, CT--NY | 26,168,902 |
| Buffalo, NY | 19,023,926 |
| Canton, OH | 3,634,052 |
| Cape Coral, FL | 4,166,102 |
| Charleston--North Charleston, SC | 4,942,645 |
| Charlotte, NC--SC | 17,161,094 |
| Chattanooga, TN--GA | 3,430,928 |
| Colorado Springs, CO | 6,315,059 |
| Columbia, SC | 3,875,186 |
| Columbus, GA--AL | 2,225,997 |
| Concord, CA | 21,125,740 |
| Corpus Christi, TX | 4,774,975 |
| Davenport, IA--IL | 3,890,663 |
| Dayton, OH | 14,462,385 |
| Daytona Beach--Port Orange, FL | 4,132,759 |
| Denton--Lewisville, TX | 3,197,455 |
| Des Moines, IA | 6,373,361 |
| Durham, NC | 6,694,989 |
| El Paso, TX--NM | 11,210,608 |
| Eugene, OR | 5,119,422 |
| Evansville, IN--KY | 2,167,343 |
| Fayetteville, NC | 2,361,930 |
| Flint, MI | 6,772,035 |
| Fort Collins, CO | 2,550,384 |
| Fort Wayne, IN | 2,915,154 |
| Fresno, CA | 8,734,725 |
| Grand Rapids, MI | 8,085,372 |
| Greensboro, NC | 5,297,079 |
| Greenville, SC | 2,123,657 |
| Gulfport--Biloxi, MS | 2,094,177 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Harrisburg, PA | 5,214,554 |
| Hartford, CT | 20,634,036 |
| Honolulu, HI | 32,684,601 |
| Huntsville, AL | 1,832,848 |
| Indio--Cathedral City--Palm Springs, CA | 3,740,863 |
| Jackson, MS | 2,528,063 |
| Jacksonville, FL | 13,432,773 |
| Knoxville, TN | 4,823,164 |
| Lancaster, PA | 7,590,296 |
| Lancaster--Palmdale, CA | 9,014,484 |
| Lansing, MI | 5,461,813 |
| Lexington-Fayette, KY | 4,241,429 |
| Lincoln, NE | 2,809,705 |
| Little Rock, AR | 4,142,992 |
| Louisville, KY--IN | 12,987,744 |
| Lubbock, TX | 2,846,599 |
| Madison, WI | 7,028,470 |
| McAllen, TX | 3,602,194 |
| Memphis, TN--MS--AR | 12,779,504 |
| Mission Viejo, CA | 10,148,302 |
| Mobile, AL | 3,151,039 |
| Modesto, CA | 4,187,089 |
| Nashville-Davidson, TN | 11,848,480 |
| New Haven, CT | 19,338,963 |
| Ogden--Layton, UT | 10,087,804 |
| Oklahoma City, OK | 7,273,877 |
| Omaha, NE--IA | 7,484,844 |
| Oxnard, CA | 7,532,706 |
| Palm Bay--Melbourne, FL | 4,346,577 |
| Pensacola, FL--AL | 2,912,528 |
| Peoria, IL | 3,079,041 |
| Port St. Lucie, FL | 2,256,047 |
| Poughkeepsie--Newburgh, NY | 17,309,510 |
| Provo--Orem, UT | 4,876,528 |
| Raleigh, NC | 8,200,935 |
| Reading, PA | 3,153,948 |
| Reno, NV | 5,078,826 |
| Richmond, VA | 10,951,422 |
| Rochester, NY | 11,694,400 |
| Rockford, IL | 2,809,856 |
| Round Lake Beach--McHenry--Grayslake, IL--WI | 4,033,774 |
| Salem, OR | 5,006,830 |
| Salt Lake City, UT | 26,312,208 |
| Santa Rosa, CA | 4,625,810 |
| Sarasota--Bradenton, FL | 7,268,227 |
| Savannah, GA | 3,266,301 |
| Scranton, PA | 4,204,912 |
| Shreveport, LA | 3,380,478 |
| South Bend, IN--MI | 3,987,995 |
| Spokane, WA--ID | 7,946,416 |
| Springfield, MA--CT | 12,506,729 |
| Springfield, MO | 2,109,555 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Stockton, CA | 7,626,527 |
| Syracuse, NY | 7,440,917 |
| Tallahassee, FL | 2,772,555 |
| Temecula--Murrieta, CA | 3,187,804 |
| Thousand Oaks, CA | 3,074,839 |
| Toledo, OH--MI | 6,611,773 |
| Trenton, NJ | 11,149,475 |
| Tucson, AZ | 12,532,628 |
| Tulsa, OK | 6,595,908 |
| Victorville--Hesperia--Apple Valley, CA | 2,568,357 |
| Wichita, KS | 5,135,982 |
| Winston-Salem, NC | 3,041,864 |
| Worcester, MA--CT | 8,981,012 |
| Youngstown, OH--PA | 3,946,753 |
| **Total** | **$840,664,951** |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| *Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 199,999 in Population* | |
| ALABAMA | $8,508,589 |
| Anniston, AL | 777,967 |
| Auburn, AL | 719,320 |
| Decatur, AL | 684,111 |
| Dothan, AL | 785,666 |
| Florence, AL | 824,510 |
| Gadsden, AL | 645,562 |
| Montgomery, AL | 2,661,058 |
| Tuscaloosa, AL | 1,410,395 |
| ALASKA | $575,374 |
| Fairbanks, AK | 575,374 |
| ARIZONA | $4,494,685 |
| Avondale, AZ | 1,002,118 |
| Flagstaff, AZ | 1,131,764 |
| Prescott, AZ | 774,154 |
| Yuma, AZ--CA | 1,586,649 |
| ARKANSAS | $5,663,022 |
| Fayetteville--Springdale, AR | 2,113,452 |
| Fort Smith, AR--OK | 1,392,434 |
| Hot Springs, AR | 560,846 |
| Jonesboro, AR | 586,973 |
| Pine Bluff, AR | 729,513 |
| Texarkana, TX--Texarkana, AR | 279,804 |
| CALIFORNIA | $65,123,256 |
| Atascadero--El Paso de Robles (Paso Robles), CA | 964,097 |
| Camarillo, CA | 1,041,013 |
| Chico, CA | 1,627,384 |
| Davis, CA | 2,270,734 |
| El Centro, CA | 1,440,680 |
| Fairfield, CA | 2,497,847 |
| Gilroy--Morgan Hill, CA | 1,205,112 |
| Hanford, CA | 1,755,755 |
| Hemet, CA | 1,889,958 |
| Livermore, CA | 1,403,887 |
| Lodi, CA | 1,551,208 |
| Lompoc, CA | 824,850 |
| Madera, CA | 892,035 |
| Manteca, CA | 980,897 |
| Merced, CA | 1,876,086 |
| Napa, CA | 1,438,183 |
| Petaluma, CA | 1,051,286 |
| Porterville, CA | 982,106 |
| Redding, CA | 1,258,297 |
| Salinas, CA | 3,824,975 |
| San Luis Obispo, CA | 1,777,031 |
| Santa Barbara, CA | 4,241,935 |
| Santa Clarita, CA | 3,708,293 |
| Santa Cruz, CA | 3,346,522 |
| Santa Maria, CA | 2,550,828 |
| Seaside--Monterey--Marina, CA | 2,655,944 |
| Simi Valley, CA | 2,292,211 |
| Tracy, CA | 1,292,920 |
| Turlock, CA | 1,713,339 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Vacaville, CA | 1,933,093 |
| Vallejo, CA | 3,512,715 |
| Visalia, CA | 2,273,237 |
| Watsonville, CA | 1,474,445 |
| Yuba City, CA | 1,561,583 |
| Yuma, AZ--CA | 12,770 |
| COLORADO | $10,423,160 |
| Boulder, CO | 2,817,580 |
| Grand Junction, CO | 1,158,848 |
| Greeley, CO | 1,516,492 |
| Lafayette--Louisville, CO | 1,071,186 |
| Longmont, CO | 2,056,989 |
| Pueblo, CO | 1,802,065 |
| CONNECTICUT | $20,684,499 |
| Danbury, CT--NY | 7,995,394 |
| Norwich--New London, CT | 3,514,013 |
| Waterbury, CT | 9,175,092 |
| DELAWARE | $1,635,759 |
| Dover, DE | 1,596,581 |
| Salisbury, MD--DE | 39,178 |
| FLORIDA | $24,459,226 |
| Brooksville, FL | 1,141,762 |
| Deltona, FL | 1,851,717 |
| Fort Walton Beach, FL | 1,881,741 |
| Gainesville, FL | 2,854,930 |
| Kissimmee, FL | 2,677,556 |
| Lady Lake, FL | 533,482 |
| Lakeland, FL | 2,503,286 |
| Leesburg--Eustis, FL | 1,265,996 |
| North Port--Punta Gorda, FL | 1,425,729 |
| Ocala, FL | 1,182,565 |
| Panama City, FL | 1,513,550 |
| St. Augustine, FL | 653,222 |
| Titusville, FL | 1,057,122 |
| Vero Beach--Sebastian, FL | 1,452,943 |
| Winter Haven, FL | 1,845,443 |
| Zephyrhills, FL | 618,182 |
| GEORGIA | $10,424,504 |
| Albany, GA | 1,399,102 |
| Athens-Clarke County, GA | 1,882,107 |
| Brunswick, GA | 576,145 |
| Dalton, GA | 617,377 |
| Gainesville, GA | 927,151 |
| Hinesville, GA | 666,227 |
| Macon, GA | 1,713,032 |
| Rome, GA | 951,216 |
| Valdosta, GA | 701,443 |
| Warner Robins, GA | 990,704 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| HAWAII | $2,456,182 |
| Kailua (Honolulu County)--Kaneohe, HI | 2,456,182 |
| IDAHO | $4,544,387 |
| Coeur d'Alene, ID | 970,377 |
| Idaho Falls, ID | 951,203 |
| Lewiston, ID--WA | 411,457 |
| Nampa, ID | 1,338,402 |
| Pocatello, ID | 872,948 |
| ILLINOIS | $12,450,140 |
| Alton, IL | 1,050,724 |
| Beloit, WI--IL | 163,786 |
| Bloomington--Normal, IL | 2,143,908 |
| Champaign, IL | 2,853,947 |
| Danville, IL | 671,927 |
| Decatur, IL | 1,409,231 |
| DeKalb, IL | 952,801 |
| Dubuque, IA--IL | 33,241 |
| Kankakee, IL | 1,212,471 |
| Springfield, IL | 1,958,104 |
| INDIANA | $11,619,376 |
| Anderson, IN | 1,168,659 |
| Bloomington, IN | 1,554,266 |
| Columbus, IN | 670,341 |
| Elkhart, IN--MI | 1,627,288 |
| Kokomo, IN | 950,912 |
| Lafayette, IN | 2,209,597 |
| Michigan City, IN--MI | 888,204 |
| Muncie, IN | 1,517,476 |
| Terre Haute, IN | 1,032,633 |
| IOWA | $9,341,315 |
| Ames, IA | 1,528,279 |
| Cedar Rapids, IA | 2,402,290 |
| Dubuque, IA--IL | 880,738 |
| Iowa City, IA | 1,773,407 |
| Sioux City, IA--NE--SD | 1,276,186 |
| Waterloo, IA | 1,480,415 |
| KANSAS | $3,542,100 |
| Lawrence, KS | 1,588,684 |
| St. Joseph, MO--KS | 13,885 |
| Topeka, KS | 1,939,531 |
| KENTUCKY | $3,301,578 |
| Bowling Green, KY | 715,757 |
| Clarksville, TN--KY | 309,443 |
| Huntington, WV--KY--OH | 644,551 |
| Owensboro, KY | 864,077 |
| Radcliff--Elizabethtown, KY | 767,750 |
| LOUISIANA | $9,329,766 |
| Alexandria, LA | 895,098 |
| Houma, LA | 1,552,288 |
| Lafayette, LA | 2,336,629 |
| Lake Charles, LA | 1,560,567 |
| Mandeville--Covington, LA | 718,593 |
| Monroe, LA | 1,335,723 |
| Slidell, LA | 930,868 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| MAINE | $3,953,941 |
| Bangor, ME | 706,737 |
| Dover--Rochester, NH--ME | 98,862 |
| Lewiston, ME | 754,861 |
| Portland, ME | 2,251,193 |
| Portsmouth, NH--ME | 142,288 |
| MARYLAND | $12,124,083 |
| Aberdeen--Havre de Grace--Bel Air, MD | 3,343,082 |
| Cumberland, MD--WV--PA | 934,514 |
| Frederick, MD | 2,207,076 |
| Hagerstown, MD--WV--PA | 1,660,948 |
| Salisbury, MD--DE | 1,296,272 |
| St. Charles, MD | 1,409,453 |
| Westminster, MD | 1,272,738 |
| MASSACHUSETTS | $7,237,179 |
| Leominster--Fitchburg, MA | 2,610,743 |
| Nashua, NH--MA | 583 |
| New Bedford, MA | 3,308,652 |
| Pittsfield, MA | 1,317,201 |
| MICHIGAN | $14,568,953 |
| Battle Creek, MI | 951,620 |
| Bay City, MI | 1,223,548 |
| Benton Harbor--St. Joseph, MI | 705,807 |
| Elkhart, IN--MI | 20,224 |
| Holland, MI | 1,213,456 |
| Jackson, MI | 1,103,314 |
| Kalamazoo, MI | 2,508,154 |
| Michigan City, IN--MI | 5,782 |
| Monroe, MI | 681,238 |
| Muskegon, MI | 1,863,607 |
| Port Huron, MI | 1,301,978 |
| Saginaw, MI | 1,858,913 |
| South Lyon--Howell--Brighton, MI | 1,131,312 |
| MINNESOTA | $5,730,242 |
| Duluth, MN--WI | 1,651,495 |
| Fargo, ND--MN | 565,208 |
| Grand Forks, ND--MN | 137,440 |
| La Crosse, WI--MN | 86,407 |
| Rochester, MN | 1,573,125 |
| St. Cloud, MN | 1,716,567 |
| MISSISSIPPI | $1,668,618 |
| Hattiesburg, MS | 747,749 |
| Pascagoula, MS | 920,869 |
| MISSOURI | $4,860,871 |
| Columbia, MO | 1,441,631 |
| Jefferson City, MO | 626,568 |
| Joplin, MO | 806,547 |
| Lee's Summit, MO | 824,974 |
| St. Joseph, MO--KS | 1,161,151 |
| MONTANA | $3,525,954 |
| Billings, MT | 1,421,420 |
| Great Falls, MT | 922,958 |
| Missoula, MT | 1,181,576 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| N. MARIANA ISLANDS | $805,461 |
| Saipan, MP | 805,461 |
| NEBRASKA | $247,333 |
| Sioux City, IA--NE--SD | 247,333 |
| NEVADA | $819,150 |
| Carson City, NV | 819,150 |
| NEW HAMPSHIRE | $6,003,413 |
| Dover--Rochester, NH--ME | 1,062,182 |
| Manchester, NH | 1,953,131 |
| Nashua, NH--MA | 2,313,797 |
| Portsmouth, NH--ME | 674,303 |
| NEW JERSEY | $4,821,619 |
| Hightstown, NJ | 1,649,602 |
| Vineland, NJ | 1,838,342 |
| Wildwood--North Wildwood--Cape May, NJ | 1,333,675 |
| NEW MEXICO | $3,180,032 |
| Farmington, NM | 595,396 |
| Las Cruces, NM | 1,292,087 |
| Santa Fe, NM | 1,292,549 |
| NEW YORK | $11,156,663 |
| Binghamton, NY--PA | 3,082,555 |
| Danbury, CT--NY | 91,660 |
| Elmira, NY | 1,264,936 |
| Glens Falls, NY | 917,236 |
| Ithaca, NY | 1,399,677 |
| Kingston, NY | 843,743 |
| Middletown, NY | 820,359 |
| Saratoga Springs, NY | 774,978 |
| Utica, NY | 1,961,519 |
| NORTH CAROLINA | $13,006,479 |
| Burlington, NC | 1,124,039 |
| Concord, NC | 1,301,282 |
| Gastonia, NC | 1,566,942 |
| Goldsboro, NC | 666,422 |
| Greenville, NC | 1,113,379 |
| Hickory, NC | 1,902,663 |
| High Point, NC | 1,565,774 |
| Jacksonville, NC | 1,149,457 |
| Rocky Mount, NC | 746,318 |
| Wilmington, NC | 1,870,203 |
| NORTH DAKOTA | $4,184,575 |
| Bismarck, ND | 1,320,760 |
| Fargo, ND--MN | 1,860,920 |
| Grand Forks, ND--MN | 1,002,895 |
| OHIO | $10,528,973 |
| Huntington, WV--KY--OH | 421,789 |
| Lima, OH | 904,286 |
| Lorain--Elyria, OH | 2,739,248 |
| Mansfield, OH | 966,144 |
| Middletown, OH | 1,261,364 |
| Newark, OH | 1,197,898 |
| Parkersburg, WV--OH | 296,796 |
| Sandusky, OH | 640,143 |

**FEDERAL TRANSIT ADMINISTRATION**
**TABLE 3**

**FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Springfield, OH | 1,222,006 |
| Weirton, WV--Steubenville, OH--PA | 509,640 |
| Wheeling, WV--OH | 369,659 |
| OKLAHOMA | $2,540,969 |
| Fort Smith, AR--OK | 26,398 |
| Lawton, OK | 1,106,324 |
| Norman, OK | 1,408,247 |
| OREGON | $3,608,972 |
| Bend, OR | 705,913 |
| Corvallis, OR | 1,052,964 |
| Longview, WA--OR | 18,914 |
| Medford, OR | 1,831,181 |
| PENNSYLVANIA | $16,434,754 |
| Altoona, PA | 1,165,139 |
| Binghamton, NY--PA | 50,122 |
| Cumberland, MD--WV--PA | 158 |
| Erie, PA | 3,310,211 |
| Hagerstown, MD--WV--PA | 14,571 |
| Hazleton, PA | 664,192 |
| Johnstown, PA | 1,233,026 |
| Lebanon, PA | 1,016,606 |
| Monessen, PA | 940,532 |
| Pottstown, PA | 838,715 |
| State College, PA | 2,041,771 |
| Uniontown--Connellsville, PA | 919,835 |
| Weirton, WV--Steubenville, OH--PA | 3,159 |
| Williamsport, PA | 1,602,623 |
| York, PA | 2,634,094 |
| PUERTO RICO | $14,356,235 |
| Arecibo, PR | 1,932,019 |
| Fajardo, PR | 1,344,734 |
| Florida--Barceloneta--Bajadero, PR | 744,200 |
| Guayama, PR | 1,231,351 |
| Juana Diaz, PR | 912,206 |
| Mayaguez, PR | 1,901,862 |
| Ponce, PR | 3,459,965 |
| San German--Cabo Rojo--Sabana Grande, PR | 1,300,092 |
| Yauco, PR | 1,529,806 |
| RHODE ISLAND | 0 |
| SOUTH CAROLINA | $7,454,181 |
| Anderson, SC | 740,891 |
| Florence, SC | 1,108,208 |
| Mauldin--Simpsonville, SC | 910,191 |
| Myrtle Beach, SC | 1,370,227 |
| Rock Hill, SC | 763,297 |
| Spartanburg, SC | 1,540,564 |
| Sumter, SC | 1,020,803 |
| SOUTH DAKOTA | $3,090,399 |
| Rapid City, SD | 947,499 |
| Sioux City, IA--NE--SD | 43,187 |
| Sioux Falls, SD | 2,099,713 |
| TENNESSEE | $7,487,889 |
| Bristol, TN--Bristol, VA | 401,646 |
| Clarksville, TN--KY | 1,167,968 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Cleveland, TN | 643,942 |
| Jackson, TN | 947,668 |
| Johnson City, TN | 1,108,038 |
| Kingsport, TN--VA | 971,701 |
| Morristown, TN | 600,244 |
| Murfreesboro, TN | 1,646,682 |
| TEXAS | $40,298,557 |
| Abilene, TX | 1,550,986 |
| Amarillo, TX | 2,695,039 |
| Beaumont, TX | 1,779,413 |
| Brownsville, TX | 2,998,936 |
| College Station--Bryan, TX | 2,107,253 |
| Galveston, TX | 1,578,733 |
| Harlingen, TX | 1,471,958 |
| Killeen, TX | 2,631,954 |
| Lake Jackson--Angleton, TX | 1,045,107 |
| Laredo, TX | 3,981,459 |
| Longview, TX | 955,555 |
| McKinney, TX | 748,290 |
| Midland, TX | 1,419,074 |
| Odessa, TX | 1,557,788 |
| Port Arthur, TX | 1,752,051 |
| San Angelo, TX | 1,443,836 |
| Sherman, TX | 726,571 |
| Temple, TX | 925,525 |
| Texarkana, TX--Texarkana, AR | 533,684 |
| Texas City, TX | 1,211,982 |
| The Woodlands, TX | 1,654,715 |
| Tyler, TX | 1,314,183 |
| Victoria, TX | 687,204 |
| Waco, TX | 2,193,495 |
| Wichita Falls, TX | 1,333,766 |
| UTAH | $2,008,409 |
| Logan, UT | 1,174,186 |
| St. George, UT | 834,223 |
| VERMONT | $1,711,061 |
| Burlington, VT | 1,711,061 |
| VIRGIN ISLANDS | 974,119 1/ |
| VIRGINIA | $10,854,396 |
| Blacksburg, VA | 1,458,226 |
| Bristol, TN--Bristol, VA | 234,263 |
| Charlottesville, VA | 1,541,497 |
| Danville, VA | 621,214 |
| Fredericksburg, VA | 1,161,900 |
| Harrisonburg, VA | 1,100,091 |
| Kingsport, TN--VA | 18,355 |
| Lynchburg, VA | 1,519,502 |
| Roanoke, VA | 2,536,347 |
| Winchester, VA | 663,001 |
| WASHINGTON | $16,315,488 |
| Bellingham, WA | 1,767,851 |
| Bremerton, WA | 2,674,970 |
| Kennewick--Richland, WA | 2,782,958 |
| Lewiston, ID--WA | 240,346 |
| Longview, WA--OR | 852,435 |
| Marysville, WA | 1,396,245 |
| Mount Vernon, WA | 1,022,980 |
| Olympia--Lacey, WA | 2,537,570 |

FEDERAL TRANSIT ADMINISTRATION
TABLE 3

## FY 2011 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Wenatchee, WA | 1,158,089 |
| Yakima, WA | 1,882,044 |
| WEST VIRGINIA | $6,922,112 |
| Charleston, WV | 2,500,714 |
| Cumberland, MD--WV--PA | 26,224 |
| Hagerstown, MD--WV--PA | 343,212 |
| Huntington, WV--KY--OH | 1,140,302 |
| Morgantown, WV | 1,079,544 |
| Parkersburg, WV--OH | 774,525 |
| Weirton, WV--Steubenville, OH--PA | 353,841 |
| Wheeling, WV--OH | 703,750 |
| WISCONSIN | $18,375,054 |
| Appleton, WI | 2,878,182 |
| Beloit, WI--IL | 604,608 |
| Duluth, MN--WI | 517,361 |
| Eau Claire, WI | 1,246,813 |
| Fond du Lac, WI | 750,158 |
| Green Bay, WI | 2,701,118 |
| Janesville, WI | 945,712 |
| Kenosha, WI | 1,723,544 |
| La Crosse, WI--MN | 1,455,088 |
| Oshkosh, WI | 1,373,035 |
| Racine, WI | 2,092,005 |
| Sheboygan, WI | 1,202,102 |
| Wausau, WI | 885,328 |
| WYOMING | $1,752,021 |
| Casper, WY | 822,554 |
| Cheyenne, WY | 929,467 |
| **Total** | **$471,185,073** |

1/ Language in section 5307(l) of SAFETEA-LU directs that the Virgin Islands be treated as an urbanized area.

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2011 SECTION 5307 APPORTIONMENT FORMULA

**Distribution of Available Funds**

Of the funds made available to the Section 5307 program, a one percent takedown is authorized for Small Transit Intensive Cities. This amount is apportioned to the Governors based on a separate formula that uses criteria related to specific service performance categories.

The remaining funds are apportioned to small, medium, and large sized urbanized areas (UZAs). 9.32% is made available for UZAs 50,000-199,999 in population, and 90.68% to UZAs 200,000 or more in population.

**UZA Population and Weighting Factors**

50,000-199,999 in population : 9.32% of available Section 5307 funds
(Apportioned to Governors)
*50% apportioned based on population*
*50% apportioned based on population x population density*

200,000 and greater in population: 90.68% of available Section 5307 funds
(Apportioned to UZAs)
33.29% (Fixed Guideway Tier*)
95.61% (Non-incentive Portion of Tier)
--- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater
60% - fixed guideway revenue vehicle miles
40% - fixed guideway route miles

4.39% ("Incentive" Portion of Tier)
-- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater
-- fixed guideway passenger miles x fixed guideway passenger miles/operating cost

66.71% ("Bus" Tier)
90.8% (Non-incentive Portion of Tier)
73.39% for UZAs with population 1,000,000 or greater
50% - bus revenue vehicle miles
25% - population
25% - population x population density
26.61% for UZAs pop. < 1,000,000
50% - bus revenue vehicle miles
25% - population
25% - population x density
9.2% ("Incentive" Portion of Tier)
-- bus passenger miles x bus passenger miles/operating cost

* Includes all fixed guideway modes, such as heavy rail, commuter rail, light rail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, exclusive busways, and HOV lanes.

**FEDERAL TRANSIT ADMINISTRATION**

**TABLE 5**

**FISCAL YEAR 2011 FORMULA PROGRAMS APPORTIONMENT DATA UNIT VALUES**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| | APPORTIONMENT DATA UNIT VALUE |
|---|---|
| **Section 5307 Urbanized Area Formula Program - Bus Tier** | |
| Urbanized Areas Over 1,000,000: | |
| Population | $3.46579038 |
| Population x Density | $0.00087938 |
| Bus Revenue Vehicle Mile | $0.41717199 |
| Urbanized Areas Under 1,000,000: | |
| Population | $3.17626045 |
| Population x Density | $0.00138973 |
| Bus Revenue Vehicle Mile | $0.53625363 |
| Bus Incentive (PM denotes Passenger Mile): | |
| Bus PM x Bus PM = Operating Cost | $0.00949621 |
| **Section 5307 Urbanized Area Formula Program - Fixed Guideway Tier** | |
| Fixed Guideway Revenue Vehicle Mile | $0.60675634 |
| Fixed Guideway Route Mile | $31,828 |
| Commuter Rail Floor | $8,866,009 |
| Fixed Guideway Incentive: | |
| Fixed Guideway PM x Fixed Guideway PM = Operating Cost | $0.00068612 |
| Commuter Rail Incentive Floor | $407,089 |
| **Section 5307 Urbanized Area Formula Program - Areas Under 200,000** | |
| Population | $6.38836773 |
| Population x Density | $0.00317786 |
| **Section 5307 Small Transit Intensive Cities** | |
| For Each Qualifying Performance Category | $129,606 |
| **Section 5311 Urbanized Area Formula Program - Areas Under 50,000** | |
| Population | $4.91382158 |

**Section 5309 Capital Program - Fixed Guideway Modernization**

| | Tier 2 | Tier 3 | Tier 4 | Tier 5 | Tier 6 | Tier 7 |
|---|---|---|---|---|---|---|
| Legislatively Specified Areas: | | | | | | |
| Revenue Vehicle Mile | $0.03043443 | ------- | $0.13671435 | $0.03286448 | $0.02166889 | $0.27802445 |
| Route Mile | $2,122.43 | ------- | $7,825.39 | $2,579.15 | $1,700.54 | $21,818.86 |
| Other Urbanized Areas: | | | | | | |
| Revenue Vehicle Mile | $0.16288440 | $0.00576164 | $0.13671435 | $0.05681065 | $0.04637604 | $0.89254754 |
| Route Mile | $4,758.70 | $168.33 | $7,825.39 | $1,711.67 | $1,397.28 | $26,891.92 |

Notes:

1. Unit values for Section 5307 do not take into account Section 5340 funding added to the program.

2. The unit value for Section 5311 is based on the total nonurbanized/rural population for the States and territories. It does not take into account Section 5311 funds allocated based on land area in nonurbanized areas, or Section 5340 funding added to the program.

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Alabama | Anniston, AL | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Alabama | Auburn, AL | 1.000 | 14.286 | 4.836 | 0.339 | 4.836 | 0.916 | 0 | 0 |
| Alabama | Decatur, AL | 0.954 | 11.935 | 9.117 | 0.729 | 8.699 | 2.973 | 0 | 0 |
| Alabama | Dothan, AL | 0.996 | 18.712 | 14.461 | 0.770 | 14.407 | 1.090 | 1 | 129,606 |
| Alabama | Florence, AL | 2.035 | 23.636 | 7.524 | 0.648 | 15.312 | 4.989 | 0 | 0 |
| Alabama | Gadsden, AL | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Alabama | Montgomery, AL | 4.334 | 68.246 | 8.318 | 0.528 | 36.046 | 6.790 | 0 | 0 |
| Alabama | Tuscaloosa, AL | 3.352 | 39.894 | 2.786 | 0.234 | 9.338 | 1.784 | 0 | 0 |
| Alaska | Fairbanks, AK | 4.947 | 81.729 | 11.405 | 0.690 | 56.423 | 7.652 | 0 | 0 |
| Arizona | Avondale, AZ | 1.102 | 18.422 | 6.923 | 0.414 | 7.631 | 1.728 | 0 | 0 |
| Arizona | Flagstaff, AZ | 3.669 | 49.560 | 12.762 | 0.945 | 46.821 | 18.444 | 3 | 388,819 |
| Arizona | Prescott, AZ | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Arizona | Yuma, AZ--CA | 1.276 | 28.071 | 12.824 | 0.583 | 16.364 | 3.804 | 1 | 129,606 |
| Arkansas | Fayetteville--Springdale, AR | 3.726 | 43.905 | 4.562 | 0.387 | 16.999 | 8.837 | 0 | 0 |
| Arkansas | Fort Smith, AR--OK | 2.274 | 30.356 | 4.264 | 0.319 | 9.698 | 2.110 | 0 | 0 |
| Arkansas | Hot Springs, AR | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Arkansas | Jonesboro, AR | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Arkansas | Pine Bluff, AR | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| California | Atascadero--El Paso de Robles (Paso Robles), CA | 10.429 | 280.642 | 5.000 | 0.186 | 52.144 | 1.805 | 2 | 259,213 |
| California | Camarillo, CA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| California | Chico, CA | 5.696 | 83.982 | 14.213 | 0.964 | 80.956 | 14.933 | 2 | 259,213 |
| California | Davis, CA | 9.358 | 117.848 | 17.361 | 1.379 | 162.465 | 56.523 | 6 | 777,639 |
| California | El Centro, CA | 12.772 | 245.026 | 13.554 | 0.707 | 173.111 | 9.520 | 4 | 518,426 |
| California | Fairfield, CA | 4.613 | 92.027 | 13.016 | 0.653 | 60.048 | 6.792 | 1 | 129,606 |
| California | Gilroy--Morgan Hill, CA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| California | Hanford, CA | 5.232 | 177.199 | 76.899 | 2.271 | 402.363 | 21.878 | 5 | 648,032 |
| California | Hemet, CA | 2.147 | 41.743 | 6.344 | 0.326 | 13.622 | 1.500 | 0 | 0 |
| California | Livermore, CA | 3.914 | 54.524 | 5.225 | 0.375 | 20.454 | 4.175 | 0 | 0 |
| California | Lodi, CA | 1.658 | 17.602 | 6.077 | 0.572 | 10.075 | 3.523 | 0 | 0 |
| California | Lompoc, CA | 10.073 | 139.170 | 8.540 | 0.618 | 86.029 | 5.304 | 2 | 259,213 |
| California | Madera, CA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| California | Manteca, CA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| California | Merced, CA | 1.856 | 36.763 | 7.263 | 0.367 | 13.484 | 2.240 | 0 | 0 |
| California | Napa, CA | 2.370 | 29.145 | 8.217 | 0.668 | 19.471 | 5.157 | 0 | 0 |
| California | Petaluma, CA | 3.875 | 50.613 | 7.433 | 0.569 | 28.802 | 4.964 | 0 | 0 |
| California | Porterville, CA | 5.513 | 84.564 | 7.586 | 0.495 | 41.822 | 9.557 | 0 | 0 |
| California | Redding, CA | 4.502 | 72.411 | 10.435 | 0.649 | 46.978 | 8.557 | 0 | 0 |
| California | Salinas, CA | 6.949 | 114.338 | 8.887 | 0.540 | 61.761 | 9.252 | 2 | 259,213 |
| California | San Luis Obispo, CA | 20.587 | 313.819 | 13.215 | 0.867 | 272.059 | 22.014 | 6 | 777,639 |
| California | Santa Barbara, CA | 12.700 | 175.191 | 16.670 | 1.208 | 211.717 | 43.047 | 6 | 777,639 |
| California | Santa Clarita, CA | 11.642 | 202.302 | 16.000 | 0.921 | 186.278 | 17.929 | 6 | 777,638 |
| California | Santa Cruz, CA | 9.850 | 139.422 | 22.336 | 1.578 | 220.017 | 36.161 | 6 | 777,638 |
| California | Santa Maria, CA | 9.861 | 168.151 | 10.193 | 0.598 | 100.512 | 11.087 | 3 | 388,819 |
| California | Seaside--Monterey--Marina, CA | 6.003 | 97.695 | 19.123 | 1.175 | 114.795 | 17.310 | 4 | 518,426 |
| California | Simi Valley, CA | 3.678 | 51.714 | 5.757 | 0.409 | 21.176 | 4.250 | 0 | 0 |
| California | Tracy, CA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| California | Turlock, CA | 1.837 | 29.548 | 20.053 | 1.247 | 36.843 | 17.070 | 3 | 388,819 |
| California | Vacaville, CA | 8.383 | 157.729 | 0.641 | 0.034 | 5.372 | 0.551 | 2 | 259,213 |
| California | Vallejo, CA | 5.482 | 81.997 | 7.839 | 0.524 | 42.975 | 5.727 | 0 | 0 |
| California | Visalia, CA | 4.298 | 59.795 | 12.710 | 0.914 | 54.627 | 13.199 | 2 | 259,213 |
| California | Watsonville, CA | 8.530 | 127.490 | 9.482 | 0.634 | 80.880 | 12.782 | 2 | 259,213 |
| California | Yuba City, CA | 6.213 | 94.617 | 11.696 | 0.768 | 72.673 | 10.740 | 0 | 0 |
| Colorado | Boulder, CO | 9.035 | 124.344 | 25.814 | 1.876 | 233.237 | 45.979 | 6 | 777,638 |
| Colorado | Grand Junction, CO | 4.696 | 74.522 | 8.884 | 0.560 | 41.720 | 9.405 | 0 | 0 |
| Colorado | Greeley, CO | 3.874 | 46.962 | 5.663 | 0.467 | 21.938 | 5.922 | 0 | 0 |
| Colorado | Lafayette--Louisville, CO | 8.788 | 122.484 | 6.783 | 0.487 | 59.608 | 11.883 | 2 | 259,213 |
| Colorado | Longmont, CO | 8.546 | 116.284 | 15.124 | 1.111 | 129.244 | 25.071 | 6 | 777,638 |
| Colorado | Pueblo, CO | 3.638 | 56.583 | 6.671 | 0.429 | 24.273 | 7.735 | 0 | 0 |
| Connecticut | Danbury, CT--NY | 29.205 | 791.504 | 35.247 | 1.301 | 1029.388 | 42.032 | 6 | 777,638 |
| Connecticut | Norwich--New London, CT | 6.150 | 115.480 | 9.421 | 0.502 | 57.944 | 7.170 | 1 | 129,606 |
| Connecticut | Waterbury, CT | 28.325 | 672.900 | 29.844 | 1.256 | 845.338 | 42.940 | 6 | 777,638 |
| Delaware | Dover, DE | 3.151 | 54.532 | 31.655 | 1.829 | 99.758 | 13.450 | 3 | 388,819 |
| Florida | Brooksville, FL | 1.904 | 36.391 | 5.392 | 0.282 | 10.269 | 1.603 | 0 | 0 |
| Florida | Deltona, FL | 3.262 | 49.465 | 7.476 | 0.493 | 24.386 | 4.703 | 0 | 0 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Florida | Fort Walton Beach, FL | 1.353 | 18.763 | 6.857 | 0.495 | 9.279 | 1.645 | 0 | 0 |
| Florida | Gainesville, FL | 8.042 | 92.668 | 19.772 | 1.716 | 159.007 | 56.299 | 5 | 648,032 |
| Florida | Kissimmee, FL | 5.035 | 75.806 | 13.767 | 0.914 | 69.321 | 11.220 | 2 | 259,213 |
| Florida | Lady Lake, FL | 2.583 | 45.575 | 11.361 | 0.644 | 29.342 | 2.013 | 0 | 0 |
| Florida | Lakeland, FL | 4.548 | 68.513 | 9.097 | 0.604 | 41.371 | 7.866 | 0 | 0 |
| Florida | Leesburg--Eustis, FL | 2.720 | 49.263 | 12.612 | 0.696 | 34.307 | 2.288 | 1 | 129,606 |
| Florida | North Port--Punta Gorda, FL | 1.091 | 18.606 | 4.016 | 0.236 | 4.382 | 0.566 | 0 | 0 |
| Florida | Ocala, FL | 1.160 | 18.800 | 0.001 | 0.000 | 0.001 | 0.000 | 0 | 0 |
| Florida | Panama City, FL | 3.146 | 56.848 | 9.483 | 0.525 | 29.832 | 6.458 | 0 | 0 |
| Florida | St. Augustine, FL | 2.688 | 48.517 | 7.515 | 0.416 | 20.199 | 2.764 | 0 | 0 |
| Florida | Titusville, FL | 6.194 | 197.307 | 21.148 | 0.664 | 131.000 | 5.403 | 3 | 388,819 |
| Florida | Vero Beach--Sebastian, FL | 3.771 | 45.816 | 6.853 | 0.564 | 25.845 | 5.331 | 0 | 0 |
| Florida | Winter Haven, FL | 2.163 | 35.644 | 11.105 | 0.674 | 24.024 | 3.512 | 0 | 0 |
| Florida | Zephyrhills, FL | 4.069 | 70.135 | 6.737 | 0.391 | 27.414 | 4.222 | 0 | 0 |
| Georgia | Albany, GA | 7.184 | 116.990 | 6.735 | 0.414 | 48.381 | 10.083 | 2 | 259,213 |
| Georgia | Athens-Clarke County, GA | 6.769 | 56.893 | 14.648 | 1.743 | 99.148 | 105.901 | 5 | 648,032 |
| Georgia | Brunswick, GA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Georgia | Dalton, GA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Georgia | Gainesville, GA | 0.752 | 10.176 | 3.181 | 0.235 | 2.390 | 1.628 | 0 | 0 |
| Georgia | Hinesville, GA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Georgia | Macon, GA | 3.459 | 47.963 | 8.334 | 0.601 | 28.828 | 6.732 | 0 | 0 |
| Georgia | Rome, GA | 8.156 | 93.311 | 9.694 | 0.847 | 79.071 | 12.322 | 2 | 259,213 |
| Georgia | Valdosta, GA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Georgia | Warner Robins, GA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Hawaii | Kailua (Honolulu County)--Kaneohe, HI | 12.124 | 167.053 | 2.157 | 0.157 | 26.146 | 4.781 | 2 | 259,213 |
| Idaho | Coeur d'Alene, ID | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Idaho | Idaho Falls, ID | 1.715 | 22.424 | 8.142 | 0.623 | 13.961 | 1.940 | 0 | 0 |
| Idaho | Lewiston, ID--WA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Idaho | Nampa, ID | 4.797 | 106.453 | 5.939 | 0.268 | 28.491 | 2.154 | 0 | 0 |
| Idaho | Pocatello, ID | 4.679 | 65.095 | 7.830 | 0.563 | 36.638 | 7.486 | 0 | 0 |
| Illinois | Alton, IL | 5.329 | 94.453 | 4.037 | 0.228 | 21.517 | 2.813 | 0 | 0 |
| Illinois | Bloomington--Normal, IL | 3.124 | 45.130 | 13.151 | 0.910 | 41.076 | 14.617 | 2 | 259,213 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Illinois | Champaign, IL | 10.106 | 114.839 | 24.952 | 2.196 | 252.170 | 81.691 | 6 | 777,638 |
| Illinois | Danville, IL | 4.987 | 93.323 | 9.684 | 0.518 | 48.297 | 9.736 | 0 | 0 |
| Illinois | Decatur, IL | 3.437 | 47.572 | 11.611 | 0.839 | 39.906 | 13.388 | 1 | 129,606 |
| Illinois | DeKalb, IL | 1.574 | 23.465 | 11.215 | 0.752 | 17.650 | 2.147 | 0 | 0 |
| Illinois | Kankakee, IL | 5.110 | 74.425 | 13.897 | 0.954 | 71.014 | 9.738 | 2 | 259,213 |
| Illinois | Springfield, IL | 3.004 | 37.531 | 10.211 | 0.817 | 30.676 | 11.046 | 0 | 0 |
| Indiana | Anderson, IN | 2.032 | 26.911 | 4.203 | 0.317 | 8.540 | 1.846 | 0 | 0 |
| Indiana | Bloomington, IN | 6.058 | 64.657 | 12.244 | 1.147 | 74.179 | 33.062 | 2 | 259,213 |
| Indiana | Columbus, IN | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Indiana | Elkhart, IN--MI | 2.596 | 39.952 | 5.563 | 0.361 | 14.438 | 2.416 | 0 | 0 |
| Indiana | Kokomo, IN | 1.235 | 11.876 | 9.430 | 0.981 | 11.650 | 2.524 | 1 | 129,606 |
| Indiana | Lafayette, IN | 6.032 | 68.558 | 12.658 | 1.114 | 76.359 | 37.711 | 3 | 388,819 |
| Indiana | Michigan City, IN--MI | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Indiana | Muncie, IN | 5.543 | 72.347 | 11.685 | 0.895 | 64.771 | 21.323 | 2 | 259,213 |
| Indiana | Terre Haute, IN | 1.451 | 12.385 | 4.883 | 0.572 | 7.084 | 3.983 | 0 | 0 |
| Iowa | Ames, IA | 6.857 | 72.329 | 22.166 | 2.101 | 151.992 | 98.611 | 5 | 648,032 |
| Iowa | Cedar Rapids, IA | 4.779 | 60.927 | 8.453 | 0.663 | 40.401 | 8.064 | 0 | 0 |
| Iowa | Dubuque, IA--IL | 2.059 | 24.198 | 8.284 | 0.705 | 17.057 | 5.423 | 0 | 0 |
| Iowa | Iowa City, IA | 5.539 | 62.388 | 23.821 | 2.115 | 131.958 | 77.497 | 4 | 518,426 |
| Iowa | Sioux City, IA--NE--SD | 8.385 | 106.001 | 6.905 | 0.546 | 57.898 | 11.246 | 1 | 129,606 |
| Iowa | Waterloo, IA | 1.062 | 16.734 | 9.514 | 0.604 | 10.108 | 5.083 | 0 | 0 |
| Kansas | Lawrence, KS | 2.892 | 34.153 | 11.608 | 0.983 | 33.572 | 12.316 | 1 | 129,606 |
| Kansas | Topeka, KS | 4.175 | 65.029 | 10.832 | 0.695 | 45.222 | 11.648 | 0 | 0 |
| Kentucky | Bowling Green, KY | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Kentucky | Owensboro, KY | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Kentucky | Radcliff--Elizabethtown, KY | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Louisiana | Alexandria, LA | 5.018 | 80.419 | 8.270 | 0.516 | 41.499 | 10.646 | 0 | 0 |
| Louisiana | Houma, LA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Louisiana | Lafayette, LA | 9.119 | 121.277 | 4.789 | 0.360 | 43.674 | 8.358 | 2 | 259,213 |
| Louisiana | Lake Charles, LA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Louisiana | Mandeville--Covington, LA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Louisiana | Monroe, LA | 4.585 | 69.822 | 7.382 | 0.485 | 33.848 | 10.575 | 0 | 0 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Louisiana | Slidell, LA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Maine | Bangor, ME | 6.049 | 80.878 | 10.327 | 0.772 | 62.464 | 14.958 | 0 | 0 |
| Maine | Lewiston, ME | 3.043 | 39.016 | 4.747 | 0.370 | 14.445 | 4.645 | 0 | 0 |
| Maine | Portland, ME | 6.137 | 69.703 | 8.400 | 0.740 | 51.550 | 12.854 | 0 | 0 |
| Maryland | Aberdeen--Havre de Grace--Bel Air, MD | 3.344 | 60.890 | 4.305 | 0.236 | 14.397 | 1.737 | 0 | 0 |
| Maryland | Cumberland, MD--WV--PA | 3.495 | 53.302 | 8.883 | 0.582 | 31.043 | 3.398 | 0 | 0 |
| Maryland | Frederick, MD | 3.241 | 45.419 | 9.771 | 0.697 | 31.665 | 6.647 | 0 | 0 |
| Maryland | Hagerstown, MD--WV--PA | 3.017 | 45.423 | 4.000 | 0.266 | 12.068 | 3.204 | 0 | 0 |
| Maryland | Salisbury, MD--DE | 0.000 | 0.000 | 32.947 | 1.582 | 0.000 | 8.610 | 2 | 259,213 |
| Maryland | St. Charles, MD | 3.884 | 63.606 | 8.304 | 0.507 | 32.249 | 3.836 | 0 | 0 |
| Maryland | Westminster, MD | 1.416 | 18.396 | 11.878 | 0.915 | 16.825 | 2.048 | 1 | 129,606 |
| Massachusetts | Leominster--Fitchburg, MA | 2.560 | 42.924 | 24.469 | 1.459 | 62.631 | 7.678 | 2 | 259,213 |
| Massachusetts | New Bedford, MA | 4.891 | 61.641 | 5.145 | 0.408 | 25.162 | 5.457 | 0 | 0 |
| Massachusetts | Pittsfield, MA | 3.828 | 52.778 | 16.353 | 1.186 | 62.595 | 7.967 | 2 | 259,213 |
| Michigan | Battle Creek, MI | 3.960 | 52.370 | 6.545 | 0.495 | 25.917 | 6.945 | 0 | 0 |
| Michigan | Bay City, MI | 2.731 | 50.742 | 19.021 | 1.024 | 51.952 | 8.250 | 2 | 259,213 |
| Michigan | Benton Harbor--St. Joseph, MI | 1.898 | 21.336 | 7.137 | 0.635 | 13.546 | 2.797 | 0 | 0 |
| Michigan | Holland, MI | 1.108 | 13.897 | 8.664 | 0.691 | 9.600 | 3.413 | 0 | 0 |
| Michigan | Jackson, MI | 2.404 | 35.533 | 8.602 | 0.582 | 20.682 | 6.341 | 0 | 0 |
| Michigan | Kalamazoo, MI | 3.859 | 45.441 | 10.893 | 0.925 | 42.037 | 13.934 | 1 | 129,606 |
| Michigan | Monroe, MI | 2.742 | 34.833 | 9.090 | 0.716 | 24.929 | 5.569 | 0 | 0 |
| Michigan | Muskegon, MI | 3.889 | 48.438 | 5.127 | 0.412 | 19.939 | 4.833 | 0 | 0 |
| Michigan | Port Huron, MI | 1.528 | 23.896 | 21.161 | 1.353 | 32.343 | 11.412 | 2 | 259,213 |
| Michigan | Saginaw, MI | 4.611 | 75.934 | 5.728 | 0.348 | 26.411 | 7.480 | 0 | 0 |
| Michigan | South Lyon--Howell--Brighton, MI | 2.391 | 47.311 | 5.058 | 0.256 | 12.094 | 0.864 | 0 | 0 |
| Minnesota | Duluth, MN--WI | 6.992 | 91.508 | 16.485 | 1.260 | 115.268 | 27.047 | 5 | 648,032 |
| Minnesota | Rochester, MN | 5.232 | 81.424 | 12.731 | 0.818 | 66.608 | 17.797 | 2 | 259,213 |
| Minnesota | St. Cloud, MN | 5.446 | 72.968 | 17.707 | 1.321 | 96.423 | 26.082 | 3 | 388,819 |
| Mississippi | Hattiesburg, MS | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Mississippi | Pascagoula, MS | 7.223 | 381.146 | 4.422 | 0.084 | 31.939 | 0.716 | 2 | 259,213 |
| Missouri | Columbia, MO | 4.931 | 48.836 | 7.771 | 0.785 | 38.321 | 23.263 | 1 | 129,606 |
| Missouri | Jefferson City, MO | 1.979 | 30.049 | 10.051 | 0.662 | 19.887 | 7.118 | 0 | 0 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Missouri | Joplin, MO | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Missouri | Lee's Summit, MO | 1.856 | 28.036 | 0.398 | 0.026 | 0.738 | 0.114 | 0 | 0 |
| Missouri | St. Joseph, MO--KS | 2.341 | 28.018 | 10.754 | 0.899 | 25.179 | 5.015 | 1 | 129,606 |
| Montana | Billings, MT | 3.941 | 51.514 | 7.166 | 0.548 | 28.243 | 7.330 | 0 | 0 |
| Montana | Great Falls, MT | 1.543 | 19.917 | 8.508 | 0.659 | 13.129 | 6.155 | 0 | 0 |
| Montana | Missoula, MT | 3.428 | 50.628 | 12.318 | 0.834 | 42.224 | 17.085 | 2 | 259,213 |
| N. Mariana Islands | Saipan, MP | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Nevada | Carson City, NV | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| New Hampshire | Dover--Rochester, NH--ME | 8.349 | 128.003 | 7.236 | 0.472 | 60.412 | 11.960 | 2 | 259,213 |
| New Hampshire | Manchester, NH | 2.553 | 27.315 | 3.742 | 0.350 | 9.554 | 3.787 | 0 | 0 |
| New Hampshire | Nashua, NH--MA | 4.914 | 65.242 | 2.453 | 0.185 | 12.056 | 2.367 | 0 | 0 |
| New Hampshire | Portsmouth, NH--ME | 8.359 | 128.218 | 5.477 | 0.357 | 45.782 | 9.147 | 2 | 259,213 |
| New Jersey | Hightstown, NJ | 4.006 | 57.597 | 0.481 | 0.033 | 1.928 | 0.448 | 0 | 0 |
| New Jersey | Vineland, NJ | 1.335 | 20.495 | 5.621 | 0.366 | 7.505 | 1.085 | 0 | 0 |
| New Jersey | Wildwood--North Wildwood--Cape May, NJ | 1.335 | 20.495 | 17.653 | 1.150 | 23.572 | 3.407 | 2 | 259,213 |
| New Mexico | Farmington, NM | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| New Mexico | Las Cruces, NM | 3.281 | 37.349 | 6.696 | 0.588 | 21.966 | 6.861 | 0 | 0 |
| New Mexico | Santa Fe, NM | 3.180 | 39.960 | 16.206 | 1.290 | 51.539 | 11.577 | 2 | 259,213 |
| New York | Binghamton, NY--PA | 4.943 | 71.385 | 16.923 | 1.172 | 83.655 | 20.049 | 3 | 388,819 |
| New York | Elmira, NY | 3.157 | 55.935 | 14.230 | 0.803 | 44.922 | 10.351 | 1 | 129,606 |
| New York | Glens Falls, NY | 3.456 | 56.081 | 5.765 | 0.355 | 19.923 | 5.544 | 0 | 0 |
| New York | Ithaca, NY | 4.262 | 66.552 | 39.592 | 2.536 | 168.747 | 63.776 | 4 | 518,426 |
| New York | Kingston, NY | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| New York | Middletown, NY | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| New York | Saratoga Springs, NY | 0.894 | 8.953 | 6.237 | 0.623 | 5.576 | 2.653 | 0 | 0 |
| New York | Utica, NY | 3.340 | 39.244 | 9.111 | 0.775 | 30.433 | 10.471 | 0 | 0 |
| North Carolina | Burlington, NC | 0.000 | 0.000 | 1.939 | 0.044 | 0.000 | 0.492 | 0 | 0 |
| North Carolina | Concord, NC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| North Carolina | Gastonia, NC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| North Carolina | Goldsboro, NC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| North Carolina | Greenville, NC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| North Carolina | Hickory, NC | 3.137 | 54.463 | 4.244 | 0.244 | 13.315 | 1.290 | 0 | 0 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

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|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| North Carolina | High Point, NC | 1.664 | 29.883 | 11.550 | 0.643 | 19.217 | 8.013 | 0 | 0 |
| North Carolina | Jacksonville, NC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| North Carolina | Rocky Mount, NC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| North Carolina | Wilmington, NC | 1.812 | 27.385 | 11.971 | 0.792 | 21.693 | 9.216 | 0 | 0 |
| North Dakota | Bismarck, ND | 1.190 | 17.240 | 12.721 | 0.878 | 15.141 | 4.025 | 2 | 259,213 |
| North Dakota | Fargo, ND--MN | 4.771 | 61.629 | 8.958 | 0.694 | 42.741 | 13.582 | 0 | 0 |
| North Dakota | Grand Forks, ND--MN | 2.085 | 20.370 | 11.350 | 1.162 | 23.667 | 5.892 | 1 | 129,606 |
| Ohio | Lima, OH | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Ohio | Lorain--Elyria, OH | 3.094 | 54.397 | 5.628 | 0.320 | 17.416 | 2.881 | 0 | 0 |
| Ohio | Mansfield, OH | 2.792 | 32.974 | 3.994 | 0.338 | 11.153 | 3.600 | 0 | 0 |
| Ohio | Middletown, OH | 3.983 | 56.908 | 2.646 | 0.185 | 10.541 | 2.102 | 0 | 0 |
| Ohio | Newark, OH | 0.885 | 14.789 | 14.140 | 0.846 | 12.517 | 2.063 | 2 | 259,213 |
| Ohio | Sandusky, OH | 1.482 | 14.713 | 4.982 | 0.502 | 7.384 | 1.646 | 0 | 0 |
| Ohio | Springfield, OH | 2.519 | 28.633 | 3.042 | 0.268 | 7.661 | 4.203 | 0 | 0 |
| Ohio | Weirton, WV--Steubenville, OH--PA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Oklahoma | Lawton, OK | 2.769 | 40.886 | 7.671 | 0.520 | 21.245 | 4.795 | 0 | 0 |
| Oklahoma | Norman, OK | 5.294 | 60.834 | 6.549 | 0.570 | 34.671 | 15.264 | 0 | 0 |
| Oregon | Bend, OR | 0.610 | 5.592 | 5.526 | 0.603 | 3.371 | 5.661 | 0 | 0 |
| Oregon | Corvallis, OR | 8.295 | 117.864 | 6.801 | 0.479 | 56.413 | 11.811 | 2 | 259,213 |
| Oregon | Medford, OR | 5.964 | 101.819 | 7.482 | 0.438 | 44.628 | 8.606 | 0 | 0 |
| Pennsylvania | Altoona, PA | 4.093 | 51.535 | 6.217 | 0.494 | 25.443 | 7.359 | 0 | 0 |
| Pennsylvania | Erie, PA | 3.688 | 44.564 | 15.632 | 1.294 | 57.647 | 16.819 | 3 | 388,819 |
| Pennsylvania | Hazleton, PA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Pennsylvania | Johnstown, PA | 6.647 | 72.208 | 9.495 | 0.874 | 63.110 | 15.828 | 2 | 259,213 |
| Pennsylvania | Lebanon, PA | 3.489 | 59.031 | 12.638 | 0.747 | 44.093 | 5.802 | 1 | 129,606 |
| Pennsylvania | Monessen, PA | 13.956 | 189.769 | 4.836 | 0.356 | 67.491 | 2.863 | 2 | 259,213 |
| Pennsylvania | Pottstown, PA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Pennsylvania | State College, PA | 10.680 | 150.260 | 24.859 | 1.767 | 265.493 | 99.558 | 6 | 777,638 |
| Pennsylvania | Uniontown--Connellsville, PA | 1.516 | 26.520 | 23.450 | 1.341 | 35.552 | 4.233 | 2 | 259,213 |
| Pennsylvania | Williamsport, PA | 7.472 | 112.841 | 14.307 | 0.947 | 106.906 | 22.104 | 6 | 777,638 |
| Pennsylvania | York, PA | 3.148 | 43.826 | 13.379 | 0.961 | 42.120 | 7.846 | 2 | 259,213 |
| Puerto Rico | Arecibo, PR | 3.160 | 36.365 | 13.204 | 1.147 | 41.728 | 9.413 | 2 | 259,213 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Puerto Rico | Fajardo, PR | 3.533 | 41.489 | 24.297 | 2.069 | 85.840 | 18.507 | 3 | 388,819 |
| Puerto Rico | Florida--Barceloneta--Bajadero, PR | 3.558 | 39.479 | 4.045 | 0.365 | 14.394 | 3.206 | 0 | 0 |
| Puerto Rico | Guayama, PR | 4.427 | 44.348 | 13.130 | 1.311 | 58.127 | 14.079 | 2 | 259,213 |
| Puerto Rico | Juana Diaz, PR | 3.851 | 39.866 | 14.311 | 1.382 | 55.110 | 13.762 | 2 | 259,213 |
| Puerto Rico | Mayaguez, PR | 3.146 | 27.913 | 21.686 | 2.444 | 68.224 | 19.496 | 3 | 388,819 |
| Puerto Rico | Ponce, PR | 3.767 | 32.405 | 7.482 | 0.870 | 28.187 | 9.114 | 1 | 129,606 |
| Puerto Rico | San German--Cabo Rojo--Sabana Grande, PR | 3.399 | 39.932 | 10.104 | 0.860 | 34.342 | 7.285 | 1 | 129,606 |
| Puerto Rico | Yauco, PR | 3.345 | 36.870 | 17.738 | 1.609 | 59.337 | 12.253 | 2 | 259,213 |
| South Carolina | Anderson, SC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| South Carolina | Florence, SC | 2.576 | 60.301 | 39.269 | 1.677 | 101.144 | 4.809 | 3 | 388,819 |
| South Carolina | Mauldin--Simpsonville, SC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| South Carolina | Myrtle Beach, SC | 2.277 | 32.732 | 5.172 | 0.360 | 11.776 | 2.173 | 0 | 0 |
| South Carolina | Rock Hill, SC | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| South Carolina | Spartanburg, SC | 2.706 | 38.062 | 6.690 | 0.476 | 18.104 | 3.770 | 0 | 0 |
| South Carolina | Sumter, SC | 3.327 | 62.784 | 26.953 | 1.428 | 89.665 | 5.869 | 2 | 259,213 |
| South Dakota | Rapid City, SD | 2.424 | 26.356 | 7.094 | 0.652 | 17.193 | 4.536 | 0 | 0 |
| South Dakota | Sioux Falls, SD | 5.044 | 64.131 | 10.654 | 0.838 | 53.735 | 8.484 | 1 | 129,606 |
| Tennessee | Bristol, TN--Bristol, VA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Tennessee | Clarksville, TN--KY | 3.182 | 49.586 | 10.710 | 0.687 | 34.073 | 6.128 | 0 | 0 |
| Tennessee | Cleveland, TN | 0.654 | 6.395 | 4.477 | 0.458 | 2.929 | 1.001 | 0 | 0 |
| Tennessee | Jackson, TN | 3.304 | 44.145 | 11.925 | 0.892 | 39.399 | 8.853 | 1 | 129,606 |
| Tennessee | Johnson City, TN | 3.621 | 41.649 | 5.910 | 0.514 | 21.397 | 5.703 | 0 | 0 |
| Tennessee | Kingsport, TN--VA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Tennessee | Morristown, TN | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Tennessee | Murfreesboro, TN | 1.804 | 17.660 | 4.104 | 0.419 | 7.403 | 2.025 | 0 | 0 |
| Texas | Abilene, TX | 2.467 | 32.444 | 9.651 | 0.734 | 23.806 | 5.432 | 0 | 0 |
| Texas | Amarillo, TX | 1.742 | 26.239 | 4.794 | 0.318 | 8.349 | 1.991 | 0 | 0 |
| Texas | Beaumont, TX | 3.516 | 48.525 | 6.232 | 0.452 | 21.913 | 4.678 | 0 | 0 |
| Texas | Brownsville, TX | 14.240 | 168.529 | 5.961 | 0.504 | 84.883 | 9.950 | 2 | 259,213 |
| Texas | College Station--Bryan, TX | 1.290 | 21.963 | 4.845 | 0.285 | 6.248 | 2.767 | 0 | 0 |
| Texas | Galveston, TX | 1.395 | 15.418 | 12.652 | 1.144 | 17.645 | 20.429 | 3 | 388,819 |
| Texas | Harlingen, TX | 0.505 | 5.943 | 0.579 | 0.049 | 0.292 | 0.058 | 0 | 0 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Texas | Killeen, TX | 2.823 | 47.247 | 5.393 | 0.322 | 15.224 | 1.860 | 0 | 0 |
| Texas | Lake Jackson--Angleton, TX | 1.947 | 32.631 | 1.636 | 0.098 | 3.185 | 0.190 | 0 | 0 |
| Texas | Laredo, TX | 7.097 | 76.229 | 10.796 | 1.005 | 76.616 | 22.987 | 3 | 388,819 |
| Texas | Longview, TX | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Texas | McKinney, TX | 1.236 | 19.476 | 7.786 | 0.494 | 9.625 | 1.292 | 0 | 0 |
| Texas | Midland, TX | 0.918 | 14.002 | 3.818 | 0.250 | 3.506 | 1.937 | 0 | 0 |
| Texas | Odessa, TX | 0.919 | 14.010 | 4.112 | 0.270 | 3.778 | 2.075 | 0 | 0 |
| Texas | Port Arthur, TX | 3.471 | 54.362 | 3.051 | 0.195 | 10.591 | 1.297 | 0 | 0 |
| Texas | San Angelo, TX | 1.393 | 21.442 | 13.106 | 0.851 | 18.255 | 3.560 | 2 | 259,213 |
| Texas | Sherman, TX | 2.274 | 37.095 | 9.432 | 0.578 | 21.447 | 1.712 | 0 | 0 |
| Texas | Temple, TX | 1.519 | 21.528 | 7.682 | 0.542 | 11.668 | 1.978 | 0 | 0 |
| Texas | Texarkana, TX--Texarkana, AR | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Texas | Texas City, TX | 1.499 | 27.934 | 3.237 | 0.174 | 4.852 | 0.366 | 0 | 0 |
| Texas | The Woodlands, TX | 33.409 | 893.664 | 4.378 | 0.164 | 146.251 | 4.067 | 3 | 388,819 |
| Texas | Tyler, TX | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Texas | Victoria, TX | 1.024 | 14.161 | 10.461 | 0.756 | 10.707 | 4.613 | 0 | 0 |
| Texas | Waco, TX | 3.681 | 57.430 | 6.330 | 0.406 | 23.297 | 4.350 | 0 | 0 |
| Texas | Wichita Falls, TX | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Utah | Logan, UT | 5.995 | 88.075 | 10.918 | 0.743 | 65.457 | 21.315 | 1 | 129,606 |
| Utah | St. George, UT | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Vermont | Burlington, VT | 6.077 | 84.982 | 15.599 | 1.115 | 94.791 | 24.220 | 3 | 388,819 |
| Virgin Islands | Virgin Islands | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Virginia | Blacksburg, VA | 7.574 | 81.380 | 19.442 | 1.809 | 147.248 | 62.029 | 5 | 648,032 |
| Virginia | Charlottesville, VA | 3.233 | 40.420 | 27.023 | 2.162 | 87.368 | 27.689 | 3 | 388,819 |
| Virginia | Danville, VA | 3.863 | 61.296 | 6.708 | 0.423 | 25.914 | 5.012 | 0 | 0 |
| Virginia | Fredericksburg, VA | 4.219 | 78.838 | 11.578 | 0.620 | 48.843 | 5.478 | 0 | 0 |
| Virginia | Harrisonburg, VA | 8.399 | 82.943 | 10.497 | 1.063 | 88.165 | 32.472 | 3 | 388,819 |
| Virginia | Lynchburg, VA | 3.200 | 41.552 | 13.483 | 1.038 | 43.139 | 30.163 | 3 | 388,819 |
| Virginia | Roanoke, VA | 5.269 | 70.769 | 9.177 | 0.683 | 48.352 | 10.178 | 0 | 0 |
| Virginia | Winchester, VA | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| Washington | Bellingham, WA | 5.939 | 92.286 | 38.391 | 2.471 | 228.016 | 70.072 | 4 | 518,426 |
| Washington | Bremerton, WA | 5.557 | 106.762 | 21.636 | 1.126 | 120.223 | 20.914 | 4 | 518,426 |

**FEDERAL TRANSIT ADMINISTRATION**

**Table 6**

**FY 2011 Small Transit Intensive Cities Performance Data and Apportionments**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| State | Urbanized Area (UZA) Description | Passenger Miles per Vehicle Revenue Mile | Passenger Miles per Vehicle Revenue Hour | Vehicle Revenue Mile per Capita | Vehicle Revenue Hour per Capita | Passenger Miles per Capita | Passenger Trips per Capita | Number of Performance Factors Met or Exceeded | STIC Funding: @ ~ $129,606 per Factor Met or Exceeded |
|---|---|---|---|---|---|---|---|---|---|
| | **Average for UZAs with populations 200,000 - 999,999** | **6.529** | **108.538** | **12.607** | **0.823** | **97.743** | **16.586** | | |
| Washington | Kennewick--Richland, WA | 7.058 | 169.159 | 65.952 | 2.752 | 465.492 | 35.730 | 6 | 777,638 |
| Washington | Longview, WA--OR | 5.394 | 60.244 | 6.233 | 0.558 | 33.624 | 8.179 | 0 | 0 |
| Washington | Marysville, WA | 5.761 | 93.885 | 10.262 | 0.630 | 59.124 | 8.750 | 0 | 0 |
| Washington | Mount Vernon, WA | 4.921 | 96.172 | 30.412 | 1.556 | 149.649 | 12.425 | 3 | 388,819 |
| Washington | Olympia--Lacey, WA | 6.667 | 128.871 | 46.012 | 2.380 | 306.741 | 35.649 | 6 | 777,638 |
| Washington | Wenatchee, WA | 7.045 | 87.017 | 13.462 | 1.090 | 94.833 | 10.304 | 3 | 388,819 |
| Washington | Yakima, WA | 5.017 | 75.843 | 14.733 | 0.975 | 73.918 | 13.571 | 2 | 259,213 |
| West Virginia | Charleston, WV | 5.578 | 90.868 | 14.991 | 0.920 | 83.618 | 13.622 | 2 | 259,213 |
| West Virginia | Huntington, WV--KY--OH | 2.680 | 39.710 | 7.130 | 0.481 | 19.107 | 4.671 | 0 | 0 |
| West Virginia | Morgantown, WV | 1.175 | 18.818 | 16.483 | 1.029 | 19.371 | 17.373 | 3 | 388,819 |
| West Virginia | Parkersburg, WV--OH | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0 | 0 |
| West Virginia | Wheeling, WV--OH | 1.707 | 20.672 | 8.021 | 0.662 | 13.688 | 4.922 | 0 | 0 |
| Wisconsin | Appleton, WI | 2.000 | 29.208 | 10.528 | 0.721 | 21.056 | 6.015 | 0 | 0 |
| Wisconsin | Beloit, WI--IL | 2.908 | 44.549 | 7.810 | 0.510 | 22.710 | 5.439 | 0 | 0 |
| Wisconsin | Eau Claire, WI | 2.932 | 40.108 | 12.144 | 0.888 | 35.610 | 11.159 | 1 | 129,606 |
| Wisconsin | Fond du Lac, WI | 0.985 | 12.501 | 7.846 | 0.618 | 7.725 | 3.774 | 0 | 0 |
| Wisconsin | Green Bay, WI | 3.025 | 43.134 | 8.412 | 0.590 | 25.450 | 7.598 | 0 | 0 |
| Wisconsin | Janesville, WI | 3.601 | 55.140 | 7.606 | 0.497 | 27.394 | 7.031 | 0 | 0 |
| Wisconsin | Kenosha, WI | 4.299 | 61.503 | 10.697 | 0.748 | 45.985 | 15.181 | 0 | 0 |
| Wisconsin | La Crosse, WI--MN | 3.093 | 40.538 | 14.226 | 1.086 | 44.005 | 14.173 | 2 | 259,213 |
| Wisconsin | Oshkosh, WI | 3.224 | 45.794 | 13.198 | 0.929 | 42.544 | 14.223 | 2 | 259,213 |
| Wisconsin | Racine, WI | 3.864 | 49.378 | 10.169 | 0.796 | 39.290 | 11.027 | 0 | 0 |
| Wisconsin | Sheboygan, WI | 1.771 | 23.622 | 11.374 | 0.853 | 20.143 | 7.556 | 1 | 129,606 |
| Wisconsin | Wausau, WI | 3.902 | 56.880 | 11.603 | 0.796 | 45.279 | 12.053 | 0 | 0 |
| Wyoming | Casper, WY | 1.000 | 11.020 | 7.499 | 0.680 | 7.499 | 2.984 | 0 | 0 |
| Wyoming | Cheyenne, WY | 2.659 | 39.452 | 7.146 | 0.482 | 18.998 | 4.007 | 0 | 0 |
| | | | | | Total | | | 321 | $41,603,650 |

**FEDERAL TRANSIT ADMINISTRATION**

**TABLE 7**

**FY 2011 SECTION 5309 FIXED GUIDEWAY MODERNIZATION APPORTIONMENTS**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| STATE | AREA | APPORTIONMENT |
|---|---|---|
| Alaska | Anchorage, AK - Alaska Railroad | $17,387,576 |
| Arizona | Phoenix--Mesa, AZ | 3,602,402 |
| California | Antioch, CA | 3,560,287 |
| California | Concord, CA | 18,174,968 |
| California | Lancaster--Palmdale, CA | 2,887,868 |
| California | Los Angeles--Long Beach--Santa Ana, CA | 59,066,203 |
| California | Mission Viejo, CA | 2,117,248 |
| California | Oxnard, CA | 1,844,087 |
| California | Riverside--San Bernardino, CA | 5,477,731 |
| California | Sacramento, CA | 5,582,436 |
| California | San Diego, CA | 19,195,661 |
| California | San Francisco--Oakland, CA | 90,752,621 |
| California | San Jose, CA | 19,735,300 |
| California | Stockton, CA | 2,097,287 |
| California | Thousand Oaks, CA | 855,801 |
| Colorado | Denver--Aurora, CO | 6,784,049 |
| Connecticut | Hartford, CT | 2,085,082 |
| Connecticut | Southwestern Connecticut | 45,814,491 |
| District of Columbia | Washington, DC--VA--MD | 109,254,717 |
| Florida | Jacksonville, FL | 396,717 |
| Florida | Miami, FL | 24,861,110 |
| Florida | Orlando, FL | 237,112 |
| Florida | Tampa--St. Petersburg, FL | 353,196 |
| Georgia | Atlanta, GA | 38,808,705 |
| Hawaii | Honolulu, HI | 1,949,267 |
| Illinois | Chicago, IL--IN | 172,891,401 |
| Illinois | Round Lake Beach-McHenry-Grayslake, IL-WI | 3,089,615 |
| Indiana | South Bend, IN--MI | 1,127,931 |
| Louisiana | New Orleans, LA | 3,457,308 |
| Maryland | Baltimore Commuter Rail | 24,846,064 |
| Maryland | Baltimore, MD | 13,584,193 |
| Massachusetts | Boston, MA | 93,981,902 |
| Massachusetts | Worcester, MA-CT | 1,551,271 |
| Michigan | Detroit, MI | 753,124 |
| Minnesota | Minneapolis--St. Paul, MN | 13,278,719 |
| Missouri | Kansas City, MO--KS | 42,164 |
| Missouri | St. Louis, MO--IL | 9,099,857 |
| New Jersey | Atlantic City, NJ | 1,644,207 |
| New Jersey | Northeastern New Jersey | 108,953,239 |
| New Jersey | Trenton, NJ | 2,280,022 |
| New York | Buffalo, NY | 1,660,475 |
| New York | New York | 456,502,993 |
| New York | Poughkeepsie-Newburgh, NY | 2,776,073 |
| North Carilina | Charlotte, NC-SC | 233,786 |
| Ohio | Cleveland, OH | 13,904,400 |
| Ohio | Dayton, OH | 6,499,110 |
| Oregon | Portland, OR--WA | 10,657,773 |
| Pennsylvania | Harrisburg, PA | 1,301,827 |
| Pennsylvania | Lancaster, PA | 3,783,700 |
| Pennsylvania | Philadelphia, PA-NJ-DE-MD | 111,072,697 |
| Pennsylvania | Pittsburgh, PA | 22,395,110 |
| Puerto Rico | San Juan, PR | 3,587,177 |
| Rhode Island | Providence, RI--MA | 3,073,856 |
| Tennessee | Chattanooga, TN--GA | 108,071 |
| Tennessee | Memphis, TN--MS--AR | 439,177 |
| Texas | Dallas--Fort Worth--Arlington, TX | 14,644,459 |
| Texas | Houston, TX | 11,859,826 |
| Utah | Salt Lake City, UT | 5,040,324 |
| Virginia | Virginia Beach, VA | 2,522,371 |
| Washington | Seattle, WA | 42,035,070 |
| West Virginia | Morgantown, WVA | 1,338,994 |
| Wisconsin | Madison, WI | 911,065 |
| Wisconsin | Milwaukee, WI | 374,126 |
| | **TOTAL** | **$1,650,185,399** |

FEDERAL TRANSIT ADMINISTRATION

TABLE 8

FY 2011 FIXED GUIDEWAY MODERNIZATION PROGRAM APPORTIONMENT FORMULA

**Tier 1** First $497,700,000 to the following areas:

| | | |
|---|---|---|
| Baltimore | $ | 8,372,000 |
| Boston | $ | 38,948,000 |
| Chicago/N.W. Indiana | $ | 78,169,000 |
| Cleveland | $ | 9,509,500 |
| New Orleans | $ | 1,730,588 |
| New York | $ | 176,034,461 |
| N. E. New Jersey | $ | 50,604,653 |
| Philadelphia/So. New Jersey | $ | 58,924,764 |
| Pittsburgh | $ | 13,662,463 |
| San Francisco | $ | 33,989,571 |
| SW Connecticut | $ | 27,755,000 |

**Tier 2** Next $70,000,000 as follows: Tier 2(A): 50 percent is allocated to areas identified in Tier 1; Tier 2(B): 50 percent is allocated to other urbanized areas with fixed guideway tiers in operation at least seven years. Funds are allocated by the Urbanized Area Formula Program fixed guideway tier formula factors that were used to apportion funds for the fixed guideway modernization program in FY 1997.

**Tier 3** Next $5,700,000 as follows: Pittsburgh 61.76%; Cleveland 10.73%; New Orleans 5.79%; and 21.72% is allocated to all other areas in Tier 2(B) by the same fixed guideway tier formula factors used in fiscal year 1997.

**Tier 4** Next $186,600,000 as follows: All eligible areas using the same year fixed guideway tier formula factors used in fiscal year 1997.

**Tier 5** Next $70,000,000 as follows: 65% to the 11 areas identified in Tier 1, and 35% to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the database.

**Tier 6** Next $50,000,000 as follows: 60% to the 11 areas identified in Tier 1, and 40% to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment less than 7 years old in the year of the apportionment will be deleted from the database.

**Tier 7** Remaining amounts as follows: 50% to the 11 areas identified in Tier 1, and 50% to all other areas using the most current Urbanized Area Formula Program fixed guideway formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the database.

FEDERAL TRANSIT ADMINISTRATION

TABLE 9

FY 2011 SECTION 5310 SPECIAL NEEDS FOR ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| STATE | APPORTIONMENT |
|---|---|
| Alabama | $2,323,674 |
| Alaska | 298,887 |
| American Samoa | 65,214 |
| Arizona | 2,429,123 |
| Arkansas | 1,489,622 |
| California | 14,246,585 |
| Colorado | 1,685,883 |
| Connecticut | 1,638,581 |
| Delaware | 468,834 |
| District of Columbia | 402,551 |
| Florida | 9,082,846 |
| Georgia | 3,398,505 |
| Guam | 173,601 |
| Hawaii | 654,560 |
| Idaho | 623,826 |
| Illinois | 5,254,383 |
| Indiana | 2,758,896 |
| Iowa | 1,415,713 |
| Kansas | 1,267,605 |
| Kentucky | 2,141,067 |
| Louisiana | 2,131,587 |
| Maine | 740,426 |
| Maryland | 2,267,202 |
| Massachusetts | 3,015,115 |
| Michigan | 4,368,522 |
| Minnesota | 1,996,543 |
| Mississippi | 1,493,919 |
| Missouri | 2,634,164 |
| Montana | 516,325 |
| N. Mariana Islands | 66,585 |
| Nebraska | 836,076 |
| Nevada | 1,025,236 |
| New Hampshire | 626,970 |
| New Jersey | 3,839,070 |
| New Mexico | 924,596 |
| New York | 9,122,416 |
| North Carolina | 3,802,800 |
| North Dakota | 405,089 |
| Ohio | 5,111,022 |
| Oklahoma | 1,758,857 |
| Oregon | 1,629,333 |
| Pennsylvania | 6,035,838 |
| Puerto Rico | 2,047,368 |
| Rhode Island | 634,738 |
| South Carolina | 2,022,565 |
| South Dakota | 448,191 |
| Tennessee | 2,824,215 |
| Texas | 8,448,947 |
| Utah | 829,759 |
| Vermont | 380,509 |
| Virgin Islands | 163,866 |
| Virginia | 2,979,350 |
| Washington | 2,531,798 |
| West Virginia | 1,119,326 |
| Wisconsin | 2,310,826 |
| Wyoming | 322,641 |
| **TOTAL** | **$133,231,746** |

FEDERAL TRANSIT ADMINISTRATION

TABLE 10

FY 2011 SECTION 5311 AND SECTION 5340 NONURBANIZED APPORTIONMENTS AND SECTION 5311(b)(3) RURAL TRANSIT ASSISTANCE PROGRAM (RTAP) APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

(Note: In accordance with language in the SAFETEA-LU conference report apportionments for Section 5311 and Section 5340 were combined to show a single amount. The State's apportionment under the column heading "Section 5311 and 5340 Apportionment" includes Section 5311 and Growing States funds.)

| STATE | SECTIONS 5311 AND 5340 APPORTIONMENT | SECTION 5311(b)(3) APPORTIONMENT |
|---|---|---|
| Alabama | $13,316,566 | $194,325 |
| Alaska | 6,073,595 | 83,025 |
| American Samoa | 227,497 | 12,957 |
| Arizona | 9,462,771 | 128,089 |
| Arkansas | 10,155,664 | 158,548 |
| California | 22,738,822 | 263,795 |
| Colorado | 8,365,882 | 121,164 |
| Connecticut | 2,709,355 | 93,749 |
| Delaware | 1,264,735 | 78,035 |
| Florida | 13,601,929 | 194,654 |
| Georgia | 17,151,140 | 228,925 |
| Guam | 614,915 | 17,989 |
| Hawaii | 1,964,649 | 84,385 |
| Idaho | 5,841,712 | 100,617 |
| Illinois | 14,183,420 | 203,404 |
| Indiana | 13,620,951 | 202,771 |
| Iowa | 10,157,655 | 158,490 |
| Kansas | 9,421,870 | 141,410 |
| Kentucky | 12,884,216 | 192,731 |
| Louisiana | 10,296,910 | 164,777 |
| Maine | 5,423,070 | 114,594 |
| Maryland | 4,984,533 | 116,558 |
| Massachusetts | 3,511,607 | 101,847 |
| Michigan | 17,252,476 | 238,397 |
| Minnesota | 12,751,576 | 178,937 |
| Mississippi | 11,563,447 | 176,718 |
| Missouri | 13,885,041 | 194,256 |
| Montana | 7,539,131 | 99,474 |
| N. Mariana Islands | 35,022 | 10,388 |
| Nebraska | 6,573,748 | 111,765 |
| Nevada | 4,898,293 | 81,615 |
| New Hampshire | 3,491,735 | 100,298 |
| New Jersey | 3,243,300 | 99,090 |
| New Mexico | 8,206,899 | 114,374 |
| New York | 17,591,829 | 244,175 |
| North Carolina | 22,151,827 | 286,319 |
| North Dakota | 3,991,585 | 86,232 |
| Ohio | 20,009,523 | 273,592 |
| Oklahoma | 11,363,068 | 166,514 |
| Oregon | 9,787,370 | 139,588 |
| Pennsylvania | 20,304,865 | 275,048 |
| Puerto Rico | 1,407,659 | 82,130 |
| Rhode Island | 580,628 | 71,203 |
| South Carolina | 11,149,271 | 175,348 |
| South Dakota | 4,936,087 | 93,914 |
| Tennessee | 14,195,180 | 205,610 |
| Texas | 33,946,025 | 377,537 |
| Utah | 4,847,760 | 90,035 |
| Vermont | 2,630,553 | 90,983 |
| Virginia | 12,449,947 | 187,064 |
| Washington | 9,594,047 | 147,073 |
| West Virginia | 6,743,989 | 131,744 |
| Wisconsin | 13,482,508 | 195,114 |
| Wyoming | 4,669,800 | 83,985 |
| **TOTAL** | **$513,247,653** | **$7,965,359** |

**FEDERAL TRANSIT ADMINISTRATION**

**TABLE 11**

**FY 2011 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| 200,000 or more in Population | $104,882,884 |
| 50,000-199,999 in Population | 34,960,961 |
| Nonurbanized | 34,960,961 |
| National Total | $174,804,806 |

*Amounts Apportioned to Urbanized Areas 200,000 or more in Population:*

| | |
|---|---|
| Aguadilla--Isabela--San Sebastian, PR | $679,269 |
| Akron, OH | 318,412 |
| Albany, NY | 295,335 |
| Albuquerque, NM | 417,506 |
| Allentown--Bethlehem, PA--NJ | 276,907 |
| Anchorage, AK | 107,434 |
| Ann Arbor, MI | 155,139 |
| Antioch, CA | 108,423 |
| Asheville, NC | 145,932 |
| Atlanta, GA | 1,718,528 |
| Atlantic City, NJ | 124,265 |
| Augusta-Richmond County, GA--SC | 245,001 |
| Austin, TX | 519,626 |
| Bakersfield, CA | 407,253 |
| Baltimore, MD | 1,114,552 |
| Barnstable Town, MA | 96,117 |
| Baton Rouge, LA | 377,078 |
| Birmingham, AL | 455,675 |
| Boise City, ID | 124,447 |
| Bonita Springs--Naples, FL | 93,814 |
| Boston, MA--NH--RI | 1,758,048 |
| Bridgeport--Stamford, CT--NY | 333,344 |
| Buffalo, NY | 620,116 |
| Canton, OH | 144,458 |
| Cape Coral, FL | 188,758 |
| Charleston--North Charleston, SC | 281,142 |
| Charlotte, NC--SC | 355,674 |
| Chattanooga, TN--GA | 216,102 |
| Chicago, IL--IN | 4,527,164 |
| Cincinnati, OH--KY--IN | 741,120 |
| Cleveland, OH | 994,787 |
| Colorado Springs, CO | 216,837 |
| Columbia, SC | 245,263 |
| Columbus, GA--AL | 190,876 |
| Columbus, OH | 624,263 |
| Concord, CA | 128,760 |
| Corpus Christi, TX | 256,574 |
| Dallas--Fort Worth--Arlington, TX | 2,543,184 |
| Davenport, IA--IL | 161,105 |
| Dayton, OH | 388,388 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2011 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Daytona Beach--Port Orange, FL | 174,715 |
| Denton--Lewisville, TX | 106,592 |
| Denver--Aurora, CO | 893,771 |
| Des Moines, IA | 163,048 |
| Detroit, MI | 2,155,998 |
| Durham, NC | 195,080 |
| El Paso, TX--NM | 819,903 |
| Eugene, OR | 170,193 |
| Evansville, IN--KY | 127,113 |
| Fayetteville, NC | 194,601 |
| Flint, MI | 265,137 |
| Fort Collins, CO | 109,747 |
| Fort Wayne, IN | 153,812 |
| Fresno, CA | 613,913 |
| Grand Rapids, MI | 265,212 |
| Greensboro, NC | 148,088 |
| Greenville, SC | 198,087 |
| Gulfport--Biloxi, MS | 149,353 |
| Harrisburg, PA | 151,443 |
| Hartford, CT | 402,628 |
| Honolulu, HI | 378,833 |
| Houston, TX | 2,848,286 |
| Huntsville, AL | 116,576 |
| Indianapolis, IN | 592,350 |
| Indio--Cathedral City--Palm Springs, CA | 214,552 |
| Jackson, MS | 240,797 |
| Jacksonville, FL | 506,253 |
| Kansas City, MO--KS | 666,078 |
| Knoxville, TN | 269,293 |
| Lancaster, PA | 139,698 |
| Lancaster--Palmdale, CA | 209,532 |
| Lansing, MI | 192,886 |
| Las Vegas, NV | 781,918 |
| Lexington-Fayette, KY | 160,053 |
| Lincoln, NE | 120,206 |
| Little Rock, AR | 247,717 |
| Los Angeles--Long Beach--Santa Ana, CA | 10,248,167 |
| Louisville, KY--IN | 515,627 |
| Lubbock, TX | 183,165 |
| Madison, WI | 171,714 |
| McAllen, TX | 854,084 |
| Memphis, TN--MS--AR | 745,295 |
| Miami, FL | 3,581,172 |
| Milwaukee, WI | 750,299 |
| Minneapolis--St. Paul, MN | 913,425 |
| Mission Viejo, CA | 141,729 |
| Mobile, AL | 294,802 |
| Modesto, CA | 264,191 |
| Nashville-Davidson, TN | 426,651 |
| New Haven, CT | 256,292 |

**FEDERAL TRANSIT ADMINISTRATION**

**TABLE 11**

**FY 2011 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| New Orleans, LA | 955,985 |
| New York--Newark, NY--NJ--CT | 11,583,731 |
| Ogden--Layton, UT | 179,985 |
| Oklahoma City, OK | 543,875 |
| Omaha, NE--IA | 330,170 |
| Orlando, FL | 702,973 |
| Oxnard, CA | 238,112 |
| Palm Bay--Melbourne, FL | 208,052 |
| Pensacola, FL--AL | 227,869 |
| Peoria, IL | 151,828 |
| Philadelphia, PA--NJ--DE--MD | 2,786,059 |
| Phoenix--Mesa, AZ | 1,839,232 |
| Pittsburgh, PA | 966,247 |
| Port St. Lucie, FL | 171,598 |
| Portland, OR--WA | 834,143 |
| Poughkeepsie--Newburgh, NY | 176,896 |
| Providence, RI--MA | 704,224 |
| Provo--Orem, UT | 212,005 |
| Raleigh, NC | 214,584 |
| Reading, PA | 138,862 |
| Reno, NV | 173,254 |
| Richmond, VA | 415,951 |
| Riverside--San Bernardino, CA | 1,312,273 |
| Rochester, NY | 386,880 |
| Rockford, IL | 142,580 |
| Round Lake Beach--McHenry--Grayslake, IL--WI | 59,072 |
| Sacramento, CA | 941,351 |
| Salem, OR | 261,982 |
| Salt Lake City, UT | 414,060 |
| San Antonio, TX | 1,101,488 |
| San Diego, CA | 1,792,791 |
| San Francisco--Oakland, CA | 1,600,152 |
| San Jose, CA | 590,710 |
| San Juan, PR | 4,063,650 |
| Santa Rosa, CA | 134,603 |
| Sarasota--Bradenton, FL | 286,875 |
| Savannah, GA | 172,168 |
| Scranton, PA | 246,734 |
| Seattle, WA | 1,230,655 |
| Shreveport, LA | 255,741 |
| South Bend, IN--MI | 156,113 |
| Spokane, WA--ID | 228,670 |
| Springfield, MA--CT | 353,286 |
| Springfield, MO | 151,803 |
| St. Louis, MO--IL | 1,092,033 |
| Stockton, CA | 336,787 |
| Syracuse, NY | 261,475 |
| Tallahassee, FL | 169,655 |
| Tampa--St. Petersburg, FL | 1,251,489 |
| Temecula--Murrieta, CA | 111,487 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2011 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Thousand Oaks, CA | 60,261 |
| Toledo, OH--MI | 322,703 |
| Trenton, NJ | 126,728 |
| Tucson, AZ | 564,828 |
| Tulsa, OK | 365,047 |
| Victorville--Hesperia--Apple Valley, CA | 167,351 |
| Virginia Beach, VA | 790,093 |
| Washington, DC--VA--MD | 1,525,332 |
| Wichita, KS | 232,767 |
| Winston-Salem, NC | 169,204 |
| Worcester, MA--CT | 229,456 |
| Youngstown, OH--PA | 280,165 |
| TOTAL | $104,882,884 |

*Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 199,999 in Population*

| | |
|---|---|
| Alabama | $978,306 |
| Alaska | 44,085 |
| Arizona | 352,637 |
| Arkansas | 628,829 |
| California | 3,641,871 |
| Colorado | 586,362 |
| Connecticut | 357,531 |
| Delaware | 60,172 |
| Florida | 2,038,028 |
| Georgia | 1,116,492 |
| Hawaii | 66,089 |
| Idaho | 378,392 |
| Illinois | 803,917 |
| Indiana | 860,446 |
| Iowa | 517,279 |
| Kansas | 236,617 |
| Kentucky | 321,667 |
| Louisiana | 1,015,592 |
| Maine | 308,855 |
| Maryland | 384,092 |
| Massachusetts | 328,274 |
| Michigan | 1,089,291 |
| Minnesota | 295,585 |
| Mississippi | 182,241 |
| Missouri | 364,411 |
| Montana | 279,265 |
| N. Mariana Islands | 101,334 |
| Nebraska | 18,633 |
| Nevada | 48,248 |
| New Hampshire | 280,001 |
| New Jersey | 179,297 |
| New Mexico | 346,191 |
| New York | 656,821 |

**FEDERAL TRANSIT ADMINISTRATION**

**TABLE 11**

**FY 2011 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS**

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| North Carolina | 1,115,620 |
| North Dakota | 211,825 |
| Ohio | 819,904 |
| Oklahoma | 222,041 |
| Oregon | 283,680 |
| Pennsylvania | 1,074,207 |
| Puerto Rico | 3,290,231 |
| South Carolina | 627,417 |
| South Dakota | 158,583 |
| Tennessee | 729,175 |
| Texas | 3,922,104 |
| Utah | 161,421 |
| Vermont | 83,714 |
| Virginia | 745,413 |
| Washington | 970,126 |
| West Virginia | 664,411 |
| Wisconsin | 889,466 |
| Wyoming | 124,772 |
| **TOTAL** | $34,960,961 |

*Amounts Apportioned to State Governors for Nonurbanized Areas Less than 50,000 in Population*

| | |
|---|---|
| Alabama | $1,170,163 |
| Alaska | 113,973 |
| American Samoa | 105,156 |
| Arizona | 629,130 |
| Arkansas | 882,317 |
| California | 1,780,863 |
| Colorado | 330,917 |
| Connecticut | 85,269 |
| Delaware | 77,705 |
| Florida | 1,010,045 |
| Georgia | 1,385,880 |
| Guam | 105,298 |
| Hawaii | 139,104 |
| Idaho | 302,011 |
| Illinois | 788,017 |
| Indiana | 705,130 |
| Iowa | 503,062 |
| Kansas | 501,106 |
| Kentucky | 1,275,176 |
| Louisiana | 1,091,663 |
| Maine | 337,246 |
| Maryland | 217,577 |
| Massachusetts | 135,943 |
| Michigan | 938,254 |
| Minnesota | 600,512 |
| Mississippi | 1,264,829 |
| Missouri | 1,028,919 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 11

FY 2011 SECTION 5316 JOB ACCESS AND REVERSE COMMUTE APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Montana | 304,509 |
| N. Mariana Islands | 59,825 |
| Nebraska | 312,439 |
| Nevada | 93,731 |
| New Hampshire | 146,066 |
| New Jersey | 116,098 |
| New Mexico | 589,284 |
| New York | 1,121,208 |
| North Carolina | 1,762,677 |
| North Dakota | 161,002 |
| Ohio | 1,199,850 |
| Oklahoma | 949,418 |
| Oregon | 480,687 |
| Pennsylvania | 1,274,290 |
| Puerto Rico | 453,215 |
| Rhode Island | 19,946 |
| South Carolina | 977,038 |
| South Dakota | 241,540 |
| Tennessee | 1,138,999 |
| Texas | 2,789,326 |
| Utah | 171,826 |
| Vermont | 155,382 |
| Virgin Islands | 105,719 |
| Virginia | 819,747 |
| Washington | 590,899 |
| West Virginia | 690,601 |
| Wisconsin | 596,243 |
| Wyoming | 134,131 |
| **TOTAL** | $34,960,961 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 2011 SECTION 5317 NEW FREEDOM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| UZAs 200,000 or more in Population | $59,699,364 |
| UZAs 50,000-199,999 in Population | 19,899,788 |
| Nonurbanized | 19,899,788 |
| National Total | $99,498,940 |
| *Amounts Apportioned to Urbanized Areas 200,000 or more in Population:* | |
| Aguadilla--Isabela--San Sebastian, PR | $154,898 |
| Akron, OH | 199,827 |
| Albany, NY | 192,074 |
| Albuquerque, NM | 224,463 |
| Allentown--Bethlehem, PA--NJ | 191,650 |
| Anchorage, AK | 64,043 |
| Ann Arbor, MI | 75,424 |
| Antioch, CA | 74,441 |
| Asheville, NC | 95,220 |
| Atlanta, GA | 1,091,996 |
| Atlantic City, NJ | 90,690 |
| Augusta-Richmond County, GA--SC | 132,861 |
| Austin, TX | 244,247 |
| Bakersfield, CA | 161,015 |
| Baltimore, MD | 780,561 |
| Barnstable Town, MA | 96,954 |
| Baton Rouge, LA | 172,363 |
| Birmingham, AL | 266,482 |
| Boise City, ID | 78,552 |
| Bonita Springs--Naples, FL | 89,904 |
| Boston, MA--NH--RI | 1,380,269 |
| Bridgeport--Stamford, CT--NY | 291,940 |
| Buffalo, NY | 371,030 |
| Canton, OH | 91,376 |
| Cape Coral, FL | 144,098 |
| Charleston--North Charleston, SC | 159,472 |
| Charlotte, NC--SC | 237,183 |
| Chattanooga, TN--GA | 140,602 |
| Chicago, IL--IN | 2,802,746 |
| Cincinnati, OH--KY--IN | 494,604 |
| Cleveland, OH | 634,404 |
| Colorado Springs, CO | 133,536 |
| Columbia, SC | 142,394 |
| Columbus, GA--AL | 97,940 |
| Columbus, OH | 353,056 |
| Concord, CA | 149,591 |
| Corpus Christi, TX | 114,086 |
| Dallas--Fort Worth--Arlington, TX | 1,392,823 |
| Davenport, IA--IL | 90,549 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 2011 SECTION 5317 NEW FREEDOM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Dayton, OH | 248,286 |
| Daytona Beach--Port Orange, FL | 118,714 |
| Denton--Lewisville, TX | 64,086 |
| Denver--Aurora, CO | 624,251 |
| Des Moines, IA | 113,771 |
| Detroit, MI | 1,464,223 |
| Durham, NC | 88,210 |
| El Paso, TX--NM | 248,843 |
| Eugene, OR | 77,621 |
| Evansville, IN--KY | 84,225 |
| Fayetteville, NC | 95,925 |
| Flint, MI | 148,981 |
| Fort Collins, CO | 52,936 |
| Fort Wayne, IN | 93,145 |
| Fresno, CA | 224,475 |
| Grand Rapids, MI | 164,803 |
| Greensboro, NC | 92,691 |
| Greenville, SC | 120,715 |
| Gulfport--Biloxi, MS | 89,877 |
| Harrisburg, PA | 113,279 |
| Hartford, CT | 303,349 |
| Honolulu, HI | 244,836 |
| Houston, TX | 1,300,216 |
| Huntsville, AL | 68,768 |
| Indianapolis, IN | 423,582 |
| Indio--Cathedral City--Palm Springs, CA | 109,790 |
| Jackson, MS | 108,424 |
| Jacksonville, FL | 335,463 |
| Kansas City, MO--KS | 458,044 |
| Knoxville, TN | 163,681 |
| Lancaster, PA | 104,049 |
| Lancaster--Palmdale, CA | 92,568 |
| Lansing, MI | 96,203 |
| Las Vegas, NV | 524,575 |
| Lexington-Fayette, KY | 85,129 |
| Lincoln, NE | 63,228 |
| Little Rock, AR | 142,527 |
| Los Angeles--Long Beach--Santa Ana, CA | 4,445,508 |
| Louisville, KY--IN | 332,260 |
| Lubbock, TX | 73,108 |
| Madison, WI | 84,082 |
| McAllen, TX | 201,125 |
| Memphis, TN--MS--AR | 376,017 |
| Miami, FL | 2,060,816 |
| Milwaukee, WI | 435,075 |
| Minneapolis--St. Paul, MN | 644,186 |
| Mission Viejo, CA | 132,997 |
| Mobile, AL | 143,153 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 2011 SECTION 5317 NEW FREEDOM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Modesto, CA | 129,153 |
| Nashville-Davidson, TN | 265,891 |
| New Haven, CT | 184,878 |
| New Orleans, LA | 425,079 |
| New York--Newark, NY--NJ--CT | 7,021,037 |
| Ogden--Layton, UT | 113,138 |
| Oklahoma City, OK | 289,872 |
| Omaha, NE--IA | 185,763 |
| Orlando, FL | 431,538 |
| Oxnard, CA | 125,784 |
| Palm Bay--Melbourne, FL | 164,579 |
| Pensacola, FL--AL | 127,830 |
| Peoria, IL | 85,154 |
| Philadelphia, PA--NJ--DE--MD | 1,844,166 |
| Phoenix--Mesa, AZ | 1,003,964 |
| Pittsburgh, PA | 611,495 |
| Port St. Lucie, FL | 125,828 |
| Portland, OR--WA | 518,446 |
| Poughkeepsie--Newburgh, NY | 111,986 |
| Providence, RI--MA | 468,229 |
| Provo--Orem, UT | 63,715 |
| Raleigh, NC | 133,903 |
| Reading, PA | 86,172 |
| Reno, NV | 112,253 |
| Richmond, VA | 280,479 |
| Riverside--San Bernardino, CA | 555,224 |
| Rochester, NY | 236,078 |
| Rockford, IL | 95,413 |
| Round Lake Beach--McHenry--Grayslake, IL--WI | 56,914 |
| Sacramento, CA | 519,609 |
| Salem, OR | 75,413 |
| Salt Lake City, UT | 269,608 |
| San Antonio, TX | 514,987 |
| San Diego, CA | 889,739 |
| San Francisco--Oakland, CA | 1,167,218 |
| San Jose, CA | 490,665 |
| San Juan, PR | 1,114,403 |
| Santa Rosa, CA | 98,380 |
| Sarasota--Bradenton, FL | 247,473 |
| Savannah, GA | 86,825 |
| Scranton, PA | 168,245 |
| Seattle, WA | 883,229 |
| Shreveport, LA | 109,578 |
| South Bend, IN--MI | 99,744 |
| Spokane, WA--ID | 125,469 |
| Springfield, MA--CT | 234,145 |
| Springfield, MO | 75,876 |
| St. Louis, MO--IL | 699,853 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 2011 SECTION 5317 NEW FREEDOM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Stockton, CA | 133,497 |
| Syracuse, NY | 141,224 |
| Tallahassee, FL | 52,527 |
| Tampa--St. Petersburg, FL | 921,925 |
| Temecula--Murrieta, CA | 72,739 |
| Thousand Oaks, CA | 56,467 |
| Toledo, OH--MI | 188,392 |
| Trenton, NJ | 98,005 |
| Tucson, AZ | 274,346 |
| Tulsa, OK | 208,023 |
| Victorville--Hesperia--Apple Valley, CA | 77,762 |
| Virginia Beach, VA | 460,341 |
| Washington, DC--VA--MD | 1,131,629 |
| Wichita, KS | 145,299 |
| Winston-Salem, NC | 102,896 |
| Worcester, MA--CT | 164,652 |
| Youngstown, OH--PA | 164,040 |
| **TOTAL** | **$59,699,364** |

*Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 199,999 in Population*

| | |
|---|---|
| Alabama | $524,567 |
| Alaska | 24,555 |
| Arizona | 169,978 |
| Arkansas | 350,354 |
| California | 2,037,134 |
| Colorado | 337,842 |
| Connecticut | 323,483 |
| Delaware | 40,189 |
| Florida | 1,527,802 |
| Georgia | 553,202 |
| Hawaii | 57,275 |
| Idaho | 199,065 |
| Illinois | 450,631 |
| Indiana | 511,483 |
| Iowa | 297,991 |
| Kansas | 140,440 |
| Kentucky | 191,881 |
| Louisiana | 539,610 |
| Maine | 219,332 |
| Maryland | 348,380 |
| Massachusetts | 237,046 |
| Michigan | 738,058 |
| Minnesota | 175,123 |
| Mississippi | 85,023 |
| Missouri | 208,064 |
| Montana | 144,791 |
| N. Mariana Islands | 31,193 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 2011 SECTION 5317 NEW FREEDOM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Nebraska | 8,684 |
| Nevada | 39,580 |
| New Hampshire | 271,909 |
| New Jersey | 144,889 |
| New Mexico | 154,840 |
| New York | 404,812 |
| North Carolina | 820,602 |
| North Dakota | 124,471 |
| Ohio | 562,266 |
| Oklahoma | 96,031 |
| Oregon | 147,059 |
| Pennsylvania | 661,535 |
| Puerto Rico | 891,304 |
| South Carolina | 454,328 |
| South Dakota | 109,589 |
| Tennessee | 463,689 |
| Texas | 1,749,949 |
| Utah | 62,288 |
| Vermont | 52,126 |
| Virginia | 455,618 |
| Washington | 630,914 |
| West Virginia | 397,569 |
| Wisconsin | 651,821 |
| Wyoming | 79,423 |
| **TOTAL** | **$19,899,788** |

*Amounts Apportioned to State Governors for Nonurbanized Areas Less than 50,000 in Population*

| | |
|---|---|
| Alabama | $674,532 |
| Alaska | 54,732 |
| American Samoa | 9,600 |
| Arizona | 287,413 |
| Arkansas | 486,293 |
| California | 836,664 |
| Colorado | 188,575 |
| Connecticut | 90,133 |
| Delaware | 58,000 |
| Florida | 649,870 |
| Georgia | 768,436 |
| Guam | 28,010 |
| Hawaii | 79,470 |
| Idaho | 131,048 |
| Illinois | 512,972 |
| Indiana | 562,344 |
| Iowa | 333,904 |
| Kansas | 290,792 |
| Kentucky | 705,540 |
| Louisiana | 472,686 |

FEDERAL TRANSIT ADMINISTRATION

TABLE 12

FY 2011 SECTION 5317 NEW FREEDOM APPORTIONMENTS

*(Apportionment amount is based on funding made available under The Department of Defense and Full Year Continuing Appropriation Act, 2011 - P.L. 112-10)*

| URBANIZED AREA/STATE | APPORTIONMENT |
|---|---|
| Maine | 214,602 |
| Maryland | 189,489 |
| Massachusetts | 119,300 |
| Michigan | 673,286 |
| Minnesota | 384,749 |
| Mississippi | 573,011 |
| Missouri | 557,455 |
| Montana | 128,138 |
| N. Mariana Islands | 923 |
| Nebraska | 167,972 |
| Nevada | 69,596 |
| New Hampshire | 145,299 |
| New Jersey | 90,772 |
| New Mexico | 219,068 |
| New York | 701,005 |
| North Carolina | 1,096,789 |
| North Dakota | 77,338 |
| Ohio | 807,812 |
| Oklahoma | 490,441 |
| Oregon | 330,668 |
| Pennsylvania | 812,904 |
| Puerto Rico | 102,161 |
| Rhode Island | 21,241 |
| South Carolina | 557,292 |
| South Dakota | 102,144 |
| Tennessee | 717,979 |
| Texas | 1,365,417 |
| Utah | 79,815 |
| Vermont | 99,548 |
| Virgin Islands | 19,355 |
| Virginia | 561,260 |
| Washington | 335,050 |
| West Virginia | 364,543 |
| Wisconsin | 435,405 |
| Wyoming | 66,947 |
| **TOTAL** | **$19,899,788** |

[FR Doc. 2011–12348 Filed 5–20–11; 8:45 am]
**BILLING CODE C**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2011 0056]**

### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel GRAND IMPULSE.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0056 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**DATES:** Submit comments on or before June 20, 2011.

**ADDRESSES:** Comments should refer to docket number MARAD–2011–0056. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey, Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime

Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, E-mail *Joann.Spittle@dot.gov*.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel GRAND IMPULSE is:

*Intended Commercial Use of Vessel*: "The intended use of the vessel is to carry fewer than 12 passengers for hire on an incidental basis for the purposes of sightseeing, instruction and general cruising on San Francisco Bay, as well as for limited private charters along the Pacific Coast."

*Geographic Region*: "California, Oregon, Washington, and Alaska."

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our 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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: May 16, 2011.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Secretary, Maritime Administrator.*

[FR Doc. 2011–12484 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2011 0053]**

### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MEDUSA.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0053 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before June 20, 2011.

**ADDRESSES:** Comments should refer to docket number MARAD–2011–0053. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, E-mail *Joann.Spittle@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel MEDUSA is:

*Intended Commercial Use of Vessel:* "Day sails".

*Geographic Region:* "Washington."

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our 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.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 9, 2011.

**Christine Gurland,**

*Secretary, Maritime Administration.*

[FR Doc. 2011–12482 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2011 0059]**

### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LYRA.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0059 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before June 20, 2011.

**ADDRESSES:** Comments should refer to docket number MARAD–2011–0059. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140,

1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, E-mail *Joann.Spittle@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel LYRA is:

*Intended Commercial Use of Vessel:* "Day sails."

*Geographic Region:* "Florida, Georgia, South Carolina, North Carolina, Virginia, DC, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine."

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our 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.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 16, 2011.

**Christine Gurland,**

*Secretary, Maritime Administration.*

[FR Doc. 2011–12479 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2011–0127]**

### Pipeline Safety: Meetings of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of advisory committee meetings and request for comments.

**SUMMARY:** PHMSA announces meetings of the Technical Pipeline Safety Standards Committee (TPSSC) and the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) and the creation of a subcommittee to assist PHMSA in the preparation of a pipeline safety report to the nation. PHMSA will host a series of meetings with a newly formed subcommittee to review and consider information gathered in response to the U.S. Department of Transportation's and PHMSA's action plan and information related to a recent pipeline safety forum. PHMSA is also requesting general public comments including comments on a report titled, "The State of the National Pipeline Infrastructure—A Preliminary Report."

**DATES:** Comments on "The State of the National Pipeline Infrastructure—A Preliminary Report" must be received on or before July 13, 2011, to be considered by the subcommittee members prior to submission of their draft recommendations to the parent committees. For the meeting schedule see **SUPPLEMENTARY INFORMATION.**

Attendees should register for the June 15 and August 2–3 meetings in advance at: *http://primis.phmsa.dot.gov/meetings/.* On-site registration for each meeting will be available 30 minutes prior to the meeting start time. The meetings will not be webcast; however, presentations will be available on the meeting Web site and posted in the E–Gov Web site *http://www.regulations.gov* under docket number PHMSA–2011–0127 within 30 days following the meeting.

**ADDRESSES:** The meeting locations and any new information or changes will be posted on the PHMSA/Office of Pipeline Safety "Pipeline Safety Awareness" Web page (*http://opsweb.phmsa.dot.gov/pipelineforum/*) 15 days before the meeting takes place.

Comments may be submitted to the docket in the following ways:

*E–Gov Web Site: http://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

*Fax:* 1–202–493–2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Room W12–140, Washington, DC 20590–001.

*Hand Delivery:* Room W12–140 on the ground level of the U.S. Department of Transportation, West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Instructions:* Identify the docket number PHMSA–2011–0127 at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our 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.*). Comments will also be placed on forum Web site at *http://opsweb.phmsa.dot.gov/pipelineforum/.* Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or view the Privacy Notice at *http://www.regulations.gov* before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the U.S. Department of Transportation, West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on PHMSA–2011–0127." The Docket Clerk will date-stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (Internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

**Information on Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities, or to seek special assistance at the meeting, please contact Cheryl Whetsel at 202–366–4431 by June 1, 2011.

**FOR FURTHER INFORMATION CONTACT:**

- *Technical Advisory Committee Meeting Details:* Cheryl Whetsel 202–366–4431 or by e-mail at *cheryl.whetsel@dot.gov.*

• *Report to the Nation on Pipeline Safety:* Linda Daugherty 202–366–4595 or by e-mail at *linda.daugherty@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

Following several major pipeline accidents, the Secretary of Transportation issued a "Call to Action" and held a pipeline safety forum to engage pipeline safety experts, researchers, industry representatives, state partners, other Federal agency officials, and members of the public to identify actions to address America's pipeline transportation infrastructure. In response to the "Call to Action," the U.S. Department of Transportation and PHMSA published a report titled: "State of the National Pipeline Infrastructure—Preliminary Report" and launched a Web site, *http://opsweb.phmsa.dot.gov/pipelineforum/,* for public engagement and regular reporting to the public. This Web site includes information such as ongoing pipeline rehabilitation, replacement and repair initiatives along with all forum-related comments. PHMSA continues to invite comments on the Preliminary Report in addition to any other ideas that may be relevant to pipeline safety. Comments should be submitted in accordance with the instructions detailed under **ADDRESSES**. Following the forum, a subcommittee of the TPSSC and THLPSSC was established to work with PHMSA staff to assist in the creation of a pipeline safety report to the nation. The subcommittee is made up of six members, three each from the TPSSC and THLPSSC, with equal representation from government, industry, and the public. At the joint advisory committee meeting in August, the subcommittee will present its recommendations and a draft of the pipeline safety report to the nation for the joint committees' review and deliberation.

## II. Committee Background

The TPSSC and THLPSSC are statutorily mandated advisory committees that advise PHMSA on proposed safety standards, risk assessments, and safety policies for natural gas pipelines and for hazardous liquid pipelines. Both committees were established under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1) and the pipeline safety law (49 U.S.C. Chap. 601). Each committee consists of 15 members—with membership evenly divided among the Federal and state government, the regulated industry, and the public. The committees advise PHMSA on the technical feasibility, practicability, and cost-effectiveness of each proposed pipeline safety standard and provide feedback on policy matters.

## III. Public Participation and Meeting Schedule

Members of the public may make a statement during the public committee meetings. Statements previously submitted to forum should not be repeated. If you intend to make a statement, please notify the relevant contact under **FOR FURTHER INFORMATION CONTACT** at least 15 days prior to the meeting date. The meetings' presiding officer may deny a nonscheduled request to make a statement and may also limit the time of any speaker.

The public is encouraged to attend the subcommittee kick-off meeting and the joint Advisory Committee meetings. The dates are as follows:

1. June 15, 2011, 9 a.m. to 4 p.m., subcommittee kick-off meeting, Washington, DC. The agenda includes an introduction of the subcommittee and discussion of the subcommittee's task. This meeting will provide the public an opportunity to participate in an exchange of ideas and recommendations, including a discussion of the report outline, prior to the subcommittee's preparatory meetings.

2. August 2–3, 2011, 9 a.m. to 5 p.m., TPSSC and THLPSSC joint public meeting, Washington, DC. The agenda will include an overview of the subcommittee's deliberations and summary of the draft final report.

The subcommittee will conduct preparatory work on the following dates:

1. June 16, 2011, 9 a.m. to 4 p.m., subcommittee preparatory meeting, Washington, DC.

2. July 13–14, 2011, 9 a.m. to 4 p.m., subcommittee preparatory meeting, Washington, DC.

Meetings scheduled on June 16, July 13–14 are work meetings; public statements will be heard at the June 15, August 2–3 meetings.

**Authority:** 49 U.S.C. 60102, 60115; 60118.

Issued in Washington, DC, on May 16, 2011.

**Linda Daugherty,**

*Deputy Associate Administrator for Policy and Programs.*

[FR Doc. 2011–12384 Filed 5–19–11; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

**[AC–63: OTS Nos. H–4781, H–4116, H–4118, and 17983]**

### Naugatuck Valley Financial Corporation, Naugatuck, CT; Approval of Conversion Application

Notice is hereby given that on May 13, 2011, the Office of Thrift Supervision approved the application of Naugatuck Valley Mutual Holding Company, Naugatuck, Connecticut, the Federal mutual holding company for the Naugatuck Valley Savings and Loan, Naugatuck, Connecticut, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Northeast Regional Office, Harborside Financial Center Plaza Five, Suite 1600, Jersey City, New Jersey 07311.

Dated: May 16, 2011.

By the Office of Thrift Supervision.

**Sandra E. Evans,**

*Federal Register Liaison.*

[FR Doc. 2011–12352 Filed 5–19–11; 8:45 am]

**BILLING CODE 6720–01–M**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

**[AC–62 OTS Nos. 03870 and H–4782]**

### Iroquois FS&LA, Watseka, IL; Approval of Conversion Application

Notice is hereby given that on May 13, 2011, the Office of Thrift Supervision approved the application of Iroquois FS & LA, Watseka, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (*phone number:* (202) 906–5922 or *e-mail: public.info@ots.treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Central Regional Office, 1 South Wacker Drive, Suite 2000, Chicago, Illinois 60606.

Dated: May 16, 2011.

By the Office of Thrift Supervision.

**Sandra E. Evans,**

*Federal Register Liaison.*

[FR Doc. 2011–12354 Filed 5–19–11; 8:45 am]

**BILLING CODE 6720–01–M**

# FEDERAL REGISTER

Vol. 76 Friday,
No. 98 May 20, 2011

Part II

## Department of Transportation

Federal Aviation Administration

14 CFR Parts 65, 119, 121 *et al.*
Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers; Proposed Rule

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 65, 119, 121, 135, 142**

**[Docket No. FAA–2008–0677; Notice No. 08–07A]**

**RIN 2120–AJ00**

## Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** On January 12, 2009, the FAA published a notice of proposed rulemaking on qualification, service, and use of crewmembers and aircraft dispatchers. Because of the complexity of the issues and the concerns raised by commenters, the FAA is issuing this supplemental notice of proposed rulemaking. The FAA proposes to amend the regulations for crewmember and aircraft dispatcher training programs in domestic, flag, and supplemental operations. The proposed regulations enhance traditional training programs by requiring the use of flight simulation training devices for flightcrew members and including additional training and evaluation requirements for all crewmembers and aircraft dispatchers in areas that are critical to safety. The proposal also reorganizes and revises the qualification, training, and evaluation requirements. The proposed changes are intended to contribute significantly to reducing aviation accidents.

**DATES:** Send your comments on or before July 19, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2008–0677 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Privacy:* We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

*Docket:* To read background documents or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For flightcrew member information contact James K. Sheppard, e-mail: *james.k.sheppard@faa.gov;* for flight attendant information contact Nancy Lauck Claussen, e-mail: *Nancy.l.Claussen@faa.gov;* and for aircraft dispatcher information contact Leo D. Hollis, e-mail: *Leo.d.Hollis@faa.gov;* Air Transportation Division (AFS–200), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8166. For legal questions, contact Anne Bechdolt, Office of Chief Counsel (AGC–200), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; e-mail: *Anne.Bechdolt@faa.gov;* telephone 202–267–3073.

**SUPPLEMENTARY INFORMATION:** Later in this preamble under the Additional Information section, we discuss how you can comment on this proposal and how we will handle your comments. Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of this proposal and related rulemaking documents.

### Authority for This Rulemaking

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)(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. In addition, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216) specifically directed the FAA to issue a final rule with respect to the Notice of Proposed Rulemaking published in the **Federal Register** on January 12, 2009 (74 FR 1280).

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## I. Executive Summary

On January 12, 2009, the FAA published an NPRM addressing qualification, service, and use of crewmembers and aircraft dispatchers as part of the Administrator's Call to Action and FAA's continuing efforts to reduce fatal accidents in which human error was a major contributing cause. The proposed changes focused on reducing human error and improving performance among flightcrew members, flight attendants, and aircraft dispatchers.

The NPRM proposed regulations to enhance traditional training programs by requiring the use of Flight Simulation Training Devices (FSTD) for flightcrew members and including additional training and evaluation requirements for all crewmembers and aircraft dispatchers in areas that are critical to safety. These areas included:

- Ensuring that flightcrew members are trained and evaluated in a complete flight crew environment;
- Requiring special hazard training for flightcrew members that addresses loss of control and controlled flight into terrain (CFIT); and
- Requiring additional training and practice in the use of crew resource management (CRM) skills.

Further, flight attendants would be required to complete "hands-on" performance drills using emergency equipment and procedures every 12 months, training and experience requirements for check dispatchers and dispatcher instructors would be standardized and all certificate holders would be required to develop a continuous analysis process (CAP) to identify and correct deficiencies in their training programs.

The FAA received approximately 150 comments in response to the NPRM (with approximately 3,000 pages of detailed comments). Many commenters asserted that the FAA understated the impact of the NPRM on air carriers conducting training under an approved Advanced Qualification Program (AQP) and underestimated the number of FSTD periods required to meet flightcrew member training and evaluation requirements.

In response to these comments, the FAA developed a report to validate FAA cost estimates in the NPRM and SNPRM regarding: (1) The number of simulator sessions, hours, and tasks required to accomplish proposed flightcrew member training and evaluation requirements for both AQP and non-AQP air carriers; and (2) the minimal impact of the proposed rule on carriers training under an AQP in accordance with the provisions in part 121, subpart Y.[1]

Building on the foundation set in the NPRM and review of the comments submitted, the FAA is issuing this SNPRM to address several key issues that were not addressed in the NPRM and to clarify several other issues raised in the comments. These issues include:

- Allowing modification of training program requirements for flightcrew members based on an air carrier's operation of aircraft with similar flight handling characteristics;
- Requiring certificated aircraft dispatchers for certificate holders conducting supplemental operations;
- Establishing deviation authority to allow contract aircraft dispatchers; and
- Establishing training requirements for other operations personnel (*e.g.,* ground operations and management personnel).

In addition, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Act) was enacted on August 1, 2010. See Public Law 111–216, §§ 208, 209. Under the Act, Congress has directed the FAA to conduct rulemaking to ensure that all flightcrew members receive ground (academic) training and flight (job performance) training in the recognition and avoidance of stalls, and recovery from stall, and recognition and avoidance of upset of an aircraft, as well as the proper techniques to recover from upset. The Act also requires the development of remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

This SNPRM integrates these new requirements with the original NPRM and lays out a process by which significant safety benefits can be achieved. This SNPRM does this through a focus on the requirements of the Act, an effort to address or partially address 28 NTSB recommendations, and adjustments to the original NPRM based upon public comment.

The result is a vision for enhanced certificate holder training that builds on the strengths in the current regulations and guidance and defines a path for making that training more effective. The key features of the SNPRM include:

- Enhancing training programs by requiring the use of flight simulation training devices (FSTD) for flight crewmembers;
- Addressing National Transportation Safety Board (NTSB) recommendations regarding crewmember training;
- Realigning the recurrent training and evaluation interval to 9 months for both pilots in command (PICs) and second in command (SICs) that results in an equivalent level of training for both. SICs would now receive twice the amount of FSTD time over a 36 month training cycle as they receive today;
- Focusing on the value of training and evaluation in a complete flightcrew environment through this realignment, which would increase the likelihood that PICs and SICs who need recurrent training would train together;
- Providing a clear definition of the tasks required to train and evaluate pilots in part 121 operations during the 36-month recurrent training cycle while maintaining flexibility for the certificate holder;

[1] "Flightcrew Member Training and Qualification Review and Analysis Technical Report," April 5, 2010 (FAA Technical Report).

• Clarifying the minimal impact on certificate holders training under an Advanced Qualification Program (AQP).

The FAA estimated cost of this proposed rule over the 10-year analysis interval is $391.9 million, $199.1 million at a seven percent present value, and $290.3 million at a three percent present value. The estimated potential quantified safety benefits over the 10-year analysis interval is $445.1 million, $222.9 million at a seven percent present value, and $327.5 million at a three percent present value.

The following table shows the benefit and cost results.

| SNPRM Benefits and Costs ($ Millions) | | | |
|---|---|---|---|
| | | Present Value | |
| | Nominal | 7% | 3% |
| Benefits ($M) | $445.1 | $222.9 | $327.5 |
| Costs ($M) | $391.9 | $199.1 | $290.3 |

In addition, the following tables show a comparison of crewmember and aircraft dispatcher training hours.

COMPARISON OF CURRENT AND PROPOSED RECURRENT JOB PERFORMANCE TRAINING HOURS FOR PICS AND SICS OVER A 36-MONTH TRAINING CYCLE

| | Current rule | | SNPRM | |
|---|---|---|---|---|
| | PIC (hours) | SIC (hours) | PIC (hours) | SIC (hours) |
| 6 months | 4 | 4 | 6 | 6 |
| 12 months | 4 | " | | |
| 18 months | 4 | 4 | 6 | 6 |
| 24 months | 4 | " | 6 | 6 |
| 30 months | 4 | 4 | 6 | 6 |
| 36 months | 4 | " | | |
| | 24 | 12 | 24 | 24 |

| Comparison of Current and Proposed Flight Attendant Program Training Hours | | | | | |
|---|---|---|---|---|---|
| | Current Rule | Proposed NPRM | Proposed SNPRM | Rule to SNPRM Change | Rule to SNPRM Percent Change |
| **Basic Qualification Training** | | | | | |
| New Hire (Turbojet & Turboprop) | 40 | 40 | 40 | 0 | 0.0% |
| Emergency (Turbojet & Turboprop) | 24 | 24 | 24 | 0 | 0.0% |
| Initial Group 1 Turboprop - 2 a/c groups | 16 | 36 | 36 | 20 | 125.0% |
| Initial Group 2 Turbojet - 2 a/c groups | 32 | 36 | 36 | 4 | 12.5% |
| Total - Turboprop | 80 | 100 | 100 | 20 | 25.0% |
| Total - Turbojet | 96 | 100 | 100 | 4 | 4.2% |
| **Recurrent Flight Attendant Training** | | | | | |
| Group 1 - Turboprop | 5 | 13 | 12 | 7 | 140.0% |
| Group 2 - Turbojet | 12 | 13 | 12 | 0 | 0.0% |
| **Requalification Flight Attendant Training** | | | | | |
| Phase 1 - Turboprop | 31 | 26 | 26 | -5 | -16.1% |
| Phase 1 - Turbojet | 31 | 26 | 26 | -5 | -16.1% |
| Phase 2 - Turboprop | 54 | 84 | 84 | 30 | 55.6% |
| Phase 2 - Turbojet | 54 | 84 | 84 | 30 | 55.6% |
| **Check Flight Attendant Training** | | | | | |
| Initial - (Turbojet & Turboprop) | 0 | 0 | 4 | 4 | New |
| Recurrant - (Turbojet & Turboprop) | 0 | 0 | 2 | 2 | New |
| **Flight Attendant Instructor training.** | | | | | |
| Initial - (Turbojet & Turboprop) | 0 | 0 | 4 | 4 | New |
| Recurrant - (Turbojet & Turboprop) | 0 | 0 | 2 | 2 | New |
| Source: U.S. Department of Transportation, Federal Aviation Administration | | | | | |

| Comparison of Current and Proposed Aircraft Dispatcher Program Training Hours | | | | | |
|---|---|---|---|---|---|
| | Current Rule | Proposed NPRM | Proposed SNPRM | Rule to SNPRM Change | Rule to SNPRM Percent Change |
| **Initial Training** | | | | | |
| Dispatchers --Supervised Operating Experience | 80 | 88 | 88 | 8 | 10.0% |
| Check Dispatchers | 0 | 4 | 4 | 4 | New |
| Dispatcher Instructors | 0 | 4 | 4 | 4 | New |
| **Transition Training** | | | | | |
| Dispatchers | 0 | 8 | 8 | 8 | New |
| Check Dispatchers | 0 | 0 | 0 | 0 | 0.0% |
| Dispatcher Instructors | 0 | 0 | 0 | 0 | 0.0% |
| **Recurrent Training** | | | | | |
| Dispatchers | 20 | 22 | 22 | 2 | 10.0% |
| Check Dispatchers | 0 | 4 | 4 | 4 | New |
| Dispatcher Instructors | 0 | 4 | 4 | 4 | New |
| Source: U.S. Department of Transportation, Federal Aviation Administration | | | | | |

## II. Background

### *A. Summary of Notice of Proposed Rulemaking (NPRM)*

On January 12, 2009, the FAA published an NPRM (74 FR 1280), proposing to amend the regulations for crewmember and aircraft dispatcher training programs in domestic, flag, and supplemental operations. The primary purpose of the NPRM was to establish new requirements for traditional air carrier training programs to ensure that safety-critical training and evaluation is provided. The secondary purpose of the NPRM was to reorganize, simplify and recodify all rule language relating to crewmember and aircraft dispatcher qualification and training requirements in subparts N, O, and P of part 121, into subparts BB and CC of part 121. The proposed changes sought to make a significant contribution to the FAA's accident reduction goal by improving performance and reducing human error among flightcrew members, flight attendants, and aircraft dispatchers. These changes included:

- Training and evaluating flightcrew members in a complete flight crew environment;
- Requiring Line Oriented Flight Training (LOFT) to be administered to flightcrew members in a full flight simulator (FFS) during recurrent training;
- Requiring the use of qualified FSTD for training and evaluating flightcrew members;
- Requiring special hazard training for flightcrew members, such as loss of control and CFIT; and
- Requiring additional training and practice in the use of CRM skills;
- Requiring flight attendants to complete "hands on" performance drills every 12 months using emergency equipment and procedures;
- Requiring trained and qualified flight attendant ground instructors and evaluators;
- Standardizing the training and experience requirements for check dispatchers and dispatcher instructors;
- Implementing supervised operating experience (SOE) requirements for aircraft dispatchers;
- Establishing requalification training and evaluation for crewmembers and aircraft dispatchers;
- Requiring a CAP for certificate holders.

In addition to these requirements, the FAA also proposed to reformat existing subparts N, O, and P, into subparts BB and CC. Subpart BB addresses the qualification standards and training and evaluation requirements for flightcrew members and flight attendants currently in subparts N, O, and P, as well as appendices E, F, and H. Subpart CC addresses the qualification standards and training and evaluation requirements for aircraft dispatchers and other operations personnel currently in subparts N and P. The FAA also proposed to establish four Qualification Performance Standards (QPS) Appendices: Pilots, appendix Q; Flight Engineers, appendix R; Flight Attendants, appendix S; and Aircraft Dispatchers, appendix T. These appendices contained the minimum training and evaluation standards as well as procedures for crewmembers and aircraft dispatchers to become qualified and maintain qualification. In each QPS appendix, the material was separated into two sections: "QPS Requirements," which were regulatory and in addition to the requirements in part 121, and "QPS Information," which contained advisory material and explained methods of compliance with the regulatory requirements of subparts BB and CC, as well as the QPS requirements sections.

As proposed in the NPRM, each training program curriculum would consist of categories of training (referred to as curriculum categories in the SNPRM) related to the individual's level of qualification experience. These categories of training addressed first time qualification for a certificate holder, first time qualification in type, configuration differences within type or series, maintaining and regaining qualification, and changes in operation. These categories of training included new hire, initial, transition, conversion (full and core), upgrade (full and core), emergency, differences, recurrent, requalification, and special. For these curriculum categories, the NPRM established minimum programmed hours and specific task requirements for both academic and job performance training and evaluation. Academic training and evaluation, commonly referred to as ground training, provides students with the required knowledge and cognitive skills necessary to perform the tasks required for the crewmember duty position or training or evaluation duty position. This training may be completed in either a classroom setting or through distance learning.[2] Job performance training and evaluation provides students with the practical, hands-on experience of integrating knowledge and skills and learning the related motor skills necessary to perform the job. The FAA also proposed revising manual requirements and requiring separate approvals of the flightcrew member, flight attendant, and aircraft dispatcher operating manuals.

The comment period for the NPRM was originally scheduled to close on May 12, 2009. In response to requests, the FAA issued a notice (74 FR 17910, April 20, 2009) extending the comment period until August 10, 2009.

### *B. Summary of Comments*

The FAA received approximately 150 comments in response to the NPRM (with approximately 3,000 pages of detailed comments). The issues raised by commenters are discussed in more detail later in this document under the heading "Discussion of Significant Issues." Commenters included industry organizations, unions, individual airlines, aircraft manufacturers, the NTSB, and individual members of the public. Many commenters, including Air Transport Association of America (ATA), Regional Airline Association (RAA), and individual airlines, raised the following general concerns with the NPRM:

- The FAA understated the impact of the NPRM on air carriers conducting training under an approved AQP.
- The FAA underestimated the number of FSTD periods required to meet flightcrew member training and evaluation requirements.
- The FAA did not adequately consider the impact of requiring a full crew for flightcrew member training and evaluation.

Several unions representing pilots and flight attendants, and a professional organization representing dispatchers, generally supported most of the NPRM, although all submitted specific recommendations for change or clarification.

In addition, the NTSB generally supported the NPRM. In its comments, the NTSB listed 13 open safety recommendations related to crewmember training and included an explanation of whether the NPRM addressed each of them.[3]

[2] The FAA has defined distance learning in FAA guidance as "learning that is accomplished by any training method not including an instructor and a gathering of trainees collocated in a traditional classroom".

[3] NTSB recommendations A–95–124, A–96–120, A–07–44, A–08–16, and A–08–17 also include operations conducted under part 135 or operations conducted under part 91, subpart K. Although the NPRM and SNPRM address NTSB recommendations for part 121 operators, the NPRM and SNPRM would not address these recommendations for part 135 operations or part 91, subpart K operations.

*C. Need for Supplemental Notice of Proposed Rulemaking (SNPRM)*

Upon review of the comments, the FAA identified the following major issues that were not adequately addressed in the NPRM: the impact of the proposed rule on air carriers conducting training under an approved AQP; modification of training program requirements for flightcrew members based on an air carrier's operation of aircraft with similar flight handling characteristics; certificated aircraft dispatchers for certificate holders conducting supplemental operations; deviation authority to allow contract aircraft dispatchers; and training requirements for other operations personnel. Furthermore, the FAA determined that additional data and clarification was necessary regarding the development of the minimum programmed hours for curriculum categories and flightcrew member job performance task requirements for the initial and recurrent curriculum categories', the proposed frequency for conducting training; the level of FSTD required to meet the proposed training program requirements', and the interim requirements for air carriers transitioning from the requirements of subparts N, O, and P to the requirements of subparts BB and CC.

In addition, the Airline Safety and Federal Aviation Administration Extension Act of 2010 was enacted on August 1, 2010. See Public Law 111–216, §§ 208, 209. Under this Act, Congress has mandated that the FAA issue a final rule with respect to this proposal within 14 months after the date of the enactment of the Act. Congress also has required the FAA to conduct rulemaking to ensure that all flightcrew members receive ground training and flight training in the recognition and avoidance of stalls, and recovery from stall, and recognition and avoidance of upset of an aircraft, as well as the proper techniques to recover from upset. The Act also prescribes the development of remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment. The FAA has included these requirements in the SNPRM. The FAA is providing the public an opportunity to comment on these additional requirements, as well as other changes from the NPRM.

Because of the substantive changes and reorganization of the NPRM, the FAA is publishing the rulemaking proposal in its entirety in this SNPRM. These changes are discussed below. To facilitate review, the FAA has provided a distribution and derivation table in the docket, listing the current rule requirements, the sections as proposed in the NPRM, and where those requirements appear in the SNPRM.

*D. General Overview of SNPRM*

This section provides a summary of the SNPRM and offers further explanation for the need for the proposed safety improvements. It also clarifies the impact of the proposal on air carriers conducting training under an approved AQP, as well as the interim requirements for operators transitioning from the training program requirements of existing subparts N, O and P to subparts BB and CC.

The FAA has retained the structure of the rule as proposed in the NPRM, with minor changes. Each air carrier that currently trains under the requirements of subparts N, O, and P rather than through an approved AQP would be required to have an approved training program that meets the standards set forth in subparts BB and CC. As discussed later in this document, based on the FAA's analysis of six existing AQP carriers, on average, an AQP carrier may expect to add 5–6 flightcrew member training or evaluation tasks to its curriculum, assuming the carrier has not obtained approval of alternative means of compliance for the proposed tasks in subpart BB that are not currently addressed. The requirements for qualification, service and use of pilots, flight engineers, and flight attendants (including the training program requirements for each population) are set forth in subpart BB and appendices Q, R, and S. The requirements for the qualification, service, and use of aircraft dispatchers (including the training program requirements) and the training requirements for other operations personnel, are set forth in subpart CC and appendix T. The training program must include the task requirements that pertain to each certificate holder's particular operations for academic and job performance training and evaluation for the following curriculum categories: new hire, initial, transition, conversion, upgrade, emergency, differences, recurrent, requalification, and special. The task requirements for each air carrier would vary depending on the air carrier's particular operations. The academic and job performance training and evaluation tasks for these curriculum categories are set forth in the QPS appendix specific to each population. In addition to the curriculum categories, each training program must also include the personnel, facilities, equipment, and other resources used to meet the training requirements, as further outlined in subparts BB and CC.

In the SNPRM, the FAA made one significant format change regarding the QPS appendices. Several commenters stated that including guidance information with the regulatory requirements made it difficult to determine which provisions in the appendices were required. To eliminate this confusion, the FAA has removed all of the non-regulatory informational sections from the QPS appendices and placed this guidance material in the following draft advisory circulars (ACs): Aircraft Dispatcher Training and Evaluation, Flight Attendant Training and Evaluation, and Flightcrew Member Training and Evaluation. In addition, the FAA also revised AC 120–53A, Guidance for Conducting and Use of Flight Standardization Board Evaluations, to address the new process set forth in the SNPRM for certificate holders seeking modification of their training programs based on operation of aircraft with similar flight handling characteristics, or as otherwise referred to in the SNPRM, related aircraft. These draft ACs are available for review in the docket.

*E. Basis for the Rulemaking*

The safety need for this rulemaking is based on a review of accidents involving U.S. certificate holders required to train under part 121, NTSB recommendations regarding training requirements, and the resulting need to codify existing recommended practices contained in FAA guidance material that represent current industry practices. The FAA received several comments regarding the basis for the NPRM and this section provides additional clarification.

As discussed in the NPRM, the leading causes of fatal accidents for U.S. air carriers over the last 20 years have been loss of control and CFIT. Human error was also a major factor in many of the accidents during this time period. This was most recently evidenced in the Colgan Air crash that occurred on February 12, 2009, when the pilot lost control of the aircraft after failing to follow appropriate procedures, resulting in the death of 45 passengers, two flight attendants, both pilots, and an individual on the ground. This rulemaking is necessary to address the training inadequacies the FAA identified in its accident analysis, as well as the multiple NTSB recommendations resulting from these accidents.

In the NPRM, the FAA identified 169 accidents that occurred from 1985 to 2004 that could have been mitigated if

the proposed enhanced training requirements had been in effect at the time of those accidents. Several commenters raised questions regarding whether this accident analysis included air carriers training under an approved AQP or accidents that had already been accounted for by other rulemaking actions. As a result of these comments, the FAA conducted a new accident analysis for the SNPRM. In this analysis, the FAA identified 178 accidents that occurred between 1988 and 2009 that were the result of inadequate training, incomplete operating manuals, and inadequate training standards and operating procedures. These accidents resulted in 492 fatalities, 196 serious injuries, and 615 minor injuries. This accident analysis does not include accidents by operators training under an approved AQP, or any accident that occurred while an air carrier was operating under the requirements of part 135. A detailed description of this analysis, and how it was conducted, is provided in section III.B.2 of the regulatory evaluation that is available for review in the docket.

The NTSB investigation reports of these accidents revealed, among other issues, the following areas of training inadequacies: Recovery from stall, active pilot monitoring skills, effective CRM, CFIT, operations in icing conditions, contaminated runways, upset recovery and recognition, and special hazards training. The NTSB often noted that these issues were compounded further by incomplete manuals and inadequate standards and operating procedures. These accidents resulted in the NTSB issuing several recommendations for training program requirements. The changes proposed in the NPRM and SNPRM incorporate the applicable sections relevant to training from the following NTSB recommendations:

- Crewmember Resource Management (CRM) training (Recommendations A–88–71 and A–94–96);
- Flight attendant training (Recommendations A–92–67, A–92–70, A–92–71, A–92–74, and A–92–77);
- Traffic Collision and Avoidance System Resolution Advisory (TCAS RA) training (Recommendation A–93–46);
- Use of simulators to conduct LOFT (Recommendations A–94–191 through 194);
- Training of flightcrews to respond to sudden, unusual or unexpected aircraft upsets (Recommendation A–96–120);
- Training of crewmembers to respond to in-flight fires (Recommendations A–01–83 through A–01–85);
- Aircraft pressurization on the ground while the ground air conditioning source is supplying conditioned (cooled or heated) air to the cabin (Recommendation A–07–96);
- Monitoring of exit availability on the ground after a significant event to help expedite and emergency evacuation (Recommendation A–09–26);
- Communication and coordination between Flight Crewmembers and Flight Attendants regarding emergency and unusual situations (Recommendation A–09–27);
- Pilot monitoring duties (Recommendation A–10–10);
- Requirements for flightcrew member academic training regarding leadership (Recommendations A–10–13, A–10–14, and A–10–15);
- Pilot recordkeeping requirements regarding training performance (Recommendations A–10–17 and A–10–18);
- Develop and implement procedures to establish airspeed reference (Recommendation A–10–21); and
- Develop and conduct stall recovery training and provide stick pusher familiarization training for pilots of stick-pusher equipped aircraft (Recommendations A–10–22 and A–10–23).

In the SNPRM, the FAA has included several provisions to respond directly to these NTSB recommendations. For example, the FAA has required training on certain new tasks for flightcrew member and flight attendant job performance and academic training. In addition, the FAA has enhanced the CRM training requirements, including leadership and command training for flightcrew members and requiring CRM training in initial, upgrade, and recurrent for flightcrew members.

In addition to addressing the problems revealed in the FAA's accident analysis and NTSB recommendations, this rulemaking is also necessary to codify existing guidance material now contained in FAA Order 8900.1 (Sept. 13, 2007).[4] This Order is available for review at *http://fsims.avs.faa.gov/fsims/fsims.nsf.* This order contains the primary guidance for FAA inspectors conducting oversight of air carriers. In drafting the proposed requirements for the NPRM and SNPRM, especially with regard to the minimum programmed hour requirements for curriculum categories, the FAA reviewed the sections in the Order pertaining to training and proposed to codify some of these recommended practices for all air carriers.

*F. Impact of SNPRM on AQP Operators*

This rulemaking principally affects air carriers training in accordance with the provisions of current subparts N, O, and P. Rather than train under the standards in subparts N, O, and P, an air carrier may elect to train under an approved AQP established in accordance with the provisions in subpart Y of part 121. AQP is an alternative method for developing training and testing materials for pilots, flight attendants, and aircraft dispatchers based on instructional systems design, advanced simulation equipment, and comprehensive data analysis to continuously validate curriculums. The NPRM and the SNPRM contain a number of AQP-based requirements, such as crew-oriented, scenario-based training, and mandated use of FSTDs. As noted in the NPRM, however, the FAA believed that current AQP training programs already met the safety improvements that were proposed in the NPRM, and thus air carriers training under an approved AQP would not be affected by the proposed rule. For this reason, the FAA originally estimated that the proposed revisions to subpart N and O would have minimal to no impact on air carriers currently operating under an approved AQP curriculum.

Upon review of the NPRM, some commenters suggested that the FAA require AQP for everyone, while others suggested that the proposed revisions to the training requirements would require significant revision to their approved AQP.

Although the FAA considers AQP to be an effective voluntary alternative for compliance with minimum training and qualification requirements, the FAA does not believe that it is appropriate to require all air carriers to train under AQP. As stated in the AQP final rule, the FAA recognized, and continues to recognize, that AQP may not be appropriate for every certificate holder. The AQP is a voluntary program established to allow a greater degree of regulatory flexibility in the approval of innovative training programs. Based on a documented analysis of operational requirements, a certificate holder under AQP may propose to depart from the traditional practices with respect to what, how, when, and where training and testing is conducted. Detailed AQP documentation requirements, data collection, and analysis provide the FAA and the operator with the tools necessary to adequately monitor and

[4] This guidance material was previously contained in FAA Orders 8400 and was consolidated into FAA Order 8900.1.

administer an AQP. See 70 FR 54810, 54811 (Sept. 16, 2005).

The FAA recognizes that some air carriers may not wish to incur the costs associated with an AQP. Such costs include additional personnel and management infrastructure to develop and facilitate the required data collection, analysis and application required under AQP. Furthermore, some air carriers may prefer the structured requirements of a traditional program to the analytically-driven AQP training program. Other air carriers that use contract training facilities may not find AQP to be a suitable alternative to traditional training requirements. The FAA also acknowledges that to get the most benefit from AQP data collection, a stable work force and route structure is necessary. Therefore, for those air carriers that have a higher turnover in their pilot ranks or conduct supplemental operations where the routes may vary, AQP may not be appropriate. Accordingly, in the SNPRM, the FAA is not proposing to require all certificate holders to operate under the AQP requirements in subpart Y of part 121.

To determine the impact of the proposed rule on operators training under an approved AQP, the FAA conducted an analysis of six air carriers that are representative of those currently operating under an approved AQP. *See* FAA Technical Report, Sec.III, p. 12, App. B. The purpose of the analysis was to identify where the existing AQP pilot flight training curriculums for the representative fleets and operators (a) complied with the NPRM requirement, (b) had AQP-approved alternatives in place, or (c) did not address the NPRM requirement. For this analysis, the FAA used the criteria presently employed for AQP approvals. In addition to examining AQP curriculum content against the NPRM, the average AQP planned hours for each of the target curriculums were compared to the time required to accomplish the current requirements under part 121 appendices E and F and the time required to accomplish the proposed requirements under the NPRM. The FAA then examined the six carriers' programs to determine the time differences between the current AQP curriculums and the tasks proposed in the NPRM that were not currently addressed in those curriculums. Although the FAA recognizes that AQP carriers may propose alternative means of compliance for those tasks, for the purposes of this analysis, the FAA did not make any assumptions regarding any alternative proposals for those NPRM tasks not currently addressed in existing AQPs. The average amount of time required for accomplishing this analysis for each air carrier was 30 hours per fleet. For the results of these analyses, see Table 6 in the FAA Technical Report. Tables for all six AQP carriers are included in appendix B of the FAA Technical Report and summarized in Table 8. The tables in appendix B and the excerpt in Table 7 show the tasks in the proposed rule that presently have no approved AQP alternative method of compliance.

Based on the FAA's analysis of six existing AQP carriers, on average, an AQP carrier may expect to add 5–6 tasks to its curriculum, assuming the carrier has not obtained approval of alternative means of compliance for the proposed tasks in subpart BB that are not currently addressed. Based on an estimate that each task may take anywhere from 2 to 10 minutes to complete, a certificate holder conducting training under an AQP may be required to add anywhere from 10–60 minutes of training to its current program. Some of the tasks that may be added by an individual certificate holder training under AQP may not require evaluation (*e.g.,* during both initial and recurrent curriculum categories the task "slow flight" is incorporated for training but is not subject to evaluation,) and some of the added tasks are incorporated within an existing and over-arching task (*e.g.,* "use of airport diagrams" or "acquire appropriate clearance before crossing or entering active runways" are already covered under the existing task of "taxi").

The FAA maintains its position in the NPRM that any additional task(s) that may be required of certificate holders training under the AQP would have a minimal, if any, impact on the length of the certificate holder's current approved AQP.

In the SNPRM, the FAA has added language in § 121.1202(e) to clarify the impact of the proposal on certificate holders with an approved AQP or those certificate holders applying for approval of an AQP. Certificate holders who have an approved AQP curriculum under subpart Y or have applied for approval of a training program under subpart Y before the effective date of the final rule would be required to submit the Qualification Standards Document required for AQP under 14 CFR 121.909(b)(4). In the SNPRM, proposed § 121.1202(e) would require the certificate holder to indicate in the Qualification Standards Document the specific provisions of subparts BB and CC that would be replaced by the AQP curriculum. The certificate holder would be required to provide a justification and a continuing process approved by the FAA to show how the AQP curriculum would provide an equivalent level of safety for the requirements in subparts BB and CC. The certificate holder would be required to submit the Qualification Standards Document no later than 5 years after the effective date of the final rule.

*G. Transition From Current Training Program Requirements (§§ 121.1202 and 121.1402)*

To help transition non-AQP air carriers from the current regulations to the revised requirements for qualification, service, and use of crewmembers and aircraft dispatchers, the FAA proposed in the NPRM to continue the current regulations under subparts N, O, and P, for 5 years after the effective date of the final rule. The effective date of the final rule is 120 days after publication in the **Federal Register**. Certificate holders who have an approved training program before the effective date of the final rule or have submitted a training program for approval before the effective date of the final rule may comply with existing regulations, subparts BB and CC, or both. The proposed rule permits simultaneous compliance to allow the certificate holder to continue using its approved programs while transitioning to the new requirements. The FAA has maintained these provisions in the SNPRM.

On the date the current regulations expire, all certificate holders who are not conducting training under an approved AQP, and all crewmembers and aircraft dispatchers who are not trained under an approved AQP, must be in compliance with the requirements of subparts BB and CC of part 121. Therefore, it will be necessary for certificate holders to begin training under subparts BB and CC in sufficient time to ensure that all crewmembers and aircraft dispatchers are trained, qualified, and meet the applicable look back provisions of subparts BB and CC before the expiration of the current regulations. Proposed § 121.1202 and § 121.1402 would require certificate holders to submit a transition plan that specifies the transition completion date, which must be before the expiration of the current regulations.

For example, during the transition period, the air carrier may decide to train all newly-hired crewmembers in accordance with the proposed rules, while continuing to train existing crewmembers under the current requirements. Individual crewmembers would be required to be fully in

compliance with the requirements of the existing regulations or with the proposed regulations. Another example would be when a certificate holder submits a training program for a new aircraft type after the effective date of the rule. The training program developed for this new aircraft type must be in compliance with and approved under proposed subparts BB and CC. However, the certificate holder would be allowed to continue conducting training and evaluation on aircraft in its existing fleet in accordance with the regulations in subparts N, O, and P within the 5-year transition period. A carrier could not "cherry pick" between the two sets of regulations for individual employees. Setting the effective date for 120 days after publication of the final rule and allowing use of the existing regulations for 5 years after this period provides existing certificate holders and the FAA time to smoothly transition to the new requirements. By using this approach, certificate holders seeking FAA approval for a new training program would not have to develop one training program to comply with the old regulations, and then develop another training program to comply with the new regulations.

The SNPRM, like the NPRM, proposes that if a new training program is submitted for approval after the rule's effective date, the training program must meet the requirements of subparts BB and CC, as applicable. The FAA does not intend that non-significant modifications that may be proposed to a current training program under the existing regulations would require the certificate holder to initiate development of a training program to comply with subpart BB or CC any earlier than they had planned in accordance with their current business plan.

The FAA has included a grandfather provision in proposed subpart BB to allow persons qualified for a crewmember duty position under the current rules to meet the requirements of the proposed rule without having to repeat certain categories of training they have already completed under the current rules. Proposed subpart CC contains a similar grandfather provision for aircraft dispatchers. For example, currently-qualified crewmembers and aircraft dispatchers would not have to repeat basic qualification, new hire, or initial curriculum categories, as applicable.

During the transition, § 121.1202(d) states "the lesser qualification requirements apply for that duty position for that operation." If one crewmember hasn't yet been transitioned to subpart BB and one has, when they are working together on an aircraft, the "lesser" operational requirement may be met. For example, current § 121.455 requires the PIC to have had additional training before the crew lands at a "special airport" but the SNPRM requires both pilots to have had additional training before they land at a "special airport." If the SIC was still being trained under the current requirements, the SIC would not have the additional training required under the SNPRM, but the airplane could land because the "lesser" operational requirement would be met.

The NPRM did not specify when certificate holders must comply with proposed requirements that are outside subparts N, O, and P of part 121. A commenter noted that the time frames specified in §§ 121.400, 121.431, and 121.1202 apply only to subparts N and O of part 121, which do not contain the manual requirements. In the SNPRM, the FAA has clarified the dates of compliance for § 119.65, § 119.67, § 119.69, § 119.71, § 121.9, § 121.125, § 121.126, § 121.133, § 121.134, § 121.135, § 121.136, § 121.392, § 121.465, § 121.536, § 121.537, § 121.540, § 121.683, § 121.684, § 121.689, § 121.690, § 121.711, and § 121.805.

## III. Discussion of Significant Issues in SNPRM

This section provides clarification of major areas of concern raised by commenters, introduces new requirements, and explains the significant revisions of requirements proposed in the NPRM.

During the comment period, the FAA received several requests for clarification of the job performance training for flightcrew members, with specific regard to the training and evaluation task requirements and definitions in the NPRM, pilot monitoring skills, minimum programmed hours, frequency of training, availability of simulators as a result of the increased frequency, and the level of FSTD required to complete training. On April 7, 2009, the FAA held a public meeting to provide clarification. During the public meeting, participants from industry questioned the basis for the proposal and requested additional data to support the proposed changes. In the comments received after the public meeting, ATA and individual airlines requested additional information regarding the projected costs of the proposed requirements and how the tasks, based on the task definitions, could be accomplished within the proposed programmed hours.

After the close of the comment period, the FAA determined it was necessary to gather additional data regarding (1) the number of simulator sessions, hours, and tasks required to accomplish the proposed flightcrew member training and evaluation requirements for both AQP and non-AQP air carriers; and (2) the impact of the proposed rule on carriers training under an AQP, as set forth in part 121, subpart Y. While the FAA primarily developed the FAA Technical Report to validate the cost and impact of the proposed training and evaluation requirements in the NPRM, throughout the process of developing the FAA Technical Report, the FAA determined that it was necessary to revise and clarify the training and evaluation requirements in the SNPRM. The FAA also held a meeting on December 8, 2009, with ATA and several member airlines to clarify the comments received during the comment period. A summary of this meeting is available for review in the docket. The following provides clarification of the job performance training and evaluation for flightcrew members.

### *A. Flightcrew Member Job Performance Training (Appendices Q and R)*

#### 1. Job Performance Task Requirements and Definitions

The flightcrew member tasks that must be performed during job performance training and evaluation for the various curriculum categories are set forth in Table 3A of appendices Q and R of the NPRM and SNPRM. In the NPRM, the FAA also provided corresponding definitions for the tasks that provided additional instruction for completion of these tasks. Several commenters questioned the basis for the tasks, the frequency for accomplishing the tasks during recurrent training and evaluation, and how, based on the definitions, the tasks could be accomplished within the proposed minimum programmed hours for the curriculum categories.

Upon review of the comments and based on the discussion on December 8, 2009, the FAA, as part of the FAA Technical Report, conducted a comparison analysis of initial and recurrent curriculum categories task requirements for the current requirements and those proposed in Table 3A of appendix Q of the NPRM and SNPRM. The FAA focused on these two curriculum categories because (1) the initial curriculum category contains the largest number of tasks for any curriculum category under both the

current rule and the proposed revisions, and (2) the recurrent curriculum category under the NPRM and SNPRM contains the largest cost because each flightcrew member is required to complete task requirements every 9 months.

In the NPRM, the FAA proposed to require 8 hours of training and evaluation for pilots in recurrent job performance training. However, based on the results of the FAA's Technical Report, the FAA believes that all of the recurrent training and evaluation task requirements can be completed in less than the 8 hours set forth in the NPRM. The Actual Simulator Trial conducted as part of the FAA Technical Report demonstrated that the required tasks for a recurrent evaluation could be completed in 3 hours and 29 minutes. With all of the required "every nine month" tasks [5] having been completed during the recurrent evaluation, the FAA believes the requirements for the LOFT session could be accomplished in under 3 hours. In addition, during those recurrent training cycles that include an FFS course of instruction instead of an evaluation, depending on the number of required "every nine month" tasks accomplished during the FFS course of instruction, the FAA believes the LOFT also could be accomplished in 3 hours.

In the SNPRM, the FAA has revised the minimum programmed hours for recurrent training from 8 hours (as proposed in the NPRM) to 6 hours. The FAA has not made a similar change to the programmed hours in the other curriculum categories (initial, transition, and upgrade) because flightcrew members who are newly hired or not yet qualified on the type of aircraft may require more repetition of the assigned tasks to become proficient.

As identified in the FAA Technical Report, initial training under the current provisions of subparts N and O require training on 62 job performance tasks for pilots in command (PICs) and 56 job performance tasks for seconds in command (SICs). The NPRM proposed a total of 125 job performance tasks for PIC and SIC initial training. In the SNPRM, the FAA has revised the abnormal and emergency procedures tasks, which now results in a total of 94 required tasks for initial training. These 94 job performance tasks are based on a recodification of existing requirements in appendix E and H of part 121, NTSB recommendations, and standard industry practices. The FAA determined the standard industry practices by reviewing existing AQP training programs and non-AQP training programs. See FAA Technical Report, Table 2, p. 7. A detailed review of these training programs is provided in Appendices A and B of the FAA Technical Report.

The FAA recognizes that some of the confusion regarding the proposed task requirements was a result of the proposed task definitions in attachment 4 of the Pilot and Flight Engineer QPS appendices. For example, for the task "unannunciated abnormal procedures," some commenters interpreted the corresponding task definition as requiring training on all unannunciated abnormal procedures. For some aircraft, this might require training on 58 different procedures. This is not what the FAA intended. The proposed definition was intended to allow a certificate holder to select a representative sample to ensure adequate exposure to these unannunciated abnormal procedures. To clarify the intent, the FAA has removed the flightcrew member task definitions and deleted attachment 4 of appendices Q and R. The flightcrew member task definitions serve as more of a guide to certificate holders in tailoring the tasks in Table 3A to the certificate holder's unique operations and are more appropriate as guidance material in the draft Flightcrew Member AC. As a result of deleting all of attachment 4, however, some tasks in Table 3A required further specification and others required consolidation. As a result of this consolidation and reorganization, the FAA has adjusted the number of overall tasks from the current rule to the SNPRM in both initial and recurrent training and evaluation as follows: (1) From 62 tasks for PICs and 56 tasks for SICs to 94 tasks for each in initial training; (2) from 34 tasks for PICs and 32 tasks for SICs to 54 tasks for each in initial evaluation; (3) from 36 tasks for PICs and 35 tasks for SICs to approximately 52 tasks (assuming equal distribution of those tasks that are required every 36 months) for each 9-month recurrent cycle that does not contain a recurrent evaluation and approximately 12 tasks (assuming equal distribution) for each recurrent cycle that contains a recurrent evaluation; and (4) 34 tasks for PICs and 32 tasks for SICs to 54 tasks for each in recurrent evaluation. See FAA Technical Report, Sec. III, Comparison of Current Rule, NPRM and SNPRM, Table 2, p. 7 (Apr. 5, 2010). The FAA clarified, modified, and added tasks for all curriculum categories to ensure that pilots develop the necessary skills to properly and safely perform routine functions. These include landing on contaminated runways, landing from a non-precision approach, and performing visual approaches and landings without the aid of electronic or other glide path information. In addition, the FAA consolidated line environments, addressed in section 13 of Table 3A of the NPRM, into other sections of Table 3A of the SNPRM to specifically require maneuvers in a particular environment. These revisions were necessary to eliminate confusion regarding the required tasks in Table 3A. The following provides a detailed explanation for the development of some of the significant proposed task requirements, as well as the task requirements prescribed by Public Law 111–216. In developing the tasks in Table 3A, the FAA recognized that loss of control is a major factor in aviation accidents involving a fatality. The FAA's proposal to revise requirements for recovery from approach to stall training in the NPRM would have addressed some of the causal factors in accidents where loss of control was identified. While the tasks currently required under appendices E and F for "recoveries from approaches to stall" remain a viable part of the training syllabus, the SNPRM now describes a requirement to have pilots newly qualifying on an airplane perform recoveries from a complete stall. There are three scenarios in which stalls generally occur: clean configuration (table 3A, task 5.2.1), takeoff and maneuvering configuration (table 3A, task 5.2.2), and landing configuration (table 3A, task 5.2.3). Under the proposed tasks, the flightcrew member would be required to complete two recoveries from stall for each scenario for initial and transition training, and one recovery from stall in each scenario for conversion, upgrade, and all phases of requalification training. For recurrent training and all evaluations, the flightcrew member would be required to complete one recovery from stall from one of the three scenarios. For flightcrew members operating aircraft equipped with stick-pusher, the recoveries from stall must be completed by going through stick-pusher release, regardless of the scenario selected. In addition to the job performance training for recovery from stall, the FAA also has proposed academic training. Under Table 2A, section (d)(10), air carriers will be required to provide training for special hazards, which includes recovery from a stall in the three scenarios.

These proposed changes are supported by the NTSB final report (NTSB/AAR–10/01) on the Colgan Air

[5] See table 3A in appendix Q and appendix R.

accident of February 12, 2009, and respond to the training requirements in Public Law 111–216, § 208(a)(1)(A) (Aug. 1, 2010).

The FAA also added tasks to ensure flightcrew members understand the performance and handling qualities of the aircraft they are flying. This would ensure that they are prepared to deal with situations such as "jet upsets," "CFIT," and "icing conditions." Accordingly, in the SNPRM the FAA added the following tasks to the requirements in Table 3A of the Pilot QPS: task 5.6 "Upset Recognition and Recovery," for initial and recurrent training and evaluation; task 5.14 "CFIT/Terrain Avoidance," for initial and recurrent training and evaluation; and task 5.15 "Structural Icing when Airborne," for initial and recurrent training only. The FAA also added task 5.1 "slow flight," for initial training, with recurrent training required every 36 months, to provide pilots with an understanding of the performance of the airplane and a "hands-on" exposure to the way the airplane handles at airspeeds that are just above the approach to stall warning. In addition, the FAA is also requiring academic training for these subjects. See Table 2A, (d)(1)–(11).

The task requirement, "taxi," is a current requirement in appendix E of part 121 and, as such, is included in training programs for flightcrew members. Upon review of several accidents, including accidents in August 2006 (NTSB/AAR–07/05, NTSB Recommendation A–07–44) and August 2005 (NTSB Event ID CHI05LA238), the FAA determined that it was necessary to expand this task to include 3 sub-tasks for taxi, which would be treated as separate tasks that must be completed. In the SNPRM, to comply with the task requirement "taxi," a flightcrew member would be required to complete the sub-tasks "Use of airport diagram (surface movement chart)," "Appropriate clearance before crossing or entering active runways," and "Observation of all surface movement guidance control markings and lighting." See AC 120–74A, Parts 91, 121, 125 and 135 Flightcrew Procedures During Taxi Operations and Safety Alert for Operators 06013 and 07003. Although some certificate holders may already address this task requirement at this level of specificity, the FAA has determined that this task must be targeted by all certificate holders to ensure that flightcrew members use available cues and aids to identify the airplane's location on the airport surface during taxi and verify that the airplane is on the correct runway before takeoff. The FAA does not believe the training time required for the accomplishment of these sub-tasks for "taxi" would take any longer than the time required to complete the currently required "taxi" task. See FAA Technical Report, Table 2, p. 7, n. 9.

In the SNPRM, the FAA added bounced landing recovery training to the initial training tasks. The FAA is also proposing in the SNPRM that bounced landing recovery training be conducted at least once every 36 months in recurrent training. This task teaches pilots identification of and procedures for bounced landing recovery. The FAA determined this requirement is necessary based on FAA review of accidents that occurred in September 2004 and July 1997. See NTSB Event ID DCA04MA082 (Sept. 19, 2004); NTSB Report AAR–00/02 (July 31, 1997). The NTSB found the probable cause of the September 2004 accident was due to the pilot's over-rotation during a go-around maneuver that was initiated because of a bounced landing. This task requirement also would respond to NTSB recommendations issued after the July 1997 accident (NTSB Rec. A–00–93 and A–00–94), which requested that the FAA develop a training tool and provide a syllabus for simulator training on the execution of stabilized approaches and techniques for avoiding overcontrol and premature derotation during bounced landings.

In the SNPRM, the FAA also added task requirements to Table 3A of the flightcrew member QPS appendices for approved low altitude windshear flight training to encompass requirements currently in § 121.409(d). Addressing these tasks in initial and recurrent evaluation would ensure that pilots have developed the necessary skills to recover from a windshear encounter. The FAA determined these requirements were necessary based on a review of an accident that occurred in April 1993, in which the flightcrew failed to recognize, or recognized too late, an inadvertent encounter with an un-announced windshear on final approach. See NTSB Event ID: DEN93FA047.

Questions from commenters regarding the pilot job performance tasks and definitions also extend to flight engineers. Table 3A in appendix R for flight engineers also now incorporates the same format and essentially the same tasks as required for pilots. Understanding that the flight engineer is part of the full crew concept that the original NPRM established, training under this concept would require the flight engineer to be exposed to essentially the same tasks as the pilots. However, in this exposure, the flight engineer would have differing responsibilities and performance requirements for each such task than the pilots. Because of this difference, it may appear initially that revised Table 3A in the Flight Engineer QPS describes a dramatic increase in the number of tasks for flight engineer training, but the overall tasks and frequencies for flight engineers remain essentially unchanged from the NPRM.

As a result of the FAA accident analysis, further consideration of NTSB recommendations, as well as industry comments regarding the complex nature of the number of requirements and frequency for accomplishing the tasks, the FAA has proposed to increase the frequency of some tasks, reduce the frequency of other tasks, and minimally change the total number of tasks to be addressed in Table 3A. To accomplish this, the FAA has clarified how the training tasks are to be accomplished and has described how to supplement the recurrent curriculum category (specifically the proficiency check requirements) by focusing on the training requirements. This clarification is set forth in the FAA Technical Report, which provides one method of developing a recurrent training and evaluation program that would meet the proposed requirements in the SNPRM. See the FAA Technical Report, Sec. V, p. 18–20, App. C.

The FAA continues to propose additional simulator requirements to provide for additional training through the conduct of LOFT and FFS courses of instruction for both pilots and flight engineers. In the NPRM, the FAA proposed that an FSTD course of instruction could be conducted in an FFS or Flight Training Device (FTD). Upon further review, the FAA has determined that the tasks proposed in Table 3C of the Pilot QPS could not be accomplished effectively in an FTD. The FAA concluded that the tasks required for an FSTD course of instruction could only be conducted in an FFS. In the SNPRM, the FAA is requiring that the course of instruction be conducted only in an FFS. Therefore, in the SNPRM the FAA has replaced FSTD course of instruction with FFS course of instruction.

2. Pilot Monitoring Requirements (§ 121.1213)

Another area of confusion surrounding the flightcrew member job performance task requirements concerned the proposed requirement for evaluating pilot monitoring skills. Several individual airlines commented that the pilot monitoring task would

require all of the tasks in Table 3A of the Pilot QPS to be performed twice, once as the pilot flying, and once as the pilot monitoring the operation. This is not the case.

The current regulations do not explicitly address pilot monitoring skills. Historically, however, the FAA has commonly referred to this individual as the pilot not flying, and the duties of this individual are currently included in the manual required by § 121.133. Individuals serving as the pilot not flying currently receive training in LOFT and other training scenarios. In 2003, the FAA revised guidance addressing procedures for the pilot not flying, and the term "pilot not flying" was replaced with the term "pilot monitoring." See AC 120–71A, Standard Operating Procedures for Flight Deck Crewmembers, (February 27, 2003). The NPRM proposed to codify the use of the term "pilot monitoring" to reflect the activities conducted by the pilot who is not actually flying the aircraft or the FSTD. The purpose of using the term "pilot monitoring" is to convey that the pilot monitoring is actively engaged in the safe operation of the aircraft and as such should be trained and evaluated in performing active monitoring skills.

In the NPRM and SNPRM, the FAA has not changed the current duties and responsibilities of the pilot monitoring. The FAA has for the first time proposed requiring the evaluation of active pilot monitoring skills. These proposed changes are further supported by the NTSB final report (NTSB/AAR–10/01) on the Colgan Air accident of February 12, 2009. In the report, the NTSB concluded that "the monitoring errors made by the accident flight crew demonstrate the continuing need for specific pilot training on active monitoring skills." NTSB Rec. AAR–10/01, at p. 94 (Feb. 2, 2010).

To meet this requirement, however, the FAA did not intend that each individual task be accomplished twice by each flightcrew member. Because a full crew would be required during training and evaluation, during the accomplishment of any task there would always be a pilot flying and a pilot monitoring, where both are being observed by a check airman (pilot) or flight instructor, which is consistent with AC 120–71A. The NPRM and SNPRM would only require that both pilots be evaluated for the skill they are performing during each task, whether it is a flying skill or a monitoring skill.

3. Frequency of Training and Evaluation for Recurrent Tasks

In addition to the questions regarding the Tasks in Table 3A, several commenters questioned the frequency with which the Tasks would be required to be accomplished during recurrent training and evaluation. Recurrent training and evaluation comprises a large portion of an air carrier's training program. Under the NPRM and SNPRM, flightcrew members would be required to complete the assigned recurrent tasks during two simulator sessions every 9 months over the course of a 36-month cycle for the recurrent curriculum category. In the NPRM, the FAA designed Table 3A to require that specific tasks be completed during 9-month, 18-month, and 36-month cycle for recurrent training and evaluation. An unintended consequence of this design was that some tasks appeared to be required during every recurrent training and evaluation simulator period. The FAA did not intend this result for some of the tasks. To clarify the FAA's intent, in the SNPRM, the FAA has revised the frequency for accomplishing the tasks during training and evaluation in Table 3A in appendix Q. The FAA has changed the column titles for recurrent training and evaluation from "Every 9 months," "Every 18 months," and "Every 36 months," to "Every 9 months," and "At least once every 36 months." Accordingly, if there is an "x" in the "every 9 months" column, that task must be accomplished once during every 9-month cycle. The FAA notes that recurrent evaluation is required every other 9-month cycle. Therefore, a cycle may encompass either two training events, or a training event and an evaluation event. If a task is designated to be completed "every 9 months," that task may be completed in either training session but is not required to be completed in both. However, if the cycle includes an evaluation session and there is an "x" in the proficiency check column for that task, the task must be accomplished in the evaluation session. The task can be done again in the training session but is not required to be done in the training session for that 9-month cycle. If there is an "x" in the "At least once every 36 months" column, that task must be accomplished at least once over the 36-month recurrent training and evaluation period. This revision is necessary to provide certificate holders with an opportunity to use simulator time to target critical training tasks unique to their operations.

4. Proposed Baseline and Minimum Programmed Hours (§ 121.1335)

In the NPRM, the FAA proposed minimum programmed hours for new hire, initial, full conversion, core conversion, transition, full upgrade, core upgrade and recurrent curriculum categories. As proposed, programmed hours for requalification and differences would be determined by the Administrator, and for the special curriculum category, the hours would be developed by the certificate holder and approved by the Administrator. The programmed hours were based on a review of guidance in FAA Order 8900.1, Vol. 3, Ch. 19, Sec. 6, para. 3–1230 (Sept. 13, 2007), and the proposed task requirements that would need to be accomplished during the programmed hours. The proposed task requirements resulted in an increase in minimum and baseline programmed hours from the hours noted in the FAA guidance material.

The FAA notes that in the NPRM and SNPRM, when a certificate holder initially submits a training program for approval, § 121.1335 states it must have the baseline programmed hours. After a training program has final approval, § 121.1335 allows for a reduction to the minimum hours as specified in the QPSs.

Continental generally commented that the curriculum category programmed hours for job performance flight training for flightcrew members in the NPRM do not reflect the actual time it would take to accomplish the job performance tasks in Table 3A.

In the SNPRM, these baseline and minimum programmed job performance hours are set forth in Table 1A of the appendix Q in the SNPRM and are as follows: Initial, 36 hours; conversion, 20 hours; transition; 24 hours; upgrade, 20 hours; recurrent, 6 hours every 9 months; requalification, 6 hours for phase I, 20 hours for phase II, and 24 hours for phase III; and the minimum hours for differences training are determined by the FAA. These programmed hours are based on FAA guidance in FAA Order 8900.1, Vol. 3, Ch. 19, Sec. 6, para. 3–1230 (Sept. 13, 2007) and review of the proposed required tasks in Table 3A.

As discussed earlier, the FAA conducted a technical analysis of the time required to accomplish the training and evaluation tasks contained in the current rule, the NPRM, and the SNPRM for initial and recurrent curriculum categories. In this analysis, the FAA concluded that the programmed hours proposed in the NPRM were appropriate. (See FAA Technical

Report, Sec. III., Tables 3, 6, pp. 9–11.) Therefore, in the SNPRM the FAA has retained the programmed hours specified in Table 1A of appendix Q, attachment 1, of the Pilot QPS. In regard to initial training and evaluation, the FAA has clarified that the initial job performance training consisting of 36 hours must be conducted independently of the initial evaluation. There is no specified time requirement for the initial evaluation because the time necessary to complete the evaluation is dependent on the tasks that must be accomplished during the evaluation. Because of the addition of the LOFT requirement and the additional tasks in Table 3A, the time necessary to complete initial flight training increased from 20 hours under the current rule to 36 hours in the SNPRM. Furthermore, for requalification programmed hours for flightcrew members, the NPRM did not provide specific hours. In the SNPRM, the FAA has proposed specific programmed hours for the requalification curriculum category. The programmed hours proposed for phases I, II, and III of requalification are based on the programmed hours proposed for recurrent, conversion, and transition curriculum categories respectively. These phases of requalification are appropriate because they provide a graduated increase in training based on the amount of time the individual has been unqualified and thus would ensure that the crewmember is proficient and qualified to serve. In addition, the FAA removed the task requirements described in attachment 4 of the QPS in the NPRM to avoid confusion concerning the definition, number, and frequency of tasks required for initial and recurrent curriculum categories. The FAA believes, based on the analysis in the FAA Technical Report, that the tasks can be performed at the frequency established in Table 3A of appendix Q within the minimum programmed hours set forth in Table 1A of appendix Q.

Midwest, American, FedEx, ATA, and UPS commented that programmed hours apply to specific training categories (*e.g.,* initial, transition) and that programmed hours in each training category can apply to more than one duty position simultaneously, such as when the PIC is completing pilot monitoring tasks and the SIC is completing pilot flying tasks. The commenters questioned whether this practice would be an acceptable means of compliance with the task requirements.

To clarify that some task requirements can be accomplished simultaneously by the PIC and SIC, in the SNPRM the FAA has revised Table 3A in the Pilot QPS to identify those tasks that are performed by the PIC and SIC as a crew. These tasks are flight deck inspection, navigation system setup, pushback and powerback, taxi, pre take-off procedures, deicing before takeoff, after landing, contaminated runway operations, traffic collision avoidance system (TCAS), structural icing airborne, and extended operations (ETOPS) Procedures.

Based on the increased frequency and the proposed increase in recurrent training and evaluation, many commenters raised concerns regarding the number of simulator periods that would be required to accomplish the job performance tasks for recurrent training and evaluation. The commenters estimated that it would take 22 simulator periods over the course of the 36-month recurrent training and evaluation timeframe to complete all of the required tasks.

Although the commenters stated that the task requirements for recurrent training and evaluation in the NPRM would require 22 simulator periods over a 36-month recurrent cycle, during the Actual Simulator Trial discussed in the FAA Technical Report, the PIC and SIC were able to complete 76 of the potential 82 tasks that were proposed in the NPRM for a recurrent evaluation within 3 hours and 29 minutes. See FAA Technical Report, Sec. V, pp 17–20; App C. In addition to the 76 tasks, the PIC completed six more tasks and the SIC completed 5 more tasks within the same simulator session. These additional tasks included: an additional approach to stall procedure; upset recognition and recovery; windshear encounter at takeoff; CFIT avoidance; rejected landing; and additional instrument arrival (PIC only). In the SNPRM, the FAA has proposed to require that these tasks, except for the additional recovery from approach to stall, be accomplished during a recurrent evaluation. As the Actual Simulator Trial demonstrated, all of these tasks were completed in 3 hours and 29 minutes (including a 12-minute break), well within the 4-hour simulator period that is normally allotted to complete a proficiency check. See id. The remaining required recurrent training tasks could be completed during the remaining 31 minutes of simulator time and the additional LOFT or FFS course of instruction simulator session. Using conservative estimates regarding the usage of available simulators, the FAA believes there is an adequate number of simulators and simulator hours available to meet the requirements of the SNPRM. See FAA Technical Report, Sec. V, pp 29–32.

The FAA has also conducted an evaluation of the simulator period requirements necessary to complete the remaining tasks identified for recurrent training and evaluation. In Table 3A of appendix Q in the SNPRM, there are a maximum of 54 tasks that would be required during each recurrent evaluation. In addition, there are a maximum of 43 tasks that would be required every 9 months during recurrent training. Attachment 3 of appendix Q in the SNPRM indicates, however, that, when a task is required to be completed "every 9 months," this requirement is satisfied by the task being completed during the proficiency check during the 9-month cycle when a proficiency check is conducted. Therefore, for example, during the 9- and 27-month cycles, 40 of the 43 tasks required every 9 months would be completed during the required proficiency check. As such, these tasks would not need to be repeated during the accompanying LOFT or FFS course of instruction. When a proficiency check is not conducted, the 43 tasks in the "every 9 months column" must be completed during the two simulator training sessions (LOFT and FFS course of instruction).

In addition to these requirements, there are 33 tasks in Table 3A that must be completed "at least once every 36 months." If the 33 tasks are equally distributed across 36 months (8 simulator sessions), there would be approximately 8 tasks added to each 9-month recurrent cycle (or approximately 4 tasks per simulator session). See FAA Technical Report, Table 16, p. 28. During the Actual Simulator Trial, pilots were able to complete 87 tasks using only 3 hours and 29 minutes. They were able to reduce the simulator time they used by integrating tasks when the combination was a logical occurrence.

The FAA also notes that for initial training, the tasks must be completed over a minimum of 36 hours of flight training. For those operators who have established simulator periods of 4 hours duration, to accomplish the training tasks within the 36-hour minimum requirement, nine simulator periods of training would be required (including one simulator period for a LOFT) and one simulator period for the evaluation would be required, for a total of 10 simulator periods. See FAA Technical Report, Sec. III, Table 1, p. 6 (Programmed Hours).

5. Flight Simulation Training Device (FSTD) Requirements (Including Level of FSTD) (§ 121.1345, Table 3B of the Pilot and Flight Engineer QPS)

The NPRM proposed, in § 121.1345, to require that all pilot, flight engineer, check pilot, check flight engineer, flight instructor, flight engineer instructor, and Aircrew Program Designee (APD) job performance training and evaluation be completed in a qualified FSTD approved by the carrier's Principal Operations Inspector (POI). However, § 121.1345(b) allowed a certificate holder to request a deviation from the requirement to use FSTDs for training and evaluation, and § 121.1229(a) would permit the use of aircraft for compliance with recency of experience requirements. This is a significant change in current requirements, which only prescribe use of an FSTD for windshear training under § 121.409(d). Current appendix H of part 121 permits air carriers to use simulators for varying amounts of the required training, testing, and checking. Appendix H is a voluntary alternative to training and checking in the airplane.

None of the commenters opposed the requirement to complete all job performance training and evaluation in a qualified FSTD that is approved by the POI. In fact, Continental acknowledged that air carriers "are already substantially in compliance" with this proposed requirement. Boeing asserted that there may be times when simulators are not available, yet training and checking needs to be accomplished. Boeing questioned, therefore, whether the proposed rule would allow for training in airplanes. It stated that in these limited situations, training could be accomplished safely in an airplane. The FAA believes it is important to require the use of FSTDs for training. Using FSTDs allows for in-depth training, including the practice of critical emergency procedures, in a safer environment. This proposed requirement also addresses NTSB Recommendations A–94–191 through 194, which state that "training and checking in flight simulators, whether conducted under Part 121 or 135, should be the standard, not the exception."

Furthermore, the FAA has long recognized that the use of simulation in flight training provides an opportunity to train, practice, and demonstrate proficiency in a safe, controlled environment. Returning to the airplane for the training or evaluation of all skill sets has several disadvantages, including significant accident risk, higher costs for insurance and fuel, additional atmospheric pollution, and airport traffic saturation. The FAA emphasizes that the skill sets that are used in simulation must be the same skill sets that would be used when operating the airplane. Accordingly, the FAA has determined that use of simulation must be required for flight training.

However, to accommodate the limited circumstance where the only option available is to conduct flight training in an airplane because there is no FSTD available for that airplane or there are not enough FSTDs for the airplane, the FAA has proposed to allow a deviation from the requirement to use FSTDs. In the SNPRM, the FAA has revised § 121.1345(a) to draw attention to the deviation authority in paragraph (b). Paragraph (b) proposes an alternative training program for using an airplane instead of an FSTD or using an airplane in combination with an FSTD, including methods of achieving an acceptable level of safety.

RAA was concerned about the time limit for applying for the deviation from the use of FSTDs. The FAA notes that paragraph (b)(1) only establishes a time limit for requesting deviations for certificate holders who have an approved program or have submitted a training program for approval before the effective date of the final rule. Under paragraph (b)(2) there is no time limit on requesting deviations as part of a request for approval of an initial cadre program.

The FAA does not intend that the deviation provide a loophole for certificate holders who want to continue training and evaluating in airplanes. Rather, the deviation is designed to accommodate those certificate holders who use airplanes for which there are no FSTDs available (*e.g.* DC–6) or who, for extraordinary reasons, do not have access to an FSTD for the aircraft type they operate. FAA believes that options provided under paragraph (b) are appropriate and these requirements have not been changed in the SNPRM.

American recommended allowing FSTDs to be used for LOFT rather than requiring an FFS. In the SNPRM, the FAA has retained the requirement that the qualification and recurrent LOFT must be conducted in an FFS because the FAA believes that motion is a necessary element of LOFT. A level A FFS[6] is the first level of FSTD for which a motion system is required. Requiring LOFT in an FFS is consistent with recommendations in AC 120–35C, Line Operational Simulations: Line Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation (Sept. 27, 2004). However, in the SNPRM, the FAA has modified Table 3B (Table 3C in the NPRM) to broaden the level of FFS allowed to be used for LOFT. In the NPRM, certificate holders would not have been permitted to use a level A or B FFS for qualification LOFT, or a level A FFS for recurrent LOFT. In the SNPRM, for both qualification and recurrent LOFT, a level A, B, C, or D FFS may be used. Upon review of the task requirements, the FAA determined that, although an FFS was necessary for LOFT, it was unnecessarily restrictive to limit qualification LOFT to levels C or D FFS and to limit recurrent LOFT to levels B, C, or D FFS. As such, the SNPRM proposes to allow the tasks for qualification and recurrent LOFT to be accomplished in levels A, B, C, or D FFSs.

The FAA's determination that an FFS must be used for LOFT is based on the universally recognized conclusion that while both visual and vestibular systems are directly impacted by simulation, the element of these systems that is critical to satisfactory training is motion on-set (or acceleration) cueing. Various studies have shown an increase in pilot performance when they use simulators with motion. See Showalter, T.W.; Parris, B.L., "The Effects Of Motion And G–Seat Cues On Pilot Simulator Performance Of Three Piloting Tasks," Ames Research Center, Jan 1, 1980 (indicating 40% improvement on yaw performance and Roll performance, engine out on takeoff with use of motion simulators); Parris, B.L.; Cook, A.M., "Effects of visual and motion simulation cueing systems on pilot performance during takeoffs with engine failures," Ames Research Center, Dec 1, 1978; Hosman, R.J. A.W., & van der Vaart, J.C. "Effects of vestibular and visual motion perception on task performance," (1981); Heintzman, Richard J. "Determination of Force Cueing Requirements for Tactical Combat Flight Training Devices," Training Systems Product Group Aeronautical Systems Center Air Force Materiel Command Wright Patterson AFB, February 1997; Gebman, J.R.; Stanley, W.L.; Barbour, A.A.; Berg, R.T.; Birkler, J.L., "Assessing the Benefits and Costs of Motion for C–17 Flight Simulators," Department of The Air Force, Washington, DC, June 1986. Accordingly, the FAA has determined that LOFT must be conducted in a level A, B, C, or D FFS because the FFS provides the level of motion cueing

[6] FFS levels become more sophisticated as they move up the alphabet. Accordingly, a level B simulator is more complex than a level A simulator.

necessary to ensure proper response in real flight line operations.

American also questioned the emphasis on level D FFS in Table 3C "Minimum FSTD Required for Credit," noting that many of the tasks could be appropriately accomplished in a level C FFS. American suggested revising Table 3C to lower the requirements to accommodate the use of level C FFS.

To ensure effective training and evaluation, a pilot needs to experience a certain level of visual and motion cues that accurately replicate the aircraft. Level D FFSs have more accurate sound, visual, and data capabilities than level C FFSs. However, the FAA recognizes if a pilot meets certain experience requirements, a level C FFS can provide effective training and evaluation. In the SNPRM, the FAA has maintained the requirements in the NPRM regarding the use of level C and D simulators in Table 3 B (Table 3 C in the NPRM). However, the FAA has also permitted the use of level C FFSs in certain circumstances. Where a Level D FFS is indicated in Table 3B, a level C FFS may be used to complete the training and proficiency test if the pilot meets specified experience requirements. The FAA believes there are a sufficient number of FFSs available for use by air carriers to meet the proposed requirements of the SNPRM. A detailed discussion of the current availability of FSTDs for use in training and evaluation is available for review in the FAA Technical Report. See FAA Technical Report, sec. V.C., p, 29.

As discussed previously, the FAA believes that in light of current flight simulation technology, job performance training must be conducted in the specified level of FFS to ensure that the pilot is trained and evaluated in an environment that accurately replicates the actual aircraft. The FAA, however, is aware that this flight simulation technology is rapidly changing. Therefore, the FAA requests comment on whether the deviation authority proposed in § 121.1345(b) should be expanded to permit certificate holders to apply for a deviation that would allow them to conduct training or evaluation in other FSTDs, provided the certificate holder could demonstrate that training or evaluation in the other FSTDs would provide an equivalent level of safety to the training, evaluation, or qualification provided in the level of device as specified in the QPS.

*B. Reduction in Programmed Hours and Modification of Training Program Based on Operation of Related Aircraft*

Current § 121.405(d) and (g) allow for a reduction in programmed hours, subjects, and tasks based on training aids, devices, methods, and procedures listed in the certificate holder's curriculum that increase the quality and effectiveness of the teaching-learning process and the certificate holder's operations, and that address the complexity of the make, model, and series of the aircraft used. One tool that is used in determining whether a reduction in programmed hours may be appropriate for a certificate holder is outlined in AC 120–53A, Guidance for Conducting and Use of Flight Standardization Board Evaluations. When requested by industry, the FAA, through the FAA Aircraft Evaluation Group (AEG), has undertaken an analysis of new and derivative aircraft and their associated systems regarding recommendations for training, checking, recency of experience, and operating experience applications. The FAA uses these analyses to develop consistent and practical recommendations for use in developing training, checking, currency, recent experience and certification programs for pilots of transport category aircraft. These recommendations are documented in Flight Standardization Board (FSB) reports for each aircraft and may be used by a certificate holder to develop its training program curriculum. The NPRM did not include these allowances for modification of programmed hours, subjects, and tasks, nor did it incorporate the guidance material in AC 120–53A.

The FAA received two comments on this issue. Boeing and Airbus commented that the NPRM did not allow for modification of programmed hours, subjects, and tasks. They noted that the NPRM incorporated neither the modifications currently allowed under § 121.405(d) and (g), nor the AEG responsibilities regarding recommendations for training, checking, recency of experience, and operating experience applications.

The FAA recognizes that due to differences in instrumentation and installed equipment, the skills and knowledge required to operate two aircraft of the same make and model can differ. The range of differences between variations of a basic aircraft model may be very wide or very narrow, given the introduction of computerized guidance systems, electronic instrument displays, and two crewmember flightcrews. Crewmembers trained on one variant of an aircraft may require additional training to safely and efficiently operate other variants of that aircraft. In 1989, FAA established FSBs to begin analyzing the differences in variants of existing aircraft during certification. These analyses are published in a Master Differences Program Requirements (MDPR) document in each FSB report. The MDPR document contains differences and differences training requirements for each variation of aircraft type. An operator preparing a training program may review the MDPR, determine the differences between the aircraft, and develop a training program, subject to FAA approval, that addresses these differences.

In certain circumstances, the differences between each variant may be so significant that additional training may be necessary. However, in other cases, technologies in modern aircraft systems and displays may allow different type certificated aircraft to have common flight deck and systems designs, such that minimal differences training may be warranted. In these situations, the FSB has recommended credits for similarities between aircraft, provided the necessary and critical levels of training, checking, currency, and recent experience are maintained.

For example, the Boeing 737 family of aircraft, whose variations have encompassed all models from the B–737–100 to the current B–737–NG family, is an example of one "type" of aircraft having diverse configurations and technologies incorporated in the same type certificate. In this case, the FAA has established the minimum differences to maintain an equivalent level of safety by managing the training, checking, currency, and recent experience requirements across this fleet of aircraft. On the other hand, the FAA has determined that it may be appropriate to allow credit based on commonality of systems design and handling characteristics for the Airbus family of aircraft (A320/330/340/380).

With the rapid advancement in modern technologies, both in manufacturing techniques and systems design and application, the industry has incorporated products and processes that have redefined the relationships between and within aircraft fleets. For example, the technological development of flight guidance computers has produced "fly-by-wire" control laws embedded in computer software that increasingly determine and control the handling or flight characteristics of an aircraft. The use of such technology can produce aircraft of differing models and aerodynamic airframes, whose handling or flight characteristics are similar.

To address these "relationships" among different type certificated aircraft, the FAA proposes adding a new definition for "related aircraft" that applies specifically to flightcrew members in part 121, subpart BB. Related aircraft means any two or more aircraft of the same make for which the FAA has determined that the flight handling characteristics and operating systems of the aircraft are so similar that it may be appropriate to give credit for some of the training, testing, checking, recency of experience, or operating experience conducted in one of the aircraft for the training, testing, checking, recency of experience, or operating experience that would be required for the other aircraft. These credits must be authorized by the FAA.

Based on the FAA's experience with evaluating aircraft similarities and dissimilarities regarding training, evaluation, and operations, the FAA is proposing to allow certificate holders to seek related aircraft designation. The process for seeking related aircraft designation is outlined in proposed § 121.1206. Having such a designation may allow certificate holders to take advantage of any similarities that may exist between aircraft in its fleet and make modifications to their training programs, as set forth in § 121.1215, or seek a deviation from the recency and qualification requirements as set forth in § 121.1230. Before a certificate holder may take advantage of the allowances in proposed §§ 121.1215 and 121.1230, it must submit an application for related aircraft designation and obtain approval of that application. The application must be submitted to the Division Manager of the Air Transportation Division of Flight Standards Service through the FAA office responsible for approval of the certificate holder's operations specifications.

In creating the related aircraft designation, the FAA recognizes that the range of differences between variations of a basic aircraft model may be very wide or very narrow given the introduction of computerized guidance systems, electronic instrument displays, and two crewmember flightcrews. Crewmembers trained on one variant of an aircraft would likely require additional training to safely and efficiently operate other variants of that aircraft. Consistent with current practice, provided a flightcrew member is able to demonstrate proficiency and complete the training and evaluation requirements set forth in the certificate holder's approved training program, the FAA has not established a limit on the number of aircraft type, or series within a type, that a flightcrew member may be qualified to serve.

*C. Require Certificated Aircraft Dispatchers for Supplemental Operations*

In the NPRM, the FAA proposed qualification and training program requirements for all aircraft dispatchers serving in domestic and flag operations, but was silent with regard to supplemental operations. Currently, §§ 121.125 and 121.127 require certificate holders conducting supplemental operations to maintain a flight following center. Supplemental operators are not required to use certificated aircraft dispatchers but may use operations personnel, commonly referred to as flight followers. The certificate holder must be able to show these individuals are able to perform the function of operational control of the aircraft and other job functions as required. The NPRM did not include training requirements for these flight followers.

Midwest and Transport Workers Union (TWU) recommended that the FAA require certificated aircraft dispatchers for supplemental operations in order to achieve one level of safety in part 121 operations. Airline Dispatchers Federation (ADF), TWU, Southwest TWU Local 550, and three individuals also suggested that the FAA include training requirements for flight followers in supplemental operations. The Crewmember/Dispatcher Qualification Aviation Rulemaking Committee (ARC)[7] dispatcher working group recommended eliminating the release and operational control rules for supplemental operations and requiring certificated aircraft dispatchers for all operations conducted under part 121. See Recommendation Document "Elimination of Part 121 Supplemental Release and Operational Control Rules" Docket entry FAA–2008–0677–049.1.

Under the current provisions, training for flight followers is generally stated in § 119.65(d). This regulation requires that anyone in a position to exercise control of operations must be "qualified through training, experience, and expertise," to the extent of their responsibilities and have a full understanding with respect to the operation. The FAA notes that as of September 30, 2009, there were 32 supplemental operators. Of these 32 operators, 21 operators employ only certificated aircraft dispatchers to perform flight following services and 8 employ some FAA certificated dispatchers as flight followers, Only three operators do not employ any FAA certificated dispatchers as flight followers. Of the 32 operators, 31 use flight followers located in the United States. These 31 operators employ 332 flight followers, 300 of which are certificated aircraft dispatchers, and 3 more who are presently in the process of obtaining an aircraft dispatcher certificate.

A majority of supplemental operators already use aircraft dispatchers as flight followers, recognizing FAA-certificated aircraft dispatchers provide a higher level of safety than non-certificated flight followers. Because flight followers may perform the function of operational control for the Director of Operations without a formal training program, it is necessary to ensure these individuals are qualified and trained to perform this function. The provisions in the SNPRM that would require aircraft dispatchers in supplemental operations are consistent with other FAA initiatives that serve to establish a single level of safety for all commercial airlines. Furthermore, adding these requirements for flight followers would also conform to ICAO Annex 6 section 4.2.1.3 regarding training for people designated with operational control responsibilities.[8]

Accordingly, the FAA proposes in this SNPRM to require flight followers to be FAA-certificated aircraft dispatchers, trained and qualified under proposed subpart CC. This action is further supported by the following accident history.

On December 28, 2001, a Boeing 747 cargo airplane operated by a part 121 Supplemental Operator had a tail strike on departure from Anchorage, Alaska. The NTSB found prior to departure that the crew failed to account for the weight of the additional fuel and inadvertently used the same performance cards that were used for the previous landing. The NTSB found the probable cause of the accident was inadequate preflight planning/preparation and failure to calculate aircraft weight and balance by the flight crew (NTSB Event ID ANC02LA008). The FAA believes this accident could have been mitigated if the pilots had been required to share joint responsibility with a certificated aircraft dispatcher involved in the preflight planning of this operation. Based on this analysis and in response to comments, the FAA proposes to amend §§ 121.125 and 121.127 to

[7] The FAA established the ARC on May 3, 2004, as a forum for the FAA and the aviation community to discuss crewmember and aircraft dispatcher qualification and training.

[8] ICAO Annex 6 was approved and became effective in November 2006, after the ARC had completed its work.

require personnel performing flight following services to meet the qualification and training standards set forth in subpart CC. For the purposes of these new requirements dispatch release and flight release have the same meaning.

As a result of requiring certificated aircraft dispatchers in supplemental operations, the FAA recognizes that the shared responsibility of operational control between the PIC and the certificated aircraft dispatcher increases the safety of the flight. With this added layer of safety, the FAA believes it is appropriate to allow supplemental carriers to file domestic flight plans with no alternate airport, under the provisions of § 121.619, as is currently allowed for part 121 domestic operations. This would result in a fuel savings for the supplemental operators because current regulations for supplemental operators require an alternate airport for all of their operations. Therefore, the FAA has included new § 121.536 to allow supplemental operators to comply with domestic alternate airport requirements in § 121.619 when they meet the requirements of §§ 121.125 and 121.127.

*D. Establish Deviation Authority To Allow Contract Aircraft Dispatcher Dervices (§ 121.1411)*

In the NPRM, the FAA proposed a new requirement that aircraft dispatchers be employees of the certificate holder. The NPRM would have continued the current FAA policy of prohibiting the use of contract dispatchers. While current regulations do not address the use of contract dispatchers, on March 29, 1984, the FAA issued information to domestic and flag air carriers on "operational responsibilities and use of dispatchers who are not in the employ of the certificate holder," which stated that "to permit the dispatchers operational control functions and responsibilities to be fulfilled by a person who is not an employee of the certificate holder would, in effect, permit a portion of the certificate holder's operational control responsibilities to be fulfilled by a party other than the certificate holder which is contrary to §§ 121.533(a) and 121.535(a)." This policy thus prohibited the use of contract aircraft dispatchers based on concerns that sharing dispatch services between carriers, by contract or some other arrangement, clouds which carrier really controls the dispatchers and whether the air carrier that uses the dispatch services and dispatchers from the other air carrier really has full operational control of its flights.

A September 1988 letter from Robert L. Goodrich, Acting Director, Flight Standards Service, to Marshall S. Filler, attorney for Eastern, also discussed the sharing or contracting of aircraft dispatchers. In closing, Mr. Goodrich concluded permitting contract aircraft dispatchers would be a change in existing policy that would necessitate public notice and comment. He stated further that the FAA would be reluctant to adopt such a radically new policy unilaterally without benefit of comment from interested parties.

On November 30, 2000, the New England Deputy Regional Counsel restated the long standing policy against permitting contract dispatchers to Boston-Maine Airways (BM). See Letter to Boston-Maine Airways, from FAA Regional Counsel (New England) (Nov. 30, 2000) (copy available in the docket).

The FAA did permit the sharing of aircraft dispatch services in certain limited conditions in Alaska (SFAR 80) from 1997 until March 12, 2001. In establishing the SFAR, the FAA recognized its long-standing policy that each certificate holder subject to § 121.395 have aircraft dispatchers that are employed exclusively by that certificate holder. However, small operations located in remote areas in Alaska had difficulty attracting qualified, certificated aircraft dispatchers to work and live in those areas. Accordingly, the FAA issued the SFAR for a 4-year period to allow these operators, upon authorization by the Administrator, to contract dispatch services, with the expectation that adequate communications facilities would become available in all parts of Alaska and other areas within that time. 62 FR 13255 (Mar. 19, 1997). This SFAR was not renewed and, in fact, terminated on March 12, 2001.

In addition to the exception provided for certificate holders in Alaska from 1997 to 2001, current certificate holders conducting supplemental operations are allowed to contract flight following services, provided the certificate holder continues to be responsible for operational control of each flight. See § 121.125(b).

The FAA received three comments on this issue. Jeppesen suggested that the employment requirement be removed because the positions of aircraft dispatcher, check dispatcher, and dispatch program designee could be filled by contract employees who could provide an equivalent or higher level of safety as provided by an employee of the certificate holder. TWU International and Southwest TWU 550 supported the employment requirement proposed in the NPRM.

Upon review of the comments and further analysis, the FAA is retaining the employment requirement in this SNPRM. The FAA recognizes, however, that supplemental air carriers have been able to demonstrate an equivalent level of safety using contract flight following services as when using only employee flight followers. Based on this experience, the FAA believes that domestic and flag operators may also be able to demonstrate an equivalent level of safety by using contract dispatch services. Accordingly, the SNPRM proposes to allow a deviation from the employment requirement provided that the certificate holder can demonstrate that operational control is maintained. Advances in communications, weather analysis and dissemination, and flight tracking software have improved the operational control capabilities of the aircraft dispatcher. The consolidation of aircraft dispatchers in a centralized location could, under certain conditions, provide availability of experienced aircraft dispatcher personnel. The FAA reiterates that, in using contract aircraft dispatchers, certificate holders must maintain operational control. Accordingly, the FAA has included in the SNPRM deviation authority language in § 121.1411 to allow the use of contract aircraft dispatchers.

The proposed deviation to § 121.1411 would place strict conditions and requirements on the certificate holder regarding the issuance of operations specifications that outline operational control. These provisions include: (1) That the certificate holder has at least one certificated aircraft dispatcher who is an employee of the certificate holder and is responsible for managing policies, procedures, training, and qualifications of the contract aircraft dispatchers; (2) that the certificate holder demonstrates an ability to maintain operational control and comply with all requirements of this part; and (3) that the Administrator may, at any time, terminate any grant of deviation authority that allows the use of contract dispatch services. Furthermore, this deviation authority is not based on the size of the certificate holder's operation. Rather, the certificate holder must demonstrate that an equivalent level of safety would be achieved and there would not be an adverse effect on safety as a result of using contract aircraft dispatchers.

The FAA also recognizes that the proposed requirements in the SNPRM do not prohibit an aircraft dispatcher from engaging in dispatcher employment for more than one certificate holder. To ensure that aircraft

dispatchers are in compliance with the duty time limitations in part 121, the FAA is proposing to amend § 121.465(b) to place responsibility for compliance with duty time limitations on both the certificate holder and the aircraft dispatcher, consistent with the requirements applicable to flightcrew members. This requirement would become effective 120 days after publication of the final rule.

The FAA is also amending § 121.711 to extend the communication record requirements to include supplemental operations and clarify the contents of the record required for each en route radio contact between the certificate holder and its pilots. En route for the purposes of communication recording requirements commences at the time the aircraft has pushed back from the gate at the origin station and ends when it arrives at the gate at its destination. In a recent legal interpretation, the FAA determined that, at a minimum, the following information must be contained in the record to comply with the requirements of § 121.711: The date and time of the contact; the flight number; aircraft registration number; approximate position of the aircraft during the contact; call sign; and narrative of the contact. See Legal Interpretation to John S. Duncan, Division Manager, Air Transportation Division, FAA Flight Standards Service, from Rebecca B. MacPherson, Assistant Chief Counsel, Regulations Division (Feb. 2, 2010). The FAA is proposing to add these recordkeeping requirements to § 121.711, effective 120 days from the publication of the final rule.

*E. Clarify Training Requirements for Other Operations Personnel (§ 121.1475)*

Current subpart N prescribes the requirements applicable to each certificate holder for establishing and maintaining a training program for crewmembers, aircraft dispatchers, and "other operations personnel." 14 CFR 121.400(a). However, subpart N does not define who these personnel are, nor does it prescribe any actual training requirements for these personnel. Therefore, the FAA proposed in the NPRM to remove the reference to "other operations personnel."

During the FAA's review of comments regarding training for flight followers, the FAA determined that the requirement for the training of other operations personnel was removed in error. Currently, certificate holders are required to prepare and keep current a manual that flight, ground operations and management personnel may use in conducting operations under part 121. See 14 CFR 121.133, 121.135. That manual must include instructions and information necessary to allow these personnel to perform their duties and responsibilities with a high degree of safety. The requirement for training of "other operations personnel" as outlined in § 121.400(a) is intended to ensure these flight, ground operations, and management personnel receive training regarding their duties and responsibilities as outlined in the manual required under §§ 121.133 and 121.135. To ensure these personnel continue to receive training regarding their safety-related responsibilities and duties as specified in the manual, the FAA has revised proposed §§ 121.1401 and 121.1403 and added § 121.1475 to include training for ground operations and management personnel. The FAA currently tracks this training under the Air Transportation Oversight System (ATOS) and has determined that it is not necessary to establish specific training program requirements for these individuals other than requiring training on their safety-related duties and responsibilities as outlined in the certificate holder's manual. Approval of this training is not required, but the training must be acceptable to the Administrator.

*F. Requalification for Crewmembers and Aircraft Dispatchers*

The current provisions in subparts N, O, and P do not specifically identify how a crewmember or aircraft dispatcher becomes unqualified or how the crewmember can become requalified. Many air carriers have modified their training programs under § 121.401 to include a requalification curriculum, based on existing guidance in FAA Order 8900.1. See FAA Order 8900.1, Vol. 3, Ch. 19, Sect. 11, para. 3–1361–1369 (flightcrew members); FAA Order 8900.1, Vol. 3, Ch. 23, Sect. 1, para. 3–1727–1729 (flight attendants); FAA Order 8900.1, Vol. 3, Ch. 22, Sect. 5, para. 3–1701 (aircraft dispatchers). Without this curriculum, crewmembers and dispatchers who did not complete recurrent training within the required timeframe would be required to complete initial academic and job performance training in order to become requalified. In the NPRM, the FAA proposed to codify existing guidance material in FAA Order 8900.1 that permits certificate holders to develop requalification curriculums for crewmembers and aircraft dispatchers. The requalification phases were based on the number of months the person had been unqualified and the number of months since the person last served in a crewmember duty position for the aircraft type.

1. Flightcrew Member Requalification (§ 121.1239)

In the NPRM, the FAA did not propose to establish minimum programmed hours for requalification for flightcrew members. Rather, the FAA proposed that these hours would be determined by the Administrator. In the SNPRM, the FAA has revised the requalification requirements to clarify the phases of requalification and establish minimum and baseline programmed hours for each phase of requalification. Under the proposed requirements, phase I requalification is triggered if it has been less than 9 months since the end of the flightcrew member's base month; phase II requalification is triggered if it has been 9 months or more, but less than 27 months since the end of the person's base month; and phase III requalification is triggered if it has been 27 months or more since the end of the person's base month. The phases require increasing training requirements depending on the amount of time the crewmember has been unqualified. The programmed hours for phase I requirements are based on recurrent requirements; phase II programmed hour requirements are based on conversion requirements; and phase III programmed hour requirements are based on transition requirements.[9] The phase III requalification requirements are the most extensive because the amount of time that the person has been unqualified is relatively long, and the flightcrew member has lost more proficiency.

In determining the appropriate phases and minimum programmed hours for requalification, the FAA reviewed existing requalification programs for 22 non-AQP air carriers. These requalification programs provided a wide range of phases for requalification based on the time for which pilots had been unqualified. These phases varied from less than 3 months to more than 60 months. Some airlines had only two phases of requalification while others had as many as seven phases. The various phases generally settled into the following four ranges: 0–12 months; 12–36 months; 36–60 months; and more than 60 months. These four divisions also had a wide variety of approved academic training hours and job

[9] Conversion is a curriculum category used to qualify a flightcrew member when that person has qualified and served in that crewmember position on the same aircraft type for another certificate holder conducting operations under this part. Transition is a curriculum category used to qualify a flightcrew member when that person has qualified and served in that crewmember position on another aircraft in the same group.

performance training hours assigned to regain qualification. These approved time requirements ranged from 4 hours of academic training and 2 hours of flight training, to completion of initial training with respect to equipment qualification (120 hours of academic training and 6 to 10 simulator sessions of job performance training.) See FAA Technical Report, appendix F.

Based on the wide variance in current requalification programs as evidenced in appendix F in the FAA Technical Report, the FAA has determined that it is necessary to establish a uniform standard for requalification programs. In order to reduce administrative burden and not require additional development of content for requalification, the FAA proposes requiring that flightcrew members who enter phase I requalification complete the recurrent academic and job performance training and evaluation to become qualified. For flightcrew members entering phase II requalification, flightcrew members would be required to complete the academic and job performance training and evaluation for conversion to become qualified; and flightcrew members entering phase III requalification would be required to complete the academic and job performance training and evaluation requirements for transition to become qualified. Thus, the minimum programmed hours for the phases of requalification in Table 1A mirror the minimum programmed hours for these curriculum categories. These phases and hours reflect an appropriate graduated increase in training and evaluation based on the amount of time the flightcrew member has been unqualified. To ensure standardization, the FAA also removed language in § 121.1239 stating that the Administrator would determine programmed hours and revised Table 1A of the QPS documents to provide these specific programmed hours.

In addition, ATA, American, and Southwest suggested that the certificate holder should control scheduling the beginning date for requalification training. They stated that there might be some circumstances, beyond the control of the certificate holder, which may result in training not being completed within the 9-month time frame. In such cases, the commenters asserted that as long as the training occurs within the 30-day window, continuity of training would be maintained. Commenters also stated that any time requalification training is conducted, the flightcrew member's base month should be changed to align with current industry practice.

The FAA wants to ensure consistency regarding the requalification training requirements based on the length of time a flightcrew member has been unqualified. The standardized time frames for triggering the three phases of requalification would ensure this consistency in application. In the SNPRM the FAA has maintained the time frames for completion of training, as proposed in the NPRM. Regardless of whether a person has begun requalification training, the person remains unqualified until the training and evaluation is complete. The longer a person has been unqualified, the more rigorous the requirements are to become requalified.

Continental and United believe "Core Conversion" in phase II requalification is in conflict with Tables 2A and 3A, which states "Full Conversion." In the SNPRM, the FAA removed core conversion and full conversion from the proposal. To provide clarity, the requalification requirements in § 121.1239 refer only to requalification curriculum category and reference the requalification curriculum as established in the flightcrew member QPS.

2. Flight Attendant Requalification (§ 121.1309)

Similar to flightcrew members, the current regulations for flight attendants do not address how a flight attendant becomes unqualified or how an unqualified flight attendant can become requalified. In the NPRM, the FAA identified how a flight attendant becomes unqualified and proposed a process for requalification. As with the proposed flightcrew member requirements, the requalification phases were based on the number of months the person has been unqualified. Despite the lack of regulatory requirements in the current rules, however, many air carriers have developed requalification curriculums as part of their FAA-approved training programs. These curriculums were based on FAA advisory material regarding flight attendant requalification. See FAA Order 8900.1, Vol. 3, Ch. 23, Sec. 1, para. 3–1727, 1728 (Sept. 17, 2009).

The FAA reviewed the FAA-approved flight attendant training programs for 39 part 121 airlines, employing 82,673 flight attendants, to determine the appropriate phases and training and evaluation required for requalification. Of the 39 training programs reviewed, 37 had approved Requalification Training programs for flight attendants and two did not. Similar to the flightcrew member requalification programs, there was a wide variance in the phases of requalification and content of requalification. See FAA Technical Report, appendix D. However, the FAA found that generally the current approved programs, in both programmed hours and curriculum content, were very similar to proposed requirements for phase I requalification. There was more variance regarding curriculum content and the number of programmed hours for requalification requirements for flight attendants who had been unqualified for over 24 months. Based on the wide variance in current requalification programs as evidenced in appendix D in the FAA Technical Report, the FAA has determined that it is necessary to establish a uniform standard for requalification programs and has based the proposed requirements on the FAA guidance in Order 8900.1, Vol. 3, Ch.23, Sec.1, para. 3–1727, 1728 (Sept. 17, 2009). Thus, proposed § 121.1309 establishes that to be requalified, the flight attendant must meet either the requirements for basic qualification or requalification based on the amount of time the person has been unqualified.

The FAA received several comments regarding the requirement in phase I and phase II requalification that flight attendants complete all missed training, including all study materials and evaluations from the previous recurrent flight attendant training cycle(s) which were still applicable but were not included in the current recurrent flight attendant training cycle. Commenters expressed concerns that such a requirement to maintain past training programs was burdensome and unnecessary and limited the carrier's flexibility to determine the most efficient manner to provide flight attendant training on tasks, policies, and procedures that were missed in previous training cycles. One commenter stated that air carriers would have to re-create previous years' recurrent training for each returning flight attendant, keeping track of and maintaining every lesson plan, training aid, presentation and computer-based training course offered during the time the flight attendant was not able to accomplish recurrent training.

To simplify the requalification requirements, the FAA is combining previously proposed phase I and phase II into phase I requalification and redesignating phase III as phase II requalification. In addition, in the SNPRM, the FAA is retaining the requirement for a flight attendant to complete all missed training but is removing the requirement to include all missed study materials and evaluations

from the previous recurrent flight attendant training cycle(s). Recurrent training tasks are based on new hire, initial, and emergency curriculum category task requirements. Because of the large number of tasks, in the NPRM and SNPRM, the FAA has required air carriers to train and evaluate flight attendants on all tasks at least once during three consecutive recurrent training cycles. To ensure that flight attendants in phase I requalification receive the necessary information from the missed recurrent training cycle(s), which may have included emphasis on different tasks, the FAA is proposing to require that a flight attendant receive training on all tasks that were included in the missed recurrent training cycle(s). In addition, the certificate holder would be required to provide training on all new policies, procedures, and security requirements applicable to flight attendant duties that have been implemented since the last time the flight attendant completed recurrent training. Additionally, in phase I requalification, a flight attendant must complete a knowledge test on all new hire, initial, and emergency curriculum category tasks.

The FAA did not intend to create an undue administrative burden by requiring an air carrier to retain old training and evaluation documents. Therefore, in the SNPRM the FAA has removed the requirement that the certificate holder must include all study materials and evaluations from the previous recurrent training cycle. The FAA believes this change will still ensure that flight attendants receive the training content that they missed, while reducing the administrative burden.

American Eagle and RAA expressed concern that the Administrator has the ability to determine the programmed hours for requalification. They contend that, without guidelines to the air carrier and Certificate Management Offices, this provision could lead to non-standardization and a competitive disadvantage for some carriers.

In the NPRM and the SNPRM, for different phases of flight attendant requalification, the FAA proposed requiring completion of certain curriculum categories that have baseline and minimum program hours. For example, in the SNPRM, for phase I requalification, the flight attendant must complete the current recurrent cycle and also complete required information or tasks from the last recurrent cycle that are not included in the current recurrent cycle. Therefore, the required hours for phase I requalification are based on recurrent curriculum category programmed hours plus the time necessary to complete training content that was not contained in the current recurrent training cycle. The requirements for phase II requalification are based on the curriculum requirements for new hire, initial, emergency, and differences curriculum categories. Upon review, the FAA believes that establishing a standard curriculum is appropriate for phase II requalification. However, due to operational differences, the time necessary to complete the training would vary. Therefore, the FAA has revised § 121.1309 of the SNPRM to remove the requirement for minimum programmed hours that was proposed in the NPRM.

American Eagle stated that, within the industry, a corporation may hold several certificates in which there is a combined flight attendant seniority list that allows flight attendants to transfer between certificates. It contends that compliance with requalification requirements for multiple air carriers would require additional, expensive automation that is not accounted for in the cost benefit analysis. It commented that the proposed rule's impact on the carrier is significant in the area of increases in wages for training and associated costs for hotel and per diem allowances.

Regardless of whether there is a merged seniority list, under the current rule, NPRM, and SNPRM, flight attendants must meet the training and qualification requirements for each certificate holder for which they serve as a flight attendant. The proposal in the NPRM and SNPRM merely establishes the records that need to be maintained; it does not specify the type of recordkeeping system that must be used. Therefore, an air carrier may determine the complexity of its recordkeeping system. In addition, the FAA has addressed the cost of flight attendant training, including hotels and per diem allowances, in the regulatory evaluation, which is available in the docket.

American Eagle and RAA sought clarification regarding the requirement to change a base month and contended that the software that is currently used at many air carriers would require extensive change to accommodate the requalification requirements. The FAA notes that the proposed requirements in the SNPRM do not prohibit the adjustment of the flight attendant's base month in both phase I and phase II requalification. If an air carrier decides to adjust the base month, the FAA believes that the training requirements for phase I and II requalification would ensure that the flight attendant remains trained and qualified.

Continental stated that, for the proposed requalification requirements, carriers ultimately would be forced to have additional staff on hand to recreate and facilitate the proposed crew or combined exercises for classes as small as a single student. There is nothing in the proposed rule that requires air carriers to conduct a certain task as a group exercise. The FAA notes that, under the proposed requirements in the SNPRM, the tasks identified in the QPS requirements as "G" may be conducted as either an individual or a group exercise; however, those identified as "I" must be conducted on an individual basis.

ATA questioned what data supports requiring Basic Qualification Training, including 5 hours of operating experience on at least one aircraft type (AOE) after being unqualified for more than 24 months. In addition, the Association of Professional Flight Attendants (APFA) believes check flight attendants should be used only for new hire flight attendant training and not to perform check flight attendant duties for experienced flight attendants who are accomplishing requalification training.

The FAA believes that after an extended absence from line operations, flight attendants need an opportunity to consolidate re-acquired knowledge and skills. The FAA recognizes, however, that there may be alternative methods of accomplishing this without requiring AOE. In the SNPRM, the FAA is removing the AOE requirement for phase II requalification and is proposing to allow flight attendants for the first two operating cycles after completing phase II requalification to serve either as a required flight attendant under the supervision of a check flight attendant or as a non-required flight attendant.

3. Aircraft Dispatcher Requalification (§ 121.1419)

Current rules are also silent on how dispatchers who have failed to maintain their qualification may become requalified. It is current FAA policy that, in order to requalify, a person must retake the recurrent training, tests, or checks that were missed and, in some cases, receive additional training or evaluation to become requalified as a certificated aircraft dispatcher. See FAA Order 8900.1, Vol. 3, Ch. 22, Sect. 5, para 3–1708.

In the NPRM, the FAA proposed to establish five phases of requalification for aircraft dispatchers who have become unqualified by failing to complete recurrent training and evaluation requirements, including the proficiency checks required by proposed § 121.1413(a)(2). Midwest

commented that having five different levels of requalification is excessive and creates undue administrative burdens. It requested that the FAA combine phase I and phase II requalification to cover 0 to 12 months. It also recommended that, due to the rapidly changing nature of the industry, the FAA require phase V requalification for all dispatchers who have been unqualified for 24 months. RAA also commented that creating five phases of requalification training is impracticable. It recommended that requalification should be focused on a training-to-proficiency concept. UPS requested clarification on the timeline for phase I and phase II requalification.

In developing the requalification requirements for the SNPRM, the FAA reviewed existing guidance material as well as the FAA-approved aircraft dispatcher training programs for 23 part 121 airlines, to determine the appropriate phases and training and evaluation required for requalification. All 23 air carriers had approved requalification training programs for aircraft dispatchers. Similar to the flightcrew member and flight attendant requalification programs, there was a wide variance in the phases of requalification and content of requalification. See FAA Technical Report, appendix E. However, the FAA found that generally the current approved programs, in both programmed hours and curriculum content, were very similar to proposed requirements for phase I requalification. There was more variance regarding curriculum content and the number of programmed hours for requalification requirements for aircraft dispatchers who had been unqualified for over 12 months. Accordingly, the FAA has determined that a uniform standard for aircraft dispatcher requalification is necessary and has based the proposed requirements on the FAA guidance in Order 8900.1, Vol. 3, Ch. 22, Sect. 5, para 3–1708.

In the SNPRM, the FAA is proposing to establish three levels of requalification instead of the five phases proposed in the NPRM. In merging the five phases into three, the FAA simplified the administrative burden without reducing the amount of training proposed in the NPRM. For example, in the NPRM, phase I requalification required certain training if the aircraft dispatcher was unqualified for less than 6 months. Phase II requalification required more training if the aircraft dispatcher was unqualified for at least 6 months but less than 12 months.

In the SNPRM, the FAA is proposing to merge phase I and II requalification into phase I requalification for aircraft dispatchers who have been unqualified for less than 12 months, redesignate phase III requalification as phase II requalification for aircraft dispatchers who have been unqualified at least 12 months, but less than 24 months, and merge phase IV and V requalification into phase III requalification for aircraft dispatchers who have been unqualified for 24 months or more. The training required for phase I in the SNPRM is equivalent to what would have been required for phase II in the NPRM, and the training required for phase III in the SNPRM is equivalent to what would have been required for phase V. Therefore, there is no decrease in the training required to return a dispatcher to proficiency.

Midwest commented, in regard to the requirement that a student in phase V requalification must complete the assigned materials within 60 days, that there would be times when a student may require additional time to complete the assigned materials. Midwest requested that the FAA remove the 60-day limit and instead establish an appropriate number of days to complete requalification requirements in each phase of requalification.

In the SNPRM, the time limit for completing new phase III (phase V in the NPRM) has been extended under the SNPRM to 120 days, consistent with the time limit for initial training and evaluation for new aircraft dispatchers. This provision will provide the flexibility requested by commenters while maintaining an adequate requalification requirement for an aircraft dispatcher when 24 months or more have elapsed since the end of the aircraft dispatcher's base month for recurrent training.

American commented that the requalification training requirement does not address under which date for requalification the dispatcher necessarily falls. It asked whether the time required to complete requalification is included in the "unqualified" time.

Regardless of whether a person has begun requalification training, the person remains unqualified until the training and evaluation is completed. The longer a person has been unqualified, the more rigorous the requirements are to become requalified. The amount of time required to complete the training and evaluation is included in the "unqualified" time, and the air carrier must take this into account when determining what phase of requalification is required.

## IV. General Issues for Crewmembers and Aircraft Dispatchers

*A. Training Program: Approval and Amendment Process (§§ 121.1337 and 121.1437)*

Under current regulations, requirements for training program amendment and approval are found in §§ 121.401, 121.402, and 121.405(a)–(e). In the NPRM, the FAA based the proposed amendment and approval process language on current requirements and added more specific requirements regarding necessary documentation, approval of a new curriculum category (special training and evaluation), information regarding instructors, and FAA review of amendments to the training program in proposed §§ 121.1337 and 121.1437.

Continental, Midwest, ATA, United, FedEx, Southwest, American, UPS, and RAA commented that the voluminous submission of documents required for a minor revision is burdensome, redundant, and unnecessary. Commenters stated that it should not be required in every submission of a request for approval of curriculum changes. Commenters also requested that a timeframe for FAA approval after a training program or training program revision is submitted be included in the requirements.

The intent of the proposed requirements was not to have certificate holders resubmit redundant paperwork for approval of revisions to an already approved training program. In the SNPRM, the FAA has proposed adding a paragraph to §§ 121.1337 and 121.1437 to clarify that certificate holders are required to submit only the documents necessary to allow the FAA to review and evaluate the requested revision to an approved training program. In addition, the FAA believes that, in light of the fact that the proposed requirement must accommodate revisions of different sizes and complexity, it is inappropriate to set forth a timeframe for FAA approval.

ATA commented that the allowance to have submission of paperwork required under these provisions "in a form acceptable to the Administrator" allows for subjective interpretations of the regulation. The FAA recognizes that the proposed requirement needs to provide certificate holders with the flexibility to submit training program materials via different types of media. However, it is also necessary for certificate holders to submit training program materials via a type of media that allows the FAA to effectively evaluate and approve submissions. This provision was proposed in the NPRM

and is retained in the SNPRM to be able to achieve those two objectives.

ATA, Southwest, and UPS commented that initial and final FAA approval of a training program is unnecessary. They stated that if any portion of an approved training program is shown to be ineffective through analysis of collected data, the Administrator may request revisions to that portion of the training program. Southwest commented that, if a proposed training program or revision meets the regulatory requirements, it should be considered approved.

The FAA agrees that any program that meets the regulatory requirements should be approved. FAA review, evaluation, initial approval, additional evaluation, and final approval of a training program are the appropriate way to make the determination that a training program meets the regulatory requirements. Therefore, in the SNPRM, the FAA is retaining the language that requires initial and final FAA approval of a training program.

Midwest, ATA, United, FedEx, Southwest, American, and UPS commented that resource management of instructors and evaluators is the responsibility of the certificate holder and that submission of this ever-changing data as part of the approval of the training program is overly burdensome. Commenters requested that the FAA remove § 121.1337(a)(3) and (4) from the proposed requirement. They also stated that submission of crew operating manuals and the general operations manual required in § 121.1337(a)(10) and (11) is redundant because the certificate holding district office already has a copy of those manuals.

The proposed requirements to submit the number of instructor and evaluators as well as a copy of crewmember manuals that are already in the possession of the certificate holding district office are not necessary. Therefore, the FAA has removed these requirements from §§ 121.1337 and 121.1437.

Southwest, ATA, and UPS commented that a statement that training would be administered by persons other than the certificate holder should be required only if there are plans to use non-employees for instruction, as opposed to the proposed requirement to report whether non-employees would be used for instruction. As proposed in the NPRM, the requirement is administratively burdensome. In the SNPRM, the FAA has amended the requirement to state that the certificate holder must only indicate if they use non-employees for instruction and has revised the proposed language in §§ 121.1337(a)(7) and 121.1437(a)(5).

FedEx, ATA, Midwest, and American commented on several proposed requirements for the special curriculum category in § 121.1337. Midwest made similar comments regarding the proposed requirements for the special curriculum category in § 121.1437. Commenters stated that depending on the duration of the circumstances, special training and evaluation may not need to be integrated into the approved training program. They contend that the proposed language did not address this situation. Midwest commented that there are times when training is for short-lived events and continued training would not be warranted. It requested that the FAA change the wording to establish that special training may be integrated into the approved training program if appropriate. Commenters also stated that the POI should not determine the proposed training hours but should only evaluate the number of program hours submitted by the certificate holder for each special curriculum category. They contend that the POI is not in the business of developing training but is instead tasked with overseeing and approving training developed by the certificate holder.

The FAA recognizes that in some cases, training may be for short-lived events and continued training would not be warranted. In the SNPRM the FAA has amended the language to add "if appropriate." In addition, the FAA has determined that it is appropriate for the certificate holder to develop the number of programmed hours for each special curriculum category. Under § 121.1337, the FAA has proposed that the certificate holder would be required to submit its proposed programmed hours to the POI for review. The POI would then determine whether the number of programmed hours submitted by the certificate holder for each special curriculum category are sufficient.

Midwest, Southwest, American, FedEx, UPS, and ATA generally commented that the appeal process for required revisions to FAA approved training programs should be amended to require a full record of decisions. They also commented that the initial appeal of a training program amendment should be handled by the certificate holding district office and that the next level of review should be accomplished by the Administrator.

The Administrator has an obligation to request necessary revisions to ensure that crewmembers and aircraft dispatchers are being appropriately trained. As with other regulations that permit the exercise of discretion, a certificate holder has the opportunity to appeal certain decisions through the consistency and standardization initiative (CSI). The CSI process allows for multiple stages of review within the FAA's Aviation Safety organization. In this process, the certificate holder is provided with a similar process to that requested, with the exception of the commenters' request to bypass Flight Standards Service. The FAA believes that review by the Director of the Flight Standards Service is essential because it represents the final technical determination before a stakeholder may appeal to the Associate Administrator for Aviation Safety. The CSI process allows for multiple stages of review within the FAA's Aviation Safety organization (AVS). At each level, and between levels, the review progresses through increasingly higher levels of management. When an AVS action is questioned or disputed, decision-makers at every level of AVS management are expected to thoroughly review the matter and be accountable for the answers provided. More information about this process is available at *http://www.faa.gov/about/office_org/headquarters_offices/avs/consistency_standardization.* In the SNPRM, the FAA has retained the language as originally proposed in the NPRM.

Southwest commented that it was inappropriate for the FAA to require an amendment to an approved training program for a security reason. They stated that security requirements are not determined by the FAA.

Many Transportation Security Administration security requirements affect a certificate holder's operational procedures. It is appropriate, therefore, to include both safety and security as a basis for necessary revisions to approved training programs. The FAA is retaining this proposed language in the SNPRM.

UPS, American Eagle, RAA, ATA, and Southwest recommended that criteria for considering revisions to a certificate holder's training program be withdrawn from § 121.1337 and § 121.1437 because such factors as "experience level of the student population" would create a bias against smaller certificate holders.

The factors in §§ 121.1337(g) and 121.1437(g) do not correlate in any way to the size of the certificate holder. For example, the experience level of the student population could apply to a small operator that is introducing turbo-jet aircraft to their operation or a very large operator that is moving for the first time to international or over-water

operations. In addition, the NPRM and the SNPRM revise the current requirements to clarify and update the basis on which the Administrator decides to approve or deny revisions to a training program. All of these factors are appropriate for FAA consideration when evaluating or requiring training program revisions. Therefore, in the SNPRM, the FAA has retained the language as proposed.

*B. Crewmember and Aircraft Dispatcher Manuals and Manual Procedures (§§ 121.133, 121.134, 121.135, and 121.540)*

Currently, except for certain portions of flightcrew operating manuals, manuals are "accepted" by the FAA. Manual content requirements are broad and there is no specific language that addresses crewmember and aircraft dispatcher responsibility for manual contents. To address this issue, the FAA proposed revising § 121.133 (§ 121.134 as proposed in the SNPRM) to require crewmember or aircraft dispatcher manuals, as well as any changes, to be approved by the Administrator. The FAA also proposed to require in § 121.540 that each crewmember perform the respective job function in accordance with the information, instructions, duties, and responsibilities contained in the manual required by § 121.134. Conforming changes were proposed for § 121.136 (§ 121.135 as proposed in the NPRM), to require consistency between training curriculums and manual procedures.

American Eagle, Southwest, and ATA opposed the proposed requirement for FAA approval of flight attendant manuals and stated that the FAA failed to provide data or adequate justification to require all revisions to flight attendant manuals to be approved by the FAA. American Eagle and ATA further stated that there is no correlation between (1) approved manuals and training performance, or (2) the way an air carrier communicates its policies and procedures in flight attendant manuals and the outcome of an accident. American Eagle, Southwest and ATA also stated that changes in flight attendant manuals often have a direct impact on the safety of the operation and require timely communication to their flight attendants, which would be affected by a lengthy FAA approval process for every revision to the flight attendant manual. American Eagle, Southwest, United, RAA and ATA generally commented that the proposed requirement for crewmember and aircraft dispatcher manual approval also would result in redundant and burdensome administrative requirements while unnecessarily extending the time required to write, publish and distribute critical changes in safety policies or procedures, severely restrict an air carrier's ability to make timely changes to their programs, and significantly impact the workload of the FAA.

The FAA agrees that changes in flight attendant manuals have a direct impact on the safety of the operation. The FAA disagrees that there is no correlation between (1) flight attendant manuals and training performance, or (2) the way an air carrier communicates its policies and procedures in flight attendant manuals and the outcome of an accident. The NTSB also has recognized the importance of the development and availability of standardized procedures for flight attendants. As stated in NTSB Report, "Flight Attendant Training and Performance During Emergency Situations" "although flight attendants provide[d] valuable assistance to passengers during emergency situations, they did not always follow their air carrier's approved emergency procedures or perform their duties in accordance with their training * * *. There are many examples of flight attendants who have performed extremely well, even heroically, during life-threatening emergencies and who were responsible for preventing and/or minimizing injuries to passengers. Nonetheless, there have been many examples of flight attendants who lacked knowledge about emergency equipment and procedures, or who acted otherwise contrary to training." NTSB Special Investigation Report 92/02, p. 35 (adopted June 9, 1992). In light of the need to have standard operating procedures, the FAA has retained the approval requirement in the SNPRM.

Furthermore, the FAA does not anticipate any significant increase in administrative burden or delay by requiring FAA approval of manuals. The process by which a certificate holder revises a manual would not change. The FAA approval of other safety critical information is now currently required for revisions to the Airplane Flight Manual. The FAA is not aware of any delays caused by this approval process. The FAA expects that similar approval timeframes would apply to the proposed requirements. The FAA also does not anticipate any increase in workload for aviation safety inspectors to approve manual content because aviation safety inspectors currently spend the same amount of time and vigilance reviewing crewmember and aircraft dispatcher manual contents for acceptance.

ATA, RAA, United, UPS, Continental, American, Alaska, Midwest, TWU, AFA, and several individuals opposed the implementation of § 121.540, Manual Procedures Requirements, as proposed in the NPRM. They all found the language to be too broad and overreaching to the extent that FAA enforcement would extend to the level of detailed procedures found in crewmember and aircraft dispatcher manuals. Many commenters also found the inclusion of crewmember responsibility for "information" in the proposed requirements to be superfluous and vague. Midwest, American, FedEx, United, UPS, and ATA proposed alternate language to clarify airline and crewmember responsibilities regarding safety-related job functions.

The FAA agrees that the scope of tasks and procedures proposed in the NPRM was overly broad and the inclusion of "information" in the proposed language was too vague. In the SNPRM, the FAA is proposing to limit those tasks and procedures for both manual approval and crewmember responsibility to "safety-related duties and tasks that satisfy regulatory requirements."

ATA, American, Midwest, FedEx, and UPS stated that training regulations should not include a requirement for compliance with the flightcrew member operating manual. The commenters stated that there may be times when a pilot is instructed to behave in a manner that may conflict with what is specified in the Flightcrew Member Operating Manual (FCOM) in order to complete a training objective (such as incapacitated pilot, get into upset event, and check pilot training).

The FAA notes that § 121.540 requires that each crewmember must perform the safety-related duties and tasks that satisfy regulatory requirements contained in the manual that would be required by § 121.134, and each certificate holder must ensure that each crewmember is trained and checked in the respective safety-related duties and responsibilities contained in the manual that would be required by § 121.134. Training and operational effectiveness are enhanced when operational procedures and crewmember duties are thoroughly and accurately defined. Accordingly, the FAA has retained the requirement for compliance with the crewmember and aircraft dispatcher operating manuals.

*C. Distance Learning*

Current rules are silent on the use of distance learning to satisfy training and qualification requirements under part

121. The FAA has defined distance learning in guidance as "learning that is accomplished by any training method not including an instructor and a gathering of trainees co-located in a traditional classroom" and has provided guidance on the appropriate use of distance learning in FAA Order 8900.1. See FAA Order 8900.1, Vol. 3, Ch. 19, Sec. 5, para. 3–1208 (Sept. 13, 2007) (flightcrew members); FAA Order 8900.1, Vol. 3, Ch. 23, Sec. 5, para. 3–1833 (Sept. 13, 2007) (flight attendants); FAA Order 8900.1, Vol. 3, Ch. 22, Sec. 3, para. 3–1661 (Sept. 13, 2007) (aircraft dispatchers).

In the SNPRM, the FAA proposes to codify the guidance material in FAA Order 8900 regarding distance learning. The guidance material for flightcrew members allows academic training and evaluation to be conducted 100 percent via distance learning, while the current guidance for aircraft dispatchers and flight attendants allows as much as 50 percent of academic training and evaluation to be conducted via distance learning. For aircraft dispatchers, in accordance with existing guidance, the FAA may approve distance learning in excess of 50 percent if the certificate holder can establish the effectiveness of the distance learning. For flight attendants, the SNPRM does not explicitly include a 50 percent limitation on distance learning. However, the FAA has established limits in the SNPRM that are similar to the 50 percent limit in current guidance by requiring defined programmed hours for job performance training, which may not be accomplished by distance learning.

American Eagle and RAA recommended that the proposal be rewritten to include a precise definition of distance learning. The FAA defines distance learning in FAA Order 8900.1. The FAA did not define distance learning in the regulations so as not to limit innovation in training outside the traditional classroom.

In § 121.1335 of the NPRM and SNPRM, the FAA proposed to require specific approval for instruction in a training environment other than a classroom for all crewmembers and aircraft dispatchers. The proposal allows certificate holders to conduct training outside a traditional classroom setting. However, because such training encompasses many different learning environments, technologies, and instructional methods, the FAA has proposed to require that training conducted in an environment other than a classroom, such as training accomplished by distance learning, be specifically approved in order to ensure that the training would provide the students with the knowledge and cognitive skills to perform their required duties. However, because this requirement is already captured in § 121.1331, the FAA is removing this section in the SNPRM.

ATA, RAA, American, FedEx, UPS, Atlas Air, Inc, Southwest, and Midwest were concerned that the proposed requirement that recurrent training and evaluation begin and end within the eligibility period would not allow for the use of year-round distance learning. In the SNPRM, the FAA has removed the requirement that academic training begin and end within the eligibility period. This would allow air carriers to incorporate distance learning into their instructional design as long as the training and evaluation are completed by the end of the eligibility period. This change is necessary to accommodate year-round distance learning, which can be an effective training delivery method.

In regard to the 50% limit on distance learning for aircraft dispatchers, Midwest commented that the FAA is in effect limiting certificate holders to old and ineffective methods of training by placing an artificially generated limit on distance learning for aircraft dispatcher training. It contends that this limitation would be a step backwards regarding training programs. An individual commented that, for recurrent training, air carriers should determine what percent of a topic, if any, may be covered though distance learning and airlines should use a set timeframe for the distance training to be completed. Several commenters asked that the limitation on distance learning be withdrawn because it is not supported by any studies or documentation and is contrary to the ARC recommendations. On the other hand, TWU commented that distance learning is unnecessary for aircraft dispatchers who normally live and work where they are based. It stated that although there is no distance learning requirement for aircraft dispatchers, such instruction could become an unnecessary safety loophole.

RAA commented that each of the instruction areas for which distance learning is prohibited contains a knowledge element that is appropriate for distance learning. Midwest specifically objected to the restriction on using distance learning for dispatcher resource management (DRM) training and for training on contingency operations for maintaining operational control in the event of single or multiple system failures. Midwest recommended that these restrictions be removed and the POI be allowed to approve the method of training based on its merits.

In the SNPRM, the FAA is retaining the restriction on distance learning for specific areas of instruction for aircraft dispatchers. Due to the unique nature of the aircraft dispatcher's operational control responsibilities, there is a need to be able to assess and evaluate a dispatcher's knowledge as well as the dispatcher's ability to apply that knowledge with direct instructor-student interaction in the areas designated in the dispatcher QPS. For example, DRM training is the incorporation of team management concepts in flight operations. It focuses on the interaction among flightcrew members, flight attendants, aircraft dispatchers, maintenance personnel, air traffic controllers, and others. CRM and DRM activities include team building, information transfer, problem solving, decision making, maintaining situational awareness, and using automated systems. These team-oriented goals cannot be accomplished through distance learning. In addition, the FAA believes that distance learning is inappropriate for training in contingency operations because in this area of instruction it is important to conduct a hands-on assessment of the dispatcher's decision making, workload management, interpersonal skills, application of company procedures and policies, and situational awareness.

Permitting the use of distance learning where it is appropriate and where it would not compromise safety acknowledges the advances made in training delivery methods. Consistent with FAA policy in FAA Order 8900.1, in the SNPRM the FAA is retaining the 50% limitation on distance learning for aircraft dispatchers. However, as under current guidance, the FAA may approve distance learning in excess of 50% if the certificate holder can establish the effectiveness of the distance learning. Because distance learning is considered part of the approved training program, to seek approval of any distance learning, the certificate holder would follow the procedures for approval and appeal as set forth in § 121.1337 and § 121.1437. See FAA Order 8900.1, Vol. 3, Ch. 22, Sec. 3, para. 3–1661 (Sept. 13, 2007).

*D. Training Program: General—Crewmember Records (§§ 121.1331 and 121.1431)*

Current § 121.401 governs the general requirements for part 121 certificate holders' training programs. In the NPRM, the FAA proposed similar overall requirements but also proposed requirements to ensure consistency between the operating procedures for each required task in the QPS and the

operating procedures set forth in the manual required by § 121.133. The NPRM also proposed to require a certificate holder conducting training under a part 121 approved training program to train and evaluate the individuals who administer training or evaluation within the certificate holder's training program. In addition, the NPRM proposed to require that records of unsatisfactory results for flightcrew members include the specific items for which performance was unsatisfactory.

Many commenters stated that crewmember performance records, which contain personally identifiable data, could be subject to public inquiry and be misused or misinterpreted, creating a potential liability for the crewmember, the operator, and the FAA. ATA commented that because the requirement to keep unsatisfactory results was intended to help monitor the adequacy of training programs, that objective can be met with de-identified data as is currently done with AQP. They recommended that an operator be allowed to de-identify such data after a pilot has satisfactorily completed a curriculum and hold that data outside of the crew record system.

The requirements set forth in § 121.1331(f)(1) and § 121.1431(e)(1) are consistent with the requirements in new § 121.684, which would replace current § 121.683. In the SNPRM, the FAA has retained the provisions that would require that certification of crewmember and dispatcher knowledge and proficiency be included in the records required under current § 121.683, in § 121.684. For flight attendants, the FAA agrees that only records of satisfactory completion are necessary to determine whether a flight attendant is qualified. The FAA proposes to remove the requirement that unsatisfactory performance be included in flight attendant records. The FAA has amended the SNPRM language accordingly.

TWU Local 550 and TWU sought clarification regarding what information the FAA expects to receive when a certificate holder reports a failed proficiency test, proficiency check, or practical test for aircraft dispatchers under proposed § 121.1439(f).[10] They recommended that the FAA require only empirical data and stated that personal information is unnecessary. TWU Local 550 suggested that failures should be reported to the Administrator as a percentage on a monthly, quarterly, semi-annual, or annual basis. RAA noted that the section-by-section analysis indicates that the purpose of reporting failed tests and checks is to ensure that, if repeat failures occur, the operator would "correct the program" as part of the CAP. RAA acknowledged the usefulness of an operator accounting for such "failures" within its CAP but failed to see a valid reason why it is necessary for the operator to report individual failures to the FAA. RAA requested that the provision be withdrawn as redundant to the CAP.

The information required by § 121.1431(e)(1) is necessary for assessing the overall effectiveness of the certificate holder's training program. It is also necessary for assessing the operational control capabilities of individual dispatchers and is appropriate information for a dispatcher's records. The reporting of an individual's failure would help the FAA to identify whether there is a problem with an individual who is exercising operational control or whether there is a problem with the certificate holder's training program.

In addition to concerns regarding the confidentiality of crewmember and dispatcher records, commenters also stated that the requirement for lesson plan approval is onerous and would hamper the airlines' ability to update and improve their training in a timely manner.

In the SNPRM, the FAA proposes to amend §§ 121.1331(e)(1) and 121.1431(d)(1) to clarify that certificate holders must provide curriculums and curriculum categories as a means of demonstrating that they have satisfied all of the training and evaluation requirements of part 121. The FAA intends that, under the proposed regulations, a certificate holder would submit a training program for approval that includes these requirements. While the FAA expects that the detailed course material (*e.g.,* lesson plans and handouts) used to meet this training requirement would be available for FAA review, the FAA does not intend certificate holders to submit all course material as part of training program approval. The FAA has revised the proposed language in § 121.1337(a)(6) and § 121.1437(a)(4) to state that the certificate holder must make all training and evaluation materials available for review upon request by the FAA to clearly reflect this intent.

American Eagle noted that, while pilots certainly need to be kept current on any information affecting the aircraft that they fly, it is not necessary that pilots be kept informed of changes to an air carrier's policies and operation that may not be pertinent to their duties, such as some changes in the air carrier's maintenance program. It stated that § 121.1331 should be amended to require that pilots be kept current only on the subject matter that affects their performance.

The intent of the regulation was to keep crewmembers current only on those changes in air carrier policies and procedures that are pertinent to their duties. The FAA has clarified this requirement in the SNPRM.

ATA and Southwest noted that minor changes to policies and operations may be conveyed in various formats. They contend that, depending on the criticality and complexity of the change, inclusion in the curriculum is not always the most effective and timely means of conveying information and that other appropriate means could include bulletins and electronic messages.

The FAA notes that the proposed requirements do not prevent an air carrier from disseminating information via bulletin. The proposed requirements merely ensure that the information is included in the training program, as appropriate. Therefore, the FAA proposes no change to the language in the SNPRM.

ATA, American, and Southwest commented that the detail required in the QPS would unnecessarily expand the manual and a flight attendant's responsibilities. Southwest stated that the manual is an operations manual, not always a training manual. Southwest noted that an operations manual lists what tasks should be done, not necessarily how to perform each task.

The FAA notes that the intent of the proposed requirement is to ensure that the operating procedures in the crewmember manuals and the training program are consistent. The detail in the operations manual should be at a level that is appropriate for that document. Therefore, the FAA proposes no change to the language in the SNPRM.

Continental commented regarding the requirement that the person responsible for instructing or evaluating has certified in writing or electronically that the crewmember is knowledgeable and proficient in the specific subject, task, or environment. It stated that this requirement would not accommodate situations where direct access to computerized recordkeeping systems is not always possible, for example during outages or at remote locations. It stated that in such cases someone other than the instructor or evaluator would make the entry. It noted that a transmittal sheet is used to verify that an entry is

[10] The FAA proposed requirements for reporting unsatisfactory results for aircraft dispatchers in § 121.1439. Based on substantive revision of § 121.1439, these requirements are now set forth in § 121.1431(e)(1).

correct no earlier than 48 hours after initial entry and by another individual. Continental indicated that, once the information is verified, the transmittal sheet is destroyed. It commented that the transmittal sheets are subject to FAA inspection within the 48-hour window. Continental and other commenters suggested that the rule state that "the certification required by (f) shall be recorded in the crewmember's record in a manner approved by the Administrator."

Because the suggested change provides the air carrier with the needed flexibility to use the most efficient system, the FAA has amended the SNPRM language to include "by a means approved by the Administrator." However, the FAA notes that the proposal in the SNPRM merely establishes the records that need to be maintained and does not impose the type of recordkeeping system that must be used. Therefore, an air carrier may determine the complexity of its recordkeeping system.

*E. Training Program: Curriculum by Aircraft Type and Curriculum by Aircraft Type and Operation (§§ 121.1333 and 121.1433)*

Under current rules, the requirements for training program curriculums are found in § 121.403 and § 121.415. The requirements for special airport qualifications are located in § 121.445.

In the NPRM, the curriculum requirements were generally similar to current regulations but some additional requirements were proposed. For example, the NPRM proposed specific training requirements for flightcrew members regarding the nature and effects of safety hazards and periodic weather extremes and their effect on operations. In addition, the NPRM required certificate holders to integrate CRM and DRM training into their curriculums. The FAA also proposed to make some clarifying revisions and to include requirements for additional training equipment that is used by the air carrier in its training program.

Some commenters, including ATA, American, Southwest, Midwest, UPS, and FedEx stated that the training program requirements in § 121.1333(b)(1)–(6) were impossible because a certificate holder could not ensure that each crewmember remains trained, proficient, and knowledgeable in all of those areas. Commenters recommended that the proposed language be revised to clarify that the certificate holder has the responsibility to provide training and evaluation to crewmembers and that satisfactory completion of that training and evaluation satisfies the certificate holders' responsibility to ensure that the crewmember possesses adequate knowledge, skills, and proficiency to accomplish his or her duties.

In the SNPRM, the FAA has revised the language to clarify that certificate holders must provide the training and evaluation necessary to ensure that crewmembers and aircraft dispatchers have demonstrated proficiency in the areas specified in § 121.1333(b). The FAA has made similar changes to § 121.1433(b).

Southwest commented that, under the proposed regulation, differences training must be included in all academic and job performance training segments for purposes of training and evaluation. It stated that differences would not always require job performance training and recommended that the requirement be revised to clarify that differences would not necessarily be applied to all job performance training. The FAA agrees that differences would not necessarily require job performance training and, in the SNPRM, has included clarifying language in § 121.1333(c)(5).

RAA also sought clarification as to what is required for differences training for aircraft dispatchers. The FAA notes that differences training and evaluation, when discussed as a curriculum category, requires additional training and evaluation on a particular aircraft type when the Administrator finds, during the training program approval process, that the training and evaluation is necessary before that aircraft dispatcher may serve in the same capacity on a particular variation within a series of an aircraft type or a different series within an aircraft type.

An individual commented that the language in § 121.1333(b)(3) suggests that there is an alternative to an FCOM. There is no alternative to an FCOM and the FAA has removed the language from (b)(3) to clarify the requirement.

An individual requested clarification regarding what is meant by abnormal, non-normal, and emergency procedures as referenced in § 121.1333(c)(3). The FAA notes that these terms, as presently used in § 121.403, retain their current meaning in § 121.1333.

TWU commented that the requirements set forth in proposed § 121.1433(b)(2) through (b)(4) that would require an aircraft dispatcher to remain knowledgeable of the information contained in multiple manuals as well as the newly required Aircraft Dispatcher's Procedures Manual, are too burdensome and would result in increased time demands and undue pressure. The FAA notes that the requirement for a dispatcher to remain knowledgeable of the information contained in multiple manuals is no different from current regulatory requirements. Dispatchers are not required to know every single item in a set of manuals; however, they should know the contents of a manual so that they may easily reference the correct manual when specific information is needed.

*F. Training Program: Administering Training and Evaluation (§§ 121.1341 and 121.1439)*

Sections 121.411(a)(1)–(2) and 121.412(a)(1)–(2) require that proficiency checks for training and evaluation must be given by the Administrator or a check airman. In the NPRM, the FAA provided further clarification regarding who may be authorized to conduct training and evaluation and supervise individuals undergoing operating experience, by affiliation and position, including those persons beyond the current authorizations listed in §§ 121.411 and 121.412. This information now appears in the SNPRM in Table 3C of appendix Q.

Upon further review, the FAA noted that § 121.1341 and § 121.1439 contained many requirements that were addressed in more detail in other areas of the proposal. The FAA has removed the duplicate requirements and these sections now address requirements for individuals administering training or evaluation and the unauthorized use of equipment and facilities in training programs. The FAA has clarified that individuals responsible for conducting training and evaluation must be familiar with the facilities and equipment specified in the certificate holder's approved training program.

With regard to the proposed requirement that persons providing training must be familiar with the facilities and only use the facilities specified in the training program to administer training and evaluation, Ameristar Air Cargo (Ameristar) commented that the term "facilities" is limited and does not recognize that academic training can be accomplished anywhere there is a computer, provided the individual is aware of how to complete the training.

The FAA did not intend to limit an air carrier's flexibility regarding the instructional design of, and delivery methods for, its training program. Because these sections address the delivery of both academic and job performance training and evaluation, the broad reference to "facilities, equipment, and procedures" is

necessary. To clarify, the FAA has revised the language in the SNPRM by adding the phrase, "as appropriate."

American commented that the requirement to list the names of all approved instructors and check persons in the QPS is burdensome due to the changing nature of that population on a regular basis. Commenters suggested language that training and evaluation activities must be administered by the persons listed in the certificate holder's approved recordkeeping system.

The NPRM did not require certificate holders to list the names of all approved instructors and check persons in the QPS. As proposed, § 121.1341 and § 121.1439 merely direct that training and evaluation may be administered only by the persons who are current and qualified in the positions set forth in the applicable tables in the QPS. The QPSs specify the positions eligible to be authorized to administer training, evaluation, and observation activities under subparts BB and CC for the part 119 certificate holder. The FAA notes, however, that other provisions in subparts BB and CC, such as §§ 121.1321 and 121.1323, require certificate holders to submit the names of persons who would be administering training and evaluation for acceptance by the FAA. This facilitates effective FAA surveillance of an air carrier's training program.

American also asked for clarification regarding the proposed provision that would deny credit for any training or evaluation conducted by an unqualified individual or conducted without the use of approved facilities or equipment. The FAA clarifies that if an individual completes a training or evaluation activity, the FAA would not consider the activity to be completed if the certificate holder used facilities, equipment, or materials that were not specifically approved for that activity as part of the certificate holder's approved training program, or if the certificate holder used unauthorized or unqualified persons to administer the activity. The FAA believes that this provision is essential to ensure that training and evaluation are conducted in compliance with the requirements of subparts BB and CC. This proposal is necessary to prevent an unsafe condition from occurring as a result of unqualified persons serving as crewmembers in job performance training and evaluation.

With regard to § 121.1439, RAA commented that there is no guidance as to who or what qualifies as an acceptable trainer or facility. It contends that such requirements are completely arbitrary without further specification. RAA requested that the FAA remove subparagraphs (a), (b), and (c), which would require the persons administering training to be acceptable to the FAA, persons who conduct evaluations for the certificate holder to be approved by the FAA, and for persons administering training or evaluation to use only the equipment and the facilities that are specifically approved for the certificate holder's training program.

Specific eligibility, qualification and training requirements for individuals who are authorized to administer training and evaluation are found in §§ 121.1251, 1253, 121.1255, 121.1257, 121.1271, 121.1281, 121.1291, 121.1321, 121.1323, 121.1337, 121.1379, 121.1381, 121.1383, 121.1385, 121.1387, 121.1421, and 121.1423. The specific requirements for training environments and equipment are found in §§ 121.1347, 121.1351, as well as each QPS, as applicable. These requirements establish unambiguous criteria for instructors, evaluators, training environments and training equipment that determine what the FAA requires for an individual or facility. These requirements are necessary to ensure that training is conducted by qualified individuals in an effective training environment, using equipment that results in adequate instruction and evaluation. In the SNPRM, the FAA has retained the language as originally proposed in the NPRM.

*G. Continuous Analysis Process (CAP) (§§ 121.1355 and 121.1441)*

The current rules do not require a CAP for crewmember or dispatcher training. In the NPRM, the FAA proposed §§ 121.1355 and 121.1441 as new requirements based on existing § 121.373, which addresses continuing analysis and surveillance for maintenance programs. As proposed in the NPRM, the CAP would ensure that certificate holders identify and correct deficiencies in their training programs. The NPRM proposed notification and appeal procedures to ensure that any changes to the CAP were approved by the FAA. These procedures were consistent with the training approval and amendment process for crewmember and aircraft dispatchers.

RAA and ATA commented that the CAP provisions should not be adopted unless the FAA provides more detailed requirements and develops guidance to explain how the CAP would be administered, including how operators would receive approval for their CAP. Continental, Ameristar, Midwest, American, and ATA commented that the CAP must be customized to the air carrier's individual needs.

The intent of the proposed CAP requirements in the NPRM was to ensure that each certificate holder had a process in place to identify and correct deficiencies in its training programs. In light of these comments and the mandate to establish a remedial training program for flightcrew members in Public Law 111–216, the FAA has revised this process to include more detailed requirements to ensure that all crewmembers are monitored throughout their training and evaluation, and that any deficiencies in crewmember performance, or operation of the training program, are identified and corrected. See Public Law 111–216, § 208(a)(2). Section 121.1355 of the SNPRM specifies that the CAP must provide for the regular analysis of crewmember performance on proficiency tests and checks to identify and correct any deficiencies in either crewmember performance or operation of the training program(s). For flightcrew members, the CAP also must provide for the regular analysis of flightcrew member performance in LOFT and FFS courses of instruction to identify and correct any deficiencies in either flightcrew member performance or operation of the training program(s). In addition, in the SNPRM, the FAA has specifically required that the CAP provide for the monitoring of persons having completed remedial training or re-evaluation due to the failure of a proficiency test or check or unsatisfactory performance during a LOFT or FFS course of instruction, as appropriate. In the SNPRM, the FAA has also revised § 121.1441 to specifically include review of aircraft dispatcher performance on proficiency tests in the CAP. As proposed in the SNPRM, certificate holders would be able to develop a CAP for the collection and use of data that effectively meets the needs of their operations. Furthermore, for clarification, the FAA notes that the CAP is considered part of the approved training program, and therefore, is subject to the approval and appeal procedures set forth in § 121.1337 and § 121.1437.

Ameristar questioned whether the proposed requirement that the CAP ensure that each training program and the standards of qualification for each duty position are documented would require a certificate holder to develop a CAP for each duty position. The FAA notes that a separate CAP for each duty position is not required. Rather, the FAA intended the development of one CAP that contains procedures for

evaluating all of the various components of the training program.

ATA, Midwest, and American commented that the CAP requirement to conduct at least two annual standardization meetings to review training program content, application, and results is not necessary. They asserted that program content, application, and results should be accomplished through a data-driven analysis process.

The FAA has retained the requirement for standardization meetings because these meetings provide an important opportunity for check airmen and APDs to become aware of and learn from the review of training program content, application, and results. However, the standardization meetings are only one part of the CAP. The CAP also includes a data driven analysis process that requires certificate holders to collect and analyze specific data to identify and correct deficiencies in their training programs.

ATA stated that the FAA estimate of 8 hours for developing the CAP and 2 hours annual burden for maintaining the CAP is grossly inadequate based on average time and administrative expense that certificate holders who currently train under AQP have incurred in developing effective data collection and analysis systems.

The FAA does not intend for the CAP to meet the detailed data collection requirements for AQP. The cost estimates for the NPRM are the time estimates to prepare and maintain the actual document that outlines the certificate holder's CAP for FAA approval as part of the approved training program in accordance with § 121.1337. These hours do not account for the time required to implement the program. For example, the following activities are not included in the FAA's time estimate: Collecting data; analyzing data; identifying trends; and identifying recommendations for necessary changes in the training program to ensure that the training program remains effective. The FAA believes that such costs are part of the general costs of maintaining an approved training program and do not arise from the CAP requirement.

*H. Fraud, Falsification, or Incorrect Statements (§ 121.9)*

In the NPRM, the FAA proposed § 121.9, a new general requirement for part 121 that would prohibit false or fraudulent statements on an application, record, or report required by this subpart. The NPRM also specified the consequences of making a false or fraudulent statement. Although the language would be added to part 121 for the first time, it is not a new concept in FAA regulations. Similar language already appears in 14 CFR 67.403. The FAA proposed adding the requirement to part 121 to emphasize the importance of truthful statements regarding training and evaluation of crewmembers.

Continental, RAA, and ATA made similar general comments regarding the proposed language. They commented that assignment of responsibility and potential penalties could easily be misinterpreted and that a description of appropriate allocation of responsibility is missing. They stated that the FAA should clarify that air carrier responsibility for fraudulent or intentionally false statements would occur only when there is evidence that the air carrier approved or endorsed such actions and that individual employee or contractor actions would not be automatically attributed to the certificate holder. TWU commented that the proposed language is too ambiguous and therefore could result in an unnecessary penalty if a mistake is made. RAA questioned why such provisions were needed when a violation of any regulation is fully enforceable with or without making a fraudulent or intentionally false statement. Continental, ATA, and RAA all requested that the provision be withdrawn.

In response to the comments regarding allocation of responsibility, the FAA states unambiguously that the air carrier has the ultimate responsibility for regulatory compliance. The FAA notes, however, that during the investigation that occurs when the FAA has reason to suspect non-compliance with any regulation, careful consideration is given to all the facts and circumstances including evidence of air carrier approval or endorsement of such actions and individual employee or contractor actions. Furthermore, the FAA emphasizes that fraud, falsification, and incorrect statements regarding crewmember training and evaluation could result in a failure to satisfy the minimum training and evaluation requirements. This directly affects aviation safety. For the reasons stated above, the FAA is retaining this requirement, as originally proposed, in the SNPRM.

*I. English Language Requirement (§§ 121.1209 and 121.1407)*

Current regulations require English language proficiency for flightcrew members and aircraft dispatchers under 14 CFR parts 61, 63 and 65. See 14 CFR 61.123(b), 61.153(b), 63.31(b), 65.33(c) (2010). There is no similar provision for flight attendants. In the NPRM, the FAA proposed an English proficiency requirement for flightcrew members, flight attendants, and aircraft dispatchers.

RAA commented that the proposed requirements in §§ 121.1209 and 121.1407 were redundant for flightcrew members, as this requirement is already contained in §§ 61.123(b), 61.153(b), and 63.31(b). It stated § 65.33(c) already contains an English language requirement for aircraft dispatchers. Several commenters also stated that this requirement was unnecessary for flight attendants. Atlas Air and Midwest raised concerns that the English language proficiency evaluations required under § 121.1209 would place an undue burden on operators. The National Air Carrier Association (NACA) suggested that there may be liability issues due to the fact that there appears to be a difference between the FAA and individual companies regarding the definition of English proficiency. Also, Horizon, Midwest, American Eagle, and Ameristar noted that the NPRM contained no standards for assessing an individual's reading, writing, and speaking skills. Some of the commenters, including RAA, suggested that successful completion of the training program conducted in English would qualify as a demonstration of proficiency. ATA suggested that the FAA add two new paragraphs to § 121.1209 to codify this method, as well as acceptance of an airman certificate with an English language endorsement.

In the SNPRM, the FAA is retaining the English language requirements. After considering the comments, however, the FAA is proposing to add two new paragraphs to §§ 121.1209 and 121.1407 to clarify acceptable methods of assessing an individual's proficiency in reading, writing, speaking, and understanding English. Successful completion of the certificate holder's approved training program conducted solely in English would be an acceptable method for demonstrating English proficiency. This requirement would ensure that flightcrew members, flight attendants, and aircraft dispatchers have the ability to communicate with each other and that air carriers have consistent assessment methods.

*J. Crewmember and Dispatcher Record (§§ 121.683 and 121.684)*

The current provisions in 14 CFR 121.683 require a certificate holder to maintain records for each crewmember and aircraft dispatcher to show that the

individual meets the qualification standards and has satisfied the training requirements in subparts N, O, and P. However, these requirements do not conform to the statutory requirements in the Pilot Records Improvement Act of 1996 (PRIA) (49 U.S.C. 44936(f) and (g)). In the NPRM, the FAA proposed to revise current § 121.683 to conform to the statutory requirements in PRIA and to apply similar requirements for all crewmembers and aircraft dispatchers.

PRIA (49 U.S.C. 44703(h)) requires that, before allowing a pilot to begin service, an employing air carrier must request and receive information concerning that individual, including certain records from other air carriers that have employed the person as a pilot in the previous five years. PRIA requires that the former employing air carrier provide records pertaining to the individual that are maintained by the air carrier under § 121.683 (other than records relating to flight time, duty time, or rest time) and other records pertaining to the individual's performance as a pilot that are maintained by the air carrier concerning the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman. In the NPRM, the FAA proposed to revise current § 121.683 to make it consistent with the records that must be provided by an air carrier under PRIA. In addition, the NPRM proposed to apply similar requirements to the records of flight attendants and aircraft dispatchers.

Several commenters, including American, RAA, Midwest, TWU, and American Eagle, stated that disciplinary actions do not belong in a pilot's training records. They were concerned about privacy issues and stated that instructors and check pilots should not be able to view those actions. They asserted that the training records should show only the training and evaluations, whether those events were successfully accomplished, and if remedial training was conducted, if applicable. They did not believe it was appropriate to require that records include instructor comments and reasons for unsatisfactory performance on tasks.

The FAA notes that current § 121.683 contains requirements for maintaining more than just training records. It requires the maintenance of records concerning the release from employment or physical or professional disqualification of any flightcrew member or aircraft dispatcher. Therefore, in the SNPRM the FAA has maintained the requirements for the maintenance of other than flight training records. In addition, in the SNPRM under § 121.684, the FAA proposes to codify current guidance contained in FAA Order 8000.88 that addresses how the records should be kept. FAA Order 8000.88, PRIA Guidance for FAA Inspectors (Mar. 14, 2006). In addition, in the SNPRM, the FAA has clarified in § 121.684(a)(2) that only check person comments are required to be maintained, which is consistent with the statutory requirements of PRIA. The FAA has also amended language in § 121.684(b) in the SNPRM to require that all records, except for records on flight time, duty and rest periods, must be maintained for at least 5 years.

*K. Management and Technical Personnel Required for Operations Conducted Under Part 121 of This Chapter (§ 119.65)*

In the NPRM, the FAA proposed a revision to § 119.65, which requires at least one line qualified check pilot, and, if appropriate, at least one check flight engineer, for each aircraft make and model and aircraft type for which the certificate holder has more than five pilots. Under the proposed rule, a check pilot or check flight engineer would be able to hold the additional position of Director of Safety, Director of Operations, or Chief Pilot, if the check pilot or check flight engineer meets the requirements of the additional position.

NACA and Midwest are strongly opposed to the change and stated that the FAA should not make check airmen part of the required management personnel. Midwest stated that the role of the line check pilot is ensuring that training has been effective, not managing the training process. Midwest and ALPA suggested that if the FAA wants to add personnel responsible for managing training to the required staff at an airline, the Director or Manager of Training would be a much more effective choice. Midwest further stated that it, as well as its union, do not consider line check pilots to be management personnel. It contends that if the FAA proceeds with this change there would be a contractual issue that could cause a significant turnover in line check pilots. Ameristar stated that requiring a check airman would add to the certification of new entrants and is a redundant requirement because current § 119.67(b) requires the chief pilot to be type rated on at least one aircraft type the carrier operates.

The requirement, as proposed in the NPRM, was intended solely to ensure adequate staffing for flightcrew member line checks. In addition, the FAA notes that the language in § 119.65(a) states that the section applies to both management and technical personnel. As long as the proposed requirement is met, there is nothing that compels an airline to confer a particular employment status on an employee. To clarify that the provision applies to management and technical personnel, the FAA proposes in the SNPRM to include technical personnel in the title of § 119.65.

An individual stated that the FAA should additionally require at least one qualified check flight attendant for each aircraft type for which the certificate holder has more than ten flight attendants. The individual also recommended requiring at least one qualified check dispatcher for more than four dispatchers.

As stated previously, the intent of the requirement is solely to ensure adequate staffing for flightcrew member line checks. Line checks are not required activities for flight attendants or aircraft dispatchers; therefore, this suggested change is unnecessary.

*L. Applicability (§§ 121.1201 and 121.1401)*

In the NPRM, the FAA made some conforming changes to part 135 that did not impose new requirements on part 135 operators. An individual commented that the FAA should not require part 135 commuters to comply with these regulations. The NPRM and the SNPRM do not introduce any new requirements for part 135 and do not affect part 135 operations except for those part 135 certificate holders who must train in accordance with the provisions of part 121. See 14 CFR 135.3(c).

Atlas Air and NACA both commented that it is unclear as to whether the duty positions of current check persons would be grandfathered under the new rule. Atlas Air suggested that the transition of check persons and evaluators to the new regulatory requirements should be part of the transition plan that each air carrier must coordinate with the FAA under § 121.1202(b).

In the SNPRM, the FAA has added paragraph (c) as a grandfather provision that allows persons qualified in a training or evaluation position under the current rules to meet the requirements of the proposed rule without having to repeat certain training. The FAA has also clarified in §§ 121.1202(b)(2) and 121.1402(b)(2) that this requirement would become part of an air carrier's transition plan. Also, the FAA has added designated flight engineer examiners (DFEE) to the list of check persons.

*M. Training Program: Contract Training Requirements (§ 121.1339)*

Current regulations that govern training centers that provide training under contract or other arrangement for air carriers are found in 14 CFR part 142. In the NPRM, the FAA proposed additional rules regarding the use of another certificate holder certificated under part 119 or a training center certificated under part 142 to conduct crewmember training. The NPRM clarified the conditions a certificate holder must meet in order to use persons from another part 119 certificate holder or a part 142 training center in its training program. The proposed requirement also ensured that the training is specific to the certificate holder, even if administered by someone other than an employee of the part 119 certificate holder. Under the proposal in the NPRM, all training materials, FSTDs, and other training equipment would have to meet the requirements of subpart BB, and be specifically approved for use in the certificate holder's program. In addition, any instructor or check person must be qualified under subpart BB and approved by the POI to provide training and evaluation in the certificate holder's program.

The NTSB commented that it supports the NPRM's proposals for establishing qualifications for training centers and other 14 CFR part 119 facilities. Flight Safety International (Flight Safety) commented that there was inadequate verbiage in § 121.1339, as it does not specify if part 142 training centers already approved by the FAA Training Center Program Manager (TCPM) would be considered acceptable locations for academic training in the classroom or if they must go through an additional approval process under subpart BB.

The FAA does not believe it is necessary to add language to § 121.1339 to except part 142 training centers from the requirement that the certificate holder must have the facilities it proposes to use for academic training approved. Section 121.1337, Training Program Approval and Amendment Process, in the NPRM and SNPRM, proposes that each training program must be approved by the Administrator. To obtain approval of a training program, a part 119 certificate holder must provide certain information, including a description of the academic training facilities to be used. Furthermore, both in the NPRM and SNPRM, § 121.1335 proposes to require that academic training hours must be in a classroom provided by the certificate holder unless otherwise approved by the Administrator. Therefore, academic training provided in a classroom would be part of the general training program approval process for the part 119 certificate holder and would not require a separate approval process for a part 142 training center.

In addition, in the SNPRM, the FAA has addressed the timeframes for transition from current rules to proposed rules for certificate holders who are required to meet the requirements of subparts BB and CC. Section 121.1202 outlines the process for transitioning from training programs established in accordance with subparts N, O, and P of this part to the training program requirements provided in subparts BB and CC of this part. At the completion of the transition process, certificate holders must meet the requirements of subparts BB and CC. Any part 142 training center that is providing contract training for a part 119 certificate holder must transition to the new requirements of subpart BB as that part 119 certificate holder transitions to the requirements of subpart BB.

Flight Safety also raised concerns that the proposal in the NPRM dilutes the intent of contractual arrangements allowed between part 121 certificate holders and part 142 training centers and does not adequately clarify how contractual arrangements are used to meet certificate holder training requirements. Flight Safety also stated that the basic intent of the special rule should be to allow certificate holders to contract with approved part 142 training centers and use the part 142 qualification of instructors and evaluators to meet the requirements of the applicable parts of part 121. Flight Safety further stated that the language used in the proposed rule does not adequately address the use of simulators through contract training with part 142 training centers.

The intent of the proposal in the NPRM was to provide flexibility for certificate holders by allowing training programs to be administered by non-employees. It also maintained the integrity of the training program and ensured that only those persons and equipment specifically approved for the program would be used. In the SNPRM, the FAA has revised the language in § 121.1339 to adequately clarify (1) how contractual arrangements could be used to meet the certificate holder's training requirements under subpart BB and CC; (2) how part 142 training center instructors and evaluators may be qualified to meet the requirements of the applicable parts of part 121; and (3) how simulators may be used through contract training with part 142 training centers.

*N. Curriculum Category Requirements: Check Pilot, Check Flight Engineer, or Check Flight Attendant Initial, Transition, and Recurrent Academic Training (§ 121.1381)*

Current § 121.413 provides for the initial and transition training and checking requirements of check airmen (airplane) and check airmen (simulator).

The NPRM proposed requirements for initial, transition, and recurrent academic training for check pilots, check flight engineers, and check flight attendants. It contains the same requirements in current § 121.413, which apply to check airmen. The FAA based its recurrent academic training requirements on current part 121, appendix H, Advanced Simulation Training Program. The FAA has established these requirements to ensure that each check person remain proficient in the knowledge and skills necessary to evaluate crewmembers.

Continental stated that the proposal appears to conflict with or omit the semiannual standardization meeting requirements of §§ 121.1253(d)(2)(ii)(A) and 121.1355(a)(2). The requirement to attend standardization meetings is not necessary in this section. Therefore, there is no conflict with §§ 121.1253 and 121.1355. The standardization meetings are not curriculum category requirements and therefore are not appropriate to include in § 121.1381. The proposed requirement to have standardization meeting is in § 121.1355(a)(2), the proposed requirement for check airmen to attend the meetings is in § 121.1253, and the proposed requirement for APDs to attend the meetings is in § 121.1271.

American requested deleting § 121.1381(a)(5)(i), which proposed to require training in proper evaluation of student performance, including the detection of improper or insufficient training. Proposed § 121.1381(a)(5)(i) repeats the current requirement in § 121.413(c)(4)(i). The FAA did not propose changing this requirement and believes it remains a valid requirement because the instructor's ability to detect improper or insufficient training helps to ensure the instructor's proficiency as an instructor. Therefore, the FAA has retained the requirement in the SNPRM.

*O. Training Program: Academic Evaluation (§ 121.1343)*

Although there are requirements for academic testing in the current regulations, there are no requirements for how those academic evaluations are

to be developed or implemented. In the NPRM and SNPRM, the FAA has included specific requirements regarding development, maintenance, and implementation of academic evaluations. ATA and Continental stated that the proposed assessment rules appear to preclude oral examination, which the FAA has long recognized as a fundamental assessment technique. They requested that it be preserved. In the SNPRM, the FAA has added language in the QPSs to clarify that oral examination is still appropriate under the proposed requirements.

RAA stated that it is unclear whether test questions have to be approved by the FAA for every class based on the proposed QPS requirement for knowledge assessment that states that "the form and content of each test must be approved by the Administrator." RAA noted that this requirement would be more restrictive than AQP.

The FAA did not intend that each individual test question and test be approved by the FAA. Rather, the intent was that the method of developing and administrating academic tests be approved by the FAA under the general training program approval process required in § 121.1337. In the SNPRM, the FAA has revised the requirement in § 121.1343 to clarify that it is only necessary to establish a method to develop written, oral, or electronic tests that is approved by the Administrator as part of the approved training program.

ATA, UPS, Midwest, American, RAA, Continental, and FedEx commented that the proposed requirement for random selection of tests would require an automated assessment process that would require additional staff and computer software changes. They contend that such costs were not mentioned in the regulatory evaluation. They stated that the requirement is logistically complex and expensive. Horizon and Alaska commented that their lack of computer testing complicates their ability to meet the criteria in this rule. The commenters suggested that the rule be clarified to reference the random selection strategy of paragraph (d) and to simply state that the use of the random strategy is sufficient to generate the desired result. FedEx proposed specific language to address this concern, specifically that the certificate holder must create tests using the random selection method described in paragraph (d) so that each student receives a different test each time the student is tested on an area of instruction.

In the SNPRM, the FAA has retained the requirement that the certificate holder create tests using the random selection method. However, the FAA has removed the language that required the certificate holder to ensure that each student receives a different test each time the student is tested on an area of instruction.

*P. Training Program: Training Equipment Other Than Flight Simulation Training Devices (§ 121.1351)*

Current regulations do not provide specific requirements for training equipment other than flight simulation devices except to require that they are adequate.

The NPRM established requirements for training equipment, other than FSTDs, that is used in an approved training program. These requirements are needed to ensure that all equipment used in training programs is adequate for the task for which it is to be used. Such equipment includes portable emergency equipment, aircraft exits, and equipment for overwater operations. The NPRM also proposed to require that all training equipment be specifically approved by the Administrator for the certificate holder, the duty position, and the procedure involved and that each piece of training equipment replicates certain characteristics or functions of equipment on the airplane. The NPRM also proposed to require that a discrepancy log be kept in close proximity to each piece of training equipment.

American Eagle, Continental, ATA, American, United and an individual commented that the requirement for certificate holders to duplicate equipment furnishings, such as stowage areas and aircraft compartments, in training centers would add significant cost and barriers to training and would lead to a significant increase in training injuries without providing a commensurate level of improved crewmember training.

The focus of the requirement is the removal of each piece of emergency equipment and training device from the same bracket or securing device that is used on the aircraft prior to being operated by each flight attendant. In the SNPRM, the FAA has removed the phrase "as installed in the aircraft, including all equipment and furnishings that may affect the operation of that equipment." The FAA did not intend for air carriers to replicate stowage areas and aircraft compartments for use during hands-on job performance drills.

The Association of Flight Attendants (AFA) supported the language as proposed but requested clarification regarding the phrase "force and travel" as it pertains to what the equipment must duplicate. AFA commented that, in order to cover all types of training equipment, the requirement be revised to read "The required force, actions, and travel of the equipment." In the SNPRM, the FAA has added the term "actions" to the proposed requirement in order to cover all types of equipment used for training.

American Eagle, ATA, Continental, Midwest, American, and FedEx all generally commented that the proposed requirements for recording discrepancies were too prescriptive and that the proposed language limited an air carrier's flexibility to determine the most efficient reporting system for their operation. Commenters suggested alternative language to require that emergency training equipment must have a method of documenting discrepancies, such as replacing "discrepancy log" with "method of documenting discrepancies" and replacing "log" with "documenting system." In the SNPRM, the FAA has revised the proposed language to be less prescriptive and give air carriers flexibility to determine the most efficient reporting system for their operation.

ATA commented that the proposed requirements should allow training to continue if equipment is in a degraded state due to minor missing, malfunctioning, or inoperative components of the equipment. ATA and Midwest also commented that the proposed requirement was overly broad and open to interpretation. They stated that as drafted, these requirements would extend to training equipment such as life vests and fire extinguishers.

The purpose of the proposed requirement is to ensure that crewmembers do not receive training on emergency equipment that does not replicate the equipment they would use in emergency situations in aircraft operations, including life vests and fire extinguishers. In the SNPRM, the FAA continues to prohibit the use of training equipment with a missing, malfunctioning, or inoperative component to meet crewmember training or evaluation requirements for tasks that require the use of the correctly operating equipment. In the SNPRM, the FAA continues to extend the requirement to all training equipment.

Midwest commented that drills that are accomplished in a cabin trainer include group exercises involving passenger control, adverse conditions, and other scenarios. It stated that the skills exercised in these drills are not airplane type specific and can be

accomplished in any "type" of cabin trainer.

The goals and objectives of much of the scenario-based training and group exercises, such as passenger control, briefings, cabin preparation, CRM, and communication and coordination, can be accomplished in a general cabin trainer or classroom. The proposed requirements in this section apply to training equipment used to accomplish job performance requirements where replication of the actual equipment used in operations is key to the learning objectives of the drill.

*Q. Curriculum Category Requirements: Crewmember New Hire (§ 121.1363)*

Current § 121.415 requires that a training program must provide a Basic indoctrination ground training for newly hired crewmembers or aircraft dispatchers including 40 programmed hours of instruction, unless reduced under § 121.405 or as specified in § 121.401(d).

The NPRM proposed requirements for new hire training for pilots, flight engineers, and flight attendants. The NPRM required new hire training for crewmembers qualifying for the first time for the certificate holder and for flight attendants who were required to complete phase III requalification training, which includes new hire training. AFA recommended listing the required hours in the regulation to clear up any ambiguity and possible misinterpretation of the hours required for training proficiency.

Programmed hours are set forth in the QPS, which is regulatory and must be considered in conjunction with the rule sections in subparts BB and CC. The FAA has determined that the language in the NPRM was appropriate and is maintaining the language in the SNPRM.

Ameristar recommended citing the exact QPS appendix letter in the wording of § 121.1363(b)(1). When referring to multiple training populations, the FAA has used "applicable QPS requirements." The FAA has determined that the language in the NPRM was appropriate and is maintaining the language in the SNPRM.

ATA, American, FedEx, and UPS commented that new hire training should only be a one-time event whether an individual is a pilot or a flight engineer. The commenters recommended using a general term "flightcrew member new hire" instead of "pilot new hire" and "flight engineer new hire."

In the SNPRM the FAA has retained the term "crewmember new hire" because this term is applicable to all crewmembers. The FAA recognizes that once a flight engineer receives new hire training at a certificate holder the flight engineer would not need to receive new hire training again if he or she became a pilot for the same certificate holder.

*R. Initial Cadre for Crewmembers and Aircraft Dispatchers (§§ 121.1257, 121.1323, and 121.1425)*

1. Check Airman Initial Cadre (§ 121.1257)

For new certificate holders initiating service, and existing certificate holders adding new airplane types to their operation, it is necessary to establish a check airman program to conduct training and evaluation. In order to establish a check airman program, initial cadre check airmen are first required. Initial cadre check airman candidates must first become fully qualified as flightcrew members and then be trained, evaluated, and approved as check airmen. Current provisions in subpart N do not address a training process for initial cadre check airmen. Rather, a recommended process is set forth in FAA Order 8900.1, Vol. 3, Ch. 20, para. 3–1427 (Sept. 13, 2007). The FAA proposed to codify this process in the NPRM.

ATA, Continental, American, Midwest, and FedEx requested the FAA reconsider regulating initial cadre programs. Commenters stated that current policy in FAA Order 8900.1 on initial cadre training and evaluation is adequate and has proven safe. Commenters stated that maintaining this guidance provides the necessary flexibility to develop appropriate training and qualification as the need arises.

The FAA believes that the importance of the initial cadre period, when certain air carrier employees may provide training and evaluation without meeting certain qualification requirements, requires standardization in the regulations and is not appropriate for guidance. The SNPRM, like the NPRM, proposes to codify FAA policy in the FAA Order 8900.1, Vol. 3, Ch. 20, sect. 2, para. 3–1427, "Approval of Initial Cadre Check Airmen" (3/11/09). The initial cadre program is a practical way to initiate and build a check airmen program, and it takes advantage of proving flights when the operator or applicant is under close FAA scrutiny.

ATA, FedEx, and American recommended clarification of the requirements in § 121.1257(b)(1), which requires that the person be employed by the certificate holder, and § 121.1257(e), which describes the individuals who may be used as instructors, check pilots, and APDs by the certificate holder to train the initial cadre of check airmen described under paragraph (b). The commenters believe these requirements are in conflict. Commenters also recommended that the FAA revise paragraph (b)(1) to require that the initial cadre check airmen be employed by the part 119 certificate holder or comply with § 121.1257(e).

In the SNPRM, the FAA has clarified the relationship between individuals who may be trained as the initial cadre of check airmen for a certificate holder in paragraph (b), and the individuals in paragraph (d) who may be used as instructors, check pilots, and APDs by the certificate holder to train the initial cadre of check airmen described under paragraph (b). Paragraph (d) allows the certificate holder to use current employees, employees of part 142 certificate holders, employees of other part 119 certificate holders, or aircraft manufacturers to create the pool of instructors, check pilots, and APDs who would support the certificate holders initial cadre program and train the initial cadre check airmen.

ATA, American, Midwest, and Continental believe that in § 121.1257(b)(4) the last sentence should be deleted because this section could be misconstrued to require an initial cadre check pilot or check pilot to accomplish the entire syllabus twice, once in each seat. They stated this would conflict with the seat dependant task training in the QPS as specified in § 121.1383(c)(3).

The intent of § 121.1257(b)(4) is not to require initial cadre check pilots to accomplish the entire syllabus twice, once in each seat. In the SNPRM, the FAA has revised § 121.1357(b)(4) to clarify that initial cadre check pilots need to complete seat dependent task training.

ATA, American, FedEx, and Midwest believe that the requirement in (b)(5) for the FAA to observe each of the duties that the check airman would be authorized to perform is excessive and should be replaced with (b)(6), which requires POI approval for the duties to be performed.

While approval for an individual to serve as a check airman under proposed § 121.1253 requires signoff by an FAA aviation safety inspector or APD, in the case of initial cadre training and evaluation, it is necessary for the FAA to have the FAA aviation safety inspector conduct the observation and provide the signoff because, in an initial cadre situation, the certificate holder would not have an APD. This requirement is also in accordance with FAA policy in FAA Order 8900.1, Vol.

3, Ch. 20, sect. 2, para. 3–1427 (3/11/09). Therefore, in the SNPRM the FAA has not revised the requirement.

2. Check Flight Attendant Initial Cadre (§ 121.1323)

In the NPRM, the FAA proposed to establish requirements for qualifying an initial cadre of check flight attendants when a certificate holder is unable to meet the requirements of § 121.1321. The proposed section is necessary to standardize industry practice for qualifying an initial cadre of check flight attendants.

ATA, Midwest, American, and American Eagle commented that the NPRM does not require an FAA aviation safety inspector observing a potential initial cadre check flight attendant to have any experience in the aircraft group or type or be qualified in the certificate holder's procedures. Southwest and ATA stated that the FAA aviation safety inspectors must be required to meet the same qualifications as the flight attendants they are inspecting.

The aviation safety inspectors (cabin safety) who are assigned to observe a certificate holder's initial cadre check flight attendants possess the required knowledge regarding the regulations, the air carrier's approved training program, and the air carrier's operating procedures to adequately perform the observation. Provisions regarding the training requirements of FAA aviation safety inspectors are not appropriate for this rulemaking.

American and Southwest commented that the NPRM sets forth no appeal process to contest a termination of an individual's initial cadre status. In the SNPRM, some sections in the rule language regarding FAA approval, such as training program approval, contain a formal appeal process. In the case of determinations regarding the length of time that initial cadre status is conferred on a particular operator, the certificate holder may appeal the determination through the CSI. As discussed previously, this is the process for appealing any FAA regulations administered by AVS that permit the exercise of FAA discretion.

In the NPRM, the FAA set forth a requirement that each individual check flight attendant would require approval by the FAA. American stated that, if initial cadres of check flight attendants are required with the implementation of these regulations, certificate holders should be allowed to develop check flight attendant programs that are approved by the FAA but not supervised by the FAA. American, Southwest, and ATA stated that FAA oversight of an initial cadre of check flight attendants introduces a significant burden on the FAA and may prevent the certificate holder from selecting and qualifying employees. They contend that the certificate holder should maintain the responsibility of ensuring the qualification of check flight attendants through personnel selection and training and that the FAA should be responsible for approving and observing the check flight attendant training program. Southwest, American, ATA, and Midwest stated that the FAA oversight of the check flight attendant program should be accomplished through training program approval and continuous analysis rather than personnel approval.

In the SNPRM, the FAA has removed the requirement for approval of individual check flight attendants. Instead, the FAA is proposing to require only that the certificate holder maintain a current list of all initial cadre check flight attendants and submit that list to the FAA. FAA observation of the newly trained check flight attendants is only necessary for initial cadre. An existing certificate holder would be able to meet the qualification requirements of § 121.1321, which allows observation by another check flight attendant and does not require any additional FAA approval.

Southwest commented that certificate holders with established check flight attendant programs do not need an initial cadre designation when adding a new aircraft type. It commented that as long as check flight attendants have received training on the new aircraft type, there is no need for an initial cadre of check flight attendants. It contends that flight attendant duties and check flight attendant duties do not vary by aircraft type in the same way that pilot and flight engineer duties do.

The initial cadre requirements for check flight attendants are necessary only when a check flight attendant candidate does not meet the eligibility for training requirements of § 121.1321, which include a requirement to have served as a flight attendant for the certificate holder for at least the previous 180 days. Therefore, an air carrier would not need to use the initial cadre provisions when adding a new aircraft type as long as it uses check flight attendants who have worked for the air carrier for at least the previous 180 days.

RAA stated the proposed rule stipulates that a flight attendant with experience on an aircraft of the same group is to perform duties as an initial cadre check flight attendant. RAA stated that this would prevent an experienced flight attendant at an air carrier with turboprop aircraft from serving as a check flight attendant should the carrier acquire turbojet airplanes. It requested that the phrase "of the same group" be withdrawn.

In the SNPRM, the FAA has withdrawn the phrase "of the same group" and has established a more appropriate requirement that flight attendants must have previously served 3 of the last 6 years in part 121 operations to serve as a check flight attendant in these situations. The FAA reiterates that the initial cadre requirements for check flight attendants are necessary only when a check flight attendant candidate does not meet the eligibility for training requirements of § 121.1321.

American Eagle sought clarification as to whether the term "FAA Inspector" is the same as the term aviation safety inspector in Table 3A. In the SNPRM, the FAA has revised the proposed regulation to include the term aviation safety inspector.

3. Check Dispatcher Initial Cadre (§ 121.1425)

In the NPRM, the FAA also proposed to establish requirements for qualifying an initial cadre of check aircraft dispatchers when a certificate holder is unable to meet the eligibility, training, evaluation, and supervised operating experience requirements of § 121.1417 and § 121.1421. The proposed section was necessary to standardize industry practice for qualifying an initial cadre of check aircraft dispatchers.

TWU recommended that the FAA revise the language in § 121.1417 and § 121.1421 to clarify that the requirements apply only to "start-up" airlines or operations. The requirements for the check dispatchers under § 121.1417 and § 121.1421 apply to all operations. Relief for start up airlines or a new type of operation for an existing air carrier is provided under § 121.1425, Check dispatcher: Initial cadre. The initial cadre requirements for check dispatchers are necessary only when a check dispatcher candidate does not meet the eligibility and training requirements of §§ 121.1417 and 121.1421. Therefore, the FAA has not revised the language in these sections.

NACA questioned the requirement in § 121.1425(c)(2) that would require an individual attempting to qualify as an initial cadre check dispatcher to have served as an aircraft dispatcher for 3 of the last 6 years with that aircraft type. NACA maintains that this requirement is inconsistent with the requirements in § 121.1421 for check dispatchers which does not establish an aircraft type

limitation for qualification as a check dispatcher. NACA therefore recommended deleting the aircraft type limitation in § 121.1425(c)(2). Midwest also raised concerns that if adopted as proposed, dispatchers attempting to qualify as an initial cadre check dispatcher who work for an operator that has a new type of aircraft would not be able to meet this requirement. Midwest recommended removing the aircraft type requirement and requiring the individual to have served at least 3 of the last 6 years as a certificated dispatcher performing dispatch duty.

In the SNPRM, the FAA is revising § 121.1425(c)(2) to remove the requirement that a dispatcher have experience in the aircraft type and instead require that, to be eligible to be an initial cadre check dispatcher, a dispatcher must have served at least 3 years in the past 5 years as a dispatcher in the same aircraft group. The aircraft group limitation is necessary because individuals attempting to qualify as an initial cadre aircraft dispatcher may not have recent experience serving as an aircraft dispatcher with that certificate holder. Instead of establishing a recency requirement, the FAA has determined that it is more appropriate to establish the aircraft group limitation given the difference in aircraft performance, operational requirements, and the overall operating environments for Group I and Group II airplanes. This would ensure that the initial cadre check dispatcher is familiar with the certificate holder's operating environment, while also accommodating the needs of new part 119 certificate holders and certificate holders that are planning to operate a new aircraft type or in a new type of operation. Upon review of § 121.1421, the FAA identified an error in the recency experience requirements as proposed in the NPRM. The FAA has revised § 121.1421 to require check dispatchers to have served at least 3 years in the past 5 years as a dispatcher for the certificate holder for whom the dispatcher is to perform the duties of a check dispatcher.

Midwest commented that the requirement that a dispatcher hold a certificate without restriction is unclear as they are unaware of any restrictions on dispatcher certificates. Prior to 1996 (when 14 CFR part 65 was revised) some aircraft dispatcher certificates were issued with English language limitations to individuals with foreign residency. If these individuals sought employment in the United States, this restriction would have to be removed prior to their employment. As these certificates do not expire, it is necessary to retain this language in the SNPRM.

## V. Other Issues by Specialty

*A. Flightcrew Member*

1. Training Program: Line Oriented Flight Training (LOFT) and Full Flight Simulator (FFS) Course of Instruction (§ 121.1353)

Current § 121.409(b) addresses training courses using airplane simulators. The requirements proposed in the NPRM were based on § 121.409(b), § 121.441(a) and requirements in appendix H to part 121. The NPRM proposed to consolidate into one section the various requirements related to LOFT, to provide more specific requirements regarding the use of simulators, including qualification LOFT, recurrent LOFT, and FSTD course of instruction. These requirements promote a training environment that closely resembles actual line operations.

Current § 121.409(b)(3) requires a complete flight crew. In the NPRM, the FAA proposed in § 121.1353(a)(4) to require that the flight crew consist of crewmembers who are qualified or in student status to serve in the duty position.

Several commenters raised concerns that the FAA's proposal to require a full flight crew would not allow flexibility. They stated that without such flexibility, if an individual is unable to report for training, the certificate holder would have to cancel the training and incur additional costs associated with rescheduling the session, such as transportation and lodging costs for the crew. In addition, ATA, American, Continental, FedEx, and Midwest requested the FAA allow "a person who is task familiar" and a "student in training" to be a substitute for a crewmember who is qualified or in student status to serve in the duty position.

In the SNPRM, the FAA has revised the language in § 121.1353 to reference a complete flight crew as described in § 121.1221(d). In addition, the FAA broadened the language in § 121.1221 to allow "another individual qualified to occupy that seat" to be part of the complete flight crew. For a more detailed discussion of the change to "complete flight crew," see Section V.A.13. Flightcrew member: Training and evaluation (§ 121.1221 and § 121.1335) later in the preamble.

Continental requested clarification regarding the intent of the proposed LOFT requirements as they apply to qualification and recurrent LOFT. The FAA has clarified that the LOFT requirements are the same for recurrent LOFT and qualification LOFT. Under the proposal, a LOFT would require training in an FFS, plus a briefing and debriefing. In addition, each duty position must be filled by a person who is qualified or in student status to serve in that position. This proposed requirement is needed because the training value of LOFT is diminished when inappropriate crew substitutions are made, such as using an SIC to substitute for a PIC. The certificate holder selects the tasks to be performed during the operating cycles from the list provided in Table 3A of the Pilot QPS and Table 3A of the Flight Engineer QPS, if applicable. Each operating cycle incorporating the tasks should be structured in such a way to mirror as closely as possible typical line operations. In this way, the FAA is certain the selected tasks are appropriate for the certificate holder's operations.

ATA, American, FedEx, UPS, and Midwest commented that requiring two operating cycles be completed during each LOFT is not appropriate as it limits the certificate holders' ability to review data and information collected in the CAP to identify areas that need additional training and incorporate those areas during the time remaining in the LOFT. Furthermore, they stated that a single cycle LOFT should be permitted, if appropriate and approved, if pilot flying and pilot monitoring duties are observed. ATA, American, Continental, UPS, and FedEx recommended removing the proposed requirement in § 121.1353(b)(5) to demonstrate or practice tasks identified as areas of concern because this area is covered in the CAP. The FAA continues to believe that two operating cycles are necessary so that an instructor can fully evaluate both the pilot flying and pilot monitoring skills of all crewmembers participating in the LOFT.

American, Continental, and Atlas stated that proposed § 121.1353(a)(5) should be revised to allow for "minimal interruption" of the LOFT by the instructor to allow the correction of errors noted during training. The commenters stated that this change would be in accordance with AC 120–35C which includes "instructor guidance to prevent scenario degradation to negative learning and reinforcement of preferred or standardized solutions to problems."

The FAA recognizes there are some circumstances where an instructor might need to interrupt training to give guidance to a student. The FAA did not intend for this type of "interruption" to be prohibited. The FAA has clarified

this intention by removing the phrase "the instructor." The FAA's intent was to prohibit interruption of the LOFT scenario itself, which must be conducted as a line operation. The FAA believes this change is consistent with the guidance in AC 120–135C and has revised the text to allow for minimal interruption during both the LOFT and FFS course of instruction.

ATA, FedEx, UPS, and Midwest requested that the FAA add APD to the list of pilots who may conduct a LOFT. The FAA has modified the SNPRM to allow an APD to administer LOFT because APDs have the appropriate qualifications to conduct this function.

ATA, American, and UPS commented that a remedial training program should be based on the severity and the nature of the deficiency. They stated that the deficiency might be minor enough that it does not require an additional simulator session.

After review, the FAA has determined that it is not necessary to require a separate LOFT training session for all remedial training. In the SNPRM, the FAA has removed from § 121.1353(a)(6) and (b)(4) the proposed requirement for a separate training session for remedial training. Instead, the FAA has included a requirement that the person administering the LOFT could correct any deficiencies during the post-flight debriefing of the flight crew.

2. Flightcrew Member: Operating Experience (§ 121.1225)

The current requirements regarding flightcrew member operating experience are found in § 121.434. The FAA proposed to recodify the operating experience requirements in § 121.1225. This provision established the operating cycle and observation requirements of operating experience, and also added two new provisions. The new provisions allow check pilots to have a rest period during the en route portion of a flight that is more than 8 hours in duration, and allow credit for operating experience if the pilot or flight engineer was under the direct supervision of an evaluator.

Continental and RAA questioned why only an APD or FAA inspector must observe the operating cycle performed by a pilot after initial or upgrade training. The commenters suggested allowing an authorized line check pilot to perform the observation.

The FAA has revised the requirements in paragraph (b)(2) to require observation by an APD or FAA inspector only when a pilot is qualifying as a pilot in command for the certificate holder for the first time. The FAA recognizes that a qualified check pilot has adequate experience to conduct observations that occur after the pilot has qualified for the first time, such as when a pilot is qualifying for a new aircraft type. The FAA has revised the language to allow a qualified line check pilot to conduct observations after the initial APD or FAA observation of the pilot as PIC. This change is consistent with current regulations in § 121.434, which allow line check pilots to conduct these subsequent observations.

Continental, UPS, and Ameristar commented that the requirement to restart operating experience based on poor performance may result in pressure to pass a pilot who performs marginally during the last days of the eligibility period to avoid the cost of restarting operating experience. The commenters suggested that the pilot be afforded another opportunity to complete the operating experience or proficiency test without restarting operating experience in its entirety. They further commented that a proficiency test should be replaced with proficiency check because the pilot has already received a type rating, and a proficiency check would allow for correction of minor deficiencies.

After further review, in the SNPRM, the FAA has revised the requirement in § 121.1225(b)(1) to require a proficiency check instead of a proficiency test to re-initiate operating experience. The FAA believes a proficiency check would allow for proper evaluation of all required items, and provide an additional opportunity to identify, train, and correct minor deficiencies for pilots who would have marginally passed under the standard proposed in the NPRM. In addition, throughout the SNPRM, the FAA has removed the term "proficiency review" and replaced it with proficiency check because a proficiency review is the same as a proficiency check.

Continental, Midwest, American, and FedEx commented that they do not agree with the proposed requirement that at least one operating cycle, flown as the pilot flying, must be conducted with the autopilot disengaged. In the SNPRM, the FAA has added language to clarify that this does not require the flight crew to operate contrary to published or otherwise required departure or arrival procedures. However, the SNPRM proposes that if at least one cycle is not flown with the autopilot disengaged after takeoff until departing the terminal area and prior to approach upon entering the terminal area during the required operating experience, this fact must be recorded in the crewmember's record. The FAA proposes to require that at least one of the cycles flown as the pilot flying must be flown with the autopilot disengaged during the departure and arrival phases of flight. This requirement is necessary to measure the pilot's level of proficiency during these demanding phases of flight.

ATA, American, FedEx, UPS, Southwest, RAA, and Midwest asserted that a two-cycle line check is not necessary and that everything may be accomplished in one cycle. Upon review of the comments, the FAA has determined that the two-cycle line check is necessary. In order to reflect actual line operations, during a two-cycle line check, the FAA expects a pilot to be the "pilot flying" on one cycle and the "pilot monitoring" on the other cycle. This would ensure adequate evaluation of the pilot's flying skills, as well the pilot's monitoring skills. During a two cycle line check, each pilot has an adequate opportunity to be the "pilot flying" on one cycle and the "pilot monitoring" on the other cycle.

3. Pilot: Consolidation (§ 121.1227)

Current § 121.434(g) and (h) require pilots to acquire at least 100 hours of line operating flight time for consolidation of knowledge and skills. The requirements proposed in the NPRM were based on § 121.434(g) and (h). In the NPRM, the FAA proposed additional requirements that the 100 hours of line flight time begin no later than 60 days after, and be completed within 120 days after, the proficiency test. The FAA also proposed that pilots completing conversion would be required to undergo consolidation. Furthermore, the NPRM proposed to extend consolidation to the first recurrent proficiency test and would require that a pilot restart consolidation if the pilot fails to complete the 100 hours of line flight time by the time the proficiency test for recurrent training is complete.

ATA, FedEx, and American were concerned that the proposal does not provide for deviation that would provide mitigating relief if new aircraft enter the fleet, or pilots are relocated to a new domicile and are then required to become qualified and cannot complete the consolidation requirements within the 60- to 120-day time frame.

Rather than providing a deviation for pilots who have not accumulated 100 hours, the FAA added language to § 121.1227(c)–(e) to provide for extension of time for completion of consolidation. The FAA recognizes that there are circumstances where a pilot would not be able to meet the 120-day period. In the SNPRM, the FAA would permit an extension of the consolidation

period if the pilot meets additional evaluation requirements. The proposal permits two extensions of consolidation with additional evaluation requirements for each extension. The only deviation from these consolidation requirements is set forth in § 121.1230. This deviation would allow the Administrator to authorize credit toward satisfying the consolidation requirements of § 121.1227 for hours of line flight time accumulated in operations of related aircraft.

4. Pilot Recency of Experience (§ 121.1229)

Under the current rules, in order to maintain recency of experience, pilots typically complete three takeoffs and landings in an aircraft simulator. If the visual simulator is a level A simulator, the pilot must perform additional maneuvers and procedures. Pilots using level B, C, or D simulators are not required to perform additional maneuvers and procedures.

In the SNPRM, as in the NPRM, the FAA has continued the current requirement for three takeoffs and landings within the preceding 90 days. The SNPRM, as in the NPRM, proposes, to allow pilots to complete the takeoffs and landings in an aircraft during line operations or in an aircraft simulator qualified for takeoffs and landings under part 60, with one of the takeoff and landing requirements being conducted in LOFT environment training. In the SNPRM, the FAA has proposed a definition of LOFT environment training in § 121.1205, which clarifies that this training is used primarily for the maintenance or regaining of landing currency and, therefore, is not required to meet the time requirements of other LOFT scenarios.

In addition, in the SNPRM, the FAA has clarified when a pilot is considered to have lapsed in recency. If it has been 90 days or more since the pilot has completed the recency requirements of three takeoffs and landings, then he or she is considered to have lapsed. In paragraph (b), if a pilot's recency lapses and has been lapsed for 90 days or less, the SNPRM establishes that the pilot may regain recency only by completing the takeoff and landing requirements in paragraph (a)(2) in a LOFT environment. Under paragraph (c), pilots whose recency has been lapsed for more than 90 days would be required to complete the requirements in paragraph (b) and an FFS course of instruction. The FAA has revised the text in paragraph (c) to replace core conversion training with FFS course of instruction to allow certificate holders to target the critical training needs of the pilot.

ATA, American, United, Southwest did not agree with the proposal to require one of the takeoff and landings to be done in a LOFT environment. Commenters believed the NPRM required a full LOFT to reestablish pilot recency.

The FAA recognizes that there was no definition for LOFT environment in the NPRM. The FAA did not intend to require a full LOFT to reestablish recency after it had lapsed for 90 days or less. To clarify the difference between LOFT and LOFT environment, the FAA has added a definition of LOFT Environment Training in § 121.1205 of the SNPRM. The definition of LOFT environment is training in an FFS with a complete flightcrew using procedures expected in line operations but without the use of simulator resets or repositioning. This training is used primarily for the maintenance or regaining of landing currency and, therefore, is not required to meet the time requirements of other LOFT scenarios.

The FAA believes the requirement for LOFT environment training has a minimal impact on cost (as it does not contain all the requirements of a full LOFT) and has a positive impact on safety because it provides the training in a "line environment" which more closely simulates what occurs during actual flight operations, as opposed to the current practice of using a "task training environment."

5. Flightcrew Members at Controls (§ 121.1241)

The current requirements for flightcrew member at the controls appear in § 121.543. That provision contains reduced qualification requirements for relief pilots. Proposed § 121.1241 in the NPRM and SNPRM would revise the requirements in § 121.543 to require the relief pilot to be a fully qualified pilot in command. In the NPRM and SNPRM, the requirements of § 121.543 would expire 5 years and 120 days after publication of the final rule. After that date, the requirements of § 121.1241 would apply. However, if an air carrier transitions to the requirements of subpart BB before the end of the transition period, the air carrier would be required to comply with the provisions in § 121.1241 at that time.

ATA, American, Continental, FedEx, Midwest, United, and UPS commented that forcing takeoff and landing currency among all relief pilots may deteriorate the proficiency of all pilots. For example, on long-haul aircraft, the commenters asserted there are not enough operating cycles to allow all pilots to maintain landing currency in the aircraft. In addition, spreading these aircraft landings among relief pilots reduces the available landings for those pilots who would actually make landings in line operations. Commenters also stated that some labor agreements prevent forcing a relief pilot into the SIC or PIC position during line operations, and would, therefore, require additional crewmembers to have to requalify for takeoffs and landing in the simulator. Additionally, commenters disagreed with the proposal to require relief pilots to meet the same consolidation and recency requirements as all other pilots. The commenters stated that the proposed rule would add complexity and cost. The commenters believe the proposed rule would have the unintended consequence of forcing carriers to schedule fleets on routes that would not require augmented crews. Accordingly, commenters recommended that the FAA maintain current regulatory requirements for landing currency.

The proposal in the NPRM and SNPRM that all pilots need to establish and maintain recency would ensure that all pilots on the flight deck are adequately trained and qualified to serve in that duty position. In case of an emergency, it is necessary to ensure that all pilots, including relief pilots who may be called upon during flight to act as pilot in command or second in command, are fully qualified in all phases of flight. Accordingly, the FAA has maintained the qualification requirement for relief pilots as proposed in the NPRM.

ATA, Continental, American, Midwest, FedEx, and UPS objected to the designation of an acting PIC in paragraph (b) which says that, if the pilot in command is taking a rest period, the PIC must designate an acting PIC on the flight deck. Commenters also stated that the regulations should recognize that chain of command is designated by a carrier's flight operations manual.

After reviewing §§ 121.1241 and 121.1237, the FAA believes that § 121.1241(b)(4) is unnecessary because § 121.1237 establishes requirements for who is the PIC. Therefore, in the SNPRM, the FAA has removed § 121.1241(b)(4).

6. Check Pilot and Check Flight Engineer: Training, Evaluation, Approval, and Recent Experience (§ 121.1253)

Current regulations §§ 121.411 and 121.413 require that check airmen must be current and qualified in the aircraft

and capable of conducting their responsibilities. In the NPRM, the FAA proposed requiring that the check pilot must have made at least five takeoffs and landings in an FFS qualified in accordance with part 60 of this chapter and approved for performing takeoffs and landings. The check flight engineer must have served as a flight engineer on five takeoffs and landings in an FFS qualified in accordance with part 60 of this chapter and approved for performing takeoffs and landings. In addition, the NPRM proposed observation requirements and requirements for check airmen to attend standardization meetings.

Continental, ATA, American, FedEx, UPS, Midwest, and Southwest state that check pilots and simulator instructors should not have recency of experience requirements that are any different than those of a line pilot. The commenters assert that the FAA has not provided data to support that an increased landing currency requirement has any correlation with safety.

After further review, the FAA believes the additional takeoff and landings are unnecessary to maintain recency. In the SNPRM, the FAA has revised the recency requirements to remove the additional recency requirements proposed in § 121.1253(d)(1) of the NPRM. In the SNPRM, § 121.1253(d)(1) only requires the check airmen to comply with the pilot and flight engineer recency requirements set forth in § 121.1229 or § 121.1231.

ATA, Southwest, American, United, Midwest, and RAA commented that evaluating and instructing skills are very similar and therefore both should count toward minimum requirements. They requested that the § 121.1253(d)(2) recent experience requirement for completing at least eight evaluation activities be reduced to six because they were not aware of data that explains the need for eight. In addition, commenters suggested adding language to allow a POI to approve reductions below 6 events in cases where the experience level of the evaluator, job position, or training activity warrants such reductions.

Recent experience as an evaluator is necessary to maintain proficiency as an evaluator. The proposed requirement for eight evaluation activities was excessive for maintaining recency. In the SNPRM, the FAA has revised § 121.1253(d)(2) to require completion of at least six evaluation activities. This requirement is necessary to ensure that the evaluator maintains a minimum level of proficiency to properly evaluate members.

ATA, United, American, and Continental believe that it may not be possible for check pilots and simulator instructors to attend "all standardization meetings" for many reasons. In many cases, certificate holders schedule multiple standardization meetings covering the same material to allow check pilots and simulator instructors to attend the meeting that best accommodates their schedule. This approach provides flexibility to the check pilots and simulator instructors (*e.g.,* in case of illness during a scheduled meeting) as well as to the certificate holder. The commenters suggest that the requirement should be for check pilots and simulator instructors to complete the certificate holder's standardization curriculum which would cover all required standardization material.

Upon review of the comments, the FAA has revised the proposed rule language by deleting the word "all" in those places where the standardization meetings are referenced. The FAA expects check airmen, and other required individuals, to attend the standardization meetings for each aircraft type in which the check airmen is authorized to conduct check pilot or check flight engineer duties. If a certificate holder schedules multiple sessions of the same standardization meeting covering the same content, it is not the FAA's intent that the check airman attend all of the multiple sessions. Rather, the check airman should attend one of the multiple sessions scheduled by the certificate holder to complete the standardization curriculum.

Continental, Atlas, Ameristar, Midwest, and Southwest comment that this proposed rulemaking complicates check airman certification requirements significantly and adds multiple layers of FAA observation and certification. Commenters stated that not all aircraft can accommodate two individuals simultaneously in flight deck jumpseats. Commenters further stated that their computerized recordkeeping system may not be able to handle the proposed recordkeeping requirement because air carrier recordkeeping systems may not be able to handle APD and FAA aviation safety inspector sign-offs.

For clarification, in the SNPRM, the FAA uses the term check airman as used in the current regulations. As with current regulations, the requirements to observe a check airman performing a line check can be satisfied in the FFS or by having the check airman occupy a required crewmember seat so the observer can occupy the jump seat. The requirements for recordkeeping remain as originally proposed because the certificate holder's records must accurately reflect that they have complied with the requirements.

Continental and FedEx assert that the line check requirements in § 121.1385(a) of the NPRM are overly burdensome and would be costly. In the SNPRM, the FAA has clarified that satisfaction of the line check requirement in § 121.1253(b)(2) would also satisfy the line check requirements of § 121.1233 which apply to all PICs. Since most check pilots authorized to conduct line checks are PICs, the additional cost of satisfying the proposed requirements in § 121.1253(b)(2) is only the cost of completing a line check while under the supervision of an FAA aviation safety inspector or an APD, as described in § 121.1253(b)(2)(ii) of the SNPRM.

American requests the addition of "line" to the generic term "check pilot" to clarify the intent of § 121.1385 (NPRM) that the term applies only to those individuals acting as check pilots in line operations. The commenter states that the skills required to conduct operating experience and line checks are identical.

In the SNPRM, the FAA uses the term check airman to apply to check pilot and check flight engineer. A check airman may perform duties in the FSTD or in line operations (as required by § 121.1253(b)(2)) depending on his or her qualifications.

ATA recommended removing from § 121.1385 the requirement that check pilots must complete qualification requirements every 24 months. The commenter also recommends conducting checks in the FSTD instead of the aircraft.

The proposed requirement for a 24-month look back is consistent with the current regulation in § 121.413(a)(2). The FAA has maintained this requirement in the SNPRM. As proposed, the regulation would allow for checks to be conducted in either an FSTD or an aircraft.

United stated that the requirement that APDs supervising observations must be specifically designated by the FAA is an excessive burden on the POI. The requirement that an APD observing line checks must be specifically designated to do so by the FAA is consistent with the current regulation in § 121.413(a)(2). The FAA has maintained this requirement in the SNPRM.

7. Aircrew Program Designee (APD): Training, Evaluation, and Recent Experience (§ 121.1271)

In the NPRM, the FAA proposed requiring that pilot and flight engineer

APDs be trained under the certificate holder's approved academic and job performance training program. Proposed § 121.1271 would codify FAA policy in FAA Order 8900.1, Volume 13 (8/31/09) regarding APDs who serve only in part 119 certificate holder approved training programs. Under current practice, an APD is an examiner who performs evaluation functions for a certificate holder on behalf of the Administrator under designation authority pursuant to part 183. The certificate holder identifies an employee it would like to have designated as an APD. The employee must then be approved by the POI, and issued a certificate of authority and a certificate of designation under part 183. At any time, the FAA may terminate an APD's certificate of designation.

ATA, Continental, UPS, American, and Midwest request training for APDs to be conducted by the FAA, since the APDs are acting on behalf of the FAA and this would be in accordance with current industry practice.

To clarify, consistent with current policy and practice (FAA Order 8900.1, Vol. 13 (8/31/09)), the FAA would continue to provide additional training regarding the individual's role as an FAA designee. FAA training would include topics such as: (1) The knowledge, ability, and skill requirements for the original issuance of the airline transport pilot (ATP) certificate and added ratings, as applicable; (2) the procedures, methods, and techniques associated with administering the required certification tests; (3) the responsibilities, authority, and limitations of an examiner under 14 CFR; (4) the use of FAA forms and job aids associated with the particular APD function.

Although the APDs are working under a designation from the FAA, they are employed by the certificate holders and it is appropriate that they be trained by the certificate holders to be familiar with the certificate holder's training program. As with all other training conducted by the certificate holder, APD training and evaluation would be subject to FAA approval and oversight. The proposed training requirements for APDs in § 121.1271 are part of the certificate holder's approved training program. It is not appropriate for the FAA to conduct this training.

ATA, FedEx, UPS, Midwest, and American contend that an APD should be required to be observed conducting line checks. The FAA does not believe it is necessary for an APD to be observed conducting both a proficiency test and a line check. The conduct of a proficiency test for certification requires demonstration of all the skills required for a proficiency check, as well as other critical safety skills. For these reasons, the FAA has revised the language in § 121.1271(b)(1) of the SNPRM to require an APD to be observed only while conducting a proficiency test. The FAA has also revised paragraph (c)(1) of the SNPRM to allow the APD to conduct proficiency tests, proficiency checks, and line checks.

ATA, RAA, American, FedEx, and Midwest suggested that the recency of experience for APDs should be the same as the recency requirements for a line pilot. In the SNPRM the FAA has revised paragraph (d)(1) to require the same recency requirements for APDs and flightcrew members. The revised language requires that APDs maintain recency as a pilot or flight engineer as required by § 121.1229 or § 121.1231, as applicable.

8. Curriculum Category Requirements: Pilot and Flight Engineer Initial, Conversion, Transition, and Upgrade Academic and Job Performance Training (§ 121.1365)

Current §§ 121.419, 121.424, and 121.425 provide the requirements for pilots and flight engineers initial, transition, and upgrade ground and flight training. In § 121.1365 of the NPRM, the FAA proposed requirements for initial, conversion, transition, and upgrade academic and job performance training segments for pilots and flight engineers. In the NPRM, the FAA specified that evaluations must be conducted by check pilots, check flight engineers, pilot APDs, or flight engineer APDs, provided the individual was an employee of the air carrier.

American, ATA, FedEx, Continental, and UPS believe that the requirement that the evaluator must be an employee of the certificate holder would create a significant cost burden. Commenters state that the proposal would require proficiency tests, check rides, and type ratings to be conducted by company employees. Commenters question whether FAA aviation safety inspectors would continue to perform evaluations and question whether proposed § 121.1331(d) conflicts with proposed § 121.1365.

Section 121.1331(d) allows the certificate holder to train persons other than employees of the certificate holder to conduct training and evaluation in the certificate holder's training program. Section 121.1365, as proposed in the NPRM, would only prohibit the use of "persons other than employees of the certificate holder," from conducting job performance proficiency tests as required under paragraph (b) of § 121.1365. However, after review of § 121.1365(d), the FAA is revising the proposed requirement in the SNPRM to permit a training center evaluator (TCE) employed by a part 142 certificate holder to conduct proficiency tests under paragraph (b). The FAA believes this is acceptable because the FAA has already approved an individual to be a TCE under part 142, which authorizes the individual to conduct proficiency tests that result in pilot certification, and under proposed § 121.1339, the certificate holder would have to obtain FAA approval to use the part 142 training center, and its evaluators, in its training program. Therefore, the FAA believes a TCE has the necessary qualifications to conduct proficiency tests under part 121. In addition, the FAA retains oversight of the training program, including TCEs used in the training program.

American Eagle believes the order of the proficiency test and LOFT has not been mandatory until now. The commenter stated that it is not unusual for a crew to be scheduled for checking, but for some reason it cannot be accomplished on the scheduled date. It stated it can now use the time to accomplish the LOFT, but under the proposal would lose the simulator time because it would have to reschedule the sessions to ensure they were done in the specific order as set forth in the rule.

In the SNPRM the FAA has retained the requirement that LOFT be conducted after the completion of the proficiency test. The LOFT integrates all the training and evaluation tasks into a scenario-based training exercise. Therefore, the FAA believes that requiring LOFT to be conducted after a proficiency test accomplishes consolidation of proficiency. In addition, this requirement codifies the guidance found in FAA Order 8900.1 (12/18/08), Volume 3 regarding the order of the proficiency test and LOFT

ATA, American and UPS believe it is impractical to require that a particular cycle contain all other-than-normal flight operations. In addition, the commenters noted an inconsistency between § 121.1353, which requires that each cycle be representative of the certificate holder's operation, and § 121.1365, which requires two operating cycles, one normal, and one non-normal and emergency flight operations.

In the SNPRM the FAA has revised the section to remove the inconsistencies and to reference proposed § 121.1353, which requires the LOFT to contain at least two operating cycles representative of the certificate holder's operation.

Atlas Air disagrees with the proposal to require sharing of pilot flying and pilot monitoring duties during each cycle. The FAA recognizes that during a LOFT event, each pilot has an opportunity to demonstrate pilot flying skills and pilot monitoring skills, regardless of which seat the pilot is assigned. In the SNPRM the FAA has removed the requirement in § 121.1365 that "The pilot in command and second in command share pilot flying and pilot monitoring duties during each cycle," because it is unnecessary.

9. Curriculum Category Requirements: Pilot and Flight Engineer Recurrent Academic, Recurrent Job Performance, and Recurrent Aircraft Emergency Equipment Training (§ 121.1367)

The NPRM proposed curriculum requirements for recurrent academic, recurrent job performance, and recurrent aircraft emergency equipment training for pilots and flight engineers. The FAA based the proposal on current § 121.427(b) and (d).

ATA, American, Continental, FedEx, UPS, ALPA, and Midwest believe that the proficiency test should be replaced by a proficiency check because a proficiency test provides no opportunity for corrective action, undermining the purpose of recurrent training. Commenters suggest that proficiency tests should not be part of recurrent training because the pilot has completed a proficiency test at the completion of initial, transition, upgrade or conversion training. Commenters also stated that combining the LOFT with the proficiency test prohibits operators from taking corrective action on minor issues.

In the SNPRM, the FAA has revised paragraph (b)(2) to allow either a proficiency test or proficiency check in the first recurrent training event. While the proficiency test does not provide the opportunity for immediate corrective action, the proficiency check allows for limited training and practice. The FAA believes that by only allowing a proficiency test in this first recurrent training event, as proposed in the NPRM, there may be a lost opportunity for limited training and practice when appropriate.

NACA, Florida International University, and individual commenters see no value in reducing the frequency of flightcrew member emergency "hands on" drills and adding unannunciated fire drills in flight training.

While this proposal decreases the frequency of hands-on drills for flightcrew members, it increases the frequency of hands-on drills for flight attendants. In the SNPRM, the FAA has enhanced the requirements for flightcrew member academic training in these subjects. Under current regulations, academic training in these subjects is required at a 12-month interval. In the SNPRM, the FAA has proposed an 18-month frequency for flightcrew member recurrent academic training in some subjects and increased the frequency to 9 months for other academic subjects. Furthermore, increased security rules require that flightcrew members on the flight deck may have to remain on the flight deck. Therefore, consistent with the post-9/11 security procedures, the FAA has proposed in the SNPRM, as in the NPRM, new hands-on drill frequency requirements for flight attendants to recognize their additional responsibilities and has also introduced a performance drill for flightcrew members to provide training and evaluation on identifying and combating fires that may not trigger an alarm in the flight deck.[11]

10. Curriculum Category Requirements: Flight Instructor Initial, Transition, and Recurrent Academic Training (§ 121.1377)

Current § 121.414 provides for initial and transition training and checking requirements for flight instructors (airplane) and flight instructors (simulator). The NPRM proposed initial academic training requirements consistent with current § 121.414 with an additional requirement for training policies and procedures. The transition academic training requirements are the same as current § 121.414. The recurrent ground training requirements in the NPRM are based on current appendix H, Advanced Simulation Training Program. The NPRM requirements apply to all instructors and to all check persons.

Atlas and an individual asked which subjects listed in § 121.1377(a) are "applicable" under paragraph (c)(1). They questioned whether all of the subjects listed in paragraph (a) are applicable to recurrent flight instruction.

In the SNPRM, the FAA revised § 121.1377(c)(1) to remove the words "if applicable." For quality flight instruction, all subjects listed in paragraph (a) should be covered during recurrent training.

American and an individual believe that some air carriers may want the flexibility of having courses that exceed 4 hours. The FAA notes that if an air carrier wishes to provide training in excess of 4 hours, the regulation would not preclude it from doing so.

11. Curriculum Category Requirements: Check Pilot and Check Flight Engineer Initial, Transition, and Recurrent Job Performance Training (§ 121.1383)

Current § 121.413 provides the requirements for initial and transition training and checking for check airmen (airplane), check airmen (simulator).

In § 121.1383 of the NPRM, the FAA proposed substantially the same requirement as current § 121.413 which requires training that ensures check airmen competence in conducting job performance evaluations and training in an FSTD. In addition, the NPRM proposed new requirements for check pilots who conduct operating experience and line checks.

Atlas and an individual commenter stated that § 121.1383 does not state the frequency of recurrent job performance training for check pilots and flight engineers. After review, the FAA has revised § 121.1383 in the SNPRM to clarify the recurrent training requirements for check airmen. In the SNPRM, § 121.1383(b) requires check airman to meet the recurrent training requirements of § 121.1223 and for check pilots, to include seat dependent task training from both seats, in accordance with the QPS, in the recurrent training requirements of § 121.1223.

Continental questions whether the rule requires that this training be conducted in an aircraft during line operations. Neither the NPRM nor the SNPRM proposed to require that job performance training for check persons be conducted during line operations. All job performance requirements in proposed § 121.1383 must be completed in an FSTD, unless a deviation has been issued under § 121.1345(b). The FAA has not revised this requirement in the SNPRM.

ATA, American, FedEx and UPS suggested creating one type of check pilot (line check pilots) who can supervise operating experience. In the SNPRM the FAA uses the term check airman, which applies to check pilot or check flight engineer. The check airman may be qualified to perform duties in the simulator or in line operations.

12. Medical Certificate Requirements (§ 121.1211)

In the NPRM, the FAA proposed language that combined the medical certificate requirements of current §§ 121.411 and 121.412. As proposed, § 121.1211 did not change the current

[11] These fires are referred to as "unannunciated fires" in the regulatory text and are fires that occur on the aircraft that are not announced by a signaling device in the flight deck that emits an audible signal or a visual indication, such as smoke or fumes of an unknown origin, fires in the cabin of the aircraft, or hidden fires.

medical certificate requirements in §§ 61.21, 63.31, 121.411, and 121.412. It stated that no certificate holder may use any person, nor may any person serve, on an aircraft as a required flightcrew member in operations under this part unless that person has a valid medical certificate required by § 61.23 or § 63.31 of this chapter, as appropriate for the duty being performed. Further, proposed paragraph (b) provided that no medical certificate is required to serve in an FSTD.

ATA, American, and Continental questioned whether a medical certificate is required to train or be trained in an FSTD. The commenters stated that the regulation should harmonize with the definition of "Simulator Only Instructor/Check person" to clarify that it only applies to the instructors and simulator check pilots (not used in line operations) and that crewmembers undergoing training must have a valid medical certificate.

As proposed in the NPRM, § 121.1211(b) states that no medical certificate is required to serve in an FSTD. The term "serve," as proposed in § 121.1205, is defined as "to perform the duties and discharge the responsibilities required under this part." This paragraph does not require a medical certificate to train or be trained in an FSTD. The FAA is not changing the text as proposed.

13. Flightcrew Member: Training and Evaluation (§§ 121.1221 and 121.1335)

Current § 121.415 addresses crewmember and aircraft dispatcher training. As proposed in the NPRM, § 121.1335 and the applicable QPS documents contain an outline of flightcrew member training and evaluation requirements and specify the training curriculum requirements and programmed hours.

American Eagle, RAA, ATA, Continental, American, and FedEx objected to the language in § 121.1221(c), which requires a person undergoing qualification for the first time to complete: New hire training; the subsequent initial, conversion, transition, upgrade, or differences academic and job performance training as necessary; a proficiency test; and a qualification LOFT, within 120 days of beginning training. The commenters asserted that the proposal is too costly, impractical and has no apparent impact on enhancing safety.

Training requirements that enhance the efficacy of training result in enhanced job performance and safety. Crewmembers and aircraft dispatchers typically receive training on knowledge and job performance skills that they may not use often, but would be expected to effectively perform in specific emergency situations. A review of the scientific literature does not establish specific optimum timeframes in "days" but does indicate that the length of the intervals between training has dramatic adverse effects on task performance for people with low task experience.[12] Accordingly, the FAA has determined that the 120-day requirement for completion of training and evaluation for individuals undergoing qualification for the first time is the appropriate interval to ensure there is no adverse impact on task performance for this population.

American, RAA, FedEx, ATA, NACA, Continental, FedEx, and Midwest objected to the complete flight crew requirement in paragraph (d), specifically, that only a qualified person may serve in the required support duty position during training. The commenters suggest that the support position be filled by a person who is "task familiar" rather than qualified.

In the SNPRM the FAA has modified § 121.1221 to allow "another individual qualified to occupy that seat" to be part of the complete flight crew. The FAA believes this change is more appropriate and provides a clear standard of qualification, rather than allowing "a person who is task familiar," which is a vague standard. During job performance training of flightcrew members it is important to have qualified individuals participating throughout the training session. The revised language would provide an improved training environment in an FSTD that would more closely replicate the environment in line operations where both crewmembers are qualified on the specific equipment. In addition, the FAA notes that a medical certificate is not required for a member of a flight crew in an FSTD to satisfy the complete flight crew requirement in paragraph (d).

Upon review of the comments, the FAA has determined that for job performance training purposes only, the flight crew may consist of less than fully qualified flightcrew members. The FAA has added § 121.1221(e) to allow for substitution of flightcrew members. For planned job performance training, where a certificate holder knows well in advance that the flight crew may consist of less than fully qualified flightcrew members, such as training when a new aircraft is added to a fleet, the certificate holder must submit a request for amendment of its training program. The amendment must include a justification for not being able to meet the complete crew requirements, the proposed composition of the training crews, and the expected duration of the amendment. The provision also allows for substitution if, due to circumstances beyond the control of the certificate holder, a flightcrew member is unable to report for training. These circumstances may include an unexpected illness, unsuccessful progression through the training program, transportation issues, or simulator mechanical failures. In these instances, the certificate holder may allow students training for that same duty position to function as a complete flight crew. If a certificate holder uses this substitution, it must notify the certificate holding district office within 30 days of the substitution. For evaluations, fully qualified flightcrew members would be required. However, in the SNPRM, the FAA has revised the requirement to allow air carriers to efficiently schedule and train flightcrew members while maintaining the integrity of flight crew positions during LOFT.

14. Flightcrew Member: Recurrent Training and Evaluation Schedule for Continuing Qualification (§ 121.1223)

The NPRM proposed requirements for providing recurrent training and evaluation for flightcrew members. The FAA based this section on current §§ 121.427 and 121.433(c). The key features of this section include a repeating 9-month interval between recurrent training activities where some subjects, tasks, and environments would be required once each 9-month period, some would be required only once each 18 months, and some would be required only once each 36 months. Recurrent activities would be considered completed during the interval if completed during the eligibility period. The eligibility period consists of the base month, the month before the base month and the month after the base month. The base month is any one of the following: the ninth month following the month during which the proficiency test required in § 121.1365(b)(1) is completed; the ninth month following the month in which the proficiency test authorized in § 121.1239 is completed; or the ninth month following the completion of the recurrent academic and job performance training modules when adjusting the base month in accordance with § 121.1223(f).

[12] See Lance, C.E, Parisi, A.G, Bennett, W.R, Teachout, M.S., Harville, D.L. Welles, M.L. (1998). Moderators of Skill Retention Interval/Performance Decrement Relationships in Eight U.S. Air Force Enlisted Specialties. Human Performance, II (1), 103–123.

The proposed recurrent activities, periods, and cycles are identical for PIC and SIC. This differs from the current rule, which has a repeating 6-month interval between recurrent activities for PICs and a repeating 12-month interval between recurrent activities for SICs. Most importantly, this proposed change in intervals produces two substantial benefits: More effective flightcrew training and increased FSTD time for SICs.

The first substantial benefit, training and evaluating the PIC and SIC as a complete flight crew, is valuable for incorporating CRM concepts into training and ensuring that the training occurs in an environment similar to line operations. The FAA believes that alignment of recurrent training events for PICs and SICs would further enhance flightcrew training by providing greater opportunity for a certificate holder to pair pilots who need recurrent training, lessening the need to rely on stand-by and fill-in pilots to fill simulator seats.

The impact of the alignment in training intervals is demonstrated when looking at how the current scheduling of PICs versus SICs occurs. Tables 6 and 7 in the Regulatory Evaluation available in the docket for this rulemaking show that there are approximately 15,000 PICs and 14,000 SICs in the affected pilot population. Since the population between PICs and SICs is relatively similar, a certificate holder would be training PICs 66% of the time and SICs 33% of the time. In other words, PICs are only likely to have an SIC that needs recurrent training sitting in the right seat 50% of the time. The rest of the time, the pilot filling the right seat during the training session is a pilot who does not need the training, such as a fill-in SIC, an instructor, or any other pilot qualified to occupy that seat. While this clearly meets the requirements for PIC training under current regulations by providing a qualified crew complement, the FAA believes that the SNPRM improves on the present model by increasing the likelihood that a training session would have a PIC and SIC who both need recurrent training.

The metric of any flightcrew training program should be the degree to which the flightcrew is able to translate the tasks that have been demonstrated during the training into operations. Learning within an environment that is more likely to be experienced in the real world significantly enhances the quality of that training.

The second significant outcome of aligning the recurrent training cycle is that the pilots who need FSTD time the most—SICs—would receive twice the amount of time in an FSTD that they now receive while PICs would maintain current amounts. The following table shows how the proposed training cycle and distribution of required tasks accomplishes this over a 36-month training cycle.

COMPARISON OF RECURRENT JOB PERFORMANCE TRAINING HOURS FOR PICS AND SICS OVER A 36-MONTH TRAINING CYCLE

| | Current rule | | SNPRM | |
|---|---|---|---|---|
| | PIC (hours) | SIC (hours) | PIC (hours) | SIC (hours) |
| 6 months | 4 | 4 | 6 | 6 |
| 12 months | 4 | ″ | | |
| 18 months | 4 | 4 | 6 | 6 |
| 24 months | 4 | ″ | 6 | 6 |
| 30 months | 4 | 4 | 6 | 6 |
| 36 months | 4 | ″ | | |
| | 24 | 12 | 24 | 24 |

The intent of the 36-month cycle is to provide an interconnected evaluation and training environment. Each 9 month cycle provides 6 hours of time for training and evaluation. The required tasks can be completed at any time during those 6 hours, resulting in the ability to adjust FSTD session length to best use those valuable resources and meet specific certificate holder program requirements.

PICs would continue to receive the same amount of time in a FSTD by virtue of the additional hours required for FSTD training (6 hours instead of 4 hours per cycle), even though the interval between training is reduced (from the current twice-yearly schedule to once every 9 months). In contrast, by reducing the time between training intervals and increasing the hours required in the FSTD for those sessions, newer pilots who make up the SIC ranks would now receive double the amount of FSTD time and task evaluation than under the current regulations. The FAA views this as a positive outcome since a higher degree of focus would be placed on those pilots who would benefit the most from the training.

ATA, NACA, Midwest, American, and FedEx asserted that regulating the "base month" creates inflexibility. It is the opinion of industry that the ability to move the base month up by one month is an administrative tool that is commonly used when trying to minimize training during peak holiday or vacation periods.

In the SNPRM, the FAA has added a new paragraph (d) based on the current requirement in § 121.401(b) to clarify that the base month does not change if recurrent training or a proficiency test or check is completed within the eligibility period.

15. Flight Engineer Recency of Experience (§ 121.1231)

The current rule (§ 121.453) requires that no certificate holder may use any person nor may any person serve as a flight engineer on an airplane unless, within the preceding 6 calendar months, the flight engineer has had at least 50 hours of flight time as a flight engineer on that type airplane or the certificate holder or the Administrator has checked him or her on that type airplane and determined that he or she is familiar and competent with all essential current information and operating procedures.

In the NPRM, the FAA proposed a 90-day recency of experience requirement for three takeoffs and landings that parallels the pilots' recency of experience requirement. This requirement differs from the current requirement for 50 hours of flight time within the preceding 6 months. The NPRM proposed that flight engineers

who have been out of recency for 90 days or less would be required to complete a proficiency check in a complete crew environment. Flight engineers who have been out of recency for more than 90 days would have been required to complete core conversion training.

In the SNPRM the FAA has replaced the reference to the "maneuvers and procedures specified in the Flight Engineer QPS" with the actual maneuvers and procedures. These maneuvers and procedures are the same ones that were listed in the QPS in the NPRM. The maneuvers and procedures must be accomplished (in any combination or order) during the required three takeoffs and landings. In addition, the FAA has revised the text to replace core conversion training with FFS course of instruction to allow the certificate holder to target the critical training needs of the flight engineer during an FFS course of instruction.

16. Line Check (§ 121.1233)

Current § 121.440 requires that to serve as a PIC a pilot must pass a line check in which he or she satisfactorily performs the duties and responsibilities of a PIC in one of the types of airplanes to be flown within the preceding 12 months. Further it states that the check be given by a pilot check airman who is current and qualified on the route and the airplane.

In the NPRM the FAA proposed that a PIC complete a line check within the preceding 24 months in one of the aircraft types the pilot is to serve. The NPRM further stated that a PIC line check for domestic and flag operations must be administered by a check PIC or APD who is current and qualified on both the route and the aircraft type. If any required flightcrew member performs below standard on any tasks, that person would not be able to serve as a required flightcrew member in operations under this part until he or she receives training on such tasks and completes a proficiency test in those tasks. If it has been 30 months or more since the pilot received his or her last line check, the pilot must complete the core conversion training category in accordance with the Pilot QPS and complete a line check.

ATA, UPS American, Midwest, and Continental raised concerns that a proficiency check may not allow an opportunity to address performance problems found during the failed line check. Accordingly, in the SNPRM, the FAA proposes to require that if a flightcrew member does not perform in accordance with the certificate holder's policies and procedures, the check pilot or APD may correct the performance deficiency during the post-flight debriefing with the flightcrew member and allow the flightcrew member to continue operations. This proposal ensures that performance issues that are not yet below standard, but are of concern to the check pilot or APD, are addressed during the post-flight debriefing.

Southwest and FedEx suggest that if a line check does not occur within 30 months, it does not indicate a lack of proficiency in aircraft operation or recency of experience. Thus, the requirement for core conversion training in this instance is not necessary. Southwest also recommended deleting paragraph (g)(2), asserting that this is a requalification requirement that is more appropriately addressed in the § 121.1239.

The intent of § 121.1233(g) is to address a missed line check, which is not the same as becoming unqualified. However, the FAA recognizes that the requirements in paragraph (g)(2) are confusing. In the SNPRM the FAA has removed paragraph (g)(2) and merged paragraph (g)(1) into paragraph (g) to require that if a pilot does not receive a line check as required by § 121.1233(a), the pilot may not serve until the pilot receives a line check with a check pilot or APD serving as the PIC.

17. Pilot: Routes and Airports (§ 121.1235)

As proposed in the NPRM, § 121.1235 contains requirements for certificate holders in disseminating specific route and airport information to pilots, including information and qualification requirements related to special areas and airports. The proposed section combines the current requirements in §§ 121.443 and 121.445.

American, Continental, United, and NACA stated that approval of photographs and diagrams approved by the Administrator was too burdensome for the FAA and the current requirement that these diagrams be "acceptable to the Administrator" should be retained. Upon review of the comments and historical and current procedures for special use routes and airports, the FAA has reconsidered its original position and proposes in the SNPRM to require FAA acceptance of procedures for special use routes and airports.

In addition, Continental and Atlas Air stated that serving as pilot flying or pilot monitoring should be sufficient for qualification into special airports, instead of the proposal to require pilots to have made a takeoff and landing at the special airport while serving as a pilot flying the aircraft. The proposal would ensure that all pilots have experience in special use airports and routes.

In the NPRM, the FAA did not account for the pilot monitoring position as providing skills for flying into special use airports. The increased training requirements for the pilot monitoring duty position, as proposed in the NPRM and SNPRM, make it appropriate to allow the pilot monitoring experience to count for qualification for special use airports and routes. In the SNPRM, the FAA has modified the rule language to allow this practice.

As proposed in the SNPRM, § 121.1235 would provide a higher level of safety than under the current rules because the requirements would apply to all pilots. As proposed, PICs and SICs would undergo the same training and be subject to the same requirements for special use airports and routes. This approach differs from the current rule, which only requires special airport training for PICs. Furthermore, the additional training requirements for pilot flying and pilot monitoring would improve the safety of flying into special use airports and routes. The provisions of paragraph (c) would also ensure that pilots serving on operations into special use airports and routes have some experience with the special use airport or route in the previous 18 months. This experience can be as pilot flying or pilot monitoring during a takeoff and landing or through the use of photographs and diagrams acceptable to the FAA. In cases where photographs are not possible, paragraph (c)(3) permits the use of written description and diagrams.

18. Pilot: Operating Limitations and Crew Pairing (§ 121.1237)

Current § 121.438 establishes limits on pilots operating in certain situations, such as adverse weather conditions, special airport operations, and crew pairing based on pilot experience. For these situations, the NPRM specified the pilot seat from which the PIC and SIC are expected to perform their respective duties. The PIC is expected to be trained for, be assigned to, and operate the aircraft from the left-hand pilot's seat, and the SIC is expected to be trained for, be assigned to, and operate the aircraft from the right-hand pilot's seat. However, the NPRM allowed the certificate holder to assign the PIC to the right hand pilot seat or assign the SIC to the left hand pilot seat provided the pilots have completed either a training program for that respective pilot seat or have completed the seat dependent task training for that pilot seat in accordance with the Pilot QPS.

ATA stated that PICs have the knowledge, skill, and ability to exercise full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not the PIC holds valid certificates authorizing him or her to perform the duties of those crewmembers during flight operations. Accordingly, ATA suggested removing the requirement that PICs have seat dependent task training to serve as an SIC. ATA commented that this would allow qualified PICs capable of performing SIC tasks related to flight operations to serve as either the PIC or SIC.

Neither the NPRM nor the SNPRM propose to restrict the authority of the PIC. As proposed, paragraph (c) defines the pilot seat from which the PIC and SIC are expected to perform their respective duties. The current requirements, as described by the commenters, do not require that the PIC be trained to operate from the right seat and do not require that the SIC be trained to operate from the left seat. The FAA does not believe that current practice adequately qualifies a PIC to operate from the right seat, nor an SIC to operate from the left seat. Accordingly, the FAA has not changed the requirement for seat dependent task training from that proposed in the NPRM.

In addition, the FAA proposes to add paragraph (e) to address the process for designating a PIC when the PIC takes a rest break. This is necessary to ensure that there is always a PIC actively participating in the conduct of the flight. The FAA does not specify the procedure the certificate holder must use to determine the acting PIC. Certificate holders may develop their own procedures to make this determination, as long as the person meets the qualification requirements set forth in paragraph (e).

19. Eligibility: Check Pilot, Check Flight Engineer, Aircrew Program Designee (APD), and Flight Instructor (§ 121.1251)

Proposed § 121.1251 was based on the current regulations in § 121.411 for check airmen qualification. This section contains the requirements for a person to be eligible to become a check pilot, check flight engineer, APD, or flight instructor and to continue to serve as a check pilot, check flight engineer, APD, or flight instructor. The FAA based the proposed rule on current regulations, but included the use of Training Center Evaluators (TCE) qualified under part 142.

ATA, American, United, and UPS commented that the experience requirement of one year is not sufficient to qualify as a check pilot. The commenters stated that 500 hours as PIC, 1000 hours as SIC, or a year's experience as an instructor better reflects the experience needed to perform the task of a check pilot. Flight Safety stated that the experience requirement is excessive with respect to training center evaluators qualified under part 142 and suggested that experience gained as a training center evaluator is sufficient.

In the SNPRM, the FAA has maintained the proposed requirement that a flightcrew member serve for at least 1 year to qualify for training as a check pilot, check flight engineer, APD, and flight instructor. The FAA believes that the combination of the requirements for the flightcrew member to have 1 year of experience, have an ATP certificate, and have completed the certificate holder's training and evaluation is sufficient to ensure a person is qualified to become a check airmen, APD, or flight instructor.

ATA, American, and Flight Safety state that for simulator instructors, recency of experience requirements do not improve the quality of safety, training or evaluation, and would be very costly and require building expensive tracking mechanisms, distinct from pilot takeoff and landing tracking, for these individuals. The FAA believes that requiring recency of experience for all instructors, including simulator instructors, is appropriate and improves the quality of training being provided. Accordingly, the FAA has retained this proposed requirement in the SNPRM.

20. Initial Operating Experience (IOE) Pilot: Additional Training Requirements (§ 121.1255)

In the NPRM § 121.1255, Check Captain: Additional training requirements, is based on current regulations in §§ 121.411 and 121.413. The FAA failed to include recurrent training requirements for IOE pilots. The FAA has proposed recurrent training requirements that are based on the proposed requirements for check airmen to ensure these individuals maintain proficiency as evaluators.

21. Instructor (Ground and Flight): Training, Evaluation, and Recent Experience (§ 121.1281)

Current §§ 121.412 and 121.414 require flight instructors to meet training, qualification and recency requirements. The NPRM proposed to continue these existing requirements for qualification and training for flight instructors. In the SNPRM the FAA has added requirements for instructors providing academic training and evaluation.

ATA, RAA, United, Southwest, and Continental raised concerns that the proposed rule adds new layers to the approval process for check pilots and instructors by requiring an FAA authorization letter. Commenters stated that the rule would be too cumbersome for the operator and that current processes ensure the qualifications of instructors. In the SNPRM the FAA has revised § 121.1281 to remove any requirement for any flight instructor to be authorized by the FAA to conduct flight instructor activities.

ATA, UPS, FedEx, American, Continental, and Southwest state that no evidence is presented indicating a need for increasing the number of takeoffs and landings for flight instructors to maintain recency. In the SNPRM the FAA has revised the recency requirements to remove the additional recency requirements proposed in § 121.1281(d)(1) of the NPRM. In the SNPRM § 121.1281(d)(1) only requires the check airmen comply with the pilot and flight engineer recency requirements in § 121.1229 or § 121.1231.

22. Training Program: Qualification and Approval of Flight Simulation Training Devices (§ 121.1347)

Current §§ 121.407 and 121.409 provide the requirements for the qualification and approval of airplane simulators and other training devices. The NPRM proposed an updated version of current § 121.407 requirements by stating that an approved training program must be evaluated, qualified, and approved by the POI. Further, it state that the required FSTD qualification level for specific tasks is specified in the QPS. In the SNPRM the FAA has moved the requirements originally proposed in § 121.1345 into § 121.1347.

NACA asserted that these requirements would be too burdensome for the FAA simulator team to complete timely evaluations of simulators. The FAA does not believe the evaluation of FSTDs would be overly burdensome. Maintaining the qualification of FSTDs is mandatory under part 60. Accordingly, the FAA did not revise the requirements in proposed § 121.1347.

*B. Flight Attendant*

1. Requirement for Flight Attendants To Receive Aircraft Operating Experience on Each Individual Aircraft Type (§ 121.1305)

Under the current regulations, qualifying flight attendants are required

to receive a total of 5 hours of operating experience (OE) for the group of aircraft (Group I—Turboprop or Group II—Turbojet) on which they receive training. While flight attendants may be trained on multiple types of airplanes in a group, they are not required to receive OE on each type of airplane. The current regulation waives OE if the flight attendant had previously received OE on that group of aircraft with another part 121 operator. It also allows for a reduction of 50% of OE if the qualifying flight attendant has been trained in a cabin device that replicates one of the aircraft the air carrier operates. As a result, current regulations allow newly qualified flight attendants to serve as required flight attendants on aircraft types on which they have never flown. In addition, the regulations currently limit flexibility regarding instructional design for approved flight attendant training programs by requiring that OE be accomplished after the completion of all ground training.

In the NPRM, the FAA proposed to use the term "aircraft operating experience" (AOE) to highlight the fact that the proposed rule requires OE on each aircraft type prior to the qualifying flight attendant serving as a required crewmember on that aircraft. The proposed requirement would ensure that qualifying flight attendants who have been trained on a large number of different aircraft types have an opportunity to work with, and be supervised by, check flight attendants on each type aircraft before serving as required crewmembers. Such experience is necessary because critical safety procedures can differ significantly between aircraft types. The NPRM also allowed greater flexibility in instructional design by allowing the certificate holder to integrate AOE on a specific aircraft type into flight attendant basic qualification training, rather than requiring AOE to take place at the end of training.

Integrating AOE throughout basic qualification training allows qualifying flight attendants to consolidate knowledge and skills gained during training. This provision also permits certificate holders to claim training credit for AOE gained throughout basic qualification training.

NACA, American Eagle, RAA, Southwest, ATA, Midwest, and American commented that requiring AOE for qualifying flight attendants on each aircraft type for which they are trained is unnecessary and redundant. Commenters asserted that flight attendant duties are the same from aircraft to aircraft and given the similarity among fleet types regarding cabin configuration, AOE on each aircraft type is not necessary. In addition, they stated that completing AOE for each aircraft type is not necessary because a qualifying flight attendant receives hands on experience on all safety related items during basic qualification training. They further stated that AOE would not provide qualifying flight attendants with hands-on experience related to safety. American commented that, with the enhancement of training devices and training requirements, qualifying flight attendants would receive an abundance of realistic training on each aircraft type on which they are qualified during their initial training period.

Cabins of different type aircraft can vary greatly. Differences between aircraft types can include items such as location of emergency equipment, procedures for normal door operations, latching mechanisms on compartments, operation of galley equipment, boarding procedures, briefing procedures, location of exit seats, location of circuit breakers, electronic notification systems, entertainment systems, stowage provisions for carry-on baggage and electronic equipment for lights, interphone systems, and public address systems. The proposed requirement also addresses some of the issues regarding flight attendants who are qualified on multiple aircraft types in the NTSB analysis of accidents involving flight attendant performance during emergency situations in NTSB/SIR–92/02. Accordingly, the FAA has retained the AOE requirements in the SNPRM.

Southwest commented that the increased number of qualifying flight attendants gaining AOE would detract from the normal safe operation of the flight. Under the current rule, there is no limit placed on the number of qualifying flight attendants who may gain AOE on a flight. The FAA believes that the proposed rule would increase safety by limiting the number of persons who may receive or supervise AOE on any one operating cycle. In the SNPRM, the FAA has retained this proposed requirement.

Flight Safety suggested that the FAA add a provision to allow part 142 flight attendant instructors to supervise AOE.

In the NPRM and SNPRM, an employee of a part 142 training center, who is not a qualified flight attendant for the air carrier, would be prohibited from serving as a flight attendant during flight operations. As such, a part 142 employee would be severely limited in the ability to supervise AOE. The FAA reiterates that the intent of the proposed requirements is to ensure that, before evaluating other qualifying flight attendants, the check flight attendant is qualified for the certificate holder and has experience with the certificate holder's operations and the aircraft type in order to effectively evaluate the qualifying flight attendant.

Several commenters questioned whether, as permitted under the current regulations, the FAA would permit AOE credit if the qualifying flight attendant has been trained in a cabin device that replicates one of the aircraft the air carrier operates. In addition, RAA was concerned that the proposal eliminates the provision within the current regulations that allows OE credit received on the same group aircraft at one certificate holder to satisfy the OE requirement at another certificate holder. RAA requested that the proposed requirement that prohibits OE credit apply only if the previously trained procedures from one certificate holder to another are "significantly different."

The SNPRM retains the proposal from the NPRM that removes the provisions that allow (1) AOE credit if the qualifying flight attendant has been trained in a cabin device that replicates one of the aircraft the air carrier operates, and (2) OE received on the same group aircraft at one certificate holder to satisfy the OE requirement at another certificate holder. The FAA believes these changes are necessary because flight attendant procedures can differ significantly between certificate holders, even for the same aircraft type, and because there is no substitute for operating experience gained during actual line operations with passengers onboard.

Southwest commented that the requirement of two operating cycles is not necessary when a total of 5 hours is required for AOE. The FAA believes that requiring two operating cycles is necessary to ensure that a qualifying flight attendant completing AOE gains operating experience during at least two takeoffs and landings, which are the most critical phases of flight. Therefore, the FAA has retained this requirement in the SNPRM.

Midwest stated that AOE should not be required for flight attendants who qualify for transition training. Similarly, APFA commented that check flight attendant supervision for AOE should only be required during basic qualification training. ATA commented that the AOE requirement would make it impossible to train all qualifying flight attendants and line flight attendants within 90 days of initial or transition training.

Under § 121.1305, flight attendants completing transition training are not

subject to the AOE requirements. Therefore, the FAA has retained the language as proposed in the NPRM.

RAA, Southwest, NACA, Air Carrier Association of America (ACAA), and American commented that the proposed requirements would add training costs and increase administrative workload, especially for carriers with multiple fleet types. ATA and American stated that completing AOE for each aircraft type on which the flight attendant is to serve would cause air carriers to lose potential revenue on flight segments that are used for AOE. In addition, they stated that AOE for each aircraft type on which the flight attendant is to serve would require air carriers to extend their basic qualification training schedule to accommodate additional AOEs and would result in additional costs to the air carrier. American also commented that there would be additional cost to support the check flight attendant program. NACA noted that qualifying flight attendants who are accomplishing AOE cannot be considered as part of the required flight attendant crew and suggested requiring OE on only one type of aircraft followed by supervision while operating for the first time as a required crewmember on any other type aircraft.

While the NPRM may have imposed additional costs to the air carrier, the proposal as modified in the SNPRM reduces the impact of the proposal to minimal recordkeeping responsibilities and training costs for check flight attendants. In addition, concerns regarding extension of the time required to complete basic qualification training have been addressed through changes to language in the SNPRM by making the requirements for AOE more flexible. After a qualifying flight attendant has completed basic qualification and received 5 hours of AOE on at least one type of aircraft, that flight attendant is no longer considered to be a "qualifying flight attendant" and may be used as a required crewmember while being supervised on additional new aircraft types. In addition, when a flight attendant is being supervised, the check flight attendant who is doing the supervision can also be a required crewmember.

The FAA has retained the general provisions that require each flight attendant to complete AOE during basic qualification training. In the SNPRM the FAA is maintaining the provision that allows air carriers to integrate AOE throughout basic qualification training.

In the SNPRM, the FAA also proposes that, on any flight within 180 days of completing basic qualification training, flight attendants may serve as required flight attendants on any aircraft type for which they have not completed AOE provided certain conditions are met. These conditions include: (1) Flight attendants who are serving as required flight attendants on any type aircraft for which they have not completed AOE must be supervised by a check flight attendant during the first two operating cycles on that aircraft type; (2) the supervised experience must be completed in passenger carrying operations under this part or in proving flights conducted under part 91 of this chapter; (3) the check flight attendant may not supervise more than four persons on any one operating cycle; (4) not more than two check flight attendants may supervise persons on any one operating cycle; and (5) the number of persons receiving supervision on a particular aircraft may not exceed twice the number of flight attendants required by § 121.391 for that aircraft. If these conditions are not met and it is still within 180 days of the flight attendant having completed basic qualification training, then the flight attendant may still serve, but not as a required flight attendant. When 180 days have passed since a flight attendant has completed basic qualification training, there is no requirement for AOE or supervised experience in order for that flight attendant to serve as a required flight attendant on that aircraft type.

The airline operating environment has changed significantly over the last 30 years since operating experience requirements for flight attendants were first established. Currently many airlines operate multiple types of aircraft in their fleet. As there is no limit on the number of aircraft types on which a flight attendant can be qualified, the proposed requirements are necessary to ensure that a flight attendant qualified on a large number of different aircraft types for a certificate holder has actual supervised experience on each aircraft type.

2. Requirement for Flight Attendant Instructor Training and Qualification (§ 121.1291)

For flight attendant instructors, current regulations only require that "each certificate holder shall provide adequate ground and flight training facilities and properly qualified ground instructors for the training required by this subpart." § 121.401(a)(2). Under this regulation, the training and qualification of flight attendant instructors varies greatly among certificate holders. The intent of the NPRM was to clarify the requirements and provide uniform standards for all certificate holders to ensure that flight attendant instructors have been trained on the certificate holder's program and received training on how to be an instructor. In addition, the FAA intended to allow part 142 schools or other part 119 certificate holders to provide individuals to serve as flight attendant instructors provided they received the appropriate training.

American, American Eagle, and ACAA were concerned that the limitation that instructors may provide instruction only in drills that they are able to physically perform would remove training flexibility from the air carrier. They stated that this would create an unnecessary scheduling hardship on the carrier with no benefit in improving safety or improvement in the quality of instruction. Commenters believed the training department should make decisions about which instructors to use and commented that the inability to perform a drill should not restrict a person from evaluating a drill.

In the NPRM, the FAA only allowed flight attendant instructors to instruct in performance drills that they were able to perform at that time. The SNPRM retains this proposal because the requirement would ensure that flight attendant training is delivered by instructors who are able to demonstrate the performance drill. The FAA notes that neither the NPRM nor the SNPRM would prevent a person authorized to administer flight attendant proficiency tests from evaluating a drill, even though that person was not physically capable of performing the drill (see § 121.1387).

American and American Eagle were concerned about the training topics for flight attendant instructor training. They believed there was a difference between what topics should be required for initial and recurrent flight attendant instructor training. American Eagle commented that the flight attendant instructor qualification and training requirements should be clarified and revised as the intent is not clear.

In the NPRM, the FAA outlined the basic curriculum requirements for initial and recurrent training of flight attendant instructors. In the SNPRM, the FAA is retaining this proposal because it is necessary for certificate holders to train all instructors on these basic curriculum requirements. However, the FAA does not prescribe the level of detail given to these topics and expects that the certificate holder would develop a program based on their operation and the individual training needs of their instructors.

Flight Safety noted that the NPRM, as written, precluded the use of other part 121 certificate holders or part 142

schools. The NPRM limited the ability of other part 121 certificate holders or part 142 schools to satisfy the flight attendant instructor qualification requirements of § 121.1291. The FAA is modifying the proposed language in the SNPRM to facilitate the training of flight attendants by other part 121 certificate holders and part 142 schools while maintaining certain flight attendant instructor qualification and training requirements. In the SNPRM, the FAA has removed the requirement that a flight attendant instructor must have completed basic qualification or recurrent flight attendant training for the certificate holder within the past 12 months. The FAA notes that in the SNPRM, flight attendant proficiency tests must still be conducted by an employee of the part 119 certificate holder.

3. Specific Requirements for Qualifying and Maintaining Qualification as a Check Flight Attendant (§ 121.1321)

The current rules require air transportation supervisors to supervise operating experience for flight attendants. In the NPRM, the FAA proposed to require an operator to have check flight attendants for the purpose of supervising and evaluating qualifying flight attendants who are gaining AOE. Under the NPRM, check flight attendants are qualified for the certificate holder and have experience with the certificate holder's operations as well as the aircraft type on which the supervision is occurring.

ATA, Alaska, RAA, American, American Eagle, and Midwest commented that a person who maintains flight attendant qualification and successfully completes check flight attendant training requirements is sufficiently qualified to be a check flight attendant. ATA, American, and Midwest recommended deleting § 121.1321(a)(1), which requires the flight attendant to have experience as a flight attendant for that certificate holder, and removing the currency requirement from (a)(2).

The FAA believes that a qualified flight attendant who has served as a flight attendant for that certificate holder has had an opportunity to consolidate knowledge and skills and become familiar with company procedures. In the SNPRM, the FAA has retained the experience requirement but has revised the eligibility criteria for training as a check flight attendant from 12 months to 180 days. The 180-day requirement provides the check flight attendant candidate with the necessary skills and experience to effectively supervise and evaluate flight attendants who are new to the aircraft type.

In the SNPRM, the FAA is also retaining the requirement that check flight attendants be current and qualified with the certificate holder on the aircraft type on which they are supervising AOE because it is necessary for the check flight attendant to have current knowledge and experience with the certificate holder's operations and the aircraft type.

ATA, American Eagle, American, Midwest, and RAA stated that the approval of check flight attendants should remain with the carrier, as allowed under the current rules. Some of the commenters believed that FAA oversight of the check flight attendant training program should be accomplished through training program approval and CAP rather than personnel approval. Midwest and American also expressed concern that approval by the Administrator would not improve the process and would add unnecessary time and increase resources for the Administrator.

The proposed requirements are necessary to achieve effective oversight of check flight attendants and ensure that evaluation of a person completing operating experience is conducted by effective and qualified evaluators. However, in the SNPRM, the FAA has removed the requirement for FAA approval of check flight attendants and only requires that check flight attendants are acceptable to the FAA.

American Eagle, Midwest, American, Alaska, and ATA commented that the language concerning eligibility is too restrictive and limits the carrier's ability to use supervisors, subject matter experts, instructors or other qualified personnel as check flight attendants. They recommended deleting § 121.1321(d)(1) through (d)(5).

These requirements ensure that, before evaluating other flight attendants, the check flight attendant is qualified for the certificate holder and has experience with the certificate holder's operations and the aircraft type. Therefore, the FAA has retained this requirement in the SNPRM.

Horizon, American Eagle, and ATA stated that it would be difficult to maintain compliance with currency requirements if certificate holders were not hiring new flight attendants because there would be no opportunity for check flight attendants to conduct check rides. Midwest, American, and ATA stated that the requirement should be removed. The ACAA noted that the proposed requirement was burdensome and needed to be evaluated for those carriers that are not expanding. It stated that the proposal would increase the time and cost to train and check flight attendants and the requirement was too restrictive for carriers who are in a period of low or no growth. RAA and American Eagle stated that current software does not allow for adherence to the requirements of continuing qualification of reestablishing recent experience. They contend that compliance would require additional, expensive automation which is not accounted for in the cost benefit analysis. These commenters requested that the proposal be withdrawn due to the substantial, unjustified cost.

In the SNPRM, the FAA has removed the requirement that, within the preceding 12 months, check flight attendants must provide AOE for at least one operating cycle to maintain their continuing qualification. The FAA has maintained the requirements that the check flight attendant serve as a flight attendant or check flight attendant on that type aircraft in the preceding 12 months, and must also complete check flight attendant training as required by § 121.1321. This ensures that check flight attendants are prepared to perform flight attendant evaluations but also provides some flexibility to the certificate holder. The FAA believes that this approach addresses many commenters' concerns regarding the administrative burden and increased costs of the program.

American Eagle and RAA were concerned that FAA aviation safety inspectors did not have to meet the same training requirements as check flight attendants in order to observe a check flight attendant. They contended that FAA aviation safety inspectors should meet the requirements in Table 3A of the flight attendant QPS and be qualified as specified in §§ 121.1291 and 121.1301. In both the NPRM and SNPRM, the FAA has limited the personnel who would be observing check flight attendants to aviation safety inspectors (cabin safety) to ensure they have the appropriate technical background to accomplish effective observation. Based on the FAA qualification requirements to be an aviation safety inspector (cabin safety), FAA aviation safety inspectors (cabin safety) possess the required knowledge to effectively evaluate the performance of a check flight attendant.

Midwest and American recommended removing the language in § 121.1321(b)(2) that requires check flight attendants to have the initial, transition, or recurrent academic training required by § 121.1381. They suggested that, in order to serve as a check flight attendant, the proposed rule

should require only that a person be a qualified flight attendant for the certificate holder and be observed supervising AOE on at least one operating cycle by a check flight attendant or FAA aviation safety inspector.

The proposed initial, transition, and recurrent academic training requirement for check pilots, check flight engineers, or check flight attendants is necessary to ensure that evaluation of a person is conducted by trained and qualified evaluators. Therefore, the FAA has retained this requirement in the SNPRM.

Flight Safety stated that Part 142 flight attendant instructors are not authorized nor qualified as check flight attendants under § 121.1321(a)(2). It recommends adding a provision to allow part 142 flight attendant instructors to qualify as check flight attendants.

The intent of the proposed requirements is to ensure that, before evaluating other qualifying flight attendants, the check flight attendant is qualified for the certificate holder and has experience with the certificate holder's operations and the aircraft type in order to effectively evaluate the qualifying flight attendant. Therefore, the FAA is retaining the proposed requirement in the SNPRM.

4. Removal of Recent Experience Requirement for Flight Attendants

Current regulations do not require recent experience for flight attendants but do for other crewmembers. As long as flight attendants have maintained their training qualification, they may return to serve as a flight attendant without any further training. In the NPRM, the FAA proposed a new requirement for flight attendants to maintain recent experience.

American Eagle, Midwest, Alaska, RAA, American, APFA, APA, Southwest, and ATA did not agree with the proposal to require recent experience for flight attendants. Many commenters were concerned with the administrative cost and contend that it would require them to obtain new software to track this requirement for flight attendants. Commenters also stated that the safety benefits did not justify the expense.

AFA fully supported the concept of a "recent experience" requirement for flight attendants and states that it would make the regulations more proficiency-based by supporting retention of job skills via continued performance of flight attendant duties onboard the aircraft. RAA saw value in capturing the intent of this provision as a "best practice" in an AC but did not see merit in making it regulatory.

In this SNPRM, the FAA has not included a requirement for flight attendant recent experience. Although the FAA believes the number of flight attendants affected by the proposal would be minimal, the potential administrative costs would apply to the entire flight attendant population and may not justify the safety enhancements. The FAA believes withdrawing the recent experience proposal would have a minimal impact on safety because the number of flight attendants affected would be small and all flight attendants must continue to be trained and qualified.

5. Increase in Frequency of Recurrent Training on Automated External Defibrillators (§ 121.805)

Current rules require flight attendants to perform proficiency drills on automated external defibrillators (AED) every 24 months. In the NPRM, the FAA proposed to change the recurrent proficiency drill training requirement for AEDs from 24 months to 12 months.

The RAA stated that neither the preamble nor the section-by-section discussion document provided any rationale to support a training cycle that is twice as stringent as the current rule. It requested that the 24-month training cycle be retained.

The increase from 24 months to 12 months is appropriate with regard to AED training in order to be consistent with the increase in the frequency of all performance drills using emergency equipment and procedures. In-flight medical events occur frequently on airlines and continuing changes regarding CPR and responding to cardio-vascular emergencies necessitate the increase in training to ensure flight attendants are trained on the most current practices. These drills provide critical practice in the actions that flight attendants would take during an in-flight medical event. As stated in NTSB Report, Flight Attendant Training and Performance During Emergency Situations (NTSB/SIR–92/02), "[f]light attendants must immediately change from passenger service oriented roles to their critical safety-related roles in an emergency * * *. These skills are perishable, and continuing and effective training is essential for maintaining them."

American, Midwest, and Southwest commented that, as written, the provision appears to apply to all crewmembers. They requested that the term "crewmember" be changed to "flight attendant."

The requirements of § 121.805 continue to apply to all crewmembers with the exception of paragraph (b)(5), which applies only to flight attendants. There was a typographical error in the NPRM, which mistakenly referred to paragraph (b)(4) rather than (b)(5). The proposed change in the frequency of proficiency training drills was intended to be applicable only to flight attendants, and the rule language in the SNPRM has been changed to correct the error.

6. Continuing Qualification (§ 121.1303)

Under current rules, the FAA has established separate requirements for maintaining flight attendant qualification to ensure that each crewmember is adequately trained and proficient with respect to the type airplane and crewmember position involved.

In the NPRM, the FAA proposed § 121.1303 to set forth the three methods for maintaining and reestablishing flight attendant qualification. These include basic qualification, recurrent, and requalification. The specific requirements for these methods are set forth in separate provisions.

American Eagle questioned the rationale and safety value for introducing a new term "continuing qualification" to describe a flight attendant's standing with his or her training and recommended the section be withdrawn. The FAA notes that the term continuing qualification merely refers to methods for maintaining and reestablishing flight attendant qualification which already exist in current regulations. In the SNPRM, however, the FAA has revised § 121.1303 in order to clarify the eligibility period and base month and when a person becomes unqualified to serve as a flight attendant.

7. Order of Training (§ 121.1301)

Current regulations do not provide an order of training for basic qualification of flight attendants. In the NPRM, the FAA proposed a specific order of training for qualifying flight attendants in order to provide fundamental knowledge prior to presenting more specific technical information.

American Eagle, Alaska, ATA, and RAA objected to the order of training. American, Midwest, American Eagle, Southwest, and ATA believed that training is most effective when developers are allowed the flexibility to integrate various elements of a subject matter when teaching. They stated that the proposed rule requiring a specified order of training was too rigid and would not allow the training to flow

properly. Alaska acknowledged that, although the bulk of emergency training would necessarily follow new hire and initial training, some emergency training, such as emergency evacuation commands, can begin almost immediately.

The FAA recognizes the value of airlines having the flexibility to decide how to integrate various elements of required subject content to achieve effective learning. In addition, the FAA acknowledges that it may be difficult to satisfy the QPS requirements and remain in compliance with the order of flight attendant training prescribed in § 121.1301(b). Therefore, the FAA has not included the requirement that training occur in a particular order in the SNPRM.

8. 180-Day Service Requirement for Transition Training (§ 121.1371)

Certificate holders that operate multiple fleets of aircraft currently use two methods for training flight attendants under current requirements. One method trains qualifying flight attendants on each type of aircraft during initial training and then provides operating experience after the completion of all training. The second method is to train qualifying flight attendants on one type of aircraft, provide OE, and then provide transition training on additional aircraft types after the flight attendant has served as a line flight attendant.

In the NPRM, the FAA proposed that flight attendants satisfy a 180-day service requirement in order to qualify for transition training. Transition training is intended to accommodate two different types of training situations. The first situation is when a certificate holder chooses not to train a qualifying flight attendant on all aircraft types the certificate holder operates during their basic qualification training. The second situation is to accommodate an air carrier that adds a new aircraft type to their operation.

ATA, Midwest, American and RAA questioned the 180-day service requirement and sought clarification regarding the criteria used to determine the required number of days. They contend that there is no data establishing that the transfer of knowledge would be more effective after 180 days in service and state that the new requirement would add to their scheduling and recordkeeping processes and increase costs. The RAA requested supporting documentation for the proposed provision and stated that the 180-day requirement could be disruptive to the overall carrier operation.

In the SNPRM, the FAA again proposes a 180-day service requirement to qualify for transition training. The proposed rule is based on the principle that, during the 180 days, flight attendants would have consolidated their operational and safety skills while serving as line flight attendants, thereby reducing the need for supervision while serving as a flight attendant for the first time on a new aircraft type. In determining the appropriate number of days, the FAA considered the recommendation of the ARC, with a membership that included industry and union representatives as well as FAA aviation safety inspectors with experience as flight attendants and flight attendant managers, and concluded that 180 days was an appropriate timeframe. It is consistent with the probationary time established by several certificate holders for newly-hired flight attendants and also takes into consideration that newly-hired flight attendants are normally on reserve and initially may not fly on a regular basis. The FAA believes that the 180-day time period allows certificate holders relief from the supervision requirements of § 121.1305 without compromising safety on the aircraft. The FAA does not anticipate a significant increase in the administrative burden placed on certificate holders who are already required to track training requirements for flight attendants.

9. Clarification of Terminology Used in Flight Attendant Training Requirements

In the NPRM, the FAA proposed training requirements for check flight attendants (§ 121.1381) and persons authorized to administer flight attendant proficiency tests (§ 121.1387).

AFA commented that the proposed regulations were identical in the initial paragraphs except for the fact that § 121.1381(a)(4) required check flight attendants to receive academic training on the appropriate methods and techniques for conducting "required evaluations" while § 121.1387(a)(4) required persons authorized to administer proficiency tests to receive academic training on the appropriate methods and techniques for conducting "required checks." AFA asked for clarification as to whether the two provisions were necessary and suggested removing duplication where appropriate and changing § 121.1387 to reflect this language.

The FAA recognizes the similarity of the proposed regulations. However, each regulation applies to training requirements for different persons authorized to administer flight attendant training and evaluation activities. One provision specifies training requirements for all check personnel, and the other is specific to persons who are authorized to administer flight attendant proficiency tests. As AFA noted, the word "evaluation" is a broader term that includes reviews, checks and tests. The term is not appropriate to use regarding persons authorized to administer proficiency tests as they do not conduct proficiency checks or reviews. In the SNPRM, the FAA has proposed changes to the QPS that remove proficiency checks from emergency training. Under this proposal, all proficiency checks occur during AOE and therefore would only be administered by check flight attendants or FAA aviation safety inspectors (Cabin Safety).

A review of the proposed rule and the QPS did reveal a discrepancy in Table 3E, Section A, of the NPRM. In the SNPRM the FAA redesignated Table 3E, Section A, as Table 3B and redesignated Table 3E, Section B, as Table 3C. In addition, the FAA removed the proficiency checks from Table 3C, with regard to emergency training to comply with the proposed language of § 121.1373(c), which requires only proficiency tests.

10. Curriculum Category Requirements: Flight Attendant Recurrent Training (§ 121.1375)

Under current regulations, in order to maintain their qualification, flight attendants qualified on Group I airplanes are required to have 5 hours of recurrent training every 12 months on Group I airplanes and flight attendants qualified on Group II airplanes are required to have 12 hours of recurrent training every 12 months.

In the NPRM, the FAA proposed to require flight attendants who are qualified on 2 to 5 types of airplanes to have 13 hours of recurrent training every 12 months, regardless of whether those airplanes are Group I or Group II airplanes.

Continental stated that there would be an operational and financial impact on the airlines due to the increased number of flight attendants needed to cover the requirements created by the proposal. It contended that the duration of recurrent training for most air carriers would be extended from two to three days and that check flight attendants would be required to attend annual recurrent training in addition to standard recurrent training.

Upon review of the comments, the FAA has revised the hours proposed in the NPRM and maintained the current requirement that flight attendants who are solely qualified on smaller

turboprop airplanes require 5 hours of recurrent training and flight attendants qualified on 1–5 types of turbojet airplanes require 12 hours of recurrent training. The proposed regulations do not prohibit current industry practices, such as distance learning, which mitigate the potential operational and financial impact of the marginal increase for those air carriers operating Group II airplanes. Although the programmed hours are different for flight attendants solely qualified on turboprop airplanes, the FAA is proposing the same curriculum requirements for all flight attendants, as is required in current regulations. This would ensure that all flight attendants receive the same safety-critical training.

11. Omission of Emergency Training From § 121.392(b)

In the NPRM, the FAA proposed to require that any person identified as a flight attendant on an aircraft in operations must be trained and qualified in accordance with subpart BB. In § 121.392(b) of the proposed rule, the FAA intended to create an exception which permitted qualifying flight attendants who had completed new hire and initial training to be identified as flight attendants while satisfying their aircraft operating experience (AOE) requirement.

The AFA believes that it was an oversight to exclude emergency training from the requirements of § 121.392(b). AFA states that emergency training is an integral part of flight attendant training and it is imperative that qualifying flight attendants have completed such training prior to being identified as flight attendants.

The FAA acknowledges that allowing air carriers some flexibility in instructional design is necessary to the extent that air carriers may integrate AOE into basic qualification, which would allow qualifying flight attendants to perform the duties of a flight attendant during passenger carrying operations, under supervision. However, the identification of a crewmember as a flight attendant implies that the crewmember is fully qualified to perform all duties of a flight attendant. Therefore, the FAA has revised the language in § 121.392(b) to require that these individuals be identified to passengers as qualifying flight attendants during AOE.

*C. Aircraft Dispatcher*

1. Acceptable Time for Completing Recurrent Requirements (§ 121.1409)

Current § 121.401(b) allows recurrent training, certain checks, and operating familiarization to be considered completed in the month required (*i.e.,* "base month") if completed in the month before or after the base month (*i.e.,* "eligibility period").

In the NPRM, the FAA proposed § 121.1409, which was based on § 121.401(b) and permits an aircraft dispatcher who has not completed the recurrent activity during the eligibility period to remain qualified and serve until the end of the eligibility period. The dispatcher becomes unqualified and can no longer serve after the eligibility period ends.

An individual sought clarification as to whether the use of the word "or" in § 121.1409(a) implied that operating familiarization does not have to be completed within the eligibility period. The FAA is modifying the rule language by changing the word "or" to "and" in order to clarify that all of the listed activities must be completed within the eligibility period.

The commenter also asked whether the requirements to complete an evaluation within the eligibility period for aircraft dispatchers under § 121.1409(a) was covered by the requirement to complete recurrent training within the eligibility period under § 121.1455. Section 121.1409(a) governs the time within which the recurrent requirements listed in § 121.1455 must be completed. In the SNPRM, § 121.1455 has been revised to reference § 121.1409(a), which establishes the acceptable time for completing recurrent requirements.

2. Training and Evaluation (§ 121.1413)

Under the current rule, aircraft dispatchers are required to complete five hours of operating familiarization. There is no current requirement that the five hours be completed in international operations if the dispatcher is dispatching internationally. In addition, there is currently no continuity of training requirement for aircraft dispatchers.

In the NRPM, the FAA proposed that aircraft dispatchers who dispatch in international operations be required to complete operating familiarization in international operations. The proposal was intended to ensure that dispatchers obtained familiarity within their area of responsibility because each area of operation has unique differences such as route structure, air traffic control procedures, communications, and country-specific regulations. In addition, for the first time, the FAA proposed in the NPRM a continuity of training requirement in paragraph § 121.1413(b) to ensure that training occurred within a reasonable time so that knowledge and skills were retained throughout the training period. Proposed paragraph (c) clarifies that if a person fails to successfully complete the curriculum category in the time prescribed in paragraph (b), the person must repeat the entire curriculum category (including academic evaluation) as opposed to completing individual subjects or evaluation requirements. In the SNPRM, the FAA is retaining these proposed requirements.

American sought clarification regarding whether a dispatcher in both domestic and international operations in a single year must have completed five hours of operating familiarization in each type of operation. UPS commented that the requirement to do a familiarization flight on both a domestic and a flag flight would be an additional expense that the air carrier presently does not incur.

Under the proposed rule, an aircraft dispatcher who dispatches both domestic and flag operations must complete operating familiarization in both kinds of operations in an aircraft type that the person has dispatched within the preceding 24 months. In the SNPRM, the FAA is revising the proposed rule language to clarify that, within a 24-month period, a dispatcher who dispatches both domestic and international operations must complete operating familiarization for domestic operations during one 12-month period and complete operating familiarization for international operations during the other 12-month period. Under the proposed rule, dispatchers who work solely in domestic or international operations are required to complete operating familiarization within their area of operations annually. The FAA notes that there has been no change from the current rule in the number of hours required for operating familiarization.

The FAA also responds that, for flag operations, the operating familiarization must be conducted within a flag area of operation for which the person dispatches in accordance with the Aircraft Dispatcher QPS. The proposed language adds that if an aircraft dispatcher dispatches both domestic and flag operations, then within the previous 24 months, the person must complete operating familiarization in both kinds of operations.

American requested an extension from 120 days to 180 days for the time within which a dispatcher must complete the initial curriculum category. It noted that, rather than limit the candidate to classroom training, it presents the dispatcher with a module

in the classroom and then reinforces the training with practical experience at an operational desk. American contended that this method of training, while taking more time, strengthened the process and provided better training. Midwest objected to the requirement that a dispatcher who does not complete initial training within the 120-day period must repeat the entire initial curriculum category. It recommended that the student be allowed to complete training after evaluation of the material that has been covered with additional training in the area weakness.

The 120 day time frame is appropriate to complete the minimum academic training and evaluation requirements of the initial curriculum category because the requirement would ensure that training occurs within a reasonable time so that knowledge and skills are not lost during the training period. Extending the training period to 180 days would constitute a 50 percent increase in the allowable training period.

RAA commented that the proposed 120-day requirement would be even more difficult when a training class of six new hire dispatchers completes training and there are only one or two dispatchers that are qualified to oversee supervised operating experience (SOE). These requirements would be extremely difficult to comply with and place an undue burden on the company.

The FAA believes it is necessary to include SOE in the 120-day continuity of training requirement to ensure that training occurs within a reasonable time. However, in the SNPRM, the FAA has revised the requirements for the individual who oversees SOE. In the SNPRM, the individual overseeing SOE must be a current and qualified dispatcher who meets certain experience requirements. This person does not need to meet all of the requirements of a check dispatcher, as proposed in the NPRM. The FAA recognizes that it may take an uncertificated individual in a combined certification and initial course more than 120 days to complete all of the necessary requirements. Therefore, in the NPRM and SNPRM the FAA has allowed 180 days for these individuals to complete the necessary requirements.

RAA also commented that § 121.1413(a)(1)(i)(A) conflicts with the definition in current § 121.400(c)(2) which defines transition training as the training required for crewmembers and dispatchers "who have qualified and served in the same capacity on another airplane of the same group." It recommended that the language in the proposed section be changed from "aircraft type" to "aircraft group" in order to be consistent with § 121.400(c)(2).

In the SNPRM, the FAA is revising the proposed rule language to clarify that, in order to qualify for transition, a dispatcher must have satisfactorily completed initial training and evaluation for another aircraft type within the same airplane group.

3. Operating Familiarization (§ 121.1415)

In the NPRM, the FAA proposed that, for flag operations, the operating familiarization must be conducted within a flag area of operation for which the person dispatches in accordance with the Aircraft Dispatcher QPS.

NACA commented that the new regulations require each dispatcher to perform a familiarization ride every 12 months and dispatchers qualified to operate flag flights must be on a flag flight in one of the 12 areas that they are certified to dispatch. This requirement would place a financial burden on the carriers as flights may be gone for weeks, so the air carrier would have to bear the expense of a commercial ticket back from some location. Additionally, it contended that this requirement is impossible to plan for and some carriers would be forced to change the dispatcher's base month every year.

The FAA reiterates that, due to the unique differences within areas of operation, the proposed requirement that dispatchers working in international operations have operating familiarization in international operations was intended to ensure that dispatchers obtained familiarity within their area of responsibility. The FAA notes that the dispatcher has the option under § 121.1415(b) to complete the operating familiarization requirement in a LOFT simulator session which would reduce the financial burden for those carriers who have non-scheduled operations. The FAA has retained the requirement, as proposed in the NPRM.

American commented that it conducts scenario based simulator training by virtue of the pilot AQP training program rather than LOFT simulator sessions. It recommended that the FAA approve line scenario based simulator training for aircraft dispatchers.

In the SNPRM, the FAA is revising § 121.1415(b) to include AQP equivalent simulator training. In addition, the FAA proposes in the SNPRM to allow briefing and debriefing time to be included in the 5-hour requirement. This change would allow the certificate holder more flexibility to complete operating familiarization in a simulator.

Midwest commented that, with the introduction of new types of operations, the demand for jumpseat observations can become higher than normal with flight and FAA observations. It requested that the FAA extend the 90-day window for new type operations to 120 days. It asserted that the 30-day extension would not adversely affect safety but would allow additional scheduling flexibility to accomplish these observation flights.

In the SNPRM, the FAA is extending the period from 90 to 120 days. The FAA believes that this is a reasonable extension that would not have a negative impact on safety.

4. Supervised Operating Experience (§ 121.1417)

Under the current regulations, there is no requirement for supervised operating experience for aircraft dispatchers, although it is a common practice within industry. In the NPRM, the FAA proposed to require a minimum number of hours of supervised operating experience.

TWU commented that under the proposed rule, aircraft dispatchers gaining operating experience would essentially be required to be supervised by a check dispatcher because the language of the rule requires supervision by "a current and qualified aircraft dispatcher who meets the requirements of § 121.1421(b)(1) through (4)," which are the requirements for a check dispatcher.

In the SNPRM, the FAA is revising the requirements for a dispatcher who oversees supervised operating experience. Under the new proposal, a dispatcher overseeing SOE would be required to meet only the experience requirements contained in § 121.1421 (b)(2), which requires that the person has performed the duties of an aircraft dispatcher for at least 8 hours within a 24-hour period in the preceding 90 days, and (b)(4), which requires that the person has been current and qualified as an aircraft dispatcher for a part 121 operation for at least 3 of the previous 5 years. The FAA believes that requiring dispatchers to meet these two conditions ensures that the supervising dispatcher has sufficient experience and expertise with the certificate holder's operation to provide adequate supervision. The FAA notes that there is no need for the supervising dispatcher to be a check dispatcher because the supervising dispatcher does not administer proficiency checks or proficiency tests. The supervising dispatcher oversees a dispatcher who already has completed the academic training and evaluation. The FAA believes that this change would ensure adequate safety for supervised operating

experience and provide staffing flexibility for air carriers.

NACA commented that the proposed rule requires each dispatcher to receive eight hours of SOE for each of the 12 (flag) areas. It stated that this supervision is virtually impossible to plan given the way in which some NACA members operate. It contends that some of its members do not have flights in all 12 areas defined by the NPRM, even though they are qualified to dispatch in those areas. In addition, NACA stated that getting on-the-job training in each area would be impossible.

The FAA clarifies that § 121.1417(a)(2) would require the person to have been supervised for the minimum hours prescribed in the Aircraft Dispatcher QPS for each type of operation (domestic or flag) in which the person serves. This would require SOE in each flag area of operation. Based on current industry training practices the FAA does not expect there to be increased costs associated with this proposal.

TWU recommended that, in Table 1 of appendix T under the columns for initial and combined certification and initial, the hours for "Supervised Operating Experience, Domestic" should be increased to 40 hours and the hours for "Supervised Operating Experience per Flag Area of Operation" should be increased to at least 24 hours. It stated that 8 hours is only sufficient for a seasoned and expert aircraft dispatch instructor. It recommended for similar reasons that, in Table 3 of appendix T, the hours of SOE per flag area for requalification should be adjusted to 24 hours for both domestic and flag operations.

Because there is a wide variance in size and complexity of part 121 carriers, the FAA has proposed minimum SOE requirements for certificate holders. A certificate holder operating only one type of aircraft in a small geographical region would not require the hours of SOE recommended by the commenter. The FAA anticipates that certificate holders would increase the hours as necessary to ensure that safety is maintained within their specific operations.

Midwest commented that, as this section is written, the student receiving supervised operating experience already would have received his or her proficiency test or check. It recommended that the FAA clarify the proposed rule by specifying that the student must have satisfactorily completed the knowledge portion of the listed trainings. In the SNPRM, the FAA has revised the language to clarify that SOE occurs after academic training and evaluation but before the proficiency test (during initial, combined certification and initial, or phase III requalification) and before the proficiency check (during phases I and II of requalification).

American commented that training reinforced by on-the-job training (OJT) is more beneficial to a candidate than receiving training all at one time. It recommended allowing observation to be interspersed throughout academic training. UPS commented that it is more beneficial to first have classroom training, then OJT, and then observation.

Nothing in the NPRM or SNPRM prevents a certificate holder from allowing observation to be interspersed throughout academic training. The intent of requiring SOE at the completion of all academic training is to ensure that the dispatcher is proficient in all areas of academic instruction and capable of applying that knowledge in a working environment.

RAA agreed that one student for one supervisor is generally what occurs but stated that a rule requiring one-on-one supervision in every instance is not practical since the workload between operators, the size and scope of operation, and the number of flights within the day would vary greatly among all the part 121 operators. RAA requested that subpart (c) be revised to allow two students for one supervisor as long as the workload is manageable (as described in an AC).

The FAA is retaining the proposed requirement because supervising only one person at a time ensures that the supervising aircraft dispatcher has a safe and manageable workload. In addition, the supervising dispatcher is the dispatcher of record for each flight dispatched or released, thus ensuring that all flights are dispatched and released by a current and qualified dispatcher.

5. Dispatcher Instructor and Check Dispatcher: Eligibility, Training, and Evaluation (§ 121.1421)

Under current regulations, there are no specific training or qualification requirements for persons who may administer training and evaluation to aircraft dispatchers. The current rules require that aircraft dispatchers complete competence checks annually. These checks are given by "an appropriate supervisor or ground instructor that demonstrates knowledge and ability with the subjects set forth in" the regulations.

In the NPRM, the FAA proposed to establish a "check dispatcher" to administer proficiency tests (currently the competence check required by § 121.422(b)) and proficiency checks. In addition, the FAA proposed to establish training and qualification requirements for check dispatchers and dispatcher instructors.

Several commenters, including RAA, UPS, and American, expressed concern that the proposed requirements for check dispatchers would prevent them from using their most experienced and knowledgeable individuals in this position. RAA requested that § 121.1421(b)(2) and (b)(4) be withdrawn. American requested that the proposed rule include other qualifications, as accepted by the Administrator, and currently documented in their Approved Training Manual (*e.g.,* Air Transportation Supervisors) and in FAA Order 8900.1 Flight Standards Information Management System (FSIMS) Volume 3, Chapter 20.

While current guidance in FAA Order 8900.1, Vol. 3, Ch. 20, Sec. 1, para. 3–1387 (Sept. 17, 2009) states that aircraft dispatchers may be given competency checks by appropriately qualified air transportation supervisors or ground instructors, the current regulations and guidance do not explicitly state the qualification requirements for these individuals. The FAA is retaining the check dispatcher requirements because it is essential for a person who is evaluating the operational control authority of a dispatcher to have recently performed the duties of an aircraft dispatcher. The provisions of this paragraph do not prevent the company from using their most experienced and knowledgeable individuals as instructors and check dispatchers as long as they satisfy the requirements of proposed § 121.1421(a) and (b).

TWU Local 550 commented that there is no requirement that a dispatcher instructor ever actually perform the duties of a dispatcher. It recommended that, at a minimum, a dispatcher instructor should be required to meet the currency requirements of § 121.1421(b)(2), which requires check dispatchers to have performed the duties of a dispatcher for at least eight hours within a 24-hour period in the preceding 60 days.

Section 121.1421(a)(1) requires a dispatcher instructor to maintain currency in accordance with the certificate holder's approved training program. The FAA does not believe that it is necessary for a dispatcher instructor to have performed the duties of a dispatcher because, unlike check dispatchers, an instructor does not

evaluate the operational control authority of an aircraft dispatcher.

Midwest commented that its flight standards and training department uses ground instructors who are licensed aircraft dispatchers but who would not meet the currency requirement of the proposed regulation. The carrier expressed its belief that, under the proposed regulation, it could continue to use these instructors under the title subject matter experts. It further stated that there would be periods of time where even certificated dispatcher instructors could run the risk of becoming unqualified due to the 60-day dispatch requirement and, for smaller operations, the burden can quickly become limiting.

To provide clarification, the FAA notes that in order to meet the currency requirement of § 121.1421(a), an instructor needs only to maintain dispatcher currency in accordance with the certificate holder's approved training program. Nothing in the proposed rule requires a dispatch instructor to have served as an aircraft dispatcher within a certain period of time.

American, TWU Local 550, and RAA sought clarification on the meaning of "acceptable" as it refers to subject matter experts (SME). TWU Local 550 recommended that the FAA define what makes a SME acceptable and RAA requested that the FAA provide text within the provision or guidance material that better defines what is acceptable. American asked whether acceptable meant that they merely had to communicate the information to the FAA. TWU Local 550 noted that check dispatchers must be approved by the FAA, but stated that there is no explanation on how that approval is achieved beyond meeting the requirements of § 121.1439 and the currency requirements § 121.1421. It recommended that the FAA define or give guidance in the final rule for what procedures or standards must be met to be "approved by the FAA" as a check dispatcher as opposed to being "acceptable to the FAA" as in the case of a SME (§ 121.1421(a)(2)).

The FAA notes that in the SNPRM the language of the proposed rule has been revised to require certificate holders to submit a list of current check dispatchers, SMEs, and instructors to the FAA. The list may contain only check dispatchers or instructors who have been trained in accordance with the requirements of part 121 and are qualified to perform the duties and responsibilities associated with their position. With regard to SMEs, the SME must have the experience and knowledge to conduct training in his or her field of expertise.

TWU Local 550 and TWU commented that the panel at the public meeting indicated that it envisioned a SME as a certified meteorologist covering weather phenomena of a specific area of operation or a mechanic explaining the maintenance of an aircraft system. TWU Local 550 stated that it supports the panel's explanation but recommended that the FAA add language that would limit and clearly list what SME subjects would be approved. TWU asserted that, if specific guidance and examples are not given, this was a potential area of concern. TWU Local 550 expressed concern that a person may take a course of instruction in a narrow subject area and be considered a SME while having no foundation in the basic theory of the subject matter. It requested that the "Generic Training, General Knowledge and Skills, and Basic Aircraft Type" and "Specific Aircraft Type" mentioned in Table 5 should be expanded to further the intent that SMEs should also understand how their subject matter applies to the dispatch of an aircraft under part 121 regulations. Midwest commented that it believes that it is a risk to allow dispatch instructors who are not employees familiar with the carrier's operation to conduct a wide range of training. It asked that the FAA limit non-employees to providing instruction on generic subjects.

The FAA notes that certain subjects listed in Table 5 of the QPS must be conducted by a certificated dispatcher. To the extent that the commenters have requested a list of what SME subjects would be approved, the FAA believes it is appropriate to allow SMEs to instruct on a broad range of subjects in order to permit the certificate holder to identify and use the best available personnel to conduct required training. The fact that the overall training program is approved by the FAA ensures that SMEs are providing instruction in their area of expertise and that the information is relevant to the certificate holder's specific operations.

RAA sought clarification as to whether a check dispatcher may oversee supervised operating experience under § 121.1417. The FAA notes that, as shown in appendix T, Table 5, a check dispatcher may conduct SOE.

American Eagle commented that the requirement that a check dispatcher have performed the duties of a dispatcher in the preceding 60 days is not consistent with other FAA policies including the requirements for check airman and flight instructor which is 90 days. Midwest asks that the FAA drop the 60-day requirement because it does nothing to enhance safety. It commented that, if the individual has complied with § 121.1421(b)(1), then he or she should know that the individual being observed is conducting dispatcher duties in accordance with the QPS.

The proposed requirement is necessary because under the current rules, dispatchers who currently administer competency checks are not required to have recent practical work experience. In order to evaluate whether dispatchers are performing their responsibilities in accordance with the certificate holder's current policies and procedures, the check dispatcher must be familiar with the certificate holder's operational environment and its current operating policies and procedures. Requiring check dispatchers to serve in operations with the certificate holder ensures that check dispatchers are aware of the certificate holder's current policies and procedures and can effectively evaluate other aircraft dispatchers performing their responsibilities in accordance with the certificate holder's policies and procedures. However, the FAA has reconsidered the 60-day timeframe proposed in the NPRM and believes the objectives of the proposal can be met using the 90-day timeframe that is consistent with the timeframe for check airmen and flight instructors. The proposed 90-day requirement for check dispatchers in the SNPRM still ensures that check dispatchers are aware of the certificate holder's current policies and procedures and can effectively evaluate other aircraft dispatchers. The FAA has revised § 121.1421 accordingly.

6. Eligibility and Qualification for Dispatch Program Designee (§ 121.1423)

Under current regulations, the position of dispatch program designee does not exist. In the NPRM, the FAA proposed to create this position for the purpose of issuing aircraft dispatcher certificates for certificate holders who elect to establish combined certification and initial training programs.

Midwest commented that the reference to § 183.25 in proposed § 121.1423(a)(3) appears to be wrong and it was unable to determine what is the correct reference for a designated aircraft dispatcher examiner. Section 183.25 is the correct reference for a designated aircraft dispatcher examiner. The FAA notes that the authority of a designated aircraft dispatcher examiner is set forth in paragraph (f) of that section.

Midwest also objected to the requirement that the dispatch program designee must be an aircraft dispatcher serving for the certificate holder for the

aircraft type and operation. It contended that this greatly limits the effectiveness of the designee program and would most likely result in few certificate holders utilizing this option. In response, the FAA has revised the language of proposed § 121.1423(a)(2) to remove the requirement for aircraft type and operation.

7. Curriculum Category Requirements: Aircraft Dispatcher Initial, Combined Certification and Initial, and Transition Training (§ 121.1453)

Under current regulations, an aircraft dispatcher may only become certificated under part 65. In the NPRM, the FAA proposed to establish, under part 121, a curriculum category that combines aircraft dispatcher certification, initial training, and initial evaluation for the part 121 certificate holder.

ADF recommended that, because aircraft dispatchers are required to ride in the cockpit for initial and recurrent familiarization and observation requirements, it would be appropriate to require initial and, at some interval recurrent training in aircraft emergency procedures. The FAA notes that, although not specifically required, the certificate holder could include these areas of training in addition to the requirements of appendix T, attachments 2 and 3.

Midwest commented that there is no reason for certification to be included in the proposed rule. It stated that part 121 carriers would not train noncertified persons solely for the reason of allowing them to gain certification and the new certification portion of this rule is not really appropriate for part 121. Midwest recommended that the certification remain in Part 65, just as training and certification of pilots is located in part 61.

The proposed certification program is optional and is conducted in conjunction with certificate holder's initial training and evaluation curriculum. The proposed rule merely gives the certificate holder the ability to train and certificate an aircraft dispatcher to their standards in compliance with the requirements of Part 65.

8. Curriculum Category Requirements: Aircraft Dispatcher Recurrent Training (§ 121.1455)

Under current regulation, § 121.427(b)(2), annual recurrent training and evaluation for aircraft dispatchers must include all of the subjects required during initial training. The NPRM proposed to establish that, for recurrent training and evaluation, certificate holders must cover all of the areas of instruction listed in section B of attachment 1 of the Aircraft Dispatcher QPS and all of the subjects listed in section C of attachment 2 of the Aircraft Dispatcher QPS on an annual basis. As proposed in the NPRM, certificate holders with more than one aircraft type would be allowed 3 years to cover aircraft systems for all of their aircraft types if approved by the Administrator.

American commented that it supports the proposal, as long as the three-year allowance to cover all subjects does not change. It stated that it currently covers everything over a 36-month period. American and UPS requested clarification on whether the proposed rule means that each subject must be covered every 12 months. TWU commented that it supports a 3-year cycle for recurrent training material; however, it sought clarification regarding certificate holders with only one aircraft type.

In the SNPRM, the FAA is retaining the recurrent training and evaluation requirements that were proposed in the NPRM, with one exception. In the SNPRM, the FAA has maintained the current programmed hour requirement for recurrent training and evaluation. The FAA believes that the current programmed hour requirement is adequate to accomplish all of the curriculum requirements. The FAA has reorganized some of the attachment to clarify that, although certificate holders must provide annual training on each area of instruction listed in new section C of attachment 1 that is pertinent to their operation, they are not required to cover every subject within that area of instruction each and every year. With regard to the recurrent training and evaluation required by section C of attachment 2, the FAA reiterates that certificate holders must cover all of the subjects listed in that section on an annual basis. The SNPRM retains the provision that permits certificate holders with more than one aircraft type three years to cover aircraft systems for all of their aircraft types if approved by the Administrator. For example, a certificate holder with six aircraft types may cover aircraft systems for two aircraft per year during a three-year period. For those certificate holders with a single aircraft type, aircraft systems for that aircraft must be covered annually.

TWU questioned the requirement in § 121.1455(c) that would require individuals completing a knowledge test for academic evaluation to score 80% overall, but require aircraft dispatchers to score 80% on each task to pass the job performance evaluation. The requirement to achieve at least 80% in each task area on the proficiency test is more difficult than achieving 80% overall on the knowledge test because a subpar showing on a particular task area would cause a failure even if the individual scores exceptionally well on the majority of the test.

The FAA has reviewed § 121.1455(c) and the corresponding QPS requirements in attachments 1 and 4 of appendix T and determined that the requirement for a score of 80% in each task area of evaluation of the proficiency check is not appropriate. The FAA has removed the 80% requirement for proficiency tests from attachment 4 of appendix T. Each proficiency test must include a representative number of questions for each task which demonstrates the aircraft dispatcher's proficiency. Each area of evaluation must then be satisfactorily demonstrated to the Check Dispatcher, Dispatch Program Designee, or FAA principal Operations Inspector, as applicable. This standard is necessary to ensure that the dispatcher has mastered the subjects within the areas of instruction before serving in operations. Academic evaluations for each curriculum category would still require an overall score of 80% or better.

9. Areas of Instruction and Subjects in the Aircraft Dispatcher QPS (Appendix T)

Midwest commented that many of the references that are made in the area of instruction in attachment 1 entitled "manual overview" are redundant to a given manual or would be contained in the FCOM and/or ADPM. It recommended that, when the section says manual overview, it should address manuals and not a collection of procedures that are contained within the different operational manuals of an air carrier. Midwest contends that few if any operators retain the airplane flight manual for daily use, but instead the necessary sections are incorporated into manuals like the FCOM or ADPM.

The references are appropriate to this area of instruction. A certificate holder is not required to retain the Airplane Flight Manual (AFM) for daily use if the relevant portions of that manual are contained in appropriate company manuals. Training is required for the dispatcher on the contents for the AFM that are relevant to dispatch duties.

Midwest commented that, in the area of instruction dedicated to "meteorology," the FAA has failed to clearly identify two important weather areas, the jet stream and clear air turbulence. It requested that these two areas be clearly identified in this list of

weather subjects. Midwest further stated that the interpretation and use of weather charts should be enhanced to include weather radar use and interpretation. The FAA notes that these subjects are covered in attachment 1 (section A) under the subject headings "upper air meteorology," "turbulence (all types)," and "interpretation and use of weather charts."

Midwest commented that the subjects listed in the area of instruction entitled "approach plates and charts" cover only departure and arrival procedures. It recommended that the FAA add approach charts (instrument and charted visual) to this list if that is the intent of this section or correct the heading to departure and arrival procedure charting. The FAA notes that these subjects are covered under the subject heading "terminal and en route charts and publications."

Midwest recommended that the FAA change the "inoperative navigation aid" subject heading to include discussion of navigation aid substitution, which should include both en route and approach navigation aid substitution. The FAA notes that the information is covered under the subject heading "inoperative navigation aids."

Midwest commented that, for Basic Aircraft Training and Evaluation Requirements under section B of attachment 2, a number of the subjects listed under "additional training" already have been covered in other areas of instruction. It contends that, for operators with single fleet types, this training is repetitive. Midwest requested that the FAA consider either adding the statement "for operators of more than one fleet type" to the opening statement to this area of instruction or retain only the subjects set forth in (c), (e), (f), and (k) of section B.4.

The inclusion of these subjects under Basic Aircraft Training and Evaluation is appropriate because there are both generic issues and carrier or aircraft specific issues associated with these subjects. Any areas that may be considered redundant would be accounted for in the certificate holder's approved training program.

TWU questioned section C.3.(a)(6) of attachment 4, "Review of the Flight Crew Qualification for route to be flown," stating that placing these requirements on dispatchers would likely exacerbate workload issues or hold dispatchers responsible for validating information that they cannot access. The FAA notes that this section deals with the evaluation of a dispatcher during proficiency tests and checks. The section requires an aircraft dispatcher to demonstrate that he has reviewed the crew qualifications for the route to be flown. This provision does not exacerbate the workload as this task is already part of a dispatcher's duties under current regulations.

TWU questioned the section in attachment 4 entitled "Review AIM." It stated that, because the Aeronautical Information Manual exists as a reference, there is no need for it to be reviewed during any given shift except in response to a specific question, which may or may not arise. It commented that the requirement to review the AIM is inconsistent with the daily shift duties of an aircraft dispatcher, except in specific circumstances, and should be withdrawn.

For evaluation purposes, the dispatcher should be familiar with the AIM and its contents. This task is an appropriate area of evaluation because, as acknowledged by the commenter, situations arise during daily operations that require the dispatcher to use the information in the AIM.

Midwest Airlines commented that few if any users directly access the National Weather Service and rely instead on a weather provider or Internet connection for access to weather information. It recommended that the FAA rephrase the title and subject material of attachment 4, paragraph C.1.(d) to reflect the skills the average dispatcher is going to demonstrate for the task subject area. Unless the certificate holder has an approved EWINS program, it is required under § 121.101 to use weather data provided by the National Weather Service or a source approved by the National Weather Service.

Midwest Airlines commented that the information contained in attachment 4, C.1.(b)(1), "Aircraft Performance and Limitations Knowledge," would be better placed in paragraph (a), "Equipment Knowledge." The item was appropriately placed under the tasks that relate to aircraft performance and limitations.

Midwest commented that, with regard to the tasks set forth under the heading "Certificate Holder Manuals, Procedures, and Operating Information" in attachment 4, it is not a dispatcher's role to verify the currency of operational procedures. It stated that dispatchers must know how to check currency of a manual and be responsible for maintaining the currency of the carrier's individual manuals, but it is the certificate holder who is responsible for ensuring the dispatcher has current procedures. Midwest requested that the FAA reword section to indicate that dispatchers are responsible only for verifying the currency of the manuals made available to them by the certificate holder. Although the certificate holder is responsible for ensuring the dispatcher has current procedures and manuals, it is the dispatcher's responsibility to verify that the manual being used is current.

Midwest objected to the use of the word "all" in C.3.(a)(1) of attachment 4 because it suggests that the dispatcher would directly provide to the crew items like tables, conversion graphs, ATIS reports, and radar reports which are generally not handled by the dispatcher. The information listed for evaluation and dissemination by an aircraft dispatcher is appropriate. The dispatcher is not required to provide the actual reports and charts to crewmembers, but rather to communicate the information in those documents that is necessary to ensure the safe operation of the flight. In addition, the items listed are consistent with § 121.601, which directs that an aircraft dispatcher provide the PIC with "all available weather reports and forecasts of weather phenomena that may affect the safety of flight" and "additional available information of meteorological conditions and irregularities of facilities and services that may affect the safety of the flight."

Midwest commented that a number of items listed under section C.3, "Planning and Executing a Dispatch Release" of attachment 4 are repetitive. Midwest stated that most of the items center on the aircraft status, fuel planning, and ATC, which already have been demonstrated and checked prior to this portion of the task. It stated that, for example, if the dispatcher demonstrates a task such as checking aircraft MEL status and its effect, there is no value added by repeating this item during an evaluation.

Although these items are similar, they are applied differently depending on the task the dispatcher is performing. Accordingly, in the SNPRM the FAA has retained the proposed requirements.

10. Other Required Training (Appendix T, Attachment 1)

Midwest commented that not having the "other required training" subjects (*i.e.* hazardous materials, drug testing program) listed in the other three attachments of the rule could lead to consistency problems for those that need to develop programs based on the guidance that they provide. It recommended that it should be one standard format across the board.

These areas of training are required only during initial and recurrent training. As such, they are not

appropriate for the other attachments in appendix T. Because these areas of instruction are mandated by other regulations (as identified in attachment 1, B.1.(o) and C.3), they are not included in the required hours of training in subpart CC.

11. Organization of the Aircraft Dispatcher QPS (Appendix T)

Midwest commented that the title to section A of attachment 1 indicates that the materials cover "Initial, Combined Certification and Initial, Recurrent, and Requalification." It asked whether this meant that all of the materials in section A are required in recurrent and requalification training or just the materials listed in section B of attachment 1. In addition, it commented that section B directs the user back to A.6.(c) for some of the recurrent and requalification material. The carrier requested that the FAA either remove "recurrent and requalification training" from the title of section A or remove section B as it serves no useful purpose.

In the SNPRM, attachment 1 has been reorganized to clarify the areas of instruction and subjects that must be covered in each of the curriculum categories. Proposed section B covers those areas of instruction and subjects which must be covered (if pertinent to the certification holder's operation) in initial or combined certification and initial. Proposed section C covers those areas of instruction which must be covered during recurrent and requalification training and evaluation. The FAA reiterates that, for recurrent and requalification, certificate holders must provide training on each area of instruction in section C on an annual basis; however, not every subject that falls under those areas of instruction must be covered annually.

A commenter indicated that section C.3 of attachment 2 provides confusing and conflicting information on what is "special training" and how to handle it while developing training programs. In the proposed rule, the special curriculum category is addressed in § 121.1437. Because special training could apply to other parts of a certificate holder's training program, this section has been moved from attachment 2 to the beginning of Aircraft Dispatcher QPS. The special curriculum category covers any training and evaluation that is necessary to address changes to the certificate holder's operations or to correct deficiencies identified by the certificate holder's CAP.

12. Required Questions for Proficiency Tests and Checks (Appendix T, Attachment 4)

Midwest commented that the number of knowledge questions required in attachment 4 of appendix T is 130, is more than the Knowledge Test administered by the FAA in granting a dispatcher certificate. It stated that the knowledge evaluation for initial, recurrent, and requalification training already have been addressed in attachments 1 and 2 of appendix T and there is no need to address these knowledge items which have already been tested.

The proficiency tests and checks under attachment 4 are an evaluation of the dispatcher's knowledge and skills as applied in a work environment. The FAA has, however, removed the number of required questions from attachment 4 because evaluators who are administering proficiency tests and checks must be able to present scenarios that encompass several operational areas and permit the evaluator to assess the dispatcher's situational awareness and abilities.

13. Calculation of Evaluation Questions for Requalification (Appendix T, Attachments 1 and 2)

Midwest commented that it occasionally needs to conduct requalification training for dispatchers. It contends that it attempted to apply the proposed QPS requirements to the case of a dispatcher who has had a lapse of currency of 25 months and believes that the correct amount of questions that would be required by this phase IV requalification with one flag area of operation is 65, based on 2 missed recurrent programs and 5 areas required by Table 3. It requested whether the calculation was accurate.

In the SNPRM, the FAA has revised the proposed requirements for requalification. Under the new proposal, a dispatcher who has had a lapse in currency of 25 months would be required to repeat initial training in the certificate holder's training program. A dispatcher who has missed one recurrent cycle would be required to satisfactorily complete an academic evaluation containing 20 questions, as required in attachment 1, A.4.(c), and 20 questions, as required in attachment 2, A.4.(c). In addition, the FAA has revised the language in appendix T to clarify that the academic evaluation must also contain five questions for each additional "academic" training and evaluation activity listed in Table 3, (General Knowledge and Skills, Specific Training per Aircraft Type, and General Knowledge per Flag Area of Operation).

14. Dispatch Resource Management (DRM) (Appendix T)

Under current regulations, DRM training is required under 121.404 and 121.422. In the NPRM, the FAA included DRM in the Aircraft Dispatcher QPS as a required area of instruction for Initial, Combined Certification and Initial, Recurrent, and Requalification Curriculum Categories.

US Airways and Midwest commented that resource management training falls short of providing an adequate understanding of the resources available to both pilots and dispatchers. Several commenters recommended that the FAA consider including in the QPS a requirement for joint training in DRM and CRM. US Airways stated that it regularly sees examples of flight crews not being aware of what resources dispatchers can provide. The ADF recommended that crews be trained to notify the dispatcher of any emergency or abnormal situation as soon as practical because often dispatchers have all the available tools to provide support and assist the crew, begin preparation for ground assistance, and communicate the required notifications for any given situation. TWU stated that LOFT should be employed as part of DRM.

The DRM AC (AC 121–32A) discusses in greater detail how to integrate DRM into operational control and numerous departments within the certificate holder's operations. Joint training in CRM and DRM is a recommended practice in AC 121–32; however, it may not be practical for some certificate holders due to scheduling conflicts and the availability of operations personnel. The DRM requirements set forth in the QPS establish only the minimum requirements necessary to ensure the effective management of available resources by aircraft dispatchers. The FAA notes that a certificate holder is free to enhance the training above the minimum requirements.

Midwest commented that the QPS leaves the operator little or no way to address the changing state of DRM. It contended that the listed subjects are repetitive in nature and fail to address the current generation of DRM/CRM which directly address "Threat and Error Management." It commented that the FAA's failure to include "Threat and Error Management" is inconsistent with standard industry practice. Midwest recommended that the references to multi-tasking, tactical and strategic use of resources, preparation, planning and vigilance could be better addressed by

simply using the phrase "Threat and Error Management."

DRM has evolved because of the joint responsibility for the preflight planning, delay, and dispatch release of a flight between the PIC and aircraft dispatcher. It is intended to address problems associated with poor group decision-making, ineffective communication, inadequate leadership, and poor task or resource management. The FAA has identified fundamental topics associated with DRM training. These topics are designed to result in better management of information that has a direct impact on safe flight operations and promote a better interface with each PIC, as consistent with the joint responsibility. The specific content of training and organization of these topics should reflect an organization's unique culture and specific needs.

RAA commented that attachment 4 of the dispatcher QPS provides only one means for evaluation that is acceptable for the proficiency test or check. It would like the ability to provide other means of testing and checking to assess the DRM indicators. It contends that the process becomes self-limiting if the only method allowed for evaluation is DRM indicators.

Because DRM training is the incorporation of team management concepts in flight operations, it is essential that these team-oriented goals be demonstrated in a scenario-based setting in order to ensure that a dispatcher is able to employ all available resources during flight operations. The FAA proposed to require dispatchers to demonstrate and apply DRM concepts throughout their proficiency tests and checks. As always, a certificate holder may devise and administer alternative evaluations in addition to the evaluations required by the proposed rule.

## VI. Impact Statements

*Paperwork Reduction Act*

Paperwork Reduction

This proposal contains the following new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted the information requirements associated with this proposal to the Office of Management and Budget for its review.

Title: Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers

*Summary:* The FAA proposes to amend the regulations for crewmember and aircraft dispatcher training programs in domestic, flag, and supplemental operations. The proposed regulations enhance traditional training programs by requiring the use of FSTD for flightcrew members and including additional training requirements in areas that are critical to safety. The proposal also reorganizes and revises the qualification and training requirements. The proposed changes are intended to contribute significantly to reducing aviation accidents.

*Use of:* This project is in direct support of the Department of Transportation's Strategic Plan—Strategic Goal—SAFETY; *i.e.,* to promote the public health and safety by working toward the elimination of transportation-related deaths and injuries. This request for clearance reflects requirements necessary under Title 14 CFR parts 65, 119, 121, 135, and 142, to ensure safety of flight by making certain that complete and adequate training, testing, checking, and experience is obtained and maintained by those who operate under these parts of the regulation and that the use of flight simulation is used to its maximum practical extent in achieving these goals. The FAA will use the information it collects and reviews to ensure compliance and adherence to regulations and, where necessary, to take enforcement action on violators of the regulations.

*Respondents (including number of):* The FAA estimates there are 80 certificate holders who would be required to provide information in accordance with the proposed rule. The respondents to this proposed information requirement are certificate holders using the training requirements in 14 CFR part 121.

*Frequency:* The FAA estimates certificate holders will have a one time information collection, then will collect or report information occasionally thereafter.

*Annual Burden Estimate:* This proposal would result in an annual recordkeeping and reporting burden as follows:

The proposed SNPRM changes that deal with manuals for operations in accordance with part 121 would require revisions to the manual requirements. The manuals must include the instructions and information necessary to allow the pilots, other pilots and flight engineers to perform their required safety related duties and responsibilities. The manual, and any changes, must be approved by the Administrator.

The FAA estimates for a certificate holder operating under part 121 or 121/135 with two aircraft groups,[13] approximately 35% of the content of these manuals would require revision. On average, the agency estimate that this constitutes about 86 pages for each aircraft group.

Table 16 shows the estimated time for industry to update manuals.

**Table 16**

**Hourly Workload Estimate**

| | Hours |
|---|---|
| Technical Writer - Manager | 128.0 |
| Technical Writer | 0.5 |

The total industry paperwork cost of reviewing the updated manuals is $1.47 million. On average, over the 10-year analysis interval, the costs to update the manuals would be $147,000 annually.

In addition, the CAP requires certificate holders to document the effectiveness of their training and qualification programs, or the need to change, to allow for continuance. The cost estimates are the time estimates to prepare and maintain the actual document that outlines the certificate holder's CAP for FAA approval as part of the approved training program. The FAA estimates industry costs for documenting the effectiveness of operators with traditional training programs for each category as follows:

(a) Pilots (includes training programs for pilots, flight engineers, check pilots and flight engineers, and instructors):

1. Initial documenting requires eight hours for review by a Technical Writer Manager for 80 passenger and cargo air carriers.

[13] OAG Fleet Database.

2. Recurrent documenting requires two hours for review by a Technical Writer Manager for 80 passenger and cargo air carriers.

(b) Flight Attendants:

1. Initial documenting requires eight hours for review by a Technical Writer Manager for passenger 66 air carriers.

2. Recurrent documenting requires two hours for review by a Technical Writer Manager for 66 passenger air carriers.

Table 17 summarizes the FAA expected results of the industry paperwork cost of reviewing and updated manuals and the CAP.

Table 17

Industry Operating Manual and CAP Paperwork Cost

| Year | Operating Manual | CAP | | Total Cost | 7% Present Value | | 3% Present Value | |
|---|---|---|---|---|---|---|---|---|
| | | Pilots | F/A | | Discount Rate | Cost | Discount Rate | Cost |
| 2010 | $0 | $0 | $0 | $0 | 1.0000 | $0 | 1.0000 | $0 |
| 2011 | $0 | $0 | $0 | $0 | 0.9346 | $0 | 0.9709 | $0 |
| 2012 | $0 | $0 | $0 | $0 | 0.8734 | $0 | 0.9426 | $0 |
| 2013 | $0 | $0 | $0 | $0 | 0.8163 | $0 | 0.9151 | $0 |
| 2014 | $0 | $0 | $0 | $0 | 0.7629 | $0 | 0.8885 | $0 |
| 2015 | $0 | $0 | $0 | $0 | 0.7130 | $0 | 0.8626 | $0 |
| 2016 | $146,628 | $45,726 | $37,724 | $230,079 | 0.6663 | $153,301 | 0.8375 | $192,691 |
| 2017 | $146,628 | $11,432 | $9,431 | $167,491 | 0.6227 | $104,296 | 0.8131 | $136,187 |
| 2018 | $146,628 | $11,432 | $9,431 | $167,491 | 0.5820 | $97,480 | 0.7894 | $132,217 |
| 2019 | $146,628 | $11,432 | $9,431 | $167,491 | 0.5439 | $91,098 | 0.7664 | $128,365 |
| 2020 | $146,628 | $11,432 | $9,431 | $167,491 | 0.5083 | $85,136 | 0.7441 | $124,630 |
| 2021 | $146,628 | $11,432 | $9,431 | $167,491 | 0.4751 | $79,575 | 0.7224 | $120,995 |
| 2022 | $146,628 | $11,432 | $9,431 | $167,491 | 0.4440 | $74,366 | 0.7014 | $117,478 |
| 2023 | $146,628 | $11,432 | $9,431 | $167,491 | 0.4150 | $69,509 | 0.6810 | $114,061 |
| 2024 | $146,628 | $11,432 | $9,431 | $167,491 | 0.3878 | $64,953 | 0.6611 | $110,728 |
| 2025 | $146,628 | $11,432 | $9,431 | $167,491 | 0.3624 | $60,699 | 0.6419 | $107,512 |
| Total | $1,466,282 | $148,610 | $122,603 | $1,737,495 | | $880,412 | | $1,284,865 |

The agency is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

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

(4) Minimize the burden of collecting information on those who are to respond, including by using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may send comments on the information collection requirement to the address listed in the **ADDRESSES** section at the beginning of this preamble by July 19, 2011. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for FAA, New Executive Building, Room 10202, 725 17th Street, NW., Washington, DC 20053.

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 OMB control number. The OMB control number for this information collection will be published in the **Federal Register**, after the Office of Management and Budget approves it.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 13563 direct 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 proposed rule. Readers seeking greater detail should read the full regulatory evaluation, a copy of which we have placed in the docket for this rulemaking.

In conducting these analyses, the FAA has determined that this proposed 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) would have a significant economic impact on a substantial number of small entities; (5) would not create an unnecessary obstacles to the foreign

commerce of the United States; and (6) would not impose an unfunded mandate on state, local, or 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 FAA estimates the total cost of the proposed rule would be approximately $391.9 million in nominal dollars, $199.1 million at a seven percent present value, and $290.3 million at a three percent present value. The estimated potential quantified safety benefits over the 10-year analysis interval is $445.1 million, $222.9 million at a seven percent present value, and $327.5 million at a three percent present value.

The following table shows these results.

| SNPRM Benefits and Costs ($ Millions) | | | |
|---|---|---|---|
| | | Present Value | |
| | Nominal | 7% | 3% |
| Benefits ($M) | $445.1 | $222.9 | $327.5 |
| Costs ($M) | $391.9 | $199.1 | $290.3 |

More detailed qualitative and quantitative benefit and cost information is provided below.

Who is potentially affected by this rule?

This proposed rulemaking will affect operators of transport category airplanes operating under 14 CFR Parts 121 and 121/135.

Assumptions:

- Discount rates—a 7% base case with a 3% sensitivity analysis rate.
- This proposed rule would become a final rule in 2011.
- This proposed rule would become effective in 2016.
- Period of analysis—2016 through 2025 because this analysis period fully accounts for the expected benefits and costs.
- It is not the intent of the FAA for this proposed rule to affect operators with Advance Qualification Program (AQP) pilot training programs.
- Value of a fatality avoided—$6.0 million.

Changes from the NPRM to the SNPRM

Upon review of the NPRM comments, the FAA identified several key issues to be addressed. In the SNPRM the FAA proposes to establish provisions for training program modifications for flightcrew members, clarifies the minimal impact on AQP operators, requires certificated aircraft dispatchers for supplemental operations, revises the training and evaluation task requirements in the flightcrew member and flight engineer Qualification Performance Standards appendices (QPS), and removes the information portion of the QPS appendices and placing the information in advisory circulars. The FAA also made other changes to many of the proposals in the NPRM. For example, the FAA has simplified the Flight Attendant and Aircraft Dispatcher requalification requirements, revised and clarified the programmed hour requirements, and revised and clarified the initial cadre requirements. The FAA has also clarified the programmed hour requirements for pilots.

Benefits of This Rule

Phased-in potential benefits would accrue from the additional training initiatives and are estimated to be about $445.06 million, $222.86 million at a seven percent present value, and $327.48 million at a three percent present value over the 10-year analysis interval. The following table shows the proposals benefit breakdown by pilot, flight attendant, and aircraft dispatcher.

| Total SNPRM Benefit and Percent of Total | | |
|---|---|---|
| Category | Benefits ($M) | Percent of Total |
| Pilots | $438.17 | 98.5% |
| Flight Attendants | $4.91 | 1.1% |
| Dispatcher | $1.97 | 0.4% |
| **Total** | $445.06 | 100.0% |

In addition, the proposed rule generates qualitative benefits for pilots, dispatchers, flight attendants, and flight engineers as it responds to the FAA "Call to Action" and to the 28 NTSB safety recommendations.

The changes proposed in this SNPRM address the following NTSB recommendations:

- Crewmember Resource Management (CRM) training (Recommendations A–88–71 and A–94–96);
- Flight attendant training (Recommendations A–92–67, A–92–70, A–92–71, A–92–74, and A–92–77);
- TCAS RA training (Recommendation A–93–46);
- Use of simulators to conduct LOFT (Recommendations A–94–191 through 194);
- Training of flightcrews to respond to sudden, unusual or unexpected aircraft upsets (Recommendation A–96–120);
- Training of crewmembers to respond to in-flight fires (Recommendations A–01–83 through A–01–85);
- Aircraft pressurization on the ground while the ground-based air conditioning is supplying conditioned (cooled or heated) air to the cabin (Recommendation A–07–96);
- Monitoring of exit availability on the ground after a significant event to help expedite and emergency evacuation (Recommendation A–09–26);
- Communication and coordination between Flight Crewmembers and Flight Attendants regarding emergency and

unusual situations (Recommendation A–09–27);

• Pilot monitoring duties (Recommendation A–10–10);

• Requirements for flightcrew member academic training regarding leadership (Recommendations A–10–13, A–10–14, and A–10–15);

• Pilot recordkeeping requirements regarding training performance (Recommendations A–10–17 and A–10–18);

• Develop and implement procedures to establish airspeed reference (Recommendation A–10–21); and

• Develop and conduct stall recovery training and provide stick pusher familiarization training for pilots of stick-pusher equipped aircraft (Recommendations A–10–22 and A–10–23).

Costs of This Rule

From 2010 to 2025, the FAA estimates the total cost of the proposed rule would be approximately $391.9 million in nominal dollars, $199.1 million at a seven percent present value, and $290.3 million at a three percent present value. The total costs include increased training for pilots, flight engineers, flight attendants and aircraft dispatchers along with additional costs of more simulators, paperwork for updating manuals, and government costs for review and approval of the modified training programs and manuals.

The following table shows the proposals cost breakdown by pilot and flight engineer training, flight attendant training, aircraft dispatcher training, government and paperwork.

| Total SNPRM Costs and Percent of Total ($ Millions) | | |
|---|---|---|
| Cost Category | Total Costs | Percent of Total |
| Pilots and Flight Engineer Training | $380.9 | 87.4% |
| Flight Attendant Training | $5.5 | 1.4% |
| Aircraft Dispatcher Training | $1.2 | 0.3% |
| Government | $2.6 | 0.7% |
| Paperwork | $1.7 | 0.4% |
| **Total** | **$391.9** | **100.0%** |

Alternatives Considered

The FAA considered multiple alternatives to the rule. Two alternatives address giving relief to small entities, one alternative considered accepting the NPRM, and the last alternative addressed AQP pilot training programs. A discussion of these alternatives can be found in the associated regulatory impact analysis and regulatory flexibility analysis. The FAA seeks comment on these alternatives and other potential approaches to the proposals contained within this SNPRM.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." 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 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 RFA.

The FAA believes that this proposal would result in a significant economic impact on a substantial number of small entities. The purpose of this analysis is to provide the reasoning underlying the FAA determination.

Section 603 of the Act requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis (IRFA) describing the impact of final rules on small entities.

Section 603(b) of the Act specifies the content of a FRFA.

Each IRFA must contain:

Under Section 603(b) of the RFA, the analysis must address:

• A description of the reasons why action by the agency is being considered;

• A succinct statement of the objectives of, and legal basis for, the proposed rule;

• A description of the projected reporting, record keeping and other compliance requirements of the proposed rule including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

• An identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the final rule;

• A description and an estimate of the number of small entities to which the rule will apply;

• An analysis cost and affordability for small entities,

• An estimation of the potential for business closures,

• Conduct a disproportionality analysis,

• Conduct a competitive analysis,

• A summary of significant issues raised by public comments in response to the initial regulatory flexibility analysis and how the agency resolved those comments, and

• Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the final rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the final rule on small entities.

Reasons Why the Rule Is Being Proposed

The primary purpose of this proposed rule is to establish new requirements for traditional air carrier training programs to ensure that safety-critical training and evaluation is provided for crewmembers and aircraft dispatchers. The proposed changes seek to make a significant contribution to the FAA's accident reduction goal by directly addressing the safety goals from two recent FAA "Call to Action" initiatives including pilot "upset recovery" training and improvement of runway safety by requiring training in critical runway

safety issues. The proposed requirements also implement numerous safety recommendations from the National Transportation Safety Board.

The Objectives and Legal Basis for the Rule

The objective of the rule is to enhance crewmember and aircraft dispatcher training programs by including additional training requirements in areas that are critical to safety. The proposed changes are intended to contribute significantly to reducing aviation accidents and improving crewmember and dispatcher performance.

The legal basis for the rule is 49 U.S.C. 44701 *et seq.,* which provides that for regulations related to airmen certification, the FAA must consider the duty of an air carrier to provide service with the highest possible degree of safety in the public interest. The FAA must also consider, as a matter of policy, reducing or eliminating the possibility of recurrence of accidents in air transportation (49 U.S.C. 44701(c)).

Projected Reporting, Recordkeeping and Other Requirements

We expect no more than minimal new reporting and recordkeeping compliance requirements to result from this final rule. Costs for the associated labor constitute a burden under the Paperwork Reduction Act and are accounted for in the preamble to the final rule.

Overlapping, Duplicative, or Conflicting Federal Rules

We are unaware that the proposed rule will overlap, duplicate or conflict with existing Federal Rules.

- Each final regulatory flexibility analysis shall also contain a description of any significant alternatives to the final rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the final rule on small entities.
- A summary of significant issues raised by public comments in response to the initial regulatory flexibility analysis and how the agency resolved those comments.
- The type and number of small entities to which the rule will apply.

Under the RFA, the FAA must determine whether a proposed rule significantly affects a substantial number of small entities. This determination is typically based on small entity size and cost thresholds that vary depending on the affected industry.

Using the size standards from the Small Business Administration for Air Transportation and Aircraft Manufacturing, we defined companies as small entities if they have fewer than 1,500 employees.

This proposed rule would become final in 2010 and fully effective in 2015. Our forecasts do not have the granularity to determine if an operator will still be in business or will still remain a small business entity. Therefore we will use 2008 U.S. operator's employment and annual revenue in order to determine the number of operators this proposal would affect.

For this analysis, we considered the economic impact of this proposed rule on small-business part 121 and 121/135 operators. We obtained a list of part 121 and 121/135 U.S. operators from the FAA Flight Standards Service NVIS database. Using information provided by the U.S. Department of Transportation Form 41 filings we obtained company revenue and employment for each of the part 121 and 121/135 U.S. operators.

Using the methodology discussed above we determined of the 98 part 121 and 121/135 U.S. operators could be affected by the rule. Of the 98 operators, there are 55 that reported annual employment and operating revenue data. Of the 55 air carriers that reported annual employment data, 31 air carriers meet the SBA size standard of small business of 1,500 employees. Of the 31 air carriers that meet the SBA size standard of small business, there are three operators who do not have traditional pilot training programs who would not be affected by the proposal. Therefore, there are 28 air carriers that meet the SBA size standard of small business and are affected by the proposal.

Due to the sparse amount of publicly available data on internal company financial statistics for small entities, it is not feasible to estimate the total population of small entities affected by this proposed rule.

Cost and Affordability for Small Entities

To assess the proposed rule's cost impact to small business part 121 and 121/135 operators, we determined the incremental amount of additional time this proposal would add for training.

The FAA used the hourly wages, including benefits, of flight crew member as a basis to estimate costs. We expected the additional training requirements would also result in additional travel for training. We also contacted industry and determined that additional simulators would need to be purchased and training facilities would need to be either built or expanded. In order to maintain confidentiality of the operators who provided costs estimates for the increased simulator and training facilities, we summed the incremental costs of this proposal and then calculated an average cost by flight crew member.

We estimated each operator's total compliance cost by multiplying the average cost by flight crew member by the number of flight crew members for each of the 28 air carriers that meet the SBA size standard of small business of 1,500 employees. We then measured the economic impact on small entities by dividing the estimated compliance cost by each of the 28 small entity's annual revenue.

The proposal's cost is estimated to be greater than two percent of annual revenue for nine of the 28 small entity operators.

Thus the FAA has determined that a substantial number of small entities will be significantly affected by the rule.

Business Closure Analysis

Since many of the other commercial small business air operator firms do not make their annual revenue publicly available, it is difficult to assess the financial impact of this final rule on their business. To fully assess whether this final rule could force a small entity into bankruptcy requires more financial information than is publicly available.

In the NPRM, the FAA requested comment, with supportive justification, to determine the degree of hardship, and feasible alternative methods of compliance, the final rule will have on these small entities. We did not receive comment specific to this request.

Disproportionality Analysis

The disproportionately higher impact of the final rule on small operators may result in disproportionately higher costs to small operators because the FAA does not intend on this proposal to affect operators with Advance Qualification Program (AQP) pilot training programs. Currently, due to the voluminous amount of data that is required to be collected, most operators that train under AQP pilot training programs are large entities employing over 1,500 people. Although a small operator may apply for an AQP pilot training program, many choose to remain under the traditional Federal Aviation Regulations and would therefore be affected by this proposal. Based on the percent of potentially affected current operators, small U.S. business operators with traditional pilot training programs

may bear a disproportionate impact from the final rule.

Competitive Analysis

The aviation industry is an extremely competitive industry with slim profit margins. The number of operators who entered the industry and have stopped operations because of mergers, acquisitions, or bankruptcy litters the history of the aviation industry.

As mentioned in the Disproportionality Analysis, many small entities currently train their pilots under the traditional Federal Aviation Regulations and would be affected by this proposal. With the exception of one major operator, every major operator current trains their pilots under an AQP program and would not be affected by this proposal. Therefore, many of the small entity operators would incur a significant cost from this proposal, while larger operators would not.

In this competitive industry, cost increases imposed by this regulation will be hard to recover by raising prices. This factor makes it difficult for the small operators to recover their compliance costs by raising prices. If small operators cannot recover all the additional costs imposed by this regulation, market shares could shift to the large operators.

Small operators successfully compete in the aviation industry by providing unique services and controlling costs. To the extent the affected small entities operate in niche markets, this enhances small entity's ability to pass on costs. Overall, in terms of competition, this rulemaking reduces small operator's ability to compete.

Significant issues raised by public comments in response to the initial regulatory flexibility analysis for the NPRM.

The only significant issue raised by public comments in response to the initial regulatory flexibility analysis for the NPRM was from the Regional Airline Association (RAA). The RAA contended that the FAA is obligated under the Regulatory Flexibility Act to consider alternatives for small businesses and the adoption of current Advanced Qualification Program (AQP) is one of those alternatives.

The NPRM did consider two alternatives for small entities. The first alternative was to mandate a 12-month recurrent training cycle for small entities. The second alternative was to extend the final compliance date to 7 years for small entities. The FAA concluded for both alternatives that it would be contrary to our policy for one high level of safety in all part 121 operations to exclude certain operators simply because they are small entities.

Subpart Y of part 121 provides an alternative method (known as "AQP") for qualifying, training, certifying, and otherwise ensuring competency of crewmembers, aircraft dispatchers, other operations personnel, instructors, and evaluators who are required to be trained under parts 121 and 135 of this chapter. With FAA approval, Subpart Y of part 121 allows a certificate holder (operator) the ability to voluntarily elect to have their flight crewmembers or dispatchers train under AQP.

Analysis of Alternatives

The FAA considered alternatives to the rule for the small air carriers. A discussion of these alternatives follows.

Alternative 1—12-Month Recurrent Training Cycle for Small Entities

Currently, PICs train every 6 months and SICs train every 12 months. The FAA could extend the recurrent training cycle for PICs working for small entities to 12 months to coincide with current SIC recurrent training cycles, instead of proposing to require PICs and SICs to attend recurrent training on a 9-month training cycle. This would result in cost savings for small entities. Again, in the proposal the FAA has required improvements that would reduce human error among crewmembers and aircraft dispatchers, particularly in situations with special hazards. Reducing the training cycle for PICs to a 12-month cycle is contrary to the purpose of this rulemaking.

In the proposal, the FAA has required improvements that would reduce human error among crewmembers and aircraft dispatchers, particularly in situations with special hazards because these problems are equally incurred by all part 121 air carriers, regardless of size, it would be contrary to our policy for one high level of safety in all part 121 operations to exclude certain operators simply because they are small entities. Thus, the FAA does not accept this alternative.

Alternative 2—Extending the Final Compliance Date to 7 Years for Small Entities

Extending the final compliance date from 5 years to 7 years for small entities reduces the costs to small entities. Under this alternative, the FAA expects that the projected annualized cost of the rule would still be significant for some of the 20 operators studied.

In the proposal, the FAA has required improvements that would reduce human error among crewmembers and aircraft dispatchers, particularly in situations with special hazards. Because these requirements would address problems equally incurred by all part 121 air carriers, regardless of size, it would be contrary to our policy for one high level of safety in all part 121 operations to exclude certain operators simply because they are small entities. Thus, the FAA does not accept this alternative.

Alternative 3—The NPRM

Accepting the preamble and rule language from the NPRM and moving forward with a final rule.

From the comments and the FAA meeting with industry it was apparent that the NPRM was not clear and concise. Industry commented that the rule language was unclear and could cause major costs to occur. Also, although it was not the intention of the FAA for this proposal to affect operators with AQP training programs, industry commented that they believed the NPRM would have a major impact on operators with AQP training programs.

Alternative 4—AQP Pilot Training Program

All operators can choose to adopt the AQP training program. Thus far, most of the larger operators have AQP pilot training programs. This alternative is available for all operators affected by this proposal.

The FAA rejected alternatives 1, 2, and 3 and note that all operators can choose to be subject to the AQP pilot training program.

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 proposed rule and determined the objective is safety and is not considered an unnecessary obstacle to foreign commerce of the United States.

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 proposed rule does contain such a mandate; therefore, the requirements of Title II of the Act do apply. We considered three alternatives to the rule, as described above, and four alternatives in the regulatory flexibility analysis described above.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action 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, and, therefore, would not have federalism implications.

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 proposed rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this NPRM under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that while it is a "significant regulatory action" under Executive Order 12866 and DOT's Regulatory Policies and Procedures, it is not a "significant energy action" under the executive order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Additional Information

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. It also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

The agency will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, it will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD–ROM, mark the outside of the disk or CD–ROM and also identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when the FAA is aware of proprietary information filed with a comment, it does not place it in the docket. The agency holds it in a separate file to which the public does not have access, and places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under the DOT procedures found in 49 CFR part 7.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—Searching the Federal eRulemaking Portal (*http://www.regulations.gov*); Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html*.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

You may access all documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, from the Internet through the Federal eRulemaking Portal referenced in paragraph (1).

**List of Subjects**

*14 CFR Part 65*

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

*14 CFR Part 119*

Administrative practice and procedure, Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

*14 CFR Part 121*

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements, Safety, Transportation.

*14 CFR Part 135*

Air taxis, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

*14 CFR Part 142*

Administrative practice and procedure, Airmen, Educational facilities, Reporting and recordkeeping requirements, Schools, Teachers.

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Chapter 1 of Title 14, Code of Federal Regulations (CFR) parts 65, 119, 121, 135, and 142, as follows:

## PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

1. The authority citation for part 65 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

2. Amend § 65.57 by revising the introductory text and adding paragraph (c) to read as follows:

**§ 65.57 Experience or training requirements.**

An applicant for an aircraft dispatcher certificate must present documentary evidence satisfactory to the Administrator that he or she has the experience prescribed in paragraph (a) of this section or has accomplished the training described in paragraph (b) of this section or has completed a dispatcher training program in accordance with paragraph (c) of this section as follows:

* * * * *

(c) Successfully completed an aircraft dispatcher training program approved in accordance with subpart CC of part 121 of this chapter.

3. Amend § 65.70 by revising the introductory text of paragraph (a) to read as follows:

**§ 65.70 Aircraft dispatcher certification courses: Records.**

(a) The operator of an aircraft dispatcher certification course set forth under appendix A of this part must maintain a record for each student, including a chronological log of all instructors, subjects covered, and course examination and results. The record must be retained for at least 3 years after graduation. The course operator must also prepare for its records, and transmit to the Administrator not later than January 31 of each year, a report containing the following information for the previous year:

* * * * *

## PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

4. The authority citation for part 119 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 40113, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

5. Amend § 119.65 by revising the section heading and adding paragraph (a)(6) to read as follows:

**§ 119.65 Management and technical personnel required for operations conducted under part 121 of this chapter.**

(a) * * *

(6) At least one line qualified check pilot, and, if appropriate, at least one check flight engineer, for each aircraft make and model and aircraft type for which the certificate holder has more than five pilots. A check pilot or check flight engineer may hold the additional position of Director of Safety, Director of Operations, or Chief Pilot, if the check pilot or check flight engineer meets the requirements of the additional position. Compliance with this paragraph (a)(6) is required no later than [date 5 years and 120 days after publication of the final rule].

* * * * *

6. Amend § 119.67 by adding paragraph (f) to read as follows:

**§ 119.67 Management personnel: Qualifications for operations conducted under part 121 of this chapter.**

* * * * *

(f) To serve as a check pilot or check flight engineer for an aircraft type under § 119.65(a) a person must be qualified in accordance with §§ 121.1251, 121.1253, and 121.1255 of this chapter. Compliance with this paragraph (f) is required no later than [date 5 years and 120 days after publication of the final rule].

7. Amend § 119.69 by adding paragraph (a)(4) to read as follows:

**§ 119.69 Management personnel required for operations conducted under part 135 of this chapter.**

(a) * * *

(4) A line qualified check pilot or check flight engineer for each aircraft make and model and aircraft type for which the certificate holder has more than five pilots and is required to have, or elects to have, an approved training program under part 121 of this chapter. A check pilot or check flight engineer can hold the additional position of Director of Safety, Director of Operations, or Chief Pilot, if the check pilot or check flight engineer meets the requirements of the additional position. Compliance with this paragraph (a)(4) is required no later than [date 5 years and 120 days after publication of the final rule].

* * * * *

8. Amend § 119.71 by redesignating paragraphs (e) and (f) as paragraphs (f) and (g) respectively, and adding a new paragraph (e) to read as follows:

**§ 119.71 Management personnel: Qualifications for operations conducted under part 135 of this chapter.**

* * * * *

(e) To serve as a check pilot for an aircraft make and model and aircraft type under § 119.69 a person must be qualified in accordance with § 121.1251 of this chapter. Compliance with this paragraph (e) is required no later than [date 5 years and 120 days after publication of the final rule].

* * * * *

## PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

9. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

10. Revise § 121.1(c) to read as follows:

**§ 121.1 Applicability.**

* * * * *

(c) Each person who applies for initial or provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum under subpart Y of this part and each person employed or used by a person authorized to conduct operations under this part to perform training, qualification, or evaluation functions in accordance with an Advanced Qualification Program under subpart Y of this part.

* * * * *

11. Add § 121.9 to read as follows:

**§ 121.9 Fraud, falsification, or incorrect statements.**

(a) No person may make, or cause to be made, any of the following:

(1) A fraudulent or intentionally false statement in any application or any amendment thereto, or in any other record or test result required by this part or by any QPS associated with this part.

(2) A fraudulent or intentionally false statement in, or a known omission from, any record or report that is kept, made, or used to show compliance with this part or with any QPS associated with this part, or to exercise any privileges under this chapter.

(b) The commission by any person of any act prohibited under paragraph (a) of this section is a basis for any one or any combination of the following:

(1) A civil penalty.

(2) Suspension or revocation of any certificate held by that person that was issued under this chapter.

(3) The denial of an application for approval of a training program established under this part.

(4) The removal of approval for a training program established under this part.

(c) The following may result in denial of an application or removal of approval for a training program established under this part:

(1) An incorrect statement, upon which the FAA relied or could have relied, made in support of an application for approval of a training program.

(2) An incorrect entry, on which the FAA relied or could have relied, made in any training records or test results required to be kept, made, or used to show compliance with any requirement of this part or with any QPS associated with this subpart.

(d) Compliance with the requirements of this section is required no later than [date 5 years and 120 days after publication of the final rule].

12. Amend § 121.125 by adding paragraph (e) to read as follows:

**§ 121.125 Flight following system.**

* * * * *

(e) Compliance with this section is not required on or after [date 5 years and 120 days after publication of the final rule].

13. Add § 121.126 to read as follows:

**§ 121.126 Flight following system.**

Compliance with this section is required no later than [insert date 5 years and 120 days after publication of the final rule].

(a) Each certificate holder conducting supplemental operations must show that it has—

(1) An approved flight following system established in accordance with subpart U of this part and adequate for the proper monitoring of each flight, considering the operations to be conducted; and

(2) Flight following centers located at those points necessary—

(i) To ensure the proper monitoring of the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions therefrom, and maintenance or mechanical delays encountered at those points or stops; and

(ii) To ensure that the pilot in command is provided with all information necessary for the safety of the flight.

(b) A certificate holder conducting supplemental operations must use aircraft dispatchers qualified in accordance with the requirements in subpart CC of this part. A certificate holder may request a deviation from the employment requirement in § 121.1411(a) provided the certificate holder meets the requirements of § 121.1411(b).

(c) The certificate holder's operations specifications specify the flight following system it is authorized to use and the location of the centers.

14. Revise § 121.127(a)(1) introductory text to read as follows:

**§ 121.127 Flight following system; requirements.**

(a) * * *

(1) The system has adequate facilities and the personnel required by either § 121.125 or § 121.126 to provide the information necessary for the initiation and safe conduct of each flight to—

* * * * *

15. Amend § 121.133 by adding paragraph (c) to read as follows:

**§ 121.133 Preparation.**

* * * * *

(c) Compliance with this section is not required on or after [date 5 years and 120 days after publication of the final rule].

16. Add § 121.134 to read as follows:

**§ 121.134 Preparation of manuals.**

(a) Each certificate holder must prepare and keep current a manual for the use and guidance of flight and ground operations, and management personnel in conducting its operations.

(b) The certificate holder may prepare the manual, in whole or in part, in printed form or other form acceptable to the Administrator. The manual must include the instructions and information necessary to allow crewmembers and aircraft dispatchers to perform their required safety-related duties and responsibilities with the highest possible degree of safety. The manual, and any changes, must be approved by the Administrator and contain the following:

(1) A Flight Attendant Operating Manual (FAOM) that addresses the safety-related duties and responsibilities for each aircraft type operated by the certificate holder in operations under this part.

(2) A Flightcrew Member Operating Manual (FCOM) that addresses the safety-related duties and responsibilities for each aircraft type operated by the certificate holder in operations under this part.

(3) An Aircraft Dispatcher Procedures Manual (ADPM) that addresses the safety-related duties and responsibilities for all types of operations and, if required, the aircraft types,

(c) Compliance with the requirements of this section is required no later than [date 5 years and 120 days after publication of final rule].

17. Amend § 121.135 by adding introductory text, to read as follows:

**§ 121.135 Manual contents.**

Compliance with this section is not required on or after [date 5 years and 120 days after publication of the final rule].

* * * * *

18. Add § 121.136 to read as follows

**§ 121.136 Manual contents.**

(a) Each manual required by § 121.134 must—

(1) Include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) Be in a form that is easy to revise;

(3) Have the date of last revision on each page concerned; and

(4) Not be contrary to any applicable Federal regulation and, in the case of a flag or supplemental operation, any applicable foreign regulation, or the certificate holder's operations specifications or operating certificate.

(b) The manual may be in two or more separate parts, containing together all of the following information, but each part must contain that part of the information that is appropriate for each group of personnel:

(1) General policies.

(2) Duties and responsibilities of each crewmember, appropriate members of the ground organization, and management personnel.

(3) Reference to appropriate Federal Aviation Regulations.

(4) Flight dispatching and operational control, including procedures for coordinated dispatch or flight control or flight following procedures, as applicable.

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or release or continuance of flight if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route.

(6) For domestic or flag operations, appropriate information from the en route operations specifications, including for each approved route the types of airplanes authorized, the type of operation such as VFR, IFR, day, night, *etc.,* and any other pertinent information.

(7) For supplemental operations, appropriate information from the operations specifications, including the area of operations authorized, the types of airplanes authorized, the type of operation such as VFR, IFR, day, night, *etc.,* and any other pertinent information.

(8) Appropriate information from the airport operations specifications, including for each airport—

(i) Its location (domestic and flag operations only);

(ii) Its designation (regular, alternate, provisional, *etc.*) (domestic and flag operations only);

(iii) The types of airplanes authorized (domestic and flag operations only);

(iv) Instrument approach procedures;

(v) Landing and takeoff minimums; and

(vi) Any other pertinent information.

(9) Takeoff, en route, and landing weight limitations.

(10) For ETOPS, airplane performance data to support all phases of these operations.

(11) Procedures for familiarizing passengers with the use of emergency equipment, during flight.

(12) Emergency equipment and procedures.

(13) The method of designating succession of command of flightcrew members.

(14) Procedures for determining the usability of landing and takeoff areas, and for disseminating pertinent information thereon to operations personnel.

(15) Procedures for operating in periods of ice, hail, thunderstorms, turbulence, or any potentially hazardous meteorological condition.

(16) Each training program curriculum required by § 121.1333.

(17) Instructions and procedures for maintenance, preventive maintenance, and servicing.

(18) Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks of airframes, engines, propellers, appliances and emergency equipment.

(19) Procedures for refueling aircraft, eliminating fuel contamination, protection from fire (including electrostatic protection), and supervising and protecting passengers during refueling.

(20) Airworthiness inspections, including instructions covering procedures, standards, responsibilities, and authority of inspection personnel.

(21) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits.

(22) Where applicable, pilot and dispatcher route and airport qualification procedures.

(23) Accident notification procedures.

(24) For passenger flag operations and for those supplemental operations that are not all-cargo operations outside the 48 contiguous States and Alaska,

(i) For ETOPS greater than 180 minutes a specific passenger recovery plan for each ETOPS Alternate Airport used in those operations, and

(ii) For operations in the North Polar Area and South Polar Area a specific passenger recovery plan for each diversion airport used in those operations.

(25)(i) Procedures and information, as described in paragraph (b)(25)(ii) of this section, to assist each crewmember and person performing or directly supervising the following job functions involving items for transport on an aircraft:

(A) Acceptance;

(B) Rejection;

(C) Handling;

(D) Storage incidental to transport;

(E) Packaging of company material; or

(F) Loading.

(ii) Ensure that the procedures and information described in this paragraph are sufficient to assist the person in identifying packages that are marked or labeled as containing hazardous materials or that show signs of containing undeclared hazardous materials. The procedures and information must include:

(A) Procedures for rejecting packages that do not conform to the Hazardous Materials Regulations in 49 CFR parts 171 through 180 or that appear to contain undeclared hazardous materials;

(B) Procedures for complying with the hazardous materials incident reporting requirements of 49 CFR 171.15 and 171.16 and discrepancy reporting requirements of 49 CFR 175.31

(C) The certificate holder's hazmat policies and whether the certificate holder is authorized to carry, or is prohibited from carrying, hazardous materials; and

(D) If the certificate holder's operations specifications permit the transport of hazardous materials, procedures and information to ensure the following:

(*1*) That packages containing hazardous materials are properly offered and accepted in compliance with 49 CFR parts 171 through 180;

(*2*) That packages containing hazardous materials are properly handled, stored, packaged, loaded, and carried on board an aircraft in compliance with 49 CFR parts 171 through 180;

(*3*) That the requirements for Notice to the Pilot in Command (49 CFR 175.33) are complied with; and

(*4*) That aircraft replacement parts, consumable materials or other items regulated by 49 CFR parts 171 through 180 are properly handled, packaged, and transported.

(26) Each task specified in each of the crewmember and aircraft dispatcher Qualification Performance Standards (QPS) must be tailored to the specific aircraft type as provided in the FAOM, FCOM, or ADPM and must be trained or evaluated as indicated in the appropriate QPS.

(27) Each FCOM must also include the contents described in § 23.1581(a)(1) or § 25.1581(a)(1) of this chapter, as appropriate for the specific aircraft type.

(28) Other information or instructions relating to safety.

(c) Each certificate holder shall maintain at least one complete copy of the manual at its principal base of operations.

(d) Compliance with the requirements of this section is required no later than [date 5 years and 120 days after publication of the final rule].

19. Revise § 121.141 to read as follows:

**§ 121.141 Airplane flight manual.**

Each certificate holder must keep a current approved Airplane Flight Manual for each type of airplane that it operates except for nontransport category aircraft certificated before January 1, 1965.

20. Add § 121.392 to read as follows:

**§ 121.392 Personnel identified as flight attendants.**

(a) Any person identified by the certificate holder as a flight attendant on an aircraft in operations under this part must be trained and qualified in accordance with subpart BB of this part. This includes:

(1) Flight attendants provided by the certificate holder in excess of the number required by § 121.391(a) and (b);

(2) Flight attendants provided by the certificate holder on an aircraft having a passenger seating capacity of 9 or less; and

(3) Flight attendants provided by the certificate holder on an aircraft with a payload capacity of 7,500 pounds or less and a passenger seating capacity of 19 or less.

(b) A qualifying flight attendant who is gaining aircraft operating experience on an aircraft in operations under this part must be identified to passengers as a qualifying flight attendant.

(c) Compliance with the requirements of this section is required no later than [date 5 years and 120 days after publication of final rule].

**§ 121.393 [Amended]**

21. Amend § 121.393(a) introductory text and (b)(2) by removing the reference to "§ 121.417" in both paragraphs and adding in its place "§ 121.1373 or 121.417, as applicable."

22. Amend § 121.400 by adding paragraph (d) and a note to paragraph (d), to read as follows:

**§ 121.400 Applicability and terms used.**

* * * * *

(d) Except for § 121.429, the provisions of this subpart, and Appendices E, F, and H of this part, expire on [date 5 years and 120 days after publication of the final rule]. After [date 5 years and 120 days after publication of the final rule], all training programs must be established and maintained in accordance with the provisions in subparts BB and CC of this part, or in accordance with the certificate holder's approved Advanced Qualification Program under subpart Y of this part.

**NOTE TO PARAGRAPH (D):** See §§ 121.1202 and 121.1402 for provisions outlining the process for transitioning from training programs established in accordance with subparts N, O, and P of this part, to the training program requirements provided in subparts BB and CC of this part.

23. Amend § 121.431 by adding paragraph (c), and a note to paragraph (c), to read as follows:

**§ 121.431 Applicability.**

* * * * *

(c) Except for §§ 121.455, 121.457, 121.458, and 121.459, the provisions of this subpart, and Appendices E, F, and H of this part, expire on [date 5 years and 120 days after publication of the final rule]. After [date 5 years and 120 days after publication of the final rule], all training programs must be established and maintained in accordance with the provisions in subparts BB and CC of this part, or in accordance with the certificate holder's approved Advanced Qualification Program under subpart Y of this part.

**Note to paragraph (c):** See §§ 121.1202 and 121.1402 for provisions outlining the process for transitioning from training programs established in accordance with subparts N, O, and P of this part, to the training program requirements provided in subparts BB and CC of this part.

24. Amend § 121.465 by revising paragraphs (b) and (c) to read as follows:

**§ 121.465 Aircraft dispatcher duty time limitations: Domestic and flag operations.**

* * * * *

(b) Except as provided in paragraph (c) of this section, no certificate holder may assign an aircraft dispatcher and no aircraft dispatcher may accept an assignment for duty time that exceeds 10 consecutive hours of duty.

(1) If an aircraft dispatcher is scheduled for more than 10 hours of duty in 24 consecutive hours, the aircraft dispatcher must have a rest period of at least 8 hours at or before the end of 10 hours of duty.

(2) Each aircraft dispatcher must be relieved of all duty with the certificate holder for at least 24 consecutive hours during any seven consecutive days or the equivalent thereof within any calendar month.

(c) An aircraft dispatcher is not considered to be scheduled for duty in excess of the limitations in paragraph (b) of this section if the duty time is exceeded due to circumstances or emergency conditions beyond the control of the certificate holder.

26. Add § 121.536 to read as follows:

**§ 121.536 Responsibility for operational control: Supplemental operations.**

Compliance with this section is required no later than [date 5 years and 120 days after publication of final rule].

(a) Each certificate holder conducting supplemental operations—

(1) Is responsible for operational control; and

(2) Must list each person authorized by it to exercise operational control in its operator's manual.

(b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and flight release of a flight in compliance with this chapter and operations specifications.

(c) The aircraft dispatcher is responsible for—

(1) Monitoring the progress of each flight;

(2) Issuing necessary instructions and information for the safety of the flight; and

(3) Cancelling or redispatching a flight if, in his opinion or the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and aircraft. The pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

(e) Each pilot in command of an aircraft is responsible for the preflight planning and the operation of the flight in compliance with this chapter and the operations specifications.

(f) No pilot may operate an aircraft, in a careless or reckless manner, so as to endanger life or property.

27. Add introductory text to § 121.537, to read as follows:

**§ 121.537 Responsibility for operational control: Supplemental operations.**

Compliance with this section is not required on or after [date 5 years and 120 days after publication of the final rule].

* * * * *

28. Add § 121.540 to read as follows:

**§ 121.540 Manual procedures requirements.**

Each crewmember must perform the safety-related duties and tasks that satisfy regulatory requirements contained in the manual required by § 121.134, and each certificate holder must ensure that each crewmember is trained and checked in the respective safety-related duties and responsibilities contained in the manual required by § 121.134. The information, instructions, duties, and responsibilities must include standard operating procedures, abnormal procedures, non-normal procedures, emergency procedures, airplane performance, and airplane limitations. Compliance with this section is required no later than [date 5 years and 120 days after publication of the final rule].

29. Amend § 121.543 by adding paragraph (c), to read as follows:

**§ 121.543 Flightcrew members at controls.**

* * * * *

(c) The requirements of this section will expire on [5 years and 120 days after publication of the final rule]. After [date 5 years and 120 days after publication of the final rule], the requirements of § 121.1241 apply.

30. Revise § 121.553 to read as follows:

**§ 121.553 Restriction or suspension of operation: Supplemental operations.**

When a certificate holder conducting supplemental operations or pilot in command knows of conditions, including airport and runway conditions, that are a hazard to safe operations, the certificate holder, pilot in command, or other individual authorized to exercise operational control, must restrict or suspend operations until those conditions are corrected.

31. Amend § 121.597 by revising paragraph (b) to read as follows:

**§ 121.597 Flight release authority: Supplemental operations.**

* * * * *

(b) No person may start a flight unless the pilot in command and the person authorized by the operator to exercise operational control over the flight have executed a flight release setting forth the conditions under which the flights will be conducted. The pilot in command may sign the flight release only when he and the person authorized by the operator to exercise operational control

believe that the flight can be made with safety.

* * * * *

32. Revise § 121.623 to read as follows:

**§ 121.623 Alternate airport for destination: IFR or over-the-top: Supplemental operations.**

(a) Except as provided in paragraphs (b) and (c) of this section, each person releasing an aircraft for operation under IFR or over-the-top shall list at least one alternate airport for each destination airport in the flight release.

(b) Provided a certificate holder meets the requirements of § 121.126, for domestic operations, no alternate airport is required if for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport the appropriate weather reports or forecasts, or any combination of them, indicate—

(1) The ceiling will be at least 2,000 feet above the airport elevation; and

(2) Visibility will be at least 3 miles.

(c) An alternate airport need not be designated for IFR or over-the-top operations where the aircraft carries enough fuel to meet the requirements of §§ 121.643 and 121.645 for flights outside the 48 contiguous States and the District of Columbia over routes without an available alternate airport for a particular airport of destination.

(d) For the purposes of paragraph (a) of this section, the weather requirements at the alternate airport must meet the requirements of the certificate holder's operations specifications.

(e) No person may release a flight unless he lists each required alternate airport in the flight release.

33. Amend § 121.683, by adding introductory text to read as follows:

**§ 121.683 Crewmember and dispatcher record.**

Compliance with this section is not required on and after [date 5 years and 120 days after publication of the final rule].

* * * * *

34. Add § 121.684 to read as follows:

**§ 121.684 Crewmember and dispatcher record.**

Compliance with this section is required no later than [date 5 years and 120 days after publication of the final rule].

(a) Each certificate holder must maintain current records for each crewmember and dispatcher in accordance with the following requirements:

(1) The records must show whether the crewmember or aircraft dispatcher complies with the applicable sections of this chapter, including proficiency and route checks, airplane and route qualifications, training, and all required physical examinations, flight time, and duty and rest periods.

(2) Training records must include qualifications, instruction, certificate and ratings, and satisfactory proficiency evaluations. For flightcrew members, the training records must also include both satisfactory and unsatisfactory performance evaluations, as well as comments and evaluations made by a check person designated under §§ 121.1251, 121.1271, 125.295, or 135.337 of this chapter.

(3) For flightcrew members and aircraft dispatchers, records must show any disciplinary action that was taken with respect to the individual that was not later overturned.

(4) For flightcrew members and aircraft dispatchers, records must show any release from employment or resignation, termination, or disqualification with respect to employment.

(b) Except for records on flight time, and duty and rest periods, crewmember and aircraft dispatcher records must be maintained for at least 5 years.

(c) Each certificate holder conducting supplemental operations must maintain the records required by this section at its principal base of operations, or at another location used by it and approved by the Administrator.

(d) Computer record systems approved by the Administrator may be used in complying with the requirements of this section.

35. Amend § 121.689 by adding paragraph (d) to read as follows:

**§ 121.689 Flight release form: Supplemental operations.**

* * * * *

(d) Compliance with this section is not required on or after [date 5 years and 120 days after publication of final rule].

36. Add § 121.690 to read as follows:

**§ 121.690 Flight release form: Supplemental operations.**

Compliance with this section is required no later than [date 5 years and 120 days after publication of the final rule].

(a) The flight release may be in any form but must contain at least the following information concerning each flight:

(1) Identification number of the aircraft.

(2) Trip number.

(3) Departure airport, intermediate stops, destination airports, and alternate airports.

(4) A statement of the type of operation (*e.g.,* IFR, VFR).

(5) Minimum fuel supply.

(6) For each flight released as an ETOPS flight, the ETOPS diversion time for which the flight is released.

(7) Signatures of the pilot in command and dispatcher.

(b) The flight release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, intermediate stops, and alternate airports, that are the latest available at the time the release is signed by the pilot in command and dispatcher. It may include any additional available weather reports or forecasts that the pilot in command or the aircraft dispatcher considers necessary or desirable.

37. Revise § 121.711 to read as follows:

**§ 121.711 Communication records: Domestic, flag, and supplemental operations.**

(a) Each certificate holder conducting domestic, flag, or supplemental operations must record each en route radio contact between the certificate holder and its pilots, and must keep that record for at least 30 days. The record must contain at least the following information:

(1) The date and time of the contact;

(2) The flight number;

(3) Aircraft registration number;

(4) Approximate position of the aircraft during the contact;

(5) Call sign; and

(6) Narrative of the contact.

(b) Compliance with § 121.711(a)(1) through (a)(6) is required no later than [date 120 days after publication of the final rule].

38. Amend § 121.805 by revising paragraph (b)(5)(iii) and adding paragraph (b)(5)(iv) to read as follows:

**§ 121.805 Crewmember training for in-flight medical events.**

* * * * *

(b) * * *

(5) * * *

(iii) Recurrent training, to include performance drills, in the proper use of an automated external defibrillator and in cardiopulmonary resuscitation at least once every 24 months. Compliance with this paragraph is not required on or after [date 5 years and 120 days after publication of the final rule].

(iv) Recurrent training, to include performance drills, in the proper use of an automated external defibrillator and in cardiopulmonary resuscitation at least once every 12 months. Compliance with this requirement is required no

later than [date 5 years and 120 days after publication of the final rule].

* * * * *

**§ 121.901 [Amended]**

39. Amend § 121.901(b) by removing the reference to "§ 121.401" and adding in its place "§ 121.1331, or the provisions of subpart N and O of this part, as applicable".

**§ 121.909 [Amended]**

40. Amend § 121.909(d) by removing the reference to "§ 121.405(e)" and adding in its place "§ 121.1337(e) or § 121.405, as applicable".

41. Add subpart BB to part 121, consisting of §§ 121.1201 through 121.1387, to read as follows:

**Subpart BB—Requirements for Qualification, Service, and Use of Crewmembers**

**General**

Sec.

121.1201 Applicability.
121.1202 Interim requirements for training programs transitioning from the requirements of subparts N and O of this part.
121.1203 Certificate holder responsibility for compliance with this subpart.
121.1205 Definitions.
121.1206 Designation of related aircraft.
121.1207 Certification requirements: Crewmembers, flight instructors, check pilots, check captain, and check flight engineers.
121.1209 English language requirement.
121.1211 Medical certificate requirements.
121.1213 Pilot monitoring (not flying) duties.
121.1215 Modification of training program.

**Flightcrew Member**

121.1221 Flightcrew member: Training and evaluation.
121.1223 Flightcrew member: Recurrent training and evaluation schedule for continuing qualification.
121.1225 Flightcrew member: Operating experience.
121.1227 Pilot: Consolidation.
121.1229 Pilot: Recent experience.
121.1230 Deviation from §§ 121.1225, 121.1227, and 121.1229.
121.1231 Flight engineer: Recent experience.
121.1233 Line checks.
121.1235 Pilot: Routes and airports.
121.1237 Pilot: Operating limitations and crew pairing.
121.1239 Flightcrew member: Requalification.
121.1241 Flightcrew members at controls.

**Check Pilot and Check Flight Engineer Qualification**

121.1251 Eligibility: Check pilot, check flight engineer, Aircrew Program Designee (APD), and Flight Instructor.
121.1253 Check pilot and check flight engineer: Training, evaluation, approval, and recent experience.
121.1255 IOE Pilot: Additional training requirements.
121.1257 Check airmen: Initial cadre.

**Aircrew Program Designee Qualification**

121.1271 Aircrew Program Designee (APD): Training, evaluation, and recent experience.

**Flight Instructor Qualification**

121.1281 Instructor (Academic and Job Performance): Training, evaluation and recent experience.

**Flight Attendant Instructor Qualification**

121.1291 Flight attendant instructor: Qualification and training.

**Flight Attendant**

121.1301 Flight attendant: Training and evaluation.
121.1303 Flight attendant: Continuing qualification.
121.1305 Flight attendant: Aircraft operating experience.
121.1309 Flight attendant: Requalification.

**Check Flight Attendant Qualification**

121.1321 Check flight attendant: Eligibility, approval, qualification, and continuing qualification.
121.1323 Check flight attendant: Initial cadre.

**General Training Program Requirements**

121.1331 Training program: General.
121.1333 Training program: General curriculum requirements.
121.1335 Training program: Curriculum category programmed hours.
121.1337 Training program: Approval and amendment process.
121.1339 Training program: Contract training requirements.
121.1341 Training program: Individuals administering training or evaluation and unauthorized use of equipment and facilities in training programs.
121.1343 Training program: Academic evaluation.
121.1345 Training program: Mandatory use of flight simulation training devices.
121.1349 Training program: Limitations on the use of flight simulation training devices.
121.1351 Training program: Training equipment other than flight simulation training devices.
121.1353 Training program: Line Oriented Flight Training (LOFT) and Full Flight Simulator (FFS) Course of Instruction.
121.1355 Training program: Continuous analysis process.

**Curriculum Category Requirements**

121.1363 Curriculum category requirements: Crewmember new hire.
121.1365 Curriculum category requirements: Pilot and flight engineer initial, conversion, transition, and upgrade, academic and job performance training.
121.1367 Curriculum category requirements: Pilot and flight engineer recurrent academic, recurrent job performance, and recurrent aircraft emergency equipment training and evaluation.
121.1369 Curriculum category requirements: Flight attendant initial and transition training.
121.1371 Curriculum category requirements: Flight attendant eligibility for transition training.
121.1373 Curriculum category requirements: Flight attendant emergency training.
121.1375 Curriculum category requirements: Flight attendant recurrent training.
121.1377 Curriculum category requirements: Flight instructor initial, transition, and recurrent academic training.
121.1379 Curriculum category requirements: Flight instructor initial and transition job performance training.
121.1381 Curriculum category requirements: Check pilot, check flight engineer, or check flight attendant initial, transition, and recurrent academic training.
121.1383 Curriculum category requirements: Check pilot and check flight engineer initial, transition, and recurrent job performance training.
121.1387 Curriculum category requirements: Initial, transition, and recurrent academic training for persons authorized to administer flight attendant proficiency tests.

## Subpart BB—Requirements for Qualification, Service, and Use of Crewmembers

### General

**§ 121.1201 Applicability.**

(a) This subpart prescribes the following:

(1) Requirements for qualification, service, and use for:

(i) Persons who serve in operations under this part as crewmembers, flight instructors, check pilots, check flight engineers, aircrew program designees (APDs), designated flight engineer examiners, flight attendant instructors, check flight attendants, or persons authorized to conduct flight attendant proficiency tests.

(ii) Persons who serve in operations under part 135 of this chapter for a certificate holder that is permitted or required by § 135.3 of this chapter to conduct training curriculums in compliance with this subpart.

(2) Requirements applicable to each certificate holder for establishing, obtaining approval of, and maintaining a training program, for crewmembers, flight instructors, check pilots, check flight engineers, APDs, designated flight engineer examiners, flight attendant instructors, check flight attendants, and persons authorized to conduct flight attendant proficiency tests, who serve under this part.

(3) Requirements applicable to persons other than the certificate

holder's employees who are used by the certificate holder to assist in meeting the certificate holder's responsibilities under this subpart.

(b) Any person qualified in a duty position for the certificate holder before [date 120 days after publication of the final rule], or qualified under the provisions in subparts N and O of this part, may continue to serve in that duty position for that certificate holder without complying with new hire training under § 121.1363, initial training under § 121.1365 or § 121.1369, operating experience under § 121.1305, or emergency training under § 121.1373.

(c) Any person qualified in a training or evaluation position, for the certificate holder before [date 120 days after publication of the final rule], or qualified under the provisions in subparts N and O of this part, may continue to serve in that training or evaluation position for that certificate holder during the transition to the requirements of this subpart.

**§ 121.1202 Interim requirements for training programs transitioning from the requirements of subparts N and O of this part.**

(a) Contrary provisions of this subpart notwithstanding, a person who has submitted a training program for approval before [date 120 days after publication of the final rule] that was constructed in accordance with the applicable provisions of subparts N and O of this part in effect on or before [date 119 days after publication of the final rule], may complete the approval and implementation process and conduct operations in compliance with the applicable provisions of subparts N and O of this part instead of the provisions of this subpart BB.

(b) A certificate holder must submit a transition plan to the FAA no later than [date 4 years and 120 days after publication of the final rule]. The transition plan must include the following:

(1) Subpart BB training program(s), as applicable.

(2) Plan for transition for crewmembers and persons involved in training or evaluation of crewmembers from the provisions of subparts N and O to the provisions of this subpart.

(3) A transition completion date that is before [date 5 years and 120 days after the publication of the final rule].

(c) During the transition, the certificate holder may use people to conduct operations under this part provided those people are trained under the applicable provisions of subparts N and O of this part, or this subpart. While a certificate holder may simultaneously operate training programs in compliance with the applicable provisions of subparts N and O of this part and this subpart, each individual (crewmember or aircraft dispatcher) must be trained and qualified under the requirements of either the applicable provisions of subparts N and O of this part, or the applicable provisions of this subpart.

(d) The certificate holder may not use a crewmember, nor may a crewmember serve, in a duty position unless that person is current and qualified to perform the duties to which he or she is assigned. If, during the operation of the aircraft, one required crewmember is current and qualified in accordance with the appropriate provisions of subparts N and O of this part, and another required crewmember is current and qualified in accordance with this subpart, the lesser qualification requirements apply for that duty position for that operation.

(e) For certificate holders who have an approved AQP curriculum under subpart Y of this part, or have applied for approval of a training program under subpart Y of this part on or before [date 119 days after publication of the final rule], these certificate holders must submit a revision to the Qualification Standards Document as prescribed under § 121.909(b)(4), indicating specifically the provisions of this subpart BB and subpart CC of this part that would be replaced by the AQP curriculum. The certificate holder must provide a justification and a continuing process approved by the FAA to show how the AQP curriculum provides an equivalent level of safety for each requirement of this subpart BB and subpart CC of this part that is to be replaced by the AQP curriculum. This document must be submitted before [date 5 years and 120 days after the publication of the final rule], and will be subject to review and FAA approval under § 121.909.

**§ 121.1203 Certificate holder responsibility for compliance with this subpart.**

Responsibility for compliance with the requirements of this subpart applies as follows:

(a) Each certificate holder is responsible for ensuring that its approved training program, including all portions of the training program conducted by persons other than the part 119 certificate holder's employees, meets the requirements of this subpart.

(b) Each certificate holder is responsible for ensuring that all training program procedures, manuals, and other materials submitted for initial or final approval are kept up to date.

(c) Each certificate holder is responsible for ensuring that all training and evaluation is completed in accordance with the requirements of this subpart. Training or evaluation that does not meet the definition of complete, as used in this subpart, must be repeated to ensure that the requirements of this subpart are met.

**§ 121.1205 Definitions.**

For the purpose of this subpart, the following terms and their definitions apply: *Academic evaluation.* This is a written, oral, or electronic test of the knowledge obtained during academic training.

*Academic training.* This is instruction and practice that provides individuals with the required knowledge and cognitive skills necessary to perform the tasks required for the crewmember duty position, instructor, or evaluator duty position.

*Actual fire.* A fire fueled by ignited combustible material, in controlled conditions, of sufficient magnitude and duration to complete crewmember training requirements for the firefighting drill as contained in the Pilot QPS, Flight Engineer QPS, and Flight Attendant QPS.

*Aircrew Program Designee (APD).* An employee of the certificate holder who is authorized to perform airman certification on behalf of the FAA, in one type of aircraft for the certificate holder's flightcrew members who have been trained under the certificate holder's FAA-approved training program.

*Airplane Flight Manual (AFM).* A document that contains aircraft operating limitations, operating procedures, and performance information. The FAA may review and approve amendments to the operating limitations section of the AFM. Amendments to the AFM that are adopted via Airworthiness Directives are enforceable by the FAA.

*Approved fire extinguisher device.* A training device that has been approved by the FAA for use in meeting crewmember training requirements for operation of a specific type of aircraft installed hand fire extinguisher as contained in the Pilot QPS, Flight Engineer QPS, and Flight Attendant QPS.

*Approved protective breathing equipment (PBE) device.* A training device that has been approved by the FAA for use in meeting crewmember training requirements for operation of a specific type of protective breathing equipment as contained in the Pilot, Flight Engineer, and Flight Attendant QPS.

*Base month.* The month in which a recurrent activity is due.

*Basic Qualification (flight attendant).* All requirements that a person must complete prior to working his or her first flight for a certificate holder as a flight attendant. It includes the following curriculum categories: new hire, initial, emergency, and differences, as applicable, as well as aircraft operating experience.

*Certificate holder.* A person certificated under part 119 of this chapter that conducts operations under part 121, or a person certificated under part 119 of this chapter that conducts operations under part 135 of this chapter and is permitted or required by § 135.3 of this chapter to conduct training curriculums in compliance with this subpart.

*Check airman (flight engineer).* A person who is qualified and authorized by the FAA to conduct flight engineer training and evaluation required by this part and certifies the proficiency and knowledge of those flight engineers receiving the training and evaluation.

*Check airman (pilot).* A person who is qualified and authorized by the FAA to conduct flight training and evaluation required by this part and certifies the proficiency and knowledge of those pilots receiving the training and evaluation.

*Check flight attendant.* A person who meets the qualification and training requirements for a check flight attendant and is authorized to evaluate a person who is completing aircraft operating experience as required by the Flight Attendant QPS.

*Check person.* A person who meets the training and qualification requirements to serve as an aircrew program designee, check pilot, check flight engineer, or check flight attendant.

*Combat.* To properly fight an actual fire or simulated fire using an appropriate type of fire extinguisher until that fire is extinguished.

*Complete.* To fully carry out the training or evaluation required by this subpart, including being eligible to receive or administer the training or evaluation, and demonstrating the required level of proficiency. In addition, for flightcrew members, performing the training or evaluation in a flight simulation training device (FSTD) appropriately qualified in accordance with the requirements of part 60 of this chapter.

*Consolidation.* The process by which a person through practice and practical experience increases proficiency in newly acquired knowledge and skills.

*Conversion.* A curriculum category used to qualify a flightcrew member when that person has qualified and served in that crewmember position on the same aircraft type for another certificate holder conducting operations under this part.

*Crewmember Duty Position.* A crewmember duty position is a pilot in command, second in command, flight engineer, or flight attendant serving in operations under this part.

*Current.* Current means satisfying the recency of experience requirements prescribed in § 121.1229 or § 121.1231.

*Currently Serving.* Currently serving means current and qualified as defined in this subpart.

*Curriculum.* A curriculum is the category or categories of training and evaluation required to qualify a person for a crewmember duty position, or an instructor or evaluator duty position for an aircraft type. The curriculum includes the categories of training and evaluation, the programmed hours for training and evaluation, and the appropriate subjects, tasks and maneuvers.

*Curriculum category.* Parts of a curriculum that relate to qualification experience levels, first time qualification for a certificate holder, first time qualification in group (applicable to flightcrew members), configuration differences within type or series, maintaining and regaining qualification, and changes in operations. Curriculum categories include: new hire, initial, transition, conversion, upgrade, emergency, differences, recurrent, requalification, and special. Each curriculum category contains academic training and evaluation, and job performance training and evaluation, as required.

*Differences.* A curriculum category that establishes training and evaluation requirements, as appropriate, for a particular aircraft type when the FAA finds additional training, or training and evaluation, is necessary before a person serves in the same capacity on a particular variation within a series of an aircraft type or a different series within an aircraft type.

*Eligibility Period.* The eligibility period consists of the month in which the recurrent activity is due (the "base month"), the month before and the month after (the "grace month").

*Emergency training (flight attendant).* A curriculum category that qualifies flight attendants to conduct emergency procedures, operate emergency equipment, and enhance passenger and crewmember survivability.

*Environment.* A combination of external, physical, and surrounding conditions that affect aircraft performance, aircraft and equipment operation, and decisionmaking.

*Evaluation.* Any testing or checking, in which a person's knowledge and skills are assessed by a person authorized to perform that evaluation.

*Exit device.* Exit device means emergency exit doors, plugs, and hatches, including window exits, floor level exits, tailcone exits, ventral stairs, flight deck exits, and any other exit designed for passenger or crewmember egress from the aircraft.

*Flight Attendant Jumpseat.* A flight attendant jumpseat is a seat located in the cabin of an aircraft that meets the requirements of § 121.311(g).

*Flight Attendant Operating Manual (FAOM).* An FAA-approved document that includes the instructions and information necessary to allow the flight attendant to perform his or her required safety related duties and responsibilities with the highest possible degree of safety. The FAOM contains standard operating procedures, abnormal or non-normal procedures, and emergency procedures.

*Flight instructor.* A person authorized by the FAA to conduct flight training required by this part and certifies the proficiency and knowledge of those flightcrew members receiving that training. Flight instructors include pilot flight instructors and flight engineer flight instructors.

*Flight simulation training device (FSTD).* A Full Flight Simulator (FFS) or a Flight Training Device (FTD).

*Flight tasks.* The maneuvers and procedures necessary to operate the aircraft in various phases of flight operations and environments.

*Flight Training Device (FTD).* A replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft flight deck replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standard (QPS) for a specific FTD qualification level.

*Flightcrew Member Operating Manual (FCOM).* An FAA-approved document that includes the instructions and information necessary to allow a flightcrew member to perform his or her required safety related duties and responsibilities with the highest possible degree of safety. The FCOM contains standard operating procedures, abnormal or non-normal procedures, and emergency procedures. The FCOM

also contains information such as ground and flight operations tasks, flight deck checklists, systems descriptions, and evacuation procedures.

*Full Flight Simulator (FFS).* A replica of a specific type, make, model, or series aircraft. It includes the equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-flight deck view, a system that provides cues at least equivalent to those of a three-degrees-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the QPS for a specific FFS qualification level.

*Full Flight Simulator (FFS) course of instruction.* A session of training conducted in an FFS with a complete flightcrew that provides an opportunity to practice the tasks and operate in the environments addressed in the Pilot QPS, and other appropriate areas as determined by the certificate holder. This session of training requires the person conducting the session to ensure that any lack of competency seen in a member of the flightcrew is corrected prior to that person serving in line operations.

*Group.* A broad categorization of aircraft based on propulsion methods. Group I is propeller driven, including reciprocating powered and turbopropeller powered. Group II is turbojet powered.

*Head-Up Display/Head-Up Guidance System (HUD/HGS).* An aircraft system which provides head-up guidance to the pilot during flight. It includes the display element, sensors, computers, and power supplies, indications and controls. It may receive inputs from an airborne navigation system or flight guidance system.

*Initial Cadre.* The specific persons approved by the FAA for the start-up time frame necessary, not to exceed 24 months, for a new part 119 certificate holder to initiate operations under part 119 of this chapter, or for a current part 119 certificate holder to initiate operations of a new aircraft type not operated previously or to initiate a new type of operation.

*Initial (flight attendant).* A curriculum category required to qualify a person to serve as a flight attendant on an aircraft type when the person has not served as a flight attendant for at least 180 days in operations under this part for the certificate holder.

*Initial (flight instructors, check persons, flight attendant instructors, and persons authorized to conduct flight attendant proficiency tests).* A curriculum category that is required to qualify a person to serve for the first time for the certificate holder as a flight instructor, check person, flight attendant instructor, and a person authorized to conduct flight attendant proficiency tests.

*Initial (flightcrew member).* A curriculum category of training used to qualify a flightcrew member when that person has not qualified and served in that crewmember position on another airplane type in the same group.

*Initial Operating Experience (IOE) Pilot.* A person qualified as pilot in command who is current and qualified on the navigation system necessary for the route to be flown and the aircraft on which he or she will be supervising operating experience, and who is specifically approved by the FAA for supervising operating experience.

*Job performance evaluation.* For flightcrew members, this is a check or test of the skills obtained during job performance training conducted in an aircraft, in a flight simulation training device approved under part 60 of this chapter, or in another training device approved under this part. For flight attendants, this is a check or test of the skills obtained during job performance training conducted in a training device approved under this part or in a classroom.

*Job performance training.* For flightcrew members, this is instruction, practice, and review conducted in an aircraft, in a flight simulation training device approved under part 60 of this chapter, or in another training device approved under this part. For flight attendants, this is instruction and practice conducted in a training device approved under this part or in a classroom. This training provides individuals with the practical, hands on experience of integrating knowledge and skills, and learning the related motor skills necessary to perform the job.

*Line flight time.* Flight time performed in operations under this part.

*Line Oriented Flight Training (LOFT).* Training conducted in a full flight simulator (FFS) with a complete flightcrew using representative flight segments that contain procedures that may be expected in line flight time. The LOFT includes real-time scenarios that address routine, abnormal, and emergency situations and provides training in crew resource management.

(1) A qualification LOFT is a LOFT session conducted to facilitate the transition from a structured flight training syllabus environment to a representation of line flight time.

(2) A recurrent LOFT is a LOFT session conducted to meet periodic recurrent job performance training requirements.

*Line Qualified.* Qualified to serve as a flightcrew member in operations under this part.

*LOFT Environment Training.* Training in a FFS with a complete flightcrew using procedures expected in line operations but without the use of simulator resets or repositioning. This training is used primarily for the maintenance or regaining of landing currency and, therefore, is not required to meet the time requirements of other LOFT scenarios.

*Month.* Calendar month.

*New Hire training.* A curriculum category required to qualify a person to serve as a crewmember for the first time for the certificate holder under this part

*Observation Drill.* Observation drill means a drill where a person watches without actively participating in the training or evaluation.

*Observer Seat.* An observer seat is a seat on the flight deck, or a forward passenger seat with headset or speaker that provides adequate visibility of the flight controls, instruments, and external views.

*Operating cycle.* A complete flight segment consisting of the time from push back/power back, taxi out, takeoff, climb, en route portion, descent, landing, taxi in, parking, and shutdown.

*Practice.* A physical or verbal exercise of skills in an instructor led environment that encourages interaction among participants for the specific area of knowledge.

*Procedure.* A procedure is a step-by-step method used to complete a specific task. Types of procedures are:

(1) *Standard operating procedure.* A procedure associated with systems that are functioning in their usual manner.

(2) *Abnormal or Non-normal operating procedure.* A procedure associated with systems that are not functioning in their usual manner and that require crewmember action for continued safe flight and landing.

(3) *Emergency procedure.* A procedure requiring immediate crewmember action to protect the aircraft and occupants from serious harm.

*Proficiency.* Demonstrated awareness of existing circumstances, competence in the necessary knowledge and skill, and performance of the relevant task (maneuver or procedure) within the operating range of environments to the standards identified and required by the appropriate QPS.

*Proficiency check (PC).* An assessment of crewmember proficiency during which limited training or practice is allowed. The assessment is of

knowledge and skill in tasks to the standards identified and required by the appropriate QPS. The proficiency check must be conducted by a check person.

*Proficiency test (PT).* An assessment of crewmember proficiency during which additional training or practice is not allowed. The assessment is of knowledge and skill in tasks to the standards identified and required by the appropriate QPS. For flightcrew members, when a proficiency test is not for the purpose of obtaining an airman certificate or rating, it may be conducted by a check pilot or an APD. When a proficiency test is conducted for the purpose of obtaining an airman certificate or rating, it must be conducted by an APD or an FAA Aviation safety inspector. For flight attendants, the proficiency test may only be conducted by a person authorized to administer flight attendant proficiency tests or an FAA Aviation safety inspector.

*Programmed hours.* The academic and job performance hours set forth in this subpart for curriculum categories.

*Protective Breathing Equipment (PBE) drill.* An emergency drill in which a crewmember combats an actual fire or simulated fire while using PBE.

*Qualification Performance Standards (QPS).* FAA standards providing all of the tasks and areas of training and evaluation, including activities, procedures, and knowledge needed to qualify a person to serve under this part. The QPSs are in part 121 appendices as follows: Appendix Q: Pilot Qualification Performance Standards; appendix R: Flight Engineer Qualification Performance Standards; appendix S: Flight Attendant Qualification Performance Standards; and appendix T, Aircraft Dispatcher Qualification Performance Standards.

*Qualified.* Qualified, when used in reference to an individual, means:

(1) For a flight attendant crewmember duty position or a flight attendant training or evaluation duty position, an individual who has completed the certificate holder's FAA-approved curriculum for the aircraft type to serve in that position under this part.

(2) For a flightcrew member duty position or a flightcrew member training or evaluation duty position, an individual who has completed the certificate holder's FAA-approved curriculum for the aircraft type to serve in that position under this part and holds the appropriate U.S. medical certificate and airman certificates and ratings.

*Recurrent.* A curriculum category that must be completed to enable a qualified person to continue to serve in a crewmember duty position or a training or evaluation duty position for the certificate holder under this part.

*Recurrent Flight Attendant Cycle.* The 12-month period in which required tasks are trained and evaluated in accordance with the Flight Attendant QPS.

*Related Aircraft.* Any two or more aircraft of the same make with either the same or different type certification data sheets that have been demonstrated and determined to have commonality to the extent that credit between those aircraft may be applied for training, testing, checking, recency of experience, or operating experience, as authorized by the FAA.

*Requalification.* A curriculum category required to allow crewmembers to become qualified again to serve in a crewmember duty position for the certificate holder in operations under this part.

*Serve.* To perform the duties and discharge the responsibilities required under this part.

*Simulated fire.* An artificial duplication of smoke or flame used to create various aircraft firefighting scenarios, such as lavatory, galley oven, and aircraft seat fires.

*Special training.* A category of training necessary to address changes to the certificate holder's operations or to correct deficiencies identified by the certificate holder's continuous analysis process. Special training is temporary and is integrated into the approved training program.

*Training.* Instruction, practice or review.

*Training center evaluator.* An individual who meets the requirements of § 142.55 of this chapter.

*Training or evaluation duty position.* Flight instructors, flight attendant instructors, check persons, IOE captains, and persons authorized to conduct flight attendant proficiency tests.

*Training program.* A certificate holder's training curriculums, personnel, facilities, equipment, and other resources used to meet the training requirements under this subpart.

*Transition (check persons and persons authorized to conduct flight attendant proficiency tests).* A curriculum category required to qualify check persons and persons authorized to conduct flight attendant proficiency tests to serve in a training or evaluation duty position on an aircraft type for the certificate holder when they have previously served in the same training or evaluation duty position on a different aircraft type in the same group for that certificate holder.

*Transition (flight attendants).* A curriculum category that allows a flight attendant to qualify on an aircraft type if the flight attendant has been qualified for at least 180 days and served in the previous 180 days on an aircraft as a flight attendant for that certificate holder.

*Transition (flightcrew members).* A curriculum category used to qualify a flightcrew member when that person has qualified and served in that crewmember position on another aircraft in the same group.

*Upgrade.* A curriculum category required to qualify flightcrew members as either PIC or SIC in an aircraft in which they have been previously qualified and served as SIC or flight engineer, respectively, for that certificate holder.

**§ 121.1206 Designation of related aircraft.**

In order to seek approval of a training program under § 121.1215(b), or a deviation under § 121.1230, a certificate holder must submit an application for related aircraft designation, and obtain approval of that application. The application must be submitted through the FAA office responsible for approval of the certificate holder's operations specifications, to the Division Manager of the Air Transportation Division of Flight Standards Service.

**§ 121.1207 Certification requirements: Crewmembers, flight instructors, check pilots, check captain, and check flight engineers.**

No certificate holder may use any person, nor may any person serve, as a crewmember, flight instructor, check pilot, check captain, or check flight engineer in a training program or in operations under this part, unless that person meets the following requirements, as applicable:

(a) *Pilots.* (1) For pilots serving as pilot in command, or as second in command of an aircraft that requires three or more pilots in a flag or supplemental operation, a pilot must hold an airline transport pilot certificate and an appropriate type, category, and class rating for that aircraft.

(2) For pilots serving as second in command of an aircraft that requires only two pilots in flag operations or in international supplemental operations, a pilot must hold at least a commercial pilot certificate with appropriate type, category, and class ratings for that aircraft, and an instrument rating.

(3) For pilots serving as second in command of an aircraft in domestic operations, a pilot must hold at least a commercial pilot certificate with appropriate category and class ratings

for that aircraft, and an instrument rating.

(b) *Flight engineers.* To serve as a flight engineer, a person must hold a flight engineer certificate with the appropriate aircraft class rating.

(c) *Flight instructors, check pilots, check captains, and check flight engineers.* No person may use, nor may any person serve, as a flight instructor, check pilot, check captain, or check flight engineer in a training program or in operations under this part, with respect to the aircraft type involved, unless the person holds the airman certificates and ratings required to serve as a pilot in command or flight engineer, as applicable, in operations under this part.

(d) *Flight attendant.* A person is considered to hold a Certificate of Demonstrated Proficiency and is eligible to serve as a flight attendant once the Administrator is notified by a certificate holder that the person has the demonstrated proficiency to be a flight attendant.

(e) *Certification of persons currently serving.* A person who is currently serving as a pilot or flight engineer for the certificate holder or a person who is engaged in training and evaluation activities for the certificate holder (as described in § 121.1331(d)) may be issued the appropriate certificate or type rating if that person meets the following requirements:

(1) The applicable eligibility, aeronautical knowledge, and experience required by part 61 or part 63 of this chapter.

(2) The applicable training requirements of this subpart.

(3) The proficiency test requirements of § 121.1365(b)(1). The FAA or an APD must administer the proficiency test.

**§ 121.1209 English language requirement.**

(a) No certificate holder may use any person, nor may any person serve, as a flightcrew member, flight attendant, or person acquiring flight attendant operating experience in operations under this part, unless that person has demonstrated to an individual qualified to conduct evaluations under this part, that he or she can:

(1) Read, write, speak, and understand the English language.

(2) Have his or her English language and verbal and written communications understood.

(b) Compliance with this section may be shown by:

(1) Completion of a certificate holder's approved training program conducted solely in English, or

(2) An airman certificate with an English language endorsement.

**§ 121.1211 Medical certificate requirements.**

(a) No certificate holder may use any person, nor may any person serve, on an aircraft as a required flightcrew member in operations under this part unless that person has a valid medical certificate required by § 61.23 or § 63.31 of this chapter, as appropriate for the duty being performed.

(b) No medical certificate is required to serve in an FSTD.

**§ 121.1213 Pilot monitoring (not flying) duties.**

Each pilot who is seated at the pilot controls of the aircraft or FSTD, while not flying the aircraft or FSTD, is required to accomplish pilot monitoring duties as appropriate in accordance with the FCOM. Pilot monitoring duties are subject to the same oversight and evaluation as pilot flying duties.

**§ 121.1215 Modification of training program.**

(a) *Differences: Modification of training program.* If the certificate holder finds that differences exist between the aircraft on which a crewmember will serve as a required crewmember and an aircraft of the same type or series aircraft on which the crewmember has satisfactorily completed qualification training, the certificate holder must consider the differences between the aircraft of the same type and report such differences to the Administrator. The report must include recommendations for the training necessary to ensure that each crewmember is adequately trained to perform their assigned duties. Differences training and evaluation for crewmembers must consist of at least the following as applicable to their assigned duties and responsibilities:

(1) Each appropriate subject or task required for the academic training and evaluation for the aircraft unless the Administrator finds that particular subjects are not necessary.

(2) Each appropriate maneuver or procedure required for the job performance training and evaluation for the aircraft unless the Administrator finds that particular maneuvers or procedures are not necessary.

(3) The number of programmed hours of academic and job performance training and evaluation determined by the Administrator to be necessary for the aircraft, the operation, and the duty position. The programmed hours required for differences training and evaluation are in addition to other required programmed hours.

(b) *Modification of flightcrew member training program based on related aircraft classification.* (1) If the FAA determines under § 121.1206 that a certificate holder is operating related aircraft, the certificate holder may submit a request for approval of a training program that includes modifications of the flightcrew member training program requirements specified in §§ 121.1221, 121.1223, and 121.1239, and the applicable QPS requirements. The request for approval must include the following:

(i) Each appropriate subject or task required for the academic training and evaluation for the related aircraft.

(ii) Each appropriate maneuver or procedure required for the job performance training and evaluation for the related aircraft.

(iii) The number of programmed hours of academic and job performance training and evaluation necessary based on review of the related aircraft, the operation, and the duty position.

(iv) For recurrent curriculum category, provide for the 9-month cycle as prescribed under 121.1223, and ensure, during each cycle, that the individual is provided all of the following:

(A) Job performance training on one of the related aircraft;

(B) Applicable academic or job performance training for the differences, as determined by the FAA, on that aircraft and the other aircraft determined to be related; and

(C) Evaluation for the aircraft on which the individual did not receive the job performance training during that same 9-month cycle.

(2) The request for approval must be submitted to the certificate holding district office and a copy sent to the Director of Flight Standards Service.

**Flightcrew Member**

**§ 121.1221 Flightcrew member: Training and evaluation.**

(a) *Requirements to serve as a flightcrew member.* Except as approved by the FAA under § 121.1215(b), no certificate holder may use any person, nor may any person serve, as a required flightcrew member in operations under this part unless that person has completed the required curriculum for the appropriate training categories for the aircraft type and crewmember duty position, including the programmed hours for training and evaluation, as specified in § 121.1335, the appropriate QPS, and the following curriculum categories:

(1) New hire, as prescribed in § 121.1363.

(2) Initial, conversion, transition, or upgrade, as prescribed in § 121.1365, as applicable.

(3) Differences, if necessary, as prescribed in § 121.1215(a).

(4) Recurrent, as prescribed in § 121.1367, according to the schedule prescribed in § 121.1223.

(5) Requalification if necessary, as prescribed in § 121.1239.

(6) Special, if necessary, as prescribed in § 121.1337.

(b) *Continuity of training and evaluation.* Within 120 days of beginning qualification a person must have completed in the following order:

(1) The required new hire academic and job performance training and evaluation as described in paragraph (a)(1) of this section, if the person is qualifying for the first time for the certificate holder.

(2) The required initial, conversion, transition, or upgrade academic and job performance training and evaluation described in paragraph (a)(2) of this section, as applicable; and differences as described in paragraph (a)(3) of this section, if applicable.

(3) A proficiency test as prescribed in § 121.1365(b)(1).

(4) A qualification LOFT as prescribed in § 121.1365(b)(2).

(c) *Failure to complete the academic and job performance training and evaluation prescribed in paragraph (b) of this section within 120 days.* If a person fails to complete the required training and evaluation curriculum category within the 120 days, as required by paragraph (b) of this section, the person must repeat the entire academic and job performance training and evaluation requirements of the curriculum category.

(d) *Requirements to complete job performance training: Complete flightcrew.* Except as provided in paragraph (e) of this section, and as provided in paragraph (d)(3) of this section allowing for the absence of a flight engineer in an airplane requiring a flight engineer, a complete flightcrew is required for flightcrew member job performance training and evaluation under this part. Each pilot flightcrew member duty position must be filled by a person prescribed in paragraph (d)(1) or (d)(2) of this section.

(1) A student training to serve in that crewmember duty position; or

(2) Another person qualified to serve in that duty position, as follows.

(i) A line qualified crew member;

(ii) A check pilot;

(iii) An IOE pilot;

(iv) A flight instructor;

(v) An APD;

(vi) A simulator-only instructor;

(vii) A designated relief pilot authorized to relieve a pilot serving in that crewmember duty position; or

(viii) Another individual qualified to occupy that seat.

(ix) To be considered "qualified" to serve in the duty position under paragraph (d)(2) of this section, a medical certificate is not required to serve in the FSTD in accordance with § 121.1211(b)(2).

(3) For aircraft certificated for two pilots and a flight engineer: When using an FSTD, at the discretion of the instructor, after the flight engineer completes the minimum hours of job performance training, flightcrew member job performance training, on specific piloting tasks may be conducted without the flight engineer duty position being filled. In these situations, the FSTD flight engineer panel must be properly set for the pilot training tasks and must not require further monitoring or adjustment. The flight engineer is required for job performance evaluation.

(4) Substitution for complete flight crew: job performance training only.

(i) If a certificate holder is not able to meet the complete flightcrew requirements of paragraphs (d)(1) through (2) of this section for planned job performance training, the certificate holder must submit a request for approval of an amendment to the training program. The request for amendment must be submitted to the certificate holding district office at least 30 days prior to the planned job performance training. That request must include at least the following:

(A) A justification for granting the amendment, including reasons why the requirements of paragraphs (d)(1) through (2) of this section cannot be met.

(B) The proposed composition of the training crews for the planned job performance training.

(C) The duration of the amendment, which must not exceed the time necessary to complete the planned job performance training.

(ii) If, due to circumstances beyond the control of the certificate holder (such as unexpected illness of an individual, unsuccessful training progression, transportation issues, simulator mechanical failure), a complete flight crew as prescribed in paragraphs (d)(1) through (2) of this section is not available for job performance training, the certificate holder may allow students training for the same duty position to function as a complete flight crew. If the certificate holder allows for substitution under this paragraph, the certificate holder must notify the certificate holding district office within 30 days of the substitution.

(e) *Completion of programmed hours.* Notwithstanding the requirements for programmed hours of academic or job performance training set forth in this subpart, the programmed hours for the curriculum categories described in paragraphs (a)(2) and (a)(3) of this section are not required to be completed by the individual flightcrew member provided that flightcrew member has:

(1) Demonstrated satisfactory knowledge in each academic area applicable to the crewmember position involved to a qualified instructor at least once during training and the instructor has determined that the flightcrew member is knowledgeable and may take the knowledge test; or

(2) Demonstrated satisfactory skill on each of the tasks applicable to the crewmember position involved to a qualified instructor or check pilot at least once during training and the instructor or check pilot has determined that the flightcrew member is proficient on each applicable task, and may take the proficiency check or test.

**§ 121.1223 Flightcrew member: Recurrent training and evaluation schedule for continuing qualification.**

(a) Except as provided in § 121.1215(b), to serve as a flightcrew member, a person must complete the recurrent training and evaluation for each aircraft type, as prescribed in § 121.1367, in accordance with the associated programmed hours specified in § 121.1335 and the requirements in the applicable QPS, by the end of the eligibility period.

(b) The eligibility period includes the month before and the month following the base month. The base month is one of the following:

(1) The ninth month following the month during which the proficiency test required in § 121.1365(b)(1) is completed.

(2) The ninth month following the month in which the proficiency test authorized in § 121.1239 is completed.

(3) The ninth month following the completion of the recurrent academic and job performance training and evaluation when adjusting the base month in accordance with § 121.1223(f).

(c) A flightcrew member who has not completed recurrent curriculum category by the end of the base month may continue to serve until the end of the eligibility period. However, if the recurrent curriculum category is not completed during the eligibility period, the person is unqualified for that flightcrew member duty position on the first day of the month following the eligibility period. The unqualified person may not serve in that flightcrew member duty position until the person completes the applicable phase of the

requalification curriculum category in accordance with § 121.1239.

(d) Whenever a flightcrew member who is required to take recurrent training or evaluation, completes the training or evaluation in the calendar month before or after the calendar month in which that training or evaluation is required, he or she is considered to have completed the training or evaluation in the calendar month in which it was required.

(e) Except as provided in paragraph (f) of this section, time required to complete recurrent training:

(1) *Academic training.* A flightcrew member may initiate recurrent academic training at any time during the recurrent cycle.

(2) *Job performance training.* A flightcrew member must initiate job performance training within the eligibility period.

(i) Once flight training is initiated, it must end within 96 hours from the beginning of the training.

(ii) A flightcrew member may initiate recurrent aircraft emergency equipment training drills at any time during the recurrent cycle.

(f) A certificate holder may adjust a base month established in paragraph (b) of this section by requiring the person to complete the required recurrent academic and job performance training prior to the beginning of the eligibility period established under one of the methods in paragraph (b) of this section.

**§ 121.1225 Flightcrew member: Operating experience.**

(a) Except as authorized by a deviation granted under § 121.1230, no certificate holder may use any person, nor may any person serve, as a required flightcrew member on an aircraft, unless the person has completed the operating experience and operating cycles required by this section for that aircraft type and in that duty position in operations under this part. The certificate holder must ensure that the flightcrew member completing operating experience and operating cycles is current and qualified for the duty position in accordance with this part.

(b) Pilots must complete operating experience and operating cycles as follows:

(1) *General.* Operating experience must include at least four operating cycles and 21 hours in operations under this part and meet the following requirements:

(i) At least one cycle must be flown as the pilot monitoring the aircraft.

(ii) At least two cycles must be flown as the pilot flying the aircraft.

(iii) At least one of the cycles flown as the pilot flying the aircraft must be flown with the automatic pilot disengaged after takeoff until departing the terminal area and prior to approach upon entering the terminal area, provided this does not require the flight crew to operate contrary to published or otherwise required departure or arrival procedures. If at least one cycle is not flown with the automatic pilot disengaged after takeoff until departing the terminal area and prior to approach upon entering the terminal area during the required operating experience, this fact must be recorded in the crewmember's record.

(iv) A pilot will receive one hour of credit towards the 21 hours required by this paragraph for each operating cycle completed in excess of the four operating cycles required.

(v) Operating experience must be started no later than 60 days and completed within 120 days of completing the proficiency test given at the end of initial, transition, upgrade, or conversion training. If operating experience is not started within 60 days or completed within 120 days of completing the proficiency test or check, a proficiency check is required to re-initiate operating experience.

(2) *Pilot in command.* (i) A qualifying pilot in command completing operating experience and operating cycles must complete all of the following:

(A) Serve as the second in command of record.

(B) Perform the duties of a pilot in command under the supervision of a check pilot or IOE pilot, except as provided in paragraph (d) of this section.

(C) Be given a line check conducted by a qualified line check pilot when the IOE pilot or check pilot determines that the pilot has reached an adequate level of proficiency. The line check must consist of at least two operating cycles. During one of the cycles the qualifying pilot in command must perform the duties of the pilot flying the aircraft. In the other cycle, the qualifying pilot in command must perform the pilot monitoring duties.

(D) For a pilot qualifying as pilot in command for the certificate holder for the first time, when the pilot receives operating experience after completing initial, conversion, or upgrade training, the pilot must perform the duties of a pilot in command during at least one operating cycle under the observation of an APD authorized to conduct these observations or an FAA aviation safety inspector. For the pilot's subsequent qualifications as PIC for the certificate holder, the observation must be observed by an FAA aviation safety inspector, APD, or qualified line check pilot.

(ii) Except as provided in paragraph (d) of this section, the check pilot or IOE pilot supervising operating experience must serve as the pilot in command and occupy a pilot station under the following requirements:

(A) While supervising the transitioning or converting pilot in command until the qualifying pilot in command has completed the following, at which time the check pilot or IOE pilot may occupy the observer's seat for the remaining portion of the operating experience:

(*1*) Made at least two takeoffs and landings in the aircraft;

(*2*) Satisfactorily demonstrated to the check pilot or IOE pilot the ability to perform the duties of a pilot in command of that aircraft type.

(B) While supervising an initial or upgrading pilot in command.

(3) *Second in command.* A second in command pilot must perform the duties of a second in command under the supervision of a qualified line check pilot or IOE pilot.

(c) A flight engineer must perform the duties of a flight engineer for at least 10 hours of operating experience in operations under this part under the supervision of a check flight engineer, a check pilot, a IOE pilot, or a flight engineer who is authorized by the FAA to supervise operating experience.

(d) During operating experience following transition, conversion, or upgrade training, the check pilot or IOE pilot may take a rest period during the en route cruise portion of flight, if the following conditions are met:

(1) The pilot obtaining operating experience meets the requirements of paragraphs (b)(2)(ii)(A)(*1*) and (*2*) of this section.

(2) The relief pilot meets the requirements in § 121.1241(b)(3).

(e) In the case of an aircraft not previously used by the certificate holder in operations under this part, operating experience for pilots and flight engineers completed in the aircraft during proving flights or ferry flights may be used to meet this requirement.

(f) Credit for operating experience hours may only be taken while the pilot or flight engineer is under the direct supervision of the check pilot or IOE pilot.

**§ 121.1227 Pilot: Consolidation.**

(a) Pilots completing the proficiency check or test given at the end of initial, transition, or conversion training must complete at least 100 hours of line flight time for consolidation in that aircraft

type for the certificate holder, unless otherwise authorized by deviation issued under § 121.1230 for operation of related aircraft. The consolidation hours must be completed within 120 days after completing the proficiency check or test.

(1) If the consolidation flight time in an aircraft type is interrupted by flight time in another aircraft type, the pilot must complete an FFS course of instruction to refresh the pilot's knowledge and skills, as provided in the certificate holder's approved training program. The FFS course of instruction must be completed in the aircraft type in which consolidation was started before continuing the consolidation. The FFS course of instruction must be conducted by a pilot flight instructor (includes simulator instructor) or check pilot (includes simulator check pilot) qualified under this part.

(2) Consolidation must be started no later than 60 days after completion of the proficiency check or test given at the end of initial, transition, or conversion training. If consolidation is not started within 60 days of completing the proficiency check or test, another proficiency check or test is required to re-initiate consolidation.

(b) If consolidation is not completed within 120 days of completing the proficiency check or test given at the end of initial, transition, or conversion training, the certificate holder may extend the 120-day period to no more than 150 days if the pilot continues to meet all other requirements of this subpart and one of the following conditions is met:

(1) On or before the 120th day the pilot completes an FFS course of instruction conducted by a qualified and authorized pilot flight instructor (includes simulator instructor) or check pilot (includes simulator check pilot) to refresh the pilot's knowledge and skills, as provided in the certificate holder's approved training program.

(2) A check pilot determines that the pilot has retained an adequate level of proficiency after observing that pilot in a supervised line operating flight.

(c) If consolidation is not completed within 150 days of completing the proficiency check or test given at the end of initial, transition, or conversion training, the certificate holder may extend the 150-day period to no more than 210 days if both of the following conditions are met:

(1) The pilot continues to meet all other applicable requirements of this subpart.

(2) On or before the 150th day the pilot completes a proficiency check or test in a Level C or D FFS.

(d) If consolidation is not completed within 210 days of completing the proficiency check or test given at the end of initial, transition, or conversion training, the remaining line flight time that is necessary to complete consolidation must be supervised by a check pilot.

(e) If consolidation is not completed by the time the proficiency check or test required by § 121.1223 is completed for the first recurrent period, consolidation must start over.

**§ 121.1229 Pilot: Recent experience.**

(a) Except as authorized by deviation under § 121.1230, no certificate holder may use any person, nor may any person serve, as a required pilot unless the person has made, within the preceding 90 days, at least three takeoffs and landings as the pilot flying in the aircraft type in which the person is to serve. The three takeoffs and landings required by this paragraph must be satisfied by compliance with either of the following:

(1) Use of aircraft. The pilot must complete three takeoffs and three landings in the aircraft type in which the pilot serves.

(2) Use of a full flight simulator (FFS). Provided the FFS is qualified in accordance with part 60 of this chapter and approved for takeoff and landing maneuvers, the pilot must complete in a single simulator session at least three takeoffs and three landings. One takeoff and one landing must be completed in a LOFT environment training. The three takeoffs and three landings must include the following:

(i) At least one takeoff with a simulated failure of the most critical engine.

(ii) At least one landing from a precision category approach to the lowest minimums authorized for the certificate holder.

(iii) At least one landing to a full stop.

(iv) At least one visual traffic pattern and landing.

(b) If it has been 90 days or less since the pilot's recency has lapsed (the last takeoff landing occurred 91 to 180 day previously), the pilot may regain recency only by completing in a LOFT environment as provided in § 121.1353, the three takeoffs and landings as required by paragraph (a)(2) of this section.

(c) If it has been more than 90 days since the pilot's recency has lapsed (the last takeoff landing occurred more than 180 day previously), the pilot may regain recency only by completing the requirements in paragraph (b) of this section and an FFS course of instruction. Completing the FFS course of instruction to reestablish recency of experience does not change the pilot's recurrent training base month.

**§ 121.1230 Deviation from §§ 121.1225, 121.1227, and 121.1229.**

(a) The Administrator may authorize a deviation from the following based on classification of related aircraft:

(1) Operating experience requirements of § 121.1225.

(2) Consolidation requirements of § 121.1227.

(3) Recency requirements of § 121.1229.

(b) Before issuing a deviation from these requirements, the Administrator will determine whether the certificate holder can demonstrate an equivalent level of safety. The deviation request must include at least the following:

(1) Identification of aircraft operated by the certificate holder that may be classified as related aircraft.

(2) Hours of operating experience and number of operating cycles necessary based on review of the related aircraft, the operation, and the duty position.

(3) Consolidation hours necessary based on review of the related aircraft, the operation, and the duty position.

(4) The number of takeoffs, landings, maneuvers and procedures necessary to maintain or reestablish recency based on review of the related aircraft, the operation, and the duty position.

(c) The request for deviation must be submitted to the Director of Flight Standards Service. If granted, the Director of Flight Standards Service may, at any time, terminate a grant of deviation authority issued under this section.

**§ 121.1231 Flight engineer: Recent experience.**

(a) No certificate holder may use any person, nor may any person serve, as a required flight engineer unless, within the preceding 90 days, the person has performed the duties of a flight engineer during at least three takeoffs and landings in the aircraft type in which the person is to serve. If it has been more than 90 days since the flight engineer has completed the recency requirements in this paragraph the flight engineer is considered to have lapsed in recency. The three takeoffs and landings required by this paragraph must be satisfied by compliance with either of the following:

(1) Use of aircraft. The flight engineer must perform the duties of a flight engineer during at least three takeoffs and landings in the aircraft type in which the flight engineer serves.

(2) Use of a Full Flight Simulator. Provided the FFS is qualified in

accordance with part 60 of this chapter and approved for takeoff and landing maneuvers, the flight engineer must in a single simulator session perform the duties of a flight engineer during three takeoffs and landings. One takeoff and one landing must be included in a LOFT environment under § 121.1353. The three takeoffs and three landings must include the following:

(i) At least one takeoff with a simulated failure of the most critical engine.

(ii) At least one landing from a precision category approach to the lowest minimums authorized for the certificate holder.

(iii) At least one landing to a full stop.

(iv) At least one visual traffic pattern and landing.

(b) Lapse of recency: 90 days or less. If it has been 90 days or less since the flight engineer's recency has lapsed (the last takeoff landing occurred 91 to 180 day previously), the flight engineer may regain recency only by completing in a LOFT environment as provided in § 121.1353, all the three takeoffs and landings as required by paragraph (a)(2) of this section.

(c) Lapse of recency: More than 90 days. If it has been more than 90 days since the flight engineer last completed the recency requirements in accordance with paragraph (a)(1) or (a)(2) of this section, the flight engineer is considered to have lapsed in recency. To reestablish recency, the flight engineer must, in a LOFT environment as provided in § 121.1353, perform the duties of a flight engineer during the three takeoffs and landings as required by paragraph (a)(2) of this section.

(d) Lapse of recency: More than 90 days since lapsing. If it has been more than 90 days since the flight engineer's recency has lapsed (the last takeoff landing occurred more than 180 day previously), the flight engineer may regain recency only by completing the requirements in paragraph (b) of this section and an FFS course of instruction. Completing the FFS course of instruction to reestablish recency of experience does not change the flight engineer's recurrent training base month.

**§ 121.1233 Line checks.**

(a) No certificate holder may use any person, nor may any person serve, as a pilot in command, unless:

(1) Within the preceding 24 months, that person has completed a line check for that certificate holder in the aircraft type in which he or she is to serve. To serve as pilot in command in aircraft that have been determined by the FAA to be related aircraft, within the preceding 24 months, that person must complete a line check for the certificate holder in one of the related aircraft. During the line check, the person must perform the duties and responsibilities of a pilot in command;

(2) For a pilot who has attained 60 years of age, to continue to serve in operations under this part, the certificate holder must evaluate the pilot's performance every 6 months, through a line check. Notwithstanding the foregoing, a certificate holder is not required to conduct for a 6-month period a line check under this paragraph of a pilot serving as a second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

(b) A pilot in command line check for domestic and flag operations must be administered by a check pilot or APD who is current and qualified on both the route and the aircraft type. A pilot in command line check for supplemental operations must be administered by a check pilot or APD who is current and qualified in the aircraft type and must be conducted on an instrument flight rules flight plan.

(c) A line check conducted under this part must consist of at least two operating cycles during operations under this part. In one of the cycles the pilot in command must perform the duties of the pilot flying the aircraft. In the other cycle, the pilot in command must perform the pilot monitoring duties.

(d) The check pilot or APD conducting the line check must evaluate the entire flight crew in the performance of their duties during the line check of the pilot in command required by paragraph (a) of this section. The check pilot or APD must record the evaluation of the pilot in command and any other required flightcrew member that demonstrates a lack of proficiency. If any required flightcrew member performs in a way that is inconsistent with policies and procedures, and the check pilot or APD determines that the performance inconsistency can be corrected during the post-flight debriefing, the required flightcrew member may continue operations. If any required flightcrew member performs below standard on any tasks, and the check pilot or APD determines that the performance deficiency is not correctable through a post-flight debriefing, the flightcrew member may not serve as a required flightcrew member in operations under this part until he or she receives training on such tasks, and completes a proficiency test in those tasks. These actions and their completion must be entered into the flightcrew member's record.

(e) Check pilots or APDs conducting line checks must conduct a post-flight debriefing of the flight crew that includes technical and resource management competencies.

(f) On flights with a flight engineer as a required crewmember, check pilots or APDs who meet the qualification requirements of this subpart to conduct pilot in command line checks will evaluate flight engineer performance during the line check. The check pilot or APD is not required to hold a flight engineer certificate to conduct flight engineer evaluations during line checks.

(g) If a pilot does not receive the line check required by paragraph (a) of this section, the pilot may not serve as pilot in command in operations under this part until he or she completes a line check. The check pilot or APD must serve as the pilot in command during the line check and must occupy a pilot duty station.

(h) If, during a line check required by paragraph (a) of this section, a flightcrew member demonstrates a lack of knowledge or a lack of skills such that the person conducting the line check determines the flightcrew member should be removed from the flight, that flightcrew member may not serve in operations under this part until he or she successfully completes requalification in accordance with § 121.1239. These actions and their completion must be entered into the crewmember's record.

**§ 121.1235 Pilot: Routes and airports.**

(a) No certificate holder may use any person, nor may any person serve, as a pilot, unless that pilot has current information provided by the certificate holder regarding routes, airports and terminal areas into which that pilot operates. The certificate holder must ensure that each pilot has adequate knowledge and skill to use the information. The certificate holder must provide information on at least the following subjects:

(1) Weather.

(2) Navigation facilities.

(3) Communication procedures, including airport visual aids.

(4) Terrain and obstructions.

(5) Minimum safe flight levels.

(6) En route and terminal area arrival and departure procedures, holding procedures and authorized instrument approach procedures for the airports involved.

(7) Congested areas and physical layout of each airport in the terminal area in which the pilot will operate.

(8) Notices to Airmen.

(b) Each certificate holder must provide a system acceptable to the Administrator for disseminating the information required by paragraph (a) of this section to the pilots and appropriate flight operations personnel. The system must also provide an acceptable means for showing compliance with pilot qualification for special areas, routes, and airports.

(c) The Administrator may determine that certain airports (due to items such as surrounding terrain, obstructions, or complex approach or departure procedures) are special airports requiring special airport qualifications and that certain areas or routes require a special type of navigation qualification. If the Administrator makes such a determination,no certificate holder may use any person, nor may any person serve, as a pilot in special airport operations unless, within the preceding 18 months, the pilot has met one of the following requirements:

(1) Served as a pilot flying or pilot monitoring during a takeoff and landing at the special airport.

(2) Qualified by using photographs and diagrams acceptable to the Administrator for the special airport.

(3) Qualified by using written descriptions and diagrams of the special characteristics of the airport only in those cases where the country in which the airport is located does not allow photographs to be taken of the airport. The written descriptions and diagrams must be acceptable to the Administrator.

**§ 121.1237 Pilot: Operating limitations and crew pairing.**

(a) No certificate holder may use any person, nor may any person serve, as a pilot in operations under this part unless either the pilot in command or the second in command has at least 75 hours of line flight time in the aircraft being operated.

(b) If the second in command has fewer than 100 hours of flight time as second in command in operations under this part in the aircraft being operated and the pilot in command is not an appropriately qualified check pilot, the pilot in command must make all takeoffs and landings in any of the following conditions:

(1) The prevailing visibility value in the latest weather report for the airport is below ¾ mile.

(2) The runway visual range for the runway to be used is below 4,000 feet.

(3) The runway to be used has water, snow, slush or similar conditions that may adversely affect aircraft performance.

(4) The braking action on the runway to be used is reported to be less than good.

(5) The crosswind component for the runway to be used is in excess of 15 knots.

(6) Windshear is reported in the vicinity of the airport.

(7) Any time the pilot in command determines it to be necessary to make the takeoffs and landings.

(c) Except for check pilots, newly qualifying PIC in the aircraft type, and as described in paragraph (d) of this section, no certificate holder may use any person, nor may any person serve, as a PIC or SIC in operations under this part unless the PIC has been trained for, is assigned to, and operates the aircraft from the left hand pilot's seat, and the SIC has been trained for, is assigned to, and operates the aircraft from the right hand seat.

(d) A certificate holder may authorize an assigned PIC to operate the aircraft from the right hand pilot seat and to authorize the assigned SIC to operate the aircraft from the left hand pilot seat provided the pilots have completed either a training program for that pilot seat or the seat dependent task training for that pilot seat in accordance with the Pilot QPS. The responsibilities of the PIC and SIC who exchange operating seats as described in this paragraph, remain unchanged regardless of the pilot seat being occupied. Duties and functions of the pilot flying and the pilot monitoring will change only due to the limitations and requirements imposed by occupying the opposite pilot seat.

(e) On flights requiring an augmented crew, the pilot in command may take a rest break as authorized in § 121.1241(b)(4) provided pilot in command meeting the requirements of § 121.1241(b)(3) is designated by the pilot in command. The acting pilot in command must then remain on the flight deck during the absence of the pilot in command and may occupy either the left hand or the right hand pilot seat.

**§ 121.1239 Flightcrew Member: Requalification.**

(a) No certificate holder may use any person, nor may any person serve, as a pilot or flight engineer if that person has become unqualified by failing to complete the recurrent curriculum category, including proficiency tests or proficiency checks, as required by § 121.1223.

(b) To be requalified, the person must complete the initial curriculum category requirements of § 121.1365 in accordance with the applicable QPS including operating experience and proficiency test, or the person must meet the requirements of this paragraph in accordance with the appropriate requalification phase. The requalification phases are based on the number of months after the end of the person's base month for recurrent training.

(1) *Phase I requalification.*

(i) *Eligibility for phase I requalification.* An unqualified flightcrew member may requalify by completing the phase I requalification program if it has been less than 9 months since the end of the person's base month for recurrent training.

(ii) *Phase I requalification program.* The flightcrew member must complete phase I requalification in accordance with the applicable QPS. The academic training requirements must be completed within 30 days of beginning requalification training. The job performance training requirements must be completed within 96 hours of initiating job performance training. The flightcrew member must complete all phase I requalification academic training and job performance training requirements in less than 9 months from the end of the person's base month for recurrent training.

(2) *Phase II requalification.*

(i) *Eligibility for phase II requalification.* An unqualified flightcrew member may requalify by completing the phase II requalification program if it has been 9 months or more, but less than 27 months since the end of the person's base month for recurrent training.

(ii) *Phase II requalification program.* The flightcrew member must complete the following phase II requalification requirements within 60 days of beginning requalification training and less than 27 months from the end of the person's base month for recurrent training:

(A) The flightcrew member must complete phase II requalification in accordance with the applicable QPS. A pilot in command must also complete a line check.

(B) The flightcrew member's recurrent base month must be changed as appropriate to correspond to the month in which the proficiency test was completed.

(3) *Phase III requalification.*

(i) *Eligibility for phase III requalification.* An unqualified flightcrew member must complete the phase III requalification program if it has been 27 months or more since the end of the person's base month for recurrent training.

(ii) *Phase III requalification program.* The flightcrew member must complete the following phase III requalification requirements within 90 days of beginning requalification training:

(A) The flightcrew member must complete phase III requalification in accordance with the applicable QPS.

(B) The flightcrew member must complete a qualification LOFT.

(C) The pilot in command must complete a line check.

(D) The flightcrew member's recurrent base month must be changed as appropriate to correspond to the month in which the proficiency test was completed.

**§ 121.1241 Flightcrew members at controls.**

(a) Except as provided in paragraph (b) of this section, each required flightcrew member on flight deck duty must remain at the assigned duty station with seat belt fastened while the aircraft is taking off or landing, and while it is en route.

(b) A required flightcrew member may leave the assigned duty station only in the following situations:

(1) If the crewmember's absence is necessary for the performance of duties in connection with the operation of the aircraft.

(2) If the crewmember's absence is in connection with physiological needs.

(3) If the crewmember (PIC or SIC) is taking a rest period, and relief is provided during the en route cruise portion of the flight by a pilot who meets all of the following:

(i) Holds an airline transport pilot certificate and a type rating on the aircraft.

(ii) Is qualified as pilot in command or second in command on the aircraft.

(iii) Has completed operating experience in accordance with § 121.1225.

(iv) Has completed line operating flight time for consolidation, if applicable, within the time prescribed in § 121.1227.

(v) Has completed either of the following:

(A) Training for the duty station to be occupied.

(B) Seat dependent task training described in the pilot QPS.

(vi) Is maintaining recency in accordance with § 121.1229.

**Check Pilot and Check Flight Engineer Qualification**

**§ 121.1251 Eligibility: Check pilot, check flight engineer, Aircrew Program Designee (APD), and Flight Instructor.**

To be eligible to enter training as a check pilot, check flight engineer, APD, or Flight Instructor, a person must meet the following requirements:

(a) For pilots:

(1) Have an ATP certificate and a rating for the aircraft type in which they are to serve.

(2) Have served in one of the following capacities for at least 1 year in an aircraft of the same group in which that person is authorized to instruct or evaluate:

(i) A flight instructor in a certificate holder's approved training program.

(ii) A pilot in command.

(iii) A Training Center Evaluator (TCE).

(iv) A second in command.

(3) Have completed the certificate holder's academic and job performance training and evaluation for pilot in command, in accordance with §§ 121.1365 and 121.1367, for the aircraft type on which they are to serve as an instructor, check pilot, or APD.

(b) For flight engineers:

(1) Have a flight engineer certificate and a rating for the aircraft type in which they are to serve.

(2) Have served as a flight engineer for at least 1 year in an aircraft of the same group in which that person is authorized to instruct or evaluate.

(3) Have completed the certificate holder's academic and job performance training and evaluation for flight engineer in accordance with §§ 121.1365 and 121.1367, for the aircraft type on which they are to serve as a check flight engineer.

**§ 121.1253 Check pilot and check flight engineer: Training, evaluation, approval and recent experience.**

No certificate holder may use any person, nor may any person serve, as a check pilot or check flight engineer in a training program established under this subpart, with respect to the aircraft type involved, unless the person has satisfied the requirements of this section.

(a) Training:

(1) For check pilots, the following:

(i) The certificate holder's approved academic and job performance training for check pilots, as required by §§ 121.1381 and 121.1383.

(ii) The seat dependent task training from both seats, in accordance with the QPS.

(2) For check flight engineers, the certificate holder's approved academic and job performance training for check flight engineers, as required by §§ 121.1381 and 121.1383.

(b) Evaluation:

(1) For check pilots, the following observation checks:

(i) To be authorized to conduct proficiency tests or proficiency checks, the person must be observed conducting either a proficiency test or a proficiency check in an FFS by an FAA aviation safety inspector or an APD, and the pilot undergoing that proficiency test or proficiency check for this observation must be signed off by the FAA aviation safety inspector or the APD as the instructor or evaluator of record.

(ii) To be authorized to conduct line checks, the person must be observed conducting a line check by an FAA aviation safety inspector or an APD, and the pilot undergoing the line check for this observation must be signed off by the FAA aviation safety inspector or the APD as the evaluator of record.

(2) For check pilots to be authorized to conduct line checks, prior to conducting line checks from one of the pilot operating seats, the person must, initially, and thereafter once each 24 months, complete the following qualification requirements:

(i) At least two operating cycles in the aircraft during line operations, one operating cycle in each pilot seat, under the supervision of a check pilot authorized to conduct operating experience and line checks, who must occupy the opposite pilot seat. Satisfaction of this requirement will also satisfy the line check requirements of § 121.1233.

(ii) At least one operating cycle in the aircraft during line operations under the supervision of an FAA aviation safety inspector or an APD designated to conduct the observation of a check pilot conducting PIC line checks.

(3) For check flight engineers, to be authorized to conduct proficiency tests or proficiency checks, the person must be observed conducting a proficiency test or proficiency check in an FFS by an FAA aviation safety inspector or an APD, and the flight engineer undergoing the proficiency test or proficiency check for this observation must be signed off by the FAA aviation safety inspector or the APD as the instructor or evaluator of record.

(c) Approval:

(1) For check pilots, after completing the requirements of paragraphs (a) and (b) of this section, the check pilot may be issued an FAA letter of authorization to conduct the following:

(i) Proficiency tests and proficiency checks, in an FFS, unless the check pilot is authorized to conduct these activities in an airplane.

(ii) Line checks.

(2) For check flight engineers, after completing the requirements of paragraphs (a) and (b) of this section, the check flight engineer may be issued an FAA letter of authorization to

conduct proficiency tests and proficiency checks.

(3) Check pilots and check flight engineers may conduct only those activities listed on the FAA letter of authorization.

(4) For those check pilots and flight engineers who have reached their 65th birthday or who do not hold medical certificates, the check pilot or check flight engineer may be authorized to conduct only proficiency tests, checks, or line checks, but may not serve as flightcrew members in operations under this part.

(5) For a certificate holder to continue to use, and a person to continue to serve as a check pilot or check flight engineer under a letter of authorization issued under paragraph (c) of this section, the person must satisfactorily complete one of the authorized activities under the observation of an FAA aviation safety inspector or the APD, once every 24 months after the date of issuance of the letter of authorization. The observations required under this paragraph are considered to have been completed in the month required if completed in the calendar month before, or the calendar month after, the month in which it is due.

(d) Recent experience:

(1) Except as provided in paragraph (d)(2)(iii)(B) of this section, check pilots and check flight engineers must maintain recency as a pilot or flight engineer as required by § 121.1229 or § 121.1231, as applicable.

(2) After a person has been a check pilot or a check flight engineer for 12 months:

(i) The person may not serve as a check pilot or a check flight engineer unless in the preceding 12 months the person has completed at least 6 evaluation activities for the certificate holder. The minimum of 6 activities must include at least one of each activity he or she is authorized to conduct in accordance with the applicable QPS.

(ii) If the check pilot or check flight engineer fails to conduct at least 6 activities, that person may not serve as a check pilot or check flight engineer until the person is re-observed by an FAA aviation safety inspector or an APD while conducting a proficiency test or proficiency check.

(iii) If the person has conducted six activities but one or more of the authorized activities have not been conducted:

(A) The check pilot or check flight engineer may not serve as a check pilot or check flight engineer for any activity until re-observed by an FAA aviation safety inspector or an APD while conducting a proficiency test or proficiency check; or

(B) The certificate holder must request that the FAA update the check pilot's or check flight engineer's letter of authorization by removing the activities that were not conducted from the authorizations.

(iv) Within the 12 months preceding performing the duties of a check pilot or check flight engineer, the check pilot or check flight engineer must have completed the following:

(A) Attended the standardization meetings required by § 121.1355(b) for each aircraft type in which the person is authorized to conduct check pilot or check flight engineer duties; and

(B) If the check pilot or check flight engineer meets the requirements of paragraph (d)(1) of this section by completing § 121.1229(a)(1) or § 121.1231(a) through aircraft operations other than line operations under this part, or by completing § 121.1229(a)(2) or § 121.1231(a)(2) in a qualified and approved FFS, the check pilot or check flight engineer must have observed the line operations of the certificate holder in the airplane for which the check pilot or check flight engineer is to perform evaluation duties. This observation must be part of an FAA-approved line-observation program.

**§ 121.1255 IOE pilot: Additional training requirements.**

(a) No certificate holder may use any person, nor may any person serve, as an IOE pilot in operations under this part with respect to the aircraft type involved, unless the person is current and qualified as a pilot in command for the part 119 certificate holder with the appropriate certificates and ratings and has satisfied the following requirements:

(1) Received training on safety measures to be taken from either pilot seat for emergency situations that are likely to develop during flight operations.

(2) Received training on potential consequences of improper, untimely or unexecuted safety measures during flight operations.

(3) Completed the seat dependent task training described in the QPS.

(4) Been observed initially, and at least every 24 months thereafter, conducting at least two cycles of IOE by an APD or check pilot authorized by the FAA to conduct IOE.

(b) Recurrent training for IOE pilot must be completed in accordance with § 121.1223, and must include the following:

(1) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during flight operations.

(2) The potential consequences of improper, untimely or unexecuted safety measures during flight operations.

(3) Seat dependent task training from both seats, in accordance with the QPS.

**§ 121.1257 Check airmen: Initial cadre.**

(a) This section establishes the requirements for initial cadre check airmen and requirements for the instructors, check airmen, and APDs who will train the initial cadre check airmen. A certificate holder may use a person as a check airman even though the person does not meet the experience, recency, crew pairing, or consolidation requirements of this subpart, if the person meets the initial cadre check airmen requirements of this section. The FAA will determine the period of initial cadre status and may terminate initial cadre status entirely or for an individual check airman, if necessary. In no case will initial cadre status exceed a period of 24 months.

(b) *Initial cadre check airmen: Qualification.* To be an initial cadre check airman for a part 119 certificate holder and to continue to serve in that capacity for the authorized period, a person must meet all of the following requirements:

(1) Be employed by the part 119 certificate holder.

(2) Have served at least 3 years in the past 6 years as a pilot in command or as a flight engineer, as applicable, on an aircraft of the same group in which the person is to perform duties as an initial cadre check airman.

(3) Have the appropriate certificates and ratings for the aircraft type and pilot or flight engineer position.

(4) Have completed the academic and job performance training and evaluation of the applicable curriculum categories, as approved by the FAA for the part 119 certificate holder that are required to serve as a pilot in command or flight engineer, as applicable. For initial cadre check pilots, seat dependent task training must be completed.

(5) Perform each of the duties to be accomplished as a check pilot or check flight engineer under the observation of an FAA aviation safety inspector. When an observed activity must be made part of a training record, the people undergoing the observed activities must be signed off by the FAA aviation safety inspector as the evaluator of record.

(6) Be approved by the FAA for the specific check airman duties to be performed.

(c) *Initial cadre check airmen: Operating experience.* Initial cadre check airmen may obtain aircraft

operating experience while supervising or being supervised by other initial cadre check airmen, and while being observed by the FAA.

(1) Operating experience for initial cadre check airmen may be obtained during revenue passenger operations or during aircraft delivery flights, ferry flights, repositioning flights, or proving flights.

(2) An initial cadre check airman may not gain operating experience in operations under this part unless there is at least one initial cadre check pilot on that flight who has the following experience in the aircraft type:

(i) Has at least 5 hours of operating experience at the pilot controls; and

(ii) Has made at least two takeoffs and landings within the previous 60 days.

(d) *Training initial cadre check airmen.* The part 119 certificate holder may use current employees, employees of part 142 certificate holders, employees of other part 119 certificate holders, or aircraft manufacturers as instructors, check airmen, and aircrew program designees (APDs) for training initial cadre check airmen. The part 119 certificate holder must receive FAA approval for the instructors, check airmen, and aircrew program designees (APDs) used to train initial cadre check airmen. The FAA must complete all evaluation of the initial cadre check airmen.

(e) *Initial cadre check airmen: Consolidation.* Notwithstanding contrary provisions of § 121.1227 for consolidation of knowledge and skills (including operating experience required under § 121.1225), an initial cadre check pilot may delay initiating line flight time for consolidation. The initiation of consolidation may be delayed until 180 days after completing the proficiency test at the end of the initial or transition curriculum category, or until 10 days after the initial cadre status is terminated by the FAA, whichever is sooner. Once consolidation is initiated, the pilot must acquire 100 hours of line operating experience within 120 days. If consolidation is not completed as required by this paragraph, the pilot must restart consolidation in accordance with § 121.1227.

(f) *Initial cadre check airmen: Recency.* Notwithstanding contrary provisions of § 121.1229 for recent takeoff and landing experience, an initial cadre check pilot may perform the duties of a pilot in command or second in command in operations under this part if the initial cadre check pilot has satisfied the following two requirements:

(1) Has accumulated at least 5 hours of operating experience as pilot flying in the aircraft type.

(2) Has made at least two takeoffs and landings as pilot flying within the previous 60 days in the aircraft type.

(g) *Initial cadre check airmen: Operating limitations.* Notwithstanding contrary provisions of § 121.1237 for crew pairing, an initial cadre check pilot may perform the duties of a pilot in command or second in command in operations under this part without respect to the minimum number of hours of line flight time in that aircraft type accumulated by the pilot occupying the other pilot position if the initial cadre check pilot has satisfied the following two requirements:

(1) Has accumulated at least 5 hours of operating experience as the pilot flying in the aircraft type.

(2) Has made at least two takeoffs and landings as the pilot flying within the previous 60 days in the aircraft type.

**Aircrew Program Designee Qualification**

**§ 121.1271 Aircrew Program Designee (APD): Training, evaluation, and recent experience.**

No certificate holder may use any person, nor may any person serve, as a pilot APD or a flight engineer APD in a training program established under this subpart, with respect to the aircraft type involved, unless the person meets the requirements of § 121.1251 and has satisfied the requirements of this section.

(a) Training:

(1) For pilot APDs, the following:

(i) The certificate holder's approved academic and job performance training for check pilots, as required by §§ 121.1381 and 121.1383.

(ii) The seat dependent task training from both seats, in accordance with the QPS.

(2) For flight engineer APDs, the certificate holder's approved academic and job performance training for check flight engineers, as required by §§ 121.1381 and 121.1383.

(b) Evaluation:

(1) For pilot APDs, the APD must be observed conducting a proficiency test by an FAA aviation safety inspector. The pilot undergoing the proficiency test for this observation must be signed off by the FAA aviation safety inspector as the evaluator of record.

(2) For flight engineer APDs, to be authorized to conduct proficiency tests, the person must be observed conducting a proficiency test in an FFS by an FAA aviation safety inspector, and the flight engineer undergoing the proficiency test for this observation must be signed off by the FAA aviation safety inspector as the evaluator of record.

(c) Approval:

(1) For pilot APDs, after completing the requirements of paragraphs (a) and (b) of this section, the pilot APD may be issued an FAA certificate of designation and certificate of authority under § 183.13(b) of this chapter to conduct proficiency tests, proficiency checks or line checks.

(2) For flight engineer APDs, after completing the requirements of paragraphs (a) and (b) of this section, the flight engineer APD may be issued an FAA letter of authorization and a certificate of designation to conduct proficiency tests.

(d) Recent experience:

(1) APDs must maintain recency as a pilot or flight engineer as required by § 121.1229 or § 121.1231, as applicable.

(2) After a person has been an APD for 12 months, within the 12 months preceding performing the duties of a pilot or flight engineer APD, the APD must:

(i) Have attended the standardization meetings as required by § 121.1355(a)(2) for each aircraft type in which the person is authorized to conduct APD duties; and

(ii) If the APD has met the requirements of paragraph (d)(1) of this section by completing § 121.1229(c) or § 121.1231(c), complete an FAA approved line-observation program by observing the certificate holder's line operations from the observer seat.

**Flight Instructor Qualification**

**§ 121.1281 Instructor (Academic and Job Performance): Training, evaluation, and recent experience.**

No certificate holder may use any person, nor may any person serve, as an instructor in a training program established under this subpart, with respect to the aircraft type involved, unless the person has satisfied the requirements of this section. Pilot and flight engineer flight instructors who have reached their 65th birthday or who do not hold an appropriate medical certificate may function as flight instructors, but may not serve as flightcrew members in operations under this part.

(a) Training:

(1) *Ground instructor (pilot or flight engineer).* Must complete training that includes the following:

(i) Training policies and procedures.

(ii) Instructor duties, functions and responsibilities.

(iii) The applicable regulations of this chapter and the certificate holder's policies and procedures.

(iv) Appropriate methods, procedures and techniques for conducting academic training.

(v) Evaluation of student performance.

(vi) Appropriate action in the case of unsatisfactory performance.

(vii) The approved methods, procedures and limitations for instructing and evaluating in the required normal, abnormal and emergency procedures applicable to the aircraft.

(viii) Curriculum review.

(2) *Pilot flight instructor.* Must satisfy the requirements of § 121.1251 and complete the following:

(i) The FAA-approved training program for the certificate holder in the appropriate category of academic and job performance training for pilots, as required by § 121.1365; and, when applicable, the recurring academic and job performance training for pilots, as required by § 121.1367.

(ii) The part 119 certificate holder's approved academic training for pilot flight instructors, as required by § 121.1377, and the part 119 certificate holder's job performance training for pilot flight instructors, as required by § 121.1379.

(iii) The seat-dependent task training from both seats, in accordance with the QPS.

(3) *Flight engineer flight instructor.* Must complete the following:

(i) The FAA-approved training program for the certificate holder in the appropriate category of academic and job performance training for flight engineers, as required by § 121.1365; and, when applicable, the recurring academic and job performance training for flight engineers, as required by § 121.1367.

(ii) The part 119 certificate holder's approved academic training for flight engineer flight instructors, as required by § 121.1377, and the part 119 certificate holder's job performance training for flight engineer flight instructors, as required by § 121.1379.

(4) *Subject matter expert.* A person who is a subject matter expert with specific technical knowledge on a subject may be used to conduct flightcrew member training in accordance with § 121.1339.

(b) Evaluation:

(1) Pilot and flight engineer ground instructors must be observed by an accepted pilot or flight engineer ground instructor, as appropriate, conducting a representative number of academic subjects.

(2) For pilot flight instructors, the following observation checks:

(i) To be authorized to conduct flight training:

(A) The flight instructor must be observed conducting flight training in an FFS by a check pilot.

(B) The pilot undergoing the flight training for this observation must be signed off by the check pilot as the instructor of record.

(ii) To be authorized to conduct proficiency reviews:

(A) The flight instructor must be observed conducting a proficiency review by a check pilot.

(B) The pilot undergoing the proficiency review for this observation must be signed off by the check pilot as the evaluator of record.

(3) For flight engineer flight instructors, to be authorized to conduct flight training:

(i) The flight instructor must be observed conducting flight training in an FFS by a check flight engineer; and

(ii) The flight engineer undergoing the flight training for this observation must be signed off by the check flight engineer as the instructor of record.

(4) Pilot and flight engineer instructors must be re-observed at least once every 24 months:

(i) For ground instructors, by an accepted pilot or flight engineer ground instructor, as appropriate, conducting a representative number of academic subjects.

(ii) For flight instructors, by a check pilot or check flight engineer, as appropriate, conducting flight training in an FFS.

(c) Acceptance of ground and flight instructors: The certificate holder must submit a list of all ground and flight instructors including the activities each would be authorized to perform, to the FAA. These instructors must be acceptable to the FAA.

(d) Recent experience:

(1) Flight instructors must maintain recency as a pilot or flight engineer as required by § 121.1229 or § 121.1231, as applicable. If this recency is maintained in accordance with § 121.1229(a)(1) or § 121.1231(a) through aircraft operations other than line operations under this part, or by completing § 121.1229(a)(2) or § 121.1231(a)(2) in a qualified and approved FFS, the flight instructor must have observed the line operations of the certificate holder in the airplane for which the flight instructor is to perform flight instruction duties. This observation must be part of an FAA-approved line-observation program.

(2) After a person has been an instructor for 12 months:

(i) The person may not serve as a pilot or flight engineer ground instructor, as appropriate, unless in the preceding 12 months the person has completed at least 1 initial, transition, upgrade, or conversion ground school or at least six recurrent ground school sessions. If the person fails to conduct at least 1 initial, transition, upgrade, or conversion ground school or at least six recurrent ground schools within the previous 12-month period, that person may not serve as a pilot or flight engineer ground instructor, as appropriate, until the person is observed by an accepted pilot or flight engineer ground instructor, as appropriate, conducting a representative number of academic subjects.

(ii) The person may not serve as a flight instructor unless in the preceding 12 months the person has completed at least six instructor activities for the certificate holder. The minimum of six instructor activities must include at least one LOFT and one FFS course of instruction. If the person fails to conduct at least six activities within the previous 12-month period, that person may not serve as a flight instructor until the person is observed conducting a LOFT or an FFS course of instruction by a check pilot, or check flight engineer, as appropriate. This observation will allow the person to conduct LOFT or the FFS course of instruction. During this observation the check pilot, or check flight engineer, as appropriate, must be the instructor of record.

**Flight Attendant Instructor Qualification**

**§ 121.1291 Flight attendant instructor: Qualification and training.**

(a) Except as provided in paragraph (b) of this section, no certificate holder may use any person, nor may any person serve, as a flight attendant instructor in a training program established under this subpart unless that person meets the following requirements:

(1) A person may provide instruction only in those performance drills that the person can perform at the time of instruction.

(2) Within the past 12 months completed initial or recurrent flight attendant instructor training for the certificate holder as follows:

(i) Training policies and procedures.

(ii) Instructor duties, functions and responsibilities.

(iii) The applicable regulations of this chapter and the certificate holder's policies and procedures.

(iv) Appropriate methods, procedures and techniques for conducting academic training to include performance drills.

(v) Evaluation of student performance.

(vi) Appropriate action in the case of unsatisfactory performance.

(vii) The approved methods, procedures and limitations for

instructing and evaluating in the required normal, abnormal and emergency procedures applicable to the aircraft.

(viii) Curriculum review, including amendments to the certificate holders approved training program.

(b) A person who is a subject matter expert with specific technical knowledge on a subject may be used to conduct flight attendant training in accordance with the Flight Attendant QPS.

**Flight Attendant**

**§ 121.1301 Flight attendant: Training and evaluation.**

No certificate holder may use any person, nor may any person serve, as a required flight attendant in operations under this part unless that person has completed the required curriculum for that aircraft type and crewmember duty position.

(a) A curriculum consists of the programmed hours, including training and evaluation, as specified in § 121.1335 and in the Flight Attendant QPS, and the following curriculum categories.

(1) New hire as prescribed in § 121.1363.

(2) Initial as prescribed in § 121.1369.

(3) Emergency as prescribed in § 121.1373.

(4) Differences as prescribed in § 121.1391.

(5) Transition as prescribed in § 121.1369 for flight attendants eligible under § 121.1371.

(6) Recurrent as prescribed in § 121.1375, according to the schedule prescribed in § 121.1303.

(7) Requalification, if necessary, as prescribed in § 121.1309.

(8) Special, if necessary, as prescribed in § 121.1337.

(b) *Continuity of training.* Within 120 days of beginning first time qualification for the certificate holder, a person must have completed the following curriculum categories:

(1) New hire as prescribed in § 121.1363.

(2) Initial as prescribed in § 121.1369.

(3) Emergency as prescribed in § 121.1373.

(4) Aircraft Operating Experience on at least one aircraft type as prescribed in § 121.1305.

(c) *Failure to complete training within 120 days.* If a person fails to complete the requirements of paragraph (b) within the 120 days, the person must repeat the required training categories. No credit is given for any of the training previously completed if the entire curriculum is not completed within 120 days.

**§ 121.1303 Flight attendant: Continuing qualification.**

No certificate holder may use any person, nor may any person serve, as a flight attendant unless the person has completed the training required by paragraph (a), (b), or (c) of this section within the previous 12 months:

(a) New hire training, initial training, transition training, emergency training, and differences training, as applicable, as described in § 121.1301(a)(1) through (5).

(b) Recurrent training as required by § 121.1375.

(1) A flight attendant must complete recurrent academic and job performance training by the end of the eligibility period. The eligibility period consists of the base month, the month before the base month and the month after the base month.

(2) A flight attendant who has not completed recurrent training by the end of the base month may continue to serve until the end of the eligibility period.

(c) Requalification training as prescribed in § 121.1309.

(d) The eligibility period includes the month before and the month following the base month. The base month is one of the following:

(1) The 12th month following the month during which the person completes new hire training, initial training, transition training, emergency training, and differences training, as applicable, as described in § 121.1301(a)(1) through (5).

(2) The 12th month following the month in which the person last completed the recurrent training authorized in § 121.1375.

(3) The month as prescribed in § 121.1309.

(e) Whenever a flight attendant who is required to take recurrent training or evaluation completes the training or evaluation in the calendar month before or after the calendar month in which that training or evaluation is required, he or she is considered to have completed the training or evaluation in the calendar month in which it was required.

(f) A flight attendant who has not completed recurrent training by the end of the base month may continue to serve until the end of the eligibility period. However, if the recurrent training is not completed during the eligibility period, the person is unqualified for that flight attendant duty position on the first day of the month following the eligibility period. The unqualified person may not serve in that flight attendant duty position until the person completes the applicable phase of the requalification curriculum category as prescribed in § 121.1309.

**§ 121.1305 Flight attendant: Aircraft operating experience.**

(a) No certificate holder may use any person, nor may any person serve, as a flight attendant, unless that person has completed, for the certificate holder, the aircraft operating experience required by this section and the Flight Attendant QPS.

(1) A qualifying flight attendant may not begin aircraft operating experience for a specific aircraft type until the qualifying flight attendant has completed initial training for the aircraft type.

(2) A qualifying flight attendant receiving aircraft operating experience must perform the duties of a flight attendant on at least two operating cycles in the aircraft type under the supervision of a check flight attendant.

(3) A qualifying flight attendant receiving aircraft operating experience must perform the assigned duties of a flight attendant for a combined total of at least 5 hours of aircraft operating experience.

(4) A qualifying flight attendant must complete aircraft operating experience for the aircraft type on which the qualifying flight attendant is to serve as a flight attendant.

(5) A qualifying flight attendant receiving aircraft operating experience may not serve as a required crewmember on that aircraft type.

(6) Aircraft operating experience must be completed in passenger carrying operations under this part or in proving flights conducted under part 91 of this chapter.

(b) Notwithstanding the requirements of paragraph (a) of this section, within 180 days of completing the training required by § 121.1301(a)(1) through (4), flight attendants may serve as required crewmembers on any aircraft type for which they have not completed AOE provided the following conditions are met:

(1) The flight attendant must have met the requirements of paragraph (a) of this section for at least one type aircraft for that certificate holder;

(2) When flight attendants serve as required crewmembers on any type aircraft for which they have not accomplished AOE, they must be supervised by a check flight attendant for the first two operating cycles in that aircraft type; and

(3) The supervised experience must be completed in passenger carrying operations under this part or in proving flights conducted under part 91 of this chapter.

(c) While a check flight attendant is conducting supervision, the following requirements apply:

(1) A check flight attendant may not supervise more than four persons on any one operating cycle.

(2) Not more than two check flight attendants may provide supervision on any one operating cycle.

(3) The number of persons receiving supervision on a particular aircraft may not exceed twice the number of flight attendants required by § 121.391 for that aircraft.

(d) Flight attendants completing transition training are not subject to the aircraft operating experience requirements of this section.

**§ 121.1309 Flight Attendant: Requalification.**

No certificate holder may use any person, nor may any person serve, as a flight attendant if that person has become unqualified by failing to meet the recurrent training requirements of § 121.1303(b). The requalification requirements for each phase must be completed before the end of the applicable phase of requalification. To be requalified the person must repeat the training required by § 121.1301(a)(1) through (a)(5), or satisfy one of the following requirements:

(a) *Phase I Requalification program.* If less than 24 months have elapsed since the end of the person's base month for recurrent training, the person may be requalified by completing the following:

(1) Complete the current recurrent flight attendant training cycle. The base month for recurrent training may be changed.

(2) Receive training on tasks that were missed and all policies, procedures, and security requirements, applicable to flight attendant duties that have been updated, modified, or implemented since the last time the flight attendant completed recurrent.

(3) For flight attendants qualified in extended overwater operations, participate in a cabin preparation and evacuation drill (ditching), if not part of the current recurrent flight attendant training cycle.

(b) *Phase II Requalification program.* If 24 months or more have elapsed since the end of the person's base month for recurrent training, the person may be requalified by completing the requirements of this paragraph. The base month for recurrent may be changed.

(1) New hire, initial, transition, emergency, and differences curriculum categories, as applicable, as described in § 121.1301.

(2) After satisfactorily completing phase II requalification, one of the following conditions must be met for the first two operating cycles:

(i) The flight attendant may not serve as a required flight attendant; or

(ii) The flight attendant may serve as a required flight attendant under the supervision of a check flight attendant.

(3) For the purposes of phase II requalification, the Administrator determines the number of programmed hours required for each curriculum category listed in paragraph (b)(1) of this section.

**Check Flight Attendant Qualification**

**§ 121.1321 Check flight attendant: Eligibility, approval, qualification, and continuing qualification.**

(a) *Eligibility for training.* To be eligible for training as a check flight attendant for an aircraft type, a person must meet the following requirements:

(1) Have been qualified for at least 180 days and served in the previous 180 days on an aircraft as a flight attendant for the part 119 certificate holder.

(2) Be current and qualified to serve as a flight attendant on that aircraft type for the part 119 certificate holder.

(b) *Initial qualification.* No certificate holder may use any person, nor may any person serve, as a check flight attendant for the first time on the aircraft type, unless the person meets the following requirements for the part 119 certificate holder:

(1) Continue to meet the requirements of paragraph (a) of this section.

(2) Complete the check flight attendant training requirements in accordance with § 121.1381.

(3) Supervise operating experience for at least one operating cycle on the aircraft type under the observation of a check flight attendant or an FAA aviation safety inspector. The person undergoing operating experience must be signed off by the check flight attendant or the FAA aviation safety inspector conducting the observation.

(c) *Continuing qualification.* No certificate holder may use a check flight attendant, nor may any check flight attendant serve as a check flight attendant, unless the check flight attendant meets the following requirements for the part 119 certificate holder:

(1) Within the preceding 12 months, has completed recurrent check flight attendant training in accordance with § 121.1381(c)(1) and (c)(3).

(2) Within the preceding 12 months, has completed at least one operating cycle as a flight attendant or check flight attendant.

(d) *Reestablishing recent experience.* If the requirements of paragraph (c)(2) of this section are not met, the person may not serve as a check flight attendant until the person is observed supervising aircraft operating experience in the aircraft type for at least one cycle by another check flight attendant or an FAA aviation safety inspector.

(e) *Acceptance of check flight attendants.* The certificate holder must maintain a current list of all check flight attendants and submit that list to the FAA. The check flight attendants must be acceptable to the FAA.

**§ 121.1323 Check flight attendant: Initial cadre.**

(a) A certificate holder may use a person as a check flight attendant even though the person does not meet the experience requirements of § 121.1321 if the person meets the initial cadre requirements of this section. The FAA will determine the period of initial cadre status and may terminate initial cadre status entirely or for an individual check flight attendant, if necessary. In no case will initial cadre status exceed a period of 24 months.

(b) To be an initial cadre check flight attendant for a part 119 certificate holder, and to continue to serve in that capacity for the authorized period, a person must meet all of the following requirements:

(1) Be employed by the part 119 certificate holder.

(2) Have served at least 3 years in the past 6 years as a flight attendant in part 121 operations.

(3) Have completed the training as specified in § 121.1301(a)(1) through (6), as appropriate.

(4) Complete the check flight attendant training requirements in accordance with § 121.1381.

(5) Perform the duties of a check flight attendant for the new part 119 certificate holder or a certificate holder transitioning to a new aircraft type under the observation of an FAA aviation safety inspector. This observation check can be conducted during operations under this part or during proving flights conducted under part 91 of this chapter. When an observed activity must be made part of a training record, the people undergoing the observed activities must be signed off by the FAA aviation safety inspector as the evaluator of record.

(c) If the certificate holder wants FAA approval for a person to be an initial cadre check flight attendant but that person has not met the requirements of § 121.1305, he or she can satisfy those requirements by meeting the following:

(1) Being observed by the FAA while supervising other flight attendants, while supervising other check flight

attendants, or while performing the duties of a flight attendant; and

(2) During operations conducted under this part or during proving flights conducted under part 91 of this chapter.

(d) Only employees of a part 142 certificate holder, part 119 certificate holder, or the aircraft manufacturer may administer the training and evaluation activities for initial cadre check flight attendants, in accordance with the Flight Attendant QPS and as approved by the FAA. In addition, current and qualified check flight attendants for the part 119 certificate holder that is adding a new aircraft type do not need to meet the observation requirements of paragraph (c)(2) of this section for the new aircraft type.

(e) Acceptance of initial cadre check flight attendants: The certificate holder must maintain a current list of all initial cadre check flight attendants and submit that list to the FAA. The initial cadre check flight attendants must be acceptable to the FAA.

**General Training Program Requirements**

**§ 121.1331 Training program: General.**

(a) Each certificate holder must establish and maintain a current training program for each aircraft type used. Each curriculum in a training program must be kept current with respect to any changes in the requirements of this chapter or the certificate holder's policies and operation pertinent to crewmember duties. Each certificate holder must obtain initial and final approval of its training program, as specified in § 121.1337.

(b) The training program must contain all of the following:

(1) The requirements of this subpart.

(2) The requirements of the crewmember QPS, as applicable.

(3) The operating procedures for each required task in the crewmember's QPS. These operating procedures are contained in the information, duties, and responsibilities of crewmembers that are contained in the manual required by § 121.134.

(4) For flightcrew members, the procedures, limitations, and performance information from the Flightcrew Member Operating Manual required by §§ 121.134 and 121.136.

(c) Each certificate holder is responsible for ensuring that its crewmembers are adequately trained and crewmember training and evaluation is conducted in accordance with the certificate holder's approved training program.

(d) Persons other than employees of the certificate holder may be trained by the certificate holder for the purpose of instructing in the certificate holder's training program, conducting evaluations in the certificate holder's training program, or conducting evaluations of the certificate holder's training program.

(e) A certificate holder's training program must provide the following, as applicable:

(1) Curriculums and curriculum category requirements applicable for use for the specific certificate holder as required by this subpart and approved by the Administrator.

(2) A sufficient number of academic and job performance instructors, trained and qualified in accordance with this subpart, to provide the approved training and evaluation.

(3) A sufficient number of check pilots, check flight engineers and check flight attendants, trained and qualified in accordance with this subpart, to complete the training and evaluations required by this subpart.

(4) FSTD required by this subpart and approved for use by the Principal Operations Inspector responsible for approving the certificate holder's training program. FSTD must be available in sufficient quantity to conduct the training program as approved.

(5) Training equipment other than flight simulation training devices in accordance with § 121.1351. This training equipment must be available in sufficient quantity to conduct the training program as approved.

(6) Adequate academic and job performance training facilities.

(7) Current training materials, examinations, forms, instructions, and procedures for use in conducting the training and evaluation required by this part with respect to each aircraft type, and if applicable, the particular variations within that aircraft type.

(f) No certificate holder may use a person as a crewmember, unless the person responsible for instructing or evaluating an academic training subject or job performance training task or environment, has certified in a manner approved by the Administrator that the crewmember is knowledgeable and proficient in the specific subject, task, or environment.

(1) The documentation required by this paragraph (f) must be made a part of the crewmember's record required by subpart V of this part.

(i) For flight attendants, the record must show that the individual has satisfactorily completed each of the training categories in § 121.1301, as appropriate.

(ii) For flightcrew members, the record must show if the individual satisfactorily or unsatisfactorily completed each of the training categories in § 121.1221, as appropriate. In addition, the record must show if the individual satisfactorily or unsatisfactorily completed each of the proficiency tests, proficiency checks, or proficiency reviews required by this part. Records of unsatisfactory results must include the specific items for which performance was unsatisfactory.

(2) When the record of certification required by this paragraph (f) is made by an entry in a computerized recordkeeping system, the identity of the certifying instructor, check pilot, check flight engineer, or check flight attendant must be recorded, and the record of the certification must be completed by a means approved by the Administrator.

**§ 121.1333 Training program: General curriculum requirements.**

(a) Each certificate holder must establish and maintain a current written training program curriculum for each aircraft type operated by that certificate holder under this part. Curriculums must be available for each crewmember position required for that aircraft type. Each curriculum must include curriculum categories containing the appropriate subjects, tasks, and environments required by this subpart and the appropriate QPS.

(b) Each training program curriculum must provide training and evaluation as necessary to ensure that each crewmember:

(1) Has demonstrated proficiency with respect to each aircraft type, crewmember position, and type of operation in which the crewmember serves.

(2) Has demonstrated proficiency in the duties and responsibilities for the aircraft type that are contained in the manual required by § 121.134 as outlined in § 121.136.

(3) Has demonstrated that they are knowledgeable in the current operating limitations, procedures, loading, and performance sections of the current Flight Crew Operating Manual.

(4) Qualifies in new equipment, facilities, procedures, and techniques, including modifications to aircraft. Pilots must also qualify in designated special airports and navigation routes and areas as required by § 121.1235.

(5) Has demonstrated understanding of the nature and effects of safety hazards, and for flightcrew members, periodic weather extremes and their effect on operations.

(6) Has demonstrated, through knowledge and application, through all phases of flight, crew resource management skills identified in the QPS.

(c) Each curriculum category must include all of the following:

(1) A list of academic training and evaluation including the subjects that are provided.

(2) A list of all job performance training and evaluation including the tasks and environments. The list must include the level(s) of FSTD in which each job performance task must be performed and in which each environment may be encountered, unless the certificate holder has been granted a deviation from the FSTD requirements of this subpart in accordance with § 121.1345.

(3) Detailed descriptions or pictorial displays of the approved standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures that will be performed during job performance training and evaluation. For a certificate holder that has been granted a deviation under § 121.1345, detailed descriptions or pictorial displays of the approved normal, abnormal, and emergency maneuvers, procedures, and functions that will be performed during each job performance training or during each proficiency test, check, or review, indicating those maneuvers, procedures and functions that are to be performed during job performance training and during each proficiency test, check, or review.

(4) An outline of each curriculum category that includes academic and job performance training and evaluation by subject, task, and environment, as applicable.

(5) Differences that relate to the variations of a particular aircraft type to be included in all academic and relevant job performance training for purposes of training and evaluation.

(6) A list of all the FSTD, and other training and evaluation equipment that the certificate holder will use, including approval for particular tasks or functions.

(7) The approved programmed hours for each curriculum category.

(8) A copy of each statement issued by the Administrator under § 121.1335(c) for reduction of baseline programmed hours.

**§ 121.1335 Training program: Curriculum category programmed hours.**

(a) Each certificate holder's training program submitted for initial approval under this subpart must have at least the programmed baseline hours of training as specified in the applicable crewmember QPS. Training programmed hours include training and evaluation.

(1) Academic training hours must be in a classroom provided by the certificate holder unless otherwise approved by the Administrator. Proposals for a training environment other than a classroom provided by the certificate holder must be accompanied by a plan for assessing the knowledge and cognitive skill requirements to be supported by the proposed alternative environment, and for providing the testing of each student to ensure the knowledge and skill requirements are met.

(2) Programmed hours for flightcrew member job performance training are for FSTD lessons for a specific duty position in a curriculum category.

(3) Programmed hours for flight attendant job performance training must be completed in an environment that complies with the requirements of the Flight Attendant QPS.

(b) The certificate holder must have programmed hours approved by the Principal Operations Inspector. A certificate holder may apply for a reduction of training programmed hours based on the factors outlined in § 121.1337(g). The Administrator will not approve a reduction of programmed hours below the minimum hours set forth in the applicable crewmember QPS.

(c) If approval of a reduction in training programmed hours is granted, the Administrator provides the certificate holder with a statement of the basis for the approval.

(d) The Administrator may grant a deviation to certificate holders described in § 135.3(b) and (c) of this chapter to allow reduced programmed hours of academic training if the Administrator determines that a reduction is warranted based on the certificate holder's operations and the complexity of the make, model, and series of the aircraft used.

(e) The certificate holder must have the required programmed hours approved by the Principal Operations Inspector for initial, transition, and recurrent academic training and evaluation for flight instructors, check pilots, check flight engineers, check flight attendants, flight attendant instructors, and persons authorized to conduct flight attendant proficiency checks.

**§ 121.1337 Training program: Approval and amendment process.**

(a) Each training program described in this subpart must be approved by the Administrator. To obtain initial or final approval of a training program, each certificate holder must provide the Administrator the following information in a form acceptable to the Administrator:

(1) An outline of the proposed program, including an outline of the proposed curriculum required in § 121.1333 for a preliminary evaluation of the proposed training program.

(2) Curriculums and curriculum categories applicable for use by the certificate holder as required by this subpart.

(3) A list of the FSTD that are to be used in the training program.

(4) A list of training equipment, other than FSTD, that is to be used in the training program.

(5) A description of the academic and job performance training facilities.

(6) A synopsis of the materials, examinations, forms, instructions, and procedures to be used for the training and evaluation required by this subpart with respect to each aircraft type, and if applicable, the particular variations within that aircraft type. Upon request, the certificate holder must make the items required in this paragraph available to the FAA for review.

(7) If training is to be conducted by persons other than the part 119 certificate holder's employees, a statement that training will be provided by persons other than the part 119 certificate holder's employees in accordance with § 121.1339.

(8) The continuous analysis process established in accordance with § 121.1355.

(9) Additional relevant information requested by the Administrator.

(b) To request a revision to an approved training program, each certificate holder must provide the Administrator the relevant information in paragraph (a) of this section that has not already been provided to the Administrator. The information must be in a form acceptable to the Administrator.

(c) If the proposed training program or proposed revision complies with this subpart, the Administrator grants initial approval in writing, after which the certificate holder may conduct the training and evaluation in accordance with that program. The Administrator then evaluates the effectiveness of the initially approved training program and advises the certificate holder of any deficiencies that must be corrected.

(d) A revision to an approved training program may be proposed as a special curriculum category that reflects changes to the certificate holder's operation, or as a differences curriculum

category that reflects differences in configuration within an aircraft type.

(1) The proposed special curriculum category will include training and evaluation. This training and evaluation will be initially approved and evaluated. Upon satisfactory evaluation, the special curriculum category will receive final approval and be integrated into the existing curriculum categories, if appropriate. If integrated, it will no longer be called a special curriculum category, but will be part of the approved training program. The Principal Operations Inspector will determine if the number of submitted programmed hours is sufficient.

(2) The proposed differences curriculum category will include training and evaluation. This training and evaluation will be initially approved, evaluated and, upon satisfactory evaluation, added to the previously approved differences curriculum category. The Principal Operations Inspector will determine if the number of submitted programmed hours is sufficient.

(e) The Administrator grants final approval of a training program if the certificate holder shows that the training and evaluation conducted under the initial approval obtained under paragraph (c) of this section ensures that each person who completes the training and evaluation is adequately trained to perform his or her assigned duties.

(f) The Administrator may require revisions to an approved training program anytime the FAA finds that revisions are necessary in the interest of safety or security. If the FAA finds that revisions are necessary for the continued adequacy of a training program that has been granted initial or final approval, the certificate holder must, after notification by the FAA, make all changes in the program that the FAA finds necessary.

(1) Within 30 days after the certificate holder receives a notice to revise the program, it may file a petition with the Director of Flight Standards to reconsider the notice. The filing of a petition to reconsider stays the notice pending a decision by the Director of Flight Standards.

(2) If the FAA finds that there is an emergency that requires immediate action in the interest of safety or security, the FAA may, upon a statement of the reasons, require a change effective without stay.

(g) The Administrator considers the following factors in approving revisions or requiring revisions to a training program:

(1) The pass and fail rate in the curriculum under consideration.

(2) The quality and effectiveness of the teaching-learning process (*e.g.,* quality of instructors, training equipment, methods, and procedures listed in the certificate holder's curriculum required by § 121.1333).

(3) The experience levels of the student population.

(4) The experience levels of the instructors and check persons.

(5) The type and scope of operations conducted by the certificate holder.

(6) The complexity of make, model, and series of aircraft used.

**§ 121.1339 Training program: Contract training requirements.**

Only another part 119 certificate holder or a training center certificated under part 142 of this chapter may provide training or evaluation as allowed by this subpart under contract or other arrangement when the following requirements are met:

(a) The curriculum, curriculum categories, programmed hours, manuals, and checklists are approved by the FAA for the part 119 certificate holder.

(b) The facilities, personnel, FSTD, other training equipment, and courseware meet the applicable requirements of this subpart.

(c) Flightcrew members. The instructors and check persons selected by the part 119 certificate holder must, in addition to meeting the requirements of § 121.1253 or § 121.1281, as appropriate, must be eligible and qualified under this subpart for the specific instruction or evaluation requested by the certificate holder, and must meet one of the following criteria:

(1) For another part 119 certificate holder, be an authorized instructor, check airman, or APD for that part 119 certificate holder; or

(2) For a part 142 training center, be a flight instructor authorized to conduct training for that training center, or be a check airman authorized to conduct evaluations for that training center, in accordance with the part 119 Certificate Holder's FAA-approved training program. In addition, when the evaluation requires or provides for the issuance of airline transport pilot certificate or an appropriate type rating, the person conducting the evaluation must be authorized to conduct the ATPC practical test or the type rating practical test for that training center in accordance with § 61.157 of this chapter, where both authorizations may be exercised simultaneously.

(d) The use of subject matter experts.

(1) Flightcrew members: Under § 121.1281, a subject matter expert, with specific technical knowledge on a subject, may be used to conduct training on specific tasks, however, a qualified instructor must be present during the training.

(2) Flight attendants: Under § 121.1291, a subject matter expert, with specific technical knowledge on a subject, may be used to conduct training on specific tasks, in accordance with the following:

(i) Except as provided in paragraph (d)(2)(ii) of this section, when flight attendant training is provided by a subject matter expert, a qualified flight attendant instructor must be present.

(ii) Subject matter experts may provide flight attendant training on the following specific tasks without a qualified flight attendant instructor present:

(A) Firefighting and firefighting equipment.

(B) Emergency medical events and emergency medical equipment.

(C) Hazardous materials recognition.

**§ 121.1341 Training program: Individuals administering training or evaluation and unauthorized use of equipment and facilities in training programs.**

(a) No certificate holder may use a person to administer, nor may any person administer, training, evaluation, or operating experience, except:

(1) In accordance with this section; or

(2) If applicable, as provided in the initial cadre requirements of §§ 121.1257 and 121.1323.

(b) Persons who administer training or evaluation must be knowledgeable in the facilities, equipment, and procedures, as appropriate.

(c) Persons who administer training or evaluation must use only the equipment and the facilities that are specifically approved for the certificate holder's training program.

(d) Training and evaluation is not successfully completed, even if the individual successfully completed the activity, when the certificate holder does one of the following:

(1) Uses facilities, equipment, and materials that are not specifically approved for that activity as part of the certificate holder's approved training program.

(2) Uses persons who are not authorized to administer the activity as specified in the applicable crewmember QPS or who do not meet the requirements of this subpart.

**§ 121.1343 Training program: Academic evaluation.**

(a) The certificate holder must establish a method to develop written, oral, or electronic tests of the knowledge obtained during academic training that is approved by the Administrator as part

of the approved training program. The training program must include development and maintenance of the academic evaluation, methods to establish the validity of the academic evaluation, required student remediation, and adjustment of instruction when required.

(b) The QPS provides job tasks and related areas of required instruction. Each area of instruction is provided with subjects that must be trained and evaluated. An academic evaluation must include the minimum number of questions indicated in the QPS for each subject. Students must achieve a performance of 80% in each area of instruction.

(1) Student performance is at least 80%. Student performance of at least 80% in an area of instruction must be corrected to 100%. This correction must include a discussion of the correct answer and why the person's original answer was incorrect. Re-evaluation is not required.

(2) Student performance below 80%. Student performance below 80% in an area of instruction must be corrected to 100%. This correction must include a discussion of the correct answer and why the person's original answer was incorrect. Upon completion of this correction, the person must be re-evaluated.

(c) A test question repository must be developed to include a minimum number of questions for each subject, as required by the QPS.

(d) The certificate holder must use the repository to create tests that allow random selection of questions from which alternative tests will be created.

**§ 121.1345 Training program: Mandatory use of flight simulation training devices.**

(a) *Mandatory use of FSTDs in Training Program.* All flight training and evaluation must be completed in FSTD, approved by the Administrator, in accordance with the applicable Pilot or Flight Engineer QPS. Except as provided in paragraph (b) of this section, no credit will be given in the QPS for training and evaluation conducted in an aircraft.

(1) Each FSTD used in an approved training program required under this part must be evaluated, qualified, and maintained in accordance with part 60 of this chapter and approved by the Administrator for training or evaluating tasks required by the applicable QPS.

(2) The qualification level of the FSTD required to be used by an applicant to demonstrate flightcrew member task proficiency is specified in the applicable QPS.

(3) The level of FSTD that may be used for initial training and evaluation is dependent on the pilot's experience requirements as specified in the Pilot QPS.

(b) *Deviation from use of FSTD.*

(1) A certificate holder may request a deviation from paragraph (a) of this section to conduct training and evaluation activities in an aircraft only if one of the following applies:

(i) The certificate holder has an approved program or has submitted a training program for review and approval prior to [date 120 days after publication of final rule]. The certificate holder must request the deviation no later than [date 40 months after the publication date of the final rule].

(ii) The certificate holder requests the deviation as part of a request for approval of an initial cadre program. If approved, the deviation will become effective at the same time as the initial cadre program.

(2) Deviation requests must be submitted to the FAA for review and approval, and must include:

(i) The number of FSTD training hours the certificate holder's flightcrew members would need to meet the training requirements in this part.

(ii) An FSTD availability assessment, including hours by specific FSTD and location of the FSTD.

(iii) An FSTD shortfall analysis that includes the tasks and environments that cannot be completed in an FSTD qualified at the level specified in the applicable QPS.

(iv) Proposed alternative means to address the shortfall in task training and evaluation. The requester must identify the tasks that can be completed in an FSTD qualified at a lower level than that specified in the applicable QPS or can be completed in the aircraft.

(v) An alternative training program for using the aircraft instead of an FSTD or using an aircraft in combination with an FSTD, including methods of achieving an acceptable level of safety.

(3) A certificate holder may request an extension of a deviation issued under this section.

(4) Deviations or extensions to deviations will be issued for a period not to exceed 12 months.

**§ 121.1349 Training program: Limitations on the use of flight simulation training devices.**

(a) An FSTD may not be used for credit for the following:

(1) The pilot in command line check required by § 121.1233.

(2) Exterior preflight checks.

(3) The pilot and flight engineer operating experience required by § 121.1225.

(4) Consolidation required by § 121.1227.

(b) To receive credit for training and evaluation of required tasks and LOFT, the flightcrew member must complete these activities in FSTD that are approved for those tasks and LOFT as part of the certificate holder's training program.

**§ 121.1351 Training program: Training equipment other than flight simulation training devices.**

Training equipment, other than FSTD qualified under part 60 of this chapter, used in an approved training program required under this part must be approved and used in accordance with the following:

(a) The FAA must approve training equipment used to functionally replicate aircraft equipment for the certificate holder and the crewmember duty or procedure involved.

(b) The certificate holder must demonstrate that the training equipment meets all of the following:

(1) The form, fit, function, and weight, as appropriate, of the equipment

(2) Normal operation (and abnormal and emergency operation, if appropriate) including the following:

(i) The required force, actions and travel of the equipment.

(ii) Variations in equipment operated by the certificate holder, if applicable.

(3) Operation of the equipment under adverse conditions, if appropriate.

(c) Training equipment must be modified to ensure that it maintains the performance and function of the aircraft type or aircraft equipment replicated.

(d) All training equipment must have a method of documenting discrepancies in close proximity. The documenting system must be readily available for review by each instructor or check person prior to conducting training or evaluation with that equipment.

(1) Each instructor or check person conducting training or evaluation, and each person conducting an inspection of the equipment who discovers a discrepancy, including any missing, malfunctioning, or inoperative components, must write or cause to be written a description of that discrepancy into the documenting system at the end of the inspection or the training session.

(2) All corrections to discrepancies must be recorded when the corrections are made, and the dates of the discrepancies and corrections must be recorded.

(3) A record of a discrepancy must be maintained for at least 60 days.

(e) No person may use, allow the use of, or offer the use of training equipment with a missing, malfunctioning, or

inoperative component to meet the crewmember training or evaluation requirements of this chapter for tasks that require the use of the correctly operating component.

**§ 121.1353 Training program: Line Oriented Flight Training (LOFT), and Full Flight Simulator (FFS) Course of Instruction.**

(a) *Line Oriented Flight Training (LOFT).* LOFT must meet the following requirements:

(1) LOFT must be administered by a pilot flight instructor, a check pilot qualified in accordance with this subpart, or an APD. A flight engineer flight instructor or a check flight engineer may assist the pilot flight instructor, check pilot, or APD.

(2) LOFT must be accomplished in an FFS that has the qualification level specified in the applicable QPS.

(3) LOFT must include flight training as described in the appropriate QPS. Each LOFT must include the following:

(i) At least two operating cycles representative of the certificate holder's operation.

(ii) A pilot flying cycle and a pilot monitoring cycle for each qualifying pilot.

(iii) Normal line operations.

(iv) Abnormal, non-normal, or emergency flight operations.

(4) Except as authorized in § 121.1221(e), LOFT must be conducted with a complete flight crew as described in § 121.1221(d).

(5) LOFT must be conducted as a line operation with minimal interruption during the session.

(6) Any person serving in a flightcrew member position during a LOFT who does not perform satisfactorily may not serve as a required crewmember in operations under this part without receiving training to correct the deficiencies and demonstrating that the deficiencies have been corrected. Corrections of performance deficiencies that require demonstration must be completed during the LOFT. Corrections of other deficiencies related to understanding of procedures may be completed during the post-flight debriefing of the flightcrew, as appropriate.

(b) *FFS Course of instruction.*

(1) An FFS course of instruction must be administered by a pilot flight instructor, a check pilot, or an APD qualified in accordance with this subpart. A flight engineer flight instructor or a check flight engineer may assist the pilot flight instructor, check pilot, or APD.

(2) An FFS course of instruction must be accomplished in an FFS that is qualified in accordance with part 60 of this chapter and that has the qualification level specified in the applicable QPS.

(3) The FFS course of instruction must include flight training as described in the applicable QPS .

(4) Except as authorized in § 121.1221(e), FFS course of instruction must be conducted with a complete flight crew as described in § 121.1221(d).

(5) Any person serving in a flightcrew member position during an FFS course of instruction who does not perform satisfactorily may not serve as a required crewmember in operations under this part without receiving training to correct the deficiencies and demonstrating that the deficiencies have been corrected. Corrections of performance deficiencies that require demonstration must be completed during the FFS course of instruction. Corrections of other deficiencies related to understanding of procedures may be completed during the post-flight debriefing of the flightcrew, as appropriate.

**§ 121.1355 Training program: Continuous analysis process.**

(a) Each certificate holder must develop and submit to the FAA for approval a program that provides for the continuous monitoring and regular analysis of the performance and effectiveness of its training program(s) and operation that will:

(1) Ensure that each training program and the standards of qualification for each duty position are documented;

(2) Provide for the review of training program content, application, and results through at least two standardization meetings annually for those persons required to attend such meetings in accordance with §§ 121.1251 and 121.1271;

(3) Ensure the persons completing the training program(s) are competent and qualified to perform the duties for which they have been trained;

(4) Provide for the regular analysis of crewmember performance on proficiency tests and checks to identify and correct any deficiencies in either crewmember performance or operation of the training program(s). Additionally, for flightcrew members provide for the regular analysis of flightcrew member performance in LOFTs and FFS courses of instruction to identify and correct any deficiencies in either flightcrew member performance or operation of the training program(s).

(5) Provide for the monitoring of persons having completed remedial training or re-evaluation due to the failure of a proficiency test or check or unsatisfactory performance during a LOFT or FFS course of instruction, as appropriate; and

(6) Provide a means for changing or updating the program(s) as changes are required.

(b) The monitoring conducted under paragraph (a)(5) of this section must continue until the crewmember satisfactorily completes the next recurrent training session to ensure the crewmember's competent performance during this period.

**Curriculum Category Requirements**

**§ 121.1363 Curriculum category requirements: Crewmember new hire.**

(a) Each training program must include new hire training for all of the following individuals:

(1) Each person who is qualifying for the first time as a crewmember for the certificate holder.

(2) Each person who is required to complete flight attendant phase II requalification in accordance with § 121.1309(b) and the Flight Attendant QPS.

(b) The content of the new hire curriculum category must include the following:

(1) The subjects listed in the Pilot QPS that are representative of the certificate holder's operations, and approved by the POI as such;

(2) The subjects listed in the flight engineer QPS that are representative of the certificate holder's operations, and approved by the POI as such;

(3) The subjects listed in the Flight Attendant QPS that are representative of the certificate holder's operations, and approved by the POI as such.

(4) An academic evaluation of the new hire subjects identified in paragraph (b) of this section.

**§ 121.1365 Curriculum category requirements: Pilot and flight engineer initial, conversion, transition, and upgrade, academic and job performance training.**

(a) *Academic training.* Initial, conversion, transition, and upgrade academic training for flightcrew member must include training in the subjects specified in the Pilot and Flight Engineer QPS that are representative of the certificate holder's operations and the flightcrew member's assigned duties.

(b) *Job performance training.* Initial, conversion, transition, and upgrade job performance training for pilots and flight engineers must include all of the following:

(1) Training and evaluation in the tasks and environments set forth in the Pilot and Flight Engineer QPS that are

representative of the certificate holder's operation and the pilot and flight engineer's assigned duties. Following training, the pilot or flight engineer must complete an evaluation by demonstrating the knowledge and skills required for the aircraft type and duty position. The evaluation must be accomplished by a proficiency test that also may be used for airman certification or type rating. This proficiency test must be conducted by a check pilot, a check flight engineer, a pilot APD, or a flight engineer APD who is qualified to conduct the test who is an employee of the certificate holder or by a TCE employed by a part 142 certificate holder, who has been authorized to conduct the test by the FAA.

(2) Qualification LOFT is conducted after a person completes the proficiency test at the end of initial, conversion, transition, or upgrade training. Qualification LOFT must meet the requirements of § 121.1353.

(c) A pilot or flight engineer is qualified after completing the proficiency test prescribed in paragraph (b)(1) of this section and the Qualification LOFT.

**§ 121.1367 Curriculum category requirements: Pilot and flight engineer recurrent academic, recurrent job performance, and recurrent aircraft emergency equipment training and evaluation.**

(a) Recurrent training and evaluation is required every 9 months following completion of the training and evaluation set forth in § 121.1365 for initial qualification, and must consist of the following:

(b) Recurrent academic training and evaluation, to include:

(1) Training in the subjects and tasks listed in the Pilot and Flight Engineer QPS that are representative of the certificate holder's operations and the pilot and flight engineer's assigned duties, for the recurrent curriculum category for the aircraft in which the pilot or flight engineer is currently serving.

(2) Evaluation must include a knowledge and comprehension assessment of the flightcrew member's knowledge of the subjects in which training has occurred.

(c) Job performance training and evaluation. During each 9-month recurrent cycle, the cycle must include:

(1) Two FFS job performance sessions of at least four hours each for pilots, and at least 2 hours each for flight engineers at the intervals specified in the Pilot and Flight Engineer QPS that are representative of the certificate holder's operations and the pilot and flight engineer's assigned duties.

(2) During the first 9-month recurrent cycle following the proficiency test required by § 121.1365(b)(1) for initial training, the recurrent cycle must include a LOFT and an evaluation.

(3) Recurrent evaluation is required to be conducted during every other 9 month recurrent cycle. A certificate holder may elect to conduct an evaluation during every 9 month recurrent cycle.

(4) In those 9-month recurrent cycles where evaluation is not conducted, the cycle must include a LOFT and an FFS course of instruction.

**§ 121.1369 Curriculum category requirements: Flight attendant initial and transition training.**

Initial and transition training for flight attendants must include all of the following:

(a) Academic and job performance training in the subjects and tasks specified in the Flight Attendant QPS.

(b) A test of the flight attendant's knowledge with respect to the aircraft and crewmember duty position.

(c) Practice in the performance of specific tasks in accordance with the Flight Attendant QPS to determine ability to perform assigned duties and responsibilities for each aircraft type on which the flight attendant is to serve.

**§ 121.1371 Curriculum category requirements: Flight attendant eligibility for transition training.**

No person is eligible for flight attendant transition training unless that person has been qualified for at least 180 days and served in the previous 180 days on an aircraft as a flight attendant for that certificate holder.

**§ 121.1373 Curriculum category requirements: Flight attendant emergency training.**

Each emergency training program must include the following:

(a) The emergency training requirements as specified in the Flight Attendant QPS with respect to each aircraft type, model, and configuration, and each kind of operation conducted by the certificate holder.

(b) A test of the flight attendant's knowledge with respect to the aircraft type and crewmember duty position involved.

(c) Completion of proficiency tests to determine the flight attendant's ability to perform assigned duties and responsibilities for each aircraft type on which the flight attendant is to serve.

**§ 121.1375 Curriculum category requirements: Flight attendant recurrent training.**

Recurrent training for flight attendants must include the following:

(a) Training in the subjects and tasks specified in the Flight Attendant QPS.

(b) A test of the flight attendant's knowledge with respect to the aircraft type and crewmember duty position involved.

(c) Completion of proficiency tests in accordance with the Flight Attendant QPS to determine the flight attendant's ability to perform assigned duties and responsibilities for each aircraft type on which the flight attendant is to serve.

**§ 121.1377 Curriculum category requirements: Flight instructor initial, transition, and recurrent academic training.**

(a) *Initial flight instructor academic training.* At least a 4-hour block of instruction that includes the following:

(1) Training policies and procedures.

(2) Flight instructor duties, functions, and responsibilities.

(3) Appropriate provisions of the regulations of this chapter and the certificate holder's policies and procedures.

(4) The appropriate methods, procedures, and techniques for conducting flight instruction.

(5) Proper evaluation of student performance including the detection of the following:

(i) Improper or insufficient training.

(ii) Student behaviors that could adversely affect safety.

(6) The corrective action in the case of unsatisfactory training progress.

(7) The approved methods, procedures, and limitations for instructing in the required standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures applicable to the aircraft.

(8) Except for holders of a flight instructor certificate, the following:

(i) The fundamental principles of the teaching-learning process.

(ii) Teaching methods and procedures.

(iii) The instructor-student relationship.

(9) Use of FSTD for training and evaluation.

(i) Operation of FSTD controls.

(ii) FSTD limitations.

(iii) Minimum FSTD equipment required for each task and environment.

(b) *Transition flight instructor academic training.* Transition academic training for flight instructors must include the approved methods, procedures, and limitations for instructing in the required standard

operating procedures, abnormal procedures, non-normal procedures, and emergency procedures applicable to the aircraft to which the flight instructor is transitioning.

(c) *Recurrent flight instructor academic training.* The recurrent flight instructor academic training must be at least a 4-hour block of instruction completed every 18 months and must include the following:

(1) The subjects required in paragraph (a) of this section.

(2) FSTD operations, limitations, and minimum required equipment.

(3) Changes in crewmember qualification curriculums.

**§ 121.1379 Curriculum category requirements: Flight instructor initial and transition job performance training.**

Initial and transition job performance training for flight instructors must include training to ensure competence in conducting flight instruction as required by this part and the applicable QPS.

(a) For pilot flight instructors, the methods for conducting the required training from either pilot seat and the instructor's operating station (IOS), as well as the operation of the FSTD from the IOS or either pilot seat if the FSTD is so equipped.

(b) For flight engineer flight instructors, the methods for conducting the required training from the IOS, as well as the operation of the FSTD from the IOS.

**§ 121.1381 Curriculum category requirements: Check pilot, check flight engineer, or check flight attendant initial, transition, and recurrent academic training.**

(a) The initial academic training for check pilots, check flight engineers, or check flight attendants must include the following:

(1) Evaluation policies and procedures.

(2) Check pilot, check flight engineer, or check flight attendant duties, functions, and responsibilities, as applicable.

(3) The applicable regulations of this chapter and the certificate holder's policies and procedures.

(4) The appropriate methods, procedures, and techniques for conducting the required evaluations.

(5) Proper evaluation of student performance including the detection of:

(i) Improper or insufficient training; and

(ii) Student behaviors that could adversely affect safety.

(6) The appropriate action in the case of unsatisfactory performance.

(7) The approved methods, procedures, and limitations for performing the required standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures applicable to the aircraft type.

(8) FSTD and other training equipment, as applicable, operations, limitations, and minimum equipment required for tasks and environments.

(b) The transition academic training for check pilots, check flight engineers, or check flight attendants must include approved methods, procedures, and limitations for performing the required standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures applicable to the aircraft type to which the check person is transitioning.

(c) The recurrent academic training for check pilots and check flight engineers must be completed every 18 months. The recurrent academic training for check flight attendants must be completed every 12 months. The recurrent academic training for check pilots, check flight engineers, and check flight attendants must include the following:

(1) The subjects required in paragraph (a) of this section, as applicable.

(2) The operation of, limitations of, and minimum equipment required for tasks and environments for FSTD and other training equipment use.

(3) Changes in crewmember qualification curriculums.

**§ 121.1383 Curriculum category requirements: Check pilot and check flight engineer initial, transition, and recurrent job performance training.**

(a) Initial and transition job performance training for check pilots and check flight engineers must include the following:

(1) Training to ensure competence in conducting job performance evaluation in each of the tasks specified in the applicable QPS.

(2) Each check pilot authorized to conduct training or evaluations in an FSTD must have completed the following:

(i) The requirements for qualification and training for flight instructors described in § 121.1379(a).

(ii) Training on the methods for conducting required evaluations in an FSTD, including conducting the evaluation from either pilot seat and from the IOS, as well as operation of the FSTD from the IOS or either pilot seat if the FSTD is so equipped.

(3) Check pilots authorized to conduct operating experience or line checks, must do the following in an FSTD:

(i) Learn the safety measures to be taken from either pilot seat for emergency situations that are likely to develop during flight operations.

(ii) Learn the potential consequences of improper, untimely or unexecuted safety measures during flight operations.

(iii) Complete the seat dependent task training described in the QPS.

(4) Each check flight engineer must have been trained on the methods for conducting the flight engineer evaluation described in paragraph (a) of this section in an FSTD from either the IOS or a flight engineer operating station if the FSTD is so equipped.

(b) Recurrent job performance training for check pilots and check flight engineers must be accomplished every 18 months in conjunction with the recurrent academic training described in § 121.1381, and must include the following:

(1) Flightcrew member recurrent training in accordance with § 121.1223;

(2) For check pilots, seat dependent task training from both seats, in accordance with the QPS, including the safety measures to be taken from either pilot seat in emergency situations during flight operations.

**§ 121.1387 Curriculum category requirements: Initial, transition, and recurrent academic training for persons authorized to administer flight attendant proficiency tests.**

(a) Initial academic training instruction for persons authorized to administer flight attendant proficiency tests must include the following:

(1) Training policies and procedures.

(2) Duties, functions, and responsibilities of persons authorized to administer flight attendant proficiency tests.

(3) The applicable regulations of this chapter and the certificate holder's policies and procedures.

(4) The appropriate methods, procedures, and techniques for conducting the required tests.

(5) Proper evaluation of student performance including the detection of—

(i) Improper and insufficient training; and

(ii) Student behaviors that could adversely affect safety.

(6) The appropriate corrective action in the case of unsatisfactory tests.

(7) The approved methods, procedures, and limitations for instructing and evaluating in the required normal, abnormal, and emergency procedures applicable to the aircraft.

(8) Simulator and trainer operations, limitations, and minimum required equipment, as appropriate.

(b) Transition academic training instruction for persons authorized to

administer flight attendant proficiency tests must include approved methods, procedures, and limitations for evaluating the required normal, abnormal, and emergency procedures applicable to the aircraft to which the person authorized to conduct proficiency tests is in transition.

(c) The recurrent academic training for persons authorized to administer proficiency tests must be completed every 12 months. Recurrent academic training instruction for persons authorized to administer proficiency tests must include the following:

(1) The subjects, as necessary, required in paragraph (a) of this section.

(2) Simulator and trainer operations, limitations, and minimum required equipment, as appropriate.

(3) Changes in crewmember qualification curriculums.

45. Add subpart CC to part 121 to read as follows:

**Subpart CC—Aircraft Dispatcher Qualifications and Training Requirements For Ground Operations Personnel and Management Personnel**

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121.1475 Training requirements.

## Subpart CC—Aircraft Dispatcher Qualifications and Training Requirements For Ground Operations Personnel and Management Personnel

### General

#### § 121.1401 Applicability.

(a) This subpart provides the following:

(1) Qualification requirements for aircraft dispatchers for certificate holders conducting domestic, flag, and supplemental operations.

(2) Requirements applicable to each certificate holder for establishing, obtaining approval of, and maintaining a training program to qualify certificated aircraft dispatchers and an optional program to certificate aircraft dispatcher candidates.

(3) Requirements applicable to each certificate holder for establishing, obtaining acceptance of, and maintaining a training program for ground operations and management personnel.

(b) Any person qualified in a duty position for the certificate holder before [date 120 days after publication of the final rule] or under the provisions of subparts N and P of this part in effect on or before [date 119 days after publication of the final rule] may continue to serve in that duty position for that certificate holder without complying with initial training under § 121.1453.

(c) Any person qualified in a training or evaluation position, for the certificate holder before [date 120 days after publication of the final rule], or qualified under the provisions in subparts N and P of this part, may continue to serve in that training or evaluation position for that certificate holder during the transition to the requirements of this subpart.

#### § 121.1402 Interim requirements for training programs.

(a) Contrary provisions of this subpart notwithstanding, a person who has submitted a training program for approval before [date 120 days after publication of the final rule] that was constructed in accordance with the applicable provisions of subparts N and P of this part in effect on or before [date 119 days after publication of the final rule], may complete the approval and implementation process and conduct operations in compliance with the applicable provisions of subparts N and P of this part instead of the provisions of this subpart.

(b) A certificate holder must submit a transition plan to the FAA no later than [date 4 years and 120 days after publication of the final rule]. The transition plan must include the following:

(1) Subpart CC training program(s), as applicable.

(2) Plan for transition for aircraft dispatchers and persons involved in training or evaluation of aircraft dispatchers from the applicable provisions of subparts N and P of this part to the provisions of this subpart.

(3) A transition completion date that is before [date 5 years and 120 days after the publication of the final rule].

(c) During the transition, the certificate holder may use people to conduct operations under this part provided those people are trained under the applicable provisions of subparts N and P of this part, or this subpart. While a certificate holder may simultaneously operate training programs in compliance with the applicable provisions of subparts N and P of this part and this subpart, each aircraft dispatcher must be trained and qualified.

(d) A certificate holder may not use an aircraft dispatcher, nor may an aircraft dispatcher serve, in a duty position unless that person is current and qualified to perform the duties to which he or she is assigned. If more than one aircraft dispatcher is required for an operation, and one aircraft dispatcher is current and qualified in accordance with the applicable provisions of subparts N and P of this part, and the other aircraft dispatcher is current and qualified in accordance with this subpart, then the lesser qualification requirements apply for that operation.

#### § 121.1403 Certificate holder responsibility for compliance.

(a) Each certificate holder is responsible for ensuring that its

approved training program, including all portions of the training program that are conducted by individuals other than employees of the part 119 certificate holder, meets the requirements of this subpart.

(b) Each certificate holder is responsible for ensuring that all procedures, manuals, and other materials submitted to obtain initial or final approval of a training program are kept up to date and followed.

(c) Each certificate holder is responsible for ensuring that all procedures, manuals and other materials submitted for acceptance of a training program for ground operations and management personnel are kept up to date and followed.

**§ 121.1405 Definitions.**

For the purpose of this subpart, the following terms and their definitions apply:

*Academic evaluation.* This is a written, oral, or electronic test of the knowledge obtained during academic training.

*Academic training.* This is instruction and practice that provides individuals with the required knowledge and cognitive skills necessary to perform the tasks required for the aircraft dispatcher duty position, instructor, or evaluator duty position.

*Base month.* The month in which a recurrent activity is due.

*Certificate holder.* A person certificated under part 119 of this chapter that conducts operations under part 121.

*Combined certification and initial.* An optional curriculum category specifically approved under part 121 that integrates an approved certificate holder's initial curriculum category with part 65 requirements. The curriculum category allows for both the issuance of an aircraft dispatcher certificate and qualification of the individual to serve as an aircraft dispatcher for the certificate holder. The aircraft dispatcher's certificate is issued under 14 CFR part 65, not part 121.

*Current.* Current means satisfying the initial training and evaluation requirements prescribed in § 121.1453 or the recurrent training and evaluation requirements prescribed in § 121.1455, as applicable.

*Curriculum.* A curriculum is the category or categories of training and evaluation required to qualify a person for an aircraft dispatcher duty position, or an instructor or evaluator duty position. The curriculum includes the categories of training and evaluation, the programmed hours for training and evaluation, and the appropriate subjects and tasks.

*Curriculum category.* Parts of a curriculum that relate to qualification experience levels, first time qualification for a certificate holder, configuration differences within type or series, maintaining and regaining qualification, and changes in operations. Curriculum categories include: initial, transition, differences, recurrent, requalification, and special. Each curriculum category contains academic training and evaluation.

*Differences.* A curriculum category on a particular aircraft type and operation when the Administrator finds additional training is necessary before that aircraft dispatcher serves in the same capacity on a particular variation within a series of an aircraft type or a different series within an aircraft type.

*Duty position.* A duty position is the position held by an Aircraft Dispatcher that requires unique qualification and currency requirements to serve in operations under this part. The term duty position includes the variations within a position, such as check dispatcher, dispatcher instructor, or dispatch program designee.

*Eligibility period.* The eligibility period consists of the month in which the recurrent activity is due (the "base month"), the month before and the month after (the "grace month").

*Environment.* A combination of external, physical, and surrounding conditions that affect aircraft performance, aircraft and equipment operation, and decisionmaking.

*Evaluation.* Any testing or checking activities in which a person's skills and knowledge are assessed by a person authorized to perform that evaluation.

*Ground operations personnel.* Any person who is assigned safety-related duties and responsibilities that affect the operation of the aircraft while on the ground. This may include but is not limited to: computing weight and balance, loading and unloading aircraft, directing or moving aircraft.

*Initial.* A curriculum category that must be successfully completed to qualify an aircraft dispatcher to serve as an aircraft dispatcher for a certificate holder in operations under this part.

*Initial cadre.* The specific persons approved by the FAA for the time frame necessary, not to exceed 24 months, for a new part 119 certificate holder to initiate operations under part 119, or for a current part 119 certificate holder to initiate operations of a new aircraft type not operated previously or to initiate a new type of operation.

*Management personnel.* Any person who is assigned safety-related management duties and responsibilities in accordance with part 119 of this chapter.

*Month.* Calendar month.

*Practical test.* The final test required for certification of a person as an aircraft dispatcher.

*Proficiency.* Demonstrated awareness of existing circumstances, competence in the necessary knowledge and skills, and performance of the relevant task within the operating range of environments to the established standards of performance identified and required by the Aircraft Dispatcher QPS.

*Proficiency check.* An assessment of dispatcher proficiency during which limited training or practice is allowed. The assessment is of knowledge and skill in tasks to the standards identified and required by the Aircraft Dispatcher QPS.

*Proficiency test.* An assessment of dispatcher proficiency during which additional training or practice is not allowed. The assessment is of knowledge and skill in tasks to the standards identified and required by the Aircraft Dispatcher QPS. This assessment is administered:

(1) After the completion of initial training and evaluation, operating familiarization, and supervised operating experience; and

(2) After the completion of transition training.

*Programmed hours.* The required number of hours (baseline and minimum) set forth in this subpart for curriculum categories identified and required by the Aircraft Dispatcher QPS.

*Qualification performance standards (QPS).* FAA standards providing all of the tasks, areas of instruction, and evaluation, including activities, procedures, and knowledge needed to certify, qualify, retain currency, and requalify dispatchers for performing in operations under this part. The QPS for dispatchers is part 121 appendix T: Aircraft Dispatcher Qualification Performance Standards.

*Qualified.* When used in reference to an individual, means an individual who has completed the certificate holder's FAA-approved curriculum under this part and holds an aircraft dispatcher certificate.

*Recurrent.* A curriculum category that must be successfully completed within the eligibility period to maintain aircraft dispatcher qualification.

*Requalification.* A curriculum category that must be successfully completed to restore qualified status to an aircraft dispatcher previously qualified for the certificate holder when qualification is lost due to failure to meet recurrent requirements.

*Serve.* Performing the duties of an aircraft dispatcher, dispatcher instructor, check dispatcher, or dispatch program designee for a certificate holder.

*Special.* A curriculum category necessary to address changes to the certificate holder's operations or to correct deficiencies identified by the certificate holder's continuous analysis process. Special training is temporary and is integrated into the approved training program.

*Supervised Operating Experience (SOE).* Training and other supervised activities conducted for the purpose of demonstrating the ability to perform the duties of an aircraft dispatcher prior to the proficiency test or proficiency check.

*Training.* Instruction and practice.

*Training program.* A certificate holder's training curriculums, personnel, facilities, equipment, and other resources used to meet the training requirements of this subpart.

*Transition.* A curriculum category to be completed by an aircraft dispatcher who is presently qualified on an aircraft type in operations under this part for the certificate holder to allow that aircraft dispatcher to serve as an aircraft dispatcher for a different aircraft type.

**§ 121.1407 English language requirement.**

(a) No certificate holder may use any person, nor may any person serve, as an aircraft dispatcher under this part, unless that person has demonstrated to an individual qualified to conduct evaluations under this part, that he or she can:

(1) Read, write, speak, and understand the English language.

(2) Have his or her English language and verbal and written communications understood.

(b) Compliance with this section can be shown by:

(1) Completion of a certificate holder's approved training program conducted solely in English, or

(2) An aircraft dispatcher certificate without limitations.

**§ 121.1409 Acceptable time for completing recurrent requirements.**

(a) An aircraft dispatcher must complete recurrent training, evaluation, and operating familiarization during the eligibility period.

(b) An aircraft dispatcher who has not completed recurrent training by the end of the base month may continue to perform dispatcher duties until the end of the eligibility period.

**Qualification**

**§ 121.1411 Aircraft dispatcher: Employment and certificate.**

(a) No certificate holder may use any person, nor may any person serve, as an aircraft dispatcher in domestic, flag, or supplemental operations, unless that person is an employee of the part 119 certificate holder and has in his or her possession an aircraft dispatcher certificate issued to the person by the FAA without limitations, in accordance with part 65 subpart C of this chapter.

(b) *Deviation authority.*

(1) The Administrator may authorize a deviation from the employment requirement in paragraph (a) of this section. Before issuing a deviation, the Administrator will determine whether the certificate holder can demonstrate an equivalent level of safety of paragraph (a) of this section, and meets at least the following:

(i) The certificate holder has at least one certificated aircraft dispatcher who is an employee of the certificate holder and is responsible for managing policies, procedures, training, and qualifications of the contract aircraft dispatchers.

(ii) The certificate holder demonstrates an ability to maintain operational control and comply with all requirements of this part.

(2) The Administrator may, at any time, terminate any grant of deviation authority issued under this paragraph (b).

**§ 121.1413 Aircraft dispatcher: Training and evaluation.**

No certificate holder may use any person, nor may any person serve, as an aircraft dispatcher in domestic, flag, or supplemental operations unless that person meets the following requirements:

(a) *Training and evaluation.* The person has successfully completed, in a training program approved under this subpart for the certificate holder, the following:

(1) Training in accordance with the Aircraft Dispatcher QPS, and the associated programmed hours required by § 121.1435, as follows:

(i) Within the preceding 12 months, initial, combined certification and initial, transition, or recurrent training categories as prescribed in § 121.1453 or § 121.1455 as applicable.

(A) An aircraft dispatcher is eligible for transition training only if the aircraft dispatcher is otherwise qualified as an aircraft dispatcher for the certificate holder on another aircraft type in the same airplane group in operations under this part.

(B) To be eligible for recurrent training, an aircraft dispatcher must be otherwise qualified and have successfully completed the initial, combined certification and initial, or transition training for the certificate holder.

(ii) Differences training, if necessary, as prescribed in § 121.1471.

(iii) Requalification training, if necessary, as prescribed in § 121.1419.

(iv) Special training, if necessary, as prescribed in § 121.1437.

(2) A proficiency test or check in accordance with § 121.1453(a)(2), § 121.1453(b)(2), or § 121.1455(c), as applicable.

(3) Supervised operating experience, as prescribed in § 121.1417.

(b) *Continuity of training.*

(1) *Initial for certificated dispatchers.* A certificated aircraft dispatcher must successfully complete all of the required initial curriculum category, including the proficiency test, prescribed in § 121.1453(a)(2) within 120 days of beginning the initial curriculum category.

(2) *Combined certification and initial for non-certificated person.* A non-certificated person must successfully complete all of the required combined certification and initial curriculum category, including the practical test and proficiency test, prescribed in § 121.1453(b)(2) within 180 days of beginning the combined certification and initial category.

(c) *Failure to complete training.* If a person fails to successfully complete the training in the time required by paragraph (b) of this section, the person must repeat the initial training, or combined certification and initial training, as required by paragraph (a) of this section within the time period required in paragraph (b) of this section.

(d) *Operating familiarization.* The person has successfully completed operating familiarization every 12 months in accordance with § 121.1415. For domestic operations, the operating familiarization must be conducted within a geographic area into which the person dispatches. For flag operations, the operating familiarization must be conducted within a flag area of operation for which the person dispatches in accordance with the Aircraft Dispatcher QPS.

(1) If the person dispatches in either domestic operations or flag operations, but not both, the person must have completed operating familiarization in the type of operation, domestic or flag, and in an aircraft type that the person dispatches within the preceding 12 months.

(2) If the person dispatches in both domestic and flag operations, the person must have completed operating familiarization within the preceding 12 months in an aircraft type which the person dispatches in either domestic or flag operations. In a 24-month period, the person must complete operating familiarization in both domestic operations and flag operations.

(3) If the person dispatches both propeller driven (including reciprocating powered and turbopropeller powered) and turbojet powered aircraft, the person must have completed operating familiarization in both propeller driven and turbojet powered aircraft within the preceding 24 months.

**§ 121.1415 Aircraft dispatcher: Operating familiarization.**

(a) Except as provided in paragraphs (b) and (c) of this section, the operating familiarization required by § 121.1413(d) must consist of at least 5 hours of observing operations under this part from the flight deck. This observation must be made from the flight deck or, for airplanes without an observer seat on the flight deck, from a forward passenger seat with headset or speaker. This requirement may be reduced by one hour for each additional takeoff and landing, but the reduction must not exceed 2½ hours.

(b) The requirement of paragraph (a) of this section may be satisfied by observation of simulated flight time during a Line Oriented Flight Training (LOFT) session or AQP equivalent training, required by subpart BB of this part. The observation must occur in a Full Flight Simulator (FFS) approved in accordance with part 60 of this chapter for the aircraft type and operation. The actual observed simulated flight time, to include LOFT briefing and debriefing time, must not be reduced below 5 hours.

(c) If the requirement of paragraphs (a) and (b) of this section cannot be met, the certificate holder may request a deviation to complete operating familiarization through a ground training program approved by the Administrator.

(d) A person may serve as an aircraft dispatcher for a new type of operation (domestic or flag) without meeting the requirements of this section for 120 days after the certificate holder introduces a new type of operation.

**§ 121.1417 Aircraft dispatcher: Supervised operating experience.**

(a) No certificate holder may use any person, nor may any person serve, as an aircraft dispatcher unless that person meets all of the following requirements:

(1) The person has been supervised by a current and qualified dispatcher who meets the experience requirements of § 121.1421(b)(2) and (b)(4).

(2) The person has been supervised for the minimum hours prescribed in the Aircraft Dispatcher QPS for each type of operation (domestic or flag) in which the person serves.

(3) The person has successfully completed a proficiency test or check, as appropriate.

(b) No person is eligible to receive the supervised operating experience required in paragraph (a) of this section unless that person has satisfactorily completed the academic training and evaluation of initial, combined certification and initial, requalification training, and operating familiarization, as applicable, in accordance with the requirements listed in the Aircraft Dispatcher QPS.

(c) An aircraft dispatcher administering operating experience may not supervise more than one person at a time.

(d) During the supervised operating experience session, the supervising dispatcher must be the dispatcher of record for each flight dispatched or released.

**§ 121.1419 Aircraft dispatcher: Requalification.**

(a) No certificate holder may use any person, nor may any person serve, as an aircraft dispatcher if that person has become unqualified by not satisfactorily completing recurrent training, including proficiency checks as required by § 121.1413(a). The requalification requirements for each phase must be completed before the end of the applicable phase of requalification.

(b) To be requalified, the person must complete:

(1) The initial training requirements of § 121.1453(a) in accordance with the Aircraft Dispatcher QPS, including supervised operating experience, operating familiarization, and proficiency test, or

(2) All missed recurrent training and evaluation and the additional requirements for the applicable phase of requalification training in accordance with the Aircraft Dispatcher QPS, including all applicable proficiency checks or proficiency tests.

(c) The requalification requirements for phases I and II must be completed within 60 days of beginning requalification. Phase III requalification must be completed within 120 days.

(d) To qualify for:

(1) *Phase I requalification.* A person may requalify under the phase I requalification program if less than 12 months have elapsed since the end of the person's base month for recurrent training. The base month for recurrent training may be changed.

(2) *Phase II requalification.* A person may requalify under the phase II requalification program if at least 12 months, but less than 24 months, have elapsed since the end of the person's base month for recurrent training. The base month for recurrent training may be changed.

(3) *Phase III requalification.* A person may requalify under the phase III requalification program if 24 months or more have elapsed since the end of the person's base month for recurrent training. The base month for recurrent training may be changed.

**§ 121.1421 Dispatcher instructor and check dispatcher: Eligibility, training, and evaluation.**

(a) *Dispatcher instructor.* No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as a dispatcher instructor in a training program established under this part unless the person meets one of the following:

(1) The person must meet the applicable requirements of § 121.1439 and hold an aircraft dispatcher certificate. The person must maintain aircraft dispatcher currency in accordance with the certificate holder's approved training program. Within the preceding 12 months, the person has successfully completed an initial training curriculum or a recurrent training curriculum in accordance with § 121.1457.

(2) A person who does not meet the requirements of paragraph (a)(1) of this section, but who is a subject matter expert with specific technical knowledge on a subject may be used to conduct training in the subjects specified in the Aircraft Dispatcher QPS.

(b) *Check dispatcher.* No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as a check dispatcher in a training program established under this subpart unless the person meets the following requirements:

(1) The person meets the applicable requirements of § 121.1439 and holds an aircraft dispatcher certificate. The person must maintain aircraft dispatcher currency in accordance with the certificate holder's approved training curriculum.

(2) The person has performed the duties of an aircraft dispatcher for at

least 8 hours within a 24-hour period in the preceding 90 days.

(3) Within the preceding 12 months, the person has successfully completed the check dispatcher initial curriculum category or check dispatcher recurrent curriculum category in accordance with § 121.1459.

(4) The person has served at least 3 years in the previous 5 years as a dispatcher for the certificate holder for whom the person is to perform the duties of a check dispatcher.

(c) The certificate holder must maintain a current list of all dispatcher instructors, subject matter experts, and check dispatchers and submit that list to the FAA.

**§ 121.1423 Dispatch program designee: Eligibility and qualification.**

If the certificate holder elects to establish a combined certification and initial curriculum category, the FAA may approve one or more dispatch program designees to represent the FAA for the purpose of issuing aircraft dispatcher certificates.

(a) To be eligible to become a dispatch program designee and to remain qualified to serve as a dispatch program designee, a person must meet the following requirements:

(1) Be an employee of the certificate holder.

(2) Be a check dispatcher in accordance with § 121.1421 and be currently serving as an aircraft dispatcher for the certificate holder.

(3) Be a designated aircraft dispatcher examiner in accordance with § 183.25 of this chapter.

(4) Conduct a practical test under the observation of the FAA and be designated as a dispatch program designee by the FAA. The person undergoing the practical test for this purpose must be signed off by the FAA aviation safety inspector as the evaluator of record.

(5) A designee may continue to conduct practical tests if, within the preceding 12 months, the designee has done one of the following under the observation of the FAA:

(i) Conducted a practical test.

(ii) Conducted a proficiency test.

(iii) Conducted a proficiency check.

(b) The dispatch program designee is only approved to perform the duties of a dispatch program designee for the certificate holder.

**§ 121.1425 Check dispatcher: Initial cadre.**

(a) *Purpose of this section.* This section is used to qualify an initial cadre of check dispatchers in lieu of the experience and recency requirements of §§ 121.1417 and 121.1421. A certificate holder may use a person as a check dispatcher even though the person does not meet the experience or recency requirements of the subpart, if the person meets the initial cadre requirements of this section.

(b) *Duration of initial cadre status.* The FAA will determine the period of initial cadre status, and may terminate initial cadre status for the certificate holder or for an individual check dispatcher, if necessary. In no case will initial cadre status exceed a period of 24 months.

(c) *Eligibility for initial cadre status for check dispatcher.* To be eligible to become an initial cadre check dispatcher for a part 119 certificate holder, and to continue to serve in that capacity for the authorized period, a person must meet all of the following requirements:

(1) Be an employee of the part 119 certificate holder (or applicant).

(2) Have served at least 3 years in the past 5 years as a dispatcher for the same aircraft group for which the person is to perform duties as an initial cadre check dispatcher.

(3) Have an aircraft dispatch certificate without restrictions.

(4) Have successfully completed initial, transition, or differences training, as appropriate, as approved by the FAA for the part 119 certificate holder (or applicant) that is required to serve as an aircraft dispatcher.

(5) Have conducted activities for which the person is to perform duties as a check dispatcher under the observation of an FAA aviation safety inspector. When an observed activity must be made part of a training record, the people undergoing the observed activities must be signed off by the FAA aviation safety inspector as the evaluator of record.

(6) Be approved by the FAA for the specific duties to be performed.

(d) *Operating experience for initial cadre check dispatchers.*

(1) An initial cadre check dispatcher may receive credit for his or her own operating experience while administering operating experience to another initial cadre check dispatcher.

(2) Initial cadre check dispatchers may obtain operating experience only if at least one of the other initial cadre check dispatchers has:

(i) Experience with the aircraft type on which the person is to perform duties as a check dispatcher or has received training for the aircraft type in accordance with the QPS.

(ii) Experience within the type of operation, domestic or flag, in which the person is to perform duties as a check dispatcher or has received training for the type of operation in accordance with the QPS.

(e) *Persons authorized to administer training and evaluation.* As approved by the FAA:

(1) Employees of a part 142 certificate holder, another part 119 certificate holder, or the aircraft manufacturer may administer the training for initial cadre check dispatchers.

(2) Only a person who holds an aircraft dispatcher certificate issued under part 65 who is an employee of the part 119 certificate holder, or the FAA, may administer the evaluation for initial cadre check dispatchers.

(3) Check dispatchers who are employees of an existing part 119 certificate holder that is adding a new aircraft type or operation may continue to serve as check dispatchers for the new aircraft type or operation during the initial cadre period.

**General Training Program Requirements**

**§ 121.1431 Training program: General.**

(a) Each certificate holder must establish and keep current an aircraft dispatcher training program. Each curriculum in a training program must be current and must be kept current with respect to any changes in the certificate holder's policies, operations, and requirements of this chapter. Each certificate holder must obtain the appropriate initial and final approval of its training program, as specified in § 121.1437.

(b) The aircraft dispatcher training program must address all of the following:

(1) The requirements of this subpart.

(2) The requirements of the Aircraft Dispatcher QPS.

(c) Each certificate holder is responsible for ensuring that its aircraft dispatchers are adequately trained and that aircraft dispatcher training and evaluation is conducted in accordance with the certificate holder's approved training program.

(d) As part of its training program, a certificate holder must provide the following, as applicable:

(1) Curriculums and curriculum category requirements applicable for use by the certificate holder as required by this subpart and approved by the Administrator.

(2) A sufficient number of dispatcher instructors, trained and qualified in accordance with this subpart, to provide the approved training.

(3) A sufficient number of check dispatchers trained and qualified in accordance with this subpart, to complete the applicable evaluation of

knowledge and skills in tasks in accordance with the Aircraft Dispatcher QPS.

(4) Adequate training facilities.

(5) Appropriate and current training materials, examinations, forms, instructions, and procedures for use in conducting the training, evaluation, and supervised operating experience required by this part with respect to each aircraft type and operation, and if applicable, the particular variations within that aircraft type.

(e) No certificate holder may use a person as an aircraft dispatcher unless each dispatcher instructor or check dispatcher who is responsible for a curriculum category, under this part has certified in a manner approved by the Administrator the proficiency and knowledge of the individual being trained or evaluated.

(1) The certification required by this paragraph (e) must be made a part of the aircraft dispatcher's record required by subpart V of this part. The record must indicate whether the individual successfully completed each of the training and evaluation requirements for the specific curriculum listed in this paragraph (e). A proficiency test, proficiency check, or practical test is not successfully completed if the individual did not successfully complete all required portions of the training curriculum before taking the proficiency test, proficiency check, or practical test. The certificate holder must report a failure of a proficiency test, practical test or proficiency check to the FAA.

(2) When the record of the certification required by this paragraph (e) is made by an entry in a computerized recordkeeping system, the dispatcher instructor or check dispatcher making the certification must be identified with that entry, and the record must be in a form approved by the Administrator.

**§ 121.1433 Training program: General curriculum requirements by aircraft type and operation.**

(a) Each certificate holder must prepare and keep current a training curriculum for each aircraft type and operation conducted by that certificate holder under this part. The curriculum must be available to each aircraft dispatcher required for that aircraft type and operation. Each curriculum must include the curriculum categories and the ground training required by this subpart and the Aircraft Dispatcher QPS.

(b) Each training program curriculum must provide training and evaluation as necessary to ensure that each aircraft dispatcher:

(1) Has demonstrated proficiency with respect to each aircraft type and operation (domestic and flag operations) in which the aircraft dispatcher serves.

(2) Has demonstrated proficiency in the duties and responsibilities for the aircraft type and operation that are contained in the manual required by § 121.134, as outlined in § 121.136.

(3) Is trained and knowledgeable as to the current operating limitations sections of the applicable FCOM.

(4) Is trained and knowledgeable on the procedures and performance sections of the applicable FCOM.

(5) Qualifies in new equipment, facilities, procedures, techniques, computer applications, and technology required to perform the duties of an aircraft dispatcher.

(6) Understands the nature and effects of safety hazards, weather extremes, and the effects of these on operations.

(7) Has demonstrated, through knowledge and application, Dispatch Resource Management (DRM) skills identified in the Aircraft Dispatcher QPS.

(c) Each curriculum category must include the following:

(1) The areas of instruction with subjects and the tasks required by the Aircraft Dispatcher QPS.

(2) A list of all equipment used by the certificate holder for training and evaluation.

(3) An outline of each curriculum category that includes ground training and evaluation by subject matter.

(4) The approved programmed hours of training that will be applied to each required curriculum category.

(5) Differences that relate to the variations of a particular aircraft type to be included in all ground training for purposes of training and evaluation, as applicable.

(6) A copy of each statement issued by the Administrator under § 121.1435 for a reduction of baseline programmed hours of training and evaluation.

(7) Letters of authorization from the FAA for dispatch program designees, if applicable. A letter of authorization must be made a part of the aircraft dispatcher's record required by subpart V of this part.

**§ 121.1435 Training program: Curriculum programmed hours.**

(a) Each certificate holder's training program submitted for initial approval under this subpart must have at least the baseline programmed hours specified in the Aircraft Dispatcher QPS. Programmed hours include training and evaluation.

(b) The Administrator will not approve a reduction in the baseline programmed hours specified in this subpart during the initial approval of training programs. For a training program that has final approval, a certificate holder may apply for a reduction of programmed hours based on the factors outlined in § 121.1437(g). The Administrator will not approve a reduction of programmed hours below the minimum hours in the Aircraft Dispatcher QPS.

(c) When the Administrator approves a reduction in programmed hours, the Administrator will provide the certificate holder with a statement of the basis for the approval.

(d) The Administrator will determine the required programmed hours for the requalification curriculum category as specified in the Aircraft Dispatcher QPS.

**§ 121.1437 Training program: Approval and amendment process.**

(a) Each training program described in this subpart must be approved by the Administrator. To obtain initial or final approval of a training program, each certificate holder must provide the Administrator the following information in a form acceptable to the Administrator:

(1) An outline of the proposed program, including an outline of the proposed curriculum required in § 121.1433 for a preliminary evaluation of the proposed program.

(2) Curriculums and curriculum categories applicable for use by the certificate holder as required by this subpart.

(3) A description of the ground training facilities.

(4) A synopsis of the materials, examinations, forms, instructions, and procedures to be used for the training and evaluation required by this subpart with respect to each aircraft type, and if applicable, the particular variations within that aircraft type. Upon request, the certificate holder must make the items required in this paragraph available to the FAA for review

(5) If training is to be conducted by persons other than the part 119 certificate holder's employees, a statement that training will be provided by persons other than the part 119 certificate holder's employees in accordance with § 121.1439.

(6) The continuous analysis process established in accordance with § 121.1441.

(7) Academic training hours must be in a classroom provided by the certificate holder unless otherwise approved by the Administrator. Proposals for a training environment other than a classroom provided by the

certificate holder must be accompanied by a plan for assessing the knowledge and cognitive skill requirements to be supported by the proposed alternative environment, and for providing the testing of each student to ensure the knowledge and skill requirements are met.

(8) Additional relevant information required by the Administrator.

(b) To request a revision to an approved training program, each certificate holder must provide the Administrator the relevant information in paragraph (a) of this section that has not already been provided to the Administrator.

(c) If the proposed training program or proposed revision complies with this subpart, the Administrator grants initial approval in writing, after which the certificate holder may conduct the training and evaluation in accordance with that program. The Administrator then evaluates the effectiveness of the initially approved training program and advises the certificate holder of any deficiencies that must be corrected.

(d) A revision to an approved training program may be proposed as a special curriculum category that reflects changes to the certificate holder's operation, or as a differences curriculum category that reflects differences in configuration within an aircraft type.

(1) The proposed special curriculum category will include training and evaluation. This training and evaluation will be initially approved and evaluated. Upon satisfactory evaluation, the special curriculum category will receive final approval and be integrated into the existing curriculum categories, if appropriate. If integrated, it will no longer be called a special curriculum category, but will be part of the approved training program. The Principal Operations Inspector will determine if the number of submitted programmed hours is sufficient.

(2) The proposed differences curriculum category will include training and evaluation. This training and evaluation will be initially approved, evaluated, and upon satisfactory evaluation, added to the previously approved differences curriculum category. The Principal Operations Inspector will determine if the number of submitted programmed hours is sufficient.

(e) The Administrator grants final approval of a training program if the certificate holder shows that the training and evaluation conducted under the initial approval obtained under paragraph (b) of this section ensures that each person who completes the training and evaluation is adequately trained to perform his or her assigned duties.

(f) The Administrator may require revisions to an approved training program anytime the FAA finds that revisions are necessary in the interest of safety or security. If the Administrator finds that revisions are necessary for the continued adequacy of a training program that has been granted initial or final approval, the certificate holder must, after notification by the Administrator, make all changes in the program that the Administrator finds necessary.

(1) Within 30 days after the certificate holder receives a notice to revise the program, it may file a petition with the Director of Flight Standards to reconsider the notice. The filing of a petition to reconsider stays the notice pending a decision by the Director of Flight Standards.

(2) If the Administrator finds that there is an emergency that requires immediate action in the interest of safety or security, the Administrator may, upon a statement of the reasons, require a change effective without stay.

(g) The Administrator considers the following factors in approving revisions or requiring revisions to a training program:

(1) The pass and fail rate in the curriculum under consideration.

(2) The quality and effectiveness of the teaching-learning process (*e.g.,* quality of instructors, training equipment, methods, and procedures listed in the certificate holder's curriculum required by § 121.1433).

(3) The experience levels of the student population.

(4) The experience levels of the instructors and check persons.

(5) The type and scope of operations conducted by the certificate holder.

(6) The complexity of make, model, and series of aircraft used.

**§ 121.1439 Training program: Individuals administering training or evaluation, and unauthorized use of equipment and facilities in training programs.**

(a) No certificate holder may use a person to administer, nor may any person administer, training or evaluation, except:

(1) In accordance with this section; or

(2) If applicable, as provided in the initial cadre requirements of § 121.1425.

(b) Persons who administer academic or job performance training and evaluation must be knowledgeable about the certificate holder's facilities, equipment, and procedures, as appropriate.

(c) Persons who administer training or evaluation must use only the equipment and the facilities that are specifically approved for the certificate holder's training program.

(d) Training and evaluation is not successfully completed, even if the individual successfully completed the activity, when the certificate holder does one of the following:

(1) Uses facilities, equipment, and materials that are not specifically approved for that activity as part of the certificate holder's approved training program.

(2) Uses persons who are not authorized to administer the activity as specified in the Aircraft Dispatcher QPS, or who do not meet the requirements of this subpart.

**§ 121.1441 Training program: Continuous analysis process.**

Each certificate holder must establish and maintain a process for the continuous analysis of the performance and effectiveness of its training program and operation that will allow the certificate holder the ability to recognize where improvements are needed. This process must:

(a) Incorporate procedures to ensure that the training program and the standards of qualification for each duty position are documented and provide a means for updating as changes are required;

(b) Provide for the review of training program content, application, and results, including aircraft dispatcher performance on proficiency tests, for each aircraft type and operation; and

(c) Continually measure and monitor the outcome of the training program and operation in terms of the aircraft dispatcher's performance and qualification, and provide a means to identify and correct deficiencies in the aircraft dispatcher's performance and qualification and in the training program and operation. Procedures must include correction of deficiencies.

**Curriculum Category Requirements**

**§ 121.1451 Curriculum category requirements: Standards used in aircraft dispatcher training.**

(a) The certificate holder must include in the training categories the subjects, tasks, and standards set forth in the Aircraft Dispatcher QPS.

(b) The QPS requirements for aircraft dispatcher training and evaluation include all of the following:

(1) The subjects and areas of instruction listed in the Aircraft Dispatcher QPS for initial, combined certification and initial, recurrent, transition, differences, and requalification training.

(2) The Dispatch Resource Management (DRM) skills listed in the Aircraft Dispatcher QPS.

(3) The requirements for administering specific evaluations.

(4) The requirements and performance standards for each task and environment.

**§ 121.1453 Curriculum category requirements: Aircraft dispatcher initial, combined certification and initial, and transition training.**

(a) Initial and transition training for aircraft dispatchers must include all of the following:

(1) Training and evaluation in the subjects listed in the Aircraft Dispatcher QPS.

(2) Successful completion of a proficiency test in accordance with the Aircraft Dispatcher QPS for each aircraft type and operation, and the particular variations within the aircraft type.

(b) Combined certification and initial training must include all of the following:

(1) Training and evaluation in the subjects listed in the Aircraft Dispatcher QPS.

(2) Successful completion of a practical test and proficiency test in accordance with the Aircraft Dispatcher QPS for each aircraft type and operation, and the particular variations within the aircraft type. The FAA or dispatch program designee must administer the practical test.

**§ 121.1455 Curriculum category requirements: Aircraft dispatcher recurrent training.**

Recurrent training for aircraft dispatchers must be completed within the eligibility period set forth in § 121.1413(a) and must include all of the following:

(a) Instruction in the subjects specified in the Aircraft Dispatcher QPS.

(b) An academic evaluation of the aircraft dispatcher's knowledge with respect to the aircraft type and operation involved.

(c) Successful completion of a proficiency check in accordance with the Aircraft Dispatcher QPS for each aircraft type and operation, and the particular variations within the aircraft type.

**§ 121.1457 Curriculum category requirements: Dispatcher instructor initial and recurrent training.**

(a) *Initial training.* Initial training for a dispatcher instructor must consist of a 4-hour block of instruction that includes the following subjects:

(1) Aircraft dispatcher instructor duties, functions, and responsibilities.

(2) Appropriate provisions of the regulations of this chapter and the certificate holder's policies and procedures.

(3) Appropriate methods, procedures, and techniques for conducting aircraft dispatcher instruction.

(4) Evaluation of student performance, including recognition of the following:

(i) Improper and insufficient training; and

(ii) Personal characteristics of a student that could adversely affect safety.

(5) Corrective action in the case of unsatisfactory training progress.

(6) Approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the dispatch facility.

(7) Principles of the teaching-learning process.

(8) Teaching methods and procedures.

(9) Instructor-student relationship.

(b) *Recurrent training.* Recurrent training for a dispatcher instructor must consist of a 2-hour block of instruction every 12 months that includes the following:

(1) Subjects required in paragraph (a) of this section.

(2) Instructional and evaluation methods and techniques.

(3) Changes in aircraft dispatcher qualification curriculums.

(4) Continuous analysis process review based on the factors addressed in § 121.1441.

**§ 121.1459 Curriculum category requirements: Check dispatcher initial and recurrent training.**

(a) *Initial training.* Initial training for a check dispatcher must consist of a 4-hour block of instruction that includes the following subjects:

(1) Check dispatcher duties, functions, and responsibilities.

(2) Appropriate provisions of the regulations of this chapter and the certificate holder's policies and procedures.

(3) Appropriate methods, procedures, and techniques for conducting the required tests and checks.

(4) Evaluation of student performance, including recognition of the following:

(i) Improper and insufficient training; and

(ii) Personal characteristics of a student that could adversely affect safety.

(5) Corrective action in the case of unsatisfactory evaluations.

(6) Approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the dispatch facility.

(b) *Recurrent training.* Recurrent training for a check dispatcher must consist of a 2-hour block of instruction every 12 months that includes the following:

(1) Subjects required in paragraph (a) of this section.

(2) Instructional and evaluation methods and techniques.

(3) Changes in aircraft dispatcher qualification curriculums.

(4) Continuous analysis process review based on the factors addressed in § 121.1441.

**Other Training Requirements**

**§ 121.1471 Differences training and evaluation.**

Each aircraft dispatcher training program must provide differences training if the Administrator finds that, due to differences between aircraft of the same type operated by the certificate holder, additional training is necessary to ensure that each aircraft dispatcher is adequately trained to perform the assigned duties. The Administrator will determine the number of additional training hours and subjects necessary for the aircraft type and operation.

**§ 121.1473 [Reserved]**

**Training Requirements for Ground Operations and Management Personnel**

**§ 121.1475 Training requirements.**

A certificate holder must provide training on the safety-related duties and responsbilities for all ground operations and management personnel as established in the certificate holder's manual under § 121.134 and § 121.136.

42. Add appendix Q to part 121 to read as follows:

**Appendix Q to Part 121—Pilot, Qualification Performance Standards A Crew Resource Management (CRM) Administration.**

The pilot must demonstrate knowledge and skills in the technical and CRM competencies for each particular task.

1. Certain CRM-related procedures must be associated with flight tasks and their related pilot performance requirements. These procedures must be evaluated during job performance training programs.

2. In addition to the CRM-related procedures, situational awareness must be evaluated as an integral part of each flight task and environment. A task is not completed unless the evaluator has determined that the pilot has demonstrated knowledge and skills in the technical and CRM competencies.

3. Additionally, the following CRM behaviors are required knowledge to be taught and tested during academic training:

(a) Task: Authority of the Pilot In Command

(1) The Captain's authority, including responsibility for the safety of flight in routine and emergency conditions
(2) Leadership and command
(3) Chain of command and importance of chain of command
(b) Task: Communication Processes and Decisions
(1) Briefing
(2) Inquiry, advocacy, and assertiveness
(3) Self-critique:
(i) Know and respect own limitations
(ii) Know and respect limitations of the aircraft
(4) Communication with appropriate personnel
(5) Decisionmaking, including the following:
(i) Recognize problem/opportunity
(ii) Analyze situation
(iii) Consider goals
(iv) Identify alternatives
(v) Consider consequences
(vi) Select the alternative
(vii) Act on the decision
(viii) Accept responsibility
(ix) Evaluate results
(6) Threat and Error Management:
(i) Where threats are events that:
(A) Occur outside the influence of the flight crew (*i.e.,* not caused by the crew)
(B) Increase the operational complexity of a flight; and/or
(C) Require crew attention and management
(ii) Where errors are occurrences that:
(A) Lead to a deviation from crew or organizational intentions or expectations
(B) Reduce safety margins and
(C) Increase the probability of adverse operational events on the ground or during flight
(c) Task: Building and Maintenance of a Flight Team
(1) Leading and following, including the importance of crewmembers functioning as a team
(2) Use of interpersonal skills and leadership styles in a way that fosters crew effectiveness
(3) Significance of cultural differences
(d) Task: Workload Management and Situational Awareness
(1) Preparation and planning
(2) Vigilance
(3) Workload distribution
(4) Distraction avoidance
(e) Task: Communication and Coordination
(1) Flight deck and cabin chimes and interphone signals for routine situations
(2) Flight attendant notification to flight crew that aircraft is ready for movement on the surface
(3) Flight crew notification to flight attendant to be seated prior to take-off
(4) Flight attendant recognition of critical phases of flight
(5) Crewmember coordination and notification regarding access to flight deck
(6) Notification to flight attendants of turbulent air conditions
(7) Notification between flight crew and flight attendants of emergency or unusual situations
(8) Notification between flight crew and flight attendants of inoperative equipment that is pertinent to flight attendant duties and responsibilities
(9) Normal and emergency communication procedures to be used in the event of inoperative communication equipment
(f) Task: Crewmember Briefing
(1) Crewmember responsibilities regarding briefings
(2) Flight crew briefing
(3) Flight crew to flight attendant(s) briefings
(4) Flight attendant to flight attendant(s) briefings
(5) Required information
(6) Security procedures
(7) Communication procedures
(8) Emergency procedures
(9) MELs affecting flight operations and cabin safety equipment and procedures
(10) Flight information
(g) Task: Communication and Coordination During a Passenger Interference Situation
(1) Certificate holder's written program regarding the handling of passenger interference, including crewmember communication and coordination
(2) Techniques for diffusing a passenger interference situation
(3) Importance of crewmembers and other employees working as a team
(4) Role of management and crewmember in follow-up
(5) Actions to report an occurrence of passenger interference
(h) Task: Communication and Coordination During an Emergency Situation
(1) Actions for each emergency situation
(2) Importance of notification and who must be notified
(3) Alternate actions if unable to notify
(4) Communication during preparation for a planned emergency evacuation, including the time available, type of emergency, signal to brace, and special instructions

## Attachment 1 of Appendix Q to Part 121

**Programmed Hour Requirements for New Hire, Initial, Transition, Conversion, Upgrade, Differences, Requalification, Recurrent, and Special Curriculum Categories (see §§ 121.1205; 121.1239; 121.1331; 121.1333; 121.1335; 121.1337; 121.1367; and 121.1215)**

A. Programmed Hour Requirements: Pilots (PIC and SIC). (see §§ 121.1205; 121.1331; 121.1333; 121.1335)

1. *Baseline and Minimum Programmed Hours.* Table 1A sets out the baseline and minimum programmed hours for each curriculum category. The FAA may approve a reduction in the baseline programmed hours if the certificate holder demonstrates that the reduction is warranted. However, reduction below the minimum authorized programmed hours will require concurrence from FAA Headquarters. Individual flightcrew members are not required to complete the programmed hours described in this attachment. Refer to § 121.1221(f).

2. *Required hours for differences and special training.* The hours established for differences and special training are in addition to the previously approved programmed hours for the approved training program. For differences training (§ 121.1215), the hours remain in the differences curriculum category. For special training (§ 121.1337(c)), the certificate holder integrates the training into the existing categories in Table 1A. Therefore, there are no programmed hours in Table 1A for differences and special training.

TABLE 1A—PROGRAMMED HOURS: PILOTS (PIC AND SIC)

| CURRICULUM CATEGORIES | TRAINING AND EVALUATION* | | |
|---|---|---|---|
| | ACADEMIC | JOB PERFORMANCE | |
| | Ground training and evaluation | Flight training and evaluation | Emergency equipment drills and demonstrations |
| NEW HIRE | Baseline 24 | N/A. | Baseline 4. |
| | Minimum 20 | | Minimum 4. |
| INITIAL | Baseline 116 | Baseline 36 | Baseline 8. |
| | Minimum 80 | Minimum 36 | Minimum 8. |
| CONVERSION | Baseline 68 | Baseline 20 | Baseline 4. |
| | Minimum *52 | Minimum 20 | Minimum 4. |
| TRANSITION | Baseline 92 | Baseline 24 | Baseline 4. |
| | Minimum 62 | Minimum 24 | Minimum 4. |
| UPGRADE | Baseline 68 | Baseline 20 | Baseline 4. |
| | Minimum **52 | Minimum 20 | Minimum 4. |

TABLE 1A—PROGRAMMED HOURS: PILOTS (PIC AND SIC)—Continued

| CURRICULUM CATEGORIES | TRAINING AND EVALUATION * | | |
|---|---|---|---|
| | ACADEMIC | JOB PERFORMANCE | |
| | Ground training and evaluation | Flight training and evaluation | Emergency equipment drills and demonstrations |
| RECURRENT | Baseline 18 (each 9-month Recurrent training period). | Baseline 6 (each 9-month Recurrent training period). | Baseline 8 (each 36-month period). |
| | Minimum 14 | Minimum 6 | Minimum 8. |
| REQUALIFICATION Phase I | Baseline 18 | Baseline 6 | Baseline 8. |
| | Minimum 12 | Minimum 6 | Minimum 8. |
| REQUALIFICATION Phase II | Baseline 68 | Baseline 20 | Baseline 4. |
| | Minimum **52 | Minimum 20 | Minimum 4. |
| REQUALIFICATION Phase III | Baseline 92 | Baseline 24 | Baseline 4. |
| | Minimum 62 | Minimum 24 | Minimum 4. |
| DIFFERENCES | Determined by FAA | Determined by FAA | Determined by FAA. |
| SPECIAL | Developed by Certificate Holder, Approved by the FAA. | Developed by Certificate Holder, Approved by the FAA. | Determined by FAA. |

* Special authorizations for flightcrew members previously qualified in the same crewmember duty position in the same aircraft type for another certificate holder conducting operations under this part within the preceding 9 months.

** Special authorizations for flightcrew members having qualified and served as SIC or flight engineer for that certificate holder within the preceding 9 months.

**Note:** If authorized by the FAA, programmed hours may be adjusted for related aircraft (see § 121.1205).

## Attachment 2 of Appendix Q to Part 121

### Academic Training and Evaluation Requirements—Subjects and Tests—for New Hire, Initial Transition, Conversion, Upgrade, Requalification, Recurrent, Differences, and Special Training Categories

A. Required Academic Training and Evaluation Subjects by Curriculum Category. (see §§ 121.1221; 121.1223; 121.1225; 121.1227; 121.1229; 121.1333; 121.1335; 121.1341; 121.1343; 121.1361; 121.1363; 121.1365; 121.1367; 121.1377; 121.1381; and 121.1215)

The FAA may allow distance learning for academic subjects in each area of instruction unless otherwise indicated.

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING

| Area of instruction—individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Upgrade, | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|---|
| (a) General Subjects: | | | | | | |
| (1) Duties and responsibilities of flightcrew members | X | | | | | |
| (2) Appropriate requirements of the Federal Aviation Regulations | ..... | X | X | X | X | 18 |
| (3) General relationship of FAA to the certificate holder | X | | | | | |
| (4) General overview of the contents of the certificate holder's Operating Certificate and Operations Specifications | X | | | | | |
| (5) Meteorology to ensure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms, and high altitude weather situations. Recognizing and avoiding severe weather situations and other hazards | X | | | | | |
| (6) Air traffic control systems, airspace, procedures, and phraseology | X | | | | | |
| (7) Navigation and the use of navigation aids, including instrument approach procedures including how to use the information available on approach charts and maps and on airport diagrams | ..... | X | X | X | X | 18 |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction—individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Upgrade, | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|---|
| (8) Development of and operating in the National Airspace System ..... | X | | | | | |
| (9) General Concepts of TCAS Operation ..... | ..... | X | X | X | X | 18 |
| (i) The meaning of Traffic Alerts (TAs), | | | | | | |
| (ii) The meaning of preventive Resolution Advisories (RAs), | | | | | | |
| (iii) The meaning of corrective RAs. TCAS equipment components controls, displays, audio alerts, and annunciations; interfaces and compatibility with other aircraft systems; TCAS surveillance range versus display range; altitude ceiling operators; when an intruder will not be displayed; and TCAS performance on the ground. | | | | | | |
| (10) High Altitude Physiology—Operations above 10,000 ft.—Aircraft Decompression; Causes and Recognition of cabin pressure loss; Physiological Effects and time of useful consciousness; Immediate Actions; Altitude and Flight Level requiring the wearing of oxygen masks ..... | X | | | | | |
| (11) Mechanical and Incident Reporting Procedures ..... | X | | | | | |
| (12) Voluntary Safety Program and Participation, including ASAP, FOQA, LOSA, and other government and industry accident prevention programs ..... | X | | | | | |
| (13) Normal and emergency communications ..... | X | X | X | X | X | 18 |
| (14) General content, control, and maintenance of applicable portions of the certificate holder's operating manual, including the Flightcrew Member Operating Manual (FCOM). Relationship of FCOM to the Airplane Flight Manual ..... | X | | | | | |
| (15) Dispatch and flight release procedures. Flight planning as applicable ..... | X | X | ..... | X* | X | |
| (b) Crew Resource Management (CRM): | | | | | | |
| (1) Task: Authority of the Pilot In Command ..... | X | X | ..... | ..... | X | 18 |
| (i) The Captain's Authority, including responsibility for the safety of flight in routine and emergency conditions. | | | | | | |
| (ii) Leadership and command. | | | | | | |
| (iii) Chain of command and importance of chain of command. | | | | | | |
| (2) Task: Communication Processes and Decisions ..... | X | X | ..... | ..... | X | 18 |
| (i) Briefing. | | | | | | |
| (ii) Inquiry, advocacy, and assertiveness. | | | | | | |
| (iii) Self-critique. | | | | | | |
| (iv) Communication with available personnel. | | | | | | |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction—individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Upgrade, | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|---|
| (v) Decisionmaking.<br>(vi) Conflict resolution.<br>(3) Task: Building and Maintenance of a Flight Team<br>(i) Leading and following, including the importance of crewmembers functioning as a team.<br>(ii) Use of interpersonal skills and leadership styles in a way that fosters crew effectiveness.<br>(iii) Significance of cultural differences. | X | X | ..... | ..... | X | 18 |
| (4) Task: Workload Management and Situational Awareness<br>(i) Preparation and planning.<br>(ii) Vigilance.<br>(iii) Workload distribution.<br>(iv) Distraction avoidance. | X | X | ..... | ..... | X | 18 |
| (5) Task: Communication and Coordination<br>(i) Flight deck and cabin chimes and interphone signals for routine situations.<br>(ii) Flight attendant notification to flight crew that aircraft is ready for movement on the surface.<br>(iii) Flight crew notification to flight attendant to be seated prior to take-off.<br>(iv) Flight attendant recognition of critical phases of flight.<br>(v) Crewmember coordination and notification regarding access to flight deck.<br>(vi) Notification to flight attendants of turbulent air conditions.<br>(vii) Notification between flight crew and flight attendants of emergency or unusual situations.<br>(viii) Notification between flight crew and flight attendants of inoperative equipment that is pertinent to flight attendant duties and responsibilities.<br>(ix) Normal and emergency communication procedures to be used in the event of inoperative communication equipment. | X | X | ..... | ..... | X | 18 |
| (6) Task: Crewmember Briefing<br>(i) Crewmember responsibilities regarding briefings.<br>(ii) Flight crew briefing.<br>(iii) Flight crew to flight attendant(s) briefings.<br>(iv) Flight attendant to flight attendant(s) briefings.<br>(v) Required information.<br>(vi) Security procedures.<br>(vii) Communication procedures.<br>(viii) Emergency procedures. | X | X | ..... | ..... | X | 18 |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction—individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Upgrade, | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|---|
| (ix) MELs affecting flight operations and cabin safety equipment and procedures. | | | | | | |
| (x) Flight information. | | | | | | |
| (7) Task: Communication and Coordination During a Passenger Interference Situation | X | X | | | X | 18 |
| (i) Certificate holder's written program regarding the handling of passenger interference, including crewmember communication and coordination. | | | | | | |
| (ii) Techniques for diffusing a passenger interference situation. | | | | | | |
| (iii) Importance of crewmembers and other employees working as a team. | | | | | | |
| (iv) Role of management and crewmember in follow-up. | | | | | | |
| (v) Actions to report an occurrence of passenger interference. | | | | | | |
| (8) Task: Communication and Coordination During an Emergency Situation | X | X | | | X | 18 |
| (i) Actions for each emergency situation. | | | | | | |
| (ii) Importance of notification and who must be notified. | | | | | | |
| (iii) Alternate actions if unable to notify. | | | | | | |
| (iv) Communication during preparation for a planned emergency evacuation, including the time available, type of emergency, signal to brace, and special instructions. | | | | | | |
| (c) Aircraft Type Specific: | | | | | | |
| (1) Contents of the certificate holder's operating manual, including the FCOM. Use of any FCOM-based quick reference handbook (QRH) | | X | X | X | X | 18 |
| (2) Operating limitations | | X | X | X | X | 18 |
| (3) Coordination, communication, and methodology for the performance of each normal, abnormal, and emergency procedure contained in the FCOM | | X | X | X | X [2] | 18 [2] |
| (4) Aircraft systems as described in the FCOM | | X | X | X | X | 18 |
| (5) Instrument procedures and low visibility operations | | X | X | X | X | 18 |
| (6) Aircraft performance determinations and flight planning for all phases of flight, including takeoff and landing requirements considering aircraft, crew, airport, and weather requirements for takeoff, departure, and landing | | X | X | X | X | 18 |
| (7) Operations Specifications authorizations and limitations | | X | X | X | X | 18 |
| (8) MMEL, MEL, CDL | | X | X | X | X | 18 |
| (9) Emergency communications with passengers and other crewmembers | X | X | X | X | X | 18 |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction—individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Upgrade, | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|---|
| (10) Storage of and how to administer medicinal oxygen | X | | | X | | 18 |
| (11) The certificate holder's policy and FCOM procedures on the use of command and control automation and criteria for selecting and deselecting appropriate levels of automation (including manual control of flight) must be included in the lateral and vertical modes of takeoff, approach, and landing | | X | X | X | X | 18 |
| (d) Special Hazards: | | | | | | |
| (1) Preventing controlled flight into terrain (CFIT) and approach and landing accidents | | X | X | X | X | 18 |
| (2) Recovery from loss of control due to airplane design, airplane malfunction, human performance, and atmospheric conditions | | X | X | X | X | 18 |
| (3) Low altitude windshear | | X | X | X | X | 9 |
| (i) Recognition and avoidance. | | | | | | |
| (ii) Recovery from inadvertent encounter. | | | | | | |
| (4) Takeoff safety: Decisionmaking and high speed aborts, including propulsion system malfunction analysis, causes, symptoms, recognition, and the effects on aircraft performance and handling | | X | X | X | X | 18 |
| (5) Airport surface movement safety and runway incursion prevention | | X | X | X | X | 18 |
| (6) Hazards of operating in or near thunderstorms, turbulent air, icing, hail, volcanic ash, and other potentially hazardous conditions | | X | X | | | |
| (7) Land and hold short operations (LAHSO) | | X | X | X | X | 9 |
| (8) Ground anti-icing and deicing | | X | X | X | X | 18 |
| (9) Ice accumulation in flight | | X | X | X | X | 18 |
| (10) Recognition and recovery from stall in clean configuration, takeoff and maneuvering configuration, and landing configuration | | X | X | X | X | 9 |
| (11) Upset recognition and recovery | | X | X | X | X | 9 |
| (e) Special Operations Areas: | | | | | | |
| (1) Close simultaneous parallel precision approach operations with Precision Radar Monitor (PRM) | | X | X | X | X | 18 |
| (2) Special routes, areas and airports | | X | X | X | X | 18 |
| (f) International Operations: | | | | | | |
| (1) Area and route characteristics | X | X | X | X | X | 18 |
| (2) Flight planning, charts, course plotting, and tables | X | X | X | X | X | 18 |
| (3) Class II Navigation | X | X | X | X | X | 18 |
| (4) Communications | X | X | X | X | X | 18 |
| (5) ETOPS or EROS, as applicable | X | X | X | X | X | 18 |
| (6) International rules and regulations | X | X | X | X | X | 18 |
| (7) Abnormal Operations | X | X | X | X | X | 18 |
| (g) Emergency Equipment Training: | | | | | | |
| (1) Emergency communications with passengers and other crewmembers | X | X | X | X | X | 18 |
| (2) Crewmember-specific roles in dealing with crewmember and passenger injury and illness, and disruptive passengers | X | | | | | 9 |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction—individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Upgrade, | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|---|
| (3) Location and familiarization of contents for first aid and medical kits | ..... | X | X | X | ..... | 9 |
| (4) Location and use of defibrillator | ..... | X | X | X | ..... | ..... |
| (5) Certificate holder's blood-borne pathogen awareness program | X | ..... | ..... | ..... | ..... | 9 |
| (6) Location and use of emergency exits | ..... | X | X | X | ..... | 18 |
| (7) Location and use of emergency equipment. Equipment must include: | ..... | X | X | X | ..... | 18 |
| (i) For over water operations: life preservers, flotation seat cushions, life rafts, slides, and slide rafts | ..... | X | X | X | ..... | 18 |
| (ii) For ground or water evacuation: escape ropes, megaphones, flashlight, emergency lighting, emergency locator transmitters, first aid kit, slides, slide rafts, fire extinguishers (each type used), smoke and fume protection (such as PBE and smoke goggles), megaphones, oxygen (portable, passenger oxygen system, flight crew masks), supplemental (flight deck key, demonstration equipment, smoke detectors, trash containers, seat belt extensions) | ..... | X | X | X | ..... | 18 |
| (8) Fires-in flight and on the ground. | | | | | | |
| (i) Procedures and strategies for fire prevention | ..... | X | X | ..... | ..... | ..... |
| (ii) Classes of fires and correct methods of extinguishing each | ..... | X | ..... | ..... | ..... | ..... |
| (iii) Flight attendant role in exterior, APU, jetway, and ramp fire | ..... | X | X | X | ..... | 18 |

[1] If authorized by the FAA, subjects may be adjusted for related aircraft (see §§ 121.1205, 121.1215).
[2] All abnormal and emergency procedures are required. Only selected normal procedures are required.
"X" indicates the subject must be included in the category of training.
"9" indicates the subject must be trained every 9 months.
"18" indicates that the subject must be trained every 18 months.
* (Conversion Only).

B. Academic Evaluation. (see §§ 121.1341 and 121.1343)

1. Knowledge and understanding of each subject within each area of instruction must be evaluated by written, oral, or electronic based testing at the end of academic training, and must provide for the following:

(a) A score of 80% or better on each instructional area is required to be satisfactory

(b) A minimum of 5 questions must be developed for each subject

(c) Two questions for each subject must be randomly selected for each test

(d) The test must be corrected to 100%

(e) Correction of missed questions must include a discussion or review of which answer is correct and why, and why the person's original answer was incorrect

(f) Reevaluation is required for each instructional area in which a score of 80% or better is not achieved

2. The following standards are for evaluating the pilot performance in limitation, systems, and performance and loading subjects.

(a) Limitations—The pilot must know all of the limitations appropriate to the aircraft with respect to:

(1) Systems and components

(2) Performance

(b) Systems—The pilot must understand and be knowledgeable about the following subjects (systems and components) and be able to explain their operation as described in the FCOM and their applicability, as appropriate, to the Minimum Equipment List (MEL), Configuration Deviation List (CDL), and the operations specifications:

(1) Landing gear: including, as appropriate, extension and retraction system(s), indicators, brakes, anti-skid, tires, nose-wheel steering, and shock absorbers

(2) Engine(s) and Auxiliary Power System(s): including controls and indications, induction system, carburetor and fuel injection, turbo-charging, cooling, fire detection and protection, mounting points, turbine wheels, compressors, deicing, anti-icing, and other related components

(3) Propellers (if appropriate): including type, controls, feathering and unfeathering, auto feather, negative torque sensing, synchronizing, and synchro-phasing

(4) Fuel system: including capacity, drains, pumps, controls, indicators, cross-feeding, transferring, jettison, fuel grade, color and additives, fueling and de-fueling procedures, and allowable fuel substitutions, if applicable

(5) Oil system: including capacity, grade, quantities, and indicators

(6) Hydraulic system: including capacity pumps, pressure, reservoirs, grade, and regulators

(7) Electrical system: including alternators, generators, battery, circuit breakers and protection devices, controls, indicators, and external and auxiliary power sources and ratings

(8) Environmental systems: including heating, cooling, ventilation, oxygen and pressurization, controls, indicators, and regulating devices

(9) Avionics and communications: including autopilot; flight director; Electronic Flight Indicating Systems (EFIS); Flight Management System(s) (FMS); navigation systems and components (LORAN; Doppler Radar; Inertial Navigation Systems; Global Positioning System such as GPS/DGPS/WGPS; VOR; NDB; ILS/MLS; RNAV); indicating devices; transponder; emergency locator transmitter; electronic flight bags; Aircraft Communications Addressing and Reporting System (ACARS), and others, as may be appropriate

(10) Ice protection (anti-ice and de-ice): including pitot-static system, propeller (if appropriate), windshield, wing and tail surfaces

(11) Crewmember and passenger emergency equipment and procedures: including oxygen system, survival gear, emergency exits, evacuation procedures with crew duties, and quick donning oxygen mask for crewmembers and passengers

(12) Flight controls: including ailerons, elevator(s), rudder(s), control tabs, balance tabs, stabilizer, flaps, spoilers, leading edge flaps and slats, and trim systems

(13) Flightdeck automation: including the certificate holder's written automation policy and written operating procedures for selecting and deselecting appropriate levels of automation. This must include the certificate holder's policy for conducting CAT II and CAT III approaches when authorized

(14) Pneumatic system

(15) Other systems as may be contained in the FAA-approved Airplane Flight Manual

(c) Performance and loading—The pilot must understand and be proficient in the use of the Certificate Holder's performance charts, tables, graphs, and other data relating to the following areas:

(1) Accelerate—stop distance

(2) Accelerate—go distance

(3) Balanced field

(4) Takeoff performance, all engines and with engine(s) inoperative, as appropriate.

(5) Climb performance including segmented climb performance; with all engines operating; with one or more engines inoperative; and with other engine malfunctions as appropriate

(6) Service ceiling, all engines, with engines(s) inoperative, including drift down, if appropriate

(7) Cruise performance

(8) Fuel consumption, range, and endurance

(9) Descent performance

(10) Go-around from rejected landings

(11) The effects of meteorological conditions on performance characteristics with correct application of these factors to a specific chart, table, graph or other performance data

(12) How to determine longitudinal and lateral center-of-gravity location for a specific load condition, including how to add, remove, or shift weight to meet longitudinal (forward and aft), and lateral balance limits for takeoff, cruise, and landing

(13) Planning and application of operational factors affecting aircraft performance such as high altitude airports, cluttered and contaminated runways, ground and in-flight icing, and other performance data appropriate to the aircraft

## Attachment 3 of Appendix Q to Part 121

### Job Performance Training Requirements for All Categories of Training

*(Tasks, Environments, Drills, and Observations With Instruction, Evaluation, and Simulation Credits)*

A. Determining the job performance (flight training) tasks and environments required for instruction and evaluation for each category of training. (see §§ 121.134; 121.136; 121.1221; 121.1223; 121.1225; 121.1227; 121.1229; 121.1333; 121.1335; 121.1337; 121.1339; 121.1341; 121.1343; 121.1345; 121.1347; 121.1349; 121.1351; 121.1353; 121.1361; 121.1363; 121.1365; 121.1367; 121.1377; 121.1379; 121.1381; 121.1383; 121.1385; and 121.1215)

1. *Certificate holder responsibilities with respect to the FCOM and Table 3A.*

(a) The certificate holder must use the FAA-approved FCOM to construct each curriculum category required by this subpart in accordance with an FAA-approved job performance training program. The tasks listed in the FCOM must reflect the tasks included in Table 3A of this Attachment, as amended, and include standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures, as well as the authorizations contained in the certificate holder's operations specifications.

(b) If the certificate holder adds tasks or environments to those listed in Table 3A, those tasks or environments must be further developed to include the requirement and frequency for training and evaluation in each additional task or environment. These changes must be reflected in the FCOM and submitted to the FAA for approval.

(c) If the certificate holder's operation does not permit, or the operation of the aircraft flown by the certificate holder does not require one or more of the tasks listed in Table 3A, those tasks must not be included in the FCOM, and, therefore, are not required to be trained or evaluated.

(d) Changes to the FCOM must be submitted to the FAA for approval.

2. *Job Performance Requirements.*

(a) Table 3A describes the piloting tasks required for initial, transition, conversion, upgrade, and requalification (phases I, II, and III) training, and the piloting tasks required for the proficiency check or test conducted for flightcrew member qualification or certification. Table 3A also describes the piloting tasks that are required for the recurrent proficiency check as well as the pilot training tasks that are described for the LOFT and the FFS course of instruction.

(b) When a task is identified as being required each 9 months during recurrent training (*i.e.,* an "X" is located in the "every 9 months" column of Table 3A):

(1) This requirement is satisfied by the task being completed during either the LOFT or the FFS course of instruction during the 9 month period when a proficiency check is not conducted.

(2) This requirement is satisfied by the task being completed during the proficiency check during the 9-month period when a proficiency check is conducted. The task does not need to be repeated again during the accompanying LOFT or FFS course of instruction.

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## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| **1.0 All Operations** | | | | | | | |
| 1.1 Normal Procedures | X | X | X | X | X | | X |
| 1.2 Operation of Systems and Controls at the Flight Engineer's Panel | X | X | X | X | X | | X |
| 1.3 Human Factors and CRM (crew item) | X | X | X | X | X | | X |
| 1.4 Aircraft Handling Standards | X | X | X | X | X | | X |
| 1.5 ATC Communications and Procedures (crew item) | X | X | X | X | X | | X |
| 1.6 Seat Dependent Training | X | X | X | See Paragraph D3 Of This Attachment | | | |
| 1.7 MEL Relief (crew item) | X | X | X | | | X | |
| **2.0 Preflight Procedures** | | | | | | | |
| 2.1 Planning | X | X | X | X | X | | X |
| 2.2 Flight Deck Inspection (crew item) | X | X | X | X | X | | X |
| 2.3 Cabin Inspection (in briefing) | X | X | X | | | X | |
| 2.4 Exterior Inspection (in briefing) | X | X | X | X | X | | X |
| 2.5 Navigation System Setup (crew item) | X | X | X | X | X | | X |
| **3.0 Ground Operations** | | | | | | | |
| 3.1 Engine Start | | | | | | | |
| 3.1.1 Normal | X | X | X | Select 1 | X | | Select 1 |
| 3.1.2 Non-normal | X | X | X | | X | | |
| 3.2 Pushback and Powerback (crew item) | X | X | X | X | X | | X |
| 3.3 Taxi (crew item) | X | X | X | X | X | | X |
| 3.3.1 Use of airport diagram (surface movement chart) | X | X | X | X | X | | X |
| 3.3.2 Appropriate clearance before crossing or entering active runways | X | X | X | X | X | | X |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 3.3.3 Observation of all surface movement guidance control markings and lighting | X | X | X | X | X | | X |
| 3.4 Pre-Takeoff Procedures (crew item) | X | X | X | X | X | | X |
| 3.4.1 Receipt of takeoff clearance | X | X | X | X | X | | X |
| 3.4.2 Confirmation of aircraft location, and FMS entry (if appropriate), for departure runway prior to crossing hold short line for takeoff | X | X | X | X | X | | X |
| 3.5 Deicing Before Takeoff (crew item) | X | X | X | | | X | |
| 3.6 Anti-Icing | X | X | X | X | | | X |
| 3.7 After Landing (crew item) | X | X | X | X | X | | X |
| 3.8 Parking and Securing | X | X | X | X | X | | X |
| **4.0 Takeoff** | | | | | | | |
| 4.1 Normal and Crosswind – With All Engines Operating | X | X | X | X | X | | X |
| 4.2 Instrument with Lowest Authorized RVR | X | X | X | X | X | | X |
| 4.3 With Engine Failure - | | | | | | | |
| 4.3.1 Between V1 and VR | X | X | X | Select 1 | Alternate | | Select 1 |
| 4.3.2 Between VR and 500 ft. above field elevation | X | X | X | | | | |
| 4.4 Rejected With Lowest Authorized RVR | X | X | X | X | X | | X |
| 4.5 Contaminated Runway Operations (crew item) | X | X | X | | X | | |
| 4.6 Takeoff from High Density Altitude Runways | X | X | X | | | X | |
| **5.0 In Flight Tasks and Aircraft Handling** | | | | | | | |
| 5.1 Slow Flight | X | X | X | | | X | |
| 5.2 Recognition of, and Recovery from, Approach to Stall (Instruction and Practice must include manual control and | | | | | | | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| autopilot connected entries for each of the configurations indicated. Initial and Transition training must include at least 2 recoveries from stall, either "stall break" or "control limitation" for 5.2.1, 5.2.2, and 5.2.3. For flightcrew members operating aircraft equipped with stick-pusher, recoveries from stall must be completed by going through stick-pusher release. The configuration selected must include a turn with a bank angle between 15 and 30 degrees. | | | | | | | |
| 5.2.1 Clean Configuration | X | X | X | Select 1 | Select 1 | | Select 1 |
| 5.2.2 Takeoff or Maneuvering Configuration | X | X | X | | | | |
| 5.2.3 Landing Configuration | X | X | X | | | | |
| 5.3 Asymmetric Thrust | | | | | | | |
| 5.3.1 Engine Inflight Shutdown | X | | X | | | X | |
| 5.3.2 Maneuvering with One Engine Inoperative | X | | X | | | X | |
| 5.3.3 Engine Inflight Restart | X | | X | | | X | |
| 5.3.4 One Engine Inoperative En Route | X | | X | | | X | |
| 5.4 Runaway Trim or Stabilizer | X | X | X | | | X | |
| 5.5 Jammed Trim or Stabilizer | X | X | X | | | X | |
| 5.6 Upset Recognition and Recovery | X | X | X | X | X | | X |
| 5.7 Turns with and without Spoilers | X | | X | | | X | |
| 5.8 Stability Augmentation Inoperative | X | X | X | | | X | |
| 5.9 Mach Tuck and Mach Buffet | X | X | X | | | X | |
| 5.10 Recovery from High Sink Rate inside final approach fix | X | X | X | | | X | |
| 5.11 Flight Envelope Protection Demonstration | X | X | X | | | X | |
| 5.12 Windshear Avoidance and Encounter | | | | | | | |
| 5.12.1 Takeoff | X | X | Select 1 | Select 1 | Select 1 | | Select 1 |
| 5.12.2 Departure | X | X | | | | | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 5.12.3 Approach | X | X | | | | | |
| 5.13 Traffic Collision Avoidance System (TCAS) (crew item) | X | X | X | | | X | |
| 5.14 CFIT/Terrain Avoidance (GPWS, EGPWS or TAWS) (crew item) | X | X | X | X | | | X |
| 5.15 Structural Icing, Airborne | X | X | | | | X | |
| 5.16 Thunderstorm Avoidance Departure and Arrival | X | X | | | | X | |
| 5.17 ETOPS Procedures (crew item) | X | X | X | | | X | |
| 5.18 Anti-Icing prior to descent/approach | X | X | X | X | | | X |
| **6.0 Instrument Procedures** | | | | | | | |
| 6.1 Instrument Departure | X | X | X | X | | | X |
| 6.2 Instrument Arrival | X | X | X | X | | | X |
| 6.3 Holding | X | X | X | X | | | X |
| 6.4 Approach Transition | X | X | X | X | X | | X |
| 6.5 Manually Controlled Departure and Arrival | X | X | X | | | X | |
| **7.0 Approaches** | | | | | | | |
| 7.1 Instrument Approaches (at least one must be flown with an engine inoperative and one must be flown manually) | | | | | | | |
| 7.1.1 Precision Approach. Precision approach must be accomplished with the lowest minimums authorized. For certificate holders authorized auto-coupled precision approaches, training must include auto-coupled approaches– including auto-land if required or authorized. If authorized, Cat II and Cat III approaches both must be trained. However, during evaluation, only one of the Cat II or Cat III approaches must be accomplished with lowest precision minimums authorized, and other approach must be briefed. | X | X | X | X | X | | X |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 7.1.2 Non-Precision Approach (includes, if authorized, non-precision approach with vertical guidance). For evaluation purposes only, 2 approaches must be completed. If authorized to conduct approaches with vertical guidance, one of the non-precision approaches must be flown with vertical guidance. | X | X | X | X | X | | X |
| 7.2 Visual Approaches | | | | | | | |
| 7.2.1 Visual Approach from either traffic pattern downwind with no vertical guidance provided | X | X | X | Select 1 | Select 1 | | Select 1 |
| 7.2.2 Visual Approach from initial approach altitude with no vertical guidance provided | X | X | X | | | | |
| **8.0 Missed Approach** | | | | | | | |
| 8.1 All Engines Operating | X | X | X | Select 1 | X | | Select 1 |
| 8.2 One Engine Inoperative | X | X | X | | X | | |
| 8.3 From a Circling to Land | X | X | X | | | X | |
| 8.4 Break-Out Maneuver from PRM Approach | X | X | X | | | X | |
| **9.0 Landing** | | | | | | | |
| 9.1 All Engines Operating (including crosswind) | X | X | X | X | X | | X |
| 9.2 Engine(s) Inoperative | | | | | | | |
| 9.2.1 One Engine Inoperative | X | X | X | X | X | | X |
| 9.2.2 Two Engines Inoperative (3 and 4 Engine Aircraft) | X | X | X | | | X | |
| 9.3 From a Precision Approach | X | X | X | X | X | | X |
| 9.4 From a Non-Precision Approach | X | X | X | X | X | | X |
| 9.5 From Visual Approach | X | X | X | X | | | X |
| 9.6 From Circle to Land | X | X | X | X | X | | X |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 9.7 Recovery from a Bounced Landing | X | X | | | | X | |
| 9.8 Rejected Landing | X | X | X | X | | | X |
| 9.9 From Zero or Partial Flaps Approach | X | X | X | | | X | |
| 9.10 Using Enhanced Flight Vision System-EFVS | X | X | X | X | | | X |
| 9.11 Using Head-up Display-HUD | X | X | X | X | | | X |
| 9.12 Landing on Contaminated Runways | X | X | X | | | X | |
| 9.13 Landing on High Density Altitude Runways | X | X | X | | | X | |
| **10.0 Abnormal Procedures (crew items)** | | | | | | | |
| 10.1 Un-Annunciated | A | A | A | At least 2 from 10.0 | | A | At least 2 from 10.0 |
| 10.2 Annunciated Systems (ATA code) | | | | | | | |
| 10.2.1. Air Conditioning (21) | A | A | A | | | A | |
| 10.2.2 Auxiliary Power Unit (49) | A | A | A | | | A | |
| 10.2.3. Autopilot (22) | A | A | A | | | A | |
| 10.2.4 Brakes (32) | A | A | A | | | A | |
| 10.2.5 Communications (23) | A | A | A | | | A | |
| 10.2.6 Doors (52) | A | A | A | | | A | |
| 10.2.7 Electrical Power (24) | A | A | A | | | A | |
| 10.2.8 Emergency Equipment (25) | A | A | A | | | A | |
| 10.2.9 Engine (72) | A | A | A | | | A | |
| 10.2.10 Fire Protection (26) | A | A | A | | | A | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 10.2.11 Flaps (27) | A | A | A | | | A | |
| 10.2.12 Flight Controls (27) | A | A | A | | | A | |
| 10.2.13 Fuel (28) | A | A | A | | | A | |
| 10.2.14 GPWS/EGPWS or TAWS (34) | A | A | A | | | A | |
| 10.2.15 HUD (34) | A | A | A | | | A | |
| 10.2.16 Hydraulic Power (29) | A | A | A | | | A | |
| 10.2.17 Ice and Rain Protection (30) | A | A | A | | | A | |
| 10.2.18 Instruments (31) | A | A | A | | | A | |
| 10.2.19 Landing Gear (32) | A | A | A | | | A | |
| 10.2.20 Navigation (34) | A | A | A | | | A | |
| 10.2.21 Oxygen (35) | A | A | A | | | A | |
| 10.2.22 Pneumatic (36) | A | A | A | | | A | |
| 10.2.23 Propellers (61) | A | A | A | | | A | |
| 10.2.24 Stall Warning (27) | A | A | A | | | A | |
| 10.2.25 Thrust Reversers (78) | A | A | A | | | A | |
| 10.2.26 Warning Systems (various) | A | A | A | | | A | |
| **11.0 Emergency Procedures (crew items)** | | | | | | | |
| 11.1 Fire and Smoke in Aircraft | A | A | A | At least 2 | | A | At least 2 |

At least 2 from 10.0
At least 2 from 10.0

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 11.2 Un-annunciated Fire in Flight | A | A | A | from 11.0 | | A | from 11.0 |
| 11.3 Ditching | A | A | A | | | A | |
| 11.4 Emergency Descent | A | A | A | At least 2 from 11.0 | | A | At least 2 from 11.0 |
| 11.5 Rapid Decompression | A | A | A | | | A | |
| 11.6 Emergency Evacuation | A | A | A | | | A | |
| 11.7 Engine Fire, Severe Damage, or Separation | A | A | A | | | A | |
| 11.8 Landing with Degraded Flight Controls | A | A | A | | | A | |
| 11.9 Pilot Incapacitation | A | A | A | | | A | |
| 11.10 All other emergencies in accordance with the FCOM | A | A | A | | | A | |
| **12.0 Aircraft Emergency Equipment Training Drills** | | | | | | | |
| 12.1 Performance Drills – Individual | | | | | | | |
| 12.1.1 Fire Extinguishers | X | X | X | | | X | |
| 12.1.2 Portable Oxygen Systems | X | X | X | | | X | |
| 12.1.3 Equipment Mountings | X | X | X | | | | |
| 12.1.4 Flight Deck Oxygen Systems | X | X | X | | | X | |
| 12.1.5 Emergency Exits | X | X | X | | | X | |
| 12.1.6 Flotation Devices | X | X | X | | | X | |
| 12.1.7 Emergency Evacuation (with Escape Slide) – One Time Drill | New Hire Only | | | | | | |
| 12.1.8 Emergency Evacuation (without Escape Slide) – One Time Drill | New Hire Only | | | | | | |
| 12.1.9 Firefighting (Actual Fire) – One Time Drill | New Hire Only | | | | | | |
| 12.2 Performance Drills – Group | | | | | | | |

**Table 3A – Job Performance Tasks**
**TRAINING AND EVALUATION**

| PILOTING TASKS | INITIAL, TRANSITION, CONVERSION, UPGRADE, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | TRAINING - In a LOFT or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Upgrade and Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 12.2.1 Ditching Survival (Dry Training Environment) | X | X | X | | | X | |
| 12.2.2 Ditching Survival (Wet Training Environment) – One Time Drill | New Hire Only | | | | | | |
| 12.3 Observation Drills | | | | | | | |
| 12.3.1 Preparation of Emergency Exits in Emergency Mode | X | X | X | | | X | |
| 12.3.2 Emergency Evacuation Using an Escape Slide | X | X | X | | | X | |
| 12.3.3 Deployment, Inflation, and Detachment of Slide, Raft, or Slide-Raft | X | X | X | | | X | |

NOTES:
X – Task must be completed.
A – Select as many of the systems and devices necessary, and appropriate to the certificate holder's operation, to ensure pilots receive adequate academic and job performance training.

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B. Aircraft Emergency Equipment Training Requirements. Aircraft Emergency Procedures Drills and Observations. (see §§ 121.1205; 121.1215; 121.1233; 121.1255;

121.1333; 121.1337; 121.1351; 121.1365; 121.1367; 121.1381; 121.1383; 121.1387; and 121.1389)

1. All emergency drills and observations must be completed within the time frames specified in Table 3A of this attachment.

2. In accordance with Table 3A of this attachment, each flightcrew member must perform individual hands on training and evaluation demonstrations through individual performance drills using the specified emergency equipment, or participate as part of a group of persons completing a specific drill through group performance drills.

3. During group performance drills, it is not necessary for each flightcrew member to complete each task in the performance drill; however, each flightcrew member must observe the actions and activities of the other persons who are completing the performance drill tasks.

4. In accordance with Table 3A of this attachment, each flightcrew member must observe a specific procedural drill being conducted by other persons (an observation drill) in a live setting or through an audio-visual medium.

5. Each flightcrew member must operate each exit on each aircraft type on which the flightcrew member is to serve in both the normal and emergency modes, including the actions and forces required in the deployment of emergency evacuation slides.

6. Each flightcrew member must complete the required emergency training drills during the specified training periods, using those items of installed emergency equipment for each aircraft type on which the flightcrew member is to serve.

7. Each piece of emergency equipment and training device must be in its fully secured, pinned, bracketed, or stowed condition, as installed on the aircraft, prior to being operated by each flightcrew member during each performance drill. The removal and stowage of each piece of emergency equipment may be completed separately from the performance drill as part of the equipment mountings drill.

8. Flightcrew members must demonstrate proficiency by completing each performance drill without reference to any guidance material or instruction.

9. Individual evaluations of each flightcrew member's performance by an instructor is required. Flightcrew members who do not complete emergency training drills must be retrained in accordance with the certificate holder's approved training program prior to reevaluation.

C. Determining the level of FSTD that must be used for training, evaluation, and recent experience. (see §§ 121.1345; 121.1347; 121.1349; and 121.1351)

To use an FSTD for training, evaluation, and recent experience the following general requirements must be met. The code shown in Table 3B of this attachment for the task or environment indicates the lowest FSTD qualification level that may be used.

1. *General Requirements.* In addition to the approval of the FAA required by part 121, to be used for any task or environment, an FSTD must:

(a) Have a qualification level assigned in accordance with part 60 of this chapter.

(b) Be maintained in accordance with part 60 of this chapter.

(c) Have all of the aircraft and FSTD systems installed and operating that are necessary to complete the task or environment.

(d) Be operated in accordance with § 60.25 of this chapter, Operation with missing, malfunctioning, or inoperative components.

(e) Have the qualification level indicated in Table 3B of this attachment, or a higher qualification level, for the task or environment and the category of training indicated. Certain tasks may be trained in an FSTD at a different level than required for evaluating that specific task. The instructor must observe the pilot perform the task to proficiency in the level of FSTD required for the evaluation prior to the evaluation by a check person.

2. *LOFT Requirements.* For Qualification LOFT or Recurrent LOFT, a FFS at level A, B, C, or D must be used.

3. *Takeoff and Landing 90 Day Recency of Experience.*

For maintaining recency of experience in a FFS, a level B, C, or D must be used. For regaining recency of experience, a level C or D is required.

4. FFS Requirements for Training and Evaluation.

(a) The training session immediately preceding the proficiency test or check, as well as the proficiency test or check administered at the conclusion of initial, transition, conversion, upgrade, or requalification training, must be conducted in no more than two levels of FFS.

(b) The recurrent training and evaluation (proficiency test or check) administered as part of the recurrent qualification requirements may only be conducted in one level of FFS. The level of FFS that is required is the lowest level in which all tasks that must be completed can be accomplished in that level of FFS. For recurrent training, this is at least a level A FFS; for the proficiency test or check, this is at least a level B FFS.

5. Experience Requirements for Allowing Credit for Level C Full Flight Simulators. Where a Level D FFS is indicated in Table 3C, a Level C FFS may be used to complete the training and the proficiency test if the pilot applicant meets the following prerequisite experience requirements:

(a) For first time qualification in group, the pilot must have a minimum of 1500 hours of flight time as a pilot in an aircraft, including a minimum of 750 hours of multiengine time.

(b) For upgrade to PIC, the pilot must have a minimum of 200 hours in the aircraft type.

(c) For SIC training and evaluation:

(1) The pilot must have a minimum of 1500 hours as a pilot, 500 hours of multiengine time as a pilot, and 500 hours in the aircraft type as a flight engineer; or

(2) The pilot must meet the flight time requirements set out in § 61.159 of this chapter.

D. Seat Dependent Task Training. (see §§ 121.1253; 121.1255; 121.1257; 121.1281; 121.1345; 121.1347; 121.1349; and 121.1351)

1. The seat dependent task training that must be provided for all check pilots, IOE pilots, pilot flight instructors, relief pilots, and PICs and SICs if a certificate holder authorizes the PIC to operate the aircraft from the right hand pilot seat and the SIC to operate the aircraft from the left hand pilot seat is described in this paragraph.

2. Seat dependent task training must address the use of systems that involve the flight path or speed of the aircraft and the use of systems that have controls not centrally located, or are accessible or operable from only the left or from the right pilot seat and includes all of the following:

(a) Normal takeoff
(b) Rejected takeoff
(c) Takeoff with the failure of an engine
(d) Climb to, cruise at, or descent from an intermediate operating altitude
(e) At least one recovery from an approach to stall conducted at "en route" operating altitudes
(f) Precision instrument approach
(g) Non-precision instrument approach
(h) A missed approach
(i) Landing with an engine failed

3. To retain currency as a pilot qualified to operate the airplane from the opposite pilot seat, the pilot must complete, in an alternating sequence, a normally scheduled recurrent training session, and then a normally scheduled training session where 3 tasks must be completed from the opposite pilot seat. These three tasks are a recovery from an approach to stall at normal operating altitudes, a precision or non-precision approach, and a landing with an engine failed.

4. Check pilots and pilot flight instructors authorized to conduct training or evaluation functions must be provided training and practice in conducting flight training or flight checks from the left hand and right hand pilot seats, including the required standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures sufficient to ensure competence to conduct the pilot training and flight checks required by this subpart.

5. Check pilots and IOE pilots who are authorized to conduct operating experience or line checks in the airplane during flight, must be provided training and practice in the safety measures to be taken from either pilot seat for emergency situations that are likely to develop during flight operations.

6. Training and evaluation in the airplane is limited to certificate holders operating in accordance with the deviation described in § 121.1345(b).

TABLE 3B—MINIMUM FSTD REQUIRED FOR CREDIT

| Curriculum category | Initial, transition, conversion, upgrade, and requalification | | Recurrent | |
|---|---|---|---|---|
| Piloting Tasks<br>Each task may be performed in the FSTD level specified or any higher level of FSTD | Training [1] | The training session immediately preceding, and the proficiency test or check [2] | Training (loft or FFS course of instruction) | Proficiency test or check [3] |
| **1.0 All Operations:** | | | | |
| 1.1 Normal Procedures | 4 | A | A | B |
| 1.2 Operation of Systems and Controls at the Flight Engineer's Panel | 4 | A | A | B |
| 1.3 Human Factors and CRM | Must be incorporated throughout training and evaluation. | | | |
| 1.4 Aircraft Handling Standards | As authorized for each task or environment. | | | |
| 1.5 ATC Communications and Procedures | As authorized for each task or environment. | | | |
| 1.6 Seat Dependent Training | See paragraph D3 of this attachment. | | | |
| 1.7 MEL Relief | Incorporated periodically throughout training. | | | |
| **2.0 Preflight Procedures:** | | | | |
| 2.1 Planning and use of checklists | 4 | A | A | B |
| 2.2 Flight Deck Inspection | 4 | A | A | B |
| 2.3 Cabin Inspection | Aircraft or approved pictorial means | | | |
| 2.4 Exterior Inspection | Aircraft or approved pictorial means | | | |
| 2.5 Navigation System Setup | 4 | A | A | B |
| **3.0 Ground Operations:** | | | | |
| 3.1 Engine Start | 4 | A | A | B |
| 3.1.1 Normal | 4 | A | A | B |
| 3.1.2 Non-Normal | 4 | A | A | B |
| 3.2 Pushback and Powerback | A | A | A | B |
| 3.3 Taxi | A | [4] D | A | B |
| 3.4 Pre-Takeoff Procedures | 4 | A | A | B |
| 3.5 Deicing Before Takeoff | 4 | A | A | B |
| 3.6 Anti-Icing (after start, before takeoff) | 4 | A | A | B |
| 3.7 High Density Altitude Runway Operations | A | A | A | B |
| 3.8 After Landing | 4 | A | A | B |
| 3.9 Parking and Securing | A | A | A | B |
| **4.0 Takeoff:** | | | | |
| 4.1 Normal and Crosswind–All Engines Operating | A | D | A | B |
| 4.2 Instrument with Lowest Authorized RVR | A | A | A | B |
| 4.3 With Engine Failure | ..... | ..... | ..... | ..... |
| 4.3.1 Between $V_1$ and $V_R$ | A | A | A | B |
| 4.3.2 Between $V_R$ and 500 ft. above field elevation | A | A | A | B |
| 4.4 Rejected With Lowest Authorized RVR | A | A | A | B |
| 4.5 Contaminated Runway Operations | A | A | A | B |
| 4.6 Takeoff from High Density Altitude Runways | A | A | A | B |
| **5.0 In Flight Tasks and Aircraft Handling:** | | | | |
| 5.1 Slow Flight | A | [4] D | A | B |
| 5.2 Recognition of, and Recovery from, Approach to Stall | ..... | ..... | ..... | ..... |
| 5.2.1. Clean configuration | A | [4] D | A | B |
| 5.2.2. Takeoff or maneuvering configuration | A | [4] D | A | B |
| 5.2.3. Landing configuration | A | [4] D | A | B |
| 5.3 Asymmetric Thrust | A | A | A | B |
| 5.3.1 Engine Shutdown | A | A | A | B |
| 5.3.2 Maneuvering with One Engine Inoperative | A | A | A | B |
| 5.3.3 Engine Restart | A | A | A | B |
| 5.3.4 One Engine Inoperative En Route | A | A | A | B |
| 5.4 Runaway Trim or Stabilizer | A | A | A | B |
| 5.5 Jammed Trim or Stabilizer | A | A | A | B |
| 5.6 Upset Recognition and Recovery | A | [4] D | A | B |
| 5.7 Turns with and without Spoilers | A | A | A | B |
| 5.8 Stability Augmentation Inoperative | A | A | A | B |
| 5.9 Mach Tuck and Mach Buffet | A | A | A | B |
| 5.10 Recovery from High Sink Rate inside final approach fix | A | [4] D | A | B |
| 5.11 Flight Envelope Protection Demonstration | A | A | A | B |
| 5.12 Windshear Avoidance and Encounter. | | | | |
| 5.12.1 Takeoff | A | A | A | B |

TABLE 3B—MINIMUM FSTD REQUIRED FOR CREDIT—Continued

| Curriculum category | Initial, transition, conversion, upgrade, and requalification | | Recurrent | |
|---|---|---|---|---|
| Piloting Tasks<br>Each task may be performed in the FSTD level specified or any higher level of FSTD | Training [1] | The training session immediately preceding, and the proficiency test or check [2] | Training (loft or FFS course of instruction) | Proficiency test or check [3] |
| 5.12.2 Departure | A | A | A | B |
| 5.12.3 Approach | A | A | A | B |
| 5.13 Traffic Avoidance (TCAS) | [5,7] 6 | A | A | B |
| 5.14 CFIT/Terrain Avoidance (GPWS, EGPWS or TAWS) | [7] 6 | A | A | B |
| 5.15 Structural Icing, Airborne | A | A | A | B |
| 5.16 Thunderstorm Avoidance Departure and Arrival | A | A | A | B |
| 5.17 ETOPS Procedures | 6 | A | A | B |
| 5.18 Anti-Icing prior to descent/approach | A | A | A | B |
| **6.0 Instrument Procedures:** | | | | |
| 6.1 Instrument Departure or Arrival | 6 | A | A | B |
| 6.2 Holding | 6 | A | A | B |
| 6.3 Approach Transition | 6 | A | A | B |
| 6.4 Manually Controlled Departure and Arrival | A | A | A | B |
| **7.0 Approaches:** | | | | |
| 7.1 Instrument Approaches | | | | |
| 7.1.1. Precision Approach | A | [4] D | A | B |
| 7.1.2. Non-Precision Approach | A | A | A | B |
| 7.2 Visual Approach | A | [4] D | A | B |
| **8.0 Missed Approach:** | | | | |
| 8.1 All Engines Operating | A | [4] D | A | B |
| 8.2 One Engine Inoperative | A | A | A | B |
| 8.3 From Circle to Land | A | A | A | B |
| 8.4 Descending Break-Out Maneuver from PRM Approach | A | A | A | B |
| **9.0 Landing:** | | | | |
| 9.1 All Engines Operating (including crosswind) | A | [4] D | A | B |
| 9.2 Engine(s) Inoperative | ..... | ..... | ..... | ..... |
| 9.2.1 One Engine Inoperative | A | [4] D | A | B |
| 9.2.2 Two Engines Inoperative (3 and 4 Engine Aircraft) | A | [4] D | A | B |
| 9.3 From a Precision Approach | A | B | A | B |
| 9.4 From a Non-Precision Approach | A | B | A | B |
| 9.5 From a Visual Approach | A | B | A | B |
| 9.6 From Circle to Land (if authorized) | A | B | A | B |
| 9.7 Recovery from a Bounced Landing | A | B | A | B |
| 9.8 Rejected Landing | A | A | A | B |
| 9.9 From Zero or Partial Flaps Approach | A | A | A | B |
| 9.10 Using Enhanced Flight Visual System—EFVS | [6] A | [6] A | [6] A | B |
| 9.11 Using Head-Up Display—HUD | [6] A | [6] A | [6] A | B |
| 9.12 Landing on Contaminated Runways | A | [4] D | A | B |
| 9.13 Landing at High Density Altitude Runways | A | [4] D | A | B |
| **10.0 Abnormal Procedures:** | | | | |
| 10.1 Un-annunciated | 4 | A | A | B |
| 10.2.0 Systems. | | | | |
| 10.2.1. Air Conditioning | 4 | A | A | B |
| 10.2.2 APU | 4 | A | A | B |
| 10.2.3. Autopilot | 5 | A | A | B |
| 10.2.4 Brakes | 4 | A | A | B |
| 10.2.5 Communications | 4 | A | A | B |
| 10.2.6 Doors | 4 | A | A | B |
| 10.2.7 Electrical Power | 4 | A | A | B |
| 10.2.8 Emergency Equipment | 4 | A | A | B |
| 10.2.9 Engine | 4 | A | A | B |
| 10.2.10 Fire Protection | 4 | A | A | B |
| 10.2.11 Flaps | 4 | A | A | B |
| 10.2.12 Flight Controls | 5 | A | A | B |
| 10.2.13 Fuel | 4 | A | A | B |
| 10.2.14 EGPWS or TAWS | 5 | A | A | B |
| 10.2.15 HUD | 5 | A | A | B |
| 10.2.16 Hydraulic Power | 4 | A | A | B |
| 10.2.17 Ice and Rain Protection | 4 | A | A | B |
| 10.2.18 Instruments | 5 | A | A | B |
| 10.2.19 Landing Gear | 4 | A | A | B |
| 10.2.20 Navigation | 5 | A | A | B |
| 10.2.21 Oxygen | 4 | A | A | B |
| 10.2.22 Pneumatic | 4 | A | A | B |
| 10.2.23 Propellers | 4 | A | A | B |

TABLE 3B—MINIMUM FSTD REQUIRED FOR CREDIT—Continued

| Curriculum category | Initial, transition, conversion, upgrade, and requalification | | Recurrent | |
|---|---|---|---|---|
| Piloting Tasks<br>Each task may be performed in the FSTD level specified or any higher level of FSTD | Training [1] | The training session immediately preceding, and the proficiency test or check [2] | Training (loft or FFS course of instruction) | Proficiency test or check [3] |
| 10.2.24 Stall Warning | 5 | A | A | B |
| 10.2.25 Thrust Reversers | 4 | A | A | B |
| 10.2.26 Warning Systems (various) | 4 | A | A | B |
| **11.0 Emergency Procedures:** | | | | |
| 11.1 Fire or Smoke in Aircraft | 4 | A | A | B |
| 11.2 Ditching | 4 | A | A | B |
| 11.3 Emergency Descent | 5 | A | A | B |
| 11.4 Rapid Decompression | 4 | A | A | B |
| 11.5 Emergency Evacuation | 4 | A | A | B |
| 11.6 Engine Fire, Severe Damage, or Separation | A | A | A | B |
| 11.7 Landing with Degraded Flight Controls | [6] A | [6] A | [6] A | [6] B |
| 11.8 Pilot Incapacitation | 5 | A | A | B |
| 11.9 All other emergencies in accordance with the FCOM | 5 | [6] A | A | [6] B |

**Footnotes:**
1. Where Level 4 or 5 FTD is shown, all systems (and systems interoperability) necessary for the task must be installed in the FTD and operating correctly.
2. A maximum of 2 levels of FFS may be used to complete the proficiency test following initial, transition, conversion, upgrade, or requalification training.
3. Only one FFS may be used to complete the recurrent proficiency test or check. The level of FFS that is required is the lowest level in which all tasks that must be completed can be accomplished.
4. See paragraph C.5 of this attachment for requirements to use Level C FFS in place of Level D FFS.
5. Interactive Computer Based Instruction is an acceptable method for training.
6. Check for appropriate system installation and for FSTD qualification for this task.
7. The FTD may be used, but a visual system meeting Level A FFS requirements must be installed and working properly.

E. Persons Authorized to Administer Pilot Training, Evaluation, and Observation Activities Under Subpart BB. (see §§ 121.1215; 121.1251; 121.1253; 121.1255; 121.1257; 121.1271; 121.1281; 121.1341; 121.1349; 121.1377; 121.1379; 121.1381; 121.1383; and 121.1385)

Table 3C of this attachment identifies who must administer certain required training and evaluation for pilots, and who must supervise and observe instructors and check pilots.

TABLE 3C—PERSONS ELIGIBLE TO BE AUTHORIZED TO ADMINISTER PILOT TRAINING, EVALUATION, AND OBSERVATION ACTIVITIES UNDER SUBPART BB (APPENDIX Q) FOR THE PART 119 CERTIFICATE HOLDER *

| | Affiliation and position | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Contractor | | | The Part 119 certificate holder | | | | |
| | Other than Part 142 or other Part 119 certificate holder | Part 142 or other Part 119 certificate holder | | | | | | |
| Pilot training, evaluation, and observation activities under subpart BB (by aircraft type) | Ground instructor | Ground instructor | Flight instructor | Ground instructor | Flight instructor | Check pilot | Aircrew program designee | IOE Pilot |
| Academic (Ground School) Training | X | X | X | X | | | | |
| Job Performance (Flight) Training | | | X | | X | | | |
| Certificate or Rating Examination | | | X [4] | | | | X | |
| Proficiency Test/Check (Initial, Transition, Conversion, Upgrade, Recurrent, Requalification) | | | X [4] | | | X [1] | X | |
| LOFT/FFS Course of Instruction | | | X | | X | X | | |
| Supervision of Operating Experience | | | | | | X | | X |
| PIC Line Check (all flight crew observed) | | | | | | X | | |
| Observation of: | | | | | | | | |
| • PIC—Initial Line | | | | | | X [3] | X | |
| • Flight Instructor—Initial | | | | | | X | | |
| • Flight Instructor—Recurring | | | | | | X | | |
| • Check Pilot—Initial | | | | | | | X [2] | |

TABLE 3C—PERSONS ELIGIBLE TO BE AUTHORIZED TO ADMINISTER PILOT TRAINING, EVALUATION, AND OBSERVATION ACTIVITIES UNDER SUBPART BB (APPENDIX Q) FOR THE PART 119 CERTIFICATE HOLDER *—Continued

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Pilot training, evaluation, and observation activities under subpart BB (by aircraft type) | | | | | | | | |
| • Check Pilot—Recurring ..... | | | | | | X | X[2] | |
| • Check Pilot—PIC Line Check | | | | | | | X[2] | |

* See § 121.1257 for special limited authorizations for Initial Cadre Personnel. When POI authorization is required, the designation will specifically state the authorizations granted to the instructor, check pilot, or APD. Part 142 Training Center instructors and other part 119 certificate holders' check pilots may be qualified and authorized as check pilots by the part 119 certificate holders' POI in accordance with subpart BB of this part. When qualified and authorized, these check pilots are considered a component of the part 119 certificate holders' training program resources.

[1] When the proficiency test does not involve the issuance of a certificate or rating.

[2] With POI authorization, employees of the part 119 certificate holder who are designated as APDs and specifically designated to do so, may conduct the Initial or Recurring check pilot observation.

[3] PIC Line Observation subsequent to the Initial Line Observation.

[4] The flight instructor must be designated as a check pilot for the certificate holder.

F. Administering Evaluations. (see §§ 121.1215; 121.1221; 121.1253; 121.1255; 121.1257; 121.1271; 121.1281; 121.1341; 121.1343; 121.1361; 121.1363; 121.1365; 121.1367; 121.1377; 121.1379; 121.1381; 121.1383; 121.1385; 121.1387; 121.1389)

The following requirements apply to the evaluation activity indicated. Refer to Table 3D of this attachment for who may administer each type of evaluation.

1. *Line Checks.* A line check must be completed in accordance with § 121.1233.

2. *Proficiency Tests* or Checks.

Proficiency tests or checks must be administered for first time qualification in a duty position. Employees of the certificate holder who are used or will be used in the certificate holder's operations and who have completed all of the required training may use the proficiency test to obtain a certificate or rating.

3. *Other Assessments.*

(a) After qualification, the pilot's performance in all job performance training activities (including LOFT) must be assessed for a satisfactory level of task proficiency based upon this QPS.

(b) During a scheduled FFS course of instruction, if a task is performed unsatisfactorily the pilot may retrain on the unsatisfactory task; however, all scheduled tasks, including any retraining, must be completed within the approved scheduled time period.

4. *Satisfactory or Unsatisfactory Performance.*

(a) No evaluator or instructor may assess the pilot's performance as satisfactory unless that pilot:

(1) Performs the tasks in accordance with the standards and tolerances established in the QPS.

(2) Demonstrates mastery of the aircraft or simulated aircraft with the successful outcome of each task never in doubt. However, when the pilot recognizes that an action taken was not correct, or recognizes that an action should have been taken and was not, and then the pilot either corrects the action taken or takes the appropriate action to correct the situation, the task may be assessed as satisfactory and the "error" portion of "threat and error management" may be assessed as satisfactory as well.

(3) Except as described in paragraph (a)(2) of this attachment, demonstrates performance such that no corrective or instructive action is required by another pilot to maintain safe flight.

(4) Demonstrates CRM competencies in accordance with duties outlined in the FCOM requiring crew interactions, including in a crew briefing before each takeoff and before each approach.

(5) Demonstrates sound judgment.

(b) The evaluator or instructor must assess a pilot's performance as unsatisfactory if the pilot fails to take prompt corrective action when tolerances are exceeded.

5. *Recording, Reporting and Correcting Unsatisfactory Performance.* The certificate holder must report a failure of a test or check to the FAA in accordance with § 121.1331(f)(1). The pilot must be retrained and reevaluated to a satisfactory level before the pilot may begin or be returned to line operations.

43. Add appendix R to part 121 to read as follows:

## Appendix R to Part 121—Flight Engineer, Qualification Performance Standards

### A. Crew Resource Management (CRM) Administration

The flight engineer must demonstrate knowledge and skills in the technical and CRM competencies for each particular task.

1. Certain CRM-related procedures must be associated with flight tasks and their related flight engineer performance requirements. These procedures must be evaluated during job performance training programs.

2. In addition to the CRM-related procedures, situational awareness must be evaluated as an integral part of each flight task and environment. A task is not completed unless the evaluator has determined that the flight engineer has demonstrated knowledge and skills in the technical and CRM competencies.

3. Additionally, the following CRM behaviors are required knowledge to be taught and tested during academic training, as shown in Attachment 2 of this appendix:

(a) Task: Authority of the Pilot In Command

(1) The Captain's authority, including responsibility for the safety of flight in routine and emergency conditions

(2) Leadership and command

(3) Chain of command and importance of chain of command

(b) Task: Communication Processes and Decisions

(1) Briefing

(2) Inquiry, advocacy, and assertiveness

(3) Self-critique:

(i) Know and respect own limitations

(ii) Know and respect limitations of the aircraft

(4) Communication with appropriate personnel

(5) Decisionmaking, including the following:

(i) Recognize problem/opportunity

(ii) Analyze situation

(iii) Consider goals

(iv) Identify alternatives

(v) Consider consequences

(vi) Select the alternative

(vii) Act on the decision

(viii) Accept responsibility

(ix) Evaluate results

(6) Threat and Error Management:

(i) Where threats are events that;

(A) Occur outside the influence of the flight crew (*i.e.,* not caused by the crew)

(B) Increase the operational complexity of a flight and/or

(C) Require crew attention and management

(ii) Where errors are occurrences that:

(A) Lead to a deviation from crew or organizational intentions or expectations

(B) Reduce safety margins and

(C) Increase the probability of adverse operational events on the ground or during flight

(c) Task: Building and Maintenance of a Flight Team

(1) Leading and following, including the importance of crewmembers functioning as a team

(2) Use of interpersonal skills and leadership styles in a way that fosters crew effectiveness

(3) Significance of cultural differences

(d) Task: Workload Management and Situational Awareness

(1) Preparation and planning

(2) Vigilance

(3) Workload distribution

(4) Distraction avoidance
(e) Task: Communication and Coordination
(1) Flight deck and cabin chimes and interphone signals for routine situations
(2) Flight attendant notification to flight crew that aircraft is ready for movement on the surface
(3) Flight crew notification to flight attendant to be seated prior to take-off
(4) Flight attendant recognition of critical phases of flight
(5) Crewmember coordination and notification regarding access to flight deck
(6) Notification to flight attendants of turbulent air conditions
(7) Notification between flight crew and flight attendants of emergency or unusual situations
(8) Notification between flight crew and flight attendants of inoperative equipment that is pertinent to flight attendant duties and responsibilities
(9) Normal and emergency communication procedures to be used in the event of inoperative communication equipment
(f) Task: Crewmember Briefing
(1) Crewmember responsibilities regarding briefings
(2) Flight crew briefing
(3) Flight crew to flight attendant(s) briefings
(4) Flight attendant to flight attendant(s) briefings
(5) Required information
(6) Security procedures
(7) Communication procedures
(8) Emergency procedures
(9) MELs affecting flight operations and cabin safety equipment and procedures
(10) Flight information
(g) Task: Communication and Coordination During a Passenger Interference Situation
(1) Certificate holder's written program regarding the handling of passenger interference, including crewmember communication and coordination
(2) Techniques for diffusing a passenger interference situation
(3) Importance of crewmembers and other employees working as a team
(4) Role of management and crewmember in follow-up
(5) Actions to report an occurrence of passenger interference
(h) Task: Communication and Coordination During an Emergency Situation
(1) Actions for each emergency situation
(2) Importance of notification and who must be notified
(3) Alternate actions if unable to notify
(4) Communication during preparation for a planned emergency evacuation, including the time available, type of emergency, signal to brace, and special instructions

## Attachment 1 of Appendix R to Part 121

**Programmed Hour Requirements for New Hire, Initial, Transition, Conversion, Differences, Requalification, Recurrent, and Special Training Categories (see §§ 121.1205; 121.1331; 121.1333; 121.1335)**

Programmed Hour Requirements: Flight Engineers

1. *Baseline and Minimum Programmed Hours.* Table 1A of this attachment sets out the baseline and minimum programmed hours for each curriculum category. The FAA may approve a reduction in the baseline programmed hours if the certificate holder demonstrates that the reduction is warranted. However, reduction below the minimum authorized programmed hours will require concurrence from FAA Headquarters. Individual flightcrew members are not necessarily required to complete the programmed hours described in this attachment. Refer to § 121.1221(f).

2. *Required hours for differences and special training.* The hours established for differences and special training are in addition to the previously approved programmed hours for the approved training program. For differences training (§ 121.1215), the hours remain in the differences curriculum category. For special training (§ 121.1337(c)), the certificate holder integrates the training into the existing categories in Table 1A of this attachment. Therefore, there are no programmed hours in Table 1A of this attachment for differences and special training.

TABLE 1A—PROGRAMMED HOURS: FLIGHT ENGINEERS

| Curriculum categories | Training and evaluation | | |
|---|---|---|---|
| | Academic | Job performance | |
| | Ground training and evaluation | Flight training and evaluation | Emergency equipment drills and demonstrations |
| New Hire | Baseline 24 | N/A | Baseline 4. |
| | Minimum 20 | | Minimum 4. |
| Initial | Baseline 116 | Baseline 8 | Baseline 8. |
| | Minimum 80 | Minimum 8 | Minimum 8. |
| Conversion | Baseline 68 | Baseline 6 | Baseline 4. |
| | Minimum *52 | Minimum 6 | Minimum 4. |
| Transition | Baseline 76 | Baseline 6 | Baseline 6. |
| | Minimum 58 | Minimum 6 | Minimum 6. |
| Recurrent | Baseline 18 (each 9-month recurrent training period). | Baseline 4 (each 9-month recurrent training period). | Baseline 8 (each 36-month period). |
| | Minimum 12 | Minimum 4 | Minimum 8. |
| Requalification Phase I | Baseline 18 | Baseline 4 | Baseline 8. |
| | Minimum 12 | Minimum 4 | Minimum 8. |
| Requalification Phase II | Baseline 68 | Baseline 6 | Baseline 4. |
| | Minimum *52 | Minimum 6 | Minimum 4. |
| Requalification Phase III | Baseline 76 | Baseline 6 | Baseline 6. |
| | Minimum 58 | Minimum 6 | Minimum 6. |
| Differences | Determined by FAA | Determined by FAA | Determined by FAA. |
| Special | Developed by Certificate Holder, Approved by the FAA. | Developed by Certificate Holder, Approved by the FAA. | Determined by FAA. |

* Special authorizations for flightcrew members previously qualified in the same crewmember duty position in the same aircraft type for another certificate holder conducting operations under this part within the preceding 9 months.

**Note:** If authorized by the FAA, programmed hours may be adjusted for related aircraft (see § 121.1205).

## Attachment 2 of Appendix R to Part 121

**Academic Training and Evaluation Requirements—Subjects and Tests—for New Hire, Initial, Transition, Conversion, Requalification, Recurrent, Differences, and Special Curriculum Categories**

A. Required Academic Training and Evaluation Subjects by Curriculum Category (see §§ 121.1221; 121.1223; 121.1225; 121.1331; 121.1343; 121.1361; 121.1363; 121.1365; 121.1367; 121.1377; 121.1381; and 121.1215)

The FAA may allow distance learning for academic subjects in each area of instruction unless otherwise indicated.

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING

| Area of instruction individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|
| **(a) General Subjects:** | | | | | |
| (1) Duties and responsibilities of flightcrew members | X | ..... | ..... | ..... | ..... |
| (2) Appropriate requirements of the Federal Aviation Regulations | ..... | X | X | X | 18 |
| (3) General relationship of FAA to the certificate holder | X | ..... | ..... | ..... | ..... |
| (4) General overview of the contents of the certificate holder's Operating Certificate and Operations Specifications | X | ..... | ..... | ..... | ..... |
| (5) Meteorology to ensure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms, and high altitude weather situations. Recognizing and avoiding severe weather situations and other hazards | X | ..... | ..... | ..... | ..... |
| (6) Air traffic control systems, airspace, procedures, and phraseology | X | ..... | ..... | ..... | ..... |
| (7) Navigation and the use of navigation aids, including instrument approach procedures | ..... | X | X | X | 18 |
| (8) Development of and operating in the National Airspace System | X | ..... | ..... | ..... | ..... |
| (9) General Concepts of TCAS Operation; | ..... | X | X | X | 18 |
| (i) The meaning of Traffic Alerts (TAs), | | | | | |
| (ii) The meaning of preventive Resolution Advisories (RAs), | | | | | |
| (iii) The meaning of corrective RAs. TCAS equipment components controls, displays, audio alerts, and annunciations; interfaces and compatibility with other aircraft systems; TCAS surveillance range versus display range; altitude ceiling operators; when an intruder will not be displayed; and TCAS performance on the ground. | | | | | |
| (10) High Altitude Physiology—Operations above 10,000 feet—Aircraft Decompression; Causes and Recognition of cabin pressure loss; Physiological Effects and time of useful consciousness; Immediate Actions; Altitude and Flight Level requiring the wearing of oxygen masks | X | ..... | ..... | ..... | 18 |
| (11) Mechanical and Incident Reporting Procedures | ..... | X | X | X | 18 |
| (12) Voluntary Safety Program and Participation, including ASAP, FOQA, LOSA, and other government and industry accident prevention programs | X | ..... | ..... | ..... | 18 |
| (13) Normal and emergency communications | X | X | X | X | 18 |
| (14) General content, control, and maintenance of applicable portions of the certificate holder's operating manual to include the Flightcrew member Operating Manual (FCOM). Relationship of FCOM to the Airplane Flight Manual | X | ..... | ..... | ..... | ..... |
| (15) Dispatch and flight release procedures. Flight planning as applicable | X | X | X | X* | 18 |
| **(b) Crew resource management (CRM):** | | | | | |
| (1) Task: Authority of the Pilot In Command | X | X | ..... | ..... | 18 |
| (i) The Captain's Authority, including responsibility for the safety of flight in routine and emergency conditions. | | | | | |
| (ii) Leadership and command, | | | | | |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|
| (iii) Chain of command and importance of chain of command. | | | | | |
| (2) Task: Communication Processes and Decisions ... | X | X | ..... | ..... | 18 |
| (i) Briefing | | | | | |
| (ii) Inquiry, advocacy, and assertiveness | | | | | |
| (iii) Self-critique | | | | | |
| (iv) Communication with available personnel | | | | | |
| (v) Decisionmaking. | | | | | |
| (vi) Conflict resolution | | | | | |
| (3) Task: Building and Maintenance of a Flight Team | X | X | ..... | ..... | 18 |
| (i) Leading and following, including the importance of crewmembers functioning as a team | | | | | |
| (ii) Use of interpersonal skills and leadership styles in a way that fosters crew effectiveness | | | | | |
| (iii) Significance of cultural differences | | | | | |
| (4) Task: Workload Management and Situational Awareness ..... | X | X | ..... | ..... | 18 |
| (i) Preparation and planning | | | | | |
| (ii) Vigilance | | | | | |
| (iii) Workload distribution | | | | | |
| (iv) Distraction avoidance | | | | | |
| (5) Task: Communication and Coordination ..... | X | X | ..... | ..... | 18 |
| (i) Flight deck and cabin chimes and interphone signals for routine situations | | | | | |
| (ii) Flight attendant notification to flight crew that aircraft is ready for movement on the surface | | | | | |
| (iii) Flight crew notification to flight attendant to be seated prior to take-off | | | | | |
| (iv) Flight attendant recognition of critical phases of flight | | | | | |
| (v) Crewmember coordination and notification regarding access to flight deck | | | | | |
| (vi) Notification to flight attendants of turbulent air conditions | | | | | |
| (vii) Notification between flight crew and flight attendants of emergency or unusual situations | | | | | |
| (viii) Notification between flight crew and flight attendants of inoperative equipment that is pertinent to flight attendant duties and responsibilities | | | | | |
| (ix) Normal and emergency communication procedures to be used in the event of inoperative communication equipment | | | | | |
| (6) Task: Crewmember Briefing ..... | X | X | ..... | ..... | 18 |
| (i) Crewmember responsibilities regarding briefings | | | | | |
| (ii) Flight crew briefing | | | | | |
| (iii) Flight crew to flight attendant(s) briefings | | | | | |
| (iv) Flight attendant to flight attendant(s) briefings | | | | | |
| (v) Required information | | | | | |
| (vi) Security procedures | | | | | |
| (vii) Communication procedures | | | | | |
| (viii) Emergency procedures | | | | | |
| (ix) MELs affecting flight operations and cabin safety equipment and procedures | | | | | |
| (x) Flight information | | | | | |
| (7) Task: Communication and Coordination During a Passenger Interference Situation. ..... | X | X | ..... | ..... | 18 |
| (i) Certificate holder's written program regarding the handling of passenger interference, including crewmember communication and coordination | | | | | |
| (ii) Techniques for diffusing a passenger interference situation | | | | | |
| (iii) Importance of crewmembers and other employees working as a team | | | | | |
| (iv) Role of management and crewmember in follow-up | | | | | |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction individual subject(s) [1] | New hire | Initial and phase III requalification | Transition | Conversion and phase II requalification | Recurrent (includes phase I requalification) |
|---|---|---|---|---|---|
| (v) Actions to report an occurrence of passenger interference | | | | | |
| (8) Task: Communication and Coordination During an Emergency Situation | X | X | | | 18 |
| (i) Actions for each emergency situation | | | | | |
| (ii) Importance of notification and who must be notified | | | | | |
| (iii) Alternate actions if unable to notify | | | | | |
| (iv) Communication during preparation for a planned emergency evacuation, including the time available, type of emergency, signal to brace, and special instructions | | | | | |
| **(c) Aircraft type specific:** | | | | | |
| (1) Contents of the certificate holder's operating manual to include the FCOM. Use of any FCOM-based quick reference handbook (QRH) | | X | X | X | 18 |
| (2) Operating limitations | | X | X | X | 18 |
| (3) Coordination, communication, and methodology for the performance of each normal, abnormal, and emergency procedure contained in the FCOM | | X | X | X | 18 [2] |
| (4) Aircraft systems as described in the FCOM | | X | X | X | 18 |
| (5) Instrument procedures and low visibility operations | | X | X | X | 18 |
| (6) Airplane performance determinations and flight planning for all phases of flight | | X | X | X | 18 |
| (7) Operations Specifications authorizations and limitations | | X | X | X | 18 |
| (8) MMEL, MEL, CDL | | X | X | X | 18 |
| (9) Emergency communications with passengers and other crewmembers | X | X | X | X | 18 |
| (10) Storage of and how to administer medicinal oxygen | X | | | X | 18 |
| (11) The certificate holder's policy and FCOM procedures on the use of command and control automation and criteria for selecting and deselecting appropriate levels of automation (including manual control of flight) must be included in the lateral and vertical modes of takeoff, approach, and landing | | X | X | X | 18 |
| **(d) Special Hazards:** | | | | | |
| (1) Preventing controlled flight into terrain (CFIT) and approach and landing accidents | | X | X | X | 18 |
| (2) Recovery from loss of control due to airplane design, airplane malfunction, human performance, and atmospheric conditions (or combinations thereof) | | X | X | X | 18 |
| (3) Low altitude windshear | | X | X | X | 9 |
| (i) Recognition and avoidance | | | | | |
| (ii) Recovery from inadvertent encounter | | | | | |
| (4) Takeoff safety: Decisionmaking and high speed aborts, including propulsion system malfunction analysis, causes, symptoms, recognition, and the effects on aircraft performance and handling | | X | X | X | 18 |
| (5) Airport surface movement safety and runway incursion prevention | | X | X | X | 18 |
| (6) Hazards of operating in or near thunderstorms, turbulent air, icing, hail, volcanic ash, and other potentially hazardous conditions | | X | X | | |
| (7) Land and hold short operations (LAHSO) | | X | X | X | 9 |
| (8) Ground anti-icing, deicing | | X | X | X | 18 |
| (9) Ice accumulation in flight | | X | X | X | 18 |
| (10) Close simultaneous parallel precision approach operations with Precision Radar Monitor (PRM) | | X | X | X | 18 |
| (11) Special routes, areas, and airports | | X | X | X | 18 |
| **(f) International Operations:** | | | | | |
| (1) Area and route characteristics | X | X | X | X | 18 |
| (2) Flight planning, charts, course plotting, and tables | X | X | X | X | 18 |
| (3) Class II Navigation | X | X | X | X | 18 |
| (4) Communications | X | X | X | X | 18 |
| (5) ETOPS or EROS, as applicable | X | X | X | X | 18 |
| (6) International rules and regulations | X | X | X | X | 18 |
| (7) Abnormal Operations | X | X | X | X | 18 |

TABLE 2A—REQUIRED ACADEMIC TRAINING SUBJECTS BY CATEGORY OF TRAINING—Continued

| Area of instruction individual subject(s) [1] | New hire | Initial and phase III re-qualification | Transition | Conversion and phase II requalification | Recurrent (includes phase I re-qualification) |
|---|---|---|---|---|---|
| **(g) Emergency Equipment Training:** | | | | | |
| (1) Emergency communications with passengers and other crewmembers | X | X | X | X | 18 |
| (2) Crewmember-specific roles in dealing with crewmember and passenger injury and illness, and disruptive passengers | X | ..... | ..... | ..... | 9 |
| (3) Location and familiarization of contents for first aid and medical kits | ..... | X | X | X | 9 |
| (4) Location and use of defibrillator | ..... | X | X | X | ..... |
| (5) Certificate holders blood-borne pathogen awareness program | X | ..... | ..... | ..... | 9 |
| (6) Location and use of emergency exits | ..... | X | X | X | 18 |
| (7) Location and use of emergency equipment. Equipment must include: | ..... | X | X | X | 18 |
| (i) For over water operations: life preservers, flotation seat cushions, life rafts, slides, and slide rafts | ..... | X | X | X | 18 |
| (ii) For ground or water evacuation: escape ropes, megaphones, flashlight, emergency lighting, emergency locator transmitters, first aid kit, slides, slide rafts, fire extinguishers (each type used), smoke and fume protection (such as PBE and smoke goggles), megaphones, oxygen (portable, passenger oxygen system, flight crew masks), supplemental (flight deck key, demonstration equipment, smoke detectors, trash containers, seat belt extensions) | ..... | X | X | X | 18 |
| (8) Fires-in flight and on the ground | ..... | ..... | ..... | ..... | ..... |
| (i) Procedures and strategies for prevention | ..... | X | X | ..... | ..... |
| (ii) Classes of fires and correct methods of extinguishing each | ..... | X | ..... | ..... | ..... |
| (iii) Flight attendant role in exterior, APU, jetway, and ramp fire | ..... | X | X | X | 18 |

[1] If authorized by the FAA, subjects may be adjusted for related aircraft (see §§ 121.1205, 121.1215).
[2] All abnormal and emergency procedures are required. Only selected normal procedures are required.
"X" indicates the subject must be included in the category of training.
"9" indicates the subject must be trained every 9 months.
"18" indicates that the subject must be trained every 18 months.
* (Conversion training only).

**Begin QPS Requirement**

B. Academic Evaluation. (see §§ 121.1341 and 121.1343)

1. Knowledge and understanding of each subject within each area of instruction must be evaluated by written or computer based testing at the end of academic training, and must provide for the following:

(a) A score of 80% or better on each instructional area is required to be satisfactory.

(b) A minimum of 5 questions must be developed for each subject.

(c) Two questions for each subject must be randomly selected for each test.

(d) The test must be corrected to 100%.

(e) Correction of missed questions must include a discussion or review of which answer is correct and why, and why the person's original answer was incorrect.

(f) Retraining is required for each instructional area in which a score of 80% or better is not achieved.

(g) Examination after retraining of the student is required for each instructional area in which retraining was completed.

2. The following standards are for evaluating the flight engineer performance in limitation, systems, and performance and loading subjects.

(a) Limitations—The flight engineer must know all of the limitations appropriate to the airplane with respect to:

(1) Systems and components

(2) Performance

(b) Systems—The flight engineer must understand and be knowledgeable about the following subjects (systems and components) and be able to explain their operation as described in the FCOM and their applicability, as appropriate, to the Minimum Equipment List (MEL), Configuration Deviation List (CDL), and the operations specifications:

(1) Landing gear: including, as appropriate, extension and retraction system(s), indicators, brakes, anti-skid, tires, nose-wheel steering, and shock absorbers

(2) Engine(s) and Auxiliary Power System(s): including controls and indications, induction system, carburetor and fuel injection, turbo-charging, cooling, fire detection and protection, mounting points, turbine wheels, compressors, deicing, anti-icing, and other related components

(3) Propellers (if appropriate): including type, controls, feathering and unfeathering, auto feather, negative torque sensing, synchronizing, and synchro-phasing

(4) Fuel system: including capacity, drains, pumps, controls, indicators, cross-feeding, transferring, jettison, fuel grade, color and additives, fueling and de-fueling procedures, and allowable fuel substitutions, if applicable

(5) Oil system: including capacity, grade, quantities, and indicators

(6) Hydraulic system: including capacity pumps, pressure, reservoirs, grade, and regulators

(7) Electrical system: including alternators, generators, battery, circuit breakers and protection devices, controls, indicators, and external and auxiliary power sources and ratings

(8) Environmental systems: including heating, cooling, ventilation, oxygen and pressurization, controls, indicators, and regulating devices

(9) Avionics and communications: including autopilot; flight director; Electronic Flight Indicating Systems (EFIS); Flight Management System(s) (FMS); navigation

systems and components (LORAN; Doppler Radar; Inertial Navigation Systems; Global Positioning System such as GPS/DGPS/WGPS; VOR; NDB; ILS/MLS; RNAV); indicating devices; transponder; emergency locator transmitter; electronic flight bags; Aircraft Communications Addressing and Reporting System (ACARS), and others, as may be appropriate

(10) Ice protection (anti-ice and de-ice): including pitot-static system, propeller (if appropriate), windshield, wing and tail surfaces

(11) Crewmember and passenger emergency equipment and procedures: including oxygen system, survival gear, emergency exits, evacuation procedures with crew duties, and quick donning oxygen mask for crewmembers and passengers

(12) Flight controls: including ailerons, elevator(s), rudder(s), control tabs, balance tabs, stabilizer, flaps, spoilers, leading edge flaps and slats, and trim systems

(13) Flightdeck automation: including the certificate holder's written automation policy and written operating procedures for selecting and deselecting appropriate levels of automation. This must include the certificate holder's policy for conducting CAT II and CAT III approaches when authorized.

(14) Pneumatic system

(15) Other systems as may be contained in the FAA-approved Airplane Flight Manual

(c) Performance and Loading—The flight engineer must understand and be proficient in the use of the Certificate Holder's performance charts, tables, graphs, and other data relating to the following areas:

(1) Accelerate—stop distance

(2) Accelerate—go distance

(3) Balanced field

(4) Takeoff performance, all engines and with engine(s) inoperative, as appropriate

(5) Climb performance including segmented climb performance; with all engines operating; with one or more engines inoperative; and with other engine malfunctions as appropriate

(6) Service ceiling, all engines, with engines(s) inoperative, including drift down, if appropriate

(7) Cruise performance

(8) Fuel consumption, range, and endurance

(9) Descent performance

(10) Go-around from rejected landings

(11) The effects of meteorological conditions on performance characteristics with correct application of these factors to a specific chart, table, graph or other performance data

(12) How to determine longitudinal and lateral center-of-gravity location for a specific load condition, including how to add, remove, or shift weight to meet longitudinal (forward and aft), and lateral balance limits for takeoff, cruise, and landing

(13) Planning and application of operational factors affecting aircraft performance such as high altitude airports, cluttered and contaminated runways, ground and in-flight icing and other performance data appropriate to the aircraft

## Attachment 3 of Appendix R to Part 121

### Job Performance Training Requirements for all Categories of Training

### (Tasks, Environments, Drills, and Observations With Instruction, Evaluation, and Simulation Credits)

A. Determining the job performance (flight training) tasks and environments required for instruction and evaluation for each category of training. (see §§ 121.134; 121.136; 121.1221; 121.1223; 121.1225; 121.1331; 121.1339; 121.1341; 121.1343; 121.1345; 121.1347; 121.1349; 121.1351; 121.1353; 121.1361; 121.1363; 121.1365; 121.1367; 121.1377; 121.1379; 121.1381; 121.1383; and 121.1215)

1. *Certificate holder responsibilities with respect to the FCOM and Table 3A.*

(a) The certificate holder must use the FAA-approved FCOM to construct each curriculum category required by this subpart in accordance with an FAA-approved job performance training program. The tasks listed in the FCOM must reflect the tasks included in Table 3A of this Attachment, as amended, and include standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures, as well as the authorizations contained in the certificate holder's operations specifications.

(b) If the certificate holder adds tasks or environments to those listed in Table 3A of this attachment, those tasks or environments must be further developed to include the requirement and frequency for training and evaluation in each additional task or environment. These changes must be reflected in the FCOM and submitted to the FAA for approval.

(c) If the certificate holder's operation does not permit, or the operation of the aircraft flown by the certificate holder does not require one or more of the tasks listed in Table 3A of this attachment, those tasks must not be included in the FCOM, and, therefore, are not required to be trained or evaluated.

(d) Changes to the FCOM must be submitted to the FAA for approval.

2. *Job Performance Requirements.*

(a) Table 3A of this attachment describes the flight engineer tasks required for initial, transition, conversion, and requalification (phases I, II, and III) training, and the flight engineer tasks required for the proficiency check or test conducted for flightcrew member qualification or certification. Table 3A of this attachment also describes the flight engineer tasks that are required for the recurrent proficiency check as well as the flight engineer training tasks that are described for the LOFT and the FFS course of instruction.

(b) When a task is identified as being required each 9 months during recurrent training (*i.e.,* an "X" is located in the "every 9 months" column of Table 3A of this attachment):

(1) This requirement is satisfied by the task being completed during either the LOFT or the FFS course of instruction during the 9-month period when a proficiency check is not conducted.

(2) This requirement is satisfied by the task being completed during the proficiency check during the 9-month period when a proficiency check is conducted. The task does not need to be repeated again during the accompanying LOFT or FFS course of instruction.

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## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| **1.0 All Operations** | | | | | | | |
| 1.1 Normal Procedures | X | X | X | X | X | | X |
| 1.2 Human Factors and CRM (crew item) | X | X | X | X | X | | X |
| 1.3 ATC Communications and Procedures (crew item) | X | X | X | X | X | | X |
| 1.4 MEL Relief (crew item) | X | X | X | | | X | |
| **2.0 Preflight Procedures** | | | | | | | |
| 2.1 Planning | X | X | X | X | X | | X |
| 2.2 Flight deck Inspection | X | X | X | X | X | | X |
| 2.3 Cabin Inspection (in briefing) | X | X | X | | | X | |
| 2.4 Exterior Inspection (in briefing) | X | X | X | X | X | | X |
| **3.0 Ground Operations** | | | | | | | |
| 3.1 Engine Start | | | | | | | |
| 3.1.1 Normal | X | X | X | Select 1 | X | | Select 1 |
| 3.1.2 Non-normal | X | X | X | | X | | |
| 3.2 Pushback and Powerback | X | X | X | X | X | | X |
| 3.3 Taxi | X | X | X | X | X | | X |
| 3.3.1 Appropriate clearance before crossing or entering active runways | X | X | X | X | X | | X |
| 3.3.2 Observation of all surface movement guidance control markings and lighting | X | X | X | X | X | | X |
| 3.4 Pre-Takeoff Procedures | X | X | X | X | X | | X |
| 3.4.1 Receipt of takeoff clearance | X | X | X | X | X | | X |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 3.4.2 Confirmation of aircraft location, and FMS entry (if appropriate), for departure runway prior to crossing hold short line for takeoff | X | X | X | X | X | | X |
| 3.5 Deicing Before Takeoff | X | X | X | | | X | |
| 3.6 Anti-Icing | X | X | X | X | | X | X |
| 3.7 After Landing | X | X | X | | X | | X |
| 3.8 Parking and Securing | X | X | X | | X | | X |
| **4.0 Takeoff** | | | | | | | |
| 4.1 Normal and Crosswind – With All Engines Operating | X | X | X | X | X | | X |
| 4.2 Instrument with Lowest Authorized RVR | X | X | X | X | X | | X |
| 4.3 With Engine Failure - | | | | | | | |
| 4.3.1 Between V1 and VR | X | X | X | Select 1 | Alternate | | Select 1 |
| 4.3.2 Between VR and 500 ft. above field elevation | X | X | X | | | | |
| 4.4 Rejected With Lowest Authorized RVR | X | X | X | X | X | | X |
| 4.5 Contaminated Runway Operations | X | X | X | | X | | |
| 4.6 Takeoff from High Density Altitude Runways | X | X | X | | | X | |
| **5.0 In Flight Tasks and Aircraft Handling** | | | | | | | |
| 5.1 Recognition of, and Recovery from, Approach to Stall (Instruction and Practice must include manual control and autopilot connected entries for each of the configurations indicated. Initial and Transition training must include at least 2 recoveries from stall, either "stall break" or "control limitation," or must go past "stick-pusher release," if stick-pusher equipped). The configuration selected must include a turn with a bank angle between 15 and 30 degrees. | | | | | | | |
| 5.1.1 Clean Configuration | X | X | X | Select 1 | Select 1 | | Select 1 |
| 5.1.2 Takeoff or Maneuvering Configuration | X | X | X | | | | |
| 5.1.3 Landing Configuration | X | X | X | | | | |
| 5.2 Asymmetric Thrust | | | | | | | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 5.2.1 Engine Inflight Shutdown | X | | X | | | X | |
| 5.2.2 Engine Inflight Restart | X | | X | | | X | |
| 5.2.3 One Engine Inoperative En Route | X | | X | | | X | |
| 5.3 Runaway Trim or Stabilizer | X | X | X | | | X | |
| 5.4 Jammed Trim or Stabilizer | X | X | X | | | X | |
| 5.5 Upset Recognition and Recovery | X | X | X | X | X | | X |
| 5.6 Stability Augmentation Inoperative | X | X | X | | | X | |
| 5.7 Flight Envelope Protection Demonstration | X | X | X | | | X | |
| 5.8 Windshear Avoidance and Encounter | | | | | | | |
| 5.8.1 Takeoff | X | X | Select 1 | Select 1 | Select 1 | | Select 1 |
| 5.8.2 Departure | X | X | | | | | |
| 5.8.3 Approach | X | X | | | | | |
| 5.9 Traffic Collision Avoidance System (TCAS) | X | X | X | X | | X | |
| 5.10 CFIT/Terrain Avoidance (GPWS, EGPWS or TAWS) | X | X | X | X | | X | X |
| 5.11 Structural Icing, Airborne | X | X | | | | X | |
| 5.12 Thunderstorm Avoidance | X | X | | | | X | |
| 5.13 ETOPS Procedures | X | X | X | | | X | |
| 5.14 Anti-Icing prior to descent/approach | X | X | X | | | X | X |
| **6.0 Approaches** | | | | | | | |
| 6.1 Interaction between FE and pilots during approved operator approaches, missed approaches, and landings | | | | | | | |
| 6.2 Visual Approach from initial approach altitude with no vertical guidance | X | X | X | | | | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| provided | | | | | | | |
| **7.0 Landing** | | | | | | | |
| 7.1 All Engines Operating (including crosswind) | X | X | X | X | X | | X |
| 7.2 Engine(s) Inoperative | | | | | | | |
| 7.2.1 One Engine Inoperative | X | X | X | X | X | | X |
| 7.2.2 Two Engines Inoperative (3 and 4 Engine Aircraft) | X | X | X | | | X | |
| 7.3 From a Precision Approach | X | X | X | X | X | | X |
| 7.4 From a Non-Precision Approach | X | X | X | X | X | | X |
| 7.5 From Visual Approach | X | X | X | X | | X | X |
| 7.6 From Circle-to-Land | X | X | X | | X | | X |
| 7.7 Recovery from a Bounced Landing | X | X | | | | X | |
| 7.8 Rejected Landing | X | X | X | X | | X | X |
| 7.9 From Zero or Partial Flaps Approach (if appropriate) | X | X | X | | | X | |
| 7.10 Using Enhanced Flight Vision System-EFVS | X | X | X | X | | X | X |
| 7.11 Using Head-up Display-HUD | X | X | X | X | | X | X |
| 7.12 Landing on Contaminated Runways | X | X | X | | | X | |
| 7.13 Landing on High Density Altitude Runways | X | X | X | | | X | |
| **8.0 Abnormal Procedures (crew items)** | | | | | | | |
| 8.1 Un-Annunciated | A | A | A | **At least 2 from 7.0** | | A | **At least 2 from 7.0** |
| 8.2 Annunciated Systems (ATA code) | | | | | | | |
| 8.2.1. Air Conditioning (21) | A | A | A | | | A | |
| 8.2.2 Auxiliary Power Unit (49) | A | A | A | | | A | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 8.2.3. Autopilot (22) | A | A | A | | | A | |
| 8.2.4 Brakes (32) | A | A | A | | | A | |
| 8.2.5 Communications (23) | A | A | A | | | A | |
| 8.2.6 Doors (52) | A | A | A | | | A | |
| 8.2.7 Electrical Power (24) | A | A | A | | | A | |
| 8.2.8 Emergency Equipment (25) | A | A | A | | | A | |
| 8.2.9 Engine (72) | A | A | A | | | A | |
| 8.2.10 Fire Protection (26) | A | A | A | | | A | |
| 8.2.11 Flaps (27) | A | A | A | | | A | |
| 8.2.12 Flight Controls (27) | A | A | A | | | A | |
| 8.2.13 Fuel (28) | A | A | A | | | A | |
| 8.2.14 GPWS/EGPWS or TAWS (34) | A | A | A | | | A | |
| 8.2.15 Hydraulic Power (29) | A | A | A | | | A | |
| 8.2.16 Ice and Rain Protection (30) | A | A | A | | | A | |
| 8.2.17 Instruments (31) | A | A | A | | | A | |
| 8.2.18 Landing Gear (32) | A | A | A | | | A | |
| 8.2.19 Oxygen (35) | A | A | A | | | A | |
| 8.2.20 Pneumatic (36) | A | A | A | | | A | |

## Table 3A – Job Performance Tasks
### TRAINING AND EVALUATION

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | | |
|---|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 8.2.21 Propellers (61) | A | A | A | | | A | |
| 8.2.22 Thrust Reversers (78) | A | A | A | | | A | |
| 8.2.23 Warning Systems (various) | A | A | A | | | A | |
| **9.0 Emergency Procedures (crew items)** | | | | | | | |
| 9.1 Fire and Smoke in Aircraft | A | A | F | At least 2 from 9.0 | | F | At least 2 from 9.0 |
| 9.2 Un-annunciated Fire in Flight | A | A | A | | | A | |
| 9.3 Ditching | A | A | A | | | A | |
| 9.4 Emergency Descent | A | A | A | | | A | |
| 9.5 Rapid Decompression | A | A | A | | | A | |
| 9.6 Emergency Evacuation | A | A | A | | | A | |
| 9.7 Engine Fire, Severe Damage, or Separation | A | A | A | | | A | |
| 9.8 Landing with Degraded Flight Controls | A | A | A | | | A | |
| 9.9 Pilot Incapacitation | A | A | A | | | A | |
| 9.10 All other emergencies in accordance with the FCOM | A | A | A | | | A | |
| **10.0 Aircraft Emergency Equipment Training Drills** | | | | | | | |
| 10.1 Performance Drills - Individual | | | | | | | |
| 10.1.1 Fire Extinguishers | X | X | X | | | X | |
| 10.1.2 Portable Oxygen Systems | X | X | X | | | X | |
| 10.1.3 Equipment Mountings | X | X | X | | | | |
| 10.1.4 Flight Deck Oxygen Systems | X | X | X | | | X | |

**Table 3A – Job Performance Tasks**
**TRAINING AND EVALUATION**

| FLIGHT ENGINEER TASKS | INITIAL, TRANSITION, CONVERSION, AND REQUALIFICATION | | | | RECURRENT | |
|---|---|---|---|---|---|---|
| | TRAINING | | | EVALUATION | Training In a LOFT, or in an FFS Course of Instruction | EVALUATION |
| | Initial, Transition, and Phase III Requalification | Conversion and Phase II Requalification | Phase I Requalification | Qualification (or Certification) Proficiency Test | Every 9 months | At least once every 36 months | Proficiency Check |
| 10.1.5 Emergency Exits | X | X | X | | | X | |
| 10.1.6 Flotation Devices | X | X | X | | | X | |
| 10.1.7 Emergency Evacuation (with Escape Slide) – One Time Drill | New Hire Only | | | | | | |
| 10.1.8 Emergency Evacuation (without Escape Slide) – One Time Drill | New Hire Only | | | | | | |
| 10.1.9 Firefighting (Actual Fire) – One Time Drill | New Hire Only | | | | | | |
| 10.2 Performance Drills – Group | | | | | | | |
| 10.2.1 Ditching Survival (Dry Training Environment) | X | X | X | | | X | |
| 10.2.2 Ditching Survival (Wet Training Environment) – One Time Drill | New Hire Only | | | | | | |
| 10.3 Observation Drills | | | | | | | |
| 10.3.1 Preparation of Emergency Exits in Emergency Mode | X | X | X | | | X | |
| 10.3.2 Emergency Evacuation Using an Escape Slide | X | X | X | | | X | |
| 10.3.3 Deployment, Inflation, and Detachment of Slide, Raft, or Slide-Raft | X | X | X | | | X | |

NOTES:
X – Task must be completed.
A – Select as many of the systems and devices necessary, and appropriate to the certificate holder's operation, to ensure pilots receive adequate academic and job performance training.

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B. Aircraft Emergency Equipment Training Requirements. Aircraft Emergency Procedures Drills and Observations. (see §§ 121.1205; 121.1215; 121.1233; 121.1255;

121.1333; 121.1337; 121.1351; 121.1365; 121.1367; 121.1381; 121.1383; 121.1387; and 121.1389)

1. All emergency drills and observations must be completed within the time frames specified in Table 3A.

2. In accordance with Table 3A of this attachment, each flightcrew member must perform individual hands on training and evaluation demonstrations through individual performance drills using the specified emergency equipment, or participate as part of a group of persons completing a specific drill through group performance drills.

3. During group performance drills, it is not necessary for each flightcrew member to complete each task in the performance drill; however, each flightcrew member must observe the actions and activities of the other persons who are completing the performance drill tasks.

4. In accordance with Table 3A of this attachment, each flightcrew member must observe a specific procedural drill being conducted by other persons (an observation drill) in a live setting or through an audio-visual medium.

5. Each flightcrew member must operate each exit on each aircraft type on which the flightcrew member is to serve in both the normal and emergency modes, including the actions and forces required in the deployment of emergency evacuation slides.

6. Each flightcrew member must complete the required emergency training drills during the specified training periods, using those items of installed emergency equipment for each aircraft type on which the flightcrew member is to serve.

7. Each piece of emergency equipment and training device must be in its fully secured, pinned, bracketed, or stowed condition, as installed on the aircraft, prior to being operated by each flightcrew member during each performance drill. The removal and stowage of each piece of emergency equipment may be completed separately from the performance drill as part of the equipment mountings drill.

8. Flightcrew members must demonstrate proficiency by completing each performance drill without reference to any guidance material or instruction.

9. Individual evaluations of each flightcrew member's performance by an instructor is required. Flightcrew members who do not complete emergency training drills must be retrained in accordance with the certificate holder's approved training program prior to reevaluation.

C. Determining the level of FSTD that must be used for training, evaluation, and recent experience. (see §§ 121.1345; 121.1349; and 121.1351)

To use an FSTD for training, evaluation, and recent experience the following general requirements must be met. The code shown in Table 3B of this attachment for the task or environment indicates the lowest FSTD qualification level that may be used.

1. *General Requirements.*

In addition to the approval of the FAA required by part 121, to be used for any task or environment, an FSTD must:

(a) Have a qualification level assigned in accordance with part 60 of this chapter.

(b) Be maintained in accordance with part 60 of this chapter.

(c) Have all of the aircraft and FSTD systems installed and operating that are necessary to complete the task or environment.

(d) Be operated in accordance with § 60.25 of this chapter, Operation with Missing, Malfunctioning, or Inoperative Components.

(e) Have the qualification level indicated in Table 3B of this attachment, or a higher qualification level, for the task or environment and the category of training indicated. Certain tasks may be trained in an FSTD at a different level than required for evaluating that specific task. The instructor must observe the flight engineer perform the task to proficiency in the level of FSTD required for the evaluation prior to the evaluation by a check person.

2. *LOFT Requirements.* For Qualification LOFT, or Recurrent LOFT, a FFS at level A, B, C, or D must be used.

3. *Takeoff and Landing 90 Day Recency of Experience.*

For maintaining recency of experience in a FFS, a level B, C, or D must be used. For regaining recency of experience, a level C or D is required.

4. *FFS Requirements for Training and Evaluation.*

(a) The training session immediately preceding the proficiency test or check, as well as the proficiency test or check administered at the conclusion of initial, transition, conversion, upgrade, or requalification training, must be conducted in no more than two levels of FFS.

(b) The recurrent training and evaluation (proficiency test or check) administered as part of the recurrent qualification requirements may only be conducted in one level of FFS. The level of FFS that is required is the lowest level in which all tasks that must be completed can be accomplished in that level of FFS. For recurrent training, this is at least a level A FFS; for the proficiency test or check, this is at least a level B FFS.

TABLE 3B—MINIMUM FSTD REQUIRED FOR CREDIT

| Curriculum category | Initial, transition, conversion, upgrade, and requalification | | Recurrent | |
|---|---|---|---|---|
| Flight engineering tasks each task may be performed in the FSTD level specified or any higher level of FSTD. | Training [1] | The training session immediately preceding, and the Proficiency Test or check [2] | Training (LOFT or FFS course of instruction) | Proficiency test or check [3] |
| **1.0 All Operations:** | | | | |
| 1.1 Normal Procedures | 4 | A | A | B |
| 1.2 Operation of Systems and Controls at the Flight Engineer's Panel | 4 | A | A | B |
| 1.3 Human Factors and CRM | Must be incorporated throughout training and evaluation. | | | |
| 1.4 Aircraft Handling Standards | As authorized for each task or environment. | | | |
| 1.5 ATC Communications and Procedures | As authorized for each task or environment. | | | |
| 1.6 Seat Dependent Training | See Paragraph D3 of This Attachment | | | |
| 1.7 MEL Relief | Incorporated periodically throughout training. | | | |
| **2.0 Preflight Procedures:** | | | | |
| 2.1 Planning and use of checklists | 4 | A | A | B |
| 2.2 Flight Deck Inspection | 4 | A | A | B |
| 2.3 Cabin Inspection | Aircraft or approved pictorial means. | | | |
| 2.4 Exterior Inspection | Aircraft or approved pictorial means. | | | |

TABLE 3B—MINIMUM FSTD REQUIRED FOR CREDIT—Continued

| Curriculum category | Initial, transition, conversion, upgrade, and requalification | | Recurrent | |
|---|---|---|---|---|
| Flight engineering tasks each task may be performed in the FSTD level specified or any higher level of FSTD. | Training [1] | The training session immediately preceding, and the Proficiency Test or check [2] | Training (LOFT or FFS course of instruction) | Proficiency test or check [3] |
| 2.5 Navigation System Setup | 4 | A | A | B |
| **3.0 Ground Operations:** | | | | |
| 3.1 Engine Start | 4 | A | A | B |
| 3.1.1 Normal | 4 | A | A | B |
| 3.1.2 Non-Normal | 4 | A | A | B |
| 3.2 Pushback and Powerback | A | A | A | B |
| 3.3 Taxi | A | [4] D | A | B |
| 3.4 Pre-Takeoff Procedures | 4 | A | A | B |
| 3.5 Deicing Before Takeoff | 4 | A | A | B |
| 3.6 Anti-Icing (after start, before takeoff) | 4 | A | A | B |
| 3.7 High Density Altitude Runway Operations | A | A | A | B |
| 3.8 After Landing | 4 | A | A | B |
| 3.9 Parking and Securing | A | A | A | B |
| **4.0 Takeoff:** | | | | |
| 4.1 Normal and Crosswind—All Engines Operating | A | D | A | B |
| 4.2 Instrument with Lowest Authorized RVR | A | A | A | B |
| 4.3 With Engine Failure | | | | |
| 4.3.1 Between $V_1$ and $V_R$ | A | A | A | B |
| 4.3.2 Between $V_R$ and 500 ft. above field elevation | A | A | A | B |
| 4.4 Rejected With Lowest Authorized RVR | A | A | A | B |
| 4.5 Contaminated Runway Operations | A | A | A | B |
| 4.6 Takeoff from High Density Altitude Runways | A | A | A | B |
| **5.0 In Flight Tasks and Aircraft Handling:** | | | | |
| 5.1 Slow Flight | A | [4] D | A | B |
| 5.2 Recognition of, and Recovery from, Approach to Stall | | | | |
| 5.2.1. Clean configuration | A | [4] D | A | B |
| 5.2.2. Takeoff or maneuvering configuration | A | [4] D | A | B |
| 5.2.3. Landing configuration | A | [4] D | A | B |
| 5.3 Asymmetric Thrust | A | A | A | B |
| 5.3.1 Engine Shutdown | A | A | A | B |
| 5.3.2 Maneuvering with One Engine Inoperative | A | A | A | B |
| 5.3.3 Engine Restart | A | A | A | B |
| 5.3.4 One Engine Inoperative En Route | A | A | A | B |
| 5.4 Runaway Trim or Stabilizer | A | A | A | B |
| 5.5 Jammed Trim or Stabilizer | A | A | A | B |
| 5.6 Upset Recognition and Recovery | A | [4] D | A | B |
| 5.7 Turns with and without Spoilers | A | A | A | B |
| 5.8 Stability Augmentation Inoperative | A | A | A | B |
| 5.9 Mach Tuck and Mach Buffet | A | A | A | B |
| 5.10 Recovery from High Sink Rate inside final approach fix | A | [4] D | A | B |
| 5.11 Flight Envelope Protection Demonstration | A | A | A | B |
| 5.12 Windshear Avoidance and Encounter. | | | | |
| 5.12.1 Takeoff | A | A | A | B |
| 5.12.2 Departure | A | A | A | B |
| 5.12.3 Approach | A | A | A | B |
| 5.13 Traffic Avoidance (TCAS) | [5, 7] 6 | A | A | B |
| 5.14 CFIT/Terrain Avoidance (GPWS, EGPWS or TAWS) | [7] 6 | A | A | B |
| 5.15 Structural Icing, Airborne | A | A | A | B |
| 5.16 Thunderstorm Avoidance Departure and Arrival | A | A | A | B |
| 5.17 ETOPS Procedures | 6 | A | A | B |
| 5.18 Anti-Icing prior to descent/approach | A | A | A | B |
| **6.0 Instrument Procedures:** | | | | |
| 6.1 Instrument Departure or Arrival | 6 | A | A | B |
| 6.2 Holding | 6 | A | A | B |
| 6.3 Approach Transition | 6 | A | A | B |
| 6.4 Manually Controlled Departure and Arrival | A | A | A | B |
| **7.0 Approaches:** | | | | |
| 7.1 Instrument Approaches | | | | |
| 7.1.1 Precision Approach | A | [4] D | A | B |
| 7.1.2 Non-Precision Approach | A | A | A | B |
| 7.2 Visual Approach | A | [4] D | A | B |
| **8.0 Missed Approach:** | | | | |
| 8.1 All Engines Operating | A | [4] D | A | B |
| 8.2 One Engine Inoperative | A | A | A | B |
| 8.3 From Circle to Land | A | A | A | B |

TABLE 3B—MINIMUM FSTD REQUIRED FOR CREDIT—Continued

| Curriculum category | Initial, transition, conversion, upgrade, and requalification | | Recurrent | |
|---|---|---|---|---|
| Flight engineering tasks each task may be performed in the FSTD level specified or any higher level of FSTD. | Training [1] | The training session immediately preceding, and the Proficiency Test or check [2] | Training (LOFT or FFS course of instruction) | Proficiency test or check [3] |
| 8.4 Descending Break-Out Maneuver from PRM Approach | A | A | A | B |
| **9.0 Landing:** | | | | |
| 9.1 All Engines Operating (including crosswind) | A | [4] D | A | B |
| 9.2 Engine(s) Inoperative | | | | |
| 9.2.1 One Engine Inoperative | A | [4] D | A | B |
| 9.2.2 Two Engines Inoperative (3 and 4 Engine Aircraft) | A | [4] D | A | B |
| 9.3 From a Precision Approach | A | B | A | B |
| 9.4 From a Non-Precision Approach | A | B | A | B |
| 9.5 From a Visual Approach | A | B | A | B |
| 9.6 From Circle to land (if authorized) | A | B | A | B |
| 9.7 Recovery from a Bounced Landing | A | B | A | B |
| 9.8 Rejected Landing | A | A | A | B |
| 9.9 From Zero or Partial Flaps Approach | A | A | A | B |
| 9.10 Using Enhanced Flight Visual System—EFVS | [6] A | [6] A | [6] A | B |
| 9.11 Using Head-Up Display—HUD | [6] A | [6] A | [6] A | B |
| 9.12 Landing on Contaminated Runways | A | [4] D | A | B |
| 9.13 Landing at High Density Altitude Runways | A | [4] D | A | B |
| **10.0 Abnormal Procedures:** | | | | |
| 10.1 Un-annunciated | 4 | A | A | B |
| 10.2.0 Systems | ..... | ..... | ..... | ..... |
| 10.2.1 Air Conditioning | 4 | A | A | B |
| 10.2.2 APU | 4 | A | A | B |
| 10.2.3 Autopilot | 5 | A | A | B |
| 10.2.4 Brakes | 4 | A | A | B |
| 10.2.5 Communications | 4 | A | A | B |
| 10.2.6 Doors | 4 | A | A | B |
| 10.2.7 Electrical Power | 4 | A | A | B |
| 10.2.8 Emergency Equipment | 4 | A | A | B |
| 10.2.9 Engine | 4 | A | A | B |
| 10.2.10 Fire Protection | 4 | A | A | B |
| 10.2.11 Flaps | 4 | A | A | B |
| 10.2.12 Flight Controls | 5 | A | A | B |
| 10.2.13 Fuel | 4 | A | A | B |
| 10.2.14 EGPWS or TAWS | 5 | A | A | B |
| 10.2.15 HUD | 5 | A | A | B |
| 10.2.16 Hydraulic Power | 4 | A | A | B |
| 10.2.17 Ice and Rain Protection | 4 | A | A | B |
| 10.2.18 Instruments | 5 | A | A | B |
| 10.2.19 Landing Gear | 4 | A | A | B |
| 10.2.20 Navigation | 5 | A | A | B |
| 10.2.21 Oxygen | 4 | A | A | B |
| 10.2.22 Pneumatic | 4 | A | A | B |
| 10.2.23 Propellers | 4 | A | A | B |
| 10.2.24 Stall Warning | 5 | A | A | B |
| 10.2.25 Thrust Reversers | 4 | A | A | B |
| 10.2.26 Warning Systems (various) | 4 | A | A | B |
| **11.0 Emergency Procedures:** | | | | |
| 11.1 Fire or Smoke in Aircraft | 4 | A | A | B |
| 11.2 Ditching | 4 | A | A | B |
| 11.3 Emergency Descent | 5 | A | A | B |
| 11.4 Rapid Decompression | 4 | A | A | B |
| 11.5 Emergency Evacuation | 4 | A | A | B |
| 11.6 Engine Fire, Severe Damage, or Separation | A | A | A | B |
| 11.7 Landing with Degraded Flight Controls | [6] A | [6] A | [6] A | [6] B |
| 11.8 Pilot Incapacitation | 5 | A | A | B |
| 11.9 All other emergencies in accordance with the FCOM | 5 | [6] A | A | [6] B |

**Footnotes:**

[1] Where Level 4 or 5 FTD is shown, all systems (and systems interoperability) necessary for the task must be installed in the FTD and operating correctly.

[2] A maximum of 2 levels of FFS may be used to complete the proficiency test following initial, transition, conversion, upgrade, or requalification training.

[3] Only one level of FFS may be used to complete the recurrent proficiency test or check. The level of FFS that is required for the recurrent proficiency test or check is the lowest level in which all tasks that must be completed can be accomplished.

[4] See paragraph C.5 of this attachment for requirements to use Level C FFS in place of Level D FFS.

[5] Interactive Computer Based Instruction is an acceptable method for training.

[6] Check for appropriate system installation and for FSTD qualification for this task.
[7] The FTD may be used, but a visual system meeting Level A FFS requirements must be installed and working properly.

D. Persons Authorized to Administer Flight Engineer Training, Evaluation, and Observation Activities Under Subpart BB. (see §§ 121.1347; 121.1349; 121.1251; 121.1253; 121.1255; 121.1257; 121.1271; 121.1281; 121.1341; 121.1377; 121.1379; 121.1381; 121.1383; 121.1385; and 121.1215)

Table 3C of this attachment identifies who must administer certain required training and evaluation for flight engineers, and who must supervise and observe instructors and check flight engineers.

TABLE 3C—PERSONS ELIGIBLE TO BE AUTHORIZED TO ADMINISTER FLIGHT ENGINEER TRAINING, EVALUATION, AND OBSERVATION ACTIVITIES UNDER SUBPART BB *

| | Affiliation and position | | | | | | |
|---|---|---|---|---|---|---|---|
| | Contractor | | | The Part 119 certificate holder | | | |
| | Other than Part 142 or other Part 119 certificate holder | Part 142 or other Part 119 certificate holder | | | | | |
| Flight Engineer Training, Evaluation, and Observation Activities Under Subpart BB (by aircraft type) | Ground Instructor | Ground Instructor | Flight Instructor | Ground Instructor | Flight Instructor | Check Flight Engineer | Aircrew Program Designee |
| Academic (Ground School) Training | X | X | X | X | ..... | ..... | ..... |
| Job Performance (Flight) Training | ..... | ..... | X | ..... | X | ..... | ..... |
| Certificate or Rating Examination | ..... | ..... | ..... | ..... | ..... | ..... | X |
| Proficiency Test/Check (Initial, Transition, Conversion, Recurrent, Requalification) | ..... | ..... | ..... | ..... | ..... | X[1] | X |
| LOFT/FFS Course of Instruction | ..... | ..... | ..... | ..... | X[2] | X | ..... |
| Supervision of Operating Experience | ..... | ..... | ..... | ..... | ..... | X[3] | ..... |
| Observation of: | | | | | | | |
| • Flight Engineer Instructor—Initial | ..... | ..... | ..... | ..... | ..... | X | ..... |
| • Flight Engineer Instructor—Recurring | ..... | ..... | ..... | ..... | ..... | X | ..... |
| • Check Flight Engineer—Initial | ..... | ..... | ..... | ..... | ..... | ..... | X[4] |
| • Check Flight Engineer—Recurring | ..... | ..... | ..... | ..... | ..... | X | X[4] |

* See § 121.1343 for special limited authorizations for Initial Cadre Personnel. When POI authorization is required, the designation will specifically state the authorizations granted to the instructor, check flight engineer, or APD. Part 142 TCEs and other part 119 certificate holders' check flight engineers may be qualified and authorized as check flight engineers or APDs by the part 119 certificate holders' POI in accordance with subpart BB of this part. When qualified and authorized, these check flight engineers and APDs are considered a component of the part 119 certificate holders' training program resources.
[1] When the proficiency test does not involve the issuance of a certificate or rating, a check flight engineer may conduct a Proficiency Test.
[2] With POI authorization, employees of the part 119 certificate holder who are specifically designated flight engineer instructors may conduct Qualification LOFT and Proficiency Reviews.
[3] In addition to the check flight engineer, supervision of flight engineer operating experience may also be conducted by a check pilot, a IOE pilot, or a flight engineer who has been specifically authorized by the POI.
[4] With POI authorization, employees of the part 119 certificate holder who are designated as APDs and specifically designated to do so, may conduct the Initial or Recurring check flight engineer observation.

E. Administering Evaluations. (see §§ 121.1221; 121.1253; 121.1257; 121.1271; 121.1281; 121.1341; 121.1343; 121.1361; 121.1363; 121.1365; 121.1367; 121.1377; 121.1379; 121.1381; 121.1383; and 121.1215)

The following requirements apply to the evaluation activity indicated. Refer to Table 3D of this attachment for who may administer each type of evaluation.

1. *Proficiency Tests or Checks.*

Proficiency tests or checks must be administered for first time qualification in a duty position. Employees of the certificate holder who are used or will be used in the certificate holder's operations and who have completed all of the required training may use the proficiency test to obtain a certificate or rating.

2. *Other Assessments.*

(a) After qualification, the flight engineer's performance in all job performance training

activities (including LOFT) must be assessed for a satisfactory level of task proficiency based upon this QPS.

(b) During a scheduled FSTD course of instruction (other than LOFT), if a task is performed unsatisfactorily the flight engineer may retrain on the unsatisfactory task; however, all scheduled tasks, including any retraining, must be completed within the approved scheduled time period.

3. *Satisfactory or Unsatisfactory Performance.*

(a) No evaluator or instructor may assess the flight engineer's performance as satisfactory unless that flight engineer:

(1) Performs the tasks in accordance with the standards and tolerances established in the QPS.

(2) Demonstrates mastery of the aircraft or simulated aircraft with the successful outcome of each task never in doubt. However, when the flight engineer recognizes that an action taken was not correct, or recognizes that an action should have been taken and was not, and then the flight engineer either corrects the action taken or takes the appropriate action to correct the situation, the task may be assessed as satisfactory and the "error" portion of "threat and error management" may be assessed as satisfactory as well.

(3) Except as described in paragraph 3(a)(2) of this attachment, demonstrates performance such that no corrective or instructive action is required by another flightcrew member to maintain safe flight.

(4) Demonstrates CRM competencies in accordance with duties outlined in the FCOM requiring crew interactions, including in a crew briefing before each takeoff and before each approach.

(5) Demonstrates sound judgment.

(b) The evaluator or instructor must assess a flight engineer's performance as unsatisfactory if the flight engineer fails to take prompt corrective action when tolerances are exceeded.

5. *Recording, Reporting and Correcting Unsatisfactory Performance.*

The certificate holder must report a failure of a test, check, or review to the FAA in accordance with § 121.1331(f)(1). The flight engineer must be retrained and reevaluated to a satisfactory level before the flight engineer may begin or be returned to line operations.

44. Add appendix S to part 121 to read as follows:

## Appendix S to Part 121—Flight Attendant Qualification Performance Standards

This appendix supplements the requirements for flight attendants contained in subpart BB of this part (§§ 121.1201–121.1399).

**Table of Contents**

A. *Crew Resource Management (CRM).*
B. *Continuous analysis process.* (See § 121.1355)
ATTACHMENT 1. Flight Attendant Evaluation Requirements and Programmed Hours (see §§ 121.1301; 121.1331; 121.1335; 121.1341; 121.1343; and 121.1361).
ATTACHMENT 2. Flight Attendant Training—Task Requirements and Performance Standards by Area of Instruction (see §§ 121.1301; 121.1331; 121.1333; 121.1341; and 121.1361).
ATTACHMENT 3. Training and Evaluation Requirements for Flight Attendant Curriculums (Basic Qualification), Curriculum Categories (New Hire, Initial, Transition, Emergency, Recurrent, and Requalification), and Aircraft Operating Experience (see §§ 121.1301; 121.1303; 121.1309; 121.1331; 121.1341; 121.1361; 121.1363; 121.1369; 121.1373; and 121.1375)

A. *Crew Resource Management (CRM).*

The flight attendant must demonstrate knowledge and skills in the technical and CRM competencies for each particular task.

1. Certain CRM-related knowledge and skills must be associated with one or more flight attendant performance tasks and must be evaluated during flight attendant training as shown in Attachment 2 of this appendix.

2. The flight attendant must demonstrate knowledge and skills in both the technical and CRM competencies for each task. A task is not completed unless the evaluator has determined that the flight attendant has demonstrated knowledge and skills in the technical and CRM competencies.

B. *Continuous Analysis Process (See § 121.1355).*

A continuous analysis process is incorporated in this QPS through integration with the qualification and training program. The certificate holder is responsible for designating responsibility for the process. The certificate holder must ensure appropriate and adequate assessment tools which may include testing, checking, critique, inspection, observation, documenting, evaluation, and analysis. The assessment tools are utilized to enable the certificate holder to validate the effectiveness of the qualification and training program, or the need to change that program. The certificate holder must describe the attributes of the continuous analysis process in the certificate holder's FAA approved training program.

## Attachment 1 of Appendix S to Part 121

**Flight Attendant Evaluation Requirements and Programmed Hours (§ 121.1331)**

A. EVALUATION REQUIREMENTS (see §§ 121.1301, 121.1331, 121.1341, 121.1343, 121.1361)

1. *Proficiency Checks.*

If an evaluator conducting proficiency checks provides training, the training must be conducted as follows:

(a) No more than two tasks may be trained and no more than a total of three attempts (including the first unsatisfactory, a rehearsal, and a final assessment) in each of the tasks are permitted.

(b) Three or more unsatisfactory tasks, or failure to demonstrate satisfactory performance in three attempts at any one task, makes the check unsatisfactory.

2. *Proficiency Tests.*

(a) Evaluators who conduct proficiency tests may not provide training to the flight attendant during the test.

(b) If, in the judgment of the evaluator, the flight attendant's performance of any task during a proficiency test is unsatisfactory, the test in that task is failed.

(c) When a flight attendant fails a proficiency test, the flight attendant must be retrained in the task and reevaluated on the schedule specified in the certificate holder's approved training program.

3. *Academic Checks.* Evaluators who conduct academic checks during aircraft operating experience may provide training to the flight attendant during the academic check as follows:

(a) No more than two tasks may be trained, and no more than a total of three attempts to complete a academic check in each of the tasks is allowed.

(b) Three or more unsatisfactory tasks, or failure to satisfactorily complete a academic check in three attempts at any one task, makes the check unsatisfactory.

4. *Qualified Evaluators.* Evaluations may only be conducted by those persons as outlined in Table 3A of this Attachment.

B. PROGRAMMED HOURS (see §§ 121.1335, 121.1361)

1. *Baseline and Minimum Programmed Hours* (see §§ 121.1335, 121.1361). Table 1A of this attachment sets out the baseline and Table 1B of this attachment sets out the minimum programmed hours for each curriculum category. The baseline programmed hours may be reduced after demonstration that the reduction is warranted and approved by the Administrator. The FAA may approve a reduction in baseline programmed hours if the certificate holder demonstrates that the reduction is warranted. The FAA will not approve a reduction in the programmed hours below the minimum programmed hours.

2. *Required hours for requalification* (see §§ 121.1309, 121.1361). The hours established for requalification (§ 121.1309) are for individuals in specific circumstances based on the requirements in § 121.1309. Therefore, there are no programmed hours in Tables 1A and 1B of this attachment for requalification training.

3. *Required hours for differences and special curriculum categories* (see §§ 121.1337, 121.1361). The hours established for differences and special are in addition to the previously approved programmed hours for the approved training program. For differences (§ 121.1215), the programmed hours remain in the differences curriculum category. For special (§ 121.1337(c)), the certificate holder integrates the training into the existing categories in Table 1A of this attachment. Therefore, there are no programmed hours in Table 1A or Table 1B of this attachment for differences and special training.

4. *Security.* Security training and evaluation programmed hours required for crewmembers by the Transportation Security Administration (TSA) may not be included in the required programmed hours contained in Tables 1A and 1B of this attachment.

TABLE 1A—FLIGHT ATTENDANTS
BASELINE PROGRAMMED HOURS* BY CURRICULUM CATEGORY
[See § 121.1335]

| Training | Curriculum Category | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | New hire | Initial | | Emergency training | Transition (each additional aircraft type) | Recurrent (Turbojet) | | | Recurrent (Turboprop) |
| | | General topics | Each aircraft type | | | 1 to 5 types aircraft | 6 to 9 types aircraft | 10 to 13 types aircraft | Any number of aircraft types |
| Academic | 20 | 8 | 8 | 8** | 8 | 8 | 8 | 8 | 3 |
| Job Performance | 20 | 4 | 4 | 16** | 4 | 4 | 6 | 7 | 2 |
| Total | 40 | 12 | 12 | 24** | 12 | 12 | 13 | 14 | 5 |

* Programmed hours do not include differences training, as required in § 121.1215.
** Academic and job performance programmed hours are each reducible by 1 hour if the flight attendant is not qualified to serve in extended overwater operations.

TABLE 1B—FLIGHT ATTENDANTS
MINIMUM PROGRAMMED HOURS* BY CURRICULUM CATEGORY
[See § 121.1335]

| Training | Curriculum Category | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | New Hire | Initial | | Emergency Training | Transition (each additional aircraft type) | Recurrent (Turbojet) | | | Recurrent (Turboprop) |
| | | General Topics | Each aircraft type | | | 1 to 5 types aircraft | 6 to 9 types aircraft | 10 to 13 types aircraft | Any number of aircraft types |
| Academic | 16 | Not reducible | 6 | Not reducible | 6 | Not reducible . | | | |
| Job Performance | 16 | | 2 | | 2 | | | | |
| Total | 32 | | 8 | | 8 | | | | |

* Programmed hours do not include differences training, as required in § 121.1215.

5. Periods of time when training is not occurring, such as lunch or travel between facilities, do not count toward required programmed hours. Reasonably scheduled breaks will not be subtracted from programmed hours.

## Attachment 2 of Appendix S to Part 121

### Tasks For Flight Attendant Training Task Requirements and Performance Standards by Area of Instruction

### Table of Contents

I. Introduction (see §§ 121.1301, 121.1331, 121.1333, 121.1341, 121.1361)
II. General Task Requirements (see §§ 121.1301, 121.1331, 121.1333, 121.1341, 121.1361, 121.1373)
A. Area of Instruction: Flight Attendant Duties and Responsibilities—Normal Operations (see § 121.1363)
1. Subject: Preflight
2. Subject: Pre-Movement on the surface
3. Subject: Ground Movement
4. Subject: In-Flight
5. Subject: Arrival
6. Subject: During Stops
7. Subject: Federal Aviation Regulations
8. Subject: General Contents, Control and Maintenance of Applicable Portions of the Certificate Holder's Manual
9. Subject: Contents of the Certificate Holder's Operations Specifications
10. Subject: Crew Resource Management
11. Subject: Theory of Flight
B. Area of Instruction: Flight Attendant Duties and Responsibilities—Abnormal Situations (see § 121.1369)
1. Subject: Handling Passengers Whose Conduct May Jeopardize Safety
2. [Reserved]
C. Flight Attendant Duties and Responsibilities—Emergency (see § 121.1373)
1. Subject: Emergency Equipment
2. Subject: Emergency Situations
III. Aircraft Specific Task Requirements (see § 121.1369)
A. For Each Aircraft Type
1. Subject: A General Description of the Aircraft
2. [Reserved]
B. [Reserved]
IV. Emergency Training Drill Requirements (see § 121.1373)
V. Emergency Training Drills—General (see § 121.1373)
A. Subject: Job Performance Drills
B. Subject: One Time Job Performance Drills
C. Subject: Observation Drills
VI. Emergency Training Drills—Aircraft Specific (see § 121.1373)
A. Subject: Exit Device Operation (see § 121.1373)
B. [Reserved]

### I. Introduction (see §§ 121.1301, 121.1331, 121.1333, 121.1341, 121.1361)

A. This attachment establishes task requirements and performance standards. Sections *II. General Task Requirements* and *III. Aircraft Specific Task Requirements* of this attachment list the academic requirements to the subtask level. Sections *IV. Emergency Training Drills Requirements, V. Emergency Training Drills—General,* and *VI. Emergency Training Drills—Aircraft Specific* list the performance requirements to the task level. Attachment 3 of this appendix lists the tasks that must be trained and evaluated for each curriculum category. Attachment 3 of this appendix includes tables that contain the various combinations of academic and job performance tasks taken from attachment 2, that, when combined, make up the requirements for training in each of the required training categories. (see

§§ 121.1301, 121.1331, 121.1333, 121.1341, 121.1361)

B. Each certificate holder must have a training program that includes the areas of instruction, subjects, tasks, subtasks, and performance standards in this attachment. The certificate holder must use this Attachment to determine the tasks on which each flight attendant must be trained and evaluated for each curriculum category in accordance with their FAA approved training program. The tasks listed in the FAOM do not have to include the level of detail provided to flight attendants in the approved training program, but must be to a level of detail that ensures flight attendants are able to perform their duties with a high level of safety. The tasks listed in the FAOM must also be consistent with the approved training program, as amended, and include standard operating procedures, abnormal procedures, non-normal procedures, and emergency procedures, as well as the authorizations contained in the certificate holder's operations specifications, as appropriate. (see §§ 121.1301, 121.1331)

C. Training under each task is required except when a particular piece of equipment is not on an aircraft in which the flight attendant is to serve or a procedure is not applicable to operations conducted by the certificate holder for the aircraft on which the flight attendant serves. (see §§ 121.1301, 121.1361)

D. The flight attendant must demonstrate that he or she is able to meet the academic and job performance standards in this QPS. (see §§ 121.1301, 121.1335, 121.1341, 121.1343, 121.1361)

E. In Attachment 3, training is required in all areas for persons who are qualifying for the first time in a flight attendant duty position for a certificate holder, and selected portions are required for persons required to complete requalification, transition, and recurrent training. (see §§ 121.1301, 121.1303, 121.1309, 121.1341, 121.1361, 121.1363, 121.1369, 121.1373, 121.1375)

F. Recurrent job performance training and evaluation must include training and evaluation at the subtask level. Recurrent academic training and evaluation must include training and evaluation at the task level. Recurrent academic subjects are identified on Table 3C of Attachment 3 of this appendix by a "T." (see §§ 121.1303, 121.1361, 121.1375)

G. Each subject in recurrent must be trained and evaluated every year during recurrent and must include all changes made to the subject matter in the curriculum categories in the basic qualification curriculum. Some tasks, as indicated in Table 3C of this appendix, must be trained and evaluated every year. Other tasks, as indicated in Table 3C of this appendix, must be trained and evaluated at least once every 3 years. The certificate holder is not required to use the subtasks for training and evaluation. (see §§ 121.1303, 121.1361, 121.1375)

H. Knowledge and understanding of each subject within each area of instruction must be evaluated by written, oral, or electronic based testing at the end of academic training. When a written, oral, or electronic test is used:

(a) Each certificate holder must develop an examination question repository that includes a minimum number of 2 questions for each task under each subject.

(b) Each test must contain questions, as required by the academic test requirements of Table 3B and Table 3C of this appendix, from the examination question repository.

(c) A score of 80% or better on each instructional area is required to be satisfactory.

(d) The test must be corrected to 100%.

(e) Correction of missed questions must include a discussion of the correct answer and why the person's original answer was incorrect.

(f) Reevaluation is required for each instructional area in which a score of 80% or better is not achieved. (see §§ 121.1341, 121.1343, 121.1361)

(g) The form and content of the reevaluation must be approved by the Administrator. (see §§ 121.1341, 121.1343, 121.1361)

I. The certificate holder must conduct a proficiency test so that the flight attendant physically performs the required task and meets the performance standards in Attachment 2 of the Flight Attendant QPS. (see §§ 121.1341,121.1361)

**II. General Task Requirements (see §§ 121.1301, 121.1331, 121.1333, 121.1341, 121.1361, 121.1373)**

*A. Area of Instruction: Flight Attendant Duties and Responsibilities—Normal Operations (see § 121.1363)*

1. Subject: Preflight

(a) Task: General (Preflight)

Subtasks:

(1) Review all certificate holder issued memorandums and orders

(2) Verify currency of FAOM

(3) Ensure presence of certificate holder required items

(4) Attend or provide crewmember briefing

(5) Stow crew baggage and personal carry-on baggage properly

(6) Stow the FAOM properly so it is accessible when performing duties

(7) Identify seats with movable aisle armrests for seating of passengers with disabilities

(8) Adjust cabin lighting in accordance with certificate holder's procedures

(9) Report safety discrepancies to the PIC

(10) Report any discrepancies in the aircraft cabin, systems, and equipment in accordance with certificate holder procedures

(11) Cabin position specific duties as defined in the FAOM

(b) Task: Crewmember Briefing (Preflight)

Subtasks:

(1) Security procedures

(2) Communication procedures

(3) Emergency procedures

(4) MELs with any effect on cabin safety equipment or procedures

(5) Flight information

(6) Review and follow procedures concerning supernumerary personnel

(c) Task: Cabin and Galley Security (Preflight)

Subtask: Implement cabin and galley security procedures in accordance with certificate holder's security program

(d) Task: Check of Emergency Equipment (Preflight)

Subtasks:

(1) Proper preflight techniques

(2) Procedures to be followed if equipment fails to meet preflight requirements

(3) Check the flight attendant jumpseat and restraint system, including automatic seat retraction, proper operation, no missing or broken components on flight attendant jump seat, and presence of jumpseat headrest

(4) Check flight attendant panel to ensure switches, controls, and indicators are working

(5) Verify no abnormal indications are present on any panels or gauges

(6) Check portable oxygen equipment

(7) Check fire extinguishers

(8) Check first aid kits

(9) Check EMK

(10) Check AEDs

(11) Check megaphones

(12) Check PBEs

(13) Check ELTs

(14) Visual check of crash ax

(15) Check emergency lighting system

(16) Check emergency flashlights

(17) Check survival kits

(18) Verify position of circuit breakers

(19) Check communication systems, including passenger address and interphone systems

(20) Ensure chimes, chime indicator lights, and associated annunciator panel indicators are working

(21) Check general condition of emergency exits in the passenger and galley areas

(22) Check assist handles

(23) Check lavatory fire detection system, flapper doors, ashtrays, and placards

(24) Check for flotation equipment, as required

(25) Check that class B cargo compartments are clear for crew fire fighting

(26) Check emergency equipment stowage areas for unapproved items

(e) Task: Check of Safety Equipment (Preflight)

Subtasks:

(1) Check presence of and prepare demonstration equipment

(2) Check audio/visual safety demonstration equipment

(3) Verify that the universal precaution kit and CPR masks, or the kit that contains these items, is onboard

(4) Verify that onboard wheelchair is present and properly secured

(f) Task: Galley Check (Preflight)

Subtasks:

(1) Ensure all latches, locks, and flapper doors work properly

(2) Ensure only approved items are stowed in ovens

(3) Check circuit breakers located in the galley

(4) Ensure lower lobe galley lift works properly

(g) Task: Check of Cabin and Cabin Systems (Preflight)

Subtasks:

(1) Check circuit breakers located in the cabin

(2) Check temperature and ventilation controls
(3) Check lighting systems to ensure proper working condition
(4) Check photo luminescent emergency pathway lighting systems, and preflight and charging procedures
(5) Ensure all lock-out mechanisms are engaged on emergency exit seats
(6) Stow in-flight service and entertainment items

2. Subject: Pre-movement on the surface

(a) Task: General (Pre-movement on the Surface)
Subtasks:
(1) Ensure minimum number of required flight attendants are onboard during the entire boarding process
(2) Assume proper station during passenger boarding
(3) Identify possible able bodied passengers
(4) Provide all required announcements to passengers
(5) Provide all required individual passenger briefings
(b) Task: Passenger Boarding (Pre-movement on the Surface)
Subtasks:
(1) Observe passengers for acceptance according to regulation and certificate holder policy (*e.g.,* intoxicated passengers and unaccompanied minors)
(2) Monitor carry-on baggage for excessive size, quantity, or evidence of hazardous materials
(3) Monitor exit seat occupants according to certificate holder's approved exit seat program
(4) Monitor passenger behavior and maintain situational awareness
(5) Report passengers who appear to be intoxicated or are otherwise disruptive immediately to the PIC and customer service personnel
(6) Ensure certificate holder procedures are followed regarding the passenger use of Portable Oxygen Concentrators (POCs)
(7) Ensure certificate holder procedures are followed regarding child restraint systems
(8) Ensure certificate holder procedures are followed regarding lap held children
(9) Ensure lap held children are distributed with regard to oxygen availability
(10) Comply with certificate holder procedures for child and infant flotation equipment
(11) Ensure certificate holder procedures are followed regarding passenger count
(12) Conduct compliance check to ensure carry-on baggage is properly stowed
(13) Ensure that use of portable electronic devices is in compliance with certificate holder's procedures
(14) Conduct appropriate passenger briefing for exit seat occupants
(15) Verify (must be verified by a required crewmember) that all exit seat occupants meet exit seat criteria, prior to aircraft movement on the surface
(16) Ensure proper handling of passengers with additional needs, such as armed passengers, prisoners, escorts, passengers with personal oxygen, and unaccompanied minors
(17) Ensure any medical oxygen being used by a passenger was supplied by the certificate holder and follow appropriate procedures for use
(18) Ensure the PIC is notified that medical oxygen or POC is in use
(19) Ensure the passenger using medical oxygen or POC is seated per the certificate holder's procedures
(20) Ensure the medical oxygen bottles or POC are properly located and secured when they are being used and before and after use
(21) Ensure no persons are allowed to smoke within 10 feet of any oxygen or POC in use
(22) Apply weight and balance procedures as directed by the PIC
(23) Ensure compartment restraints are secured for compliance with carry-on baggage regulation
(24) Ensure all items carried on by the passenger are properly stowed (*e.g.,* purses and assistive devices)
(25) Ensure unusual items (*e.g.,* organs for transplant) are stowed in accordance with certificate holder's approved carry-on baggage program
(26) Follow approved method for removing carry-on baggage that cannot be stowed
(27) Verify (must be verified by a required crewmember) that all carry-on baggage is stowed prior to closing last passenger entry door
(c) Task: Passengers With Disabilities (Pre-movement on the Surface)
Subtasks:
(1) Review part 382 of 14 CFR, Nondiscrimination on the Basis of Disability in Air Travel
(2) Review certificate holder responsibilities regarding compliance with 14 CFR part 382, including the role of the compliance resolution official (CRO)
(3) Review crewmember responsibilities regarding compliance with 14 CFR part 382
(4) Review cabin accommodations, such as onboard wheelchairs, accessible lavatories, movable armrests, and collapsible armrests
(5) Review types of service animals, including unique service animals, lap-held service animals, and emotional support service animals
(6) Review location and placement of service animals
(7) Review types of assistive devices, including respiratory assistive devices, that are designed for, and used by, people with disabilities
(8) Review location and placement of assistive devices, including specific certificate holder procedures regarding stowage of a passenger's folding wheelchair in the cabin
(9) Review exclusion of assistive devices from the number of carry-on items that each passenger is allowed to bring onboard
(10) Review use of orthotic positioning devices by people with disabilities
(11) Review passenger briefings for people with disabilities
(12) Review procedures for handling passenger disputes regarding compliance with 14 CFR part 382
(d) Task: Galley Security (Pre-movement on the Surface)
Subtasks:
(1) Ensure all catering and galley supplies are stowed properly
(2) Ensure latches and locks are positioned properly
(3) Ensure secondary locking mechanisms are engaged
(4) Ensure carts are secured on permanent tie downs for surface movement and take-off
(5) Ensure curtains and doors are properly secured
(e) Task: Preparation of Exits (Pre-movement on the Surface)
Subtasks:
(1) Ensure doors are closed
(2) Ensure timely arming of exits, including positioning of warning devices and cross check requirements
(3) Ensure passengers are seated with seat belts fastened
(4) Ensure no items are improperly stowed at jumpseats, passenger seats, lavatories or galleys
(5) Signal or communicate with flight crew regarding cabin readiness for aircraft movement
(f) Task: Compliance Check (Pre-movement on the Surface)
Subtasks:
(1) Ensure that a normal or emergency means of egress is available when passengers are on board the aircraft
(2) Ensure proper closure of overhead compartments and closets
(3) Ensure that all carry on baggage is properly stowed
(4) Ensure that all passengers, except those meeting lap child criteria, are seated with seat belts fastened
(5) Ensure that seat belt extensions have been provided to all passengers who need them

3. Subject: Ground Movement

(a) Task: General (Ground Movement)
Subtask:
(1) Flight attendants must occupy assigned jumpseats during taxi unless performing safety related duties
(2) Flight attendants must understand the impact of conducting non-safety related duties during taxi
(b) Task: Passenger Information (Ground Movement)
Subtask:
(1) Use public address system properly
(2) Provide appropriate information:
(i) Compliance with Fasten Seat Belt and No Smoking signs
(ii) Stowage of tray tables
(iii) Positioning seat backs in the upright position (leg rests retracted)
(iv) Location of emergency exits
(v) Proper use of portable electronic devices
(vi) Stowage of carry-on baggage
(vii) Smoking restrictions
(viii) Use of oxygen (if applicable)
(ix) Availability of flotation devices
(3) Use safety video correctly
(4) Ensure safety demonstration is coordinated with announcement
(5) Give safety demonstration from approved location
(6) Assume proper position during the safety demonstration to ensure even distribution of flight attendants
(7) Give safety demonstration at individual seats if passengers' view is obstructed

(8) Ensure additional information regarding extended over water flights is provided
(9) Ensure that any passengers needing the assistance of another to move quickly to an exit during an emergency and any attendants are briefed on the routes to each appropriate exit, the most appropriate time to begin moving to the exit, and inquire as to the most appropriate way to assist that person
(c) Task: Sterile Flight Deck Procedures (Ground Movement)
Subtask:
Comply with sterile flight deck procedures
(d) Task: Compliance Check (Ground Movement)
Subtasks:
(1) Ensure that all exits are accessible
(2) Ensure carry-on baggage is stowed
(3) Ensure that certificate holder procedures are followed regarding child restraint systems
(4) Ensure that portable electronic devices are turned off and stowed
(5) Ensure that overhead bins are closed and latched
(6) Ensure tray tables are stowed and secured
(7) Ensure seat backs are in the upright position (leg rests retracted)
(8) Ensure seat belts are fastened
(9) Ensure lap seated infants or children under two are properly held and that infants and children are properly secured in an approved restraint system.
(10) Ensure all galley service items have been picked up and stowed
(11) Ensure galley equipment is secured
(12) Ensure that all cabin divider systems are secured open
(13) Ensure that all video screens are retracted
(14) Ensure that all lavatories are vacant
(15) Ensure that cabin lighting is adjusted as per certificate holder procedures
(16) Return to flight attendant jumpseat
(17) Secure barrier strap
(18) Don seat belt and shoulder harness
(19) Signal or communicate with flight crew regarding cabin readiness for take-off
(20) Perform silent review
(21) Assume flight attendant protective brace position

4. Subject: In-flight

(a) Task: General (In-flight)
Subtask:
Secure flight attendant restraint system upon leaving jumpseat in accordance with certificate holder procedures
(b) Task: In-flight Procedures (In-flight)
Subtasks:
(1) Review flight deck entry and communication procedures
(2) Review procedures for flight attendants to enter and secure flight deck door, including requesting a briefing on the location, donning and use of the fixed oxygen system available for the flight attendant's emergency use when one flightcrew member has to leave the flight deck
(3) Check cabin and passengers periodically throughout the flight
(4) Check lavatories periodically throughout the flight for potential fire hazards, flapper doors that will not close, evidence of smoking or tampering with smoke detectors
(5) Collect and stow service items properly
(c) Task: Passenger Information (In-flight)
Subtasks:
(1) Provide after take-off announcement(s)
(2) Provide seat belt announcement when seat belt sign is turned on or off as per certificate holder procedures
(3) Coordinate proper timing of passenger removal of shoulder harnesses after take-off
(d) Task: Passenger Handling Procedures (In-flight)
Subtasks:
(1) Follow proper certificate holder's alcohol procedures
(2) Ensure passengers seated in exit seats meet exit seat criteria
(3) Follow proper certificate holder's passenger handling and reporting procedures
(4) Follow the certificate holder's program outlining flight attendant duties regarding the use of portable electronic devices (PED)
(5) Ensure passengers are given information about times, conditions, and limitations on PED use
(6) Understand the regulations regarding PEDs, including the effects of the use of PEDs on aircraft avionics during critical phases of flight
(7) Ensure passengers terminate the use of any devices suspected of causing interference
(8) Coordinate between cabin and flight deck with regard to PED use
(e) Task: Proper Use of Service Carts and Service Equipment (In-flight)
Subtasks:
(1) Secure unattended carts properly
(2) Engage permanent tie-downs or pop-up tie-downs correctly
(3) Secure galley compartments when not in use
(4) Secure food and beverage items when not in use
(5) Comply with galley lift restrictions
(6) Ensure that at least one flight attendant is not more than 10 feet away from service cart when in use
(7) Stow service carts properly
(8) Set brakes properly
(9) Latch cart doors and utilize secondary locks
(10) Report any malfunctioning galley equipment including restraints and brakes
(f) Task: Communication and Coordination Procedures (In-flight)
Subtasks:
(1) Communicate and coordinate with flight crew regarding turbulence
(2) Communicate with flight crew regarding potential security threats or disruptive passengers
(3) Communicate with flight crew regarding any abnormal or emergency situation
(4) Report maintenance discrepancies (airworthiness and non-airworthiness)
(g) Task: Pre-landing (In-flight)
Subtasks:
(1) Provide appropriate pre-landing announcements for initial descent
(2) Perform lavatory vacancy check
(3) Adjust cabin lighting, as appropriate
(4) Collect all service items
(5) Close and secure galley compartments properly
(6) Set primary and secondary locks
(7) Ensure carts are secured on permanent tie downs for landing and surface movement
(8) Ensure curtains and doors are properly secured
(9) Turn off electrical appliances not in use
(10) Comply with Fasten Seat Belt signs
(11) Re-verify that passengers seated in exit seats meet exit seat criteria
(12) Reengage lock out mechanism at exit seats
(13) Ensure only approved child restraint systems are in use and are properly positioned
(14) Ensure lap seated infants or children under two are properly held and that infants and children are properly secured in an approved restraint system
(15) Ensure tray tables are stowed and secured
(16) Place seat backs in the upright position (leg rests retracted)
(17) Discontinue use of PEDs
(18) Ensure carry-on baggage is properly stowed
(h) Task: Sterile Flight Deck Procedures (In-flight)
Subtask: Comply with sterile flight deck procedures
(i) Task: Pre-landing Compliance Check (In-flight)
Subtasks:
(1) Provide appropriate pre-landing announcements for final approach
(2) Verify completion of all of the pre-landing activities required by paragraphs II.A.4.(g)(2) through (18) of this attachment
(3) Verify that all exits are accessible
(4) Verify that overhead bins are closed and latched
(5) Verify that all video screens are retracted in accordance with carrier procedures
(6) Comply with certificate holder's charging procedures for photoluminescent light path
(7) Return to flight attendant jumpseat
(8) Secure barrier strap
(9) Don seat belt and shoulder harness
(10) Signal or communicate with flight crew if the cabin is not prepared for landing
(11) Perform silent review
(12) Assume flight attendant protective brace position

5. Subject: Arrival

(a) Task: General (Arrival)
Subtasks:
(1) Perform all required arrival announcements
(2) Make reminder announcements to any passengers who may stand or place carry on bags in the aisle during taxi
(3) Adjust cabin lighting in accordance with air carrier procedures
(4) Perform only safety related duties during taxi
(b) Task: Preparation of Exits (Arrival)
Subtasks:
(1) Ensure that a normal or emergency means of egress is available when passengers are on board the aircraft
(2) Ensure crew coordination
(3) Ensure exits are disarmed in accordance with applicable regulations and aircraft specific procedures
(4) Verify no cabin pressure warnings or indications are present on the door
(5) Open door and operate stairs
(c) Task: Passenger Handling (Arrival)

Subtasks:
(1) Monitor passenger deplaning to ensure adherence to all regulatory and certificate holder requirements
(2) Coordinate with ramp, ground, and station agents and other crewmembers as necessary
(3) Assume proper position during passenger deplaning to ensure even distribution of flight attendants
(4) Ensure that the minimum required number of flight attendants are onboard during entire passenger deplaning process
(d) Task: Cabin Security (Arrival)
Subtasks:
(1) Ensure all passengers have left the aircraft at flight termination by checking the aircraft, including lavatories
(2) Perform post-flight cabin checks

6. Subject: During Stops

(a) Task: General (During Stops)
Subtasks:
(1) Follow duty assignments for flight attendants at intermediate stops, including passenger supervision
(2) Adhere to permissible reduction in the number of flight attendants to at least half the minimum required number (rounded down to the next lower number, but never fewer than one) when passengers remain onboard and boarding or deplaning is not occurring
(3) Adhere to permissible substitution for the required flight attendants with other persons qualified in emergency evacuation procedures for the airplane when passengers remain onboard and boarding or deplaning is not occurring, if those persons are identified to the passengers
(b) Task: Aircraft Refueling (During Stops)
Subtasks:
(1) Review duties, regulatory requirements, and procedures regarding refueling with passengers onboard
(2) Review identification of potential hazards to occupants associated with aircraft refueling
(3) Review proper steps to be taken should problems develop during refueling, including evacuation

7. Subject: Federal Aviation Regulations

(a) Task: General
Subtasks:
(1) Comply with certificate holder procedures for interaction with officers and agents of various governmental agencies, including FAA, TSA, FBI, CIA, and NTSB
(2) Comply with 14 CFR part 252: Smoking Aboard Aircraft
(b) Task: Federal Aviation Regulations Pertinent to Flight Attendant Performance of Assigned Duties
Subtasks: Understand the regulatory requirements for the following:
(1) Flight attendant duty period limitations and rest requirements
(2) Crewmember protocols regarding drug and alcohol testing programs, including regulatory requirements and certificate holder policy regarding drug and alcohol testing programs
(3) Hazardous material recognition and prohibitions
(4) Admission to the flight deck
(5) Manipulation of controls in the flight deck
(6) Inoperable equipment
(7) Carriage of cargo in passenger compartment
(8) Exit seating
(9) Carry on baggage
(10) Passenger information requirements
(11) Passenger briefings and demonstrations
(12) Manual requirements
(13) Training program requirements
(14) Crewmember qualification requirements
(15) Aviation Safety Inspector's credentials
(16) Oxygen requirements
(17) Restrictions regarding service of alcoholic beverages
(18) Boarding restrictions regarding persons who appear to be intoxicated
(19) Retention of items of mass in passenger and crew compartments
(20) Stowage of passenger service equipment
(21) Closing and locking flightcrew compartment door
(22) Security Requirements
(23) Sterile flight deck requirements
(24) Required number of flight attendants
(25) Crewmember requirements at stops where passengers remain on board
(26) Emergency equipment requirements
(27) Lavatory fire protection
(28) Communication systems
(29) Flotation equipment
(30) Flightcrew compartment access
(31) Taxi requirements
(32) Carriage and briefing of passengers requiring special assistance
(33) Fueling with passengers on board
(34) Portable electronic devices
(35) Flight attendant jumpseat requirements
(36) Child restraint systems
(37) Required placards and signs
(38) Compliance with seat belt and smoking regulations
(39) Use of medical oxygen and portable oxygen concentrators
(40) Any other regulations relevant to flight attendant duties and responsibilities

8. Subject: General Contents, Control and Maintenance of Applicable Portions of the Certificate Holder's Manual

(a) Task: Flight Attendant Operating Manual (FAOM)
Subtasks: Understand the certificate holder's procedures for the following:
(1) Currency requirements
(2) Revision process
(3) Bulletins or notices
(4) List of effective pages
(5) Accessibility during flight
(6) Procedures to ensure manual is current
(b) Task: Scheduling and Station Operations Policies and Procedures
Subtasks: Understand the certificate holder's procedures for the following:
(1) Scheduling policies and procedures
(2) Station operations policies and procedures

9. Subject: Contents of the Certificate Holder's Operations Specifications

(a) Task: General
Subtask: Understand information contained in the certificate holder's operations specifications that is pertinent to the duties and responsibilities of flight attendants:
(b) Task: Exit Seat Program and Procedures
Subtasks: Understand the certificate holder's procedures for the following:
(1) Information regarding the certificate holder's exit seat program
(2) Selection criteria regarding the capabilities and conditions to be applied to determine the suitability of persons to occupy an exit seat
(3) Performance functions which a person seated in an exit seat must be willing and able to perform in the event of an emergency
(4) Seat selection, assessment, and verification process
(5) Exit seat briefings
(6) Certificate holder procedures that ensure the suitability of each person who occupies an exit seat
(7) Assessment and verification of suitability by at least one required crewmember prior to movement on the surface
(8) Re-seating procedures
(9) Dispute resolutions
(10) Required announcements
(11) Definition of an exit seat, including excess flight attendant jumpseats and the location of all exit seats on each aircraft type
(12) Assessment and verification of suitability prior to landing
(c) Task: Carry On Baggage Program and Procedures
Subtasks: Understand the certificate holder's procedures for the following:
(1) The certificate holder's carry-on baggage program as described in the FAOM, including carry on baggage limitations, procedures for baggage scanning, and procedures for handling carry on baggage that does not meet these limitations or cannot be accommodated in the passenger cabin
(2) Person(s) responsible and procedures for scanning for amount and size
(3) Weight and balance procedures and coordination with flight crew
(4) Safety implications of improperly stowed carry on baggage
(5) Types of articles exempt from carry on baggage count
(6) Procedures for handling and stowing carry on items exempt from the carry on baggage count
(7) Definition of "properly stowed," including that carry on baggage may not hinder access to emergency equipment
(8) Methods of removing carry on baggage from aircraft when necessary
(9) Procedures regarding proper stowage of carry on baggage in the passenger cabin, including underseat stowage
(10) Procedures for handling unusual items in the cabin
(11) Procedures for the handling of cargo and in-seat baggage in the passenger compartment, including the types of cargo that may be carried in the passenger cabin and the location of seats in which it may be stowed
(12) Procedures to ensure crewmember verification that each piece of carry on baggage is stowed properly prior to the last passenger entry door being closed, including specific crewmember assignments and responsibilities

(13) Certificate holder procedures regarding the handling of carry on baggage during an aircraft evacuation

(d) Task: Minimum Equipment List (MEL)

Subtasks: Understand the certificate holder's procedures for the following:

(1) Description of the purpose and scope of the MEL as applicable to flight attendant duties

(2) Crew coordination procedures for reporting inoperative equipment

(3) Implications of MEL required procedures due to certain pieces of equipment being inoperative, and their effect on flight attendant duties

(4) Any other information relevant to flight attendant duties and responsibilities

10. Subject: Crew Resource Management

(a) Task: Authority of the Pilot in Command

Subtasks:

(1) The captain's authority, including responsibility for the safety of flight in routine and emergency conditions

(2) Chain of command and importance of chain of command

(3) Chain of command as applicable to specific airplane

(b) Task: Communication Processes and Decisions

Subtasks:

(1) Briefing

(2) Utilize effective questioning and challenging techniques

(3) Self-critique

(4) Communication with available personnel

(5) Decisionmaking

(6) Conflict resolution

(7) Threat and Error Management:

(i) Where threats are events that;

(A) Occur outside the influence of the flight crew (*i.e.,* not caused by the crew)

(B) Increase the operational complexity of a flight; and/or

(C) Require crew attention and management

(ii) Where errors are occurrences that:

(A) Lead to a deviation from crew or organizational intentions or expectations

(B) Reduce safety margins; and

(C) Increase the probability of adverse operational events on the ground or during flight

(c) Task: Building and Maintenance of a Flight Team

Subtasks:

(1) Leading and following, including the importance of crewmembers functioning as a team

(2) Use of interpersonal skills and leadership styles in a way that fosters crew effectiveness.

(3) Significance of cultural differences

(d) Task: Workload Management and Situational Awareness

Subtasks:

(1) Preparation and planning

(2) Vigilance

(3) Workload distribution

(4) Distraction avoidance

(e) Task: Communication and Coordination

Subtasks: Flight attendant must know notification and communication procedures between the cabin and flight deck including:

(1) Flight deck and cabin chimes and interphone signals for routine situations

(2) Flight attendant notification to flight crew that aircraft is ready for movement on the surface

(3) Flight crew notification to flight attendant to be seated prior to take-off

(4) Flight attendant recognition of critical phases of flight

(5) Crewmember coordination and notification regarding access to flight deck

(6) Notification to flight attendants of turbulent air conditions

(7) Notification between flight crew and flight attendants of emergency or unusual situations

(8) Notification between flight crew and flight attendants of inoperative equipment that is pertinent to flight attendant duties and responsibilities

(9) Normal and emergency communication procedures to be used in the event of inoperative communication equipment

(f) Task: Crewmember Briefing

Subtasks:

(1) Crewmember responsibilities regarding briefings

(2) Flight crew to flight attendant(s) briefings

(3) Flight attendant to flight attendant(s) briefings (*e.g.,* when PIC has not briefed the entire crew, or when a flight attendant joins a working crew)

(4) Required information

(5) Security procedures

(6) Communication procedures

(7) Emergency procedures

(8) MELs affecting cabin safety equipment and procedures

(9) Flight information

(10) Content of crew briefing as applicable to specific aircraft

(11) Responsibilities of flight attendants to brief new flight attendant crew during a crew change regarding any unserviceability of equipment, special passengers, and other safety matters pertinent to the flight

(g) Task: Communication and Coordination During a Passenger Interference Situation

Subtasks:

(1) Certificate holder's written program regarding the handling of passenger interference, including crewmember communication and coordination

(2) Importance of crewmembers and other employees working as a team

(3) Role of management and crewmember in follow-up

(h) Task: Communication and Coordination During an Emergency Situation

Subtasks:

(1) Actions for each emergency situation

(2) Importance of notification and who must be notified

(3) Alternate actions if unable to notify

(4) Communication during preparation for a planned emergency evacuation such as time available, type of emergency, signal to brace, and special instructions

11. Subject: Theory of Flight

(a) Task: Components of Aircraft

Subtasks:

(1) Wing-leading edge, trailing edge, wing tip, wing root, winglet

(2) Tail-fixed vertical stabilizer, rudder, elevator

(3) Miscellaneous-fuselage, spoilers, speed brakes, main gear, nose wheel

(4) Flight control surfaces and their functions-ailerons, flaps, rudder, elevator

(b) Task: Principles of Flight

Subtasks:

(1) Forces acting on an aircraft-lift, weight, thrust, drag

(2) Three axes and movement around each-yaw, pitch and roll

(3) Weight and balance-weight distribution and center of gravity and their effect on aircraft controllability and stability

(c) Task: Critical Surfaces and Associated Hazards

Subtasks:

(1) Recognition of critical aircraft surfaces

(2) Recognition of hazards to flight associated with contamination of those surfaces

(3) Awareness of conditions most likely to produce such contamination (such as snow and ice, volcanic ash and dust)

(4) Importance of timely communication of observed hazards to flight deck

(5) Awareness of carrier procedures for decontamination of surfaces

(d) Task: Aviation Terminology

Subtasks:

(1) Identify and define aviation terminology common to the certificate holder, including terms related to airports, ground operations and flight operations

(2) Identify any specific voluntary safety programs used by certificate holder (such as ASRS, ASAP, FOQA) as they relate to flight attendants

(3) Identify standard measurement units used in aviation (such as the 24 hour clock, Greenwich Mean Time, time zone changes)

*B. Area of Instruction: Flight Attendant Duties and Responsibilities—Abnormal Situations (see § 121.1369)*

1. Subject: Handling Passengers Whose Conduct May Jeopardize Safety

(a) Task: General

Subtasks:

(1) The flight attendant must know the certificate holder's procedures for handling passengers who could threaten the safety of the flight or the passengers, including how to do the following:

(i) Identify and manage potential problem passengers who could threaten safety of the flight, passengers, or crew and monitor passenger conduct

(ii) Monitor and identify potential problem passengers during boarding

(iii) Identify baggage that may be considered suspect on board an aircraft

(iv) Recognize hazardous materials labels

(v) Report hazardous materials to the flight crew

(vi) Monitor lavatories periodically throughout the flight

(vii) Perform cabin checks periodically throughout the flight

(2) The flight attendant must know specific certificate holder procedures for maintaining flight deck security

(b) Task: Passenger Interference

Subtasks:

(1) The flight attendant must know the following requirements, procedures, and all information for handling passengers who

might interfere with crewmembers in the performance of their duties and who could threaten the safety of the flight or the passengers:

(i) Title 14 CFR 121.580, Prohibition on interference with crewmembers

(ii) Title 49 U.S.C. 46318, Interference with cabin or flight crew

(iii) Certificate holder's program regarding the handling of disruptive passengers

(iv) Categories of disturbance and crewmember actions

(v) How to diffuse the situation with difficult passengers

(vi) Recommended crew coordination procedures

(2) The flight attendant must be trained to manage the following:

(i) Address incidents of non-compliance immediately

(ii) Inform passenger of regulatory requirements and certificate holder policies

(iii) Manage disruptive or problem passengers by using a team approach or specific certificate holder techniques designed to defuse such situations

(iv) Maintain crewmember's personal security

(v) Communicate with flight crew immediately to report non-compliant passengers and maintain communications throughout the event

(vi) Coordinate with other flight attendants regarding team concept problem management

(vii) Comply with certificate holder procedures regarding involvement of law enforcement officials

(viii) Obtain assistance from other crewmembers or passengers

(ix) Restrain violent passengers as indicated in certificate holder procedures

(x) Appropriate use of equipment provided by the certificate holder

(xi) Complete all required certificate holder forms

(xii) Be able to use techniques to recognize and diffuse passenger panic situations

(c) Task: Smoking Ban Violations

Subtasks: The flight attendant must know the following for handling of passengers who smoke onboard the aircraft:

(1) Procedures for passengers who smoke while seated

(2) Procedures for passengers who smoke in the lavatory

(3) Procedures for passengers who tamper with a smoke detector

(4) Required crew coordination and communication

(5) Procedures to address a possible fire hazard from the discarded cigarette

(6) Reporting procedures

(d) Task: Intoxication

Subtasks:

(1) The flight attendant must know the following for handling of passengers who appear to be intoxicated:

(i) Required crew coordination, communication, and notification procedures

(ii) Prohibition against boarding passengers who appear to be intoxicated

(iii) Certificate holder procedures regarding the removal of a passenger who has boarded the aircraft and appears to be intoxicated

(iv) Certificate holder procedures regarding the determination that a passenger has reached his or her 21st birthday

(v) Prohibition against serving alcohol to passengers who appear to be intoxicated

(vi) Prohibition against serving alcohol to persons who are escorting a prisoner or who are being escorted

(vii) Prohibition regarding passengers consuming alcohol not served by the certificate holder and associated certificate holder procedures

(viii) Prohibition against serving alcohol to any person carrying a dangerous weapon

(ix) Regulatory requirement to report any alcohol related disturbance onboard an aircraft to the FAA within 5 days

(x) Reporting procedures

(2) The flight attendant must be trained to manage the following:

(i) Passengers appearing to be intoxicated during boarding

(ii) Passengers appearing to be intoxicated during flight

(iii) Reseat passengers from exit seats if they appear to become intoxicated in flight

(iv) Inform passenger of regulatory requirements and certificate holder policies as needed

(v) Communicate with flight crew immediately to report non-compliant passengers

(vi) Follow certificate holder procedures when serving alcohol

(e) Task: Passenger Misconduct

Subtasks:

The flight attendant must know how to diffuse the situation with difficult passengers and recommended crew coordination procedures

(f) Task: Security Procedures

Subtasks:

The certificate holder must develop a security program that meets the standards of the TSA's security training program for flight attendants. The certificate holder must document that the TSA has approved the security training program for flight attendants and the certificate holder must provide security training to each flight attendant in accordance with a security program approved by the TSA.

2. [Reserved]

*C. Flight Attendant Duties and Responsibilities—Emergency (see § 121.1373)*

1. Subject: Emergency Equipment

The flight attendant must know the preflight (if applicable), location, function, operation, and limitations of the following equipment in Tasks (a) through (e) of this section:

(a) Task: General Emergency Equipment

Subtasks:

(1) Flight attendant jumpseat and restraint system

(2) Portable oxygen equipment

(3) Megaphones

(4) Protective breathing equipment

(5) Communication systems (public address system, chimes, interphone, visual indicators)

(6) Lavatory smoke detector, flapper doors, and placards

(7) Crash ax

(8) Flashlights

(9) Any additional portable emergency equipment or systems pertinent to cabin safety

(b) Task: Equipment Used in Land and Water Evacuation

Subtasks:

(1) Evacuation alarms

(2) Emergency lighting systems

(3) Evacuation slides, slide rafts and rafts

(4) Escape ropes and escape tapes

(5) ELTs

(6) Survival kits

(7) Signaling equipment

(8) Flotation equipment

(9) Adult and child life preservers

(10) Infant flotation equipment

(11) Any specialized survival equipment specific to an aircraft type or operation

(c) Task: Emergency Medical Equipment

Subtasks:

(1) EMKs

(2) First aid kits

(3) Portable first aid and medical oxygen and oxygen systems

(4) CPR equipment

(5) AED

(6) Universal precautions and associated equipment

(7) Biohazard kit contents, use, and proper disposal procedures

(8) Needle disposal kits

(9) Any additional cabin safety equipment used during in-flight medical events

(d) Task: Portable Fire Extinguishers

Subtasks:

(1) Installed fire extinguishers

(2) Range and duration of each extinguisher

(3) Classes of fires with emphasis on proper extinguisher for each class of fire

(e) Task: Emergency Exit Doors, Plugs and Hatches, Including Doors, Window Exits, Floor Level Exits, Tailcone Exits, Ventral Stairs, Flight Deck Exits, and Any Other Exit Designed for Passenger or Crewmember Emergency Egress from the Aircraft

Subtasks:

(1) Each different emergency exit in the normal and emergency modes, including the actions and forces required in the deployment of the emergency slides or slide rafts

(2) Signal and conditions under which door can be opened or closed and locked or unlocked

(3) Procedures to verify door status (open or closed and locked or unlocked

(4) Slide pressure gauge and door pressure gauge

(5) Cabin pressurization indications and warnings, to include that the air conditioning cart can pressurize the aircraft on the ground if all doors are closed and the importance of awareness of pressurization warnings and indicators while on the ground

(6) Exterior and interior obstacles or hazards to persons or the exit during the opening or closing (*e.g.,* jetway, stairs, mobile passenger lounge, barrier straps)

(7) Signal for arming or disarming

(8) Procedures to properly arm and disarm the exit

(9) Procedures to verify girt bar placement for armed and disarmed

(10) Procedures to verify door is in the correct mode

(11) Proper procedures and use of operating mechanism to open exit and secure in locked position

(12) Proper procedures, operation, and use of stair operating mechanism for normal and emergency use
(13) Proper use of safety straps
(14) Proper use of barrier straps
(15) Proper use of locking mechanisms
(16) Proper use of escape ropes and escape tapes at overwing exits
(17) Proper use of control handles to close exits and secure in locked position
(18) Proper use of door locking override systems
(19) Proper use of slide override systems
(20) Understanding of door hazards
(21) Correct body position for door opening
(22) Protective positions during an evacuation
(23) Manual operations if pneumatic operations fail
(24) Functions of door levers, door opening devices, windows, and manual slide inflation systems
(25) Operation of exits on the flight deck
(26) Use of slide, raft, or slide raft as application for other survival needs
(27) Use of following exits in normal and emergency modes:
(i) Exits with slides or slide rafts
(ii) Exits without slides
(iii) Window exits
(iv) Tailcone exits
(v) Ventral stairs
(vi) Flight deck exits

2. Subject: Emergency Situations

(a) Task: Emergency Assignments and Procedures Including Coordination among Crewmembers
Subtask: The flight attendant must know emergency procedures for each type of emergency, including unwarranted evacuations, and planned and unplanned land and water evacuations:
(b) Task: Decompression and Physiological Effects of High Altitude (Required When Flight Operations are Authorized over 10,000 Feet)
Subtasks: The flight attendant must know:
(1) Symptoms associated with hypoxia
(2) Recognition of conditions in the cabin that a slow, rapid, or explosive decompression has occurred
(3) Principles of respiration and Time of Useful Consciousness and why it is different for cabin and flightcrew members
(4) Gas expansion and gas bubble formation and how it could affect the crewmember during a decompression
(5) Incidents of decompression
(6) Post decompression duties
(7) Procedures for crew communication and coordination
(8) Identification of information to be relayed to the flight crew via communication equipment
(9) Procedures for a slow, rapid, or explosive decompression while the flight attendant is in the cabin, crew rest areas, galleys, lower lobe galleys or other areas
(10) Procedures for a slow, rapid, or explosive decompression while the flight attendant is in the flight deck
(11) Awareness of possible flight crew response (*e.g.,* rapid descent) and its effect on the cabin and its occupants
(12) Certificate holder's procedures, including the following actions:
(i) Don the nearest oxygen mask
(ii) Fasten seat belt or hold on to something solid
(iii) Await notification from the flight deck before moving around the cabin
(iv) Follow post decompression duties
(v) Obtain and carry portable oxygen bottle
(vi) Monitor condition of passengers
(vii) Open passenger oxygen compartments that have not deployed if supplemental oxygen is needed
(viii) Administer first aid and first aid oxygen, if necessary
(ix) Communicate with fellow crewmembers
(x) Complete required carrier forms
(c) Task: Fire In-flight or on the Surface
Subtasks:
(1) Classes of fires
(2) Types of extinguishers appropriate to each class of fire
(3) Properties of halon extinguishers, including that the potential harmful effects on passengers and crew are negligible compared to the safety benefits achieved by fighting in-flight fires aggressively
(4) Correct methods for fire fighting, including proper use of PBE
(5) Methods of communication while wearing PBE and using aircraft communication systems
(6) Proper techniques for PBE hood removal
(7) Need for crewmembers to take immediate and aggressive action in response to signs of an in-flight fire
(8) Requirement to notify the flight deck as soon as possible and maintain constant communication and coordination
(9) Procedures to identify smoke in cabin, galleys and lower-lobe galleys, or lavatory
(10) Procedures for handling fire or smoke of undetermined origin
(11) Procedures for smoke removal, including crew communication and coordination, as well as passenger management, including any precautions
(12) Procedures for handling fire hidden behind interior panels or enclosed spaces, including removing or otherwise gaining access to the area behind interior panels (*e.g.,* crash ax or other tools) to effectively apply extinguishing agents to the source of the fire
(13) Procedures to respond to smoke detector activation in lavatory
(14) Recognition of odor of fire (*e.g.,* electrical fire or burning cloth)
(15) Procedures to identify location and source of fire (*e.g.,* in ovens; volatile fuel vapors; light ballast; cabin furnishings; stowage bins and hat racks; trash containers; clothing; APU; jetway; ramp fires)
(16) Procedures to identify class of fire (if possible)
(17) Procedures to assess the intensity of the fire (if possible)
(18) Procedures to communicate with other crewmembers and passengers including:
(i) Fight the fire and call flight crew to inform of fire
(ii) Obtain assistance of other flight attendants
(iii) Passenger handling
(iv) Use of interphone and other communication devices
(v) Use of passenger address system
(vi) Assign a passenger to locate and inform another flight attendant or flightcrew member, obtain back-up equipment and provide support
(19) Response to fire, including:
(i) Locate and retrieve the nearest PBE
(ii) Remove PBE from stowage, including container or pouch
(iii) Don PBE and activate oxygen in proper sequence using proper procedures
(iv) Locate and retrieve the nearest appropriate fire extinguisher
(v) Remove extinguisher from securing device
(vi) Prepare extinguisher for use (*e.g.,* break tamper seal, pull pins, release safety latches, and pressurize bottle)
(vii) Approach source of fire using protective techniques
(viii) Maintain safe distance from fire with PBE activated
(ix) Operate extinguisher discharge mechanism properly
(x) Discharge extinguisher at base of fire using proper discharge pattern, bottle position and flight attendant body position
(xi) Use aircraft communication system with PBE on (as necessary)
(xii) Maintain and ensure ongoing communication with flight crew
(xiii) Direct passengers to relocate away from fire location, as appropriate
(xiv) Instruct passengers to breathe through clothing
(xv) Distribute wet towels, if possible
(xvi) Relocate nearby portable oxygen bottles and canisters
(xvii) Use additional fire extinguishers and other firefighting equipment
(xviii) Coordinate ongoing fire control activity with other flight attendants and flightcrew members
(xix) Accept replacement by another flight attendant with PBE and extinguisher (as necessary) to perform continuous firefighting duties
(xx) Use follow-up procedures once fire appears extinguished
(xxi) Monitor indications that PBE is reaching time limits of operation
(xxii) Remove PBE as usefulness expires or need is eliminated
(xxiii) Position used PBE and extinguishers according to certificate holder procedure
(xxiv) Check conditions of passengers in immediate area
(xxv) Report condition of fire and cabin to the flight crew
(xxvi) Complete required reports
(20) Training must also include:
(i) *Fire Prevention:* flight attendant readiness; cabin checks (including stowage of articles that could contribute to fire); articles that may block air vents in the galley; lavatory checks (including importance of material and condition of trash container, spring-loaded flapper door, smoke detection systems, and fire extinguishers); galley checks (including improper stowage of articles in the oven, safe oven operations, cooking and heating limitations, proper stowage of flammable materials around ovens and heating elements or lights and the importance of keeping areas around vents clear); enforcement of smoking regulations; and proper use of electrical equipment

(including use of circuit breakers). Crewmembers must also be alert to fires that can occur on board the aircraft while the aircraft is on the ground (*e.g.,* during boarding).

(ii) *Characteristics of an aircraft fire:* Flash-over and criticality of time management; toxic fumes and chemical irritants; review of function, use, and limitations of fire fighting equipment; fire fighting techniques; special factors (including cabin material flammability and toxicity); location of highly combustible and flammable items and equipment; confined space; evacuation of personnel from lower lobe galleys and cabin ventilation.

(iii) *Electrical Equipment and Circuit Breakers:* Procedures for circuit breaker use associated with galleys, service centers, lifts, lavatories, movie screens and other electrical equipment must be emphasized as well as location of accessible (in the passenger cabin) circuit breakers for each system.

(iv) *External Fires on Ground:* Crew coordination; role of flight attendants for exterior aircraft fires; APU, jetway, ramp fires; notification of appropriate airport personnel if necessary.

(d) Task: Land and Water Evacuation

Subtasks:

(1) Recognition of the need for evacuation

(2) Crew communication and coordination

(3) Recognition of the importance of maintaining situational awareness and ability to anticipate and adapt as emergency progresses

(4) When airplane is stopped away from the gate after a significant event, ensure exits are armed and actively monitor exit availability in case an emergency evacuation is necessary

(5) Use of evacuation signals

(6) Brace for impact position for self and passengers

(7) Importance of selection and briefing of able bodied passengers

(8) How to assess conditions

(9) Initiation of evacuation

(10) Decision not to evacuate

(11) Use of commands

(12) Use of protective position

(13) Passenger behavior which may hinder an evacuation (*e.g.,* passive, aggressive, negative and positive panic, hysteria)

(14) Passenger flow control management

(15) Evacuation of passengers or crewmembers who need the assistance of others

(16) Toxic smoke and flashover time criticality

(17) Care of passengers following evacuation

(18) Evacuation procedures for each type of evacuation, including passenger preparedness, cabin preparation, and crew coordination procedures in accordance with the certificate holder's procedures

(19) Crew duties and responsibilities for each crew position on each aircraft type on which the flight attendant will serve

(20) Primary and secondary exit responsibilities

(21) Raft responsibilities, including the importance of effective raft management

(22) Launching and boarding of assigned raft

(23) Passenger briefings for each assigned exit and duty position

(e) Task: Illness, Injury or Other Abnormal Situations

Subtasks:

(1) The flight attendant must know the following:

(i) Procedures regarding the proper use of emergency medical equipment

(ii) Unique aircraft cabin conditions that make giving first aid difficult

(iii) Incapacitated crewmember procedures, including maintaining coverage of minimum crew positions and responsibilities, reseating, and briefing passengers who may be used for exit responsibilities

(2) The flight attendant must be trained to do the following:

(i) Respond to request for assistance or identify ill or injured individual in need of first aid

(ii) Communicate and coordinate information with other crewmembers

(iii) Use interphone to communicate with flightcrew members

(iv) Use interphone, public announcement system, or a passenger to locate and inform other flight attendants or other passengers needed to assist

(v) Request assistance from onboard medical personnel

(vi) Use proper techniques to move person to specified place on that configuration of airplane, if needed

(vii) Request assistance, if needed, from other flight attendants, passengers, or flight crew

(viii) Retrieve universal precaution equipment, as needed

(ix) Comply with procedures for taking universal precautions against blood borne pathogens

(x) Use gloves, mask, eye shield and other protective gear as needed

(xi) Properly dispose of biohazard

(xii) Report possible exposure to blood borne pathogens

(xiii) Retrieve and use contents of first aid kit, EMK, and other emergency medical equipment, according to certificate holder procedures

(xiv) Retrieve portable oxygen bottle, if needed

(xv) Request help from ground (airline contact with medical professionals on the ground)

(xvi) Assess condition of person who is ill or injured, including conducting an interview to obtain medical history

(xvii) Follow certificate holder's first response medical event procedures

(xviii) Use CPR equipment

(xix) Perform CPR

(xx) Follow procedures for performing CPR during landing

(xxi) Use of AED

(xxii) Ensure someone is monitoring passenger who requires oxygen

(xxiii) Follow procedures for passenger who requires oxygen during landing

(xxiv) Properly stow, reposition and report the use of portable oxygen bottle(s) and other emergency medical equipment

(xxv) Coordinate with Emergency Medical Personnel once on the ground

(xxvi) Follow procedures to handle other passengers onboard while medical personnel board and care for ill or injured passenger

(xxvii) Inform flightcrew member of equipment used

(xxviii) Complete required reports

(3) The flight attendant must be trained to recognize and respond to the following:

(i) Bleeding

(ii) Chest pain

(iii) Burns

(iv) Injuries to the extremities

(v) Shock

(vi) Unconsciousness

(vii) Allergic reaction

(viii) Hyperventilation

(ix) Stroke

(x) Seizures

(xi) Diabetic emergencies

(xii) Childbirth

(xiii) Abdominal distress

(xiv) Airsickness

(xv) Injuries to the skull, spine, neck and chest

(xvi) Eye injury

(xvii) Ear distress

(xviii) The effects of alcohol or drug impairment

(xix) Infectious diseases and conditions

(f) Task: Turbulence

Subtasks:

(1) Awareness of turbulence hazards, aircraft behavior in turbulence and the need to maintain personal safety

(2) Predeparture briefing regarding forecast turbulence related weather conditions

(3) Announcement requirements

(4) Two way communication and coordination procedures between flightcrew members and flight attendants during all phases of flight, including the use of the Fasten Seat Belt sign

(5) Standardized phraseology and communications regarding anticipated time, intensity and duration of turbulence encounters

(6) Procedures promoting voluntary passenger seat belt use and compliance with the Fasten Seat Belt sign

(7) Review of certificate holder history regarding significant turbulence encounters and injuries, as appropriate

(8) Location and use of emergency handholds available in the cabin, galley and lavatories (such as, handles, grab bars, or interior wall cutouts) by flight attendants and passengers who are not seated and restrained during turbulence

(9) Procedures regarding anticipated and unanticipated turbulence encounters, including:

(i) Flight attendant notification by the flight deck

(ii) Assessing the severity of the turbulence and initiating standard operating procedures based on that assessment

(iii) Prioritization of flight attendant duties

(iv) Securing galley and passenger cabin

(v) Flight attendant's personal safety

(vi) Handling flight attendants who may become incapacitated during a turbulence encounter

(10) Handling passengers who may become injured during a turbulence encounter

(g) Task: Hijacking or Other Unusual Situations

Subtask:
The certificate holder must develop a security program that meets the standards of the TSA security training program for flight attendants. The certificate holder must document that the TSA has approved the security training program for flight attendants and the certificate holder must provide security training to each flight attendant in accordance with a security program approved by the TSA.
(h) Task: Aircraft Occurrences, Accidents, and Incidents
Subtasks:
(1) Importance of crewmember actions
(2) How crewmember actions affect the outcome of accidents and incidents
(3) Review and discuss previous aircraft accidents and incidents
(i) Task: Survival Skills
Subtasks:
(1) Effective survival skills to use in conditions relevant to the certificate holder's route structure (*e.g.,* extreme remote geographical areas)
(2) Appropriate use of specialized survival equipment on the aircraft

**III. Aircraft Specific Task Requirements (see § 121.1369)**

*A. For Each Aircraft Type*

1. Subject: A General Description of the Aircraft

Description, location, function, and operation of the following:
(a) Task: Aircraft Characteristics and Description
Subtasks:
(1) Design
(2) Major aircraft components and control surfaces
(3) Principle dimensions
(4) Interior configuration
(5) Powerplant
(6) Range
(7) Speed
(8) Altitude
(9) Passenger seating capacity
(b) Task: Cabin Configuration
Subtasks:
(1) Flight attendant panels
(2) Flight attendant jumpseats and restraint systems
(3) Passenger seating zones
(4) Passenger seats
(5) Galley
(6) Lavatories
(7) Stowage areas
(8) Emergency exits
(9) Oxygen mask compartments
(10) Passenger service units
(11) Passenger convenience panels
(12) Passenger information signs
(13) Required placards
(14) Passenger-cargo configurations
(15) Escape path lighting
(c) Task: Passenger Seats
Subtasks:
(1) Seat belts
(2) Shoulder harnesses
(3) Armrests, footrests and seat recline controls
(4) Tray tables
(5) Passenger service units
(6) Passenger convenience panels on armrests
(7) Passenger information signs
(8) Placards
(9) Passenger entertainment systems
(10) Passenger flotation equipment
(11) Any other passenger seating equipment or systems relevant to flight attendant duties and responsibilities
(d) Task: Air Conditioning, Ventilation, and Pressurization Systems
Subtasks:
(1) Cabin pressurization indicators and systems
(2) Aircraft environmental control systems
(3) Any other air conditioning and pressurization equipment or systems relevant to flight attendant duties and responsibilities
(e) Task: Flight Attendant Jumpseats
Subtasks:
(1) Preflight
(2) Automatic seat retraction
(3) Jumpseat headrest
(4) Restraint system integrity
(5) Function and operation of the restraint system
(6) Securing restraint system when not in use
(7) Flotation equipment
(8) Any other flight attendant station equipment or systems relevant to flight attendant duties and responsibilities
(f) Task: Flight Attendant Panels
Subtasks:
(1) Identification and function of controls, switches and indicators on flight attendant panels
(2) Preflight and use of controls and switches
(3) Any other flight attendant panel equipment or systems relevant to flight attendant duties and responsibilities
(g) Task: Carry On Baggage Stowage
Subtasks:
(1) Overhead compartments
(2) Open overhead racks
(3) Closets
(4) Stowage compartments
(5) Underseat stowage restraint requirements
(6) Weight restrictions
(7) Restraint or latching requirements
(8) Required placards
(9) Location requirements for oversized items in the passenger cabin
(10) Designated areas for the carriage of pet containers in the passenger cabin
(11) Designated areas for the stowage of passenger assistance aids, such as wheelchairs, canes and crutches
(12) Any other carry on baggage stowage equipment or systems relevant to flight attendant duties and responsibilities
(h) Task: Communication Systems
Subtasks:
(1) Call system, including:
(i) Call light switches
(ii) Chime and light indicators when a call is initiated
(iii) Routine and emergency call light identification
(iv) Resetting procedures for call light indicators
(2) Interphone system, including:
(i) Location of handset controls and indicators
(ii) Function and operation of routine and emergency controls and indicators
(iii) Interphone system inoperative procedures
(3) Passenger address system, including:
(i) Location of handset and microphone controls and indicators
(ii) Passenger address system inoperative procedures
(iii) Any other communication equipment or systems relevant to flight attendant duties and responsibilities
(i) Task: Entertainment and Convenience Systems
Subtasks:
(1) Description of aircraft entertainment and convenience systems
(2) Location and operation of controls and switches including system indicators
(3) Problem identification, including probable causes and corrective action procedures
(4) Location of accessible circuit breakers for each system
(5) Any other entertainment and convenience equipment of systems relevant to flight attendant duties and responsibilities
(j) Task: Flight Deck Configuration
Subtasks:
(1) Flightcrew member and observer stations
(2) Portable emergency equipment
(3) Use of oxygen systems
(4) Use of flight deck door securing devices and locking systems
(5) Operation of observer's jumpseat, including function and operation of the restraint system
(6) Operation of flight deck door including emergency opening procedures
(7) Emergency exits and means of egress
(8) Any other flight deck equipment or systems relevant to flight attendant duties and responsibilities
(k) Task: Galleys
Subtasks:
(1) Ovens
(2) Refrigeration units
(3) Stowage compartments and latching devices
(4) Carts and braking mechanisms and restraining devices
(5) Electrical control panels and circuit breakers
(6) Water system and water shutoff valves
(7) Oxygen mask compartments
(8) Lower lobe galleys including operation of escape exits and lifts
(9) Weight restrictions
(10) Any other galley equipment or systems relevant to flight attendant duties and responsibilities
(l) Task: Lavatories
Subtasks:
(1) Washbasins
(2) Supply compartments and latching devices
(3) Oxygen mask compartments
(4) Passenger information signs
(5) Required placards
(6) Automatic fire extinguishers
(7) Fire detection systems
(8) Water shut off valves
(9) Water heater switches and indicators
(10) Interior door locking mechanism and signs
(11) Special lavatory components (*e.g.,* doors that may be removed to facilitate

access to an incapacitated passenger, lavatory walls which retract to allow for stretcher removal around corners and out of certain exits)

(12) Any other lavatory equipment or systems relevant to flight attendant duties and responsibilities

(m) Task: Required Signs and Placards

Subtasks:

(1) Passenger information signs, including:

(i) No Smoking signs

(ii) Fasten Seat Belt signs

(iii) Lavatory Occupied signs

(iv) Return To Seat signs in the lavatory

(v) Exit signs

(2) Aircraft markings, including:

(i) Interior emergency exit markings indicating location of each passenger emergency exit

(ii) Emergency exit handle markings indicating location of operating handle and instructions for opening exit

(iii) Emergency equipment markings to identify equipment location

(3) Aircraft placards, including:

(i) Placards on each forward bulkhead and passenger seat stating Fasten Seat Belt While Seated

(ii) Placards in each lavatory stating Federal law provides for a penalty for tampering with the smoke detector installed in this lavatory

(iii) Weight limit placards

(n) Task: Lighting and Electrical Systems

Subtasks:

(1) Interior and exterior lighting

(2) Cabin lighting systems, including:

(i) Controls

(ii) Switches

(iii) Testing procedures, in accordance with certificate holder procedures

(3) Cabin circuit breakers, including:

(i) Means of access

(ii) Switches

(iii) Indicators

(o) Task: Oxygen Equipment and Systems

Subtasks:

(1) Flightcrew and observer oxygen system, including:

(i) Location of oxygen regulators and quick-donning oxygen masks

(ii) Emergency operation of oxygen regulator switches and indicators

(iii) Distinction between "on demand" and "under pressure" oxygen flow

(iv) Proper use of oxygen masks

(2) Passenger oxygen systems, including:

(i) Description and location of each type of oxygen mask and compartment

(ii) Location of extra masks

(iii) Description and location of oxygen mask compartment door latching indicators

(iv) Method to manually open each type of oxygen mask compartment

(v) Restrictions for repacking oxygen mask compartments

(vi) Automatic and manual means of system activation

(vii) Indicators of oxygen system activation

(viii) Procedure for initiating oxygen flow to the mask(s)

(ix) Procedure for properly donning oxygen mask and testing for oxygen flow

(x) Procedure for resetting oxygen system in the event oxygen system is not designed to shut off automatically

(xi) Procedure for activating aircraft system for first aid oxygen, if available

(xii) Any other fixed oxygen equipment or systems relevant to flight attendant duties and responsibilities

(p) Task: Notification of Inoperative Equipment

Subtasks:

(1) MEL, including specific cabin equipment and systems pertinent to flight attendant duties that may be inoperative, including the importance of requesting this information during the preflight briefing

(2) Impact of inoperative cabin equipment and systems on flight attendant duties and procedures as briefed by PIC

(q) Task: Emergency Equipment Location. Location of emergency equipment, if not included in emergency equipment training (see paragraph II.C.1 (a) through (d) of this attachment)

(r) Task: Emergency Exit Doors, Plugs and Hatches, Including Doors, Window Exits, Floor Level Exits, Tailcone Exits, Ventral Stairs, Flight Deck Exits, and Any Other Exit Designed for Passenger or Crewmember Egress From the Aircraft

Subtasks:

(1) Location, function, normal and emergency operation and limitations of each emergency exit if this information is not included in Emergency Equipment Training (see paragraph II.C.1.(e) of this attachment)

(2) Any other exit designed for passenger or crewmember egress from the aircraft

(i) Procedures for using each exit in the normal mode (if applicable)

(ii) Procedures for using each exit in the emergency mode

(s) Task: Crewmember Rest Facilities

Subtasks:

(1) Operation of emergency systems

(2) Operation of escape exits

(3) Operation of escape lifts

(4) Oxygen systems

(5) Communication systems

(6) Restraint systems

(7) Any additional equipment or systems in the crewmember rest facilities on the aircraft on which the flight attendant serves

2. [Reserved]

*B. [Reserved]*

**IV. Emergency Training Drill Requirements (see § 121.1373)**

A. Each flight attendant must operate each exit of each aircraft type on which the flight attendant is to serve in both the normal and emergency modes, including the actions and forces required in the deployment of emergency evacuation slides.

B. Each flight attendant must complete the following emergency training drills during the specified training periods, using those items of installed emergency equipment for each type of aircraft operated by that part 119 certificate holder in which the flight attendant is to serve.

C. Each piece of emergency equipment and training device must be secured using the same bracket or securing device that is used on the aircraft, prior to being operated by each flight attendant during each drill (if the flight attendant does not complete the equipment mountings drill for that piece of equipment) or prior to being operated for each flight attendant during an observation drill.

D. Flight attendants must complete each drill without manual reference or coaching.

E. Successful individual evaluation of each flight attendant's performance by a person authorized to administer proficiency tests is required. Flight attendants who cannot demonstrate the required level of proficiency during testing must be retrained in accordance with the certificate holder's procedures prior to retesting.

F. The operation of the equipment must replicate that installed in the certificate holder's aircraft on which the flight attendant is to be qualified with respect to weight, dimensions, appearance (*e.g.,* color, placards and markings), features, charge (if applicable), controls, types, and operation.

**V. Emergency Training Drills—General (see § 121.1373)**

*A. Subject: Job Performance Drills*

1. Task: Operation of Each Type of Installed Hand Fire Extinguisher (Job Performance)

(a) *Environment:* The extinguisher must be charged; however, it may be charged with an environmentally friendly agent and meet the requirements of IV.F of this attachment.

(b) *Task:* This drill is not required for the type of fire extinguisher used in the protective breathing equipment and firefighting drill (Task 8). Flight attendants must fight an actual or simulated fire. The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Remove fire extinguisher from the brackets (if not completed during the equipment mountings drill)

(2) Prepare extinguisher for use (*e.g.,* rotate handle to pressurize, perform actions to break tamper seals, pull pin, release safety latch)

(3) Operate extinguisher discharge mechanism properly

(4) Aim and discharge extinguisher at the base of the fire (actual or simulated "open flame") or as close to the source as possible ("hidden fire") using proper discharge pattern, bottle position and flight attendant body position.

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate.

2. Task: Operation of Each Type of Portable Oxygen Equipment (Job Performance)

(a) *Environment:* The drill does not need to be repeated using each type of portable oxygen bottle installed in the aircraft provided the procedures, oxygen mask tubing, fittings, and the means to activate the oxygen flow are the same from one bottle to the other, regardless of the size of the portable oxygen bottle. Where types differ, the drills must be repeated with the appropriate equipment and meet the requirements of IV.F of this attachment.

(b) *Task:* The flight attendant must complete the following during the drill, and

be evaluated and debriefed on the proper use of equipment and procedures:

(1) Remove the bottle or canister from the bracket or stowage (if not completed during the equipment mountings drill)

(2) Retrieve oxygen mask and hose, attach coupling to outlet as per air carrier's procedures

(3) Use the carrying strap

(4) Prepare the "passenger" for receiving oxygen administration (*e.g.,* no smoking, possibly relocating passenger)

(5) Activate the oxygen and test for flow, position and secure the mask to the passenger's face

(6) Secure the oxygen bottle or canister and position it to monitor the supply

(7) Demonstrate proper handling techniques if using portable solid state units

(8) Demonstrate proper placement of hot generators, as per certificate holder procedures, if using solid state units

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also recognize indications regarding duration of oxygen supply.

3. Task: Operation of Each Type of Fixed Oxygen System in the Cabin (Job Performance)

(a) *Environment:* The drill does not need to be repeated using each type of fixed oxygen system installed in the aircraft provided the procedures and the means to activate the oxygen flow, and the method to manually open the compartment, are the same from one system to another. Where types differ, the drills must be repeated with the appropriate equipment and meet the requirements of IV.F of this attachment.

(b) *Task:* The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Each flight attendant must manually drop oxygen mask and follow the crewmember coordination procedures

(2) The flight attendant must demonstrate the ability to "turn on" the oxygen system, if necessary

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate.

4. Task: Operation of Each Type of Protective Breathing Equipment (Job Performance)

(a) *Environment:* PBE consisting of a portable oxygen bottle and full-face mask must be fully operational and charged. Self contained PBE may be substituted with a training smoke hood that is not operational. In addition the equipment must meet the requirements of IV.F. of this attachment.

(b) *Task:* This drill is not required for the type of PBE used in the protective breathing equipment and firefighting drill (Task 8). The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Remove PBE from stowage including stowage container (if not accomplished during the equipment mountings drill) and pouch, if applicable

(2) Don PBE and activate oxygen in proper sequence and using proper techniques

(3) Verify proper seal

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also be trained to recognize indications regarding duration of oxygen supply.

5. Task: Operation of Each Type of Installed Life Preserver and Each Type of Individual Flotation Means (Job Performance)

(a) *Environment:* See paragraph IV.F of this attachment.

(b) *Task:* The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Remove life preserver from the sealed or closed (actual or simulated) pouch

(2) Don and secure life preserver and inflate using automatic inflation of at least one chamber

(3) Partially inflate or simulate inflation of second chamber of life preserver orally

(4) Practice deflation technique

(5) Locate and review light activation

(6) Demonstrate the procedures to use a life preserver for a child (and infant, if applicable)

(7) Demonstrate proper arm placement and use of seat cushion

(8) Demonstrate use of seat cushion by infant and small child utilizing air carrier's procedures

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also:

(1) Recognize removal procedures for seat cushions, and also recognize any equipment or furnishings that may complement or may hinder the removal of the seat cushion or life preserver

(2) Recognize the hazards that can be associated with inflating life preservers in the aircraft

6. Task: Operation of Each Type of Automated External Defibrillator (AED) (Job Performance)

(a) *Environment:* See paragraph IV.F of this attachment

(b) *Task:* The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Remove the AED from the bracket or stowage (if not completed during the equipment mountings drill)

(2) Prepare the AED for use

(3) Prepare the scene and "passenger" for use of an AED

(4) Follow AED prompts for proper use, including the administration of shocks, rescue breathing and the administration of cardiopulmonary resuscitation (CPR) if so prompted, to include the use of the CPR mask

(5) Detach leads, if required by certificate holder procedures

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also recognize the need for defibrillation. The flight attendant must recognize precautions regarding placement and use of AED for adults, children or infants, if applicable.

7. Task: Cardiopulmonary Resuscitation (CPR)—Adult, Child, and Infant (Job Performance)

(a) *Environment:* This drill must be performed using training equipment that meets the requirements of IV. F of this attachment and creates an effective environment for the accomplishment of the performance drill.

(b) *Task:* This CPR drill is not required if the flight attendant performs CPR during the operation of each type of installed automated external defibrillator. The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Administer CPR, to include the use of the CPR mask, for adult, child or infant CPR. Each must be done within a three year cycle

(2) [Reserved]

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also recognize the need for CPR.

8. Task: Protective Breathing Equipment and Firefighting Drill (Job Performance)

(a) *Environment:* This drill must be performed using training equipment that creates an effective environment for the accomplishment of performance drills using at least one type of hand fire extinguisher that replicates the features and operating mechanisms of the installed fire extinguishers, with the exception of the extinguishing agent, and is appropriate for the type of actual fire being fought while using the type of installed PBE required by § 121.337 or an approved PBE simulation device. A self-contained PBE may be substituted with a training smoke hood which is not operational.

(b) *Task:* The flight attendant must complete at least one approved protective breathing equipment and firefighting drill in which the flight attendant combats an actual fire, during basic qualification training.

(1) For recurrent training, the flight attendant must combat an actual or simulated fire using at least one type of installed hand fire extinguisher or approved training device that is appropriate for the type of actual fire or simulated fire to be fought while using the type of installed PBE required by § 121.337 or an approved PBE simulation device

(2) Each 36 months, the flight attendant must combat at least one "hidden fire" that is actual or simulated (*e.g.,* behind a panel, in a lavatory or with an undisclosed source of origin)

(3) The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(i) Locate source of fire and smoke

(ii) Remove PBE from stowage container and pouch

(iii) Don PBE and activate oxygen in proper sequence (activation of oxygen may be simulated)
(iv) Verify neck seal
(v) Simulate the use of aircraft communication systems
(vi) Select appropriate fire extinguisher
(vii) Remove the fire extinguisher from brackets/secured position (if not accomplished during the equipment mountings drill)
(viii) Prepare extinguisher for use (*e.g.,* rotate handle to pressurize, perform action to break tamper seals, pull pin, release safety latch)
(ix) Approach fire or smoke
(x) Fight fire using proper techniques
(xi) Operate extinguisher discharge mechanism properly
(xii) Demonstrate proper passenger handling/protection techniques
(xiii) Ensure fire is extinguished
(xiv) Use proper techniques for PBE removal
(xv) Properly secure equipment as per certificate holder's procedures
(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also recognize the problem, be aware of PBE duration, and be aware of signals that PBE is no longer generating oxygen to wearer.

9. Task: Cabin Preparation (Land and Water Evacuation) Drill (Job Performance)

(a) *Environment:* This drill must be performed using training equipment that creates an effective environment for the completion of the performance drill.
(b) *Task:* Each flight attendant must participate as either a flight attendant or a passenger in a full, complete, and uninterrupted cabin preparation as outlined in the "Cabin Preparation for a Planned Land Evacuation" drill. In addition, if the flight attendant is to be qualified in extended overwater operations, that flight attendant must participate as either a flight attendant or a passenger in a full, complete and uninterrupted cabin preparation as outlined in the "Cabin Preparation for a Planned Water Landing (Ditching)" drill.
(c) For the purposes of recurrent training, flight attendants may complete a "Cabin Preparation for a Planned Land Evacuation" drill and a "Cabin Preparation for a Planned Water Landing (Ditching)" drill during alternate recurrent training cycles. If the flight attendant has not participated as a flight attendant in one of the cabin preparation drills, then the flight attendant must participate as a flight attendant in at least a portion of another evacuation drill.
(d) The flight attendant must participate as a crewmember or a passenger in at least one of the following approved cabin preparation drills to include crew coordination procedures, cabin preparation and passenger preparation that is applicable to the certificate holder's operations. The flight attendant must also apply tasks and procedures following the prescribed sequence, as priorities allow.
(e) During the initiation phase of the cabin preparation for the planned land evacuation and the planned water landing (ditching), the flight attendant must:
(1) Receive notification from the flight deck, including:
(i) Use of emergency notification signal
(ii) Confirmation from the flight deck that an emergency landing and evacuation are anticipated
(2) Communicate with PIC to obtain the following essential information:
(i) Find out the amount of time remaining until landing
(ii) Find out what type of landing is anticipated (*e.g.,* aircraft configuration, environmental conditions, which exits can be used)
(iii) Establish and confirm signal to assume brace for impact position
(iv) Confirm signal to evacuate
(v) Coordinate with other flight attendants
(3) Prepare the cabin as follows:
(i) Secure galley ensuring all galley components and supplies are properly restrained
(ii) Adjust cabin lights to full bright
(iii) Deliver emergency announcement or demonstration
(f) The flight attendant must complete the following during the drills, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Conduct a Cabin Preparation for a Planned Land Evacuation
(i) Conduct initiation phase of the cabin preparation for the Planned Land Evacuation in accordance with paragraph V.A.9.(e) of this attachment
(ii) Instruct passengers to secure seatbelts low and tight and review how to release seat belts
(iii) Instruct passengers on brace for impact position(s) beginning with the position to be assumed by the majority of passengers
(iv) Conduct passenger review of passenger safety information card
(v) Instruct passengers on location of exits (primary and alternate)
(vi) Direct passenger attention to the location of escape path lighting
(vii) Instruct passengers on how to exit down slides or out windows
(viii) Instruct passengers on use of escape ropes or escape tapes at overwing exits
(ix) Direct passengers to leave everything behind
(x) Direct passengers to stay low in a smoke filled cabin
(xi) Reseat passengers as necessary
(xii) Brief able bodied passengers on tasks:
(A) Exit operation
(B) Signals or commands regarding starting the evacuation
(C) Slide operation
(xiii) Conduct compliance check
(xiv) Prepare for landing
(xv) Provide last minute instructions to passengers
(xvi) Check exits to ensure they are ready for evacuation
(xvii) Adjust cabin lighting to dim or off setting, in accordance with air carrier procedures
(xviii) Secure barrier strap
(xix) Use proper techniques to fasten flight attendant restraint system
(xx) Inform PIC of cabin readiness
(xxi) Perform silent review
(xxii) Assume flight attendant protective brace position
(xxiii) Command passengers to assume protective brace position and continue brace commands until the aircraft has come to a complete stop
(2) Conduct a Cabin Preparation for a Planned Water Landing (Ditching)
(i) Conduct initiation phase of the cabin preparation for the Planned Water Landing (Ditching) in accordance with paragraph V.A.9.(e) of this attachment
(A) Direct passengers to don life vests and instruct them on use
(B) Don crew life vest
(C) Instruct passengers to secure seatbelts low and tight and review how to release seat belts
(D) Instruct passengers on brace for impact position(s) beginning with the position to be assumed by the majority of passengers
(E) Conduct passenger review of passenger safety information card
(F) Instruct passengers on location of exits (primary and alternate)
(G) Direct passenger attention to the location of emergency floor level lighting
(H) Instruct passengers on how to exit down slides or out windows
(I) Direct passengers to leave everything behind
(J) Direct passengers to stay low in a smoke filled cabin
(K) Reseat passengers as necessary
(ii) Brief able bodied passengers on tasks:
(A) Exit operation
(B) Signals or commands regarding starting the evacuation
(C) Positioning raft according to carrier procedures
(D) Use of slide raft as raft
(E) Launching raft or slide raft
(iii) Continue with cabin preparation:
(A) Complete compliance check
(B) Prepare for landing
(C) Provide last minute instructions to passengers
(D) Check exits to ensure they are ready for evacuation
(E) Adjust cabin lighting to dim or off setting
(F) Secure barrier strap
(G) Use proper techniques to fasten flight attendant restraint system
(H) Inform PIC of cabin readiness
(I) Perform silent review
(J) Assume flight attendant protective brace position
(K) Command passengers to assume protective brace position and continue to shout brace commands until the aircraft has come to a complete stop
(g) Situational Awareness (CRM Markers): The flight attendant must communicate and coordinate (through discussion or actions) with other crewmembers during the drill, as appropriate. The flight attendant must also:
(1) Demonstrate awareness of his or her duties as a crewmember and duties of other crewmembers during an evacuation
(2) Review procedures for evacuation of passengers or crewmembers needing assistance

10. Task: Evacuation Drills (Job Performance)

(a) *Environment:* This drill must be performed using training equipment that creates an effective environment for the accomplishment of performance drills.

(b) The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures.

(c) During the initiation phase for evacuation drills, the flight attendant must:

(1) Issue brace for impact commands when directed by PIC or at the first sign a problem exists that could lead to impact and an evacuation

(2) Remain seated until the aircraft comes to a complete stop

(3) Open or release seat belts

(4) Assess conditions

(5) Activate emergency lights

(6) Aggressively initiate evacuation procedures using communication protocols or manage passenger behavior if decision is made not to evacuate

(7) Activate evacuation signal

(8) Shout evacuation commands to passengers

(9) Conduct evacuation at floor level exits

(10) Assess conditions at exit

(11) Apply forces necessary to open door in emergency mode and under possible adverse conditions

(12) Take appropriate precautions for door hazard conditions

(13) Hold onto assist handle

(14) Open the exit in the armed mode

(15) Use manual operation if pneumatic operations fail

(16) Block and redirect if necessary

(17) Secure the exit in the fully open position

(18) Hold passengers back until exit is open and ready for evacuation

(d) Task: Conduct a planned or unplanned land evacuation drill

(1) Conduct initiation phase for evacuation (See paragraph V.A.10(c) of this attachment.)

(2) During the land evacuation drill the flight attendant must perform assigned duties following emergency landing or aborted take-off

(3) Pull the manual inflation handle and verify deployment, inflation (*e.g.,* ramp, slide); in the case of stairs, ensure they are positioned for evacuation

(4) Maintain appropriate protective body and hand positions

(5) Shout evacuation commands to passengers

(6) Use passenger flow management control

(7) Open exits and manage flow control at more than one exit if procedures require responsibility for opening more than one exit

(8) Direct passengers to any usable exit

(9) Give commands to able bodied passengers

(10) Conduct evacuation at over wing exits.

(i) Go to exit (if part of assigned duties)

(ii) Assess conditions at exit

(iii) Remove hatch

(iv) Dispose of hatch

(v) Maintain appropriate protective body and hand positions

(vi) Give commands to passengers at over wing exit

(vii) Control passenger flow at over wing area

(viii) Use escape ropes or escape tapes

(11) Ensure evacuation of passengers needing assistance

(12) Evacuate crewmember through most appropriate exit, if crewmember is incapacitated

(13) Shout commands to helper passengers at the bottom of the slides, stairs or exit

(14) Remove emergency equipment

(15) Check flight deck

(e) Task: Conduct a planned or unplanned water (ditching) evacuation drill

(1) Conduct initiation phase of the unplanned land evacuation (See paragraph V.A.10(c) of this attachment)

(2) During the planned water (ditching) evacuation drill the flight attendant must perform assigned duties following impact

(3) Pull the manual inflation handle(s) and verify deployment, inflation, if applicable

(4) Review deployment procedures for inflated slide and launch rafts if aircraft equipped with life rafts

(5) Evacuate passengers into raft, slide raft, or water

(6) Maintain appropriate protective body and hand positions

(7) Shout door commands to passengers

(8) Use passenger flow management control

(9) Direct passengers to most useable doors

(10) Give commands to able bodied passengers

(11) Ensure evacuation of passengers needing assistance

(12) Inflate crew life vest

(13) Conduct evacuation at over wing exit

(i) Go to exit (if part of assigned duties)

(ii) Remove hatch

(iii) Dispose of hatch as per certificate holder procedures

(iv) Review procedures to launch rafts at over wing exit

(v) Use escape ropes or tapes at overwing area

(vi) Give commands to passengers at over wing exit

(vii) Control passenger flow at over wing area

(viii) Ensure evacuation of passengers needing assistance

(f) Task: Control An Unwarranted (Unneeded) Evacuation

The flight attendant must perform the following:

(1) Take protective position if at door

(2) Coordinate with crew

(3) Stop evacuation; use strong commands

(g) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate. The flight attendant must also review procedures for evacuation of passengers needing assistance

11. Task: Equipment Mountings Drill (Job Performance)

(a) *Environment:* Each piece of emergency equipment and training device must be secured using the same bracket or securing device that is used on the aircraft, prior to being operated by each flight attendant during each drill or prior to being operated by each flight attendant during the equipment mountings drill.

(b) *Task:* The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Completely remove each piece of portable emergency equipment from its bracket or securing system

(2) Resecure each piece of portable emergency equipment in its bracket or securing system or properly stow according to certificate holder procedures

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate. The flight attendant must also recognize the importance of removing equipment as quickly as possible.

12. Task: Ditching Survival Drill (Dry Training Environment) (Job Performance)

(a) *Environment:* The certificate holder may substitute a raft, provided there are no substantive differences with respect to weight, dimensions, appearance, features, and operations and the certificate holder provides differences training approved by the FAA. However, when flight attendants are trained and qualified on multiple aircraft types that are extended overwater equipped, the flight attendant must complete "hands on" drill training on each different raft and slide raft on a training schedule acceptable to the FAA, not to exceed a 5 year recurrent training cycle.

(b) *Task:* The flight attendant must participate in the following approved dry ditching drill as applicable to the certificate holder's procedures and approved extended overwater operations. The flight attendant may complete this drill in conjunction with the one time wet ditching drill to initially qualify to serve on an aircraft that is used for extended overwater operations. In addition, the flight attendant must perform this drill during recurrent or requalification training, as applicable.

(c) The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Identify boarding station and board raft

(2) Review the need to crawl and stay low

(3) Discuss the importance of distributing the load

(4) Review the need to stay attached to the aircraft as long as possible, and operation of the quick disconnect

(5) Review the need to get clear of fuel-covered water and debris

(6) Locate and deploy the sea anchor

(7) Discuss the importance of upwind and downwind

(8) Retrieve the survival kit and review contents

(9) Identify inflation valve and review operation of inflation pump and raft repair kit

(10) Identify items such as bailing bucket and sponge for bailing raft dry

(11) Erect the canopy and discuss methods for collecting rain water and water purification techniques

(12) Demonstrate how canopy can be used in both hot and cold climates

(13) Review signaling devices located in survival kits or brought to the raft

(14) Discuss the cautions associated with flares and sea dye marker and proper use

(15) Point out raft lights
(16) Review alternate signaling devices (*e.g.* mirrors)
(17) Locate and demonstrate use of heaving line. Review techniques to retrieve survivors
(18) Discuss raft management including distribution of duties to passengers and ongoing physiological effects of the situation
(19) Discuss long term water survival techniques or strategies
(20) Discuss static line breaking strain
(21) Discuss transporting incapacitated persons from the aircraft into the rafts
(d) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate.

13. Jumpseat Drill (Job Performance)

(a) *Environment:* Each flight attendant must complete a flight attendant jumpseat drill by using at least one type of installed flight attendant jumpseat from an aircraft on which the flight attendant will be qualified to serve.
(b) *Task:* This is an emergency drill requirement that the flight attendant must complete for the certificate holder for which the flight attendant is employed. This drill is not required if the flight attendant has completed any drill using at least one type of installed flight attendant jumpseat from an aircraft on which the flight attendant will be qualified to serve during an exit device operation drill or evacuation drill. During the completion of proficiency drills, the flight attendant must operate at least one exit starting from a seated position on at least one type of installed flight attendant jumpseat from an aircraft on which the flight attendant will be qualified to serve during an exit device operation drill, evacuation drill or flight attendant jumpseat drill.
(c) The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Preflight check of the flight attendant jumpseat
(2) Properly secure restraint system
(3) Demonstrate brace position appropriate for flight attendant jumpseat location on aircraft, as per certificate holder procedures
(4) Proper methods of releasing restraint device, in accordance with per certificate holder procedures
(5) Proper method of stowing flight attendant jumpseat and restraint system, in accordance with certificate holder procedures
(d) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate.

*B. Subject: One Time Job Performance Drills*

1. Ditching Survival Drill (Wet Training Environment) (Job Performance)

(a) *Environment:* The certificate holder may substitute a raft, provided there are no substantive differences with respect to weight, dimension, appearance, features, and operations, and the certificate holder provides differences training approved by the Administrator.
(b) *Task:* This is a one-time emergency drill requirement that the flight attendant must accomplish for the certificate holder for which the flight attendant is employed. This one time drill must be given in basic qualification or transition training, whichever training initially qualifies the flight attendant to serve on an airplane that is used for extended overwater operations.
(c) Activities prior to raft boarding may be done in classroom, airplane, or airplane mockup. Raft boarding and subsequent activities must be done in water.
(d) *Task:* The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Don and use life vest as a means of flotation
(2) Use flotation seat cushion for adult and child or infant
(3) Board the raft
(4) Demonstrate effective raft management (*e.g.,* distribute passengers and deploy sea anchor)
(5) Use heaving lines and life lines
(6) Erect the raft canopy
(7) Manage passengers, including distribution of duties to passengers
(e) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate.

2. Emergency Evacuation Egress Slide Drill (Job Performance)

(a) *Environment:* Each flight attendant must complete an emergency evacuation slide drill by egressing the aircraft or approved training device using at least one type of installed emergency evacuation slide from an aircraft on which the flight attendant will be qualified to serve.
(b) *Task:* This drill is required when the flight attendant is qualifying on an aircraft that is equipped with emergency evacuation slides. This drill is not required if the flight attendant egresses the aircraft or approved training device using at least one type of installed emergency evacuation slide from an aircraft on which the flight attendant will be qualified to serve during the evacuation drill. (See paragraph V.A.10 of this attachment.)
(c) This is a one-time emergency drill requirement that the flight attendant must complete for the certificate holder for which the flight attendant is employed. This one time drill must be given in basic qualification, transition training, or recurrent training, whichever training initially qualifies the flight attendant to serve on an aircraft with evacuation slides.
(d) The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Observe the airplane exits being opened in the emergency mode and the associated exit slide or slide raft pack being deployed and inflated or perform the tasks resulting in the completion of these actions (if not completed during the emergency evacuation including the use of a slide observation drill)
(2) Use the correct method to egress the aircraft and descend the slide
(e) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate.

3. Emergency Evacuation Egress Drill (Job Performance)

(a) *Environment:* Each flight attendant must complete an emergency evacuation drill by egressing the aircraft or approved training device using at least one type of installed emergency exit, from an aircraft on which the flight attendant will be qualified to serve.
(b) *Task:* This is a one-time emergency drill requirement that the flight attendant must complete for the certificate holder for which the flight attendant is employed. This one time drill must be given in basic qualification or transition, whichever training initially qualifies the flight attendant to serve on an aircraft that is not equipped with evacuation slides. An emergency exit that has stairs may not be used.
(c) The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Observe the aircraft exits being opened in the emergency mode or perform the tasks resulting in the completion of these actions
(2) Use the correct method to egress the aircraft, or training device that is representative of the aircraft in relation to sill height from the ground or window exit to the wing
(d) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate.

*C. Subject: Observation Drills*

1. Task: Removal From the Aircraft or Training Device and Inflation of Each Type of Installed Life Raft (Observation Drill)

(a) *Environment:* See paragraph IV.F. of this attachment.
(b) *Task:* The flight attendant must complete the following during the observation drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Specific attachment points in the aircraft
(2) How and where to attach life raft to aircraft
(3) Safe inflation techniques
(4) Launching points
(5) Righting overturned rafts, if applicable

2. Task: Deployment, Inflation and Detachment From the Aircraft of Each Type of Installed Slide or Slide Raft Pack (Observation Drill)

(a) *Environment:* See paragraph IV.F. of this attachment.
(b) *Task:* The flight attendant must complete the following during the observation drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Proper use of the exit operating handle
(2) Location and color of the inflation handle
(3) Demonstration of forces and actions required to inflate slide or slide raft

(4) Sound of inflating slide or slide raft
(5) Proper inflation and position of the slide or slide raft
(6) Location of the ditching handle or laces
(7) Demonstration of the forces and actions required to use the ditching handle including secondary actions
(8) Lanyard and the removal or cutting of lanyard using the certificate holder's procedures
(9) Righting overturned rafts, if applicable

3. Task: Emergency Evacuation Including the Use of a Slide (Observation Drill)

(a) *Environment:* See paragraph IV.F. of this attachment.
(b) *Task:* The flight attendant must complete the following during the observation drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Correct methods of evacuation
(2) Correct methods of entering the slide
(3) Necessity for helpers at the bottom of slide

4. Task: Non-Floor Level Exits in the Flight Deck Through Which a Crewmember May Egress the Aircraft (Observation Drill)

(a) *Environment:* See paragraph IV.F. of this attachment.
(b) *Task:* Each flight attendant must observe the operation of any additional exits in the flight deck that crewmembers may use to egress the aircraft type for which the flight attendant is qualifying. The flight attendant may receive AOE credit for observing the exit operation on the aircraft or in an approved training device. The flight attendant must complete the following during the observation drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Assesses conditions outside the exit to determine exit usability
(2) Correct use of the exit operating mechanism including hand and body position
(3) Use of proper terms and procedures
(4) Correct positioning of the escape device
(5) Method to secure exit in fully opened position or ensuring correct stowage position
(6) Knows appropriate protective hand and body positions
(7) Access to escape tapes, escape ropes or inertial reels

5. Task: Flight Deck Fixed Oxygen System (Observation Drill)

(a) *Environment:* See paragraph IV.F. of this attachment.
(b) *Task:* The flight attendant must complete the following during the observation drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Access oxygen mask and remove from stowage
(2) Use of proper procedures to don oxygen mask and activate oxygen in proper sequence for an emergency
(3) Re-securing of equipment
(4) Observe the locations of the flight deck fixed oxygen system during AOE flight

**VI. Emergency Training Drills—Aircraft Specific (see § 121.1373)**

*A. Subject: Exit Device Operation (see § 121.1373)*

1. Task: Floor Level Door Exit Device Operation (Normal Mode) (Job Performance)

(a) *Environment:* See paragraph IV.F. of this attachment. Equipment may be substituted provided there is no substantive difference with respect to weight, dimensions and appearance and the flight attendant has been provided with training on differences between training equipment and the actual aircraft exit. Equipment may not be substituted if the forces and actions necessary to operate the equipment are different or if the operating mechanism is different.
(b) *Task:* The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Identify signal and conditions under which each door can be opened and closed
(2) Assess the exterior and interior conditions for obstacles or hazards to persons or the exit during the opening and closing (*e.g.,* jetway, stairs, barrier straps)
(3) Follow procedure to ensure flight attendant awareness at armed boarding door prior to aircraft pushback
(4) Identify signal for arming and disarming
(5) Coordinate and communicate
(6) Properly arm and disarm the exit
(7) Verify girt bar placement for armed and disarmed
(8) Verify door is in the correct mode
(9) Use proper techniques for the operating mechanism (such as door handles to open exit and secure in locked position)
(10) Secure safety strap then unsecure safety strap; release locking mechanism
(11) Properly use control handles to close exit and secure in locked position
(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate.

2. Task: Floor Level Door Exit Device Operation (Emergency Mode) (Job Performance)

(a) *Environment:* See paragraph IV.F. of this attachment. Equipment may be substituted provided there is no substantive difference with respect to weight, dimensions and appearance and the flight attendant has been provided with training on differences between training equipment and the actual aircraft exit. Equipment may not be substituted if the forces and actions necessary to operate the equipment are different or if the operating mechanism is different.
(b) *Task:* The drill and door operations must be performed in a manner that resembles an actual evacuation. The flight attendant's voice commands and actions during the drill must be aggressive and easily understood. The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Position escape device
(2) Verify the exit is in the correct mode
(3) Recognize the signal for or the conditions under which the exit is to be opened in the emergency mode
(4) Use proper voice commands to passengers
(5) Assess conditions outside the exit to determine the exit usability (*e.g.,* clear of obstruction, fire, aircraft attitude)
(6) Open the exit in the armed mode and secure the exit in the fully open position
(7) Hold onto assist handle
(8) Pull the manual inflation handle(s) and verify deployment, inflation (*e.g.,* ramp, slide)
(9) Maintain appropriate protective body and hand positions
(10) Follow crew coordination procedures
(11) Access release handle(s) (*e.g.,* Slide disconnect, jettison tailcone, ventral stairs)
(12) Recognition of when it is appropriate to exit the aircraft
(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate. In addition, the flight attendant must:
(1) Be aware of passenger flow and traffic to all exits during the evacuation
(2) Be aware of additional exit responsibilities

3. Task: Cabin Window Exit Device and Plug or Hatch Exit Device Operation (Job Performance)

(a) *Environment:* See paragraph IV.F. of this attachment. Equipment may be substituted provided there is no substantive difference with respect to weight, dimensions and appearance and the flight attendant has been provided with training on differences between training equipment and the actual aircraft exit. Equipment may not be substituted if the forces and actions necessary to operate the equipment are different or if the operating mechanism is different.
(b) *Task:* The drill and door operations must be performed in a manner that resembles an actual evacuation. Commands must be aggressive and easily understood. Each flight attendant must operate each cabin window exit device and plug or hatch exit device, which has a different operating mechanism. The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:
(1) Recognize the signal for or the conditions under which the exit is to be opened
(2) Assess conditions outside the exit to determine exit usability (*e.g.,* clear of obstruction, fire, aircraft attitude)
(3) Open and correctly stow the exit (if applicable)
(4) Give commands to passengers for exiting exit
(5) Verbally describe correct exit placement following removal (if applicable) if the training procedures differ from the operational procedures
(6) Pull the manual inflation handle (if applicable) and verify deployment (*e.g.,* slide ramp), if applicable

(7) Assume and maintain appropriate protective body and hand positions

(8) Access escape tapes or escape ropes

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate. In addition, the flight attendant must:

(1) Be aware of passenger flow and traffic to all exits during the evacuation

(2) Be aware of additional exit responsibilities

4. Task: Any Additional Emergency Exits Required for Type Certification (Job Performance)

(a) *Environment:* See paragraph IV.F. of this attachment. Equipment may be substituted provided there is no substantive difference with respect to weight, dimensions and appearance and the flight attendant has been provided with training on differences between training equipment and the actual aircraft exit. Equipment may not be substituted if the forces and actions necessary to operate the equipment are different or if the operating mechanism is different.

(b) *Task:* The drill and door operations must be performed in a manner that resembles an actual evacuation. Commands must be aggressive and easily understood. Each flight attendant must operate any additional emergency exit devices required for type certification through which crewmembers or passengers may egress the aircraft. In the case of some aircraft, an exit required for type certification may be located on the flight deck. In this case, the flight attendant must complete performance drills on that exit. The flight attendant must complete the following during the drill, and be evaluated and debriefed on the proper use of equipment and procedures:

(1) Recognize the signal for or the conditions under which the exit is to be opened

(2) Assess conditions outside the exit to determine exit usability (*e.g.,* clear of obstruction, fire, aircraft attitude)

(3) Open and correctly stow the exit (if applicable)

(4) Give commands to passengers for exiting exit

(5) Verbally describe correct exit placement following removal (if applicable) if the training procedures differ from the operational procedures

(6) Pull the manual inflation handle (if applicable) and verify deployment (*e.g.,* slide ramp), if applicable

(7) Assume and maintain appropriate protective body and hand positions

(8) Access escape tapes or escape ropes and access release handle(s) (*e.g.,* slide disconnect)

(c) *Situational Awareness (CRM Markers):* The flight attendant must communicate and coordinate (through discussion or action) with other crewmembers during the drill, as appropriate. In addition, the flight attendant must:

(1) Be aware of passenger flow and traffic to all exits during the evacuation

(2) Be aware of additional exit responsibilities

*B. [Reserved]*

## Attachment 3 of Appendix S to Part 121

**Training and Evaluation Requirements for Flight Attendant Training Curriculums (Basic Qualification), Curriculum Categories (New Hire, Initial, Transition, Emergency, Recurrent, and Requalification), and Aircraft Operating Experience**

Training and Evaluation Requirements (see §§ 121.1301, 121.1331, 121.1341, 121.1343, 121.1361)

1. How must the task requirements required for instruction and evaluation in each curriculum category be determined?

(a) To determine the tasks in which each flight attendant must be trained and evaluated, the certificate holder must use the task listings provided in Table 3B and Table 3C of this attachment. The tasks must be specific to the aircraft types (as appropriate), and must be adjusted for and kept current with the certificate holder's operation as reflected in the FAA approved operations specifications and FAOM, as amended.

(b) If the certificate holder adds tasks to those listed in Table 3B and Table 3C, of this attachment it must further develop the tasks to include the requirement and frequency for training and evaluation in each specific curriculum category. These changes must be submitted to the POI for approval.

(c) The recurrent curriculum category requirements in Table 3C of this attachment also include the frequency during which each flight attendant must be trained and evaluated in each task. The table indicates which tasks must be completed by each flight attendant every 12 months. The table also indicates which tasks must be completed by each flight attendant once every 36 months.

2. Individuals authorized to administer flight attendant training, evaluation, and aircraft operating experience.

TABLE 3A—PERSONS AUTHORIZED TO ADMINISTER FLIGHT ATTENDANT TRAINING AND EVALUATION ACTIVITIES UNDER SUBPART BB—SEE § 121.1323 OF THIS PART FOR SPECIAL LIMITED AUTHORIZATIONS FOR INITIAL CADRE PERSONNEL

[See §§ 121.1291,121.1321, 121.1323, 121.1387]

| Flight attendant training and evaluation activities under Subpart BB (by aircraft type) | Employer and position | | | | | | |
|---|---|---|---|---|---|---|---|
| | Other contractor | | Part 142 or other part 119 certificate holder | | The part 119 certificate holder | | FAA |
| | Flight attendant instructor [4] | Subject matter expert [3] | Flight attendant instructor [4] | Check flight attendant [1] | Flight attendant instructor [4] | Check flight attendant [1] | Aviation safety inspector (cabin safety) |
| Academic and Job Performance Training | X | X | X | X | X | X | |
| Academic Evaluation | X | X | X | X | X | X | |
| Proficiency Test [2] | | | | | X | X | X |
| Proficiency Check | | | | | | X | X |
| Supervision of Aircraft Operating Experience (§ 121.1305(a)) | | | | | | X | |
| Supervision of Experience (§ 121.1305(b)) | | | | | | X | |

[1] Requires authorization by the Administrator for specific duties to be performed.

[2] Persons qualified to administer proficiency tests, with the exception of FAA Aviation Safety Inspectors (Cabin Safety), must meet the requirements of § 121.1387 of this part.

[3] Subject Matter Experts, who meet the requirements of § 121.1291(b) of this part and this QPS, may conduct specific flight attendant training.

[4] Persons qualified to administer flight attendant training must meet the requirements of § 121.1291(a) of this part.

3. The Use of Subject Matter Experts

(a) Under § 121.1291, a subject matter expert, with specific technical knowledge on a subject, may be used to conduct training on specific tasks, in accordance with the following:

(1) Except as provided in paragraph A.3.(a)(2) of this attachment, when flight attendant training is provided by a subject matter expert, a qualified flight attendant instructor must be present

(2) Subject matter experts in certain subject areas may provide flight attendant training on the following specific tasks without a qualified flight attendant instructor present:

(i) Firefighting and firefighting equipment

(ii) Emergency medical events and emergency medical equipment

(iii) Hazardous materials recognition

(b) [Reserved]

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TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | |
| | Academic | | | | Academic | | | | Academic | | | | Academic | | | | Academic | | | |
| | | Practice | Academic | Proficiency | | Practice | Academic | Proficiency | | Practice | Academic | Proficiency | | Practice | Academic | Proficiency | | Practice | Academic | Proficiency |
| **II. General Task Requirements** | | | | | | | | | | | | | | | | | | | | |
| **A. Area of Instruction: Flight Attendant Duties and Responsibilities – Normal Operations** | | | | | | | | | | | | | | | | | | | | |
| **1. Subject: Preflight** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | X | X | | | | | | | | | | | X | | | | | | |
| (b) Crewmember Briefing | X | X | X | | | | | | | | | | | | X | | | | | |
| (c) Cabin and Galley Security | X | | | | | | | | | | | | | | | | | | | |
| (d) Check of Emergency Equipment | X | X | X | | | | | | | | | | X | | | X | | | | |
| (e) Check of Safety Equipment | X | X | X | | | | | | | | | | | | | X | | | | |
| (f) Galley Check | X | X | X | | | | | | | | | | | | | X | | | | |
| (g) Check of Cabin and Cabin Systems | X | X | X | | | | | | | | | | | | | X | | | | |
| **2. Subject: Pre-Movement on Surface** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | X | X | | | | | | | | | | | | X | | | | | |
| (b) Passenger Boarding | X | X | X | | | | | | | | | | | | X | | | | | |
| (c) Passengers with Disabilities | X | X | X | | | | | | | | | | | X | | | | | | |
| (d) Galley Security | X | X | X | | | | | | | | | | | | X | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency |
| (e) Preparation of Exits[1] | X | X | X | | | | | | | | | | | X | | X | | | | |
| (f) Compliance Check | X | X | X | | | | | | | | | | | | | X | | | | |
| **3. Subject: Ground Movement** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | | X | | | | | | | | | | | X | | X | | | | |
| (b) Passenger Information | X | X | X | | | | | | | | | | | X | | X | | | | |
| (c) Sterile Flight Deck Procedures | X | X | X | | | | | | | | | | | | | X | | | | |
| (d) Compliance Check[1] | X | X | X | | | | | | | | | | | X | | X | | | | |
| **4. Subject: In-flight** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) General[1] | X | X | X | | | | | | | | | | | X | | | | | | |
| (b) In-flight Procedures | X | X | X | | | | | | | | | | | X | | | | | | |
| (c) Passenger Information | X | X | X | | | | | | | | | | | | | X | | | | |
| (d) Passenger Handling Procedures | X | X | X | | | | | | | | | | | | | X | | | | |
| (e) Proper Use of Service Carts and Service Equipment | | X | X | | | | | | | | | | | | | X | | | | |
| (f) Communication and Coordination Procedures | X | X | X | | | | | | | | | | X | | | | | | | |
| (g) Pre-Landing | X | X | X | | | | | | | | | | | | | X | | | | |
| (h) Sterile Flight Deck Procedures | X | X | X | | | | | | | | | | X | | | | | | | |
| (i) Compliance Check[1] | X | X | X | | | | | | | | | | | | | | | | | |
| **5. Subject: Arrival** | | | | | | | | | | | | | | | | | | | | |

| Task Requirements | TABLE 3B BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | New Hire | | | | | | Emergency | | | | | | Initial | | | | | | Aircraft Operating Experience (AOE) | | | | | | Transition | | | | | |
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | | Train | | | | Check | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | | | Academic | Proficiency | Academic | Practice | Academic | Proficiency | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | X | X | | | | | | | | | | | | | | | | | | | | X | | | | | |
| (b) Preparation of Exits[1] | X | X | X | | | | | | | | | | | | | | | | | X | | | | X | | | | |
| (c) Passenger Handling | X | X | X | | | | | | | | | | | | | | | | | | | | | X | | | | |
| (d) Cabin Security | X | X | X | | | | | | | | | | | | | | | | | | | | | X | | | | |
| **6. Subject: During Stops** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | X | X | | | | | | | | | | | | | | | | | | | | X | | | | | |
| (b) Aircraft Refueling | X | | X | | | | | | | | | | | | | | | | | | | | X | | | | | |
| **7. Subject: Federal Aviation Regulations** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | | X | | | | | | | | | | | | | | | | | | | | X | | | | | |
| (b) Pertinent to Flight Attendant Performance of Assigned Duties | X | | X | | | | | | | | | | | | | | | | | | | | X | | | | | |
| **8. Subject: Certificate Holder's Manual System** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) Crew Operating Manual | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | | |
| (b) Scheduling and Station Operations Policies and Procedures | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | | |
| **9. Subject: Contents of Certificate Holder's Operations Specifications** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | |
| (a) General | X | | X | | | | | | | | | | | | | | | | | | |
| (b) Exit Seat Program and Procedures | X | X | X | | | | | | | | | | | | | X | | | | | |
| (c) Carry on Baggage Program and Procedures | X | X | X | | | | | | | | | | | | | X | | | | | |
| (d) Minimum Equipment List | X | | X | | | | | | | | | | | | | | | | | | |
| **10. Subject: Crew Resource Management** | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | |
| (a) Authority of Pilot in Command | | | | | | | | | X | X | X | | | | | | | | | | |
| (b) Communication Processes and Decisions | | | | | | | | | X | X | X | | | | | | | | | | |
| (c) Building and Maintenance of a Flight Team | | | | | | | | | X | X | X | | | | | | | | | | |
| (d) Workload Management and Situational Awareness | | | | | | | | | X | X | X | | | | | | | | | | |
| (e) Communication and Coordination | | | | | | | | | X | X | X | | | | | | | | | | |
| (f) Crewmember Briefing | | | | | | | | | X | X | X | | | | | | | | | | |
| (g) Communication and Coordination During a Passenger Interference Situation | | | | | | | | | X | X | X | | | | | | | | | | |
| (h) Communication and Coordination During an Emergency Situation | | | | | | | | | X | X | X | | | | | | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | |
| **11. Subject: Theory of Flight** | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | |
| (a) Components of Aircraft | | | | | | | | | X | | X | | | | | | | | | | |
| (b) Principles of Flight | | | | | | | | | X | | X | | | | | | | | | | |
| (c) Critical Surfaces and Associated Hazards | | | | | | | | | X | | X | | | | | | | | | | |
| (d) Aviation Terminology | | | | | | | | | X | | X | | | | | | | | | | |
| **B. Area of Instruction: Flight Attendant Duties and Responsibilities – Abnormal Situations** | | | | | | | | | | | | | | | | | | | | | |
| **1. Subject: Handling Passengers Whose Conduct May Jeopardize Safety** | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | |
| (a) General | | | | | | | | | X | G | X | | | | | | | | | | |
| (b) Passenger Interference | | | | | | | | | X | G | X | | | | | | | | | | |
| (c) Smoking Ban Violations | | | | | | | | | X | G | X | | | | | | | | | | |
| (d) Intoxication | | | | | | | | | X | G | X | | | | | | | | | | |
| (e) Passenger Misconduct | | | | | | | | | X | G | X | | | | | | | | | | |
| (f) Security Procedures | | | | | | | | | X | | | | | | | | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency |
| **C. Area of Instruction: Flight Attendant Duties and Responsibilities – Emergency** | | | | | | | | | | | | | | | | | | | | |
| **1. Subject: Emergency Equipment** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) General Emergency Equipment | | | | | X | X | X | | | | | | | | | | | | | |
| (b) Equipment used in Land and Water Evacuation | | | | | X | | X | | | | | | | | | | | | | |
| (c) Emergency Medical Equipment | | | | | X | | X | | | | | | | | | | | | | |
| (d) Portable Fire Extinguishers | | | | | X | | X | | | | | | | | | | | | | |
| (e) All Exits Designed for Passenger or Crewmember Egress from the Aircraft | | | | | X | | X | | | | | | | | | | | | | |
| **2. Subject: Emergency Situations** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) Emergency Assignments and Procedures including Coordination among Crewmembers | | | | | X | | X | | | | | | | | | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency |
| (b) Decompression and physiological effects of high altitude | | | | | X | X | X | | | | | | | | | | | | | |
| (c) Fire in-flight or on the surface | | | | | X | | X | | | | | | | | | | | | | |
| (d) Land and Water Evacuation | | | | | X | | X | | | | | | | | | | | | | |
| (e) Illness, Injury or other Abnormal Situations | | | | | X | | X | | | | | | | | | | | | | |
| (f) Turbulence | | | | | X | | X | | | | | | | | | | | | | |
| (g) Hijacking or Other Unusual Situations | | | | | X | | | | | | | | | | | | | | | |
| (h) Aircraft Occurrences, Accidents, and Incidents | | | | | X | | | | | | | | | | | | | | | |
| (i) Survival Skills | | | | | X | | X | | | | | | | | | | | | | |
| **III. Aircraft Specific Task Requirements** | | | | | | | | | | | | | | | | | | | | |
| **A. Area of Instruction: For Each Aircraft Type** | | | | | | | | | | | | | | | | | | | | |
| **1. Subject: General Description of the Aircraft Cabin** | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | |
| (a) Aircraft Characteristics and Description | | | | | | | | | X | | X | | | | | | X | | X | |
| (b) Cabin Configuration | | | | | | | | | X | | X | | | | | | X | | X | |
| (c) Passenger Seats | | | | | | | | | X | | X | | | | | | X | | X | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | | | Transition | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | | | Check | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | | | Academic | Proficiency | Academic | Practice | Academic | Proficiency | | |
| (d) Air Conditioning, Ventilation, and Pressurization Systems | | | | | | | | | X | | X | | | | | | | | X | | X | | | |
| (e) Flight Attendant Jumpseats[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (f) Flight Attendant Panels[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (g) Carry On Baggage Stowage[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (h) Communication Systems[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (i) Entertainment and Convenience Systems[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (j) Flight Deck Configuration[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (k) Galleys[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (l) Lavatories[1] | | | | | | | | | X | X | X | | | X | | | | | X | X | X | | | |
| (m) Required Signs and Placards | | | | | | | | | X | | X | | | | | | | | X | | X | | | |
| (n) Lighting and Electrical Systems[1] | | | | | | | | | X | X | X | | | X | | | | | X | | X | | | |
| (o) Oxygen Equipment and Systems | | | | | | | | | X | | X | | | | | | | | X | | X | | | |
| (p) Notification of Inoperative Equipment | | | | | | | | | X | G | X | | | | | | | | X | | X | | | |
| (q) Emergency Equipment Location | | | | | | | | | X | | X | | | X | | | | | X | | X | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | | Emergency | | | | Initial | | | | | Aircraft Operating Experience (AOE) | | | | | | Transition | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | Train | | Test | | Train | | Test | | | Train | | | | Check | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | | Academic | Practice | | | Academic | Proficiency | Academic | Practice | Academic | Proficiency | | |
| (r) Exits through which a Passenger or Crewmember may Egress the Aircraft | | | | | | | | | | X | | X | | | | | | | | | X | | X | | | |
| (s) Crewmember Rest Facilities | | | | | | | | | | X | | X | | | | | | | | | X | | X | | | |
| **IV. Emergency Training Drill Requirements** | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **V. Emergency Training Drills - General** | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **A. Subject: Job Performance Drills** | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Operation of each type of installed hand fire extinguisher | | | | | | | I | | X | | | | | | | | | | | | | | | | | |
| 2. Operation of each type of Portable Oxygen Equipment | | | | | | | I | | X | | | | | | | | | | | | | | | | | |
| 3. Operation of each type of Fixed Oxygen System in the Cabin | | | | | | | I | | X | | | | | | | | | | | | | | | | | |
| 4. Operation of each type of Protective Breathing Equipment | | | | | | | I | | X | | | | | | | | | | | | | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | |
| 5. Operation of each type of installed life preserver and each type of individual flotation means | | | | | | I | | X | | | | | | | | | | | | | |
| 6. Operation of each type of Automated External Defibrillator | | | | | | I | | X | | | | | | | | | | | | | |
| 7. Cardiopulmonary Resuscitation (CPR) | | | | | | I | | X | | | | | | | | | | | | | |
| 8. Protective Breathing Equipment and Fire Fighting Drill | | | | | | I | | X | | | | | | | | | | | | | |
| 9 Cabin Preparation and Evacuation Drills (Land and Water Evacuations) | | | | | | G | | | | | | | | | | | | | | | |
| 10. Evacuation Drills | | | | | | G | | | | | | | | | | | | | | | |
| 11. Equipment Mountings Drill | | | | | | I | | | | | | | | | | | | | | | |
| 12. Ditching Survival Drill (Dry Training Environment) | | | | | | G | | | | | | | | | | | | | | | |
| 13. Jumpseat Drill[1] | | | | | | I | | | | | | | | I | | | | | | | |
| **B. Subject: One Time Performance Drills** | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | |

TABLE 3B
BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY

| Task Requirements | New Hire | | | | Emergency | | | | Initial | | | | Aircraft Operating Experience (AOE) | | | | Transition | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | Train | | Test | | Train | | Test | | Train | | Check | | Train | | Test | | |
| | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | Academic | Practice | Academic | Proficiency | |
| 1. Ditching Survival Drill (Wet Training Environment) | | | | | | G | | | | | | | | | | | | | | | |
| 2. Emergency Evacuation Egress Slide Drill | | | | | | I | | | | | | | | | | | | | | | |
| 3. Emergency Evacuation Egress Drill | | | | | | I | | | | | | | | | | | | | | | |
| **C. Subject: Observation Drills** | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | |
| 1. Removal from aircraft or training device and inflation of each type of installed life raft. | | | | | X | | | | | | | | | | | | | | | | |
| 2. Deployment, inflation and detachment from the aircraft of each type of installed slide or slide raft pack | | | | | X | | | | | | | | | | | | | | | | |
| 3. Emergency evacuation including the use of a slide (if applicable) | | | | | X | | | | | | | | | | | | | | | | |
| 4. Non-Floor Level Exits in the Flight Deck Through Which a Crewmember May Egress the Aircraft | | | | | X | | X | | | | | | X | | | | | | | | |
| 5. Flight Deck Fixed Oxygen System | | | | | X | | | | | | | | X | | | | | | | | |

| | TABLE 3B<br>BASIC QUALIFICATION CURRICULUM AND TRANSITION CURRICULUM CATEGORY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | New Hire | | | | | | Emergency | | | | | | Initial | | | | | | Aircraft Operating Experience (AOE) | | | | | | Transition | | | | | |
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | | Train | | | | Check | | Train | | Test | | | |
| **Task Requirements** | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | | | Academic | Proficiency | Academic | Practice | Academic | Proficiency | | |
| **VI. Emergency Training Drills - Aircraft Specific** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **A. Subject: Exit Device Operation** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Floor Level Door Exit Operation (Normal Mode) | | | | | | | | I | | X | | | | | | | | | | | | | | | | I | | X | | |
| 2. Floor Level Door Exit Operation (Emergency Mode) | | | | | | | | I | | X | | | | | | | | | | | | | | | | I | | X | | |
| 3. Cabin Window Exit and Plug and Hatch Exit Operation | | | | | | | | I | | X | | | | | | | | | | | | | | | | I | | X | | |
| 4. Any Additional Emergency Exits Required for Type Certification | | | | | | | | I | | X | | | | | | | | | | | | | | | | I | | X | | |

LEGEND:
1 – This footnote indicates that the subtasks within this task may be practiced during either academic training or during AOE.
X – This symbol indicates that each flight attendant must complete the task each time a curriculum category is completed.
I – This symbol indicates that the training practice must be performed as an individual.
G – This symbol indicates that the training practice may be completed as an individual or in a group exercise, where the flight attendant participates or observes and provides feedback

TABLE 3C
RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES

| Task Requirements And Performance Standards | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| **General Requirements** | | | | | | | | | | | | | | | | | | |
| **I. Area of Instruction: Flight Attendant Duties and Responsibilities – Normal Operations** | | | | | | | | | | | | | | | | | | |
| **A. Subject: Preflight** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 2. Crewmember Briefing | 3 | | 3 | | | | R | | X | | | | X | X | X | | | |
| 3. Cabin and Galley Security | 3 | | 3 | | | | R | | X | | | | X | | | | | |
| 4. Check of Emergency Equipment | 3 | | 3 | | | | R | | X | | | | X | X | X | | | |
| 5. Check of Safety Equipment | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 6. Galley Check | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 7. Check of Cabin and Cabin Systems | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| **B. Subject: Pre-Movement on Surface** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 2. Passenger Boarding | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 3. Passengers with Disabilities | 3 | | 3 | | | | R | | X | | | | | | | | | |
| 4. Galley Security | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 5. Preparation of Exits | 3 | | X | | | | R | | X | | | | X | X | X | | | |
| 6. Compliance Check | 3 | | X | | | | R | | X | | | | X | | X | | | |
| **C. Subject: Ground Movement** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 2. Passenger Information | 3 | | X | | | | R | | X | | | | X | X | X | | | |
| 3. Sterile Flight Deck Procedures | 3 | | 3 | | | | R | | X | | | | X | | X | | | |

TABLE 3C
RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES

| Task Requirements And Performance Standards | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| 4. Compliance Check | 3 | | X | | | | R | | X | | | | X | X | X | | | |
| **D. Subject: In-flight** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | 3 | | | | R | | X | | | | X | X | X | | | |
| 2. In-flight Procedures | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 3. Passenger Information | 3 | | 3 | | | | R | | X | | | | X | X | X | | | |
| 4. Passenger Handling Procedures | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 5. Proper Use of Service Carts and Service Equipment | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 6. Communication and Coordination Procedures | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 7. Pre-Landing | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 8. Sterile Flight Deck Procedures | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 9. Compliance Check | 3 | | X | | | | R | | X | | | | X | X | X | | | |
| **E. Subject: Arrival** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 2. Preparation of Exits | 3 | | 3 | | | | R | | X | | | | X | X | X | | | |
| 3. Passenger Handling | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 4. Cabin Security | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| **F. Subject: During Stops** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 2. Aircraft Refueling | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| **G. Subject: Federal Aviation Regulations** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | X | | | | R | | X | | | | X | | X | | | |

TABLE 3C
RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES

| Task Requirements And Performance Standards | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| 2. Federal Aviation Regulations Pertinent to Flight Attendant Performance of Assigned Duties | 3 | | X | | | | R | | X | | | | X | | X | | | |
| **H. Subject: Certificate Holder's Manual System** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Flight Attendant Operating Manual | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 2. Scheduling and Station Operations Policies and Procedures | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| **I. Subject: Contents of Certificate Holder's Operations Specifications** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 2. Exit Seating Program and Procedures | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 3. Carry on Baggage Program and Procedures | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 4. Minimum Equipment List | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| **J. Subject: Crew Resource Management** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Authority of Pilot in Command | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 2. Communication Processes and Decisions | 3 | 3 | | | | | R | R | X | | | | X | | X | | | |
| 3. Building and Maintenance of a Flight Team | 3 | 3 | | | | | R | R | | | | | X | | X | | | |

| | TABLE 3C<br>RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| **Task Requirements And Performance Standards** | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| 4. Workload Management and Situational Awareness | 3 | 3 | | | | | R | R | | | | | X | | X | | | |
| 5 Communication and Coordination | 3 | 3 | X | | | | R | R | X | | | | X | | X | | | |
| 6. Crewmember Briefing | 3 | 3 | | | | | R | R | | | | | X | | X | | | |
| 7. Communication and Coordination During a Passenger Interference Situation | 3 | 3 | X | | | | R | R | X | | | | X | | X | | | |
| 8. Communication and Coordination During an Emergency Situation | 3 | | X | | | | R | | X | | | | X | | X | | | |
| **K. Subject: Theory of Flight** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Components of Aircraft | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 2. Principles of Flight | 3 | | | | | | R | | | | | | X | | X | | | |
| 3. Critical Surfaces and Hazards | 3 | | 3 | | | | R | | X | | | | X | | X | | | |
| 4. Aviation Terminology | | | | | | | R | | | | | | X | | X | | | |
| **II. Area of Instruction: Flight Attendant Duties and Responsibilities – Abnormal Situations** | | | | | | | | | | | | | | | | | | |
| **A. Subject: Handling Passengers Whose Conduct May Jeopardize Safety** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. General | 3 | | 3 | | | | R | | X | | | | X | G | X | | | |
| 2. Passenger Interference | 3 | | X | | | | R | | X | | | | X | G | X | | | |
| 3. Smoking Ban Violations | 3 | | 3 | | | | R | | X | | | | X | G | X | | | |
| 4. Intoxication | 3 | | 3 | | | | R | | X | | | | X | G | X | | | |

TABLE 3C
RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES

| | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| **Task Requirements And Performance Standards** | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| 5. Passenger Misconduct | 3 | | 3 | | | | R | | X | | | | X | G | X | | | |
| 6. Security Procedures | 3 | | | | | | R | | | | | | X | | | | | |
| **III. Area of Instruction: Flight Attendant Duties and Responsibilities – Emergency** | | | | | | | | | | | | | | | | | | |
| **A. Subject: Emergency Equipment** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Preflight, Function , Location Operation and Limitations of Emergency Equipment | X | | X | | | | X | | X | | | | X | | X | | | |
| 2. Equipment used in Land and Water Evacuation | X | | X | | | | X | | X | | | | X | | X | | | |
| 3. Emergency Medical Equipment | X | | X | | | | X | | X | | | | X | | X | | | |
| 4. Portable Fire Extinguishers | X | | X | | | | X | | X | | | | X | | X | | | |
| 5. All Exits Designed for Passenger or Crewmember Egress from the Aircraft | X | | X | | | | X | | X | | | | X | | X | | | |
| 6. Survival Equipment | X | | X | | | | X | | X | | | | X | | X | | | |
| **B. Subject: Emergency Situations** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Emergency Assignments and Procedures including coordination among crewmembers | X | | X | | | | X | | X | | | | X | | X | | | |
| 2. Decompression and physiological effects of high altitude | 3 | | X | | | | R | | X | | | | X | | X | | | |

| | TABLE 3C<br>RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| **Task Requirements And Performance Standards** | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| 3. Fire In-flight and on the Surface | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 4. Land and Water Evacuation | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 5. Illness, Injury or other Abnormal Situations | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 6. Turbulence | 3 | | X | | | | R | | X | | | | X | | X | | | |
| 7. Hijacking or other Unusual Situations | X | | | | | | X | | | | | | X | | | | | |
| 8. Aircraft Occurrences, Accidents and Incidents | X | | | | | | X | | | | | | X | | | | | |
| 9. Survival Skills | 3 | | X | | | | R | | X | | | | X | | X | | | |
| **Aircraft Specific** | | | | | | | | | | | | | | | | | | |
| **I. Area of Instruction: For Each Aircraft Type** | | | | | | | | | | | | | | | | | | |
| **A. Subject: General Description of the Aircraft Cabin** | **T** | | **T** | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Aircraft Characteristics and Description | | | | | | | | | | | | | X | | X | | | |
| 2. Cabin Configuration | | | | | | | | | | | | | X | | X | | | |
| 3. Passenger Seats | | | | | | | | | | | | | X | | X | | | |
| 4. Air Conditioning, Ventilation and Pressurization Systems | | | | | | | | | | | | | X | | X | | | |
| 5. Flight Attendant Jumpseats | | | | | | | | | | | | | X | X | X | | | |
| 6. Flight Attendant Panels | | | | | | | | | | | | | X | X | X | | | |
| 7. Carry on Baggage Stowage | 3 | | X | | | | R | | X | | | | X | X | X | | | |
| 8. Communication Systems | | | | | | | | | | | | | X | X | X | | | |
| 9. Entertainment and Convenience | | | | | | | | | | | | | X | X | X | | | |

TABLE 3C
RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES

| Task Requirements And Performance Standards | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| Systems | | | | | | | | | | | | | | | | | | |
| 10. Flight Deck Configuration | | | | | | | | | | | | | X | X | X | | | |
| 11. Galleys | | | | | | | | | | | | | X | X | X | | | |
| 12. Lavatories | | | | | | | | | | | | | X | X | X | | | |
| 13. Required Signs and Placards | | | | | | | | | | | | | X | | X | | | |
| 14. Lighting and Electrical Systems | | | | | | | | | | | | | X | X | X | | | |
| 15. Oxygen Equipment and Systems | | | | | | | | | | | | | X | | X | | | |
| 16. Notification of Inoperative Equipment | | | | | | | | | | | | | X | G | X | | | |
| 17. Emergency Equipment Location | | | | | | | | | | | | | X | | X | | | |
| 18. Exits through which a passenger or crewmember may egress the aircraft | | | | | | | | | | | | | X | | X | | | |
| 19. Crewmember Rest Facilities | | | | | | | | | | | | | X | | X | | | |
| **Emergency Training Drills** | | | | | | | | | | | | | | | | | | |
| **I. Area of Instruction: General** | | | | | | | | | | | | | | | | | | |
| **A. Subject: Performance Drills** | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Operation of each type of installed hand fire extinguisher | | | | X | | | | | | X | | | | I | | X | | |
| 2. Operation each type of Portable Oxygen Equipment | | | | X | | | | | | X | | | | I | | X | | |
| 3. Operation of each type of Fixed Oxygen System | | | | X | | | | | | X | | | | I | | X | | |
| 4. Operation of each type of Protective Breathing Equipment | | | | X | | | | | | X | | | | I | | X | | |
| 5. Operation of each type of installed | | | | X | | | | | | X | | | | I | | X | | |

TABLE 3C
RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES

| Task Requirements And Performance Standards | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| life preserver or individual flotation means | | | | | | | | | | | | | | | | | | |
| 6. Operation of each type of Automated External Defibrillator | | | | X | | | | | | X | | | | I | | X | | |
| 7. Cardiopulmonary Resuscitation | | I | | | | | | I | | | | | | I | | | | X |
| 8. Protective Breathing Equipment and Fire Fighting Drill | | I | | | | | | I | | | | | | I | | | | X |
| 9. Cabin Preparation and Evacuation Drill (Land and Water Evacuation) | | G | | | | | | G | | | | | | G | | | | |
| 10. Evacuation Drills | | G | | | | | | G | | | | | | G | | | | |
| 11. Bracket Drill | | I | | | | | | I | | | | | | I | | | | X |
| 12. Ditching Survival Drill (Dry Training Environment) | | G | | | | | | G | | | | | | G | | | | |
| 13. Jumpseat Drill | | I | | | | | | I | | | | | | I | | | | |
| **B. Subject: One Time Performance Drills** | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Ditching Survival Drill (Wet Training Environment) | | | | | | | | | | | | | | | | | | |
| 2. Emergency Evacuation Slide Egress Drill | | | | | | | | | | | | | | | | | | |
| 3. Emergency Evacuation Egress Drill | | | | | | | | | | | | | | | | | | |
| **C. Subject: Observation Drills** | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Removal from airplane or training device and inflation of each type of installed life raft. | X | | | | | | X | | | | | | X | | | | | |

| | TABLE 3C<br>RECURRENT AND REQUALIFICATION CURRICULUM CATEGORIES | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Recurrent | | | | | | Requalification Phase I | | | | | | Requalification Phase II | | | | | |
| | Train | | Test | | | | Train | | Test | | | | Train | | Test | | | |
| **Task Requirements And Performance Standards** | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | | Academic | Practice | Academic | Proficiency | | |
| 2. Deployment, inflation and detachment from the airplane of each type of installed slide raft pack | X | | | | | | X | | | | | | X | | | | | |
| 3. Emergency evacuation including the use of a slide (if applicable) | X | | | | | | X | | | | | | X | | | | | |
| 4. Non-Floor Level exits in the Flight Deck Through Which a Crewmember May egress the Aircraft | X | | | | | | X | | | | | | X | | X | | | |
| 5. Flight Deck Oxygen System | X | | | | | | X | | | | | | X | | | | | |
| **II. Area of Instruction: Aircraft Specific Performance Drills** | | | | | | | | | | | | | | | | | | |
| **A. Subject: Exit Device Operation** | | | | | | | | | | | | | | | | | | |
| **Tasks:** | | | | | | | | | | | | | | | | | | |
| 1. Floor Level Door (Normal Mode) | | | | X | | | | | | X | | | | I | | X | | |
| 2. Floor Level Door (Emergency Mode) | | | | X | | | | | | X | | | | I | | X | | |
| 3. Cabin Window Exit Device and Plug and Hatch Exit Device Operation | | | | X | | | | | | X | | | | I | | X | | |
| 4. Any Additional Exits Required for Type Certification | | | | X | | | | | | X | | | | I | | X | | |

**LEGEND**:

X – This symbol indicates that each flight attendant must complete the task each time a curriculum category is completed.
I – This symbol indicates that the training practice must be performed as an individual.
G – This symbol indicates that the training practice may be completed as an individual or in a group exercise, where the flight attendant participates or observes and provides feedback
3 – This symbol indicates that each flight attendant must complete the task at least once during three consecutive recurrent training cycles.
R – This symbol indicates that the flight attendant must receive training on tasks that were missed and all policies, procedures, and security requirements, applicable to flight attendant duties that have been updated, modified, or implemented since the last time the flight attendant completed recurrent training.
T – This symbol indicates that targeted training and evaluation is conducted at the subject level. With targeted training, each subject must be covered every year during recurrent and certain tasks, as indicated in the Flight Attendant QPS, must be trained and evaluated at least once every 3 years.

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46. Add appendix T to part 121 to read as follows:

## Appendix T—Aircraft Dispatcher Qualification Performance Standards

This appendix supplements the requirements in subpart CC of this part (§§ 121.1401–121.1499).

**Table of Contents**

A. *Continuous Analysis Process.*
B. *Dispatch Resource Management (DRM) Training and Evaluation.*
C. *Special Training and Evaluation.*

**Table 1, Baseline Programmed Hours for Aircraft Dispatchers: Training Program and Qualification Requirements**

**Table 2, Minimum Programmed Hours for Aircraft Dispatchers: Training Program and Qualification Requirements**

**Table 3, Requalification Programmed Hours for Aircraft Dispatchers: Training Program and Qualification Requirements**

**Table 4, Curriculum Category Evaluation Requirements for Aircraft Dispatchers**

**Table 5, Personnel Authorized To Administer Aircraft Dispatcher Training and Evaluation, and To Conduct Observation Activities Under Subpart CC**

**ATTACHMENT 1. General Knowledge and Skills—Academic Training and Evaluation Requirements For Initial, Combined Certification and Initial, Recurrent, and Requalification Curriculum Categories (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; 121.1455; and 121.1471)**

**ATTACHMENT 2. Basic Aircraft and Specific Aircraft Type—Academic Training and Evaluation Requirements For Initial, Combined Certification and Initial, Transition, Recurrent, Requalification, Differences, and Special Curriculum Categories (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; 121.1455, and 121.1471)**

**ATTACHMENT 3. Generic Training and Evaluation Requirements For Certification Under the Combined Certification and Initial Curriculum Category (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1421; 121.1423; 121.1425; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; and 121.1471)**

**ATTACHMENT 4. Requirements and Performance Standards For Proficiency Tests and Proficiency Checks For Initial, Combined Certification and Initial, Transition, Recurrent, and Requalification Curriculum Categories (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1421; 121.1423; 121.1425; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; and 121.1471)**

A. *Continuous Analysis Process.*

A continuous analysis process is incorporated in this QPS through integration with the qualification and training program. The certificate holder is responsible for designating responsibility for the process. The certificate holder must ensure appropriate and adequate assessment tools (testing, checking, critique, inspection, observation, documenting, evaluation, and analysis) are utilized to enable the certificate holder to validate the effectiveness of the qualification and training program or the need to change that program. The certificate holder must describe the attributes of the continuous analysis process in the certificate holder's FAA approved training program.

B. *Dispatch Resource Management (DRM) Training and Evaluation.*

1. Training. DRM training is a component of the initial, combined certification and initial, recurrent, and requalification curriculum categories. DRM training must consist of the subjects listed in Attachment 1, B.1.(k).

2. Evaluation. Evaluation of an aircraft dispatcher's practical application of DRM skills must occur as follows:

(a) During the proficiency test (for initial, combined certification and initial, or transition) and during the proficiency check (for recurrent or requalification).

(b) During the supervised operating experience delivered after initial, combined certification and initial, or requalification.

C. *Special Training and Evaluation.*

The programmed hours established for special training and evaluation are in addition to the previously approved programmed hours for the approved training program. For special training and evaluation (§ 121.1437(c)), the certificate holder integrates the training into the existing categories in Tables 1 and 2 of this appendix. There are no programmed hours in Tables 1 and 2 for special training.

TABLE 1—BASELINE PROGRAMMED HOURS FOR AIRCRAFT DISPATCHERS: TRAINING PROGRAM AND QUALIFICATION REQUIREMENTS

[See § 121.1435]

| Activity | Training categories | | | |
|---|---|---|---|---|
| | Initial for certificated dispatchers | Recurrent | Transition | Combined certification and initial |
| Generic Training and Evaluation (see attachment 3). | N/A | N/A | N/A | 136 |
| General Knowledge and Skills Training and Evaluation (see attachment 1). | 48 | 16 | N/A | 32 |

TABLE 1—BASELINE PROGRAMMED HOURS FOR AIRCRAFT DISPATCHERS: TRAINING PROGRAM AND QUALIFICATION REQUIREMENTS—Continued

[See § 121.1435]

| Activity | Training categories | | | |
|---|---|---|---|---|
| | Initial for certificated dispatchers | Recurrent | Transition | Combined certification and initial |
| Basic Aircraft Training and Evaluation (see attachment 2). | 32 | N/A | N/A | 32 |
| Practical Test | N/A | N/A | N/A | Required. |
| Specific Training and Evaluation per Aircraft Type (see attachment 2). | 8 | 3 | 8 | 8 |
| General Knowledge Training and Evaluation for Flag Operations. (see attachment 1) | 8* | N/A | N/A | 8* |
| General Knowledge Training and Evaluation per Flag Area of Operation (see attachment 1). | 2* | 1* | N/A | 2* |
| Supervised Operating Experience, Domestic. | 8 | N/A | N/A | 8 |
| Supervised Operating Experience, per Flag Area of Operation. | 8* | N/A | N/A | 8* |
| Operating Familiarization | Required | Required | N/A | Required. |
| Proficiency Test | Required | N/A | Required | Required. |
| Proficiency Check | N/A | Required | N/A | N/A. |

*The Administrator may require additional programmed hours contingent on the level of the training program, operational complexity, and responsibilities of the dispatcher.

TABLE 2—MINIMUM PROGRAMMED HOURS FOR AIRCRAFT DISPATCHERS: TRAINING PROGRAM AND QUALIFICATION REQUIREMENTS

[See § 121.1435]

| Activity | Training categories | | | |
|---|---|---|---|---|
| | Initial for certificated dispatchers | Recurrent | Transition | Combined certification and initial |
| Generic Training and Evaluation (see attachment 3). | N/A | N/A | N/A | 136 |
| General Knowledge and Skills Training and Evaluation (see attachment 1). | 48 | 8 | N/A | 32 |
| Basic Aircraft Training and Evaluation (see attachment 2). | 24 | N/A | N/A | 32 |
| Practical Test | N/A | N/A | N/A | Required. |
| Specific Training and Evaluation per Aircraft Type (see attachment 2). | 4 | 2 | 4 | 4 |
| General Knowledge Training and Evaluation for Flag Operations (see attachment 1). | 8 | N/A | N/A | 8 |
| General Knowledge Training and Evaluation per Flag Area of Operation (see attachment 1). | 2 | 2 | N/A | 2 |
| Supervised Operating Experience, Domestic. | 8 | N/A | N/A | 8 |
| Supervised Operating Experience, per Flag Area of Operation. | 8 | N/A | N/A | 8 |
| Operating Familiarization | Required | Required | N/A | Required. |
| Proficiency Test | Required | N/A | Required | Required. |

TABLE 2—MINIMUM PROGRAMMED HOURS FOR AIRCRAFT DISPATCHERS: TRAINING PROGRAM AND QUALIFICATION REQUIREMENTS—Continued

[See § 121.1435]

| Activity | Training categories | | | |
|---|---|---|---|---|
| | Initial for certificated dispatchers | Recurrent | Transition | Combined certification and initial |
| Proficiency Check | N/A | Required | N/A | N/A. |

TABLE 3—REQUALIFICATION PROGRAMMED HOURS FOR AIRCRAFT DISPATCHERS—TRAINING PROGRAM AND QUALIFICATION REQUIREMENTS

[See § 121.1419]

| Activity | Months lapse in currency | | |
|---|---|---|---|
| | Phase I * less than 12 months | Phase II * at least 12 months, but less than 24 months | Phase III 24 months or more |
| Missed Recurrent Training and Evaluation (see attachments 1 and 2). | Required | Required | N/A. |
| General Knowledge and Skills Training and Evaluation (see attachment 1). | 2 | 4 | Initial. |
| Specific Training and Evaluation per Aircraft Type (see attachment 2). | 1 | 2 | Initial. |
| General Knowledge Training and Evaluation per Flag Area of Operation (see attachment 1). | 2 | 2 | Initial. |
| Supervised Operating Experience, Domestic. | 4 | 8 | Initial. |
| Supervised Operating Experience, per Flag Area of Operation. | 2 | 2 | Initial. |
| Operating Familiarization | Required if not completed in previous 12 months. | Required | Required. |
| Proficiency Tests or Checks (see Table 4 and attachment 4). | Proficiency Check Required if not completed in previous 12 months. | Proficiency Check Required | Proficiency Test Required. |

* The certificate holder may choose to requalify an aircraft dispatcher by completing the requirements of § 121.1419(b)(1).

TABLE 4—CURRICULUM CATEGORY EVALUATION REQUIREMENTS FOR AIRCRAFT DISPATCHERS

[See Attachment 4]

| Area of evaluation Tasks | Proficiency test | | | Proficiency check |
|---|---|---|---|---|
| | Initial | Transition | Combined certification and initial * | Recurrent and requalification |
| I. Area of Evaluation: General: | | | | |
| A. Equipment Knowledge | X | X | X | X |
| B. Aircraft Performance and Limitations Knowledge | X | X | X | X |
| C. Operating Requirements | X | N/A | X | X |
| D. National Weather System | X | N/A | X | X |
| E. National NOTAM System | X | N/A | X | X |
| II. Area of Evaluation: Duty Period Orientation: | | | | |
| A. Operations Orientation | X | N/A | X | X |
| B. Dispatcher Shift Turnover | X | N/A | X | X |
| C. Shift Self Briefing | X | N/A | X | X |
| D. Certificate Holder Manuals, Procedures, and Operating Information | X | X | X | X |
| III. Area of Evaluation: Planning and Executing a Dispatch Release: | | | | |
| A. Obtain Required Information | X | N/A | X | X |
| B. Flight Planning | X | X | X | X |
| C. Create and Issue Dispatch Release | X | N/A | X | X |
| D. Briefing Flight Crews | X | N/A | X | X |
| IV. Area of Evaluation: Flight Monitoring: | | | | |
| A. Updating and Gathering Information | X | N/A | X | X |

TABLE 4—CURRICULUM CATEGORY EVALUATION REQUIREMENTS FOR AIRCRAFT DISPATCHERS—Continued

[See Attachment 4]

| Area of evaluation Tasks | Proficiency test | | | Proficiency check |
|---|---|---|---|---|
| | Initial | Transition | Combined certification and initial * | Recurrent and requalification |
| B. Operational Control Decision-Making | X | N/A | X | X |
| C. Amend Dispatch Release | X | N/A | X | X |
| V. Area of Evaluation: Situation Management: | | | | |
| A. Dispatch and Aircraft Abnormality or Emergency | X | X | X | X |
| B. Collection and Dissemination of Information on Overdue or Missing Aircraft | X | N/A | X | X |
| VI. Area of Evaluation: Dispatch Resource Management: | | | | |
| A. Demonstrate and apply DRM concepts | X | N/A | X | X |

* In addition to the Proficiency Test a Practical Test is required as prescribed in Attachment 3.

TABLE 5—PERSONNEL AUTHORIZED TO ADMINISTER AIRCRAFT DISPATCHER TRAINING AND EVALUATION, AND TO CONDUCT OBSERVATION ACTIVITIES UNDER SUBPART CC

[See §§ 121.1421 and 121.1439]

| Aircraft Dispatcher Training, Evaluation, and Observation Activities Under Subpart CC | Employer and position | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Other than Employees of the part 119 certificate holder | | | The part 119 certificate holder | | | | | FAA |
| | Certificated dispatcher instructor | Non-certificated dispatcher instructor | Certificated check dispatcher | Certificated dispatcher instructor | Non-certificated dispatcher instructor | Certificated dispatcher | Check dispatcher | Dispatch program designee | Aviation safety inspector operations |
| **Training And Evaluation** | | | | | | | | | |
| Generic Training, General Knowledge and Skills, and Basic Aircraft | X[a] | X[a] | X[c] | X | X[a] | | X | X | |
| DRM, Certificate Holder Computer Systems, Computer Flight Planning, Contingency Operations, Practical Dispatch Applications | | | X[c] | X | | | X | X | |
| Specific Aircraft Type | X[a] | X[a] | X[c] | X | X[a] | | X | X | |
| Flag and Flag Area of Operations | X[a] | | X[c] | X | | | X | X | |
| Supervised Operating Experience | | | X[c] | X[b] | | X[b] | X | X | |

TABLE 5—PERSONNEL AUTHORIZED TO ADMINISTER AIRCRAFT DISPATCHER TRAINING AND EVALUATION, AND TO CONDUCT OBSERVATION ACTIVITIES UNDER SUBPART CC—Continued

[See §§ 121.1421 and 121.1439]

| Aircraft Dispatcher Training, Evaluation, and Observation Activities Under Subpart CC | Employer and position | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Other than Employees of the part 119 certificate holder | | | The part 119 certificate holder | | | | | FAA |
| | Certificated dispatcher instructor | Non-certificated dispatcher instructor | Certificated check dispatcher | Certificated dispatcher instructor | Non-certificated dispatcher instructor | Certificated dispatcher | Check dispatcher | Dispatch program designee | Aviation safety inspector operations |
| Proficiency Test (Initial, Transition) ..... | | | X[c] | | | | X | X | X |
| Proficiency Check (Recurrent, Requalification) ..... | | | X[c] | | | | X | X | X |
| Practical Test for Certificate ..... | | | | | | | | X | X |
| Proficiency Test (Combined Certification and Initial) ..... | | | | | | | | X | X |
| **Observation Activities** | | | | | | | | | |
| Observation of Dispatch Program Designee (DPD) .... | | | | | | | | | X |

[a] Must be acceptable to the Administrator.
[b] May be conducted by a check dispatcher or a person who meets the experience requirements of § 121.1417.
[c] Applicable to certificate holders that have been issued deviation authority under 14 CFR 121.1411(b).

## Attachment 1 of Appendix T to Part 121

### General Knowledge and Skills—Academic Training and Evaluation Requirements for Initial, Combined Certification and Initial, Recurrent, and Requalification Curriculum Categories

A. General. (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; 121.1455; and 121.1471)

1. The FAA Aircraft Dispatcher Knowledge Test is a requirement for certification and the practical test. The certificate holder's academic evaluations under this attachment are not a substitute for the FAA Aircraft Dispatcher Knowledge Test.

2. Training and academic evaluation are required for all areas of instruction and subjects listed in this attachment that pertain to the certificate holder's operations for persons in initial, combined certification and initial, recurrent, and requalification.

3. The certificate holder must develop a written, oral, or electronic test of the knowledge obtained during academic training that is approved by the Administrator as part of the approved training program. The training program must include development and maintenance of the academic evaluation, methods to establish the validity of the academic evaluation, required student remediation, and adjustment of instruction when required.

The QPS provides job tasks and related areas of required instruction. Each area of instruction contains subjects that must be trained and evaluated if pertinent to the certificate holder's operations. An academic evaluation must include the minimum number of questions indicated in this attachment for each area of instruction. Students must achieve a performance of 80% in each area of instruction. Student performance of at least 80% in an area of instruction must be corrected to 100%. Student performance below 80% in an area of instruction must be corrected to 100% and the student must be reevaluated in that area of instruction.

A test question repository must be developed to include a minimum number of questions for each subject.

4. The academic evaluations for each curriculum category must meet the following requirements:

(a) For initial and combined certification and initial, an academic evaluation must be comprised of the minimum number of questions required for each area of instruction.

(b) For recurrent, an academic evaluation must be comprised of at least 20 questions selected from the applicable areas of instruction.

(c) For requalification that requires missed recurrent training, each recurrent academic evaluation must be comprised of at least 20 questions per missed recurrent training cycle, selected from the applicable areas of instruction. The academic evaluation must

also include five questions from the additional academic training and evaluation activities listed in Table 3 (General Knowledge and Skills and General Knowledge per Flag Area of Operation).

5. The FAA may allow distance learning for subjects in each area of instruction unless otherwise indicated. Initially, distance learning will be limited to 50% of the academic training provided. However, based on the established effectiveness of a certificate holder's approved distance learning methods, the FAA may approve distance learning in excess of 50%.

B. General Knowledge and Skills for Initial or Combined Certification and Initial. (See §§ 121.1413; 121.1431; 121.1433; 121.1435; 121.1439; 121.1451; 121.1453; and 121.1471)

1. General Knowledge required—Areas of Instruction—With Subjects:

(a) *Area of Instruction:* Introduction and Orientation. (5 questions required)

Subjects:

(1) Course contents, schedules, and materials

(2) Key personnel

(3) Recordkeeping requirements

(4) Drug testing and alcohol testing

(5) Identification badges

(6) Certificate holder publications

(7) Schedule

(8) Dispatcher's duties and responsibilities

(9) Joint dispatcher and pilot in command responsibilities

(b) *Area of Instruction:* Applicable Federal Regulations. (10 questions required)

Subjects:

(1) 14 CFR part 1

(2) 14 CFR part 65

(3) 14 CFR part 91

(4) 14 CFR part 119

(5) 14 CFR part 120

(6) 14 CFR part 121

(7) 14 CFR part 139

(8) 49 CFR part 175 (HMR)

(9) 49 CFR part 830 (NTSB)

(10) Special Federal Aviation Regulations (SFARs)

(11) 49 CFR Chapter 12 (TSR)

(c) *Area of Instruction:* Manual overview. (10 questions required) Subjects:

(1) The certificate holder's operations specifications

(2) Manuals containing the following:

(i) Procedures established by FAA authorized exemptions to certain Federal Aviation Regulations (if applicable)

(ii) Procedures established by FAA authorized deviations to certain Federal Aviation Regulations (if applicable)

(iii) Minimum Equipment List (MEL)

(iv) Configuration Deviation List (CDL)

(v) Dispatch Deviation Guide (DDG) procedures

(vi) Maintenance flight logs procedures

(vii) Procedures for maintenance, test, training, and ferry flights

(viii) Deicing and anti-icing procedures

(ix) The process for gathering safety related information such as NOTAMs and weather

(x) The certificate holder's approved training program

(xi) Certificate holder security procedures and directives

(xii) Certificate holder communications and procedures

(xiii) Emergency procedures

(xiv) Procedures for determining whether hazardous materials are on board an aircraft and notification procedures in an emergency

(xv) Dispatch procedures

(xvi) Weight and balance procedures

(xvii) Contents of the Airplane Flight Manual

(xviii) Certificate holder operations (*e.g.,* GOM, FOM)

(xix) Station operations procedures

(xx) Crew operating procedures

(d) *Area of Instruction:* Meteorology. (15 questions required) Subjects:

(1) Upper air meteorology

(2) METAR

(3) TAF

(4) SIGMET–AIRMET

(5) Area forecast

(6) Winds aloft (high and low altitude)

(7) Surface meteorology

(8) Thunderstorms

(9) Tornadoes

(10) Tropical weather (if applicable)

(i) Typhoons

(ii) Tropical storms

(iii) Hurricanes

(11) Atmospheric hazards to aviation:

(i) Low level windshear

(ii) Microburst

(iii) Mountain waves (if applicable)

(iv) Turbulence (all types)

(v) Icing

(vi) Reduced visibility (*e.g.,* fog, ice fog, smog)

(vii) Volcanic ash

(12) FAA approved weather service providers and approved sources

(13) Interpretation and use of weather charts

(14) Enhanced Weather Information System (EWINS), (if applicable)

(e) *Area of Instruction:* Approach plates and charts. (5 questions required)

Subjects:

(1) SIDS and DP

(2) STARS

(f) *Area of Instruction:* Navigation Aids and Publications. (10 questions required)

Subjects:

(1) ILS/Localizer

(2) ILS PRM (if applicable)

(3) VOR and VOR/DME

(4) VOR Classification

(5) NDB

(6) RNAV (*e.g.,* GPS, Inertial)

(7) Class I, Class II, or Performance Based Navigation (as applicable)

(8) Terminal and en route charts and publications

(9) Inoperative navigation aids

(10) RADAR

(g) *Area of Instruction:* Airport characteristics. (5 questions required)

Subjects:

(1) Airports (emphasizing special or unique characteristics)

(2) Runway configurations (*e.g.,* parallel runways, orientation)

(3) Runway surfaces (*e.g.,* grooved, porous friction, runway weight bearing capacity)

(4) Obstacles

(5) Slope

(6) Elevation

(7) Terrain features

(8) Methods of receiving information about airport operations and conditions

(9) Airport lighting and marking

(h) *Area of Instruction:* Air Traffic Control. (15 questions required)

Subjects:

(1) Air Traffic Control communication and coordination

(2) Instrument approach procedures

(3) Terminal departure procedures

(4) Terminal arrival procedures

(5) En route procedures (*e.g.*, strategic and tactical planning tools such as Coded Departure Routes (CDR), National Route Program (NRP), Severe Weather Avoidance Procedures (SWAP))

(6) Flow Control, ARTCC, approach, departure, tower, ground, FSS

(7) National Airspace System

(8) High Altitude Redesign (HAR)

(9) Airspace (Class A–G)

(10) Controlled and uncontrolled airspace and airports

(11) Approved instrument approach procedures (operations specifications)

(12) Information required on ATC Flight Plans (*e.g.,* RNP, RVSM)

(13) Collaborative Decision Making (CDM) (as applicable)

(14) Certificate holder policy on reroutes and deviations and impact on operational control

(i) *Area of Instruction:* NOTAMS (as applicable) (10 questions required)

Subjects:

(1) Distant (D)

(2) FDC

(3) Chart NOTAMs

(4) Chart supplements

(5) FIR boundary NOTAMs

(6) Oceanic NOTAMs

(7) ATC NOTAMs

(8) Military NOTAMs

(9) TFRs and prohibited airspace

(10) Airport Facility Directory (AFD)

(11) Certificate holder

(12) Field conditions

(13) SFARs

(14) Method for gathering and disseminating NOTAMs

(15) Other NOTAM sources

(j) *Area of Instruction:* Crewmember requirement, if applicable per certificate holder procedures. (5 questions required)

Subjects:

(1) Duty time requirements

(2) Qualification

(i) Aircraft

(ii) Airports

(iii) Areas

(iv) Takeoff and landing minimums

(k) *Area of Instruction:* Dispatch Resource Management (DRM) Training. Distance learning not allowed. (5 questions required)

Subjects:

(1) Briefings

(2) Assertiveness

(3) Inquiry

(4) Conflict resolution

(5) Interdepartmental coordination process

(6) Interpersonal relationships

(7) Situational awareness

(8) Preparation, planning, and vigilance

(9) Time management (prioritizing)

(10) Tactical and strategic use of resources

(11) Stress management
(12) Decisionmaking process
(13) Multi-tasking
(14) Risk management
(15) Leadership
(16) Communication

(l) *Area of Instruction:* Ground de-ice and anti-ice program (5 questions required).

Subjects:
(1) Types, purpose, characteristics, and effectiveness of de-ice and anti-ice fluids
(2) De-ice and anti-ice handling and performance implications
(3) Aircraft surface contamination and critical area identification
(4) Use of holdover times
(5) Aircraft de-ice and anti-ice procedures and checks to detect contaminated surfaces

(m) *Area of Instruction:* Computer System, as applicable. (10 questions required)

Subjects:
(1) Weather
(2) Flight planning
(3) Dispatch release
(4) Irregular operations
(5) Takeoff, en route, and landing gross weight calculations
(6) Weight and balance
(7) Flight monitoring, times, and schedule
(8) Airborne and ground based aircraft situation displays (*e.g.,* ASD)
(9) NOTAMs
(10) Computer applications and technology required to perform aircraft dispatcher duties

(n) *Area of Instruction:* Contingency operations for maintaining operational control in the event of single or multiple system failures (*e.g.*, power, communication). Distance learning not allowed. (5 questions required).

(o) *Area of Instruction:* Other required training. The hours for other required training are in addition to approved programmed hours of instruction stated in Table 1 of this appendix.

Subjects:
(1) Awareness training for hazardous materials (part 121, subpart Z)
(2) Drug testing program and alcohol misuse prevention program (part 120)
(3) Security training (49 CFR part 1544)

2. Training and evaluation for a specific type of operation, Domestic or Flag.

(a) *Area of Instruction:* General knowledge training and evaluation for Domestic operations: (15 questions required)

Subjects:
(1) Definition of a domestic operation and what constitutes a domestic operation.
(2) The certificate holder's approved operations specifications related to Domestic operations. Examples:
(i) Special use airspace (*e.g.,* Domestic RVSM)
(ii) Fuel reserves for domestic operations
(iii) Operations specification A012 (Operations to certain foreign airports).
(iv) Exemptions or deviations (if applicable)
(v) Operations specification C070 (Authorized airports)
(3) En route operations over routes and diversions, if applicable, that may expose passengers and crew to extreme environmental conditions. Examples:
(i) Western U.S. terrain clearance and driftdown
(ii) Ozone and hazardous weather
(4) Unique domestic instrument approach and departure procedures. Examples:
(i) Missed approach procedures
(ii) Unique local procedures
(iii) Special instrument approach and departure procedures
(iv) Specific SFAR requirements (if applicable)
(v) Engine out departure procedures
(5) Required Navigation Performance (RNP) or Performance Based Navigation
(6) Domestic communications system; air to ground, radio relay
(7) Procedures for determining alternate airport requirements. Examples:
(i) Alternate airport selection
(ii) Changes to alternates
(8) Crewmember requirement, if applicable per certificate holder procedures
(i) Duty time requirement
(ii) Qualification
(A) Aircraft
(B) Airports
(C) Areas
(D) Takeoff and landing minimums
(9) Dispatch release and its validity time for an intermediate airport
(10) Other issues surrounding operational control of domestic operations.
Examples:
(i) Holding fuel requirements
(ii) Dispatching into congested airspace
(iii) Reanalysis of airborne flights
(iv) Uncontrolled airspace authorizations, en route and terminal

(b) *Area of Instruction:* General knowledge training and evaluation for Flag Operations: (10 questions required)

Subjects:
(1) Definition of a flag operation and what constitutes a flag operation
(2) Flag regulations
(3) Class II navigation (*e.g.,* Inertial, GPS)
(4) Equal Time Point (ETP), if applicable
(5) Extended overwater
(6) Fuel requirements
(7) The practical application of the term "Re-dispatch" and information required to be exchanged between the aircraft dispatcher and the pilot in command, if applicable
(8) International weather. Accessing international weather information (unique problems associated with obtaining international weather information)
(9) ICAO NOTAMS, as applicable
(i) Chart NOTAMS
(ii) Chart supplements
(iii) The certificate holder's procedures for obtaining NOTAM information
(iv) Track messages
(v) International ATC environments. Examples:
(A) Uncontrolled airspace
(B) Airspace restrictions and procedures
(C) Language barriers
(vi) Operations over high terrain. Example: Driftdown considerations (terrain clearance, oxygen, and alternate requirements)
(vii) Procedures for determining alternate airport requirements. Examples:
(A) Alternate airport selection
(B) Changes to alternates
(viii) Crewmember requirement, if applicable per certificate holder procedures
(A) Duty time requirements
(B) Qualification
(*1*) Aircraft
(*2*) Airports
(*3*) Areas
(*4*) Takeoff and landing minimums
(ix) Compliance with foreign regulations and requirements that may be more restrictive than U.S. regulations and requirements
(x) Dispatch release and its validity time for an intermediate airport

(c) *Area of Instruction:* General Knowledge training and evaluation per Flag Area of Operation. The following subjects must be used to build the training and evaluation for each flag area of operation. For training programs that include multiple flag areas of operation, duplicate subjects (*e.g.,* ETOPS, Flag Regulations) need only be trained once. (10 questions required)

(1) Each Flag Area of Operation must contain the minimum number of programmed hours as outlined in Tables 1, 2, or 3, as applicable.
(2) *Flag Areas of Operation:*
(i) Africa. Includes: Continental Africa, Cape Verde, Madagascar, Mauritius, Reunion, Seychelles
(ii) Asia-Eastern. Includes: Mainland China, Mongolia, Siberia
(iii) Commonwealth of Independent States. Includes: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan
(iv) Europe-Central. Includes: Austria, Belgium, Denmark, Estonia, Faroe Islands, Finland, France, Germany, Gibraltar, Greece, Ireland, Italy, Latvia, Luxembourg, Madeira Islands, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom
(v) Europe-Eastern. Includes: Albania, Boznia-Herzegovinia, Bulgaria, Czech Republic, Hungary, Macedonia, Poland, Romania, Slovakia, Slovenia, Yugoslavia
(vi) Latin America. Includes: Mexico, Central America, Caribbean Islands and Cuba
(vii) Middle East-South Asia. Includes: Afghanistan, Bahrain, Bangladesh, Bhutan, Chagos Archipelago, Cyprus, India, Iran, Iraq, Israel, Jordan, Maldives, Myanmar, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syria, Thailand, Turkey, Indian Ocean
(viii) North America. Includes: Alaska, Bermuda, Canada, Contiguous United States
(ix) Atlantic Basin. Includes: Special Contingency Routes, MNPS, Greenland, Iceland, South Atlantic Ocean
(x) Pacific Basin. Includes: Australia, New Zealand, New Guinea, Aleutian Islands, Hawaiian Islands, Japan, Korea, Southeast Asia, Indonesia, Malaysia, Philippines, Hong Kong, Taiwan, Pacific Islands
(xi) Polar Routes, Antarctica, Area of Magnetic Unreliability, and any applicable alternates
(xii) South America. Includes: All Continental Countries
(3) The certificate holder's approved operations specifications related to flag operations
(4) Long range navigation and associated special requirements.

Examples:

(i) Number of Long Range Navigation Systems (LRNS) required for a specific airspace

(ii) Contingency procedures

(5) Long range communication and associated special requirements.

Examples:

(i) Number of Long Range Communication Systems (LRCS) required for a specific airspace

(ii) Types required for specific airspace (*e.g.,* VHF, HF, Satellite, data link)

(iii) Contingency procedures

(6) Extended Operations (ETOPS), as applicable. Examples of variables that must be considered:

(i) Fuel

(ii) Weather

(iii) Alternate airport requirements

(iv) Adequate or suitable airports

(v) Required equipment

(vi) Maintenance status

(vii) Entry and exit points

(7) En route operations over routes and diversions, as applicable that may expose passengers and crew to extreme environmental conditions.

Examples:

(i) Greenland

(ii) Himalayas

(iii) Polar

(iv) Russian airspace

(8) Special use airspace (*e.g.,* Reduced Vertical Separation Minimums (RVSM))

(9) Required Navigation Performance (RNP) or Performance Based Navigation

(10) Unique international instrument approach and departure procedures.

Examples:

(i) Limited navigational aids

(ii) Limited ATC facilities

(iii) Missed approach procedures

(iv) Unique local procedures

(v) Special instrument approach procedures

(vi) Specific SFAR requirements, as applicable

(vii) Engine out departure procedures

(11) Approved airports and landing rights

(12) Over-fly permission

(13) Unique characteristics and special conditions in international airspace and at international airports.

Examples:

(i) Performance limitations

(ii) Mountainous terrain

(iii) Navigation aids

(14) Issues unique to flag area of operations into which the certificate holder operates.

Examples:

(i) Air traffic control

(ii) Organized tracks

(iii) Polar operations

(iv) Uncontrolled airspace

C. General Knowledge and Skills for Recurrent and Requalification (See §§ 121.1419; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1455; and 121.1471)

1. Training is required for dispatchers in recurrent or requalification programs for a certificate holder. Training must address operational and procedural review of topics deemed necessary by the certificate holder and approved by the Administrator. Curriculums must contain (but are not limited to) selected portions of the following areas of instruction. The academic evaluation that is required for recurrent must contain 20 questions. For requalification, the number of questions required for academic evaluation is based on the number of missed recurrent training cycles. See paragraph A.4.(c) of this attachment for specific requirements for academic evaluations during requalification.

2. General Knowledge training and evaluation required—

*Areas of Instruction:*

(a) Operations Specifications

(b) General Operating Manual

(c) Air Traffic Control and Instrument Approach Procedures

(d) Reduced Vertical Separation Minimum (RVSM)

(e) Certificate holder communications systems and procedures

(f) Meteorology

(g) NOTAMS

(h) Maintenance procedures

(i) Emergency procedures

(j) Joint dispatcher and pilot in command responsibilities

(k) Characteristics of appropriate airports

(l) Prevailing weather phenomena

(m) Approach plates and charts

(n) Navigational aids and publications

(o) Certificate holder computer systems (distance learning not allowed)

(p) Computer flight planning (distance learning not allowed)

(q) Dispatch Resource Management (DRM) (distance learning not allowed)

(r) Ground de-ice and anti-ice procedures and policies (must be covered each year)

(s) Flag Areas of Operation—Selected subjects from paragraphs B.2.(b) and (c) of this attachment

3. *Area of Instruction:* Other required training—

The hours for other required training are in addition to approved programmed hours of instruction stated in Table 1 of this appendix.

Subjects:

(a) Awareness training for hazardous materials (part 121, subpart Z)

(b) Drug testing program and alcohol misuse prevention program (part 120)

(c) Security training (49 CFR part 1544)

## Attachment 2 of Appendix T to Part 121

**Basic Aircraft and Specific Aircraft Type—Academic Training and Evaluation Requirements for Initial, Combined Certification and Initial, Transition, Recurrent, Requalification, Differences, and Special Curriculum Categories**

A. General. (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; 121.1455, and 121.1471)

1. The FAA Aircraft Dispatcher Knowledge Test is a requirement for certification and the practical test. The certificate holder's academic evaluations under this attachment are not a substitute for the FAA Aircraft Dispatcher Knowledge Test.

2. Training and academic evaluation are required for all areas of instruction and subjects listed in this attachment that pertain to the certificate holder's operations for persons in initial, combined certification and initial, recurrent, and requalification.

3. The certificate holder must develop a written, oral, or electronic test of the knowledge obtained during academic training that is approved by the Administrator as part of the approved training program. The training program must include development and maintenance of the academic evaluation, methods to establish the validity of the academic evaluation, required student remediation, and adjustment of instruction when required.

The QPS provides job tasks and related areas of required instruction. Each area of instruction contains subjects that must be trained and evaluated if pertinent to the certificate holder's operations. An academic evaluation must include the minimum number of questions indicated in this attachment for each area of instruction. Students must achieve a performance of 80% in each area of instruction. Student performance of at least 80% in an area of instruction must be corrected to 100%. Student performance below 80% in an area of instruction must be corrected to 100% and the student must be reevaluated in that area of instruction.

A test question repository must be developed to include a minimum number of questions for each subject.

4. The academic evaluation for each curriculum category must meet the following requirements:

(a) For initial and combined certification and initial, an academic evaluation must be comprised of the minimum number of questions required for each area of instruction.

(b) For recurrent, an academic evaluation must be comprised of at least 20 questions selected from the applicable areas of instruction. For certificate holders with more than one aircraft type, aircraft systems for each specific aircraft type may be covered over a 3-year cycle as approved by the Administrator.

(c) For requalification that requires missed recurrent training, each recurrent academic evaluation must be comprised of at least 20 questions per missed recurrent training, selected from the applicable areas of instruction. The academic evaluation must also include five questions from the additional academic training and evaluation activity listed in Table 3 (Specific Training and Evaluation per Aircraft Type).

(d) For differences training at least 5 questions. Training and evaluation is required in specific subject areas specified when differences are required.

5. The FAA may allow distance learning for subjects in each area of instruction unless otherwise indicated. Initially, distance learning will be limited to 50% of the academic training provided. However, based on the established effectiveness of a certificate holder's approved distance learning methods, the FAA may approve distance learning in excess of 50%.

B. Basic Aircraft Training and Evaluation Requirements for Initial or Combined Certification and Initial. (see §§ 121.1431; 121.1433; 121.1435; 121.1437; 121.1439;

121.1441; 121.1451; 121.1453; 121.1455, and 121.1471)

*Areas of Instruction—With Subjects:*

1. *Area of Instruction:* Basic Aircraft Systems Theory and Performance. (10 questions required)

Subjects:
(a) Air conditioning
(b) Pressurization
(c) Auto flight
(d) Communications
(e) Electrical
(f) Equipment and furnishings
(g) Fire protection
(h) Flight controls
(i) Fuel
(j) Hydraulics
(k) Ice and rain protection
(l) Instrumentation
(m) Landing gear
(n) Lights
(o) Oxygen
(p) Water and waste
(q) Auxiliary power
(r) Doors
(s) Propellers
(t) Engines
(u) Weight and balance theory
(v) Flight planning overview
(w) Aircraft performance

2. *Area of Instruction:* A general description of the aircraft performance characteristics emphasizing the following as applicable: (5 questions required)

Subjects:
(a) Aircraft limitations that may affect the aircraft performance
(b) Navigation equipment and required navigation performance
(c) Communication equipment and required communication performance
(d) Other factors affecting operating and performance characteristics

3. *Area of Instruction:* MEL and CDL specific applications and appropriate operating manual procedures applicable to dispatch for: (10 questions required)

Subjects:
(a) Air conditioning
(b) Pressurization
(c) Auto flight
(d) Communications
(e) Electrical
(f) Equipment and furnishings
(g) Fire protection
(h) Flight controls
(i) Fuel
(j) Hydraulics
(k) Ice and rain protection
(l) Instrumentation
(m) Landing gear
(n) Lights
(o) Oxygen
(p) Water and waste
(q) Auxiliary power
(r) Doors
(s) Propellers
(t) Engines

4. *Area of Instruction:* Additional training and evaluation in the following subjects must be included (as applicable): (10 questions required)

Subjects:
(a) Instrument approach and communication equipment
(b) Aircraft specific deicing procedures
(c) Special considerations and authorizations for international operations
(d) Reduced separation standards
(e) Special maintenance procedures
(f) Flight manual specific emergency procedures and equipment.
(g) Weight and balance considerations
(h) Basic aircraft performance dispatch requirements and procedures
(i) Flight planning including route, track and altitude selection, en route performance, flight time analysis, weather considerations, and fuel analysis
(j) Aircraft specific emergency procedures
(k) Mission capable considerations (*e.g.,* over-water equipped)

C. Aircraft Type Specific Training and Evaluation Requirements for Initial, Combined Certification and Initial, Transition, Recurrent, and Requalification. (see §§ 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; 121.1455, and 121.1471)

1. Aircraft Type Specific Training and Evaluation Requirements—Areas of Instruction—With Subjects:

(a) *Area of Instruction:* Systems Overview: (15 questions required)

Subjects:
(1) Air conditioning
(2) Pressurization
(3) Auto flight
(4) Communications
(5) Electrical
(6) Equipment and furnishings
(7) Fire protection
(8) Flight controls
(9) Fuel
(10) Hydraulics
(11) Ice and rain protection
(12) Instrumentation
(13) Landing gear
(14) Lights
(15) Oxygen
(16) Water and waste
(17) Auxiliary power
(18) Doors
(19) Propellers
(20) Engines

(b) *Area of Instruction:* Performance. (5 questions required)

Subjects:
(1) Take-off performance
(2) En route performance
(3) Landing performance

(c) *Area of Instruction:* Other. (10 questions required)

Subjects:
(1) Aircraft manuals
(2) Aircraft limitations
(3) Weight and balance
(4) Emergency and abnormal procedures

2. *Differences.* (5 questions required)

Each training program must provide differences training and evaluation if the Administrator finds that, due to differences between aircraft of the same type operated by the certificate holder, additional training and evaluation is necessary to ensure that each dispatcher is adequately trained to perform the assigned duties. The programmed hours established for differences training are in addition to the previously approved programmed hours for the approved training program. For differences training and evaluation (§ 121.1471), the hours remain in the differences curriculum category. There are no programmed hours in Tables 1 and 2 of this appendix for differences training and evaluation.

## Attachment 3 of Appendix T to Part 121

**Generic Training and Evaluation Requirements for Certification Under the Combined Certification and Initial Curriculum Category**

A. General (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1421; 121.1423; 121.1425; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; and 121.1471)

1. The FAA Aircraft Dispatcher Knowledge Test is a requirement for certification and the practical test. The certificate holder's testing under this attachment is not a substitute for the FAA Aircraft Dispatcher Knowledge Test.

2. Training and evaluation is required in all of the subjects listed in this attachment for combined certification and initial.

3. The certificate holder must develop a written, oral, or electronic test of the knowledge obtained during academic training that is approved by the Administrator as part of the approved training program. The training program must include development and maintenance of the academic evaluation, methods to establish the validity of the academic evaluation, required student remediation, and adjustment of instruction when required.

An academic evaluation must include the minimum number of questions indicated in the QPS for each subject. Students must achieve a performance of 80% in each area of instruction. Student performance of at least 80% in an area of instruction must be corrected to 100%. Student performance below 80% in an area of instruction must be corrected to 100% and the student must be reevaluated in that area of instruction.

4. The FAA may allow distance learning for subjects in each area of instruction unless otherwise indicated. Initially, distance learning will be limited to 50% of the academic training provided. However, based on the established effectiveness of a certificate holder's approved distance learning methods, the FAA may approve distance learning in excess of 50%.

B. General Training and Evaluation Requirements Areas of Instruction—With Subjects: (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1421; 121.1423; 121.1425; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; and 121.1471)

1. *Area of Instruction:* Regulations (10 questions required)

Subjects:
(a) 14 CFR part 65, subparts A and C
(b) 14 CFR parts 1, 25, 61, 71, 91, 121, 139, and 175
(c) 49 CFR part 830 (NTSB)
(d) General Operating Manual (GOM)

2. *Area of Instruction:* Meteorology (15 questions required)

Subjects:
(a) *Basic Weather Studies*

(1) The earth's motion and its effects on weather
(2) Analysis of the following regional weather types, characteristics, and structures, or combinations thereof:
(i) Maritime
(ii) Continental
(iii) Polar
(iv) Tropical
(3) Analysis of the following local weather types, characteristics, and structures or combinations thereof:
(i) Coastal
(ii) Mountainous
(iii) Island
(iv) Plains
(4) The following characteristics of the atmosphere:
(i) Layers
(ii) Composition
(iii) Global wind patterns
(iv) Ozone
(v) Tropopause
(5) Pressure:
(i) Units of measure
(ii) Weather systems characteristics
(iii) Temperature effects on pressure
(iv) Altimeters
(v) Pressure gradient force
(vi) Pressure pattern flying weather
(6) Wind:
(i) Major wind systems and coriolis force
(ii) Jetstreams and their characteristics
(iii) Local wind and related terms
(7) States of matter:
(i) Solids, liquid, and gases
(ii) Causes of change of state
(8) Clouds:
(i) Composition, formation, and dissipation
(ii) Types and associated precipitation
(iii) Use of cloud knowledge in forecasting
(9) Fog:
(i) Causes, formation, and dissipation
(ii) Types
(10) Ice:
(i) Causes, formation, and dissipation
(ii) Types
(11) Stability and instability:
(i) Temperature lapse rate, convection
(ii) Adiabatic processes
(iii) Lifting processes
(iv) Divergence
(v) Convergence
(12) Turbulence:
(i) Jetstream associated
(ii) Pressure pattern recognition
(iii) Low level windshear
(iv) Mountain waves
(v) Thunderstorms
(vi) Clear air turbulence.
(13) Airmasses:
(i) Classification and characteristics
(ii) Source regions
(iii) Use of airmass knowledge in forecasting
(14) Fronts:
(i) Structure and characteristics, both vertical and horizontal
(ii) Frontal types
(iii) Frontal weather flying
(15) Theory of storm systems:
(i) Thunderstorms
(ii) Tornadoes
(iii) Hurricanes and typhoons
(iv) Microbursts
(v) Causes, formation, and dissipation

(b) *Weather, analysis, and forecasts*
(1) Observations:
(i) Surface observations
(A) Observations made by certified weather observer
(B) Automated weather observations
(ii) Terminal forecasts
(iii) Significant en route reports and forecasts
(A) Pilot reports
(B) Area forecasts
(C) Sigmets, airmets
(D) Center weather advisories
(iv) Weather imagery
(A) Surface analysis
(B) Weather depiction
(C) Significant weather prognosis
(D) Winds and temperature aloft
(E) Composite moisture stability chart
(F) Surface weather prognostic chart
(G) Radar meteorology
(H) Satellite meteorology
(I) Other charts as applicable
(v) Meteorological information data collection systems
(2) Data collection, analysis, and forecast facilities
(3) Service outlets providing aviation weather products.
(c) *Weather Related Hazards*
(1) Crosswinds and gusts
(2) Contaminated runways
(3) Restrictions to surface visibility
(4) Turbulence and windshear
(5) Icing
(6) Thunderstorms and microburst
(7) Volcanic ash
3. *Area of Instruction:* Navigation (10 questions required)
Subjects:
(a) *Study of the Earth*
(1) Time reference and location (0 Longitude, UTC)
(2) Definitions
(3) Projections
(4) Charts.
(b) *Chart Reading, Application, and Use*
(c) *National Airspace Plan*
(d) *Navigation Systems*
(e) *Airborne Navigation Instruments*
(f) *Instrument Approach Procedures*
(1) Transition procedures
(2) Precision approach procedures
(3) Non-precision approach procedures
(4) Minimums and the relationship to weather
(g) *Special Navigation and Operations*
(1) North Atlantic
(2) Pacific
(3) Global differences
4. *Area of Instruction:* Communications (5 questions required)
Subjects:
(a) *Regulatory requirements*
(b) *Communication Protocol*
(c) *Voice and Data Communications*
(d) *Notice to Airmen (NOTAMS)*
(e) *Aeronautical Publications*
(f) *Abnormal Procedures*
5. *Area of Instruction:* Air Traffic Control (10 questions required)
Subjects:
(a) *Responsibilities*
(b) *Facilities and Equipment*
(c) *Airspace classification and route structure*
(d) *Flight Plans*
(1) Domestic
(2) International
(e) *Separation Minimums*
(f) *Priority Handling*
(g) *Holding Procedures*
(h) *Traffic Management*
6. *Area of Instruction:* Emergency and Abnormal Procedures. (5 questions required)
Subjects:
(a) *Security measures on the ground*
(b) *Security measures in the air*
(c) *FAA responsibility and services*
(d) *Collection and dissemination of information on overdue or missing aircraft*
(e) *Means of declaring an emergency*
(f) *Responsibility for declaring an emergency*
7. *Area of Instruction:* Practical dispatch applications (distance learning not allowed)
Subjects:
(a) *Human Factors*
(1) Decision-making:
(i) Situation assessment
(ii) Generation and evaluation of alternatives
(A) Tradeoffs and prioritization
(B) Contingency planning
(iii) Support tools and technologies
(2) Human error:
(i) Causes
(A) Individual and organizational factors
(B) Technology-induced error
(ii) Prevention
(iii) Detection and recovery
(3) Teamwork:
(i) Communication and information exchange
(ii) Cooperative and distributed problem-solving
(iii) Resource management
(A) Air Traffic Control (ATC) activities and workload
(B) Flight crew activities and workload
(C) Maintenance activities and workload
(D) Operations control staff activities and workload
(b) *Applied Dispatching*
(1) Briefing techniques, Dispatcher, Pilot.
(2) Preflight:
(i) Safety
(ii) Weather analysis
(A) Satellite imagery
(B) Upper and lower altitude charts
(C) Significant en route reports and forecasts
(D) Surface charts
(E) Surface observations
(iii) NOTAMS and airport conditions
(iv) Crew
(A) Qualifications.
(B) Limitations
(v) Flight planning
(A) Route of flight
(*1*) Standard Instrument Departures and Standard Terminal Arrival Routes
(*2*) En route charts
(*3*) Operational altitude
(*4*) Departure and arrival charts
(B) Minimum departure fuel
(*1*) Climb
(*2*) Cruise
(*3*) Descent
(vi) Decision to operate the flight
(vii) ATC flight plan filing
(viii) Flight documentation

(A) Flight plan
(B) [Reserved]
(3) Authorize flight departure with concurrence of pilot in command
(4) In-flight operational control:
(i) Situational awareness
(ii) Information exchange
(iii) Amend original dispatch release as required
(5) Post-flight:
(i) Arrival verification
(ii) Weather debrief
(iii) Flight irregularity reports as required
8. *Area of Instruction:* Weight and balance subject: (5 questions required)
Subject:
(a) *Theory and application weight and balance*
(b) [Reserved]
9. *Area of Instruction:* Performance for the type of aircraft (5 questions required)

## Attachment 4 of Appendix T to Part 121

**Requirements and Performance Standards for Proficiency Tests and Proficiency Checks for Initial, Combined Certification and Initial, Transition, Recurrent, and Requalification Curriculum Categories**

A. Evaluation Requirements for Proficiency Tests and Checks. (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1421; 121.1423; 121.1425; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; 121.1455; and 121.1471)

1. Evaluation is required for all tasks and situations listed in each duty area that pertain to the certificate holder's operations for persons in initial, combined certification and initial, transition, recurrent, and requalification curriculum categories. The aircraft dispatcher must understand and, where applicable, satisfactorily complete the tasks required for the areas of evaluation listed in Table 4 of this appendix.

2. The certificate holder must use Table 4 to determine the tasks and situations on which each aircraft dispatcher must be evaluated for each curriculum category. If the certificate holder adds tasks or situations to those listed in Table 4, it must further develop the tasks or situations to include the requirement and frequency for training and evaluation in each specific curriculum category listed in the table. These changes must be approved by the POI.

3. *Evaluation Requirements for Initial, Combined Certification and Initial, and Transition Curriculum Categories.*

(a) Academic evaluation will be accomplished through all phases of the academic training as specified in attachments 1, 2, and 3.

(b) The proficiency test for initial and combined certification and initial is a combination of knowledge evaluation and skills evaluation during which additional training or practice is not allowed. The proficiency test is administered after the completion of SOE in order to dispatch aircraft for the certificate holder in accordance with part 121.

(c) The proficiency test for transition may be a knowledge evaluation, a skills evaluation, or a combination of knowledge evaluation and skills evaluation, during which additional training or practice is not allowed. This test is administered at the end of transition training.

(d) The proficiency test must be administered in either an actual or simulated dispatch work environment and must cover the tasks in each area of instruction as depicted in Table 4. Each proficiency test must include a representative number of questions for each task which demonstrates the aircraft dispatcher's proficiency. Each area of evaluation must be satisfactorily demonstrated to the Check Dispatcher, Dispatch Program Designee, or FAA principal Operations Inspector, as applicable. Retraining is required for each task in each area of evaluation that is not satisfactorily completed. Retraining is followed by reevaluation of the student in each retrained area of instruction. The FAA must also approve the form and content of the reevaluation.

4. *Evaluation Requirements for Recurrent and Requalification Curriculum Categories.*

(a) Academic evaluation will be accomplished through all phases of the academic training as specified in attachments 1 and 2.

(b) For recurrent and requalification, the proficiency check is a combination of knowledge evaluation and skills evaluation of tasks listed in Table 4 and described in this attachment. Additional training or practice is allowed during the proficiency check.

(c) The proficiency check must be administered in either an actual or simulated dispatch work environment. Each proficiency check must include a representative number of questions for each task which demonstrates the aircraft dispatcher's proficiency. Each area of evaluation must be satisfactorily demonstrated to the Check Dispatcher, Dispatch Program Designee, or FAA Principal Operations Inspector, as applicable. Retraining is required for each task in each area of evaluation that is not satisfactorily completed. Retraining is followed by reevaluation of the student in each retrained area of instruction. The FAA must also approve the form and content of the reevaluation.

5. Dispatch Resource Management (DRM) indicators must be evaluated throughout the entire proficiency test or check.

6. The certificate holder must tailor the procedures in this attachment for each aircraft type and approved area of operation. The certificate holder must include these procedures in the manual(s) provided to the aircraft dispatcher.

B. Tasks and Situations by Area of Evaluation (see §§ 121.1411; 121.1413; 121.1415; 121.1417; 121.1419; 121.1421; 121.1423; 121.1425; 121.1431; 121.1433; 121.1435; 121.1437; 121.1439; 121.1441; 121.1451; 121.1453; and 121.1471)

1. Area of Evaluation: General

(a) *Task: Equipment Knowledge.*

The dispatcher must have an understanding and a basic knowledge about the following subjects (systems and components) (as applicable):

(1) Landing gear, including: Extension and retraction systems, brakes, anti-skid, tires, nose-wheel steering, and shock absorbers.

(2) Engine(s), including: Controls and indications, induction system, carburetor and fuel injection, turbo-charging, cooling, fire detection and protection, mounting points, turbine wheels, compressors, de-icing, anti-icing, and other related components.

(3) Propellers, including: Type, controls, feathering and unfeathering, auto feather, negative torque sensing, synchronizing, and synchro-phasing.

(4) Fuel system, including: Capacity, controls; indicators; cross-feeding; transferring; jettison; fuel grade, color and additives; fueling and de-fueling procedures; and allowable fuel substitutions, if applicable.

(5) Oil system, including: Grade and indicators.

(6) Hydraulic system, including: Capacity pumps, pressure, reservoirs, grade, and regulators.

(7) Electrical system, including: Alternators, generators, battery, circuit breakers and protection devices, controls, indicators, and external and auxiliary power sources and ratings.

(8) Environmental systems, including: Heating, cooling, ventilation, oxygen and pressurization, controls, indicators, and regulating devices.

(9) Avionics and communications, including: Autopilot, flight director, and Electronic Flight Indicating Systems (EFIS); Flight Management System(s) (FMS); Long Range Navigation systems; Doppler Radar; Inertial Navigation Systems (INS); Global Positioning System (GPS, DGPS, WGPS); VOR, NDB, ILS, MLS, and RNAV systems and components; indicating devices; transponder; and emergency locator transmitter.

(10) Ice protection (anti-ice and de-ice), including: Pitot-static system, propeller (if appropriate), windshield, wing and tail surfaces.

(11) Flight controls, including: Ailerons, elevator(s), rudder(s), control tabs, balance tabs, stabilizer, flaps, spoilers, leading edge flaps and slats, and trim systems.

(b) *Task: Aircraft Performance and Limitations Knowledge.*

(1) The dispatcher must understand and be proficient in the use of (as appropriate to the aircraft) performance charts, tables, graphs, or other data relating to the certificate holder's approved system for the following:

(i) Accelerate—stop distance.
(ii) Accelerate—go distance.
(iii) Balanced field.
(iv) Takeoff performance, all engines and with engine(s) inoperative, as appropriate.
(v) Climb performance including segmented climb performance; with all engines operating; with one or more engine(s) inoperative, and with other engine malfunctions as may be appropriate.
(vi) Service ceiling, all engines, with engine(s) inoperative, including Drift Down and Terrain Clearance, if appropriate.
(vii) Cruise performance.
(viii) Fuel consumption, range, and endurance.
(ix) Descent performance.
(xi) Go-around from rejected landings
(xii) The effects of meteorological conditions upon performance characteristics

with correct application of these factors to a specific chart, table, graph or other performance data

(xiii) How to determine longitudinal and lateral center-of-gravity location for a specific load condition including how to add, remove, or shift weight to meet longitudinal (forward and aft), and lateral balance limits for takeoff, cruise, and landing

(2) The aircraft dispatcher must know all of the limitations appropriate to each aircraft type and the kind of operation the dispatcher dispatches with respect to:

(i) Systems and components

(ii) Performance

(iii) MEL issues and how they may be different for a flag operation or a domestic operation

(c) *Task: Operating Requirements*

The aircraft dispatcher must understand the certificate holder's operating requirements as provided in:

(1) Operations Specifications

(2) General Operating Manual

(3) 14 CFR part 1

(4) 14 CFR part 91

(5) 14 CFR part 119

(6) 14 CFR part 121

(7) 14 CFR part 139

(8) 49 CFR part 175 (HMR)

(9) 49 CFR part 830 (NTSB)

(10) Special Federal Aviation Regulations (SFARs)

(11) 49 CFR Chapter 12 (TSR)

(12) ATC System

(13) Airport Facility Directory

(d) *Task: National Weather System*

The aircraft dispatcher must know the National weather system (international weather systems, if applicable) and be able to use the system to assess weather conditions at departure, intermediate, en route, destination, and alternate airports.

(e) *Task: National NOTAM System*

The aircraft dispatcher must know the National NOTAM system (international NOTAM systems, if applicable) and be able to determine the impact of these NOTAMs on en route flight planning and at departure, intermediate, en route, destination, and alternate airports.

2. Area of Evaluation: Duty Period Orientation

(a) *Task: Operations Orientation*

The dispatcher must know how to use available information to create an operations orientation that covers, as applicable:

(1) The location of all flights for which the dispatcher is responsible

(2) Planned flights and any special flights for the duty period

(3) Knowledge of issues, such as anticipated ATC problems and delays

(4) NOTAMS, weather, and field conditions for regular and alternate airports

(5) Navigation facilities and any irregularities that may affect the safety of flight

(b) *Task: Dispatcher Shift Turnover*

The dispatcher must:

(1) Determine that his or her duty schedule complies with part 121 dispatcher duty regulations and certificate holder operating procedures

(2) Become thoroughly briefed at the beginning of duty period by the dispatcher who is turning over operational control

(3) Develop situational awareness and prioritize his or her workload

(4) Provide thorough briefing at the end of the duty period to the relieving dispatcher

(c) *Task: Shift Self Briefing*

The aircraft dispatcher must use available information to anticipate and respond to events that may occur during the duty period, including:

(1) The general weather patterns

(2) Weather information system status

(3) EWINS status (if applicable)

(4) Radar imagery

(5) Fuel status of current and planned flights

(6) MEL status of current and planned flights

(7) General airport conditions

(d) *Task: Certificate Holder Manuals, Procedures, and Operating Information*

The aircraft dispatcher must understand and verify the currency of the operational procedures contained in the following:

(1) Certificate holder manual containing Flight Crew Operating Manual (FCOM) information

(2) Airplane Flight Manual (AFM)

(3) Manual containing certificate holder operations procedures

(4) Manual containing the Aircraft Dispatcher Procedures Manual (ADPM)

(5) Aeronautical Information Manual (AIM)

(6) Certificate holder's operations specifications

(7) Maintenance restrictions such as airworthiness directives

(8) MEL

(9) CDL

3. Area of Evaluation: Planning and Executing a Dispatch Release

(a) *Task: Obtain, Evaluate, and Disseminate Required Information*

The aircraft dispatcher must do the following, as applicable:

(1) Obtain, evaluate, and disseminate to the flight crew all pertinent weather information in the aircraft dispatcher's area of responsibility as follows:

(i) Weather reports and forecasts

(ii) Pilot and radar reports

(iii) Surface analysis reports

(iv) Radar summary charts

(v) Significant weather prognostics

(vi) Winds and temperature aloft

(vii) Freezing level charts

(viii) Turbulence reports and forecasts

(ix) Icing reports and forecasts

(x) Stability charts

(xi) Severe weather outlook charts

(xii) Constant pressure charts

(xiii) Constant pressure prognostics

(xiv) Tables and conversion graphs

(xv) SIGMETS, convective SIGMETS, convective outlooks, weather warnings, and AIRMETS

(xvi) ATIS report

(xvii) Satellite imagery

(xviii) NOTAMs

(xix) Field condition reports

(2) Obtain, evaluate, and disseminate to the flight crew other information in the aircraft dispatcher's area of responsibility, such as the following:

(i) Aircraft status

(A) Maintenance and MEL

(B) Loading and fuel

(C) Performance data

(ii) ATC problems such as departure or arrival delays, flow control and en route or altitude problems

(iii) ATC tower closures, curfews, or other information, such as noise abatement requirements at or near the arrival period

(iv) Fuel and ground handling issues

(v) Highlight restrictive MEL and CDL items

(vi) Irregular operations plan of action (*e.g.,* diversion)

(3) Obtain, review, and disseminate to the flight crew the following:

(i) The suitability of runways, including whether closed runways or runways with displaced thresholds are accounted for in the performance computations

(ii) All NOTAMs

(iii) Information about field conditions (contact the station, if the information is not readily available) at airports to determine the validity of the information and the impact on operations

(iv) The fueling restrictions and any station equipment problems (contact the station, if the information is not readily available) for the airports to determine the impact on planned operations

(4) Review the aircraft dispatcher "read file" for updated operational information

(5) Review AIM

(i) Navaids

(ii) Airports and air navigation and lighting

(iii) Airspace

(iv) Air traffic control procedures including clearances

(v) Airport operations

(vi) Departure, en route, and arrival procedures

(6) Review the Flight Crew Qualification for route to be flown

(i) Special Airports

(ii) Special use airspace

(iii) High minimum captains and flight crew minimums

(7) Review the aircraft status

(i) Maintenance and MEL

(ii) Loading and fuel

(iii) Performance data

(iv) Special areas of operation requirements

(b) *Task: Flight Planning.*

The aircraft dispatcher must do the following, as applicable:

(1) Select an alternate airport

(i) Use a flight movement forecast (FMF) under an approved EWINS program

(ii) Determine whether an alternate airport is required for the destination airport in accordance with 14 CFR part 121, any existing exemptions, deviations, operations specification requirements, and procedures, for the certificate holder

(iii) If weather conditions at the departure airport are below landing minimums in the certificate holder's operation specifications for that airport, specify a departure alternate in accordance with 14 CFR part 121, and the approved certificate holder procedures

(iv) Ensure that each alternate airport selected (whether for departure or destination airports) meets the requirements of 14 CFR part 121, and the approved certificate holder procedures

(v) Consider and plan for an unscheduled stop

(vi) Determine the operational suitability of the planned alternate by determining the following:

(A) Field conditions (*e.g.,* wet runways, runway friction reports, braking action reports)

(B) The MEL and CDL status of the aircraft and any potential weather related condition or restriction

(C) Crosswind and tailwind components

(D) Weather reporting service is available

(E) Approach chart does not prohibit its use as an alternate

(F) The appropriate navigational facilities are monitored and operational.

(G) The airport has an instrument approach procedure authorized for use by the certificate holder

(H) Tower closures and alternative procedures

(2) Determine whether holding is anticipated at both the destination and the appropriate alternate(s) by considering the following:

(i) En route conditions

(ii) ATC constraints

(iii) Possible re-routes

(iv) Marginal weather conditions at the arrival airports

(v) MEL and CDL considerations

(3) Determine the MEL and CDL status of the aircraft and its impact on the flight plan

(4) Plan the flight considering the following:

(i) The ATC preferred routing (*e.g.,* High Altitude Redesign, RVSM, RNP)

(ii) The performance requirements of part 121, subpart I

(iii) The MEL or CDL status of the aircraft and any potential weather related considerations of resultant restrictions

(iv) The en route navigational facilities are monitored and operational

(v) Maintenance, test, training, and ferry flights (as applicable)

(5) Determine the fuel load requirements

(i) Ensure that the flight is released with sufficient fuel on board to comply with the requirements of 14 CFR and the certificate holder's requirements for computing minimum fuel supply

(ii) Consider the impact of underfueling or overfueling on the dispatch release

(iii) Comply with the requirements of any deviations or exemptions used

(6) Determine aircraft performance requirements. Ensure that the flight is released at a weight and configuration that complies with the requirements of 14 CFR part 121, subpart I and any additional certificate holder requirements.

(c) *Task: Create and Issue Dispatch Release.*

The aircraft dispatcher must do the following, as applicable:

(1) Create and issue a dispatch release using the certificate holder's approved system for issuing dispatch releases

(2) Create and issue a dispatch release using the certificate holder's approved back-up system for issuing dispatch releases

(3) Ensure that the dispatch release meets the regulatory requirements and contains or has attached to it the available weather reports, weather forecasts (or a combination of these) for the destination airport, any intermediate stops, and any alternate airports

(4) Ensure the dispatch release meets the approved certificate holder requirements

(d) *Task: Briefing Flight Crews*

The aircraft dispatcher must demonstrate the ability to brief the flight crew on the topics listed in paragraph B.3. of this attachment

4. Area of Evaluation: Flight Monitoring

(a) *Task: Updating and Gathering Information.*

During the en route portion of the flight, the dispatcher must:

(1) Track changing weather and operating conditions

(2) Determine the actual time the aircraft departed, progress of flight, and its estimated time of arrival

(3) Provide the PIC with necessary information for the safe conduct of the flight, such as changing meteorological conditions or irregularities of facilities and services. Provide this information using the certificate holder's approved communication system(s).

(4) Advise the PIC of any changes in the operations environment as follows:

(i) ATC constraints

(ii) Updated NOTAMs that may affect the flight

(iii) Change in operations and an alternate plan

(iv) Field conditions and runway availability

(b) *Task: Operational Control Decisionmaking*

The aircraft dispatcher must do the following, as applicable:

(1) Understand the operational function of and interaction with other departments, such as the following:

(i) Maintenance

(ii) Crew scheduling

(iii) Training

(iv) Customer service

(v) Airport and station

(2) Process the operational function of and interaction with these departments into an operational control decision in accordance with approved certificate holder procedures

(c) *Task: Amend Dispatch Release.* The aircraft dispatcher must demonstrate the following:

(1) Determine when an amendment to a dispatch release is required (*e.g.,* mechanical problem, alternate or destination changes)

(2) Amend the dispatch release in accordance with approved certificate holder procedures

(3) Record that amendment in accordance with approved certificate holder procedures

5. *Area of Evaluation: Situation Management*

(a) *Task: Dispatch and Aircraft Abnormality or Emergency*

The dispatcher must demonstrate the ability to do the following:

(1) Manage the following abnormal and emergency situations generated from a source other that the flight crew:

(i) A bomb threat is received

(ii) In-flight medical emergency

(iii) Engine failure in flight

(iv) In-flight fire

(v) Overweight landings

(vi) Low fuel emergencies

(vii) Aircraft diversions

(viii) Hijacking

(ix) Sabotage threats

(x) An aircraft has been involved in a major accident

(xi) An aircraft is overdue or missing

(xii) Actions or alerts issued by military or other security agencies

(xiii) Any other operational situation that affects the safety of flight

(2) Establish communication with the Aircraft through the normal certificate holder air to ground communication system

(3) Immediately notify the PIC of an emergency situation that arises during flight that requires an immediate decision and action by an aircraft dispatcher and record that decision

(4) Determine whether the PIC has declared an emergency

(5) Declare an emergency (if appropriate) in accordance with 14 CFR in the event the aircraft dispatcher cannot communicate with the PIC

(6) Maintain operational control of the flight experiencing the abnormal or emergency situation

(7) Notify certificate holder management of the abnormal or emergency situation

(8) Maintain operational control of all flights in the dispatcher's control

(9) Contact maintenance for mechanical situations

(10) Determine the extent of the situation and attempt to classify the type of situation in order to report it properly to the authorities

(11) Use of the appropriate certificate holder manuals (*e.g.,* QRH, emergency procedures manual)

(b) *Task: Collection and dissemination of information on overdue or missing aircraft*

The aircraft dispatcher must:

(1) Know how to send a written report of any deviation (within 10 days of the emergency) through the certificate holder's operations manager to the POI at the certificate holding district office in accordance with 14 CFR

(2) Know how to notify the nearest National Transportation Safety Board (NTSB) office when an accident or any of the following occur:

(i) Flight control system malfunction or failure

(ii) Inability of any required flightcrew member to perform normal flight duties as a result of injury or illness

(iii) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes

(iv) In-flight fire

(v) Aircraft collide in flight

(vi) Damage to property, other than the aircraft, estimated to exceed $25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less

(vii) For large multiengine aircraft (more than 12,500 pounds maximum certificated takeoff weight):

(A) In-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a back-up source such as a battery, auxiliary power unit, or air-

driven generator to retain flight control or essential instruments

(B) In-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces

(C) Sustained loss of the power or thrust produced by two or more engines and

(D) An evacuation of an aircraft in which an emergency egress system is utilized

(viii) An aircraft is overdue and is believed to have been involved in an accident

6. *Area of Evaluation: Dispatch Resource Management*

(a) *Evaluation.* Evaluation of an aircraft dispatcher's practical application of DRM skills must occur as follows:

(1) After the aircraft dispatcher has completed initial, combined certification and initial, recurrent, and requalification training. This evaluation must be completed during the proficiency test (for initial and combined certification and initial training) and during the proficiency check (for recurrent or requalification training).

(2) During the supervised operating experience delivered after initial, combined certification and initial, and requalification training.

(b) *Task: Demonstrate and apply DRM concepts.* (Evaluation must be in the form of demonstration)

The aircraft dispatcher must know and be able to apply the following DRM competencies:

(1) Briefings
(2) Assertiveness
(3) Inquiry
(4) Conflict resolution
(5) Interdepartmental coordination process
(6) Interpersonal relationships
(7) Situational awareness
(8) Preparation, planning, and vigilance
(9) Time management (prioritizing)
(10) Tactical and strategic use of resources
(11) Stress management
(12) Decisionmaking process
(13) Multi-tasking
(14) Risk management
(15) Leadership
(16) Communication

## PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

35. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

36. Revise § 135.1(a)(4) to read as follows:

### § 135.1 Applicability.

(a) * * *

(4) Each person who applies for initial or provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum segment under subpart Y of part 121 of this chapter and each person employed or used by a certificate holder to perform training, qualification, or evaluation functions under an Advanced Qualification Program under subpart Y of part 121 of this chapter.

* * * * *

37. Amend § 135.3 by revising paragraphs (b) and (c) and by adding paragraph (d) to read as follows:

### § 135.3 Rules applicable to operations under this part.

* * * * *

(b) Each certificate holder that conducts commuter operations under this part with airplanes in which two pilots are required by the type certification rules of this chapter must comply with subpart BB of part 121 of this chapter instead of the requirements of subparts E, G, and H of this part.

(c) The rules in subpart BB of part 121 of this chapter are considered a subpart of part 135 of this chapter for certificate holders identified in paragraph (b) of this section.

(d) If authorized by the Administrator upon application, each certificate holder that conducts operations under this part to which paragraph (b) of this section does not apply, may comply with the applicable sections of subpart BB of part 121 of this chapter instead of the requirements of subparts E, G, and H of this part, except that those authorized certificate holders may choose to comply with the operating experience requirements of § 135.244, instead of the requirements of § 121.1225 of this chapter.

## PART 142—TRAINING CENTERS

38. The authority citation for part 142 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44703, 44705, 44707, 44709–44711, 45102–45103, 45301–45302.

### § 142.1 [Amended]

39. Remove and reserve § 142.1(b)(2).

40. Revise § 142.63(b) to read as follows:

### § 142.63 Privileges.

* * * * *

(b) Approved under subpart Y, Advanced Qualification Program, of part 121 of this chapter, for meeting recency of experience requirements.

Issued in Washington, DC on April 26, 2011.

**John M. Allen,**

*Director, Flight Standards Service.*

[FR Doc. 2011–10554 Filed 5–11–11; 11:15 am]

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# FEDERAL REGISTER

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Part III

## Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production; Proposed Rule

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

**[EPA–HQ–OAR–2002–0037; FRL–9298–7]**

**RIN 2060–AN33**

## National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The proposed rule would establish emission standards for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The proposed rule includes requirements to demonstrate initial and continuous compliance with the proposed emission standards. EPA is proposing standards that would apply at all times, including during periods of startup, shutdown, and malfunctions. The proposed standards also include continuous monitoring provisions and recordkeeping and reporting requirements.

**DATES:** *Comments.* Comments must be received on or before July 19, 2011. Under the Paperwork Reduction Act, comments on the information collection provisions are best assured of having full effect if the Office of Management and Budget (OMB) receives a copy of your comments on or before June 20, 2011.

*Public Hearing.* We [1] will hold two public hearings concerning the proposed polyvinyl chloride and copolymers (PVC) production rules in the Houston, Texas area, and in Baton Rouge, Louisiana. Persons interested in presenting oral testimony at either public hearing should contact Ms. Teresa Clemons at (919) 541–0252 or at *clemons.teresa@epa.gov* by May 31, 2011. If no one requests to speak at the public hearings by May 31, 2011, then the public hearings will be cancelled without further notice. We will specify the date and time of the public hearings on *http://www.epa.gov/ttn/atw/pvc/pvcpg.html.*

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0037 by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *http://www.epa.gov/oar/docket.html.* Follow the instructions for submitting comments.
- *E-mail: a-and-r-Docket@epa.gov.* Attn: Docket ID No. EPA–HQ–OAR–2002–0037.
- *Fax:* (202) 566–9744. Attn: Docket ID No. EPA–HQ–OAR–2002–0037.
- *Mail:* By U.S. Postal Service, send your comments to: EPA Docket Center, EPA West Building (Air Docket), U.S. Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attn: Docket ID No. EPA–HQ–OAR–2002–0037. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.
- *Hand Delivery*: By courier, deliver your comments to: U.S. Environmental Protection Agency, EPA Docket Center, EPA West Building (Air Docket), Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004, Attn: Docket ID No. EPA–HQ–OAR–2002–0037. Such deliveries are only accepted during the normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays), and special arrangements should be made for deliveries of boxed information.

*Instructions*: All submissions must include agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Direct your comments to Docket ID No. EPA–HQ–OAR–2002–0037. EPA's policy is that all comments received will be included in the public docket and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI), or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected through *http://www.regulations.gov* or E-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an E-mail comment directly to EPA without going through *http://www.regulations.gov*, your E-mail address will be automatically captured and included as part of the comment that is placed in the public docket, and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment, and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.regulations.gov*.

*Docket:* EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2002–0037. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *http://www.regulations.gov*, or in hard copy at the EPA Docket Center, EPA West Building (Air Docket), Room 3334, 1301 Constitution Ave., NW., Washington, DC. 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 EPA Docket Center is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jodi Howard, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541–4607; Fax number: (919) 541–0246; E-mail address: *howard.jodi@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

*Acronyms and Abbreviations.* Several acronyms and terms are used in this preamble. While this may not be an exhaustive list, to ease the reading of this preamble and for reference purposes, the following terms and acronyms are defined here:

CAA—Clean Air Act
CBI—confidential business information
CDD/CDF—chlorinated dibenzo-dioxins and furans
CDX—Central Data Exchange
CEMS—continuous emission monitoring system
CPMS—continuous parameter monitoring system
ERT—Emissions Reporting Tool

[1] Throughout this preamble, "we" refers to EPA.

Fe—fraction emitted
GACT—generally available control technologies or management practices
HAP—hazardous air pollutants
HCl—hydrogen chloride
HON—Hazardous Organic NESHAP
ICR—information collection request
K—kurtosis
lbs/yr—pounds per year
l/min—liters per minute
MACT—maximum achievable control technology
NESHAP—national emission standards for hazardous air pollutants
ng/dscm—nanograms per dry standard cubic meter
NTTAA—National Technology Transfer and Advancement Act
OP—Office of Policy
ppbv—parts per billion by volume
ppbw—parts per billion by weight
ppmv—parts per million by volume
ppmw—parts per million by weight
PRD—pressure relief device
psia—pounds per square inch absolute
PVC—polyvinyl chloride and copolymers
PVCPU—PVC production process unit
RFA—Regulatory Flexibility Act
RIN—Regulatory Information Number
S—skewness
SEK—standard error of kurtosis
SES—standard error of skewness
TCEQ—Texas Commission on Environmental Quality
TEF—toxic equivalency factor
TEQ—toxic equivalent
THC—total hydrocarbons
TTN—Technology Transfer Network
UMRA—Unfunded Mandates Reform Act
UPL—upper prediction limit
VCM—vinyl chloride monomer
WWW—World Wide Web

*Organization of This Document.* The following outline is provided to aid in locating information in this preamble.

I. General Information
A. Do these rules apply to me?
B. What should I consider as I prepare my comments to EPA?
C. Where can I get a copy of this document?
II. Background Information for these Proposed Rules
A. What is the statutory authority for the proposed PVC rule?
B. What is the history of the PVC Production source category?
C. Summary of Related Court Decisions
D. What are the emission sources at PVC production facilities?
E. What HAP are emitted from PVC production facilities?
F. How did we gather information for the proposed PVC rule?
III. Summary of the Proposed Rule
A. What is the affected source for the proposed rule?
B. What is the relationship between this proposed rule and the existing 40 CFR part 61 standards for PVCPU?
C. How have we used subcategories in the proposed rule?
D. What proposed emission limitations and work practice standards must I meet?
E. When must I comply with the proposed standards?
F. What are the initial and continuous compliance requirements?
G. What are the performance testing requirements for batch process operations?
H. What are the notification, recordkeeping, and reporting requirements?
I. What are the electronic data submittal requirements?
J. What revisions are proposed for the area source rule (40 CFR part 63, subpart DDDDDD)?
IV. Rationale for the Proposed PVC Rule for Major and Area Sources (40 CFR part 63, subpart HHHHHHHH)
A. How did EPA subcategorize PVC production?
B. How did EPA select the emission points, format, and pollutants for the proposed rule?
C. How did EPA determine the proposed emission standards for area sources?
D. How did EPA determine the MACT floors for existing major sources?
E. How did EPA determine the MACT floors for new major sources?
F. How did EPA analyze beyond-the-floor options and determine MACT?
G. How did EPA select the compliance and monitoring requirements for the proposed rule?
H. How did EPA determine compliance times for the proposed rule?
I. How did EPA determine the required records and reports for this proposed rule?
J. What are the startup, shutdown, and malfunction provisions?
V. Impacts of the Proposed PVC Rule
A. What are the air impacts?
B. What are the cost impacts?
C. What are the non-air quality health, environmental, and energy impacts?
D. What are the economic impacts of the proposed standards?
VI. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act of 1995 (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

A redline version of the regulatory language that incorporates the changes in this proposed action to 40 CFR 63, subpart DDDDDD is available in the docket.

## I. General Information

### *A. Do these rules apply to me?*

The proposed rules establish national emission standards for hazardous air pollutants (NESHAP) for PVC production.

The regulated categories and entities potentially affected by the proposed PVC production standards include the following:

| Category | NAICS[1] Code | Examples of potentially regulated entities |
|---|---|---|
| Polyvinyl chloride resins manufacturing | 325211 | Facilities that polymerize vinyl chloride monomer to produce polyvinyl chloride and/or copolymers products. |

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether your facility, company, business, organization, *etc.,* would be affected by this proposed action, you should examine the applicability criteria in the proposed 40 CFR part 63, subpart HHHHHHHH (National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production), and in 40 CFR part 63, subpart DDDDDD (National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources).

Your PVC production process unit (PVCPU) is not subject to this subpart if it is a research and development facility, as defined in section 112(c)(7) of the Clean Air Act (CAA). If you have any questions regarding the applicability of the proposed action to a particular entity, contact the person listed in the

preceding **FOR FURTHER INFORMATION CONTACT** section.

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

*Submitting CBI.* Do not submit information that you consider to be CBI electronically through *http://www.regulations.gov* or E-mail. Send or deliver information identified as CBI to only the following address: Ms. Jodi Howard, c/o OAQPS Document Control Officer (Room C404–02), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn: Docket ID No. EPA–HQ–OAR–2002–0037.

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. If you submit a disk or CD–ROM that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

*C. Where can I get a copy of this document?*

In addition to being available in the docket, an electronic copy of this proposed action will also be available on the World Wide Web (WWW) through the Technology Transfer Network (TTN). Following signature, a copy of the proposed action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at the following address: *http://www.epa.gov/ttn/oarpg/*. The TTN provides information and technology exchange in various areas of air pollution control.

## II. Background Information for These Proposed Rules

*A. What is the statutory authority for the proposed PVC rule?*

Section 112(d) of the CAA requires us to establish NESHAP for source categories and subcategories of both major and area sources of hazardous air pollutants (HAP) that are listed for regulation under CAA section 112(c). A major source emits or has the potential to emit 10 tons per year (tpy) or more of any single HAP or 25 tpy or more of any combination of HAP. An area source is a HAP-emitting stationary source that is not a major source.

Section 112(d) of the CAA requires EPA to set emissions standards for HAP emitted by major stationary sources based on performance of the maximum achievable control technology (MACT). The MACT standards for existing sources must be at least as stringent as the average emissions limitation achieved by the best performing 12 percent of existing sources (for which the Administrator has emissions information) or the best performing five sources for source categories or subcategories with fewer than 30 sources (CAA section 112(d)(3)(A) and (B)). This minimum level of stringency is called the MACT floor. For new sources, MACT standards must be at least as stringent as the control level achieved in practice by the best controlled similar source (CAA section 112(d)(3)). EPA also must consider more stringent "beyond-the-floor" control options. When considering beyond-the-floor options, EPA must consider not only the maximum degree of reduction in emissions of HAP, but must take into account costs, energy, and non-air quality health and environmental impacts when doing so.

Section 112(k)(3)(B) of the CAA requires EPA to identify at least 30 HAP which, as a result of emissions from area sources, pose the greatest threat to public health in the largest number of urban areas. EPA implemented this provision in 1999 in the Integrated Urban Air Toxics Strategy (Strategy), (64 FR 38715, July 19, 1999). Specifically, in the Strategy, EPA identified 30 HAP that pose the greatest potential health threat in urban areas, and these HAP are referred to as the "30 urban HAP." CAA section 112(c)(3) requires EPA to list sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the emissions of the 30 urban HAP are subject to regulation. A primary goal of the Strategy is to achieve a 75-percent reduction in cancer incidence attributable to HAP emitted from stationary sources.

EPA can set MACT standards for area sources. Section 112(d)(2). Alternatively, under CAA section 112(d)(5), EPA can promulgate standards or requirements for area sources "which provide for the use of generally available control technologies ["GACT"] or management practices by such sources to reduce emissions of hazardous air pollutants." Additional information on GACT is found in the Senate report on the legislation (Senate Report Number 101–228, December 20, 1989), which describes GACT as:

> * * * methods, practices and techniques which are commercially available and appropriate for application by the sources in the category considering economic impacts and the technical capabilities of the firms to operate and maintain the emissions control systems. Consistent with the legislative history, we can consider costs and economic impacts in determining GACT.

Determining what constitutes GACT involves considering the control technologies and management practices that are generally available to the area sources in the source category. We also consider the standards applicable to major sources in the analogous source category to determine if the control technologies and management practices are transferable and generally available to area sources. In appropriate circumstances, we may also consider technologies and practices at area and major sources in similar categories to determine whether such technologies and practices could be considered generally available for the area source categories at issue. Finally, as noted above, in determining GACT for a particular area source category, we consider the costs and economic impacts of available control technologies and management practices on that category.

Under CAA section 112(d)(6), we are required to "review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under this section no less often than every 8 years."

We are proposing revised standards for vinyl chloride emissions from area sources under the authority of CAA section 112(d)(6). We are also proposing standards for dioxin, hydrogen chloride (HCl), and total HAP under CAA section 112(d)(5).

*B. What is the history of the PVC Production source category?*

On July 16, 1992, PVC Production was listed as a major source category for regulation pursuant to section 112(c) of the CAA (57 FR 31576). A major source of HAP is a stationary source that has the potential to emit 10 tpy or more of any one HAP or 25 tpy or more of any combination of HAP.

On June 26, 2002, PVC Production was listed as an area source category for regulation pursuant to sections 112(c)(3) and 112(k)(3)(B)(ii) of the CAA (67 FR

43112). An area source is a stationary source of HAP that is not a major source.

On July 10, 2002, EPA promulgated NESHAP for new and existing PVC production facilities that are major sources in 40 CFR part 63, subpart J (67 FR 45886, July 10, 2002) (referred to as the "part 63 NESHAP"). In that rulemaking, EPA determined that compliance with the existing Vinyl Chloride NESHAP (40 CFR part 61, subpart F) (referred to as the "part 61 NESHAP") reflected the application of MACT; thus, satisfying CAA section 112(d), with the exception of adding requirements for equipment leaks at new sources. In the part 61 NESHAP and the associated part 63 NESHAP, EPA regulated vinyl chloride emissions as a surrogate for all HAP emitted from PVC production. For equipment leaks, the part 63 NESHAP required that new sources comply with 40 CFR part 63, subpart UU, National Emission Standards for Equipment Leaks—Control Level 2 Standards.

In *Mossville Environmental Action Now* v. *EPA,* 370 F.3d 1232 (DC Cir. 2004), the petitioners argued that EPA failed to set emission standards for all HAP emitted by PVC plants. EPA had set emission standards for vinyl chloride as a surrogate for the remaining HAP, because it was the predominant HAP used and emitted at PVC plants. The Court ruled that EPA did not adequately explain the basis for its decision to use vinyl chloride as a surrogate for other HAP. The Court "vacated and remanded [the rule in its entirety] to the Agency for it to reconsider or properly explain its methodology for regulating [HAP] emitted in PVC production other than vinyl chloride by use of a surrogate." 370 F.3d at 1243. This rule proposes NESHAP for PVC production major sources in response to the remand, and in accordance with section 112 of the CAA.

On January 23, 2007 (72 FR 2930), EPA promulgated NESHAP for new and existing PVC production area sources in 40 CFR part 63, subpart DDDDDD. Subpart DDDDDD is based on GACT, and requires area sources to meet the requirements in the existing Vinyl Chloride NESHAP (part 61 NESHAP). The part 61 NESHAP requirements address only vinyl chloride emissions. In this rulemaking, we are fulfilling our obligation under section 112(d)(6) of the CAA to review, and revise, as necessary, the PVC production area source standards. We are coordinating our review of the area source standards with the development of major source MACT standards in response to the Court remand.

*C. Summary of Related Court Decisions*

In addition to *Mossville Environmental Action Now* v. *EPA,* summarized above, two other court decisions are relevant to this proposal. In March 2007, the District of Columbia Circuit Court issued an opinion (*Sierra Club* v. *EPA,* 479 F.3d 875 (DC Cir. 2007) (Brick MACT)) vacating and remanding CAA section 112(d) MACT standards for the Brick and Structural Clay Ceramics source categories. Some key holdings in that case were:

- MACT floors for existing sources must reflect the average emission limitation achieved by the best performing 12 percent of existing sources, not levels EPA considers to be achievable by all sources (479 F.3d at 880–81);
- EPA cannot set floors of "no control." The Court reiterated its prior holdings, including *National Lime Association* v. *EPA,* 233 F.3d 625 (DC Cir. 2000), confirming that EPA must set floor standards for all HAP emitted by the major source, including those HAP that are not controlled by at-the-stack control devices (479 F.3d at 883); and
- EPA cannot ignore non-technology factors that reduce HAP emissions, including when determining which sources are best performers for purposes of ascertaining the MACT floor. Specifically, the Court held that "EPA's decision to base floors exclusively on technology even though non-technology factors affect emissions violates the Act." (479 F.3d at 883).

In addition, the fact that a specific level of performance is not being intentionally achieved by the source is not a legal basis for excluding the source's performance from consideration. *Sierra Club* v. *EPA,* 479 F.3d at 631–34; *National Lime Association* v. *EPA,* 233 F.3d at 640.

The Brick MACT decision also stated that EPA may account for variability in setting floors. However, the Court found that EPA erred in assessing variability, because it relied on data from the worst performers to estimate best performers' variability, and held that "EPA may not use emission levels of the worst performers to estimate variability of the best performers without a demonstrated relationship between the two" (479 F.3d at 882).

A second Court opinion of relevance to this proposal is Sierra Club v. EPA, 551 F.3d 1019 (DC Cir. 2008). In that case, the Court vacated portions of two provisions contained in the General Provisions (40 CFR part 63, subpart A). The regulations at issue were 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), which, when incorporated into CAA section 112(d) regulations for specific source categories, exempt sources from the requirement to comply with the otherwise applicable CAA section 112(d) emission standard during periods of startup, shutdown, and malfunction.

*D. What are the emission sources at PVC production facilities?*

PVC production includes the manufacture of PVC resins. The resins are then used to make a large number of commercial and industrial products. Producing these resins involves batch reactors where vinyl chloride monomer (VCM), along with initiators and inhibitors, is polymerized as a homopolymer, or copolymerized with varying amounts of a co-monomer, such as vinyl acetate. At most facilities, the resulting resins are in a slurry form and are then stripped to recover the unreacted VCM. The stripped resin is then dried into powders or granules. PVC resins are then either shipped offsite, or used to make final products in equipment and unit operations that are not covered under this source category.

PVC is not a HAP, but the manufacture of PVC resin requires VCM, which is a HAP, as a primary feedstock. Unreacted VCM and other organic HAP present in feedstocks or formed during the polymerization process may be present in process components. HAP may be released from an opening or leak in a process component; or the residual HAP (*i.e.,* unreacted VCM, and other organic compounds) in the resin may be released to the atmosphere as a result of drying or handling dry resin. Stripping the polymerized resin to recover unreacted VCM reduces the air emissions of vinyl chloride and other HAP from the resin slurry by reducing the amount of HAP present. Gaseous vent streams containing vinyl chloride and other HAP that originates from process equipment prior to, and including the resin stripper, are sent to a VCM recovery process before being routed to one or more control devices, such as an absorber, or thermal oxidizer, followed by a halogenated compound scrubber. Combustion controls greatly reduce vinyl chloride and other HAP emissions, but may create other HAP, in particular, chlorinated dibenzo-dioxins and furans (CDD/CDF), and HCl.

Emission sources in the PVC production process include process components prior to, and including, the resin stripper(s) (*e.g.,* the reactor, resin stripper, reactor used as a stripper, storage and feed vessels for raw materials, additives, initiators, and

inhibitors); VCM recovery systems (*e.g.,* condenser or other vapor separation devices, holding tanks, gas holders); and process components downstream of the resin stripper(s) (*e.g.,* centrifuges, concentrators, blend tanks, filters, dryers, conveyor air discharges, bagging operations, resin handling and conveyance equipment), and final resin storage tanks or storage silos. Additional emission sources at PVC production facilities include leaking equipment (*e.g.,* pumps, valves, compressors); wastewater collection and treatment systems; heat exchange system components (*e.g.,* cooling towers, heat exchangers, pumps, and other equipment associated with the heat exchange system); and other emission sources, such as opening a reactor and other components for maintenance and cleaning.

*E. What HAP are emitted from PVC production facilities?*

The HAP emitted from PVC production processes includes a wide variety of HAP. There are no metal HAP emitted from PVC production. In addition, combustion control devices emit HCl and CDD/CDF. Of the HAP emitted from PVC production processes, 1,3-butadiene, benzene, CDD/CDF, and vinyl chloride have been classified as known human carcinogens.[2] Several other compounds that may be emitted from PVC production processes have been classified as probable carcinogens, such as acetaldehyde, bis (2-ethylhexyl) phthalate, chloroform, chloroprene, ethylene dichloride, ethylidene dichloride, formaldehyde, iso-octane, methylene chloride, vinyl bromide, and vinylidene chloride.[3]Hydrogen chloride, along with other non-carcinogenic HAP (*e.g.,* methanol), are also emitted from PVC production processes.

*F. How did we gather information for the proposed PVC rule?*

We gathered information on PVC production through review of previously collected information, current literature, data from the *National Emissions Inventory,* meetings and voluntary information submissions by industry and the industry trade association, and formal information collection pursuant to CAA section 114.

There were two components to the information collection. First, we solicited information from eight PVC companies in the United States that manufacture PVC resin. The collection obtained available information on PVC production units at major and area sources (*e.g.,* information on production processes, equipment, emission points, control techniques, operating practices, and emissions based on previous tests or calculations). Companies were also asked to provide data for other emission sources, including process component openings and cleanouts, handling of unstripped resin, filters, and gas holders. Second, we required the same companies to measure the HAP content in their PVC resins (both following stripping, but before drying, and after drying) and measure the HAP emissions at the inlet and outlet to their process vent control devices. The information collection is documented in the memorandum, *Information Collection for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category,* and results of this information collection are available in the docket.

## III. Summary of the Proposed Rule

This section summarizes and provides our rationale for the requirements proposed in this action. In section III of this preamble, the term "you" refers to owners and operators of sources affected by the proposed rule.

*A. What is the affected source for the proposed rule?*

The proposed rule applies to owners or operators of PVC PU located at, or that are part of, a major source or an area source as defined in 40 CFR 63.2. The affected source for this subpart is each individual PVCPU. An existing affected source is a PVCPU that is not a new affected source, as defined in 40 CFR 63.11870 of the proposed rule. A new affected source is a PVCPU for which construction is commenced on or after May 20, 2011 at a major or area source. If components of an existing affected source are replaced such that the replacement meets the definition of reconstruction in 40 CFR 63.2 and the reconstruction commenced on or after May 20, 2011, then the existing source becomes a reconstructed source and is subject to the relevant standards for a new affected source. The reconstructed source must comply with the requirements for a new affected source upon initial startup of the reconstructed source, or by the effective date of publication of the final rule in the **Federal Register**, whichever is later.

A PVCPU is defined as a collection of process components that is assembled and connected by hard-piping or duct work that processes raw materials to manufacture PVC resin. A PVCPU includes, but is not limited to, polymerization reactors; resin strippers; blend tanks; centrifuges; dryers; product separators; recovery devices; feed, intermediate, and product storage vessels; finished product loading operations; heat exchange systems; wastewater strippers; wastewater treatment systems; connected ducts and piping; and equipment in HAP service, including pumps, compressors, agitators, pressure relief devices (PRD), sampling connection systems, open-ended valves or lines, valves, and connectors.

*B. What is the relationship between this proposed rule and the existing 40 CFR part 61 standards for PVCPU?*

PVCPU are currently subject to requirements in the part 61 NESHAP. This proposed rule includes requirements that are at least as stringent as the requirements in this existing rule. We, therefore, propose that once facilities are in compliance with the final PVCPU MACT, the requirements of the part 61 NESHAP would no longer apply.

*C. How have we used subcategories in the proposed rule?*

Most of the emissions sources subject to the proposed regulation have the same characteristics, and are addressed consistently, independent of process operations or products produced. We are proposing, however, three subcategories for our limits on the amount of HAP remaining in resins following polymerization and stripping (*i.e.,* the stripped resin). These subcategories are based on the type of resin produced, and include: (1) Bulk resin, (2) dispersion resin, and (3) all other resin (*e.g.,* suspension and solution resin).

*D. What proposed emission limitations and work practice standards must I meet?*

The proposed rule would establish the same requirements for affected sources located at major and area sources. We explain in section IV.C below our rationale for the standards proposed for area sources.

1. Storage Vessels and Handling Operations

Under 40 CFR 63.11910 and Table 4 of the proposed rule, if you own or operate a storage vessel at a new or existing affected source, we are proposing that material with a maximum true vapor pressure of the stored liquid greater than 11.1 pounds per square inch absolute (psia) be stored in pressure vessels with no emissions to the atmosphere. During those times when purging is required, or when the pressure vessel is being loaded, the

[2] U.S. EPA, *Integrated Risk Information System* (IRIS). Available at *http://www.epa.gov/IRIS/index.html.*

purged stream or the emission stream during loading would be required to be routed to a closed vent system and control device. The closed vent system and control device must meet the requirements specified in 40 CFR 63.11925 of the proposed rule. You would also be required to equip all openings in the pressure vessel with closure devices that are designed to operate with no detectable emissions, as determined using procedures specified in 40 CFR 63.11910(a)(3) of the proposed rule.

For storage vessels with a capacity greater than or equal to 40,000 gallons, storing material with a maximum true vapor pressure greater than or equal to 0.75 psia, or storage vessels with a capacity greater than or equal to 20,000 gallons (but less than 40,000 gallons), storing materials with a maximum true vapor pressure greater than or equal to 4 psia, we are proposing two equivalent compliance options. We are proposing that material be stored in either: (1) A floating roof tank meeting the operating, inspection, and maintenance requirements of 40 CFR part 63, subpart WW, or (2) a fixed roof storage vessel that routes vent streams to a closed vent system and control device (meeting the requirements of 40 CFR 63.11925 of the proposed rule) capable of reducing inlet volatile organic compound (VOC) emissions by 95 or greater.

We are proposing that all other storage vessels meet the operating, inspection, and maintenance requirements for fixed roof vessels of 40 CFR 63.11910(a) of the proposed rule, or comply with either the controlled fixed roof or floating roof requirements discussed previously. 40 CFR 63.11910(a)(1)(ii) and 40 CFR 63.11910(a)(3)(i) of the proposed rule include requirements to equip each opening in the roof with a closure device, and to perform initial and annual inspections, and repair any defects found within the specified time period. Defects include, but are not limited to, visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

We are not proposing requirements for handling operations (unloading and transfer) for reasons explained in section IV.D of this preamble.

2. Equipment Leaks

In 40 CFR 63.11915 of the proposed rule, we are proposing that existing and new affected sources comply with the leak detection and repair (LDAR) program requirements of the National Emission Standards for Equipment Leaks-Control Level 2 Standards, subpart UU of 40 CFR part 63, except for agitators, and rotating or reciprocating pumps and compressors. For gas and light liquid valves, subpart UU specifies a leak definition of 500 parts per million VOC, and a monitoring frequency that is dependent upon the number of leaking valves. Subpart UU also requires equipment specifications that prevent leaks for other pieces of equipment.

We are proposing that rotating pumps be sealless, equipped with double seals, or equivalent. Reciprocating pumps, reciprocating and rotating compressors, and agitator must be equipped with double seals, or equivalent, as provided in 40 CFR 63.11915 of the proposed rule. If double mechanical seals or double outboard seals are used, HAP emissions must be minimized by maintaining the pressure between the two seals so that the leak occurs into the pump, compressor, or agitator; by ducting any HAP between the two seals through a closed vent system to a control device meeting the process vent emission limits specified in 40 CFR 63.11925 of the proposed rule; or by an equivalent method, as provided in 40 CFR 63.11915 of the proposed rule.

We are proposing that a vinyl chloride monitoring system be operated for detection of major leaks and identification of the general area of the plant where a leak is located. A vinyl chloride monitoring system is a device that obtains air samples from one or more points continuously, and analyzes the samples with gas chromatography, infrared spectrophotometry, flame ion detection, or an equivalent or alternate method.

In 40 CFR 63.11915 of the proposed rule, we are also proposing that, in addition to operating with no detectable emissions, there be no discharge to the atmosphere from any PRD on any equipment in HAP service within the PVCPU. We are proposing that upon a discharge to the atmosphere from the PRD that the monitoring requirements specified in 40 CFR part 63, subpart UU for pressure releases from PRD be followed.

3. Heat Exchange Systems

In 40 CFR 63.11920 of the proposed rule, we are proposing that you implement a LDAR program to detect leaks of VOC into cooling water. For existing sources, we are proposing monthly monitoring for both closed loop and once-through heat exchange systems using either the Texas Commission on Environmental Quality (TCEQ) Modified El Paso Method [3] or EPA Method 8021B, Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors, with a leak action level of 38 parts per billion by weight (ppbw) of total strippable VOC in the cooling water or 2.9 parts per million by volume (ppmv) of total strippable VOC in the stripping gas. For new sources, we are proposing twice-daily (12 hour intervals) monitoring for both closed loop and once-through heat exchange systems using either the TCEQ's Modified El Paso Method [4] or EPA Method 8021B with a leak action level of 30 ppbw of total strippable VOC in the cooling water or 2.3 ppmv of total strippable VOC in the stripping gas. The delay of repair action level for both new and existing sources is 380 ppbw of total strippable VOC in the cooling water or 29 ppmv of total strippable VOC in the stripping gas. When a leak is identified, additional monitoring must be performed to isolate the source of the leak. If the total strippable VOC concentration remains below the leak action level throughout the period of additional monitoring, then repairs are not required; otherwise, repairs must be completed within 45 days of identifying the leak. Repairs may be delayed if the concentration of total strippable VOC in the cooling water or stripping gas remains below the delay of repair action level and either: (1) It is technically infeasible to repair the leak without a shutdown, or (2) the necessary equipment, parts, or personnel are not available.

4. Process Vents

In 40 CFR 63.11925 of the proposed rule, we are proposing all the vent streams from: polymerization reactors, resin strippers, other process components prior to the resin stripper, VCM recovery systems, wastewater collection and treatment system, slip gauges, unloading and loading lines, and samples be routed through a closed vent system to a control device. We are proposing the emission limitations presented in Table 1 of this preamble for

[3] *Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources,* Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by TCEQ, January 31, 2003 (incorporated by reference—see 40 CFR 65.645).

[4] *Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources,* Revision Number One, dated January 2003, *Sampling Procedures Manual*, Appendix P: Cooling Tower Monitoring, prepared by TCEQ, January 31, 2003 (incorporated by reference—see 40 CFR 65.645).

the outlet of the control device. These emission limitations apply at all times.

TABLE 1—EMISSION LIMITATIONS FOR PROCESS VENTS [a]

| Pollutant | Emission Limitations [b] | |
|---|---|---|
| | Existing sources | New sources |
| Vinyl chloride | 0.32 ppmv | 3.2 ppbv |
| Hydrogen chloride | 150 ppmv | 0.17 ppmv |
| Total organic HAP | 12 ppmv | 0.22 ppmv |
| Dioxin/Furans (TEQ) | 0.023 ng/dscm | 0.0087 ng/dscm |

[a] Process vents limits apply at the outlet of the control device which controls closed vent streams from polymerization reactors, resin strippers, other process components prior to the resin stripper(s), VCM recovery systems, certain storage vessels, the wastewater collection and treatment system, slip gauges, unloading and loading lines, and samples.

[b] ppbv = parts per billion by volume dry at 3-percent $O_2$. ppmv = parts per million by volume dry at 3-percent $O_2$. ng/dscm = nanograms per dry standard cubic meter at 3-percent $O_2$.

5. Other Emission Sources

Other emission sources include reactor and other component opening losses. When reactors or other components (including pre-polymerization reactors used in the manufacture of bulk resins) are opened for cleaning, we are proposing in 40 CFR 63.11955 of the proposed rule that emissions be minimized prior to opening. We are proposing that emissions from opening a polymerization reactor must not exceed 0.04 pound vinyl chloride/ton of polyvinyl chloride product where the product means the gross product of pre-polymerization and post-polymerization. We are proposing emissions from opening of process components for any reason be minimized by reducing the volume of vinyl chloride to an amount that occupies a volume of no more than 2.0 percent of the component's containment volume or 25 gallons, whichever is larger, at standard temperature and pressure. Any vinyl chloride removed from opening equipment must be ducted through a closed vent system to a control device meeting the requirements in 40 CFR 63.11925 through 40 CFR 63.11950 of the proposed rule. The outlet of the control device must meet the emission limitations for process vents discussed in section III.D.4.

6. Stripped Resin

In 40 CFR 63.11960 of the proposed rule, we are proposing emission limitations for residual vinyl chloride and total HAP in the stripped resin presented in Tables 2 and 3 of this preamble. The limits were developed for new and existing sources for three subcategories of PVC resins: (1) Bulk resins, (2) dispersion resins, and (3) all other resins. These emission limits would apply at all times.

TABLE 2—LIMITS FOR STRIPPED RESIN AT EXISTING SOURCES

| Pollutant | Emission limits (ppmw) | | |
|---|---|---|---|
| | Bulk resins | Dispersion resins | All other resins |
| Vinyl chloride | 7.1 | 55 | 0.48 |
| Total HAP | 170 | 110 | 76 |

TABLE 3—LIMITS FOR STRIPPED RESIN AT NEW SOURCES

| Pollutant | Emission limitations (ppmw) | | |
|---|---|---|---|
| | Bulk resins | Dispersion resins | All other resins |
| Vinyl chloride | 7.1 | 41 | 0.20 |
| Total HAP | 170 | 58 | 42 |

7. Wastewater

In 40 CFR 63.11965 of the proposed rule, we are proposing that you must determine the vinyl chloride concentration for each wastewater stream at the point of wastewater generation. Streams with 10 ppmw vinyl chloride, or more, must be treated to reduce the concentration of vinyl chloride to a concentration of 0.11 ppmw for existing sources, and 0.0060 ppmw for new sources. The 10 ppmw determination applies before the wastewater stream is exposed to the atmosphere, stored, mixed with any other wastewater stream, and enters a wastewater treatment process, or is discharged untreated as a wastewater.

We are also proposing that wastewater streams with flow rates greater than or equal to 10 liters per minute (l/min),

and the concentrations of HAP, as determined by Method 305 (as specified in 40 CFR part 63, subpart G, Table 9) greater than or equal to 1,000 ppmw, meet the Hazardous Organic NESHAP (HON) wastewater requirements, as described in the sections of 40 CFR part 63, subpart G, and specified in the proposed rule.

Streams that contain less than 10 ppmw vinyl chloride (at the point of generation), and streams that either contain less than 1,000 ppmw total HAP, or have a flow rate less than the 10 l/min criteria (at the point of determination, as defined by 40 CFR part 63, subpart G), are not required to further reduce emissions, but must remain below these levels.

*E. When must I comply with the proposed standards?*

Existing affected sources would be required to comply with the proposed 40 CFR part 63, subpart HHHHHHH no later than 3 years after publication of the final rule in the **Federal Register**. New affected sources would be required to comply on the effective date of the final rule, or upon startup, whichever is later.

*F. What are the initial and continuous compliance requirements?*

In 40 CFR 63.11896 of the proposed rule, we are proposing that, if you make a process change to an existing affected source that does not meet the criteria to become a new affected source in 40 CFR 63.11870(c) of the proposed rule, you must demonstrate that any added emission points are in compliance with the applicable requirements for an existing affected source. If the process change results in a change in the characteristics of any emission point such that a different emission limit, operating parameter limit, or work practice standard applies, we are proposing that you demonstrate that the changed emission point complies with the applicable requirements for an existing affected source. You must demonstrate compliance with any applicable work practice standards upon startup of the changed emission point, and must demonstrate compliance with any emission limits and establish applicable operating limits by 180 days after the date of initial startup of the changed process unit.

We are also proposing that, if you make a process change to a new affected source, you would demonstrate that any added emission point(s) is/are in compliance with the applicable work practice standards for a new affected source by start-up of the changed emission point. You must also demonstrate initial compliance with any emission limits and establish applicable operating limits by 180 days after the date of initial startup of the changed process unit.

If you make a process change that adds or changes emission points, we are proposing that you demonstrate continuous compliance with your emission limits and standards, operating limits, and work practice standards according to the procedures and frequency in 40 CFR 63.11910 through 40 CFR 63.11980 of this proposed rule, and submit a notification report specified in 40 CFR 63.11985 of the proposed rule.

1. What are the initial and continuous compliance requirements for storage vessels?

For each floating roof storage vessel, we are proposing that you meet the operating, inspection, repair, and maintenance requirements of 40 CFR part 63, subpart WW. For each fixed roof storage tank venting through a closed vent system to a control device achieving 95-percent reduction in total HAP emissions, we are proposing that you meet the requirements for closed vent systems and control devices in 40 CFR 63.11925 of the proposed rule, and summarized in section III.D.3 of this preamble.

In 40 CFR 63.11910 of the proposed rule, we are also proposing that, for each fixed roof tank, you install and maintain the tank with no visible cracks, holes, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall. We are also proposing that you must install closure devices that you secure in the closed position except during periods when you need to have access to the interior of the fixed roof tank. The closure device may be opened when needed to provide access. The fixed roof tank and its closure device would be required to be inspected initially, and at least once per year. The inspection requirements would not be applicable to parts of the fixed roof that are determined to be unsafe to inspect if you document and explain why it is unsafe to inspect and develop a plan to conduct inspections when the tank is not in service. A first attempt to repair defects must be made no later than 5 calendar days after detection, and repairs would be required to be completed no later than 45 days after detection, except as specified in 40 CFR 63.11910(a)(4)(ii) of the proposed rule.

In 40 CFR 63.11910 of the proposed rule, for pressure vessels, we are proposing that all potential leak interfaces in the pressure vessel be monitored for leaks annually and repaired following the procedures of 40 CFR 63.11915 of the proposed rule.

2. What are the initial and continuous compliance requirements for equipment leaks?

For each applicable piece of equipment (e.g., valves, connectors) associated with your affected source, we are proposing that you meet the LDAR requirements of 40 CFR part 63, subpart UU. In 40 CFR 63.11915 of the proposed rule, you would also be required to install electronic indicators on each PRD that would be able to identify and record the time and duration of each pressure release and notify operators that a pressure release has occurred.

3. What are the initial and continuous compliance requirements for heat exchange systems?

We are proposing that for each affected source, you must operate an equipment leak program, as specified in the proposed rule. Under the compliance requirements for heat exchange systems in 40 CFR 63.11920 of the proposed rule, an affected source would be required to conduct sampling and analyses using either the TCEQ Modified El Paso Method, Revision Number One, dated January 2003,[5] or EPA Method 8021B, no less frequently than monthly for existing sources and twice-daily (12-hour intervals) for new sources, and fix any leaks detected. We are proposing different sampling locations for once-through and closed loop heat exchange systems as specified in 40 CFR 63.11920 of the proposed rule. For once-through systems only, you may monitor at the cooling tower return line prior to exposure to the air. For once-through systems, you must monitor selected heat exchanger exit line(s) so that each heat exchanger or group of heat exchangers within a system is covered by the selected monitoring location. Monitoring of selected heat exchanger exit lines is also a monitoring option for closed loop systems. Additionally, for once-through systems, you may also monitor the inlet water feed line prior to any heat exchanger. If multiple heat exchange systems use the same water feed (*i.e.*, inlet water from the same primary water source), you may monitor at one representative location and use the monitoring results for that sampling location for all heat exchange systems

[5] *Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources*, Revision Number One, dated January 2003, *Sampling Procedures Manual*, Appendix P: Cooling Tower Monitoring, prepared by TCEQ, January 31, 2003 (incorporated by reference—see 40 CFR 65.645).

that use that same water feed. We are proposing to exempt a heat exchange system from the monitoring requirements in 40 CFR 63.11920 if all heat exchangers within the heat exchange system operate with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side, or the heat exchange system does not contain any heat exchangers.

Identified leaks must be repaired as soon as practicable, but within 45 days after identifying the leak. We are proposing delay of repair action levels as either a total strippable VOC concentration (as methane) in the stripping gas of 29 ppmv or a total strippable VOC concentration in the cooling water of 380 ppbw. Leaking heat exchanger repairs may be delayed if the repair is technically infeasible without a shutdown, or the necessary equipment, parts, or personnel are not available. To delay repairs in either case, the total strippable VOC must initially be, and remain less than, the delay of repair action level for all monitoring periods during the delay of repair.

4. What are the initial and continuous compliance requirements for process vents?

To demonstrate compliance for process vents, you would be required to meet the requirements of proposed 40 CFR 63.11930 for each closed vent system that routes emissions from process vents subject to the HAP emission limits to a control device. You would be required to meet the initial and continuous compliance requirements for process vents specified in 40 CFR 63.11925 and 40 CFR 63.11935, the monitoring requirements for your process vent control device, as specified in proposed 40 CFR 63.11940, and the performance testing requirements for process vents in 40 CFR 60.11945. You may not use a flare to comply with the emission limits of the proposed rule, as specified in 40 CFR 63.11925(b).

*Closed vent systems.* In 40 CFR 63.11930 of the proposed rule, for closed vent systems, you would be required to meet specified design requirements and install flow indicators in the bypass lines, or meet other requirements to prevent and detect bypass of the control device. You must also follow the inspection, leak monitoring, and repair requirements in 40 CFR 63.11930 of the proposed rule for closed vent systems. Closed vent systems in vacuum service would be required to install alarms rather than performing leak inspection and monitoring. If you operate a closed vent system in vacuum service, you are not required to comply with the other closed vent system requirements in the proposed rule.

*Performance testing, continuous parameter monitoring system (CPMS), and continuous emission monitoring system (CEMS) requirements for process vents and associated control devices.*

Compliance would be demonstrated through a combination of performance testing (as specified in 40 CFR 63.11925 and 40 CFR 63.11945) and/or monitoring using CEMS or CPMS that measure process vent control device operating parameters (as specified in 40 CFR 63.11925, 40 CFR 63.11935, and 40 CFR 63.11940). These sections also refer to Tables 1, 2, 6, and 7 of the proposed rule for emission limits, testing methods, and requirements. Below, we summarize the process vent testing and compliance requirements by pollutant. Each test would consist of three test runs.

We are proposing that existing and new sources would be required to demonstrate initial and annual compliance with the total organic HAP emission limits in Table 1 or 2 of the proposed rule by measuring total hydrocarbon (THC) at the outlet of the control device using EPA Method 25A, as specified in Table 9 of the proposed rule. The minimum test run duration would be 1 hour.

During the initial compliance test, you would be required to establish values for the control device operating parameters specified in 40 CFR 63.11935 and 40 CFR 63.11940 (*e.g.*, incinerator temperature). You would then use a CPMS to continuously monitor that parameter to demonstrate continuous compliance with the total organic HAP limit. New and existing sources could elect to use THC CEMS instead of annual testing and CPMS for total organic HAP. All CEMS must meet the applicable performance specifications, procedures, and other calibration, accuracy, and operating and maintenance requirements, as specified in 40 CFR 63.11935 of the proposed rule. For vinyl chloride, you would demonstrate compliance by conducting initial and annual performance tests using EPA Method 18. You would be required to establish monitoring parameters during the initial performance test, and continuously monitor control device operating parameters.

For CDD/CDF, you would demonstrate compliance by conducting initial and annual performance tests using EPA Method 23. The minimum sampling volume collected would be 5 cubic meters for Method 23. For HCl, you would demonstrate compliance by conducting an initial performance test using EPA Method 26 or 26A. The minimum sampling volumes collected would be 60 liters for EPA Method 26, or 1 cubic meter for EPA Method 26A. You would be required to establish monitoring parameters during the initial performance test, and continuously monitor control device operating parameters (e.g., liquid flow rate and pH for scrubbers, and temperature and carbon injection rate for activated carbon injection). After EPA publishes final performance specifications for CEMS for HCl and CDD/CDF, new sources would be required to use CEMS instead of annual testing for these pollutants, as required in 40 CFR 63.11925 of the proposed rule. Existing sources could elect to use CEMS instead of annual testing and CPMS for these pollutants. All CEMS must meet the applicable performance specifications, procedures, and other calibration, accuracy, and operating and maintenance requirements, as specified in 40 CFR 63.11935 of the proposed rule.

We have included specific performance testing requirements, including the process operating conditions under which performance tests should be conducted, for continuous process vents and batch operations, as provided in 40 CFR 63.11945 of the proposed rule, and discussed in section III.F and III.G of this preamble.

All CPMS would be required to have data averaging periods of 3-hour block averages. All CPMS would be required to meet minimum accuracy and calibration frequency requirements, as specified in 40 CFR 63.11935 and Table 8 of the proposed rule. For each monitored parameter, you would establish a minimum, maximum, or a range that indicates proper operation of the control device, as specified in 40 CFR 63.11935(d). The proposed rule specifies the parameters that would be monitored for each type of control device, including each incinerator, absorber, adsorber, condenser, sorbent injection system, fabric filter, or other control device. You must also install a flow indicator at the inlet of the control device to indicate periods of no flow to the control device.

Some control devices would be subject to additional emission point-specific performance testing requirements, as described in 40 CFR 63.11945 of the proposed rule. We have included specific performance testing requirements for continuous process vents and batch operations, as provided in 40 CFR 63.11945 of the proposed

rule, and discussed in section III.F of this preamble.

5. What are the initial and continuous compliance requirements for wastewater?

As specified in 40 CFR 63.11965(a) of the proposed rule, we are proposing that you must conduct an initial test for wastewater streams from the affected source to determine the vinyl chloride concentration, the total HAP concentration (including all HAP listed in Table 9 of 40 CFR part 63, subpart G), and the flow rate. The concentration tests would be conducted using EPA Method 107 in combination with Resource Conservation and Recovery Act (RCRA) Method SW–8260B and EPA Method 305. Prior to testing, you would be required to submit a test plan for EPA approval that includes your proposed method for analysis using these methods. We are proposing that you sample for vinyl chloride by collecting one grab sample at the point of generation. We are also proposing that you sample for total HAP by collecting one grab sample at the point of determination, as specified in 40 CFR part 63, subpart G.

Wastewater streams that contain less than 10 ppmw vinyl chloride (at the point of generation), and wastewater streams that either contain less than 1,000 ppmw total HAP, or have a flow rate less than the 10 l/min criteria (at the point of determination, as defined by 40 CFR part 63, subpart G), must remain below these levels. You would conduct periodic tests at the same locations, and using the same test methods described above to verify that the stream concentration stays below the vinyl chloride and total HAP concentration levels. Wastewater streams would be tested monthly. There are also proposed requirements in 40 CFR 63.11975(e)(2) of the proposed rule, for demonstrating that you remain below the 10 l/min flow rate criterion, based on flow rate measurements.

If your wastewater stream contains vinyl chloride concentrations greater than or equal to 10 ppmw, you would be required to treat the wastewater stream to achieve a concentration of 0.11 ppmw vinyl chloride at the wastewater stripper outlet for existing sources, and 0.0060 ppmw at new sources. You must conduct an initial compliance test and monthly testing to demonstrate compliance with these limits. We are proposing that you measure at the outlet of the wastewater stripper by collecting one grab sample. In addition, during your performance test, you would be required to establish operating ranges for your wastewater steam or vacuum stripper, including steam-to-feed ratios and stripper bottoms temperature, and also the vacuum level measured in the column for vacuum strippers. You would use a CPMS to continuously monitor control device operating parameters to demonstrate that you continuously meet these limits.

If the wastewater stream exceeds the 1,000 ppmw HAP concentration (based on the list of HAP in Table 9 of 40 CFR part 63, subpart G), and the 10-l/min flow rate, then you must comply with the 40 CFR part 63, subpart G, Group 1, wastewater suppression and treatment requirements, and conduct the compliance testing and monitoring required in subpart G.

For more information on the wastewater compliance requirements, see 40 CFR 63.11965, 40 CFR 63.11970, and 40 CFR 63.11975 of the proposed rule.

6. What are the initial and continuous compliance requirements for stripped resins?

In 40 CFR 63.11960 of the proposed rule, we are proposing that you conduct initial performance tests to demonstrate compliance with the proposed vinyl chloride and total HAP limits for stripped resin. We are also proposing that you conduct daily performance testing to demonstrate continuous compliance with the proposed vinyl chloride limit, and monthly performance testing to demonstrate continuous compliance with the proposed total HAP limit. The tests would be conducted at the outlet of the resin stripper for continuous processes and immediately after stripping for batch processes. You would be required to use EPA Method 107 in combination with RCRA Method SW–8260B, and to include in your test plan a proposed method for analysis using these methods. You would be required to submit the test plan for EPA approval. In addition, during your initial performance test, you would be required to establish operating ranges for your resin steam or vacuum stripper, including steam-to-feed ratios, stripping temperature, and the vacuum level measured in the column for vacuum strippers. You would use a CPMS to continuously monitor resin stripper operating parameters. All CPMS would be required to calculate 3-hour block averages for the parameters measured.

To demonstrate initial compliance with the total HAP limits, you would be required to collect one grab sample every 8 hours for a single grade, or one grab sample per grade of PVC resin produced, whichever is more frequent for each resin stripper over a 24-hour period. To determine initial compliance with the vinyl chloride limit, you would be required to collect one grab sample every 8 hours for a single grade, or one grab sample per grade of PVC resin produced, whichever is more frequent, for each resin stripper over a 24-hour period. You would be required to collect samples over a 24-hour period during which you are manufacturing the grade of resin, which you produce the most of, based on total mass of resin produced in the preceding month.

To demonstrate continuous compliance with the vinyl chloride limit for a continuous process, you would be required to collect one grab sample from each resin stripper every 8 hours for a single grade, or one grab sample per grade of PVC resin produced, whichever is more frequent. Grade is defined in 40 CFR 63.12010 of the proposed rule and is unchanged from the definition in the Part 61 NESHAP other than the insertion of the term "PVC." To demonstrate compliance with the vinyl chloride limit for a batch process, you would be required to collect one grab sample from each batch of resin produced. You must demonstrate compliance on a daily basis using a 24-hour average concentration weighted on production.

To demonstrate continuous compliance with the total HAP limits for a continuous process, on a monthly basis you would be required to collect one grab sample every 8 hours for a single grade, or per grade of PVC resin produced, whichever is more frequent from each resin stripper over a 24-hour period. Individual sampling events may be 3 to 5 weeks apart, but you must conduct a minimum of 12 sampling events per calendar year. The 24-hour arithmetic average total HAP concentration for each stripper for each resin grade produced during the 24-hour sampling period must be calculated using the individual HAP concentrations measured for the grab. Beginning 13 months following your initial demonstration of compliance, you must demonstrate continuous compliance with the total HAP emission limit in Table 1 or 2 to this subpart, based on a 12-month rolling average concentration, calculated as the average of the 12 most recent 24-hour arithmetic average concentrations.

To demonstrate continuous compliance with the total HAP limits for a batch process, on a monthly basis, you would be required to collect one grab sample for each batch of resin produced over a 24-hour period. You would be required to collect samples over a 24-hour period during which you

are producing the grade of resin, which you manufacture for a majority of the time during that month. You must demonstrate compliance on a monthly basis with the average concentration of the most recent 12 months of data.

7. What are the initial and continuous compliance requirements for other emission sources?

To demonstrate compliance with the requirements for other emission sources, we are proposing that for reactors and other components prior to opening, you must follow the initial and continuous compliance requirements in 40 CFR 63.11925. We are requesting comments on this compliance approach.

*G. What are the performance testing requirements for batch process operations?*

For batch process operations, performance tests would be conducted under the most challenging conditions that you would run your batch process operations to make sure that the control devices are operating at the level needed to demonstrate compliance with the appropriate emission limits. The Agency's intent is to require testing of the performance of the control device under its most challenging conditions. Subsequent to the initial compliance test, continuous monitoring of operating parameters established during the initial test is a reasonable measure of continuous compliance with the efficiency requirement under all conditions. Presumably, the control device should function as well or better under conditions that are not as challenging. You would be required to develop an emission profile that describes the characteristics of the vent stream at the inlet to the control device under either absolute or hypothetical worst-case conditions. The emissions profile may be developed by process, by process component, or by capture and control device limitations, as specified in 40 CFR 63.11945(c)(3) of the proposed rule. We have provided methodologies to develop the emissions profile for each batch processing operation in proposed 40 CFR 63.11950, including methodologies for vapor displacement, gas sweep of a partially filled vessel, heating, depressurization, vacuum systems, gas evolution, air drying, and purging. All other HAP emissions for the emissions profile would be determined through an engineering assessment, or through testing approved by the Administrator. See 40 CFR 63.11945 of the proposed rule.

*H. What are the notification, recordkeeping, and reporting requirements?*

1. Notifications and Reports

All new and existing sources would be required to comply with certain requirements of the General Provisions (40 CFR part 63, subpart A), which are identified in Table 5 of the proposed 40 CFR part 63, subpart HHHHHHH. The General Provisions include specific requirements for notifications, recordkeeping, and reporting. Reports include notifications of initial startup, initial notification, notification of compliance status, compliance reports, notification of performance test, notification of inspection, batch pre-compliance report, and other notifications and reports specified in proposed 40 CFR 63.11985.

The notification of compliance status report required by 40 CFR 63.9(h) must include certifications of compliance with rule requirements.

The excess emissions and continuous system performance report and summary report required by 40 CFR 63.10(e)(3) of the NESHAP General Provisions (referred to in the rule as a compliance report) would be required to be submitted semi-annually for reporting periods during which there was: An exceedance of any emission limit or a monitored parameter; a deviation from any of the requirements in the rule occurred; or if any process changes occurred and compliance certifications were reevaluated. The proposed rule includes additional requirements for what you must include in these reports for each type of emission point. See 40 CFR 63.11985 of the proposed rule.

2. Recordkeeping

The proposed rule would require compiling and retaining records to demonstrate compliance with each emission limit and work practice standard. These recordkeeping requirements are specified either directly in the proposed rule, in the General Provisions to 40 CFR part 63, and in 40 CFR part 63, subparts UU and WW. Records that we are proposing that you keep include performance tests, records of CPMS and CEMS, records of malfunction, records of deviations, records specific to each emission point, and other records specified in proposed 40 CFR 63.11990. The 40 CFR part 63 General Provisions requirements that apply are listed in Table 5 of the proposed rule. We are proposing that records be kept for 5 years in a form suitable and readily available for EPA review. We are proposing that records be kept on-site for 2 years; you may keep the records off-site for the remaining 3 years. See 40 CFR 63.11990 of the proposed rule.

*I. What are the electronic data submittal requirements?*

EPA must have performance test data to conduct effective reviews (*e.g.,* risk assessment) of CAA section 112 standards, as well as for many other purposes, including compliance determinations, emission factor development, and annual emission rate determinations. In conducting these reviews, EPA has found it ineffective and time consuming, not only for us, but also for regulatory agencies and source owners and operators to locate, collect, and submit emissions test data in paper form because of varied locations for data storage and varied data storage methods. In recent years, though, stack testing firms have typically collected performance test data in electronic format, making it possible to move to an electronic data submittal system that would increase the ease and efficiency of data submittal and improve data accessibility.

In this action, EPA is proposing a step to increase the ease and efficiency of data submittal and improve data accessibility. Specifically, we are proposing that owners and operators of PVC production facilities would be required to submit electronic copies of reports of certain required performance test reports to EPA's WebFIRE database. The WebFIRE database was constructed to store performance test data for use in developing emission factors. A description of the WebFIRE database is available at *http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main.* EPA solicits comment on the proposed electronic data submittal requirements.

Data entry will be through an electronic emissions test report structure called the *Electronic Reporting Tool* (ERT). The ERT would be able to transmit the electronic report through EPA's *Central Data Exchange* (CDX) network for storage in the WebFIRE database making submittal of data very straightforward and easy. A description of the ERT can be found at *http://www.epa.gov/ttn/chief/ert/ert_tool.html.*

The requirement to submit source test data electronically to EPA would only apply to those performance tests conducted using test methods that are supported by the ERT. The ERT contains a specific electronic data entry form for most of the commonly used EPA reference methods. A listing of the pollutants and test methods supported by the ERT is available at *http://www.epa.gov/ttn/chief/ert/ert_tool.html.*

We believe that industry would benefit from this proposed approach to electronic data submittal. Having these data, EPA would be able to develop improved emission factors, make fewer information requests, and promulgate better regulations.

One major advantage of submitting source test data through the ERT is that it will provide a standardized method to compile and store much of the documentation required to be reported by the proposed rule. Another advantage is that the ERT clearly states what testing information would be required.

Another important benefit of submitting these data to EPA at the time the source test is conducted is that it should substantially reduce the effort involved in data collection activities in the future. When EPA has performance test data in hand, there will likely be fewer or less substantial data collection requests in conjunction with prospective required residual risk assessments or technology reviews. This would result in a reduced burden on both affected facilities (in terms of reduced manpower to respond to data collection requests) and EPA (in terms of preparing and distributing data collection requests and assessing the results).

State, local, and Tribal agencies may also benefit from a more streamlined and accurate review process rather than a manual data assessment, making review and evaluation of the source provided data and calculations easier and more efficient. Finally, another benefit of the proposed data submittal to WebFIRE electronically is that these data would greatly improve the overall quality of existing and new emissions factors by supplementing the pool of emissions test data for establishing emissions factors, and by ensuring that the factors are more representative of current industry operational procedures. A common complaint heard from industry and regulators is that emission factors are outdated or not representative of a particular source category. With timely receipt and incorporation of data from most performance tests, EPA would be able to ensure that emission factors, when updated, represent the most current range of operational practices. In summary, consistent with Executive Order 13563, *Improving Regulation and Regulatory Review,* issued on January 18, 2011, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data would save industry, State, local, Tribal agencies, and EPA significant time, money, and effort while also improving the quality of emission inventories and, as a result, air quality regulations.

*J. What revisions are proposed for the area source rule (40 CFR part 63, subpart DDDDDD)?*

We are proposing to revise the existing NESHAP for PVC production area sources (40 CFR part 63, subpart DDDDDD) to require that PVC production area sources comply with the proposed rule. Area sources would be required to continue to comply with the current provisions of subpart DDDDDD until they are in compliance with the proposed rule. After that date, existing and new area sources would no longer be subject to the requirements of subpart DDDDDD.

## IV. Rationale for the Proposed PVC Rule for Major and Area Sources (40 CFR part 63, subpart HHHHHHH)

*A. How did EPA subcategorize PVC production?*

The CAA allows EPA to divide source categories into subcategories, based on differences in class, type, or size. For example, differences between given types of units can lead to corresponding differences in the nature of emissions and the technical feasibility of applying emission control techniques. For the stripped resin limits, we are proposing three subcategories.

In the United States, four different types of polymerization processes have been used to manufacture PVC: dispersion, suspension, solution, and bulk. The type of resin production process used is dictated by the end use of the product and the product's required physical and chemical properties and function, such as the need for flexibility, rigidity, or the ability to be molded. For example, to make dispersion resins (as compared to other types of resins), different reactants, initiators, and surfactants are used in the manufacturing process. The differences in chemicals used for manufacturing, and the properties of the final product, result in products with different compositions.

After the polymerization process is complete, the PVC resin is sent to a resin stripper, or the resin can be stripped directly in the reactor to remove residual HAP such as vinyl chloride. The vent streams from the resin stripper, polymerization reactors, other process components upstream of the resin stripper, and vents from the wastewater stripper are sent to recovery processes to recover unreacted VCM. After recovery, the vent stream containing unrecovered VCM is sent to a control device before being emitted to atmosphere.

Dispersion resins have less porosity, mechanical stability, and heat stability than suspension or solution resins, resulting in more difficulty in stripping vinyl chloride. Consequently, the levels of vinyl chloride in the stripped dispersion resin products are not as low as those in the stripped suspension resin products. At bulk resin production, the product of the polymerization process results in a resin that is more of a solid than a slurry, which is unlike solution, dispersion, and suspension resins, and results in a different emissions profile at the resin stripper for organic HAP and vinyl chloride. We are unaware of any resin that is being manufactured using the solution process, and we do not have emissions data on this type of process.

For purposes of the stripped resin limits, which serve to limit emissions from points downstream of the resin stripper, we are proposing to subcategorize PVCPU into three subcategories: bulk resins, dispersion resins, and all other resin types. In the absence of data on solution resin production facilities, we are incorporating them into the "other resins" subcategory, which also includes suspension resin. We are requesting comment on the proposed subcategorization, and the appropriateness of including suspension and solution resins in the same subcategory.

We are not proposing to establish separate subcategories for any of the other emission points regulated by the proposed rule (process vents, equipment leaks, wastewater, storage vessels, other emission sources, and heat exchange systems by resin type). The same air pollution control devices, wastewater treatment processes, and work practices for these kinds of emission points are applicable and effective regardless of any potential differences in physical and chemical properties of the resin being produced. Therefore, EPA chose not to subcategorize in setting emission limitations and work practice standards for these emission points.

*B. How did EPA select the emission points, format, and pollutants for the proposed rule?*

1. How did EPA select the emission points covered?

The emission points covered by the proposed rule were selected to ensure control of all sources of HAP emissions within the PVC production process. The

HAP emission points within PVCPU are process vents (e.g., process vents from polymerization reactors, resin strippers, other process components prior to the resin stripper, the VCM recovery system, slip gauges, loading and unloading lines, samples, the wastewater collection and treatment system that routes emissions through a closed vent system to a control device, and emission control devices), stripped resin, equipment leaks (*e.g.,* valves, pumps, connectors, and PRD), wastewater collection and treatment systems, storage vessels, reactor and other process component openings, and heat exchange systems.

EPA solicits comment on the emission points proposed for regulation.

2. How did EPA select the format of the proposed rule?

We are proposing to establish numerical emission limits in the form of concentration limits for process vents, stripped resin, and wastewater. We are establishing the process vent emission limits at the outlet of the control device. The process vent emissions are comprised of emissions from polymerization reactors, resin strippers, other process components prior to the resin stripper, the VCM recovery system, certain pressurized and fixed storage vessels, slip gauges, loading and unloading lines, samples, the wastewater collection and treatment system that routes emissions through a closed vent system to the control device, and emission control devices.

The emission limits in the proposed rule provides flexibility for the regulated community by allowing a regulated source to choose any control technology or technique to meet the emission limits, rather than requiring each unit to use a prescribed control method that may not be appropriate in each case. We are proposing numerical emission rate limits as ppmv dry standardized to 3-percent oxygen for process vents. A concentration limit in units of ppmv is consistent with previous EPA and State regulations for PVC production facilities, and other processes controlled by combustion devices.

We are proposing a concentration limit for HAP in the stripped resin in units of ppmw as a means to control HAP emissions from downstream sources (e.g. dryers, centrifuges, filters). We are proposing a concentration based limit because the HAP emissions from vents associated with processes downstream of the resin stripper are dependent on the concentration of HAP in the stripped resin. That is, the greater the HAP concentration in the stripped resin, the greater the HAP emissions from downstream process components. Similarly, the lower the HAP concentration in the stripped resin, the lower the HAP emissions from downstream process components. Consequently, limiting HAP in the stripped resin is the best means to control HAP emissions from downstream processes. This approach is consistent with current Federal and State regulations that are applicable to PVC production facilities.

For wastewater streams that contain greater than or equal to 10 ppmw vinyl chloride, and, accordingly, require treatment to reduce the vinyl chloride concentration, we are proposing a stripper outlet concentration. Wastewater streams with less than 10 ppmw vinyl chloride must stay below that level. To address HAP emissions other than vinyl chloride, the proposed rule would require compliance with the HON requirements in 40 CFR part 63, subpart G.

We are proposing work practice standards to reduce emissions from storage vessels, equipment leaks, and heat exchange systems.

CAA section 112(h)(1) states that the Administrator may prescribe a work practice standard or other requirements, consistent with the provisions of CAA sections 112(d) or (f), in those cases where, in the judgment of the Administrator, it is not feasible to enforce an emission standard. CAA section 112(h)(2) defines the phrase "not feasible to prescribe or enforce an emission standard" as follows:

> [A]ny situation in which the Administrator determines that (A) a hazardous air pollutant or pollutants cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (B) the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

The work practice standards in this proposed rule are consistent with CAA section 112(h)(2)(B), because applying a measurement methodology to this class of sources is not technologically feasible due to the number of openings and possible emissions points.

The proposed work standards for emissions from storage tanks are evaporative losses that result from barometric pressure and ambient temperature changes, as well as filling and emptying operations. The flow rate of vent emissions from a tank is very low, except during filling. The concentration of HAP in the vent stream varies with the degree of saturation of HAP in the tank vapor space. The degree of saturation depends on such factors as HAP vapor pressure, tank size, and liquid throughput. Low flow rate and varying concentration make emission measurement impractical.

Emissions from equipment leaks are intermittent and fugitive in nature, so it is, therefore, not feasible to fully measure the mass emission rate from numerous potential leaks at an affected source.

3. How did EPA determine the pollutants for which to set emission limits?

The major HAP emitted from PVC production processes is the raw material, vinyl chloride. This is from the feed material processing prior to the reaction, and from post reaction processing (some of the VCM raw material remains unreacted during the polymerization process). For these reasons, we are setting emission limits for vinyl chloride.

PVC production processes also emit a variety of other HAP that may be contained in initiators or inhibitors of polymerization, additives, copolymer feedstocks, impurities, or formed during the polymerization process. As discussed earlier, these HAP include 1,3-butadiene, benzene, acetaldehyde, bis (2-ethylhexyl) phthalate, chloroform, chloroprene, ethylene dichloride, ethylidene dichloride, formaldehyde, iso-octane, methylene chloride, vinyl bromide, and vinylidene chloride.[3] PVCPU use different processes to produce a variety of resin products. Rather than setting individual emission limits for the wide variety of other HAP that can be found in PVC production processes, we are proposing a total HAP emission limit. A total HAP limit is appropriate because emissions from PVC facilities are comprised of mixtures of these HAP, and the control technologies used to control total HAP such as condensers and thermal oxidizers, achieve control of the individual HAP. Thermal oxidizers combust all organic HAP and convert them to carbon dioxide and water, with only trace amounts of organic compounds remaining. An acid gas scrubber removes any inorganic compounds that remain after combustion. Condensers, as a part of the vinyl chloride recovery system condense out organic compounds that are re-used in the process.

Process vents are often controlled using thermal oxidizers because they are effective at reducing emissions of vinyl chloride and organic HAP. However, the combustion of halogenated organic compounds results in formation of hydrogen chloride, which is a HAP, and

can also result in the formation of CDD/CDF. We are proposing to set emission limits for HCl from process vents.

We are authorized to regulate the CDD/CDF class of HAP. While dibenzofuran and 2,3,7,8–TCDD are identified by name as HAP in CAA section 112, all CDD/CDF are polycyclic organic matter, and, as such, we have the authority to regulate these compounds. Under CAA section 112(d), the MACT floor standards are to be based on the average emissions performance of the best performing units for which the Administrator has emissions information. We received a substantial amount of emissions test data for CDD/CDF emissions through the CAA section 114 information collection, in which we sought CDD/CDF information from sampling runs that lasted about 4 hours each. While reported CDD/CDF emissions were below detectable levels in approximately 46 percent of the individual test runs for all CDD/CDF isomers reported, only 37 percent of three-run test averages were comprised of individual test runs where all runs were below detection limits. Therefore, a majority (63 percent) of the three-run tests detected some level of CDD/CDF. Furthermore, some of the emission tests detected most or all isomers at some level, and CDD/CDF emissions can be precisely measured for most control devices in the PVC production source category. Therefore, the statutory test for establishment of work practice standards—*i.e.,* that measurement of emissions is impracticable due to technological and economic limitations—is not met.

To make sure that the emission limits are set at a level that can be measured, we adjusted for variability using the upper prediction limit (UPL) approach, and we used the "three times MDL" approach (discussed elsewhere in this preamble) as a minimum level at which a CDD/CDF emission limit, on a toxic equivalency (TEQ) basis, is set. Rather than establishing work practice standards, but recognizing that emissions tend to be very low compared to more significant sources of CDD/CDF, such as incinerators, our approach to CDD/CDF requires an initial compliance test to demonstrate that the PVCPU meet the CDD/CDF standard, and additional compliance testing on an annual basis. Initial and continuous compliance requirements for process vents are discussed in section III.F.4 of this preamble. Furthermore, the CDD/CDF test method, EPA Method 23, requires that, for compliance purposes, non-detect values from runs should be reported and calculated as zeroes. Therefore, for purposes of compliance, there should be no concern about being unable to meet the standards because of the contribution of non-detect values. Consequently, we are proposing to set emission limits for CDD/CDF (on a TEQ basis) from process vents.

Cooling towers may emit a variety of VOC, depending on which process components may be leaking into the heat exchange system. The most prevalent HAP that may leak into a heat exchange system is vinyl chloride, which is also a VOC. The proposed compliance method for heat exchange systems measures total VOC and not speciated compounds. A detection of total VOC in the cooling water indicates leakage of organic HAP (including vinyl chloride) into the heat exchange system.

4. Solicitation of Comments

EPA solicits comment on the emission points proposed for regulation and the format of the proposed standards. We also solicit comments on the pollutants that we have proposed for regulation and how we grouped pollutants such as total HAP and dioxin.

*C. How did EPA determine the proposed emission standards for area sources?*

Under CAA section 112(d)(6), we are required to "* * * review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under this section no less often than every 8 years." With this rulemaking, we are fulfilling our obligation to review, and revise, as necessary, the PVC Production area source standards. The 2007 NESHAP for PVC production area sources (40 CFR, part 63, subpart DDDDDD) are based on GACT. The area source NESHAP only set emission limits for vinyl chloride, which was the pollutant for which we needed the PVC Production area source category to meet our 90-percent obligation in CAA section 112(c)(3) and (k)(3)(B). We are proposing to tighten emission standards for vinyl chloride under CAA section 112(d)(6).

Under CAA section 112(d)(5), we may elect to promulgate standards or requirements for area sources "which provide for the use of generally available control technologies ["GACT"] or management practices by such sources to reduce emissions of hazardous air pollutants." In this proposed rule, we have determined that area source emission limits should be set for total HAP, CDD/CDF, and HCl, in addition to vinyl chloride, that are emitted from PVC production processes. As explained in other area source rules, the Agency has discretion to set standards for all urban HAP, in this case, CDD/CDF and total HAP, and to not limit standards to only the urban HAP for which the area source category was listed (*i.e.,* vinyl chloride). In addition to vinyl chloride, PVC production processes emit a variety of other HAP that may be contained in initiators or inhibitors of polymerization, additives, copolymer feedstocks, impurities, or formed during the polymerization process. The urban HAP reported to be emitted by the only existing PVC area source include 1,3-butadiene, ethylene dichloride, and methylene chloride. However, PVCPU can produce a variety of resin products over time which can influence the HAP emitted, so there is a potential that the area source could also emit other organic HAP reported at major source PVCPU (such as benzene, acetaldehyde, chloroform, and formaldehyde). Rather than setting individual emission limits for the wide variety of HAP that can be emitted by the area source PVC facility, we are proposing a total HAP emission limit (as we are for major sources). A total HAP limit is appropriate because emissions from the area source PVC facility are comprised of mixtures of these organic HAP, and the control technologies used to control total HAP achieve control of the individual organic HAP.

Although we recognize that we have met the 90-percent requirement of CAA section 112(c)(3), nothing precludes the Agency from regulating beyond the 90 percent with regard to the 30 urban HAP. We also believe it is appropriate to establish area source emission standards for HCl because, although not an urban HAP, it is formed as a product of combustion in controlling vents containing vinyl chloride and HAP. We solicit comment on our proposal to regulate these other HAP, beyond vinyl chloride since the Agency has already met its 90-percent statutory obligation under CAA section 112(c)(3) and 112(k)(3)(B).The 2007 GACT standards (40 CFR part 63, subpart DDDDDD) generally required area sources to continue to comply with the vinyl chloride emission limits, and other requirements in the part 61 NESHAP, which had been promulgated in 1976 (41 FR 46560, October 21, 1976). Therefore, the 2007 GACT standards did not achieve any emissions reductions.

In determining what constitutes GACT for this proposed rule, we considered the control technologies and management practices that are generally available to PVC area sources by examining relevant data and information, including information collected from the only known PVC area

source. We also considered the standards proposed for major sources to determine if the control technologies and management practices are transferable and generally available to area sources. (See section III of this preamble for a summary of the MACT standards and sections IV.D through IV.F for further information on how the proposed MACT standards were determined.) As part of the GACT determination, we considered the costs and economic impacts of available control technologies and management practices on area sources.

As explained in greater detail below, we determined that GACT standards for area sources should be the same as the major source MACT standards, based on the similarity between production processes, emission points, emissions, and control technologies that are characteristic of both major and area source PVC production facilities. Due to the nature of the PVC production process and as reported in the information collected, the one existing area source has the same kinds of emission points (process vents, stripped resin, wastewater, equipment leaks, storage, heat exchangers, and other emission sources) and emits the same types of pollutants (identified in section IV.B of this preamble) as major sources. From the information that we collected during this rule development, which includes stack testing and site visits at both major and area sources, we now know that area sources have the same types of emissions, emission sources, and controls (see control information below) as major sources. Information that we have collected to support development of these proposed standards indicates that the one area source would be major, based on its potential to emit, except that the source has an enforceable requirement to operate its thermal oxidizer, which keeps it below major source levels. We are not aware of any planned new area sources.

In reviewing the data collected from major and area sources for development of the proposed rule, it is clear that the one PVC area source, like the major sources, is achieving vinyl chloride emission limits well below those required in the 2007 area source NESHAP (40 CFR part 63, subpart DDDDDD) and the part 61 NESHAP. The data collected from major and area sources are discussed in the memorandum, *Baseline Emission Estimates for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category,* which is available in the docket. The PVC area source uses the same control technologies as the major sources. For example, for process vents, the area source is using the same control technology (a thermal oxidizer in series with an acid gas scrubber) as most major sources. It is also using the same wastewater control (a wastewater stripper) used by major sources, and implementing the same type of equipment LDAR program as most major sources. The achievability of stripped resin HAP limits is a function of the resin-type subcategory (bulk, dispersion, or other) rather than the size of the PVCPU, or its location at a major or area source, and the PVC area source is already meting the proposed stripped resin MACT limits for the bulk PVC subcategory. In addition, the area source PVC plant is already meeting the proposed MACT limits for storage vessels and other emission sources (reactor and other component opening losses). Therefore, the control technologies and management practices used by major sources are generally available for area sources. In addition, the part 61 NESHAP for this industry requires all PVC production facilities to meet the same standards with no major or area source distinction, and because of the similarities between major and area sources, it is reasonable for them to meet the same emission standards under this proposed rule.

As part of the GACT determination, we analyzed the cost and emissions reduction for the area source to meet the proposed GACT standards. The overall annual cost is $332,351, and the annual emission reduction is 17.23 tons of HAP per year. For information on the methodology and more detailed results of this analysis, see the memorandum, *Costs and Emission Reductions of the Proposed Standards for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category,* in the docket. The economic impact analysis (see section V.D of this preamble) showed that there are no significant economic impacts.

For the aforementioned reasons, we have determined, pursuant to CAA sections 112(d)(5) and (6), that the control technologies and management practices necessary to meet the proposed major source emission standards are generally available for area sources in this source category. Accordingly, we are proposing the GACT level of control for area sources is the same as the MACT level of control for major sources, and that these area sources must meet the same standards as proposed in this rule for major sources.

Because the compliance dates in the proposed rule are 3 years after promulgation for existing area sources, and startup or the date of promulgation, whichever is later, for new area sources, area sources must continue to comply with the current provisions of 40 CFR part 63, subpart DDDDDD until they are required to comply with 40 CFR part 63, subpart HHHHHHH. However, on and after the proposed rule's compliance dates, existing and new PVC production area sources would no longer be required to comply with subpart DDDDDD. The proposed amendments to subpart DDDDDD make this clear. Amending subpart DDDDDD in this manner allows for continuous compliance with emission standards for PVC production area sources, while avoiding duplicative or burdensome requirements under more than one subpart.

EPA solicits comment on the proposed approach. We further solicit comment on whether we should issue MACT standards under CAA section 112(d)(2) and (3) in lieu of GACT standards under CAA section 112(d)(5) given the significant amount of additional information on the one area source that was not available to EPA at the time of the 2007 area source GACT promulgation.

*D. How did EPA determine the MACT floors for existing major sources?*

There are less than 30 sources in this source category. Therefore, EPA has based the MACT floor on the average of the best performing five sources. The determination of the best performing sources is discussed below.

In general, MACT floor analyses involve an assessment of the emissions from the best performing sources in a source category using the available emissions information. For each source category, the assessment involves a review of emissions data with an appropriate accounting for emissions variability. Various methods of estimating emissions can be used if the methods can be shown to provide reasonable estimates of the actual emissions performance of a source or sources.

*Process vents and stripped resin.* To develop the MACT floor emission limits for process vents (which includes all the vent streams from polymerization reactors, resin strippers, other process components prior to the resin stripping operation, VCM recovery system, slip gauges, loading and unloading lines, samples, and the wastewater collection and treatment system that are sent to a control device) and stripped resin, we ranked all the available emission concentration or resin concentration data for each pollutant: vinyl chloride, HCl, CDD/CDF, and total HAP for

process vents; and vinyl chloride and total HAP for stripped resin. For this ranking, EPA included all major sources and the one synthetic area source. In previous rulemakings (*e.g.,* Brick NESHAP, 68 FR 26697–26698, May 16, 2003), EPA determined that including synthetic area sources in calculating the MACT floor for major sources is consistent with CAA section 112(d).

Concentration data for each pollutant were ranked from sources within the entire category (for process vents), or each subcategory (for resins) from lowest to highest. Based on information available to EPA, at all existing PVC production facilities, emissions from process vents are routed to a VCM recovery system. The vent stream from the recovery system is controlled either by a thermal oxidizer followed by a scrubber, or by an absorber. Emissions data were collected from emissions tests (consisting of three test runs) conducted at the outlet of the absorber, or the thermal oxidizer/scrubber control system. For each pollutant, the average of the three test runs was calculated for each facility. The average values (for each pollutant) from each facility were then ranked from lowest to highest to identify the best performing sources.

The CAA section 114 information collection required each facility to take samples of the stripped resin being produced daily over a 30-day period at the outlets of the resin stripper(s) and the resin dryer(s). The facilities analyzed the samples for the concentration(s) of HAP present in the resin, and then calculated the corresponding mass of each HAP present in the stripped resin, based on the analysis of the concentration in each of the samples. Facilities were asked to report both the mass of each HAP present in the sampled resin, and also the production rate for that resin. The test results revealed that the methods used to convert the HAP concentration to mass varied across the industry making the emissions information incomparable. For example, some companies used the production rate from the entire plant, while others used the production rate from the production lines being sampled. We did not initially request the HAP concentration values for the analyzed resins, but because of the many discrepancies in the mass of each HAP in the stripped resin, these HAP concentrations values were provided in a subsequent data submittal by the industry trade association. The industry trade association also provided additional detail related to the detection levels and specific test methods used during the sampling and analysis required by our CAA section 114 information collection. The data used to calculate the MACT floors for stripped resin were the HAP concentration data, and not the mass loading data. To determine the stripped resin limits, we calculated the average concentration levels for each pollutant at each facility. They were then ranked from lowest to highest for each facility in the subcategory to identify the best performing sources.

MACT floors were calculated for each pollutant regulated by the proposed rule. Because there are fewer than 30 sources in the source category (for process vents) and each subcategory (for stripped resins), the MACT floor for each pollutant was calculated from the average of the best performing (*i.e.,* lowest emitting) five sources. We took the numerical average of the five best performing sources, and accounted for variability, as discussed later in this section of the preamble.

*Wastewater.* All PVC production facilities are currently subject to the part 61 NESHAP inprocess wastewater standards. In the part 61 NESHAP, inprocess wastewater is defined as "* * * water which, during manufacturing or processing, comes into direct contact with vinyl chloride or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product containing vinyl chloride or polyvinyl chloride, but which has not been discharged to a wastewater treatment process or discharged untreated as wastewater. Gasholder seal water is not wastewater until it is removed from the gasholder." The part 61 NESHAP requires control of inprocess wastewater streams with a concentration of 10 ppmw or more vinyl chloride at the point of generation, and all facilities achieve this control by using a wastewater steam stripper. The average annual vinyl chloride concentrations at the outlet of the stripper were provided in survey responses for 13 out of 17 facilities. The average values from each facility were then ranked from lowest to highest to identify the best performing sources (that controlled streams with vinyl chloride concentrations greater than 10 ppmw at the point of generation). We took the numerical average of the five best performing sources, and accounted for variability, as discussed later in this section of the preamble. The predominant HAP in wastewater streams generated from this source category is vinyl chloride. All of the stripped wastewater streams contain vinyl chloride, which the survey data show comprises, on average, 95 percent of the HAP concentration in these streams. A review of the streams exiting the wastewater stripper, and streams that do not require control to meet the 10 ppmw vinyl chloride requirements (from the part 61 NESHAP) at the point of generation, does not indicate that additional control is used to reduce those compounds that are not easily removed by the wastewater stripper. We have documented this analysis in the memorandum, *MACT Floor Analysis for the Polyvinyl Chloride and (PVC) Copolymers Production Source Category,* which is available in the docket. However, as explained in section IV.F of this preamble, we are proposing additional control of wastewater streams, based on other HAP (in additional to vinyl chloride as a beyond-the-floor option, and have included total HAP limits in the proposed rule.

*Equipment leaks.* For equipment leaks, we ranked the LDAR programs used at each affected PVC source from most stringent to least stringent, based on the leak definitions, monitoring frequencies, control requirements, and repair requirements. We then identified the LDAR programs employed by the best performing five sources. The results of this analysis showed that three out of the best performing five sources comply with 40 CFR part 63, subpart UU level 2 controls. The remaining sources comply with less stringent LDAR programs, such as 40 CFR part 61, subpart V. Additionally, existing sources are complying with the requirements of the part 61 NESHAP, that rotating pumps must be either sealless, equipped with double mechanical seals, or equivalent and all reciprocating pumps, rotating and reciprocating compressors, and agitators must be equipped with double mechanical seals or equivalent. If double mechanical seals or double outboard seals are used, HAP emissions must be minimized by maintaining the pressure between the two seals so that the leak occurs into the pump, compressor, or agitator by ducting any HAP between the two seals through a closed vent system to a control device.

Therefore, we are proposing that existing and new affected sources comply with the LDAR program requirements of the National Emission Standards for Equipment Leaks-Control Level 2 Standards, subpart UU of 40 CFR part 63, except for rotating or reciprocating pumps, compressors, and agitators. We are proposing that rotating pumps be sealless, equipped with double seals, or equivalent. Reciprocating pumps, reciprocating and rotating compressors, and agitator be equipped with double seals, or

equivalent, as provided in 40 CFR 63.11915 of the proposed rule.

The part 61 NESHAP also requires installation of a vinyl chloride monitoring system for detection of major leaks and identification of the general area of the plant where a leak is located. A vinyl chloride monitoring system is a device that obtains air samples from one or more points continuously, and analyzes the samples with gas chromatography, infrared spectrophotometry, flame ion detection, or an equivalent or alternate method. These requirements from the part 61 NESHAP also constitute the MACT floor level of control.

The MACT floor analysis is available in the docket in the memorandum, *MACT Floor Analysis for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category.*

*Storage vessels and handling operations.* Two different types of storage vessels were identified from data collected from the PVC production industry: (1) Storage vessels storing material that are gases at ambient conditions (vapor pressures greater than 14.7 psia), and (2) storage vessels storing all other materials. The information collected showed that materials with vapor pressures greater than 14.7 psia are stored under pressure. A closed vent system that is routed to a control device is used at all facilities when filling the tank or purging the tank. All other materials are stored at all facilities in fixed roof tanks ranging in size from less than 5,000 gallons up to 30,000 gallons. These tanks primarily store methanol. The responses to the CAA section 114 information collection indicated that these tanks are not controlled.

The part 61 NESHAP, which covers ethylene dichloride, vinyl chloride, and PVC plants, has specific emission standards for handling operations (*i.e.,* loading and unloading of liquid products). However, PVC processes do not produce liquid products and do not have transfer rack loading operations. Handling a solid final product is unlikely to emit HAP, and the stripped resins limit already minimizes the HAP content of the final product. Consequently, no emission standards are being proposed for transfer operations. Unloading operations at PVC production facilities are considered part of process vents or storage, because emissions from unloading operations occur when charging storage vessels or reactor vessels, and any emissions are released from reactor vents or from the storage vessels. The emissions from these activities are subject to the process vent emission limits or storage vessel work practices. We are requesting comment on our proposed standards.

*Heat exchange systems.* For heat exchange systems, we requested information on each heat exchange system at PVC production facilities, including closed loop and once-through systems, existing programs and procedures to identify leaks of HAP into cooling water, leak action levels, and estimates of emissions from cooling towers. We also requested information on the regulations applicable to PVC production facilities. Leak action levels are the concentration of pollutants in the cooling water that indicates one or more heat exchangers is leaking process fluid, or other HAP-containing fluid into the circulating cooling water. The HAP contained in the cooling water can then be emitted from a cooling tower once the cooling water is exposed to the atmosphere. We received leak action levels for vinyl chloride, ethylene dichloride, vinylidene chloride, VOC, and non-methane hydrocarbons from twelve facilities. From the data submitted by the best performing facilities discussed above, we determined that leak action levels ranged from 30 ppbw to 5,000 ppbw for VOC and non-methane hydrocarbons. The best performers had an average leak action level of 38 ppbw for total VOC, which corresponds to a total strippable VOC concentration of 2.9 ppmv in stripping gas. Therefore, we are proposing a leak action level of 38 ppbw of total strippable VOC in cooling water, or 2.9 ppmv total strippable VOC in stripping gas with monthly monitoring is the MACT floor for existing sources. While the data provided indicate that facilities monitor on a variety of different frequencies, we are proposing monthly monitoring. The majority perform either weekly or monthly monitoring.

*Other emission sources.* The requirements from the part 61 NESHAP for reactor opening losses and component openings set numeric limits that must be met. The reactor opening loss from each reactor must not exceed 0.04 pound vinyl chloride/ton of PVC product. This requirement does not apply to pre-polymerization reactors in the bulk process. This requirement does apply to post-polymerization reactors in the bulk process, where the product means the gross product of pre-polymerization and post-polymerization.

The part 61 NESHAP also require that emissions from opening of other components, including pre-polymerization reactors used in the manufacture of bulk resins are to be minimized by reducing the volume of vinyl chloride to an amount which occupies a volume of no more than 2.0 percent of the equipment's containment volume, or 25 gallons, whichever is larger, at standard temperature and pressure. In the case of reactors used as strippers, the standard is based on the sum of allowable reactor opening losses, and the emissions limit for all downstream equipment (*e.g.,* the stripped resin limits). Furthermore, exhaust gasses from reactors and any vinyl chloride removed from process components must be ducted through a control system meeting specified outlet concentration limits. These requirements from the part 61 NESHAP constitute the MACT floor level of control from these emission sources.

1. Variability Calculation for MACT Floor Emission Limits Based on Emissions Test Data

For process vents, facilities measured the concentration of HAP in the vent stream exiting the control device used to control process vent streams. For stripped resin, facilities measured the concentration of HAP in the resin slurry exiting the resin stripper. For wastewater, facilities measured the concentration of vinyl chloride in the wastewater exiting the wastewater stripper. We used the emission concentration, resin concentration, and wastewater concentration data from the best performing sources to determine the MACT floor emission limits, with an accounting for variability. Data were collected from the CAA section 114 information collection, process vent emission testing results, resin sampling and analysis results, and additional data submissions by individual companies and the industry trade association that clarified, and/or corrected initial submissions, or that provided the same data in a different format (*e.g.,* concentration instead of mass in the case of stripped resin analysis results). We account for variability of the best-controlled source in setting floors, not only because variability is an element of performance, but because it is reasonable to assess best performance over time. The District of Columbia Circuit Court of Appeals has recognized that EPA may consider variability in estimating the degree of emission reduction achieved by best performing sources, and in setting MACT floors. See *Mossville Environmental Action Now* v. *EPA,* 370 F.3d 1232, 1241–42 (DC Cir. 2004).

In determining the MACT floor limits for process vents, stripped resins, and wastewater, we first determined the MACT floor, which is the level achieved in practice by the average of the best-

performing five sources. We then assessed variability of the best performers by using a statistical formula designed to estimate a MACT floor level that is achieved by the average of the five best performing sources. Specifically, the MACT floor limit is an UPL calculated with the Student's t-test using the TINV function in Microsoft Excel©. The UPL has also been used in other EPA rulemakings (*e.g.*, the final NESHAP for Portland cement manufacturing, and the final NESHAP for industrial/commercial/institutional boilers) in accounting for variability. A prediction interval for a future observation is an interval that will, with a specified degree of confidence, contain the next (or some other pre-specified) randomly selected observation from a population. In other words, the prediction interval estimates what future values will be based upon present or past background samples taken. Given this definition, the UPL represents the value that we can expect the mean of three future observations (three-run average) to fall below, based upon the results of an independent sample from the same population. In other words, if we were to randomly select a future test condition from any of these sources (*i.e.*, average of three runs), we can be 99-percent confident that the reported level will fall at or below the UPL value. To calculate the UPL, we used the average (or sample mean) and sample standard deviation, which are two statistical measures calculated from the sample data. The average is the central value of a data set, and the standard deviation is the common measure of the dispersion of the data set around the average for a normally distributed data set.

We first determined the distribution of the emissions data for the best performing five sources within the source category for process vents, and within each subcategory for resins prior to calculating UPL values. To evaluate the distribution of the best performing dataset, we first computed the skewness and kurtosis statistics, and then conducted the appropriate small-sample hypothesis tests.

The skewness statistic (S) characterizes the degree of asymmetry of a given data distribution. Normally, distributed data have a skewness of 0. A skewness statistic that is greater (or less) than 0 indicates that the data are asymmetrically distributed with a right (or left) tail extending towards positive (or negative) values. Further, the standard error of the skewness statistic (SES) is given by SES = SQRT(6/N), where N is the sample size. According to the small sample skewness hypothesis test, if the skewness statistic (S) is greater than 2 times the SES, the data distribution can be considered non-normal.

The kurtosis statistic (K) characterizes the degree of peakedness or flatness of a given data distribution in comparison to a normal distribution. Normally, distributed data have a kurtosis of 0. A kurtosis statistic that is greater (or less) than 0 indicates a relatively peaked (or flat) distribution. Further, the standard error of the kurtosis statistic (SEK) is calculated by SEK = SQRT(24/N) where N is the sample size. According to the small sample kurtosis hypothesis test, if the kurtosis statistic (K) is greater than 2 times the SEK, the data distribution is typically considered to be non-normal.

We applied the skewness and kurtosis hypothesis tests to both the reported test values and the lognormal values of the reported test values. If the skewness (S) and kurtosis (K) statistics of the reported data set were both less than twice the SES and SEK, respectively, we classified the dataset as normally distributed. If neither of the skewness (S) and kurtosis (K) statistics, or only one of these statistics were less than twice the SES or SEK, respectively, then we conducted the skewness and kurtosis hypothesis tests for the natural log-transformed data. Then, we selected the distribution most similar to a log-normal distribution as the basis for calculating the UPL, based on EPA guidance documents. If both the reported values and the natural log-transformed reported values had skewness (S) and kurtosis (K) statistics that were greater than twice the SES or SEK, respectively, we selected the normally distributed dataset as the basis of the MACT floor to be conservative. If the results of the skewness and kurtosis hypothesis tests were mixed for the reported values, and the natural log-transformed reported values, we also chose the log-normal distribution to comply with EPA guidance. We believe this approach is more accurate and obtained more representative results than a more simplistic normal distribution assumption.

Because compliance with the MACT floor emission limit is based on the average of a three-run test, the UPL is calculated by:

$$UPL = \bar{x} + t(0.99, n-1) \times \sqrt{s^2 \times \left(\frac{1}{n} + \frac{1}{m}\right)} \qquad \text{(Eq. 1)}$$

Where:

n = Number of test runs.
m = Number of test runs in the compliance average.
s = Standard deviation.
x bar = Mean
t (0.99,n − 1) = T-statistic for 99-percent significance, and a sample size of n.

This calculation was performed using the following two Microsoft Excel© functions:

*Normal distribution:* 99-percent UPL = AVERAGE(Test Runs in Top 5) + [STDEV(Test Runs in Top 5)x TINV(2 x probability, n − 1 degrees of freedom)*SQRT((1/n)+(⅓))], for a one-tailed t-value (with 2 x probability), probability of 0.01, and sample size of n.

*Lognormal distribution*: 99-percent UPL = EXP{AVERAGE(Natural Log Values of Test Runs in Top 5) + [STDEV(Natural Log Values of Test Runs in Top 5) × TINV(2 × probability, n-1 degrees of freedom)* SQRT((1/n) + (⅓))]}, for a one-tailed t-value (with 2 x probability), probability of 0.01, and sample size of n.

We followed these procedures for determining the variability of process vent emission limits (for vent streams from polymerization reactors, resin strippers, other process components prior to the resin stripper, VCM recovery system, and wastewater collection and treatment system). For the stripped resin variability analysis, the same procedures were followed with one change. The variability calculation for stripped resins uses the average of the sampling results for each day of the 30-day sampling period (*e.g.*, essentially 30 runs instead of three runs for process vents). As a result, the 99-percent UPL equation uses a compliance average value of 30 instead of 3.

For wastewater, we followed the same procedures for determining variability. A variability analysis was performed on the top five facilities. The skewness and kurtosis statistics were calculated (following the same procedure as for process vents and resins) to determine the top 5 data set distribution. The 99-percent UPL value was calculated for both the normal and log-normal distribution using the same formula as

process vents and resins, except that the number of samples in the data set was set to 5 (the top 5 fraction remaining values), and the number of samples in the compliance average was set to 1 (because the data provided by facilities only included one value for any wastewater concentration).

2. Incorporation of Non-Detect Data

Non-detect values constitute more than 50 percent of the process vent emissions data for CDD/CDF and HCl, and approximately 42 percent of the stripped resin data for all reported HAP. For these pollutants, we developed a methodology to account for the imprecision introduced by incorporating non-detect data into the MACT floor calculation.

At very low emission levels for which emissions tests result in non-detect values, the inherent imprecision in the pollutant measurement method has a large influence on the reliability of the data underlying the MACT floor emission limit. Because of resin sample and emission matrix effects, laboratory techniques, sample size, and other factors, method detection levels normally vary from test to test for any specific test method and pollutant measurement. The confidence level that a value measured at the detection level is greater than zero is about 99 percent. The expected measurement imprecision for an emissions value occurring at or near the method detection level is about 40 to 50 percent. Pollutant measurement imprecision decreases to a consistent level of 10 to 15 percent for values measured at a level about 3 times the method detection level.[6]

We are using an approach to account for measurement variability when significant numbers of non-detect measurements are included in the dataset that starts with defining a method detection level that is representative of the data used in the data pool.

The first step in this approach is to identify the highest test-specific method detection level reported in a data set that is also equal to or less than the average emission calculated for the data set. This approach has the advantage of relying on the data collected to develop the MACT floor emission limit, while, to some degree, minimizing the effect of a test(s) with an inordinately high method detection level (*e.g.,* the sample volume was too small, the laboratory technique was insufficiently sensitive, or the procedure for determining the detection level was other than that specified).

The second step is to determine the value equal to 3 times the representative method detection level, and compare it to the calculated MACT floor emission limit. If 3 times the representative method detection level is less than the calculated MACT floor emission limit, we would conclude that measurement variability is adequately addressed, and we would not adjust the calculated MACT floor emission limit. If, on the other hand, the value equal to 3 times the representative method detection level is greater than the calculated MACT floor emission limit, we would conclude that the calculated MACT floor emission limit does not account entirely for measurement variability. We, therefore, use the value equal to 3 times the method detection level, in place of the calculated MACT floor emission limit, to ensure that the MACT floor emission limit accounts for measurement variability and imprecision. The same procedures were followed for non-detect values for the resin information, but the analysis was done for 30 days worth of samples from each facility rather than three test runs. We request comment on this approach to incorporation of non-detect data in the MACT floor.

We followed the following additional procedures for CDD/CDF TEQ basis limits. To calculate a limit on a TEQ basis, first, we identified non-detect values on an individual CDD/CDF congener basis. There are 17 CDD/CDF congeners used to calculate TEQ values. For facilities that reported some, but not all CDD/CDF congeners as non-detect, we calculated the mean of the non-detect values for each CDD/CDF congener. Then we multiplied the toxic equivalency factor (TEF) for each congener by the mean to determine the TEQ detection level for each CDD/CDF congener. For facilities that reported all CDD/CDF congeners as non-detect, we multiplied each non-detect value by the respective TEF factor. We used the sum of the detection level toxic equivalencies for each of the 17 CDD/CDF congeners of interest to calculate a TEQ detection level sum value. The TEQ sum was then used as the detection limit for the test run. We used the second step discussed above to set the limit. The methodology is described in detail in the memorandum MACT Floor *Analysis for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category*, and is available in the docket. We solicit comment on these procedures. For wastewater, non-detect values were not incorporated into the variability analysis because they were not included with the facility submitted survey information.

3. Existing Source MACT Floor Results for Process Vents, Stripped Resins, and Wastewater

We identified the best performing five sources in the category (for process vents and wastewater), or each subcategory (for stripped resins), and each pollutant (*e.g.*, vinyl chloride, total HAP, HCl, and CDD/CDF). We then compiled the individual test run and sampling concentration data for these sources, and conducted a statistical analysis to calculate the average and account for variability, and, thereby, determine the MACT floor emission limit.

Table 4 of this preamble summarizes results of the UPL analysis and the MACT floor emission limits for existing process vents for each pollutant. Table 5 of this preamble presents the results for stripped resins. A detailed discussion of the MACT floor methodology is presented in the memorandum, *MACT Floor Analysis for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category*, and is available in the docket.

TABLE 4—SUMMARY OF MACT FLOOR EMISSION LIMITS FOR PVC PROCESS VENTS AT EXISTING SOURCES [c,d]

| Pollutant (and units of measure) | 99% UPL | MACT floor emission limit [a] |
|---|---|---|
| Vinyl chloride (ppmv) | 0.319 | 0.32 |
| Hydrogen chloride (ppmv) | 140.17 | 150 |
| Total HAP (ppmv) | 11.3 | 12 [b] |

[6] American Society of Mechanical Engineers, *Reference Method Accuracy and Precision (ReMAPJ: Phase 1, Precision of Manual Stack).*

TABLE 4—SUMMARY OF MACT FLOOR EMISSION LIMITS FOR PVC PROCESS VENTS AT EXISTING SOURCES [c,d]—Continued

| Pollutant (and units of measure) | 99% UPL | MACT floor emission limit [a] |
|---|---|---|
| CDD/CDF (TEQ) (ng/dscm) | 0.0183 | 0.023 [b] |

[a] Limits were rounded up to two significant figures.
[b] Limit result of detection limit variability analysis.
[c] ppmv = parts per million by volume dry at 3-percent oxygen. ng/dscm = nanograms per dry standard cubic meter at 3-percent oxygen.
[d] Process vents limits apply at the outlet of the control device which controls closed vent streams from polymerization reactors, resin strippers, other process components prior to the resin stripper(s), certain storage vessels, VCM recovery systems, wastewater collection and treatment system, slip gauges, unloading and loading lines, and samples.

TABLE 5—SUMMARY OF MACT FLOOR EMISSION LIMITS FOR PVC STRIPPED RESINS AT EXISTING SOURCES (PPMW)

| Pollutant | Bulk resins | | Dispersion resins | | All other resins | |
|---|---|---|---|---|---|---|
| | 99% UPL | MACT floor emission limit [a] | 99% UPL | MACT floor emission limit [a] | 99% UPL | MACT floor emission limit [a] |
| Vinyl chloride | 7.1 | 7.1 | 54.8 | 55 | 0.471 | 0.48 |
| Total HAP | 167.3 | 170 | 100.1 | 110 | 33.3 | 76 [b] |

[a] Limits were rounded up to two significant figures.
[b] Limit result of detection limit variability analysis.

For wastewater that exceeds the 10 ppmw vinyl chloride limit at the point of generation, we determined that the 99-percent UPL is 0.109 ppmw at the outlet of the wastewater stripper and the MACT floor level of control rounded up to two significant figures is 0.11 ppmw. The analysis is documented in the memorandum, *MACT Floor Analysis for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category*, and is available in the docket. Wastewater streams below the 10 ppmw vinyl chloride limit at the point of generation, must remain below the 10 ppmw limit.

Results of the MACT floor analysis for heat exchange systems, storage vessels, equipment leaks, and other emission sources are discussed in section IV.D of this preamble.

*E. How did EPA determine the MACT floors for new major sources?*

Similar to the MACT floor process used for existing sources, the approach for determining the MACT floor for new sources is based on available emissions information. Using such an approach to develop the MACT floor emission limits for process vents and stripped resins for each pollutant, we ranked all the available emission concentration, stripped resin concentration, or wastewater concentration data for each pollutant from sources within the entire category (for process vents and wastewater), or each subcategory (for stripped resin) from lowest to highest. As discussed in section IV.D of this preamble, data from all major sources and the one synthetic area source were included in this ranking. See section IV.D of this preamble for more information about the emission concentration and resin concentration data. Based on this ranking, we calculated the MACT floor limits for each pollutant, and for the summation of pollutants making up the total HAP value, based on the performance (of the lowest emitting (best controlled)) source for each pollutant in the category or subcategory.

We calculated the MACT floor limits accounting for variability for new sources using the same formula that we used for existing sources. As discussed in section IV.D of this preamble, we account for variability of the best-controlled source in setting floors, not only because variability is an element of performance, but also because it is reasonable to assess best performance over time. If we do not account for this variability, we would expect that even the best-controlled similar source would potentially exceed the floor emission levels part of the time, which would mean that their variability was not properly accounted for when setting the MACT floor. We calculated the MACT floor based on the UPL (upper 99th percentile), as described in section IV.D from the average performance, based on emission testing and resin sampling of the best controlled similar source, Students t-factor, the total variability of the best controlled source, and incorporating the non-detect procedures.

This approach reasonably ensures that the emission limit selected as the MACT floor adequately represents the level of control actually achieved by the best controlled similar source, considering ordinary operational variability. Tables 6 and 7 of this preamble present the analysis summaries, and the new source MACT floor limits for PVC process vents and stripped resins, respectively.

A detailed discussion of the MACT floor methodology is presented in the memorandum, *MACT Floor Analysis for the Polyvinyl Chloride and Copolymer (PVC) Production Source Category*, and is available in the docket.

TABLE 6—SUMMARY OF MACT FLOOR EMISSION LIMITS FOR PVC PROCESS VENTS AT NEW SOURCES [c,d]

| Pollutant (and unit of measure) | 99% UPL | MACT floor emission limit [a] |
|---|---|---|
| Vinyl chloride (ppbv) | 1.53 | 3.2 [b] |

TABLE 6—SUMMARY OF MACT FLOOR EMISSION LIMITS FOR PVC PROCESS VENTS AT NEW SOURCES [c,d]—Continued

| Pollutant (and unit of measure) | 99% UPL | MACT floor emission limit [a] |
|---|---|---|
| Hydrogen chloride (ppmv) | 0.162 | 0.17 |
| Total HAP (ppmv) | 0.217 | 0.22 |
| CDD/CDF (TEQ)(ng/dscm) | 0.00428 | 0.0087 [b] |

[a] Limits were rounded up to two significant figures.
[b] Limit result of detection limit variability analysis.
[c] ppbv = parts per billion by volume dry at 3-percent oxygen. ppmv = parts per million by volume dry at 3-percent oxygen. ng/dscm = nanograms per dry standard cubic meter at 3-percent oxygen.
[d] Process vents limits apply at the outlet of the control device which controls closed vent streams from polymerization reactors, resin strippers, other process components prior to the resin stripper(s), VCM recovery systems, certain storage vessels, slip gauges, loading and unloading lines, samples, and the wastewater collection and treatment system.

TABLE 7—SUMMARY OF MACT FLOOR EMISSION LIMITS FOR PVC STRIPPED RESINS AT NEW SOURCES (PPMW)

| Pollutant | Bulk resins | | Dispersion resins | | All other resins | |
|---|---|---|---|---|---|---|
| | 99% UPL | MACT floor emission limit [a] | 99% UPL | MACT floor emission limit [a] | 99% UPL | MACT floor emission limit [a] |
| Vinyl chloride | 7.1 | 7.1 | 40.3 | 41 | 0.191 | 0.20 |
| Total HAP | 167.3 | 170 | 57.8 | 58 | 25.1 | 42 [b] |

[a] Limits were rounded up to two significant figures.
[b] Limit result of detection limit variability analysis.

The best performing wastewater source is complying with the part 61 NESHAP wastewater standards. The part 61 NESHAP requires that inprocess wastewater streams that exceed a vinyl chloride concentration limit of 10 ppmw, at the point of generation, be controlled. The best-performing source achieves this control by using a wastewater steam stripper and achieves a vinyl chloride concentration at the outlet of the wastewater stripper of 0.0060 ppmw. The analysis is documented in the memorandum, *MACT Floor Analysis for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category*, and is available in the docket. We are proposing that all new wastewater streams meet a vinyl chloride limit of 10 ppmw, at the point of generation. We are also proposing that new wastewater streams that exceed the 10 ppmw vinyl chloride limit at the point of generation, reduce vinyl chloride to a wastewater stripper outlet concentration of 0.0060 ppmw.

For equipment leaks, the best performing source complies with the LDAR requirements for 40 CFR part 63, subpart UU and the existing part 61 NESHAP LDAR requirements for rotating and reciprocating pumps and compressors, and agitators. For storage vessels, the information collected showed that at all sources, including the best performing source, materials with vapor pressures greater than 14.7 psia are stored under pressure; a closed vent system that is routed to a control device is used at all facilities when filling the tank, or purging the tank. All other materials are stored at all facilities in fixed roof tanks.

The current requirements from the part 61 NESHAP, for reactor opening losses and equipment openings, set standards that must be met. In the case of reactors used as strippers, the standard is based on the sum of allowable reactor opening losses, and the standard for all downstream equipment (e.g., the stripped resin limits). All affected sources are required to meet the part 61 NESHAP requirements.

For heat exchange systems, the best performing source has a leak action level of 30 ppbw of total strippable VOC in the cooling water or 2.3 ppmv of total strippable VOC in the stripping gas, with twice-daily monitoring, which is, therefore, the MACT floor for heat exchange systems at new sources.

EPA solicits comment on the proposed MACT floors for new PVC production facilities.

*F. How did EPA analyze beyond-the-floor options and determine MACT?*

1. Beyond-the-Floor Analysis for Existing Sources

Once the MACT floor determinations were done for each category or subcategory, we considered various regulatory options more stringent than the MACT floor levels of control (*e.g.,* control technologies or work practices that could result in lower emissions). A detailed description of the beyond-the-floor consideration is in the memorandum, *Analysis of Beyond MACT Floor Controls for the Polyvinyl Chloride and Copolymer (PVC) Production Source Category,* and is available in the docket.

We first identified regulatory requirements for each emission point that would be more stringent than the MACT floor level of control, and determined whether they were technically feasible. If the more stringent requirements were technically feasible, a cost and emission impacts analysis was conducted for applying them.

*Process Vents.* The control technologies that would be needed to achieve the proposed MACT floor levels for process vents (*e.g.,* enhanced vinyl chloride recovery, activated carbon injection, and fabric filters, in combination with existing controls, such as incinerators and acid gas scrubbers) are generally the most effective controls available for reducing vinyl chloride, HCl, total organic HAP, and dioxins/furans. Therefore, no beyond-the-floor regulatory options were identified for HAP from process vents.

*Equipment Leaks.* For equipment leaks, we are proposing to require that

facilities implement the LDAR program from 40 CFR part 63, subpart UU, which is generally equivalent to the HON, and which we identified as the most effective control of emissions from equipment leaks. We are also proposing that facilities implement the equipment requirements for rotating and reciprocating pumps and compressors and agitators from part 61 NESHAP, which are leakless equipment. Therefore, no beyond-the-floor HAP emission reduction approaches were identified for equipment leaks.

*Heat Exchange Systems.* For heat exchange systems, the proposed existing source MACT floor level of control is a LDAR program with a leak action level of 38 ppbw of total strippable VOC in the cooling water, or 2.9 ppmv of total strippable VOC in the stripping gas and monthly monitoring. We analyzed a beyond-the-floor option of requiring a lower leak action level for the cooling water of 25 ppbw. Average costs and emission reductions were calculated on a per leak basis. The results of the analysis showed that 5.78 tpy of total VOC would be reduced for an annual cost of $175,630, resulting in a cost of $30,386 per ton of VOC reduced. Consequently, we determined it was not appropriate to go beyond-the-floor considering the cost and emission reductions of this option.

*Storage Vessels.* For storage vessels, the CAA section 114 information collection data indicate that methanol is the primary material stored in fixed roof tanks ranging from 5,000 gallons to 30,000 gallons associated with PVCPU. We analyzed a beyond-the-floor option of requiring storage vessels meeting specific vapor pressure and storage capacity parameters specified in 40 CFR part 60, subpart Kb to comply with the control requirements of 40 CFR part 63, subpart WW. The subpart Kb standard in 40 CFR 60.112(b), requires material be stored in controlled tanks if: (1) The material stored has a maximum true vapor pressure greater or equal to 0.75 psia, and the storage vessel has a capacity equal to, or greater than 40,000 gallons, or (2) the material stored has a maximum true vapor pressure greater or equal to 4 psia, and the storage vessel has a capacity equal to, or greater than 20,000 gallons, but less than 40,000 gallons. Subpart Kb also requires materials above 11.1 psia to be stored in pressure tanks. The beyond-the-floor controls include specific sealing mechanisms for internal or external floating roofs or routing streams from a fixed roof vessel through a closed vent system to a control device meeting a 95-percent or greater reduction in volatile organic emissions. We calculated the emission reduction and cost of retrofitting subpart WW controls on model fixed roof tanks meeting subpart Kb vapor pressure and size parameters. The results of the analysis showed that cost-effectiveness ranged from $2,000 to $12,000 per ton of HAP reduced by this option, depending on the number of turnovers assumed. Considering the cost and emissions reduction, we have determined that it is appropriate to propose this beyond-the-floor requirement for storage vessels. Based on information submitted by PVC production facilities, we are not aware of any storage vessels from affected sources that meet the capacity levels (20,000 gallons or 40,000 gallons), and store material that meet the vapor pressure levels. Therefore, we estimate that there are no additional costs and emission reductions for this option for storage vessels currently at PVCPU. However, the proposed beyond-the-floor standards for storage vessels will ensure that, if there are any storage vessels (now or in the future) that meet the capacity and vapor pressure criteria, they will be controlled. This analysis is documented in the memorandum, *Analysis of Beyond MACT Floor Controls for the Polyvinyl Chloride and Copolymer (PVC) Production Source Category,* and is available in the docket.

Five gas holders are currently in use by three facilities, and are a part of the vinyl chloride recovery system. In these recovery systems, process vents originating from polymerization reactors, resin strippers, and wastewater strippers (among others) are routed in closed vent systems to a separate process to recover unreacted VCM from the vent gasses. Gas holders provide intermediate storage of vent gasses which contain VCM before the VCM is recovered, compressed, and recycled back into the process. Gas holders are cylindrical tanks with a floating bell top. The tanks contain water that serves as a seal between the contained gas and the ambient air outside of the tank. The pressure inside the gas holder changes as gasses are fed to, or removed from, the tank. The water inside the gas holder is in constant contact with the vinyl chloride laden gas and can approach saturation. The primary source of emissions from gas holders is from the water seal on the gas holder that is continually exposed to the ambient atmosphere. In addition, as the gas holder bell rises, a thin film of water that contains vinyl chloride remains on the outer surface of the bell. Methods to reduce emissions may include keeping the gas holder water level at the lowest possible level, using either floating objects on the surface of the water seal or using a thin layer of oil, or using a windshield around the gas holder water seal.

We do not have information from emission tests, control information, or cost information on gas holders. We are requesting comment and additional information on emissions, controls, and costs of controls for this emission source.

*Wastewater.* For wastewater, EPA has previously determined for the HON that a beyond-the-floor option of treating streams with HAP concentrations greater than 1,000 ppmw (of 40 CFR part 63, subpart G, Table 9 HAP), and annual average flow rates greater than 10 l/min measured at the point of determination (as specified in 40 CFR part 63, subpart G), is cost-effective ($670/ton in 2010 dollars). The analysis previously conducted for the HON is applicable to PVC, because the cost-effectiveness of wastewater treatment depends on the wastewater flow and HAP concentration, not on the type of process unit from which the wastewater stream is generated. The same treatment systems (steam stripping or biotreatment), and the same measures to prevent atmospheric emissions from the systems conveying the wastewater streams to the treatment systems, are applicable to wastewater streams that meet these criteria. Furthermore, 35 percent of PVC production facilities are co-located with chemical manufacturing process units that are subject to the HON, and could potentially route PVC wastewater streams (if any) that meet the total HAP criteria to existing HON wastewater treatment processes to meet these limits. Consequently, we are proposing that streams with HAP concentrations greater than 1,000 ppmw (of 40 CFR part 63, subpart G, Table 9 HAP), and annual average flow rates greater than 10 l/min be treated as specified in the HON requirement as a beyond-the-floor HAP emissions reduction approach. Based on information submitted by PVC production facilities, we are not aware of any wastewater streams from affected sources that are above these flow rate and concentration limits. Therefore, we estimate that there are no additional costs or emission reductions because all facilities are below the 1,000 ppmw total HAP concentration and 10 l/min flow rate limits. However, the limit will ensure that, if there are any wastewater streams meeting the total HAP and flow rate criteria, they will be controlled.

Additionally, wastewater generated during maintenance activities is not currently regulated by 40 CFR part 61, subpart F. We requested and received

limited information on vinyl chloride and HAP concentrations in maintenance wastewater streams. We are requesting comment on whether maintenance wastewater should have separate limits from inprocess wastewater. We are also soliciting additional data relevant to setting a maintenance wastewater MACT standard.

*Other Emission Sources.* We did not identify more stringent control requirements than what we are proposing to require at the MACT floor to reduce emissions from reactor and equipment openings. The proposed MACT standard requires that, prior to being opened, emissions from reactor and process component openings must be reduced to a specified level and ducted through a closed vent system and control device that would meet the proposed emission limits for process vents. We did identify an additional work practice that could be used to minimize emissions from all PVC production facilities. One facility identified placing filter bags, strainers, and other removable separation media in closed and sealed containers that remain closed and sealed unless being actively filled or emptied to minimize emissions. However, we do not have information on the costs and emission reductions of this work practice, or the procedures followed. We request comments, and any further information, including cost and performance data, on this practice, and other work practices that are being followed by the industry to minimize emissions from other emission sources.

*Stripped Resin.* For stripped resins, we determined that facilities would use additional steam in existing equipment to reduce the concentrations of residual vinyl chloride and total HAP to meet the limits for resins being proposed. We believe that additional stripping in existing equipment beyond what would be required to meet the proposed limits would not be technically feasible as the incremental additional concentration reductions would be either negligible or zero, and existing sources may not be able to further reduce concentrations to the beyond-the-floor levels without degrading product. However, additional HAP emission reductions could be achieved by routing vents from process components downstream of the resin stripper (e.g., resin dryers and centrifuges) to an incinerator. We then determined the cost and emission reductions of applying a 98-percent efficient incinerator to the process vents downstream of the resin stripper (*e.g.*, dryer and centrifuge vents). The results of the analysis are shown in Table 8.

*Summary of Beyond the Floor Analysis.* Table 8 of this preamble summarizes the costs of the MACT floor emission level (referred to as option 1), and one beyond-the-floor option for stripped resins (option 2). Option 2 is the same as option 1 plus the installation of a thermal oxidizer on vent streams from processes downstream of the resin stripper.

TABLE 8—SUMMARY OF COSTS FOR PVCPU TO COMPLY WITH MACT CONTROL OPTIONS FOR EXISTING SOURCES (2010$)

| Option | Total capital costs ($million) | Total annualized costs ($million/Yr)[a, b] |
|---|---|---|
| 1—MACT Floor | 16 | 20 |
| 2—Option 1 + additional control of resin | 370 | 129 |

[a] No beyond-the-floor options were analyzed for costs for process vents, equipment leaks, and other emission sources. The beyond-the-floor options for wastewater and storage vessels do not result in costs, because no sources currently meet the beyond-the-floor applicability requirements for these emission points.
[b] Calculated using a 7-percent discount factor.

Table 9 of this preamble summarizes the emission reductions of each pollutant for the MACT control options analyzed.

TABLE 9—SUMMARY OF EMISSION REDUCTIONS FOR PVCPU TO COMPLY WITH THE MACT CONTROL OPTIONS FOR EXISTING SOURCES

| Pollutant | Option 1 (MACT floor) (tpy) | Option 2 (Option 1 + additional control of stripped resin) (tpy)[a] |
|---|---|---|
| CDD/CDF TEQ | 2.45E–08 | 2.45E–08 |
| HCl | 33 | 33 |
| Vinyl chloride | 135 | 176 |
| Total HAP | 1,570 | 2,618 |

[a] No beyond-the-floor options were analyzed for process vents, equipment leaks, and other emission sources. The beyond-the-floor options for wastewater and storage vessels do not result in emission reductions, because no sources currently meet the beyond-the-floor applicability requirements for these emission points.

The results provided in Tables 8 and 9 of this preamble were calculated using data gathered for the PVC industry. We estimate that applying additional control to reduce emissions from stripped resins would result in a total annualized cost of $129 million, and would achieve vinyl chloride and total HAP reductions of 176 tpy and 2,618 tpy, respectively. The incremental cost-effectiveness of adding a thermal oxidizer to control emissions from process vents downstream of the resin stripper was estimated to be $2.7 million per ton of vinyl chloride reduced, and over $100,000 per ton of total HAP reduced. Consequently, we determined it was not appropriate to go

beyond the floor, considering the cost and emission reductions of this option. The results of the beyond-the-floor analysis are documented in the memorandum, *Analysis of Beyond MACT Floor Controls for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category,* and is available in the docket. Table 1 in this preamble summarizes the proposed emissions limits for existing PVCPU.

2. Beyond-the-Floor Analysis for New Sources

Except for wastewater and storage vessels, we did not identify any technologies or methods to achieve HAP emission limits more stringent than the MACT floor limits, or work practices for new units, based on the best performing PVC facilities. The control technologies and work practices necessary to achieve the MACT floor levels are generally the most effective controls available.

For wastewater, EPA has previously determined for the HON that a beyond-the-floor option of treating streams with HAP concentrations greater than 1,000 ppmw (of 40 CFR part 63, subpart G, Table 9 HAP), and annual average flow rates greater than 10 l/min is cost-effective for new sources ($1,300/ton in 2010 dollars for new sources). For the same reasons discussed in section IV.F.1 of this preamble, the analysis previously conducted for HON is applicable to PVC because the cost- effectiveness of wastewater treatment depends on the wastewater flow and HAP concentration, not on the type of process unit the wastewater stream is coming from. As discussed in section IV.F.1 of this preamble, we are requesting comment on whether maintenance wastewater should have separate limits from inprocess wastewater, and requesting data relevant to setting a maintenance wastewater MACT standard.

We also concluded, in section IV.F.1 of this preamble, that it was cost-effective ($2,000 to $12,000 per ton of HAP) to require floating roof tanks or fixed roof tanks routed to a closed vent system, and control device for storage vessels that (1) have a storage capacity equal to or greater than 40,000 gallons (151 cubic meters), and store material with maximum true vapor pressures greater or equal to 0.75 psia, or (2) have a storage capacity equal to or greater than 20,000 gallons, and less than 40,000 gallons, and store material with maximum true vapor pressures greater or equal to 4 psia. Consequently, the beyond-the-floor options for wastewater and storage vessels are the only ones being proposed for new sources. Tables 1 and 3 of this preamble summarizes the proposed emissions limits for new PVCPU.

EPA solicits comment on the proposed beyond-the-floor determinations.

*G. How did EPA select the compliance and monitoring requirements for the proposed rule?*

We are proposing testing, monitoring, notification, recordkeeping, and reporting requirements that are adequate to assure continuous compliance with the requirements of the proposed rule. These requirements are described in detail in various sections in the proposed rule. We solicit comment on the proposed compliance and monitoring requirements. We selected these requirements based upon our examination of the information necessary to ensure that the emission standards and work practices are being followed, and that emission control devices and process components are maintained and operated properly. These proposed requirements impose on facilities the minimum burden that is necessary to ensure compliance with the proposed rule.

1. How did we select the compliance and monitoring requirements for storage vessels?

For storage vessels, we are proposing that you meet the operating, inspection, repair, and maintenance requirements in 40 CFR 63.11910 of the proposed rule, as discussed in section III.F.1 of this preamble. We are proposing work practice standards to ensure that pressure vessels and fixed roof storage tanks are being operated correctly and maintained. Pressure vessels, during purging and filling, are required to meet the closed vent system and control device requirements specified in 40 CFR 63.11910(c)(1) of the proposed rule. Annual monitoring of potential leak interfaces on pressure vessels using EPA Method 21 is proposed to be used to verify there are no leaks. Any detectable emissions would be considered a violation of the rule. These requirements ensure that pressure vessels do not vent to the atmosphere. We are requesting comment on this requirement.

Floating roof storage vessels would be required to comply with the operation, maintenance, and inspection requirements of 40 CFR part 63 subpart WW. The requirements of subpart WW are in many EPA standards, such as the Miscellaneous Organic NESHAP (MON), and provide more current compliance requirements that better reflect the current state of operations for the industry. The subpart WW provisions for floating roof tanks would ensure that floating roof vessels operate correctly by requiring periodic inspection of the floating roofs.

If you choose to route vent streams from fixed roof tanks to a closed vent system and control device, we are proposing that the control device must reduce the inlet VOC emissions by 95 percent, or greater. This requirement is based on the provisions of 40 CFR part 60, subpart Kb, which provides reduction requirements for fixed roof vessels routed to a closed vent system, and control device in 40 CFR 60.112b(a)(3)(ii). These are achievable reductions for storage tanks that have been previously implemented, as in subpart Kb. You would also be required to meet the requirements for closed vent systems and control devices in 40 CFR 63.11925 and 40 CFR 63.11930 of the proposed rule. These requirements would limit the VOC emissions released to the atmosphere from storage tanks.

All types of storage vessels are required to be equipped with closure devices. You would also be required to visually inspect the fixed roof tanks and their closure devices for defects initially, and at least once per calendar year, with the exception of parts of the fixed roof that you determine are unsafe to inspect.

For parts that you have determined are unsafe to inspect, you would be required to prepare and maintain written documentation that identifies each part and explains why the part is unsafe to inspect, and to conduct inspections during times when it is safe to do so (as frequently as practicable, but not required more than once per calendar year). We have included provisions intended to clarify the required intervals between inspections, because we have received comments during development of prior rules that some requirements could be subject to different interpretations. For example, a requirement to conduct inspections "annually" could be read to mean in every calendar year, no later than the date 1 year after the previous inspection, or in the same month every year. To address concerns about when inspections must be conducted if the storage vessel is out of service on the date when the inspection must be completed, instead of proposing to require inspections "annually," we are proposing a requirement to conduct inspections at least "once per calendar year." For fixed roof parts that are unsafe to inspect, an inspection may be delayed until an alternative storage vessel can be made available, and the vessel to be inspected can be emptied and temporarily removed from service.

The inspection must be conducted before the fixed roof storage vessel is returned to service. These provisions are provided in 40 CFR 63.11910(a)(3) of the proposed rule.

We have included fixed roof repair provisions in 40 CFR 63.11910(a)(4) of the proposed rule for when a defect is identified. These requirements are based on the requirements in 40 CFR 63.1063(e) of 40 CFR part 63, subpart WW. We have made one clarification to the conditions under which delay of repair extensions are allowed. You must make a first attempt to repair the defect no later than 5 calendar days after detection, and complete the repair as soon as possible, but no later than 45 calendar days after detection. The delay of repair provisions would allow delay beyond 45 calendar days if you determine that the repair requires emptying or temporary removal from service of the storage vessel, and no alternative storage capacity is available at the site. You would be required to repair the defect the next time alternative storage capacity becomes available, and the storage vessel can be emptied, or temporarily removed from service.

Under 40 CFR 63.11910(c) of the proposed rule, pressure vessels, as defined in proposed 40 CFR 63.12010, may not vent to the atmosphere, but must instead be vented back into the process, or vented to a closed vent system and control device. These provisions have been included in 40 CFR 63.11910(c) of the proposed rule to ensure that the pressure vessel stream is not inadvertently directed to the atmosphere.

2. How did we select the compliance and monitoring requirements for equipment leaks?

For equipment leaks, we are proposing in 40 CFR 63.11915 of the proposed rule, as discussed in section III.F.2 of this preamble, that you meet the LDAR requirements of 40 CFR part 63, subpart UU, which defines leak thresholds and monitoring frequencies for each type of equipment. These requirements are already being used at several PVCPU and in other source categories, and have been shown to be effective in minimizing emissions from leaking equipment.

Release events from PRD have the potential to emit large quantities of HAP. We are concerned that a large number of these releases that occur may not be identified and controlled in a timely manner and may be due to repeat problems that have not been corrected. The end result would be significant increases in annual HAP emissions. To address this issue, we are proposing that you be required to install electronic indicators on each PRD that would be able to identify and record the time and duration of each pressure release.

3. How did we select the compliance and monitoring requirements for heat exchangers?

For heat exchange systems, we are proposing in 40 CFR 63.11920 of the proposed rule to include requirements equivalent to the primary monitoring, recordkeeping, and reporting requirements that were finalized for heat exchange systems for Refinery MACT 1 sources (74 FR 55669), including a LDAR program that requires you to conduct sampling and analyses using the TCEQ Modified El Paso Method or EPA Method 8021B, no less frequently than monthly for existing sources and twice-daily (12-hour intervals) for new sources. We are proposing a leak action level of 38 ppbw of total strippable VOC in the cooling water, or 2.9 ppmv of total strippable VOC in the stripping gas for existing sources, and a leak action level of 30 ppbw of total strippable VOC in the cooling water, or 2.3 ppmv of total strippable VOC in the stripping gas for new sources. We are also proposing a delay of repair leak action level of 380 ppbw of total strippable VOC in cooling water, or 29 ppmv of total strippable VOC in the stripping gas for new and existing sources.

In contrast to a water sampling method such as EPA Method 601 or 624, the TCEQ Modified El Paso Method provides similar detection limits, as speciated water analysis and simulates the actual losses that might occur from cooling water. Further, the Modified El Paso Method helps overcome potential losses of highly VOC during water sampling. The sensitivity of the Modified El Paso Method using flame ionization detector (FID) analysis is typically 0.1 to 0.5 ppmv (as methane) in the stripped air, with 1.0 ppmv (as methane) being typical. We note that the Modified El Paso Method has been demonstrated at numerous sources as an effective means of identifying leaks in heat exchange systems, and the method has been used extensively for over 20 years.

We considered the variety of systems that may be monitored, and whether the Modified El Paso Method should be used exclusively. For the PVC Production source category, a limited number of compounds may be present in the process stream for which analytical methods are available that can detect these compounds at low concentrations. Additionally, for streams containing highly chlorinated organic compounds such as vinyl chloride, these alternative methods may provide lower detection limits and better sensitivity than using the Modified El Paso Method (which uses a flame ionization detector). We believe that the specific analytical method used is not critical to the emission limitations achieved, provided that the method can accurately quantify pollutant concentrations at levels far enough below the leak action level that the method could accurately indicate whether or not a leak exists. As such, we are proposing to include a direct water analysis method in the proposed rule. We are proposing different sampling locations and leak repair provisions for heat exchange systems, including a cooling tower (*i.e.,* closed-loop recirculation systems) and once-through heat exchange systems (*e.g.,* river or brackish water), as specified in 40 CFR 63.11920 of the proposed rule. For closed-loop recirculation systems, sampling could be conducted at the combined return line at the inlet to the cooling tower prior to exposure to air. Alternatively, sampling could be conducted in the "exit" lines (*i.e.,* water lines returning the water from the heat exchangers to the cooling tower) from an individual heat exchanger or bank of heat exchangers. Therefore, if the cooling tower services multiple heat exchangers, you could elect to monitor only the heat exchangers in HAP service, monitor at branch points that combine several heat exchanger exit lines, or monitor at the combined stream for the entire closed-loop recirculation system. These provisions allow flexibility and potentially reduce the cost of monitoring, while still ensuring leak detection. For closed-loop recirculation heat exchange systems, the impacts of the potential dilution of the leak from aggregation with other process cooling waters are minimized due to the physical limitations of quantity of water that can be processed by a single cooling tower.

A once-through heat exchange system consists of one or more heat exchangers servicing an individual process unit and all water lines to and from the heat exchanger. As such, sampling for once-through heat exchange systems must be conducted in exit lines from individual heat exchangers, or group of heat exchangers associated with a single process unit. If once-through heat exchange systems are not limited to a single process unit, a once-through heat exchange system could include all heat exchangers at the entire facility. The potential to aggregate all cooling water

at a facility prior to sampling would reduce the effectiveness of the leak monitoring methods, and would allow HAP leaks to remain undetected, based solely on the dilution effect from the large quantity of water processed at the facility. Commenters are encouraged to provide additional information and suggestions for sampling alternatives that would allow flexibility, but would include a small enough number of individual heat exchangers to provide meaningful measurements in once-through systems.

We are also proposing to allow the owner or operator of a once-through heat exchange system to monitor both the inlet and outlet of an individual heat exchanger or group of heat exchangers associated with a single process unit, and compare the difference between those two measurements to the leak action level to determine if a leak is detected. The use of a differential leak is provided for once-through systems because the water supply for these systems (often river water or ocean water) may contain higher background concentrations of hydrocarbons than the purchased water that is used in closed-loop recirculation systems.

The proposed rule allows facilities to use more frequent or continuous monitoring as an alternative, but only requires monthly monitoring.

4. How did we select the compliance and monitoring requirements for process vents?

As described in section III.F.4 of this preamble, we are proposing in 40 CFR 63.11925 through 40 CFR 63.11950 of the proposed rule, performance testing, CEMS, and CPMS monitoring requirements to demonstrate initial and continuous compliance with the limits in Tables 1 and 2 of the proposed rule for process vents.

To demonstrate compliance with the total organic HAP emission limits, we are proposing in 40 CFR 63.11945, and in Table 9 of the proposed rule, to require initial and annual performance tests using EPA Method 25A to measure THC. Because measuring THC is more practical than measuring total organic HAP using available test methods, we are proposing to allow compliance with the total organic HAP limit to be determined by measuring THC. We calculated the THC level that equates to the total HAP limit from the THC data reported for the same best performing five sources used to calculate the total organic HAP limit. During the initial performance test, you would be required to establish an operating limit for the control device operating parameters specified in 40 CFR 63.11935 and 40 CFR 63.11940 (e.g., incinerator temperature). You would then demonstrate continuous compliance with the total HAP limit by staying within the operating limit established for each operating parameter. In 40 CFR 63.11925 of the proposed rule, we are providing the option of using a THC CEMS meeting the specifications in 40 CFR Part 60, appendix B, Performance Specification 8A as an alternative to CPMS. CEMS have been widely used to demonstrate that air pollution control devices are being operated correctly to ensure emission limitations are being met.

To demonstrate initial compliance with the CDD/CDF and HCl emission limits, under 40 CFR 63.11925, 40 CFR 63.11935, 40 CFR 63.11940, and 40 CFR 63.11945 of the proposed rule, compliance would be determined by performance tests using EPA Method 18 for vinyl chloride, EPA Method 23 for CDD/CDF, and either EPA Method 26 or 26A for HCl. Continuous compliance with the vinyl chloride, CDD/CDF and HCl emission limits would be demonstrated using continuous monitoring of control device parameters (e.g., liquid flow rate and pH for scrubbers, and temperature and carbon injection rate for activated carbon injection, temperature for thermal oxidizers), and annual performance tests for CDD/CDF and vinyl chloride. While parameter monitoring has historically been a cost-effective monitoring option, CEMS are increasingly being used in many different situations, and provide more accurate data for demonstrating continuous compliance. As specified in proposed 40 CFR 63.11925, after EPA publishes final performance specifications for CEMS for HCl and CDD/CDF, new sources would be required to use CEMS instead of annual testing and CPMS for these pollutants, and existing sources would be given the option to use CEMS.

To demonstrate compliance for process vents, we are also proposing in 40 CFR 63.11925 of the proposed rule that you must meet the requirements of proposed 40 CFR 63.11930 for each closed vent system, and proposed 40 CFR 63.11940 for each control device, including each incinerator, absorber, adsorber, condenser, sorbent injection system, fabric filter, or other control device.

The requirements we are proposing for closed vent systems are based on the requirements of 40 CFR part 63, subpart SS, although we have revised and incorporated new requirements, as discussed below.

The standards for closed vent systems in 40 CFR 63.11930 of the proposed rule include bypass monitoring requirements, and leak monitoring and inspection requirements. We are proposing that for all closed vent systems, except those systems in vacuum service, as defined in 40 CFR 63.12010, for bypasses that do not contain an automatic flow control valve and have manual lock-and-key flow control valves, anytime the manual valve is opened, it would result in a violation. If you install and maintain a bypass flow indicator equipped with an automatic alarm system, then any indication of flow through the bypass is a violation, but the action of opening the valve is not a violation. These provisions are to ensure that any flow directed to a bypass is detected and addressed by the operator. We have not included monitoring exemptions for difficult-to-inspect, or unsafe-to-inspect equipment. Instead, we are proposing that you maintain and follow a written plan that requires inspecting the equipment designated as unsafe-to-inspect as frequently as practical during safe-to-inspect times, but not more frequently than the otherwise applicable annual inspection schedule.

For the leak monitoring and inspection requirements in 40 CFR 63.11930 of the proposed rule, we have added provisions based on 40 CFR part 60, subpart VVa, which require a calibration drift assessment for the leak detection instrument at the end of each monitoring day. The post-test calibration drift assessments constitute good practice, and are a useful quality assurance/quality control tool to validate the proper operation of the leak detection instrument during the monitoring period, and, hence, the measurement data.

We are proposing that closed vent systems that operate in vacuum service, as defined in 40 CFR 63.12010 of the proposed rule, are not required to perform the leak monitoring and inspection requirements required for other closed vent systems. However, if you choose to operate in vacuum service under 40 CFR 63.11930 of the proposed rule, you would be required to install a pressure gauge and an automatic alarm system capable of alerting an operator immediately when the closed vent system is no longer in vacuum service. Unless you meet the monitoring and inspection requirements of 40 CFR 63.11930 of the proposed rule for closed vent systems, which are not in vacuum service, if a loss of vacuum alarm is triggered, you would be in violation of the rule, and would be required to bring the closed vent system back into vacuum service. These requirements ensure that vacuum systems remain in

compliance with the rule and do not leak.

For process vents that must demonstrate compliance using a control device and continuous monitoring using a CPMS, the parameters that would be monitored for each type of control device are specified in proposed 40 CFR 63.11940. The monitoring requirements for each control device were primarily based on requirements from 40 CFR part 63, subpart SS, and 40 CFR part 63, subpart FFFF, with additional requirements added for new control devices, and significant revisions for adsorbers, which are discussed in this section.

In 40 CFR 63.11940 of the proposed rule, we have revised the former 40 CFR part 63, subpart SS requirements for "carbon adsorbers" to apply to "adsorbers," and modified the applicability to pertain to adsorbers containing carbon, zeolite, adsorbing polymers, or any other adsorbents. This change reduces the need for owners and operators to request alternative controls, and for EPA to review these requests. The proposed rule has been written to address known performance issues for adsorbers, including the regeneration frequency of the adsorbent, the effectiveness of regeneration, the life of the adsorbent material before replacement is required, mechanical issues with the system operation, including valve sequencing, and for non-regenerative systems, the expected life of the bed before replacement. We are proposing several monitoring approaches for non-vacuum systems, regenerative adsorption systems, and non-regenerative adsorption systems, based on requirements from 40 CFR part 63, subparts G, SS, GGG, MMM, FFFF, GGGGG, and BBBBBB, as well as approaches which have been reviewed and approved by EPA through alternative monitoring requests, and which we believe have universal applicability.

Under 40 CFR 63.11925(b) of the proposed rule, we are not allowing process vents to be routed to a flare due to the potential for acid-gas formation from combustion of halogenated streams at PVCPU. We have included in 40 CFR 63.11940 of the proposed rule compliance and monitoring requirements for control devices not covered by 40 CFR part 63, subpart SS, including sorbent injection systems and fabric filters. The compliance requirements for sorbent injection systems were based on the NESHAP for the Portland cement manufacturing industry, and the compliance requirements for fabric filters were modeled after the Pesticide Active Ingredient Production NESHAP (40 CFR part 63, subpart MMM, as referenced by the MON), and the Portland Cement Manufacturing NESHAP (40 CFR part 63, subpart LLL).

We have also included requirements from the MON for batch processing operations, as discussed in section IV.G.8 of this preamble.

5. How did we select the compliance requirements for wastewater?

As specified in 40 CFR 63.11965 of the proposed rule, we are proposing that you must conduct an initial test for wastewater streams from the affected source to determine the vinyl chloride concentration, the total HAP concentration (including all HAP listed in Table 9 of 40 CFR part 63, subpart G), and the flow rate. The concentration tests would be conducted using EPA Method 107 for sampling, in combination with RCRA Method SW–8260B, *Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS),* and EPA Method 305, *Measurement of Emission Potential of Individual Volatile Organic Compounds in Waste,* for analysis. EPA Method 107 is commonly used in this source category as both a sampling and analytical method for vinyl chloride. We are proposing to require RCRA Method SW–8260B for analysis of HAP except for methanol because it provides concentrations for vinyl chloride, as well as other HAP. We are proposing to require EPA Method 305 for analysis of methanol. Prior to testing, you would be required to submit a test plan for EPA approval that includes your proposed method for analysis using these methods.

For wastewater, you would be required to test for vinyl chloride at the point where the wastewater is generated, and test for Table 9 HAP at the point of determination, as defined in 40 CFR part 63, subpart G. The HAP most prevalent in wastewater, and in the largest amounts for this source category, is vinyl chloride, which is volatile, and is easily stripped. Testing at the point of generation is necessary to get an accurate assessment of the amount of vinyl chloride in the wastewater stream before it potentially volatizes in the downstream wastewater processes.

Wastewater streams that contain less than 10 ppmw vinyl chloride (at the point of generation), and wastewater streams that either contain less than 1,000 ppmw total HAP, or have a flow rate less than the 10 l/min criteria (at the point of determination, as defined by 40 CFR part 63, subpart G), are not required to further reduce emissions, but must remain below these levels. You would test periodically at the same locations, and using the same test methods described above, to verify that the stream concentration stays below these levels. Wastewater streams would be tested monthly. We believe these are the least burdensome intervals to test for wastewater, considering the variety of resin grades that may be produced, while still ensuring compliance with the proposed emission limits. There are also proposed requirements in 40 CFR 63.11975(d) of the rule for demonstrating that you remain below the 10 l/min flow rate criterion. These would be required for wastewater streams that are not required to apply additional control because they are below the 10 l/min flow rate criterion. The flow rate determination procedures are consistent with the HON, which is the basis of the flow rate criterion.

Under 40 CFR 63.11970 and 40 CFR 63.11975 of the proposed rule, you would conduct an initial compliance test and monthly testing to demonstrate compliance with the wastewater stripper outlet concentration limit. In addition, during your performance test, you would be required to establish operating ranges for your wastewater vacuum stripper, including steam-to-feed ratios and wastewater stripper temperature, and also the vacuum level measured in the column for wastewater vacuum strippers. These operating parameters are good indicators of wastewater stripper performance and proper operation. You would use a CPMS to continuously monitor control device operating parameters to demonstrate that you meet these operating parameter limits.

If the wastewater stream exceeds the 1,000 ppmw HAP concentration (measured at the point of determination, and based on the list of HAP in Table 9 of 40 CFR part 63, subpart G), and exceeds an annual average flow rate of 10 l/min (as measured at the same point of determination), then you would be required, under 40 CFR 63.11970(a)(2) of the proposed rule, to comply with the subpart G Group 1, wastewater suppression and treatment requirements, and conduct the compliance testing and monitoring required in subpart G. As discussed in section IV.F of this preamble, this proposed requirement is a beyond-the-floor option selected because it was determined to be cost-effective in the HON. Consequently, we are proposing that you comply with the HON testing and monitoring requirements for these streams.

6. How did we select the compliance requirements for stripped resin?

As discussed in section III.F.6 of this preamble, we are proposing in 40 CFR 63.11960 of the proposed rule that you conduct initial and continuous performance tests to demonstrate compliance with the proposed vinyl chloride limits and monthly performance tests to demonstrate compliance with the proposed total HAP limits for stripped resin. The tests would be conducted at the outlet of the resin stripper as the stripped resin exits the stripper for continuous processes and immediately after stripping for batch processes. You would be required to use EPA Method 107 in combination with RCRA Method SW–8260B, and to include in your test plan a proposed method for analysis using these methods. Affected sources are currently measuring vinyl chloride using EPA Method 107 to comply with limits in the part 61 NESHAP, and would continue to do so under this proposed rule. Initial and subsequent sampling for vinyl chloride would follow the same requirements as those in part 61 NESHAP. You would be required to sample for total HAP initially, and then on a monthly basis to demonstrate continuous compliance. We are proposing that RCRA Method SW–8260B also be used to analyze for concentrations of organic HAP in the stripped resin other than vinyl chloride. You would be required to submit the test plan for EPA approval.

The MACT floor limits for total HAP were based on averages of 30 days of resin sampling. We are proposing that samples be taken monthly, and compliance be demonstrated, based on a 12 month rolling average of the 12 most recent months. In the first 12 months following your demonstration of initial compliance, you would be required to demonstrate continuous compliance with the total HAP emission limit on a monthly basis, using the same procedures required for initial compliance. We request comment on adding an alternative to allow you, in these first 12 months, to use data collected in the year preceding your initial compliance to demonstrate continuous compliance. You would also be required to conduct your monthly monitoring for total HAP on a day that you are producing the resin grade of which you manufacture the most, based on total mass of resin produced in the month preceding the sampling event. To allow you flexibility in selecting this sampling day, sampling is required monthly, with a minimum of 12 sampling events per year, but individual sampling events may be 3 to 5 weeks apart.

In addition, during your initial performance test, you would be required to establish operating ranges for your resin steam or vacuum stripper, including steam-to-feed ratios and stripper temperature, and also the vacuum level measured in the component for vacuum strippers. You would use a CPMS to continuously monitor control device operating parameters. The proposed monitoring, recordkeeping, and reporting requirements are necessary to ensure compliance with the proposed emission limits.

7. How did we select the compliance requirements for other emission sources?

Other emission sources include reactor and other component opening losses. Reactor exhaust gas streams and any HAP removed from process component openings must be ducted through a closed vent system and control device. Therefore, we are proposing the same compliance requirements for these emission sources as those requirements for process vents.

8. How did we select the compliance requirements for batch process operations?

We are proposing compliance language, based on the MON, to accommodate batch process vents. The MON primarily references the batch process vent provisions in the Pharmaceuticals Production NESHAP (40 CFR part 63, subpart GGG), but includes some changes and exceptions when specifying how to calculate uncontrolled emissions from batch process vents (including emission episode equations), as well as requiring performance testing under worst-case conditions. Although the MON uses a hierarchy to determine applicable requirements for combined emission streams (*e.g.,* it allows you to comply with only the batch process vent requirements for combined batch and continuous process vents), 40 CFR 63.11945(b)(3) of the proposed rule requires that you meet all requirements for each emission stream type in a combined emission stream (*i.e.,* both continuous and batch process vent requirements must be met). The proposed rule is written in this way to ensure compliance for each emission stream.

Additionally, we revised the purging emission episode equation included in 40 CFR 63.1257(d)(2)(i)(B) (Equation 12). This equation specifies that the partial pressure of HAP shall be assumed to be 25 percent of the saturated value if the purge flow rate is greater than 100 standard cubic feet per minute (scfm). We revised this requirement to incorporate iterative methodology equations from the Miscellaneous Coating Manufacturing NESHAP (40 CFR 63.8050(c)(1)(ii)), requiring you to determine a HAP-specific saturation factor, and are calling the episode "gas sweep of a partially filled vessel," in lieu of "purging." This revision is in accordance with Volume II, Chapter 16 of the *Emission Inventory Improvement Program* (EIIP), issued August 2007. This change includes site-specific values where possible, and ensures that the calculated emissions are more accurate.

*H. How did EPA determine compliance times for the proposed rule?*

Section 112 of the CAA provides limits for the dates by which affected sources must comply with the emission standards. New or reconstructed units must be in compliance with the final rule immediately upon startup, or the date the final rule is published in the **Federal Register**, whichever is later. The proposed rule allows existing sources 3 years to comply with the final rule, which is the maximum period allowed by the CAA. We believe that 3 years for compliance is necessary to allow adequate time to design, install, and test control systems, as well as obtain permits for the use of add-on controls. We welcome comment on the proposed compliance dates.

*I. How did EPA determine the required records and reports for this proposed rule?*

Section 112 of the CAA requires the EPA to develop regulations that include requirements for reporting the results of testing and monitoring performed to determine compliance with the standards. You would be required to comply with the applicable requirements in the NESHAP General Provisions, subpart A of 40 CFR part 63, as referenced in Table 5 of the proposed rule. We evaluated the General Provisions requirements, and included those we determined to be the minimum notification, recordkeeping, and reporting necessary to ensure compliance with, and effective enforcement of, this rule, as proposed. The reports that we are proposing to be required are presented in 40 CFR 63.11985 of the proposed rule.

We also reviewed the necessary records that need to be kept to demonstrate continuous compliance with the proposed emission limits and work practice standards. These

recordkeeping requirements are specified either directly in the proposed rule, in the General Provisions to 40 CFR part 63, or in other rules to which the proposed rule refers. Recordkeeping requirements are found in the proposed 40 CFR 63.11990. We are proposing that records be kept for 5 years, in a form suitable and readily available for EPA review. We are proposing that records be kept on site for 2 years, and you can keep the records off site for the remaining 3 years.

The General Provisions include specific requirements for notifications, recordkeeping, and reporting. The reports are specified in proposed 40 CFR 63.11985.

The notification of compliance status report required by 40 CFR 63.9(h) must include certifications of compliance with rule requirements. The excess emissions and continuous system performance report and summary report required by 40 CFR 63.10(e)(3) of the NESHAP General Provisions (referred to in the rule as a compliance report) would be required to be submitted semiannually for reporting periods during which there was an exceedance of any emission limit, or a monitored parameter, or a deviation from any of the requirements in the rule occurred, or if any process changes occurred, and compliance certifications were reevaluated.

The part 61 NESHAP requires that, within 10 days of any discharge from a PRD to the atmosphere, the owners or operators must submit to the Administrator a report containing information on the source, nature, and cause of the discharge, the date and time of the discharge, duration of the discharge, the approximate emissions during the discharge, and the method used for determining the HAP emitted (*i.e.,* the calculation method). The report must also include a description of the actions taken to prevent the discharge, and measures adopted to prevent future discharges. We are proposing to extend this recordkeeping and reporting requirement to violations associated with bypasses, pressure vessels and closed vent systems in vacuum service as discussed in section III.H of this preamble. We solicit comment on the proposed recordkeeping and reporting requirements.

*J. What are the startup, shutdown, and malfunction provisions?*

Consistent with *Sierra Club* v. *EPA,* 551 F.3d 1019 (DC Cir. 2008), EPA is proposing standards in this rule that apply at all times. In proposing the standards in this rule, EPA has taken into account startup and shutdown periods, and, for the reasons explained below, has not proposed different standards for those periods. We solicit comment on this approach.

We expect facilities can meet the proposed emission standards during startup and shutdown. For process vents, control is achieved by routing vents to thermal oxidizers, or vent gas absorbers. During startup, it is common practice to start the thermal oxidizers using natural gas, before process vent emissions are routed to them, so that the oxidizers are at the required temperature prior to receiving the vent streams and will accomplish the same level of control that they would during normal operation. Vent gas absorbers operate such that vent streams can be routed to them at all times. For wastewater streams and stripped resins, we expect that during startup, streams normally fed to the wastewater stripper and resin stripper are recycled back to the process until the correct stripper steam to feed ratio is established. At such time, the feed streams are no longer recycled back to the process, and are then sent through the stripper to remove HAP to the required levels. For batch processes, startups and shutdowns are a part of their normal daily operations. For the other emission points, the proposed rule requires work practices that can be followed during startup and shutdown. Additionally, we are proposing that process components, such as reactors, cannot be opened except when the process or process component is shut down. The proposed rule includes several requirements to reduce emissions during openings.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. However, by contrast, malfunction is defined as a "sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment or a process to operate in a normal or usual manner * * *." (40 CFR 63.2). EPA has determined that malfunctions should not be viewed as a distinct operating mode, and, therefore, any emissions that occur at such times do not need to be factored into development of CAA section 112(d) standards, which, once promulgated, apply at all times. In *Mossville Environmental Action Now* v. *EPA,* 370 F.3d 1232, 1242 (DC Cir. 2004), the Court upheld as reasonable standards that had factored in variability of emissions under all operating conditions. However, nothing in CAA section 112(d) or in case law requires that EPA anticipate and account for the innumerable types of potential malfunction events in setting emission standards. *See, Weyerhaeuser* v. *Costle,* 590 F.2d 1011, 1058 (DC Cir. 1978) ("In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,' such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.").

Further, it is reasonable to interpret CAA section 112(d) as not requiring EPA to account for malfunctions in setting emissions standards. For example, we note that CAA section 112 uses the concept of "best performing" sources in defining MACT, the level of stringency that major source standards must meet. Applying the concept of "best performing" to a source that is malfunctioning presents significant difficulties. The goal of best performing sources is to operate in such a way as to avoid malfunctions of their units.

Moreover, even if malfunctions were considered a distinct operating mode, we believe it would be impracticable to take malfunctions into account in setting CAA section 112(d) standards for PVC and copolymer production. As noted above, by definition, malfunctions are sudden and unexpected events, and it would be difficult to set a standard that takes into account the myriad different types of malfunctions that can occur across all sources in the category. Moreover, malfunctions can vary in frequency, degree, and duration, further complicating standard setting.

In the event that a source fails to comply with the applicable CAA section 112(d) standards, as a result of a malfunction event, EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, "sudden, infrequent, not reasonably preventable," and was not instead "caused in part by poor maintenance or careless operation." 40 CFR 63.2 (definition of malfunction).

Finally, EPA recognizes that even equipment that is properly designed and maintained, can sometimes fail and that such failure can sometimes cause an exceedance of the relevant emission standard. (See, *e.g., State*

*Implementation Plans: Policy Regarding Excessive Emissions During Malfunctions, Startup, and Shutdown* (Sept. 20, 1999); *Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions* (Feb. 15, 1983)). EPA is therefore proposing to include an affirmative defense to civil penalties for exceedances of emission limits. See 40 CFR 63.12010 of the proposed rule (defining "affirmative defense" to mean, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding). We also are proposing other regulatory provisions to specify the elements that are necessary to establish this affirmative defense; the source must prove by a preponderance of the evidence that it has met all of the elements set forth in 40 CFR 63.11895 of the proposed rule. (See 40 CFR 22.24). The criteria ensure that the affirmative defense is available only where the event that causes an exceedance of the emission limit meets the narrow definition of malfunction in 40 CFR 63.2 (sudden, infrequent, not reasonable preventable and not caused by poor maintenance and or careless operation). For example, to successfully assert the affirmative defense, the source must prove by a preponderance of the evidence that excess emissions "[w]ere caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner * * *." The criteria also are designed to ensure that steps are taken to correct the malfunction, to minimize emissions in accordance with 40 CFR 63.11895 of the proposed rule and to prevent future malfunctions. For example, the source must prove by a preponderance of the evidence that "[r]epairs were made as expeditiously as possible when the applicable emission limitations were being exceeded * * *" and that "[a]ll possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment and human health * * *." In any judicial or administrative proceeding, the Administrator may challenge the assertion of the affirmative defense and, if the respondent has not met its burden of proving all of the requirements in the affirmative defense, appropriate penalties may be assessed in accordance with section 113 of the CAA (see also 40 CFR 22.77).

## V. Impacts of the Proposed PVC Rule

The impacts presented in this section include the impacts for PVC production facilities to comply with the proposed rule, and with the requirements of other subparts referenced by the proposed rule.

### *A. What are the air impacts?*

We have estimated the potential emission reductions that may be realized through implementation of the proposed emission standards. Table 10 of this preamble summarizes the emission reductions for compliance for each pollutant and emission point. The analysis is documented in the memorandum, *Costs and Emission Reductions of the Proposed Standards for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category,* and is available in the docket.

TABLE 10—EMISSION REDUCTIONS OF THE PROPOSED PVC AND COPOLYMERS PRODUCTION STANDARDS

| Emission point | Pollutant emission reductions (tpy) | | | |
|---|---|---|---|---|
| | Vinyl chloride | Total HAP | CDD/CDF (TEQ) | HCl |
| Process vents | 0.085 | 2.26 [a] | 2.45E–08 | 33 |
| Stripped resin | 129 | 853 | 0 | 0 |
| Wastewater | 0.40 | 0.40 | 0 | 0 |
| Equipment leaks | 0 | 680 | 0 | 0 |
| Storage vessels | 0 | 0 | 0 | 0 |
| Other emission sources | 0 | 0 | 0 | 0 |
| Heat exchange systems | 5.3 | 35 | 0 | 0 |
| Total | 135 | 1,570 | 2.45E–08 | 33 |

[a] Emission reductions for process vents are stated as total organic HAP; this value does not include HCl reductions.

We estimated emission reductions of the proposed rule for each emission point. For all emission points, we first calculated emissions at the current level of control for each facility (referred to as the baseline level of control), and at the proposed level of control. We calculated emission reductions as the difference between the proposed level and baseline.

For process vents, we calculated baseline emissions from the measured HAP concentrations at the outlet of the control devices, and HAP emissions using the proposed emission limits, in combination with the vent stream flow rates measured during emission tests.

For stripped resins, we calculated emissions assuming that all the HAP remaining in the resin would eventually be emitted from processes downstream of the resin stripper. This assumption results in a calculation of the potential emissions at the baseline stripped resin concentration levels, and proposed MACT concentration levels. Emissions were calculated from the HAP concentration in the stripped resin, and the resin production rate.

For wastewater, we estimated the emissions from the HAP concentration in the uncontrolled wastewater streams, in the controlled wastewater streams, and the wastewater flow rates or generation rates.

For equipment leaks, we estimated emissions for the baseline LDAR program in use at each facility, and the proposed equipment leaks requirements using model equipment counts, average emission factors for leaking equipment provided in previous EPA studies, and control efficiencies for LDAR programs provided in previous EPA studies. Model equipment counts were used because actual equipment counts were not collected in survey questionnaires sent to the industry. The survey requested information only on regulatory LDAR programs currently in place at each facility, and the costs for the facility to conduct the LDAR program.

We calculated emissions from heat exchange systems from emissions information provided in information survey responses provided by affected sources. Emission reductions from heat exchange systems were calculated assuming that, once the LDAR program

was in effect, emissions would be eliminated due to the low leak action level that is being proposed.

*B. What are the cost impacts?*

We have estimated compliance costs for all existing sources to add the necessary controls, monitoring devices, inspections, recordkeeping, and reporting requirements to comply with the proposed rule. Based on this analysis, we anticipate an overall total capital investment of 15.6 million, with an associated total annualized cost of $19.7 million (using a discount rate of 7 percent), in 2010 dollars, as shown in Table 11 of this preamble. We do not anticipate the construction of any new PVCPU in the next 5 years, and, therefore, there are no new source cost impacts.

TABLE 11—COST IMPACTS OF THE PROPOSED PVC AND COPOLYMERS PRODUCTION STANDARDS

| Emission Point | Total capital cost (million 2010$) | Total annualized cost (million 2010$/yr) |
|---|---|---|
| Process vents | 12.5 | 3.4 |
| Stripped resin | 0 | 14.5 |
| Wastewater | 0 | 0.791 |
| Equipment leaks | 3.14 | 0.638 |
| Storage vessels | 0 | 0 |
| Other emission sources | 0 | 0 |
| Heat exchange systems | 0 | 0.309 |
| Total | 15.6 | 19.7 |

We calculated costs to meet the proposed level of control for each emission point. For process vents, we estimated costs to meet the proposed level of control for PVCPU that do not currently meet the proposed emission limit, based on reported data. For such PVCPU that currently use incinerators in combination with acid-gas scrubbers, we estimate the cost of compliance through the use of enhanced vinyl chloride recovery using a refrigerated condenser to reduce the quantity of vinyl chloride combusted to meet the vinyl chloride, HCl, and total organic HAP emission limits. If a PVCPU needed only to meet the HCl emission limit, we estimated the cost of compliance using a packed bed scrubber to reduce HCl emissions. To meet the CDD/CDF levels, costs were based on application of activated carbon injection in combination with a fabric filter. For PVCPU that currently use an absorber for vinyl chloride recovery, cost calculations were based on routing the vent gas from the absorber to existing incinerators. Costs calculations also included capital and annual costs for testing and monitoring of vinyl chloride, HCl, total organic HAP, and CDD/CDF.

For PVCPU not currently meeting the proposed stripped resin limits, costs to meet the proposed level of control were based on additional steam being used in the resin stripper to further remove vinyl chloride and total HAP from the resin. Testing and monitoring costs were also included in the costs to meet the proposed level of control. We are aware that there may be concerns about applying additional heat to the resin because it might degrade the product. Therefore, we are requesting comment on this cost assumption. We are also requesting data on the performance of resin strippers when additional steam is added, and the limits that resin strippers can achieve without degrading the product. We note that the proposed limits for stripped resins were calculated, based on the resin analysis data provided by surveyed facilities, indicating that some facilities are already achieving the emission limits without affecting their products.

For PVCPU not currently meeting the proposed wastewater stripper outlet concentration limit, costs to meet the proposed level of control were based on additional steam being used in the wastewater stripper to further remove vinyl chloride. Annual costs also include additional testing and monitoring required to meet the proposed level of control.

For equipment leaks, annual costs to conduct LDAR programs were provided by PVC production facilities in responses to data collection surveys. The average cost difference between PVCPU complying with 40 CFR part 63, subpart UU and PVCPU complying with other equipment leak standards, such as 40 CFR part 61, subpart V, was applied to each PVCPU that did not already meet the proposed level of control (*i.e.*, 40 CFR part 63, subpart UU). We estimated additional costs for an electronic PRD indicator, based on data collected for other EPA projects. We calculated costs for complying with the proposed level for heat exchange systems, based on information collected for other EPA projects. No costs were estimated for the remaining emission points, because all affected sources already meet the proposed levels of control for them.

The analysis is documented in the memorandum, *Costs and Emission Reductions of the Proposed Standards for the Polyvinyl Chloride and Copolymers (PVC) Production Source Category*, and is available in the docket.

*C. What are the non-air quality health, environmental, and energy impacts?*

We anticipate affected sources would need to apply additional controls to meet the proposed emission limits. These controls, such as steam strippers and scrubbers, use water. We estimate an annual requirement of 380 million gallons per year of additional wastewater would be generated as a result of additional steam stripping of PVC resin and water used for scrubbers. We also anticipate 106 tpy of dust from activated carbon usage that will need to be disposed.

The energy impacts associated with meeting the proposed emission limits would consist primarily of additional electricity needs to run added or improved air pollution control devices. By our estimate, we anticipate that an additional 5,900 megawatt-hours per year would be required for the additional and improved control devices.

We anticipate secondary air impacts from adding controls to meet the standards. The combustion of fuel needed to generate additional electricity would yield slight increases in nitrogen oxide ($NO_X$), carbon monoxide (CO), and sulfur dioxide ($SO_2$) emissions. Since $NO_X$ and $SO_2$ emissions and electric generating units are covered by capped emissions trading programs, we do not estimate an increase in secondary air impacts for these pollutants for this rule form additional electricity demand.

The combustion of additional fuel from additional electrical usage and supplemental fuel for incineration devices would yield CO emissions of 1.3 tpy. The analyses are documented in the memorandum, *Secondary Impacts of MACT Level of Control for the Polyvinyl Chloride and Copolymer (PVC) Production Source Category*, and is available in the docket.

*D. What are the economic impacts of the proposed standards?*

We performed an economic impact analysis for PVC consumers and producers nationally, using the annual compliance costs estimated for this proposed rule. The impacts to producers affected by this proposed rule are annualized costs of less than 0.7 percent of their revenues, using the most current year available for revenue data. Prices and output for PVC should increase by no more than the impact on cost to revenues for producers; thus, PVC prices should increase by less than 0.7 percent. Hence, the overall economic impact of this proposed rule should be low on the affected industries and their consumers. For more information, please refer to the Economic Impact Analysis for this proposed rulemaking that is in the docket (EPA–HQ–OAR–2002–0037).

## VI. Statutory and Executive Order Reviews

*A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a "significant regulatory action" because it raises novel legal or policy issues. Accordingly, EPA submitted this action to OMB for review under Executive Order 12866 and Executive Order 13563 (76 FR 3821, January 21, 2011), and any changes made in response to OMB recommendations have been documented in the docket for this action.

In addition, EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis is contained in *Cost and Impacts of the PVC and Copolymers Proposed Standard*, in Docket ID No. EPA–HQ–OAR–2002–0037. A copy of the analysis is available in the docket for this action and the analysis is briefly summarized in section V.B of this preamble.

*B. Paperwork Reduction Act*

The information collection requirements in this proposed rule have been submitted for approval to OMB under the *Paperwork Reduction Act*, 44 U.S.C. 3501, *et seq.* The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR No. 2432.01.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions (40 CFR part 63, subpart A), which are mandatory for all operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by CAA section 114 (42 U.S.C. 7414). All information submitted to EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

The proposed rule would require maintenance inspections of the control devices, and some notifications or reports beyond those required by the General Provisions. The recordkeeping requirements require only the specific information needed to determine compliance. The information collection activities in this ICR include the following: performance tests, wastewater sampling, resin sampling, LDAR monitoring, heat exchanger monitoring, PRD monitoring, operating parameter monitoring, preparation of a site-specific monitoring plan, monitoring and inspection, one-time and periodic reports, and the maintenance of records. Some information collection activities included in the NESHAP may occur within the first 3 years, and are presented in this burden estimate, but may not occur until 4 or 5 years following promulgation of the proposed standards for some affected sources. To be conservative in our estimate, the burden for these items is included in this ICR. An initial notification is required to notify the Designated Administrator of the applicability of this subpart, and to identify storage vessels, process vents, stripped resin, equipment leaks, wastewater, heat exchange systems, and other emission sources subject to this subpart. A notification of performance test must be submitted, and a site-specific test plan written for the performance test, along with a monitoring plan. Following the initial performance test, the owner or operator must submit a notification of compliance status that documents the performance test and the values for the operating parameters. A periodic report submitted every 6 months documents the values for the operating parameters and deviations; a notification of inspection of vessels and related inspection records; leaking and monitoring information for equipment leaks; and leaking and monitoring data for heat exchangers, if greater than leak definition. Owners or operators of PVC facilities are required to keep records of certain parameters and information for a period of 5 years. The annual testing, annual monitoring, reporting, and recordkeeping burden for this collection (averaged over the first 3 years after the effective date of the standards) is estimated to be $2.5 million. This includes 3,200 labor hours per year at a total labor cost of $0.3 million per year, and total non-labor capital costs of $3.3 million per year. This estimate includes initial and annual performance tests, conducting and documenting semiannual excess emission reports, maintenance inspections, developing a monitoring plan, notifications, and recordkeeping. Monitoring and testing cost were also included in the cost estimates presented in the control costs impacts estimates in section V of this preamble. The total burden for the Federal government (averaged over the first 3 years after the effective date of the standard) is estimated to be 1,098 hours per year, at a total labor cost of $50,482 per year. Burden is defined at 5 CFR 1320.3(b).

When a malfunction occurs, sources must report them according to the applicable reporting requirements of 40 CFR part 63, subpart HHHHHHH. An affirmative defense to civil penalties for exceedances of emission limits that are caused by malfunctions is available to a source if it can demonstrate that certain criteria and requirements are satisfied. The criteria ensure that the affirmative defense is available only where the event that causes an exceedance of the emission limit meets the narrow definition of malfunction in 40 CFR 63.2 (*e.g.*, sudden, infrequent, not reasonably preventable and not caused by poor maintenance or careless operation) and where the source took necessary actions to minimize emissions. In addition, the source must meet certain notification and reporting requirements. For example, the source must prepare a written root cause analysis and submit a written report to the Administrator documenting that it has met the conditions and requirements for assertion of the affirmative defense. EPA considered whether there might be any burden associated with the notification, recordkeeping, and reporting requirements associated with the assertion of the affirmative defense. While recognizing that any such

burdens are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense. The PVC industry is currently required to comply with the part 61 NESHAP requirement for releases from pressure relief valves and reactor manual vent valves, which does not allow a discharge into the atmosphere from these valves, except during an emergency. An emergency discharge means a "discharge which could not have been avoided by taking measures to prevent the discharge." The owners or operators must, within 10 days of any release from a pressure relief valve or a reactor manual vent valve, submit a report to the Administrator. The report must include the "nature and cause of discharge, the date and time of the discharge, the approximate total vinyl chloride loss during the discharge, the method used for determining the vinyl chloride loss, the action that was taken to prevent the discharge, and measures adopted to prevent future discharges. The costs for these reports are already accounted for in the ICR burden estimate. Therefore, EPA estimates that there would be no additional costs for sources that choose to take advantage of the affirmative defense for malfunctions since it is already required for compliance with the rule. However, there may be other malfunctions that are not currently regulated under the part 61 NESHAP that might prompt a source to take advantage of an affirmative defense.

To provide the public with an estimate of the relative magnitude of the burden associated with an assertion of the affirmative defense position adopted by a source (for those not already regulated under the part 61 NESHAP), EPA is including in the ICR the notification, recordkeeping, and reporting requirements associated with the assertion of the affirmative defense might entail. EPA's estimate for the required notification, reports, and records, including the root cause analysis, totals $3,141, and is based on the time and effort required of a source to review relevant data, interview plant employees, and document the events surrounding a malfunction that has caused an exceedance of an emission limit. The estimate also includes time to produce and retain the record and reports for submission to EPA. EPA provides this illustrative estimate of this burden because these costs are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense.

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. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, EPA has established a public docket for this rule, which includes this ICR, under Docket ID number EPA–HQ–OAR–2002–0037. Submit any comments related to the ICR to EPA and OMB. See **ADDRESSES** section at the beginning of this notice for where to submit comments to EPA. Send comments to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Office for EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after May 20, 2011, a comment to OMB is best assured of having its full effect if OMB receives it by June 20, 2011. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act, or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as: (1) A small business, as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated, and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities. To EPA's knowledge, there are no small entities subject to the proposed rule. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

*D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. The total annualized cost of this rule is estimated to be no more than $20 million (2010$) in any one year. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA, because it contains no regulatory requirements that might significantly or uniquely affect small governments. This rule only impacts PVC production facilities, and, thus, does not impact small governments uniquely or significantly.

*E. Executive Order 13132: Federalism*

The action does not have federalism implications. It will not have substantial direct effects 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, as specified in Executive Order 13132. The proposed rule imposes requirements on owners and operators of specified major and area sources, and not on State or local governments. There are no PVC production facilities owned or operated by State or local governments. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed action from State and local officials.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). The proposed rule imposes requirements on owners and operators of specified area sources, and not Tribal governments. There are no PVC production facilities owned or operated by Indian Tribal governments. Thus, Executive Order 13175 does not apply to this action. EPA specifically solicits

additional comment on this proposed action from Tribal officials.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045, because it is based solely on technology performance.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. EPA estimates that the requirements in this proposed action would cause most PVCPU to modify existing air pollution control devices (*e.g.*, increase the horsepower of their wet scrubbers) or install and operate new control devices, resulting in approximately 92,000 megawatt-hours per year of additional electricity being used.

Given the negligible change in energy consumption resulting from this proposed action, EPA does not expect any significant price increase for any energy type. The cost of energy distribution should not be affected by this proposed action at all since the action would not affect energy distribution facilities. We also expect that any impacts on the import of foreign energy supplies, or any other adverse outcomes that may occur with regards to energy supplies, would not be significant. We, therefore, conclude that if there were to be any adverse energy effects associated with this proposed action, they would be minimal.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113 (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This proposed rulemaking involves technical standards. EPA proposes to use ANSI/ASME PTC 19.10–1981, *Flue and Exhaust Gas Analyses*, as an acceptable alternative to EPA Method 3B. This standard is available from the American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990.

No applicable VCS were identified for EPA Methods 1A, 2A, 2D, 2F, 2G, 21, 107, RCRA SW–846, PS–8, PS–9, and the TCEQ Modified El Paso Method.

During the search, if the title or abstract (if provided) of the VCS described technical sampling and analytical procedures that are similar to EPA's reference method, the EPA ordered a copy of the standard and reviewed it as a potential equivalent method. All potential standards were reviewed to determine the practicality of the VCS for this rule. This review requires significant method validation data that meet the requirements of EPA Method 301 for accepting alternative methods or scientific, engineering, and policy equivalence to procedures in EPA reference methods. EPA may reconsider determinations of impracticality when additional information is available for particular VCS.

The search identified 17 other VCS that were potentially applicable for this rule in lieu of EPA reference methods. After reviewing the available standards, EPA determined that 17 candidate VCS (ASTM D3154–00 (2006), ASTM D3464–96 (2007), ASTM D3796–90 (2004), ISO 10780:1994, ASME B133.9–1994 (2001), ANSI/ASME PTC 19.10–1981 Part 10, ISO 10396:1993 (2007), ISO 12039:2001, ASTM D5835–95 (2007), ASTM D6522–00 (2005), CAN/CSA Z223.2–M86 (1999), NIOSH Method 2010, Amines, Aliphatic, ASTM D6060–96 (2001), EN 1948–3 (1996), EN 1911–1.2.3 (1998), ASTM D6735–01, ASTM D4855–97 (2002)) identified for measuring emissions of pollutants or their surrogates subject to emission standards in the rule would not be practical due to lack of equivalency, documentation, validation data and other important technical and policy considerations.

EPA welcomes comments on this aspect of the proposed rulemaking, and, specifically, invites the public to identify potentially applicable VCS, and to explain why such standards should be used in this regulation.

*J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations, because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

An analysis of demographic data shows that the average percentage of minorities, percentages of the population below the poverty level, and the percentages of the population 17 years old and younger, in close proximity to the sources, are similar to the national averages, with percentage differences of 3, 1.8, and 1.7, respectively, at the 3-mile radius of concern. These differences in the absolute number of percentage points from the national average indicate a 9.4-percent, 14.4-percent, and 6.6-percent over-representation of minority populations, populations below the poverty level, and the percentages of the population 17 years old and younger, respectively.

In determining the aggregate demographic makeup of the communities near affected sources, EPA used census data at the block group level to identify demographics of the populations considered to be living near affected sources, such that they have notable exposures to current emissions from these sources. In this approach, EPA reviewed the distributions of different socio-demographic groups in the locations of the expected emission reductions from this rule. The review identified those census block groups with centroids within a circular distance of a 0.5, 3, and 5 miles of affected sources, and determined the demographic and socio-economic composition (e.g., race, income,

education, etc.) of these census block groups. The radius of 3 miles (or approximately 5 kilometers) has been used in other demographic analyses focused on areas around potential sources.[7] [8] [9] [10] There was only one census block group with its centroids within 0.5 miles of any source affected by the proposed rule. EPA's demographic analysis has shown that these areas, in aggregate, have similar proportions of American Indians, African-Americans, Hispanics, and "Other and Multi-racial" populations to the national average. The analysis also showed that these areas, in aggregate, had similar proportions of families with incomes below the poverty level as the national average, and similar populations of children 17 years of age and younger.[11]

EPA defines Environmental Justice to include meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and polices. To promote meaningful involvement, EPA has developed a communication and outreach strategy to ensure that interested communities have access to this proposed rule, are aware of its content, and have an opportunity to comment during the comment period. During the comment period, EPA will publicize the rulemaking via environmental justice newsletters, Tribal newsletters, environmental justice listservs, and the Internet, including the EPA Office of Policy Rulemaking Gateway Web site (*http://yosemite.epa.gov/opei/RuleGate.nsf/*). EPA will also conduct targeted outreach to environmental justice communities, as appropriate. Outreach activities may include providing general rulemaking fact sheets (*e.g.,* why is this important for my community) for environmental justice community groups, and conducting conference calls with interested communities. In addition, State and Federal permitting requirements will provide State and local governments, and members of affected communities the opportunity to provide comments on the permit conditions associated with permitting the sources affected by the proposed rule.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 15, 2011.

**Lisa P. Jackson,**

*Administrator.*

For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations, is proposed to be amended as follows:

## PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

## Subpart DDDDDD—[Amended]

2. Section 63.11140 is amended by revising paragraph (b)(2) and adding paragraph (e) to read as follows:

**§ 63.11140 Am I subject to this subpart?**

* * * * *

(b) * * *

(2) An affected source is a new source under this subpart if you commenced construction or reconstruction of the affected source on or after October 6, 2006 but prior to the effective date of publication of the final rule in the **Federal Register**. An affected source that commences construction or reconstruction on and after the effective date of publication of the final rule in the **Federal Register** is not subject to this subpart and is required to comply with subpart HHHHHHH of this part.

* * * * *

(e) Each affected source that commences construction or reconstruction on and after the effective date of publication of the final rule in the **Federal Register** is required to comply with subpart HHHHHHH of this part by the compliance dates specified in subpart HHHHHHH. On and after the compliance date specified in subpart HHHHHHH of this part that applies to your affected source, the requirements in § 63.11140(d) and §§ 63.11141 through 63.11145 of this subpart do not apply to the affected source.

3. Part 63 is amended by adding a new subpart HHHHHHH to read as follows:

## Subpart HHHHHHH—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production

Sec.

**What This Subpart Covers**

§ 63.11860 What is the purpose of this subpart?
§ 63.11865 Am I subject to the requirements in this subpart?
§ 63.11870 What is the affected source of this subpart?
§ 63.11871 What is the relationship to 40 CFR part 61, subpart F?
§ 63.11875 When must I comply with this subpart?

**Emission Limits, Operating Limits, and Work Practice Standards**

§ 63.11880 What emission limits, operating limits, and standards must I meet?

**General Compliance Requirements**

§ 63.11885 What parts of the General Provisions apply to me?
§ 63.11890 What are my additional general requirements for complying with this subpart?
§ 63.11895 How do I establish an affirmative defense for exceedance of an emission limit during malfunction?
§ 63.11896 What am I required to do if I make a process change to a PVCPU at my affected source?

**Testing and Compliance Requirements**

§ 63.11900 By what date must I conduct initial performance testing and monitoring, establish any applicable operating limits, and demonstrate initial compliance with my emission limits and work practice standards?
§ 63.11905 When must I conduct subsequent performance testing and monitoring to demonstrate continuous compliance?
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[7] U.S. GAO (Government Accountability Office). *Demographics of People Living Near Waste Facilities.* Washington DC: Government Printing Office; 1995.

[8] Mohai P, Saha R. *Reassessing Racial and Socioeconomic Disparities in Environmental Justice Research.* Demography. 2006;43(2): 383–399.

[9] Mennis J. *Using Geographic Information Systems to Create and Analyze Statistical Surfaces of Populations and Risk for Environmental Justice Analysis. Social Science Quarterly,* 2002;83(1):281–297.

[10] Bullard RD, Mohai P, Wright B, Saha R, *et al. Toxic Waste and Race at Twenty 1987–2007.* United Church of Christ. March, 2007.

[11] The results of the demographic analysis are presented in *Review of Environmental Justice Impacts: Polyvinyl Chloride,* September 2010, a copy of which is available in the docket.

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## Subpart HHHHHHH—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production

### What This Subpart Covers

#### § 63.11860 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants emitted from the production of polyvinyl chloride and copolymers. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards.

#### § 63.11865 Am I subject to the requirements in this subpart?

You are subject to this subpart if you own or operate a polyvinyl chloride and copolymers process unit (PVCPU) as defined in § 63.12005 that is located at, or is part of, a major source or an area source as defined in § 63.2. Your PVCPU is not subject to this subpart if it is a research and development facility, as defined in section 112(c)(7) of the Clean Air Act.

#### § 63.11870 What is the affected source of this subpart?

(a) The affected source for this subpart is each individual PVCPU.

(b) An existing affected source is one for which construction was commenced before May 20, 2011 at a major or area source.

(c) A new affected source is one for which construction is commenced on or after May 20, 2011 at a major or area source.

(d) If components of an existing affected source are replaced such that the replacement meets the definition of reconstruction in § 63.2 and the reconstruction commenced on or after May 20, 2011, then the existing affected source becomes a reconstructed source and is subject to the relevant standards for a new affected source. The reconstructed source must comply with the requirements for a new affected source upon initial startup of the reconstructed source or by the effective date of publication of the final rule in the **Federal Register**, whichever is later.

#### § 63.11871 What is the relationship to 40 CFR part 61, subpart F?

After the applicable compliance date specified in § 63.11875(a), (b), or (c), an affected source that is also subject to the provisions of 40 CFR part 61, subpart F, is required to comply with the provisions of this subpart and not 40 CFR part 61, subpart F.

#### § 63.11875 When must I comply with this subpart?

(a) If you own or operate an existing affected source, you must achieve compliance with the applicable provisions in this subpart no later than 3 years after the effective date of publication of the final rule in the **Federal Register**. On or after the date 3 years after the effective date of publication of the final rule in the **Federal Register**, any such existing affected source is no longer subject to the provisions of 40 CFR part 61, subpart F.

(b) If you start up a new affected source on or before the effective date of publication of the final rule in the **Federal Register**, you must achieve compliance with the provisions of this subpart no later than the effective date of publication of the final rule in the **Federal Register**. On or after the effective date of publication of the final rule in the **Federal Register**, any such new affected source is not subject to the provisions of 40 CFR part 61, subpart F.

(c) If you start up a new affected source after the effective date of publication of the final rule in the **Federal Register**, you must achieve compliance with the provisions of this subpart upon startup of your affected source. Upon startup, any such new affected source is not subject to the provisions of 40 CFR part 61, subpart F.

(d) You must meet the notification requirements in §§ 63.9 and 63.11985 according to the dates specified in those sections. Some of the notifications must be submitted before you are required to comply with the emission limits and standards in this subpart.

### Emission Limits, Operating Limits, and Work Practice Standards

#### § 63.11880 What emission limits, operating limits, and standards must I meet?

(a) You must comply with each emission limit and standard specified in Tables 1, 3, and 4 to this subpart that applies to your existing affected source, and you must comply with each emission limit and standard specified in Tables 2, 3, and 4 to this subpart that applies to your new affected source.

(b) You must establish an operating limit for each operating parameter required to be monitored in §§ 63.11925, 63.11960, 63.11970, and 63.11975. As specified in those sections, you must establish each operating limit as an operating range, minimum operating level, or maximum operating level. You must comply with each established operating limit.

(c) You must comply with the emission limits and standards specified

in §§ 63.11910 through 63.11980 that apply to your affected source.

**General Compliance Requirements**

**§ 63.11885 What parts of the General Provisions apply to me?**

Table 5 to this subpart specifies which parts of the General Provisions in subpart A of this part apply to you.

**§ 63.11890 What are my additional general requirements for complying with this subpart?**

(a) The emission limits, operating limits, and work practice standards specified in this subpart apply at all times, including periods of SSM.

(b) At all times, you must operate and maintain your affected source, including associated air pollution control components and monitoring system components, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(c) You must install, calibrate, maintain, and operate all monitoring system components according to § 63.8, § 63.11935(b) and (c), and paragraphs (c)(1) and (2) of this section.

(1) Except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), you must operate the continuous monitoring system at all times the affected source is operating. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

(2) You may not use data recorded during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating levels. You must use all the data collected during all other required data collection periods in assessing the operation of the control device and associated control system. You must report any periods for which the monitoring system failed to collect required data.

(d) A deviation means any of the cases listed in paragraphs (d)(1) through (7) of this section.

(1) Any instance in which an affected source subject to this subpart, or an owner or operator of such a source, fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard.

(2) When a performance test indicates that emissions of a pollutant in Table 1, 2, or 3 to this subpart are exceeding the emission standard for the pollutant specified in Table 1, 2, or 3 to this subpart.

(3) When a 3-hour block average from a continuous emissions monitor, as required by § 63.11925(c), exceeds an emission limit in Table 1 or 2 to this subpart.

(4) When the average value of a monitored operating parameter, based on the data averaging period for compliance specified in Table 6 to this subpart, does not meet the operating limit established in § 63.11880(b).

(5) When an affected source discharges to the atmosphere from any of the sources specified in paragraphs (d)(5)(i) through (iv) of this section.

(i) A pressure relief device, as defined in § 63.12005.

(ii) A bypass, as defined in § 63.12005.

(iii) A closed vent system in vacuum service.

(iv) A closure device on a pressure vessel.

(6) Any instance in which the affected source subject to this subpart, or an owner or operator of such a source, fails to meet any term or condition specified in paragraph (d)(6)(i) or (ii) of this section.

(i) Any term or condition that is adopted to implement an applicable requirement in this subpart.

(ii) Any term or condition that is included in the operating permit for any affected source required to obtain such a permit.

(7) Any failure to collect required data, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

**§ 63.11895 How do I establish an affirmative defense for exceedance of an emission limit during malfunction?**

In response to an action to enforce the standards set forth in § 63.11880, you may assert an affirmative defense to a claim for civil penalties for exceedances of such standards that are caused by malfunction, as defined in § 63.2. Appropriate penalties may be assessed, however, if you fail to meet your burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

(a) To establish the affirmative defense in any action to enforce such a limit, you must timely meet the notification requirements in paragraph (b) of this section, and must prove by a preponderance of evidence that:

(1) The excess emissions:

(i) Were caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring system devices, process components, or a process to operate in a normal or usual manner; and

(ii) Could not have been prevented through careful planning, proper design, or better operation and maintenance practices; and

(iii) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(iv) Were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(2) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off shift and overtime labor were used, to the extent practicable to make these repairs; and

(3) The frequency, amount, and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions; and

(4) If the excess emissions resulted from a bypass of control device components or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(5) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment, and human health; and

(6) All emissions monitoring and control systems were kept in operation, if at all possible, consistent with safety and good air pollution control practices; and

(7) All of the actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs; and

(8) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions; and

(9) A written root cause analysis has been prepared, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the excess emissions resulting from the malfunction event at issue. The analysis must also specify, using best monitoring methods and engineering judgment, the amount of excess emissions that were the result of the malfunction.

(b) The owner or operator of the facility experiencing an exceedance of its emission limit(s) during a malfunction must notify the Administrator by telephone or facsimile (FAX) transmission as soon as possible, but no later than 2 working days after the initial occurrence of the malfunction, if it wishes to avail itself of an affirmative defense to civil penalties for that malfunction. The owner or operator seeking to assert an affirmative defense must also submit a written report to the Administrator within 45 days of the initial occurrence of the exceedance of the standard in § 63.11880 to demonstrate, with all necessary supporting documentation, that it has met the requirements set forth in paragraph (a) of this section. The owner or operator may seek an extension of this deadline for up to 30 additional days by submitting a written request to the Administrator before the expiration of the 45-day period. Until a request for an extension has been approved by the Administrator, the owner or operator is subject to the requirement to submit such report within 45 days of the initial occurrence of the exceedance.

**§ 63.11896 What am I required to do if I make a process change to a PVCPU at my affected source?**

If you make a process change to an existing affected source that does not meet the criteria to become a new affected source in § 63.11870(c), you must comply with the requirements in paragraph (a) of this section. If you make a process change to a new affected source, you must comply with the requirements in paragraph (b) of this section. If you must comply with the provisions of paragraph (a) or (b) of this section, you must also meet the testing and reporting requirements in paragraphs (c) and (d) of this section. Refer to § 63.12005 for the definition of process changes.

(a) If you replace any components of an existing affected source or make a process change to an existing affected source resulting in a change to the characteristics of any emission point, such that a different emission limit, operating parameter limit, or work practice requirement applies, and the criteria to become a new affected source in § 63.11870(c) are not met, you must demonstrate that the changed or added emission point is in compliance with the applicable requirements for an existing affected source. You must demonstrate initial compliance with the emission limits and establish any applicable operating limits in § 63.11880 within 180 days of the date of start-up of the changed process unit. You must demonstrate compliance with any applicable work practice standards upon startup of the changed process unit.

(b) If you replace any components of a new affected source, or make a process change to a new affected source resulting in a change to the characteristics of any emission point, such that a different emission limit, operating parameter limit, or work practice requirement applies, you must demonstrate that all changed emission points are in compliance with the applicable requirements for a new affected source. You must demonstrate initial compliance with the emission limits and establish any applicable operating limits in § 63.11880 within 180 days of the date of startup of the changed process unit. You must demonstrate compliance with any applicable work practice standards upon startup of the changed process unit.

(c) For process changes, you must demonstrate continuous compliance with your emission limits and standards, operating limits, and work practice standards according to the procedures and frequency in §§ 63.11910 through 63.11980.

(d) For process changes, you must submit the report specified in § 63.11985(b)(4)(iii).

## Testing and Compliance Requirements

**§ 63.11900 By what date must I conduct initial performance testing and monitoring, establish any applicable operating limits, and demonstrate initial compliance with my emission limits and work practice standards?**

(a) For existing affected sources, you must establish any applicable operating limits required in § 63.11880 and demonstrate initial compliance with the emission limits and standards specified in Tables 1, 3, and 4 to this subpart, as applicable, no later than 180 days after the compliance date specified in § 63.11875 and according to the applicable provisions in § 63.7(a)(2).

(b) For existing affected sources, you must demonstrate initial compliance with any applicable work practice standards required in § 63.11880 no later than the compliance date specified in § 63.11875 and according to the applicable provisions in § 63.7(a)(2).

(c) For new or reconstructed affected sources, you must establish any applicable operating limits required in § 63.11880, and demonstrate initial compliance with the emission limits and standards specified in Tables 2, 3, and 4 to this subpart, as applicable, no later than 180 days after the effective date of publication of the final rule in the **Federal Register** or within 180 days after startup of the source, whichever is later, according to § 63.7(a)(2)(ix).

(d) For new and reconstructed affected sources, you must demonstrate initial compliance with any applicable work practice standards required in § 63.11880 no later than the startup date of the affected source or the effective date of publication of the final rule in the **Federal Register**, whichever is later, and according to the applicable provisions in § 63.7(a)(2).

(e) If you demonstrate initial compliance using a performance test and a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure, then you must follow the procedures in § 63.7(a)(4).

**§ 63.11905 When must I conduct subsequent performance testing and monitoring to demonstrate continuous compliance?**

Following the date of your initial demonstration of compliance in § 63.11900, you must conduct subsequent performance testing and monitoring to demonstrate continuous compliance with your emission limits, operating limits, and work practice standards according to the procedures and frequency in §§ 63.11910 through 63.11980. If you make a process change as specified in § 63.11896, such that a different emission limit or operating parameter limit applies, you must conduct a performance test according to § 63.11896.

**§ 63.11910 What are my initial and continuous compliance requirements for storage vessels?**

You must comply with the requirements specified in Table 4 to this subpart for each storage vessel.

(a) For each fixed roof storage vessel used to comply with the requirements specified in Table 4 to this subpart, you must meet the requirements in paragraphs (a)(1) through (4) of this section. If you elect to use a fixed roof storage vessel vented to a closed vent

system and control device, the closed vent system and control device must meet the requirements in §§ 63.11925 through 63.11950.

(1) *Design requirements.* (i) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

(ii) Each opening in the fixed roof must be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

(2) *Operating requirements.* (i) Except as specified in paragraph (a)(2)(ii) of this section, the fixed roof must be installed with each closure device secured in the closed position.

(ii) Opening of closure devices or removal of the fixed roof is allowed under conditions specified in paragraphs (a)(2)(ii)(A) and (B) of this section.

(A) A closure device may be opened or the roof may be removed when needed to provide access.

(B) A conservation vent that vents to the atmosphere is allowed during normal operations to maintain the tank internal operating pressure within tank design specifications. Normal operating conditions that may require these devices to open are during those times when the internal pressure of the storage vessel is outside the internal pressure operating range for the storage vessel as a result of loading or unloading operations or diurnal ambient temperature fluctuations.

(3) *Inspection and monitoring requirements.* (i) Visually inspect the fixed roof and its closure devices for defects initially and at least once per calendar year except as specified in paragraph (a)(3)(ii) of this section. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the wall of the storage vessel; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(ii) The inspection requirement specified in paragraph (a)(3)(i) of this section does not apply to parts of the fixed roof that you determine are unsafe to inspect because operating personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraph (a)(3)(i) of this section, provided you comply with the requirements specified in paragraphs (a)(3)(ii)(A) and (B) of this section.

(A) You prepare and maintain at the plant site written documentation that identifies all parts of the fixed roof that are unsafe to inspect and explains why such parts are unsafe to inspect.

(B) You develop and implement a written plan and schedule to conduct inspections the next time alternative storage capacity becomes available and the storage vessel can be emptied or temporarily removed from service, as necessary, to complete the inspection. The required inspections must be performed as frequently as practicable but do not need to be performed more than once per calendar year. You must maintain a copy of the written plan and schedule at the plant site.

(4) *Repair requirements.* (i) Make first efforts to repair a defect no later than 5 days after detection, and complete repair as soon as possible, but no later than 45 days after detection. You must comply with the requirements in this paragraph (a)(4)(i) except as provided in paragraph (a)(4)(ii) of this section.

(ii) Repair of a defect may be delayed beyond 45 days if you determine that repair of the defect requires emptying or temporary removal from service of the storage vessel and no alternative storage capacity is available at the site to accept the removed material. In this case, repair the defect the next time alternative storage capacity becomes available and the storage vessel can be emptied or temporarily removed from service.

(b) If you elect to use an internal floating roof storage vessel or external floating roof storage vessel to comply with the requirements specified in Table 4 to this subpart, you must meet all requirements of §§ 63.1060 through 63.1067 of subpart WW of this part for internal floating roof storage vessels or external floating roof storage vessels, as applicable.

(c) For each pressure vessel used to comply with the requirements specified in Table 4 to this subpart, you must meet the requirements in paragraphs (c)(1) through (4) of this section.

(1) Whenever the pressure vessel is in hazardous air pollutants (HAP) service, you must operate the pressure vessel as a closed system that does not vent to the atmosphere, e.g., during filling, emptying, and purging. The vent stream during filling, emptying, and purging must meet the process vent emission limits in Table 1 or 2 to this subpart, as applicable, by routing to a closed vent system and control device that is designed and operated in accordance with §§ 63.11925 through 63.11950.

(2) Each opening in the pressure vessel must be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

(3) All potential leak interfaces must be monitored annually for leaks using the procedures specified in § 63.11915. You must comply with the recordkeeping provisions specified in § 63.11990(b) and the reporting provisions specified in § 63.11985(a)(1), (b)(1), and (c)(8). For any leak detected, you must submit the report specified in paragraph (c)(4) of this section.

(4) Pressure vessel closure devices must not discharge to the atmosphere. Any such release (*e.g.*, leak) constitutes a violation of this rule. Within 10 days of any such release, you must submit to the Administrator the report specified in § 63.11985(c)(8). This report is required even if you elect to follow the procedures specified in § 63.11895 to establish an affirmative defense.

**§ 63.11915 What are my compliance requirements for equipment leaks?**

For equipment (as defined in § 63.12005) in HAP service, you must comply with the requirements in paragraphs (a) through (c) of this section.

(a) *Requirement for certain equipment in subpart UU of this part.* You must comply with §§ 63.1020 through 63.1025, § 63.1027, and §§ 63.1029 through 63.1039 of subpart UU of this part.

(b) *Requirements for pumps, compressors, and agitator seals.* You must meet the requirements specified for each type of equipment in paragraphs (b)(1) through (5) of this section. For each type of equipment specified in paragraphs (b)(1) through (5) of this section, you must also meet the requirements of paragraph (a) of this section.

(1) *Rotating pumps.* HAP emissions from seals on all rotating pumps in HAP service are to be minimized by installing sealless pumps, pumps with double mechanical seals or equivalent equipment, or procedures approved by the Administrator. If double mechanical seals are used, HAP emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any HAP between the two seals through a control system from which the concentration of HAP in the exhaust gases does not exceed 10 parts per million; or

equivalent equipment or procedures approved by the Administrator.

(2) *Reciprocating pumps.* HAP emissions from seals on all reciprocating pumps in HAP service are to be minimized by installing double outboard seals, or equivalent equipment or procedures approved by the Administrator. If double outboard seals are used, HAP emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any HAP between the two seals through a control system from which the concentration of HAP in the exhaust gases does not exceed 10 ppm; or equivalent equipment or procedures approved by the Administrator.

(3) *Rotating compressors.* HAP emissions from seals on all rotating compressors in HAP service are to be minimized by installing compressors with double mechanical seals, or equivalent equipment, or procedures approved by the Administrator. If double mechanical seals are used, HAP emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the compressor; by ducting any HAP between the two seals through a control system from which the concentration of HAP in the exhaust gases does not exceed 10 ppm; or equivalent equipment or procedures approved by the Administrator.

(4) *Reciprocating compressors.* HAP emissions from seals on all reciprocating compressors in HAP service are to be minimized by installing double outboard seals, or equivalent equipment, or procedures approved by the Administrator. If double outboard seals are used, HAP emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the compressor; by ducting any HAP between the two seals through a control system from which concentration of HAP in the exhaust gases does not exceed 10 ppm; or equivalent equipment or procedures approved by the Administrator.

(5) *Agitators.* HAP emissions from seals on all agitators in HAP service are to be minimized by installing agitators with double mechanical seals, or equivalent equipment, or procedures approved by the Administrator. If double mechanical seals are used, HAP emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the agitated vessel; by ducting any HAP between the two seals through a control system from which the concentration of HAP in the exhaust gases does not exceed 10 ppm; or equivalent equipment or procedures approved by the Administrator.

(c) *Requirements for pressure relief devices.* For pressure relief devices, you must meet the requirements of this paragraph (c) and paragraph (a) of this section. Any release to the atmosphere from a pressure relief device in HAP service, as defined in § 63.12005, constitutes a violation of this rule. You must install, maintain, and operate release indicators as specified in paragraphs (c)(1) and (2) of this section unless the pressure relief device meets the process vent emission limits in Table 1 or 2 to this subpart by routing to a closed vent system and control device designed and operated in accordance with the requirements in §§ 63.11925 through 63.11950. For any pressure relief devices, you must comply with the recordkeeping provisions in § 63.11990(c) and reporting provisions in §§ 63.11985(a)(2), (b)(2), and (c)(8). For any release, you must submit the report specified in § 63.11985(c)(8), as described in paragraph (c)(3) of this section.

(1) A release indicator must be properly installed on each pressure relief device in such a way that it will indicate when an emission release has occurred.

(2) Each indicator must be equipped with an alert system that will notify an operator immediately and automatically when the pressure relief device is open. The alert must be located such that the signal is detected and recognized easily by an operator.

(3) For any instance that the release indicator indicates that a pressure relief device is open, you must notify operators that a pressure release has occurred, and, within 10 days of the release, you must submit to the Administrator the report specified in § 63.11985(c)(8). This report is required even if you elect to follow the procedures specified in § 63.11895(b) to establish an affirmative defense.

**§ 63.11920 What are my initial and continuous compliance requirements for heat exchange systems?**

(a) Except as provided in paragraph (b) of this section, you must perform monitoring to identify leaks of total strippable volatile organic compounds from each heat exchange system subject to the requirements of this subpart according to the procedures in paragraphs (a)(1) through (4) of this section.

(1) *Monitoring locations for closed-loop recirculation heat exchange systems.* You must collect and analyze a sample from the location(s) described in either paragraph (a)(1)(i) or (ii) of this section.

(i) Each cooling tower return line prior to exposure to air for each heat exchange system.

(ii) Selected heat exchanger exit line(s) so that each heat exchanger or group of heat exchangers within a heat exchange system is covered by the selected monitoring location(s).

(2) *Monitoring locations for once-through heat exchange systems.* You must collect and analyze a sample from the location(s) described in paragraph (a)(2)(i) of this section. You may also elect to collect and analyze an additional sample from the location(s) described in paragraph (a)(2)(ii) of this section.

(i) Selected heat exchanger exit line(s) so that each heat exchanger or group of heat exchangers within a heat exchange system is covered by the selected monitoring location(s).

(ii) The inlet water feed line for a once-through heat exchange system prior to any heat exchanger. If multiple heat exchange systems use the same water feed (*i.e.,* inlet water from the same primary water source), you may monitor at one representative location and use the monitoring results for that sampling location for all heat exchange systems that use that same water feed.

(3) *Monitoring method.* Determine the total strippable volatile organic compounds concentration at each monitoring location using the analytical method specified in either paragraph (a)(3)(i) or (ii) of this section.

(i) Determine the total strippable volatile organic compounds concentration (in parts per million by volume) as methane from the air stripping testing system using "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources," Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference, see § 63.14) using a flame ionization detector analyzer.

(ii) Determine the total strippable volatile organic compounds concentration (in parts per billion by weight) in the cooling water using Method 8021B, "Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors," dated December 1996 (incorporated by reference, see § 63.14). The target list of compounds shall be generated based on a pre-survey sample

and analysis by gas chromatography/mass spectrometry and process knowledge to include all compounds that can potentially leak into the cooling water. If Method 8021B, "Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors," dated December 1996 (incorporated by reference, see § 63.14) is not applicable for all compounds that can potentially leak into the cooling water for a given heat exchange system, you cannot use this monitoring method for that heat exchange system.

(4) *Monitoring frequency.* Determine the total strippable volatile organic compounds concentration at each monitoring location at the frequencies specified in paragraphs (a)(4)(i) through (iii) of this section.

(i) For heat exchange systems for which you have not delayed repair of any leaks, monitor at the frequencies specified in paragraphs (a)(4)(i)(A) and (B) of this section.

(A) For heat exchange systems at an existing affected source, monitor at least monthly. You may elect to monitor more frequently than the minimum frequency specified in this paragraph (a)(4)(i)(A).

(B) For heat exchange systems at a new affected source, monitor at least once every 12 hours. You may elect to monitor more frequently than the minimum frequency specified in this paragraph (a)(4)(i)(B).

(ii) For heat exchange systems for which you have delayed repair, as provided in paragraph (f) of this section, monitor at least monthly. You may elect to monitor more frequently than the minimum frequency specified in this paragraph (a)(4)(ii).

(iii) If you elected to monitor the inlet water feed line for a once-through heat exchange system, as provided in paragraph (a)(2)(ii) of this section, you must monitor the inlet water feed line at the same frequency used to monitor the heat exchange exit line(s), as required in paragraph (a)(2)(i) of this section.

(b) A heat exchange system is exempt from the monitoring requirements in paragraph (a) of this section if it meets the criteria in either paragraph (b)(1) or (2) of this section.

(1) All heat exchangers within the heat exchange system operate with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(2) The heat exchange system does not contain any heat exchangers.

(c) The leak action level is specified in paragraphs (c)(1) and (2) of this section.

(1) For a heat exchange system at an existing affected source, the leak action level is a total strippable volatile organic compounds concentration (as methane) in the stripping gas of 2.9 parts per million by volume or a total strippable volatile organic compounds concentration in the cooling water of 38 parts per billion by weight.

(2) For a heat exchange system at a new affected source, the leak action level is a total strippable volatile organic compounds concentration (as methane) in the stripping gas of 2.3 parts per million by volume or a total strippable volatile organic compounds concentration in the cooling water of 30 parts per billion by weight.

(d) A leak is defined as specified in paragraph (d)(1) or (2) of this section, as applicable.

(1) For once-through heat exchange systems for which you monitor the inlet water feed, as described in paragraph (a)(2)(ii) of this section, a leak is detected if the difference in the measurement value of the sample taken from a location specified in paragraph (a)(2)(i) of this section and the measurement value of the corresponding sample taken from the location specified in paragraph (a)(2)(ii) of this section equals or exceeds the leak action level.

(2) For all other heat exchange systems, a leak is detected if a measurement value taken according to the requirements in paragraph (a) of this section equals or exceeds the leak action level.

(e) If a leak is detected, you must repair the leak to reduce the measured concentration to below the applicable action level as soon as practicable, but no later than 45 days after identifying the leak, except as specified in paragraphs (f) and (g) of this section. Repair includes re-monitoring as specified in paragraph (a) of this section to verify that the measured concentration is below the applicable action level. Actions that you can take to achieve repair include but are not limited to any action specified in paragraphs (e)(1) through (5) of this section.

(1) Physical modifications to the leaking heat exchanger, such as welding the leak or replacing a tube.

(2) Blocking the leaking tube within the heat exchanger.

(3) Changing the pressure so that water flows into the process fluid.

(4) Replacing the heat exchanger or heat exchanger bundle.

(5) Isolating, bypassing, or otherwise removing the leaking heat exchanger from service until it is otherwise repaired.

(f) If you detect a leak when monitoring a cooling tower return line or heat exchanger exit line under paragraph (a) of this section, you may conduct additional monitoring following the requirements in paragraph (a) of this section to further isolate each heat exchanger or group of heat exchangers in regulated material service within the heat exchange system for which the leak was detected. If you do not detect any leaks when conducting additional monitoring for each heat exchanger or group of heat exchangers, the heat exchange system is excluded from repair requirements in paragraph (d) of this section.

(g) The delay of repair action level is defined as either a total strippable volatile organic compounds concentration (as methane) in the stripping gas of 29 parts per million by volume or a total strippable volatile organic compounds concentration in the cooling water of 380 parts per billion by weight. You may delay the repair of a leaking heat exchanger when one of the conditions in paragraphs (g)(1) or (2) of this section is met. You must determine if a delay of repair is necessary as soon as practicable, but no later than 45 days after first identifying the leak.

(1) If the repair is technically infeasible without a shutdown and the total strippable volatile organic compounds concentration is initially and remains less than the delay of repair action level for all monitoring periods during the delay of repair, you may delay repair until the next scheduled shutdown of the heat exchange system. If, during subsequent monitoring, the total strippable volatile organic compounds concentration is equal to or greater than the delay of repair action level, you must repair the leak within 30 days of the monitoring event in which the total strippable volatile organic compounds was equal to or exceeded the delay of repair action level.

(2) If the necessary equipment, parts, or personnel are not available and the total strippable volatile organic compounds concentration (as methane) is initially and remains less than the delay of repair action level for all monitoring periods during the delay of repair, you may delay the repair for a maximum of 120 days from the day the leak was first identified. You must demonstrate that the necessary equipment, parts, or personnel were not available. If, during subsequent monthly monitoring, the total strippable volatile organic compounds concentration is

equal to or greater than the delay of repair action level, you must repair the leak within 30 days of the monitoring event in which the leak was equal to or exceeded the total strippable volatile organic compounds delay of repair action level.

(h) To delay the repair under paragraph (g) of this section, you must record the information in paragraphs (h)(1) through (h)(4) of this section.

(1) The reason(s) for delaying repair.

(2) A schedule for completing the repair as soon as practical.

(3) The date and concentration of the leak as first identified and the results of all subsequent monitoring events during the delay of repair.

(4) An estimate of the potential emissions from the leaking heat exchange system following the procedures in paragraphs (g)(4)(i) and (g)(4)(ii) of this section.

(i) Determine the total strippable volatile organic compounds concentration in the cooling water, in parts per billion by weight. If the Modified El Paso Method is used, calculate the total strippable volatile organic compounds concentration in the cooling water using equation 7–1 from "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources," Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference, see § 63.14) and the total strippable volatile organic compounds concentration measured in the stripped air.

(ii) Calculate the emissions for the leaking heat exchange system by multiplying the volatile organic compounds concentration in the cooling water, parts per billion by weight, by the flow rate of the cooling water at the selected monitoring location and by the expected duration of the delay. The flow rate may be based on direct measurement, pump curves, heat balance calculations, or other engineering methods.

**§ 63.11925 What are my initial and continuous compliance requirements for process vents?**

Each process vent must meet the requirements of paragraphs (a) through (f) of this section.

(a) *Emission limits.* Each process vent stream must meet the emission limits in Table 1 or 2 to this subpart prior to the vent stream being exposed to the atmosphere. The emission limits in Table 1 or 2 to this subpart apply at all times.

(b) *Closed vent systems and control devices.* Each control device used to comply with paragraph (a) of this section must meet the requirements of §§ 63.11925 and 63.11940, and all process vent streams treated by the control device must be routed through a closed vent system meeting the requirements in § 63.11930. You must not use a flare to comply with the emission limits in Table 1 or 2 to this subpart.

(c) *General monitoring requirements.* Except as provided in paragraphs (c)(1) through (3) of this section, for each control device used to comply with the process vent emission limit specified in Table 1 or 2 to this subpart, you must install and operate a continuous parameter monitoring systemsCPMS to monitor each operating parameter specified in § 63.11940(a) through (i) to comply with your operating limit(s) required in § 63.11880(b)

(1) *Hydrogen chloride continuous emission monitoring system (CEMS).* According to the schedule specified in paragraphs (c)(1)(i) through (iii) of this section, respectively, new affected sources must comply with paragraph (c)(1)(i) of this section, and existing affected sources must comply with paragraph (c)(1)(ii) of this section, in lieu of establishing operating limits in § 63.11880(b) and using CPMS to comply with the operating limits, as specified in § 63.11940(a) through (i).

(i) New affected sources, beginning no more than 6-months after the date of promulgation of a performance specification for hydrogen chloride CEMS, must install and operate a hydrogen chloride CEMS to demonstrate initial and continuous compliance with the hydrogen chloride emission limit for process vents, as specified in paragraphs (d)(2) through (4) and (e) of this section.

(ii) Existing affected sources, upon promulgation of a performance specification for hydrogen chloride CEMS, have the option to install a hydrogen chloride CEMS to demonstrate initial and continuous compliance with the hydrogen chloride emission limit for process vents, as specified in paragraphs (d) and (e) of this section.

(2) *Dioxin/furan CEMS.* According to the schedule specified in paragraphs (c)(2)(i) through (iii) of this section, respectively, new affected sources must comply with paragraph (c)(2)(i) of this section, and existing affected sources must comply with paragraph (c)(1)(ii) of this section, in lieu of establishing operating limits in § 63.11880(b) and using CPMS to comply with the operating limits as specified in § 63.11940(a) through (i):

(i) New affected sources, beginning no more than 6 months after the date of promulgation of a performance specification for dioxin/furan CEMS, must install and operate a dioxin/furan CEMS to demonstrate initial and continuous compliance with the dioxin/furan emission limit for process vents, as specified in paragraphs (d)(2) through (4) and (e) of this section.

(ii) Existing sources, upon promulgation of a performance specification for dioxin/furan CEMS, have the option to install a dioxin/furan CEMS to demonstrate initial and continuous compliance with the dioxins/furan emission limit for process vents, as specified in paragraphs (d)(2) through (4) and (e) of this section.

(3) *Total hydrocarbon CEMS.* In lieu of establishing operating limits in § 63.11880(b) and using CPMS to comply with the operating limits as specified in § 63.11940(a) through (i), new and existing affected sources have the option to install a total hydrocarbon CEMS to demonstrate initial and continuous compliance with the total organic HAP emission limit for process vents, as specified in paragraphs (d)(2) through (4) and (e) of this section.

(d) *Initial compliance.* To demonstrate initial compliance with the process vent emission limits in Table 1 or 2 to this subpart, you must comply with paragraphs (d)(1) through (5) of this section.

(1) You must conduct an initial inspection as specified in § 63.11930(d) for each closed vent system.

(2) For each CEMS and CPMS required or that you elect to use as specified in paragraph (c) of this section, you must prepare the quality control program and site-specific performance evaluation test plan specified in § 63.11935(b) and site-specific monitoring plan specified in § 63.11935(c), respectively.

(3) For each CEMS and CPMS specified in paragraph (d)(2) of this section, you must install, operate, and maintain the CEMS and CPMS as specified in §§ 63.11935(b) and (c), respectively, and you must conduct an initial site-specific performance evaluation test according to your site-specific monitoring plan and §§ 63.11935(b)(3) and (c)(4), respectively.

(4) For each emission limit for which you use a CEMS to demonstrate compliance, you must demonstrate initial compliance with the emission limits in Table 1 or 2 to this subpart based on 3-hour block averages of CEMS data collected at the minimum

frequency specified in §§ 63.11935(b)(2) and 63.11890(c), and calculated using the data reduction method specified in § 63.11935(e). For a CEMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the 3-hour averaging period.

(5) For each emission limit for which you do not use a CEMS to demonstrate compliance, you must meet the requirements of paragraphs (d)(5)(i) through (iii) of this section.

(i) You must conduct an initial performance test according to the requirements in § 63.11945 to demonstrate compliance with the total organic HAP, vinyl chloride, hydrogen chloride, or dioxin/furan emission limit in Table 1 or 2 to this subpart.

(ii) During the performance test specified in paragraph (d)(5)(i) of this section, for each CPMS installed and operated as specified in paragraph (d)(2) of this section, you must establish an operating limit as the operating parameter range, minimum operating parameter level, or maximum operating parameter level specified in § 63.11935(d). Each operating limit must be based on the data averaging period for compliance specified in Table 6 to this subpart using data collected at the minimum frequency specified in §§ 63.11935(c)(2) and 63.11890(c), and calculated using the data reduction method specified in § 63.11935(e). For a CPMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the averaging period specified in Table 6 to this subpart.

(e) *Continuous compliance.* To demonstrate continuous compliance with the emission limits in Table 1 or 2 to this subpart for each process vent, you must comply with paragraphs (e)(1) through (5) of this section.

(1) You must meet the requirements in § 63.11930 for each closed vent system.

(2) You must operate and maintain each CEMS and CPMS required in paragraph (c) of this section as specified in § 63.11935(b) and (c), respectively.

(3) For each emission limit for which you use a CEMS to demonstrate compliance, you must meet the requirements in paragraphs (e)(3)(i) and (ii) of this section.

(i) You must conduct a periodic site-specific CEMS performance evaluation test according to your quality control program and site-specific performance evaluation test plan specified in § 63.11935(b)(1).

(ii) You must demonstrate continuous compliance with the emission limits in Table 1 or 2 to this subpart based on 3-hour block averages of CEMS data, the minimum data collection frequency specified in §§ 63.11935(b)(2) and 63.11890(c), and the data reduction method specified in § 63.11935(e). For a CEMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the 3-hour averaging period.

(4) For each emission limit for which you do not use a CEMS to demonstrate compliance, you must meet the requirements of paragraphs (e)(4)(i) and (ii) of this section.

(i) Except for hydrogen chloride, you must conduct an annual performance test according to the requirements in § 63.11945 for each pollutant in Table 1 or 2 to this subpart.

(ii) For each CPMS operated and maintained as specified in paragraph (e)(2) of this section, you must meet the requirements specified in paragraphs (e)(4)(ii)(A) through (C) of this section.

(A) You must conduct periodic site-specific CPMS performance evaluation tests according to your site-specific monitoring plan and § 63.11935(c).

(B) For each control device being monitored, you must continuously collect CPMS data consistent with § 63.11890(c) and your site-specific monitoring plan. You must continuously determine the average value of each monitored operating parameter based on the data collection and reduction methods specified in §§ 63.11935(c)(2) and 63.11935(e), and the applicable data averaging period for compliance specified in Table 6 to this subpart for all periods the process is operating. For a CPMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the averaging periods specified in Table 6 to this subpart.

(C) You must demonstrate continuous compliance with each operating limit established in paragraph (d)(4)(iii) of this section using these average values calculated in paragraph (e)(4)(ii)(B) of this section.(5) Each closed vent systems and control device used to comply with an emission limit in Table 1 or 2 to this subpart must be operated at all times when emissions are vented to, or collected by, these systems or devices.

(f) To demonstrate compliance with the dioxin/furan toxic equivalency emission limit specified in Table 1 or 2 to this subpart, you must determine dioxin/furan toxic equivalency as specified in paragraphs (f)(1) through (3) of this section.

(1) Measure the concentration of each dioxin/furan tetra-through octachlorinated-congener emitted using Method 23 at 40 CFR part 60, appendix A–7.

(2) For each dioxin/furan (tetra-through octachlorinated) congener measured in accordance with paragraph (f)(1) of this section, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 7 to this subpart.

(3) Sum the products calculated in accordance with paragraph (f)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

**§ 63.11930 What requirements must I meet for closed vent systems?**

(a) *General.* To route emissions from process vents subject to the HAP emission limits in Table 1 or 2 to this subpart to a control device, you must use a closed vent system and meet the requirements of this section and all provisions referenced in this section. However, if you operate and maintain your closed vent system in vacuum service as defined in § 63.12005, you must meet the requirements in paragraph (h) of this section and are not required to meet the requirements in paragraphs (a) through (g) of this section.

(b) *Collection of emissions.* Each closed vent system must be designed and operated to collect the HAP vapors from the process vent, and to route the collected vapors to a control device.

(c) *Bypass.* For each closed vent system that contains a bypass as defined in § 63.12005 (*e.g.,* diverting a vent stream away from the control device or causing air intrusion into the control device), you must not discharge to the atmosphere through the bypass. Any such release constitutes a violation of this rule. The use of any bypass diverted to the atmosphere during a performance test invalidates the performance test. You must comply with the provisions of either paragraph (c)(1) or (2) of this section for each closed vent system that contains a bypass that could divert a vent stream to the atmosphere.

(1) *Bypass flow indicator.* Install, maintain, and operate a flow indicator as specified in paragraphs (c)(1)(i) through (iv) of this section.

(i) The flow indicator must be properly installed at the entrance to any bypass.

(ii) The flow indicator must be equipped with an alarm system that will alert an operator immediately, and automatically when flow is detected in the bypass. The alarm must be located such that the alert is detected and recognized easily by an operator.

(iii) If the alarm is triggered, you must immediately initiate procedures to identify the cause of the alarm. If any closed vent system has discharged to the

atmosphere through a vent or bypass, you must initiate procedures to stop the bypass discharge.

(iv) For any instances where the flow indicator alarm is triggered, you must submit to the Administrator within 10 days of the discharge the report specified in § 63.11985(c)(8). This report is required even if you elect to follow the procedures specified in § 63.11895 to establish an affirmative defense and submit the reports specified in § 63.11985(c)(4).

(2) *Bypass valve configuration.* Secure the bypass valve in the non-diverting position with a car-seal or a lock-and-key type configuration.

(i) You must visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the non-diverting position, and the vent stream is not diverted through the bypass. A broken seal or closure mechanism or a diverted valve constitutes a violation from the emission limits in Table 1 or 2 to this subpart. You must maintain the records specified in paragraph (g)(1)(ii) of this section.

(ii) For each seal or closure mechanism, you must comply with either paragraph (c)(2)(ii)(A) or (B) of this section.

(A) For each instance that you change the bypass valve to the diverting position, you must submit to the Administrator within 10 days of the action the report specified in § 63.11985(c)(8). This report is required even if you elect to follow the procedures specified in § 63.11895 to establish an affirmative defense and submit the reports specified in § 63.11985(c)(4).

(B) You must install, maintain, and operate a bypass flow indicator as specified in paragraphs (c)(1)(i) and (ii) of this section and you must meet the requirements in paragraph (c)(1)(iii) and (iv) of this section for each instance that the flow indicator alarm is triggered.

(d) *Closed vent system inspection and monitoring requirements.* Except as provided in paragraph (d)(3) of this section, you must inspect each closed vent system as specified in paragraph (d)(1) or (2) of this section.

(1) *Hard-piping inspection.* If the closed vent system is constructed of hard-piping, you must comply with the requirements specified in paragraphs (d)(1)(i) and (ii) of this section.

(i) Conduct an initial inspection according to the procedures in paragraph (e) of this section.

(ii) Conduct annual inspections for visible, audible, or olfactory indications of leaks.

(2) *Ductwork inspection.* If the closed vent system is constructed of ductwork, you must conduct initial and annual inspections according to the procedures in paragraph (e) of this section.

(3) *Equipment that is unsafe to inspect.* You may designate any parts of the closed vent system as unsafe to inspect if you determine that personnel would be exposed to an immediate danger as a consequence of complying with the initial and annual closed vent system inspection requirements of this subpart.

(e) *Closed vent system inspection procedures.* Except as provided in paragraph (e)(4) of this section, you must comply with all provisions of paragraphs (e)(1) through (e)(3) of this section.

(1) *General.* Inspections must be performed during periods when HAP is being collected by or vented through the closed vent system. A leak is indicated by an instrument reading greater than 500 parts per million by volume above background or by visual inspection.

(2) *Inspection procedures.* Each closed vent system subject to this paragraph (e)(2) must be inspected according to the procedures specified in paragraphs (e)(2)(i) through (vii) of this section.

(i) Inspections must be conducted in accordance with Method 21 at 40 CFR part 60, appendix A–7, except as otherwise specified in this section.

(ii) Except as provided in paragraph (e)(2)(iii) of this section, the detection instrument must meet the performance criteria of Method 21 at 40 CFR part 60, appendix A–7, except the instrument response factor criteria in section 8.1.1.2 of Method 21 must be for the representative composition of the process fluid and not of each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, water, or other inerts that are not organic HAP or volatile organic compound, the representative stream response factor must be determined on an inert-free basis. You may determine the response factor at any concentration for which you will monitor for leaks.

(iii) If no instrument is available at the plant site that will meet the performance criteria of Method 21 at 40 CFR part 60, appendix A–7 specified in paragraph (e)(2)(ii) of this section, the instrument readings may be adjusted by multiplying by the representative response factor of the process fluid, calculated on an inert-free basis as described in paragraph (e)(2)(ii) of this section.

(iv) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 at 40 CFR part 60, appendix A–7.

(v) Calibration gases must be as specified in paragraphs (e)(2)(v)(A) through (D) of this section.

(A) Zero air (less than 10 parts per million by volume hydrocarbon in air).

(B) Mixtures of methane in air at a concentration less than 10,000 parts per million by volume. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (e)(2)(ii) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(C) If the detection instrument's design allows for multiple calibration scales, then the lower scale must be calibrated with a calibration gas that is no higher than 2,500 parts per million by volume.

(D) Perform a calibration drift assessment, at a minimum, at the end of each monitoring day. Check the instrument using the same calibration gas(es) that were used to calibrate the instrument before use. Follow the procedures specified in Method 21 at 40 CFR part 60, appendix A–7, Section 10.1, except do not adjust the meter readout to correspond to the calibration gas value. Record the instrument reading for each scale used as specified in paragraph (g)(4) of this section. Divide these readings by the initial calibration values for each scale and multiply by 100 to express the calibration drift as a percentage. If any calibration drift assessment shows a negative drift of more than 10 percent from the initial calibration value, then all equipment monitored since the last calibration with instrument readings below the appropriate leak definition and above the leak definition multiplied by the value specified in paragraph (e)(2)(v)(D)(*1*) of this section must be re-monitored. If any calibration drift assessment shows a positive drift of more than 10 percent from the initial calibration value, then, at your discretion, all equipment since the last calibration with instrument readings above the appropriate leak definition and below the leak definition multiplied by the value specified in paragraph (e)(2)(v)(D)(*2*) of this section may be re-monitored.

(*1*) 100 minus the percent of negative drift, divided by 100.

(*2*) 100 plus the percent of positive drift, divided by 100.

(vi) You may elect to adjust or not adjust instrument readings for background. If you elect not to adjust readings for background, all such

instrument readings must be compared directly to 500 parts per million by volume to determine whether there is a leak. If you elect to adjust instrument readings for background, you must measure background concentration using the procedures in this section. You must subtract the background reading from the maximum concentration indicated by the instrument.

(vii) If you elect to adjust for background, the arithmetic difference between the maximum concentration indicated by the instrument and the background level must be compared with 500 parts per million by volume for determining whether there is a leak.

(3) *Instrument probe.* The instrument probe must be traversed around all potential leak interfaces as described in Method 21 at 40 CFR part 60, appendix A–7.

(4) *Unsafe-to-inspect written plan requirements.* For equipment designated as unsafe to inspect according to the provisions of paragraph (d)(3) of this section, you must maintain and follow a written plan that requires inspecting the equipment as frequently as practical during safe-to-inspect times, but not more frequently than the annual inspection schedule otherwise applicable. You must still repair unsafe-to-inspect equipment according to the procedures in paragraph (f) of this section if a leak is detected.

(f) *Closed vent system leak repair provisions.* The provisions of this paragraph (f) apply to closed vent systems collecting HAP from an affected source.

(1) *Leak repair general for hard-piping.* If there are visible, audible, or olfactory indications of leaks at the time of the annual visual inspections required by paragraph (d)(1)(ii) of this section, you must follow the procedure specified in either paragraph (f)(1)(i) or (ii) of this section.

(i) You must eliminate the leak.

(ii) You must monitor the equipment according to the procedures in paragraph (e) of this section and comply with the leak repair provisions in paragraph (f)(2) of this section.

(2) *Leak repair schedule.* Leaks must be repaired as soon as practical, except as provided in paragraph (f)(3) of this section.

(i) A first attempt at repair must be made no later than 5 days after the leak is detected.

(ii) Except as provided in paragraph (f)(3) of this section, repairs must be completed no later than 15 days after the leak is detected or at the beginning of the next introduction of vapors to the system, whichever is later.

(3) *Delay of repair.* Delay of repair of a closed vent system for which leaks have been detected is allowed if repair within 15 days after a leak is detected is technically infeasible or unsafe without a closed vent system shutdown, as defined in § 63.12005, or if you determine that emissions resulting from immediate repair would be greater than the emissions likely to result from delay of repair. Repair of such equipment must be completed as soon as practical, but not later than the end of the next closed vent system shutdown.

(g) *Closed vent system records.* For closed vent systems, you must record the information specified in paragraphs (g)(1) through (5) of this section, as applicable.

(1) *Bypass records.* For each closed vent system that contains a bypass that could divert a vent stream away from the control device and to the atmosphere, or cause air intrusion into the control device, you must keep a record of the information specified in either paragraph (g)(1)(i) or (ii) of this section, as applicable.

(i) You must maintain records of any alarms triggered because flow was detected in the bypass, including the date and time the alarm was triggered, the duration of the flow in the bypass, as well as records of the times of all periods when the vent stream is diverted from the control device or the flow indicator is not operating.

(ii) Where a seal mechanism is used to comply with paragraph (c)(2) of this section, hourly records of flow are not required. In such cases, you must record that the monthly visual inspection of the seals or closure mechanisms has been done, and must record the occurrence of all periods when the seal mechanism is broken, the bypass valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has been broken.

(2) *Inspection records.* For each instrumental or visual inspection conducted in accordance with paragraph (d)(1) or (2) of this section for closed vent systems collecting HAP from an affected source during which no leaks are detected, you must record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(3) *Leak records.* When a leak is detected from a closed vent system collecting HAP from an affected source, the information specified in paragraphs (g)(3)(i) through (vi) of this section must be recorded and kept for 5 years.

(i) The instrument and the equipment identification number and the operator name, initials, or identification number.

(ii) The date the leak was detected and the date of the first attempt to repair the leak.

(iii) The date of successful repair of the leak.

(iv) The maximum instrument reading measured by the procedures in paragraph (e) of this section after the leak is successfully repaired.

(v) Repair delayed and the reason for the delay if a leak is not repaired within 15 days after discovery of the leak. You may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

(vi) Copies of the compliance reports as specified in § 63.11985(b)(9), if records are not maintained on a computerized database capable of generating summary reports from the records.

(4) *Instrument calibration records.* You must maintain records of the information specified in paragraphs (g)(4)(i) through (vi) of this section for monitoring instrument calibrations conducted according to sections 8.1.2 and 10 of Method 21 at 40 CFR part 60, appendix A–7, and paragraph (e) of this section.

(i) Date of calibration and initials of operator performing the calibration.

(ii) Calibration gas cylinder identification, certification date, and certified concentration.

(iii) Instrument scale(s) used.

(iv) A description of any corrective action taken if the meter readout could not be adjusted to correspond to the calibration gas value in accordance with section 10.1 of Method 21 at 40 CFR part 60, appendix A–7.

(v) Results of each calibration drift assessment required by paragraph (e)(2)(v)(D) of this section (*i.e.,* instrument reading for calibration at end of the monitoring day and the calculated percent difference from the initial calibration value).

(vi) If you make your own calibration gas, a description of the procedure used.

(5) *Unsafe-to-inspect records.* If you designate equipment as unsafe-to-inspect as specified in paragraph (d)(3) of this section, you must keep the records specified in paragraph (g)(5)(i) and (ii) of this section.

(i) You must maintain the identity of unsafe-to-inspect equipment as specified in paragraph (d)(3) of this section.

(ii) You must keep a written plan for inspecting unsafe-to-inspect equipment as required by paragraph (e)(4) of this section and record all activities performed according to the written plan.

(h) *Closed vent systems in vacuum service.* If you operate and maintain a closed vent system in vacuum service as defined in § 63.12005, you must comply with the requirements in paragraphs (h)(1) through (3) of this section, and you are not required to comply with any other provisions of this section. Any incidence where a closed vent system designed to be in vacuum service is operating and not in vacuum service constitutes a violation of this rule, unless the closed vent system is meeting the requirements in paragraphs (a) through (g) of this section for closed vent systems that are not in vacuum service. Any such incidence during a performance test invalidates the performance test.

(1) *In vacuum service alarm.* You must install, maintain, and operate a pressure gauge and alarm system that will alert an operator immediately and automatically when the pressure is such that the closed vent system no longer meets the definition of in vacuum service as defined in § 63.12005. The alarm must be located such that the alert is detected and recognized easily by an operator.

(2) *In vacuum service alarm procedures.* If the alarm is triggered for a closed vent system operating in vacuum service as specified in paragraph (h)(1) of this section, you must immediately initiate procedures to identify the cause of the alarm. If the closed vent system is not in vacuum service, you must initiate procedures to get the closed vent system back in vacuum service as defined in § 63.12005, or you must immediately comply with the requirements in paragraphs (a) through (g) of this section for closed vent systems that are not in vacuum service.

(3) *In vacuum service alarm records and reports.* For any incidences where a closed vent system designed to be in vacuum service is not in vacuum service, you must submit to the Administrator within 10 days of the incident the report specified in § 63.11985(c)(8). This report is required even if you elect to follow the procedures specified in § 63.11895 to establish an affirmative defense and submit the reports specified in § 63.11985(c)(4).

**§ 63.11935 What CEMS and CPMS requirements must I meet to demonstrate initial and continuous compliance with the emission standards for process vent control devices, resin strippers, and wastewater treatment processes?**

(a) *General requirements for CEMS and CPMS.* You must meet the requirements in paragraph (b) of this section for each CEMS specified in § 63.11925(c) used to demonstrate compliance with the emission limits for process vents in Table 1 or 2 to this subpart. You must meet the CPMS requirements in paragraph (c) of this section and establish your operating limits in paragraph (d) of this section for each operating parameter specified in Table 6 to this subpart for each process vent control device, resin stripper, or wastewater treatment process specified in paragraphs (a)(1) through (3) of this section.

(1) For each control device specified in § 63.11925(c) that is used to comply with the emission limits for process vents in Table 1 or 2 to this subpart, except that flow indicators specified in § 63.11940(e) are not subject to the requirements of this section.

(2) For each resin stripper specified in § 63.11960(c) and used to comply with the emission limit for resin in Table 1 or 2 to this subpart.

(3) For each wastewater treatment process specified in § 63.11975(a) and used to comply with the emission limit for wastewater in Table 3 to this subpart.

(b) *CEMS.* You must install, operate, and maintain each CEMS according to paragraphs (b)(1) through (7) of this section and continuously monitor emissions.

(1) You must prepare your quality control program and site-specific performance evaluation test plan, as specified in § 63.8(d) and (e). You must submit your performance evaluation test plan to the Administrator for approval, as specified in § 63.8(e)(3).

(2) The monitoring equipment must be capable of providing a continuous record, recording data at least once every 15 minutes.

(3) You must conduct initial and periodic site-specific performance evaluations and any required tests of each CEMS according to your quality control program and site-specific performance evaluation test plan prepared as specified in § 63.8(d) and (e).

(4) If supplemental gases are added to the control device, you must correct the measured concentrations in accordance with § 63.11945(d)(1).

(5) You must operate and maintain the CEMS in continuous operation according to the quality control program and performance evaluation test plan. CEMS must record data at least once every 15 minutes.

(6) CEMS must meet the minimum accuracy and calibration frequency requirements specified in the performance specifications specified in paragraphs (b)(6)(i) and (ii) of this section, as applicable.

(i) A hydrogen chloride or dioxin/furan CEMS must meet the requirements of the promulgated performance specification for the CEMS.

(ii) A total hydrocarbon CEMS must meet the requirements of 40 CFR Part 60, Appendix B, performance specification 8A.

(7) Before commencing or ceasing use of a CEMS system, you must notify the Administrator as specified in paragraphs (b)(6)(i) and (ii) of this section.

(i) You must notify the Administrator 1 month before starting use of the continuous emissions monitoring system.

(ii) You must notify the Administrator 1 month before stopping use of the continuous emissions monitoring system, in which case you must also conduct a performance test within 60 days of ceasing operation of the system.

(c) *CPMS.* You must install, maintain, and operate each CPMS as specified in paragraphs (c)(1) through (6) of this section and continuously monitor operating parameters.

(1) As part of your quality control program and site-specific performance evaluation test plan prepared as specified in § 63.8(d) and (e), you must prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements specified in paragraphs (c)(1)(i) through (v) of this section and § 63.8(d). You are not required to submit the plan for approval unless requested by the Administrator. You may request approval of monitoring system quality assurance and quality control procedure alternatives to those specified in paragraphs (c)(1)(i) through (v) of this section in your site-specific monitoring plan.

(i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations.

(ii) Sampling interface (*e.g.,* thermocouple) location such that the monitoring system will provide representative measurements.

(iii) Equipment performance checks, calibrations, or other audit procedures.

(iv) Ongoing operation and maintenance procedures in accordance with provisions in § 63.8(c)(1) and (3).

(v) Ongoing reporting and recordkeeping procedures in accordance with provisions in § 63.10(c), (e)(1), and (e)(2)(i).

(2) The monitoring equipment must be capable of providing a continuous

record, recording data at least once every 15 minutes.

(3) You must install, operate, and maintain each CPMS required in this paragraph (c) according to the procedures and requirements in your site-specific monitoring plan.

(4) You must conduct an initial and periodic site-specific performance evaluation tests of each CPMS according to your site-specific monitoring plan.

(5) All CPMS must meet the specific parameter (*e.g.,* minimum accuracy and calibration frequency) requirements specified in § 63.11940 and Table 8 to this subpart.

(6) Monitoring equipment for temperature, pressure, volumetric flow rate, mass flow rate, and conductivity must be capable of measuring the appropriate parameter over a range that extends at least 20 percent beyond the normal expected operating range of values for that parameter. The data recording system associated with affected CPMS must have a resolution that is equal to or better than one-half of the required system accuracy.

(d) *Establish operating limit.* For each operating parameter that must be monitored in § 63.11925(c) for process vent control devices, in § 63.11960(c) for resin strippers, and in § 63.11975(a) for wastewater treatment processes, you must establish an operating limit as specified in paragraphs (d)(1) through (6) of this section. You must establish each operating limit as an operating parameter range, minimum operating parameter level, or maximum operating parameter level as specified in Table 6 to this subpart. Where this subpart does not specify which format to use for your operating limit (*e.g.,* operating range or minimum operating level), you must determine which format is best to establish proper operation of the control device, resin stripper, or treatment process such that you are meeting the emission limits specified in Table 1, 2, or 3 to this subpart.

(1) For process vent control devices, the operating limit established for each monitored parameter specified in § 63.11940 must be based on the operating parameter values recorded during any performance test conducted to demonstrate compliance in § 63.11925(d)(4) and (e)(4) and may be supplemented by engineering assessments and/or manufacturer's recommendations. You are not required to conduct performance tests over the entire range of allowed operating parameter values. The established operating limit must represent the conditions for which the control device is meeting the emission limits specified in Table 1 or 2 to this subpart.

(2) For resin strippers, the operating limit established for each monitoring parameter specified in § 63.11960(c) must be based on the operating parameter values recorded during any resin sampling event specified in § 63.11960(b)(2) or (4) or § 63.11960(c)(3) or (5). You may use engineering assessments and/or manufacturer's recommendations to supplement the initial performance test results when establishing the operating limit. The established operating limit must represent the conditions for which the resin stripper is meeting the emission limits specified in Table 1 or 2 to this subpart.

(3) For wastewater treatment processes treating a wastewater stream to achieve the vinyl chloride concentration specified in Table 3 to this subpart, the operating limit established for each monitored parameter specified in § 63.11975(a)(1) must be based on the operating parameter level recorded during any sampling event specified in § 63.11970(a)(1)(ii) or (iii) or § 63.11975(a)(3). You may use engineering assessments and/or manufacturer's recommendations to supplement the initial testing results when establishing the operating limit. The established operating limit must represent the conditions for which the treatment process is meeting the requirements specified in Table 3 to this subpart.

(4) You must include as part of the notification of compliance status or the operating permit application or amendment, the information in paragraphs (d)(4)(i) through (iv) of this section, as applicable, for each process vent control device, resin stripper, and wastewater treatment process requiring operating limits.

(i) Descriptions of monitoring devices and monitoring frequencies for each emission point and operating scenario.

(ii) The established operating limit of the monitored parameter(s).

(iii) The rationale for the established operating limit, including any data and calculations used to develop the operating limit and a description of why the operating limit indicates proper operation of the control device, resin stripper, or wastewater treatment process.

(iv) The rationale used to determine which format to use for your operating limit (*e.g.,* operating range, minimum operating level, or maximum operating level), where this subpart does not specify which format to use.

(5) For batch processes, you may establish operating limits for individual batch emission episodes, including each distinct episode of process vent emissions or each individual type of batch process that generates wastewater, if applicable. You must provide rationale in a batch precompliance report as specified in § 63.11985(c)(2) instead of the notification of compliance status for the established operating limit. You must include any data and calculations used to develop the operating limits and a description of why each operating limit indicates proper operation of the control device during the specific batch emission episode, or of the wastewater treatment process or resin stripper during the individual batch operation generating wastewater or stripped resin.

(6) If you elect to establish separate operating limits for different batch emission episodes within a batch process as specified in paragraph (d)(5) of this section, you must maintain daily records indicating each point at which you change from one operating limit to another, even if the monitoring duration for an operating limit is less than 15 minutes. You must maintain a daily record according to § 63.11990(e)(4)(i).

(e) *Reduction of CPMS and CEMS data.* You must reduce CEMS and CPMS data to 1-hour averages according to § 63.8(g) to compute the average values for demonstrating compliance specified in §§ 63.11925(e)(3)(ii), 63.11925(e)(4)(ii)(B), 63.11960(c)(2), and 63.11975(a)(2) for CEMS and CPMS, as applicable.

**§ 63.11940 What continuous monitoring requirements must I meet for control devices required to install CPMS to meet the emission limits for process vents?**

As required in § 63.11925(c), you must install and operate the applicable CPMS specified in paragraphs (a) through (i) of this section for each control device you use to comply with the emission limits for process vents in Table 1 or 2 to this subpart. You must monitor, record, and calculate CPMS data averages as specified in Table 6 to this subpart. Paragraph (j) of this section provides an option to propose alternative monitoring parameters or procedures.

(a) *Flow indicator.* If flow to a control device could be intermittent, you must install, calibrate, and operate a flow indicator at the inlet or outlet of the control device to identify periods of no flow.

(b) *Incinerator monitoring.* If you are using an incinerator to meet an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must equip the incinerator with the monitoring equipment specified in

paragraphs (b)(1) through (3) of this section, as applicable.

(1) If an incinerator other than a catalytic incinerator is used, you must install a temperature monitoring device in the fire box or in the ductwork immediately downstream of the fire box in a position before any substantial heat exchange occurs.

(2) Except as provided in paragraph (b)(3) of this section, where a catalytic incinerator is used, you must install temperature monitoring devices in the gas stream immediately before and after the catalyst bed. You must monitor the temperature differential across the catalyst bed.

(3) Instead of complying with paragraph (b)(2) of this section, and if the temperature differential between the inlet and outlet of the catalytic incinerator during normal operating conditions is less than 10 degrees Celsius (18 degrees Fahrenheit), you may elect to monitor the inlet temperature and conduct catalyst checks as specified in paragraphs (b)(3)(i) and (ii) of this section.

(i) You must conduct annual sampling and analysis of the catalyst activity (*i.e.,* conversion efficiency) following the manufacturer's or catalyst supplier's recommended procedures. If problems are found during the catalyst activity test, you must replace the catalyst bed or take other corrective action consistent with the manufacturer's recommendations within 15 days or by the next time any process vent stream is collected by the control device, whichever is sooner.

(ii) You must conduct annual internal inspections of the catalyst bed to check for fouling, plugging, or mechanical breakdown. You must also inspect the bed for channeling, abrasion, and settling. If problems are found during the annual internal inspection of the catalyst, you must replace the catalyst bed or take other corrective action consistent with the manufacturer's recommendations within 15 days or by the next time any process vent stream is collected by the control device, whichever is later. If the catalyst bed is replaced and is not of like or better kind and quality as the old catalyst then you must conduct a new performance test according to § 63.11945 to determine destruction efficiency. If a catalyst bed is replaced and the replacement catalyst is of like or better kind and quality as the old catalyst, then a new performance test to determine destruction efficiency is not required.

(c) *Absorber and acid gas scrubber monitoring.* If you are using an absorber or acid gas scrubber to meet an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must install the monitoring equipment specified in paragraphs (c)(1) through (3) of this section.

(1) Install and operate the monitoring equipment as specified in either paragraph (c)(1)(i) or (ii) of this section.

(i) A flow meter to monitor the absorber or acid gas scrubber influent liquid flow.

(ii) A flow meter to monitor the absorber or acid gas scrubber influent liquid flow and the gas stream flow using one of the procedures specified in paragraphs (c)(1)(ii)(A), (B), or (C) of this section. You must monitor the liquid-to-gas ratio determined by dividing the flow rate of the absorber or acid gas scrubber influent by the gas flow rate. The units of measure must be consistent with those used to calculate this ratio during the performance test.

(A) Determine gas stream flow using the design blower capacity, with appropriate adjustments for pressure drop.

(B) Measure the gas stream flow at the absorber or acid gas scrubber inlet.

(C) If you have previously determined compliance for a scrubber that requires a determination of the liquid-to-gas ratio, you may use the results of that test provided the test conditions are representative of current operation.

(2) Install and operate the monitoring equipment as specified in either paragraph (c)(2)(i), (ii), or (iii) of this section.

(i) Install and operate pressure gauges at the inlet and outlet of the absorber or acid gas scrubber to monitor the pressure drop through the absorber or acid gas scrubber.

(ii) If the difference in the inlet gas stream temperature and the inlet liquid stream temperature is greater than 38 degrees Celsius, you may install and operate a temperature monitoring device at the scrubber gas stream exit.

(iii) If the difference between the specific gravity of the scrubber effluent scrubbing fluid and specific gravity of the scrubber inlet scrubbing fluid is greater than or equal to 0.02 specific gravity units, you may install and operate a specific gravity monitoring device on the inlet and outlet of the scrubber.

(3) If the scrubbing liquid is a reactant (*e.g.,* lime, ammonia hydroxide), you must install and operate one of the devices listed in either paragraph (c)(3)(i), (ii), or (iii) of this section.

(i) A pH monitoring device to monitor the pH of the scrubber liquid effluent.

(ii) A caustic strength monitoring device to monitor the caustic strength of the scrubber liquid effluent.

(iii) A conductivity monitoring device to monitor the conductivity of the scrubber liquid effluent.

(d) *Regenerative adsorber monitoring.* If you are using a regenerative adsorber to meet an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must install and operate the applicable monitoring equipment listed in paragraphs (d)(1) through (5) of this section, and comply with the requirements in paragraphs (d)(6) and (7) of this section. If the adsorption system water is deemed as wastewater or process vents as specified in § 63.11935, it is subject to the requirements in this subpart.

(1) For non-vacuum regeneration systems, an integrating regeneration stream flow monitoring device having an accuracy of ±10 percent, capable of recording the total regeneration stream mass for each regeneration cycle. For non-vacuum regeneration systems, an integrating regeneration stream flow monitoring device capable of continuously recording the total regeneration stream mass flow for each regeneration cycle.

(2) For non-vacuum regeneration systems, an adsorber bed temperature monitoring device, capable of continuously recording the adsorber bed temperature after each regeneration and within 15 minutes of completing any temperature regulation (cooling or warming to bring bed temperature closer to vent gas temperature) portion of the regeneration cycle.

(3) For non-vacuum and non-steam regeneration systems, an adsorber bed temperature monitoring device capable of continuously recording the bed temperature during regeneration, except during any temperature regulating (cooling or warming to bring bed temperature closer to vent gas temperature) portion of the regeneration cycle.

(4) For a vacuum regeneration system, a pressure transmitter installed in the vacuum pump suction line capable of continuously recording the vacuum level for each minute during regeneration. You must establish a minimum target and a length of time at which the vacuum must be below the minimum target during regeneration.

(5) A device capable of monitoring the regeneration frequency (*i.e.,* operating time since last regeneration) and duration.

(6) You must perform a verification of the adsorber during each day of operation. The verification must be through visual observation or through an automated alarm or shutdown system that monitors and records system

operational parameters. The verification must verify that the adsorber is operating with proper valve sequencing and cycle time.

(7) You must conduct weekly measurements of the carbon bed outlet volatile organic compounds concentration, as specified in this paragraph (d)(7), over the last 5 minutes of an adsorption cycle for each carbon bed. For regeneration cycles longer than 1 week, you must perform the measurement over the last 5 minutes of each adsorption cycle for each carbon bed. The outlet concentration of volatile organic compounds must be measured using a portable analyzer, in accordance with Method 21 at 40 CFR part 60, appendix A–7, for open-ended lines. Alternatively, outlet concentration of HAP(s) may be measured using chromatographic analysis using Method 18 at 40 CFR part 60, appendix A–6.

(e) *Non-regenerative adsorber monitoring.* If you are using a non-regenerative adsorber, or canister type system that is sent off site for regeneration or disposal, to meet an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must install a system of dual adsorber units in series and conduct the monitoring and bed replacement as specified in paragraphs (e)(1) through (4) of this section.

(1) Establish the average adsorber bed life by conducting daily monitoring of the outlet volatile organic compound or HAP concentration, as specified in this paragraph (e)(1), of the first adsorber bed in series until breakthrough occurs for the first three adsorber bed change-outs. The outlet concentration of volatile organic compounds must be measured using a portable analyzer, in accordance with Method 21 at 40 CFR part 60, Appendix A–7, for open-ended lines. Alternatively, outlet concentration of HAP may be measured using chromatographic analysis using Method 18 at 40 CFR part 60, Appendix A–6. Breakthrough of the bed is defined as the time when the level of HAP detected is at the highest concentration allowed to be discharged from the adsorber system.

(2) Once the average life of the bed is determined, conduct ongoing monitoring as specified in paragraphs (e)(2)(i) through (iii) of this section.

(i) Except as provided in paragraphs (e)(2)(ii) and (iii) of this section, conduct daily monitoring of the adsorber bed outlet volatile organic compound or HAP concentration, as specified in paragraph (e)(1) of this section.

(ii) You may conduct monthly monitoring if the adsorbent has more than 2 months of life remaining, as determined by the average primary adsorber bed life, established in paragraph (e)(1) of this section, and the date the adsorbent was last replaced.

(iii) You may conduct weekly monitoring if the adsorbent has more than 2 weeks of life remaining, as determined by the average primary adsorber bed life, established in paragraph (e)(1) of this section, and the date the adsorbent was last replaced.

(3) The first adsorber in series must be replaced immediately when breakthrough is detected between the first and second adsorber. The original second adsorber (or a fresh canister) will become the new first adsorber and a fresh adsorber will become the second adsorber. For purposes of this paragraph (e)(3), "immediately" means within 8 hours of the detection of a breakthrough for adsorbers of 55 gallons or less, and within 24 hours of the detection of a breakthrough for adsorbers greater than 55 gallons.

(4) In lieu of replacing the first adsorber immediately, you may elect to monitor the outlet of the second canister beginning on the day the breakthrough between the first and second canister is identified and each day thereafter. This daily monitoring must continue until the first canister is replaced. If the constituent being monitored is detected at the outlet of the second canister during this period of daily monitoring, both canisters must be replaced within 8 hours of the time of detection of volatile organic compounds or HAP at 90 percent of the allowed level (90 percent of breakthrough definition).

(f) *Condenser monitoring.* If you are using a condenser to meet an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must install and operate a condenser exit gas temperature monitoring device.

(g) *Sorbent injection monitoring.* If you are using sorbent injection as an emission control technique to comply with an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must equip sorbent injection systems with the monitoring equipment specified in paragraphs (g)(1) through (3) of this section, as applicable. You must also meet the requirements in paragraph (h) of this section for the fabric filters used for sorbent collection.

(1) A flow meter to monitor the rate of sorbent injection.

(2) A flow meter to monitor the sorbent injection system carrier gas flow rate.

(3) You must install and operate a temperature monitoring device to monitor the temperature in the ductwork immediately downstream of the fire box of the combustion device. Also, if you are using a particulate matter control device upstream of the adsorbent injection system, you must install and operate a temperature monitoring device to monitor the temperature in the ductwork immediately downstream of the particulate matter control device.

(h) *Fabric filter monitoring.* If you are using a fabric filter to meet an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must equip the fabric filter with a bag leak detection system that meets the requirements in paragraphs (h)(1) through (11) of this section. You must conduct the performance evaluation specified in paragraph (h)(12) of this section.

(1) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations and in accordance with the guidance provided in Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997 (incorporated by reference, see § 63.14) such that the alarm does not sound more than 5 percent of the operating time during a 6-month period. You must calculate the alarm time as specified in paragraphs (h)(1)(i) through (iv).

(i) If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted.

(ii) If corrective action is required, each alarm time shall be counted as a minimum of 1 hour.

(iii) If you take longer than 1 hour to initiate corrective action, each alarm time (*i.e.,* time that the alarm sounds) is counted as the actual amount of time taken by you to initiate corrective action.

(iv) Your maximum alarm time is equal to 5 percent of the operating time during a 6-month period.

(2) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(3) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(4) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(5) The bag leak detection system must be equipped with an alarm system that will alert an operator automatically

when an increase in particulate matter emissions over a preset level is detected. The alarm must be located such that the alert is detected and recognized easily by an operator.

(6) For positive pressure fabric filter systems that do not duct all compartments of cells to a common stack, a bag leak detection system must be installed in each fabric filter compartment or cell. If a negative pressure or induced air filter is used, the bag leak detector must be installed downstream of the fabric filter. If multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

(7) Calibration of the bag leak detection system must, at a minimum, consist of establishing the relative baseline output level by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time.

(8) Following initial adjustment, you must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as established in an operation and maintenance plan required in paragraph (h)(10) of this section that is to be submitted with the notification of compliance status report. In no event may the sensitivity be increased more than 100 percent or decreased by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection that demonstrates the baghouse is in good operating condition.

(9) If the alert on a bag leak detection system is triggered, you must, within 1 hour of an alarm, initiate the procedures to identify the cause of the alarm and take corrective action as specified in the corrective action plan required in paragraph (h)(11) of this section.

(10) You must maintain an operation and maintenance plan describing the items in paragraphs (h)(10)(i) through (v) of this section.

(i) Installation of the bag leak detection system.

(ii) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established.

(iii) Operation of the bag leak detection system, including quality assurance procedures.

(iv) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list.

(v) How the bag leak detection system output will be recorded and stored.

(11) You must maintain a corrective action plan describing corrective actions to be taken, and the timing of those actions when the particulate matter concentration exceeds the setpoint and activates the alarm. Corrective actions may include, but are not limited to the actions listed in paragraphs (h)(11)(i) through (vi) of this section.

(i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other conditions that may cause an increase in particulate matter emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media or otherwise repairing the control device.

(iv) Sealing off a defective fabric filter compartment.

(v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system.

(vi) Shutting down the control device producing the particulate matter emissions.

(12) You must conduct an initial performance evaluation of each continuous monitoring system and bag leak detection system, as applicable, in accordance with your quality control program site-specific performance evaluation test plan (or site-specific monitoring plan specified in § 63.11935(c) for CPMS), according to § 63.8(d). For the purposes of this subpart, the provisions of § 63.8(d), also apply to the bag leak detection system.

(i) *Other control devices.* If you use a control device other than those listed in this subpart to comply with an emission limit in Table 1 or 2 to this subpart and you are required to use CPMS as specified in § 63.11925(c), you must comply with the requirements as specified in paragraphs (i)(1) and (2) of this section.

(1) Submit a description of the planned monitoring, recordkeeping and reporting procedures as required in § 63.11985(b)(5)(iv). The Administrator will approve, deny, or modify the proposed monitoring, reporting and recordkeeping requirements as part of the review of the plan or through the review of the permit application or by other appropriate means.

(2) You must establish operating limits for monitored parameters that are approved by the Administrator. To establish the operating limit, the information required in § 63.11935(d) must be submitted in the notification of compliance status report specified in § 63.11985(a).

(j) *Alternatives to monitoring requirements.*

(1) You may request approval to use alternatives to the continuous operating parameter monitoring listed in this section, as specified in § 63.11985(c)(5).

(2) You may request approval to monitor a different parameter than those established in § 63.11935(d) or to set unique monitoring parameters, as specified in § 63.11985(c)(6). Until permission to use an alternative monitoring procedure, method, or parameter has been granted by the Administrator, you remain subject to the requirements of this subpart.

**§ 63.11945 What performance testing requirements must I meet for process vents?**

(a) *General.* For each control device used to meet a total organic HAP, vinyl chloride, hydrogen chloride, and/or dioxin/furan emission limit for process vents in Table 1 or 2 to this subpart, you must conduct the initial and periodic performance tests required in § 63.11925(d) and (e) and as specified in § 63.11896 using the applicable test methods and procedures specified in Table 9 to this subpart and paragraphs (b) through (d) of this section.

(b) *Process operating conditions.* You must conduct performance tests under the conditions specified in paragraphs (b)(1) through (3) of this section, as applicable. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(1) *Continuous process vents.* For continuous process vents, you must conduct all performance tests at maximum representative operating conditions for the process. For continuous compliance, you must operate the control device as close as possible to your operating limit(s) for the control device established during the initial or subsequent performance tests specified in § 63.11925(d) and (e). If an operating limit is a range, then you must operate the control device as close as possible to the maximum or minimum operating limit for the control device, whichever results in higher emissions (*i.e.,* lower emission reduction).

(2) *Batch process operations.* Testing must be conducted at absolute worst-case conditions or hypothetical worst-case conditions as specified in paragraph (c) of this section.

(3) *Combination of both continuous and batch unit operations.* You must conduct performance tests when the batch process vents are operating at absolute worst-case conditions or hypothetical worst-case conditions, as specified in paragraphs (c)(1) and (2) of this section, and at maximum representative operating conditions for the process. For continuous compliance, you must operate the control device as

close as possible to your operating limit(s) for the control device established during the initial or subsequent performance tests specified in § 63.11925 (d) and (e). If an operating limit is a range, then you must operate the control device as close as possible to the maximum or minimum operating limit for the control device, whichever results in higher emissions (*i.e.*, lower emission reduction), unless the Administrator specifies or approves alternate operating conditions.

(c) *Batch worst-case conditions.* The absolute worst-case conditions for batch process operations must be characterized by the criteria presented in paragraph (c)(1) of this section. The hypothetical worst-case conditions for batch process operations must be characterized by the criteria presented in paragraph (c)(2) of this section. In all cases, a site-specific plan must be submitted to the Administrator for approval prior to testing in accordance with § 63.7(c). The test plan must include the emission profile described in paragraph (c)(3) of this section.

(1) *Absolute worst-case conditions.* For batch process operations, absolute worst-case conditions are defined by the criteria presented in paragraph (c)(1)(i) of this section if the maximum load is the most challenging condition for the control device. Otherwise, absolute worst-case conditions are defined by the conditions in paragraph (c)(1)(ii) of this section. You must consider all relevant factors, including load and compound-specific characteristics in defining absolute worst-case conditions.

(i) A 1-hour period of time in which the inlet to the control device contains the highest HAP mass loading rate, in pounds per hour, capable of being vented to the control device. An emission profile as described in paragraph (c)(3) of this section must be used to identify the 1-hour period of maximum HAP loading.

(ii) The period of time when the HAP loading or stream composition (including non-HAP) is most challenging for the control device. These conditions include, but are not limited to the following:

(A) Periods when the stream contains the highest combined organic load, in pounds per hour, described by the emission profiles in paragraph (c)(3) of this section.

(B) Periods when the streams contain HAP constituents that approach limits of solubility for scrubbing media.

(C) Periods when the streams contain HAP constituents that approach limits of adsorptivity for adsorption systems.

(2) *Hypothetical worst-case conditions.* For batch process operations, hypothetical worst-case conditions are simulated test conditions that, at a minimum, contain the highest hourly HAP load of emissions that would be predicted to be vented to the control device from the emissions profile described in paragraphs (c)(3)(ii) or (iii) of this section.

(3) *Emission profile.* For batch process operations, you must develop an emission profile for the vent to the control device that describes the characteristics of the vent stream at the inlet to the control device under worst-case conditions. The emission profile must be developed based on any one of the procedures described in paragraphs (c)(3)(i) through (iii) of this section.

(i) *Emission profile by process.* The emission profile must consider all batch emission episodes that could contribute to the vent stack for a period of time that is sufficient to include all processes venting to the stack and must consider production scheduling. The profile must describe the HAP load to the device that equals the highest sum of emissions from the episodes that can vent to the control device in any given hour. Emissions per episode must be calculated using the procedures specified in § 63.11950. Emissions per episode must be divided by the duration of the episode only if the duration of the episode is longer than 1 hour.

(ii) *Emission profile by equipment.* The emission profile must consist of emissions that meet or exceed the highest emissions, in pounds per hour that would be expected under actual processing conditions. The profile must describe equipment configurations used to generate the emission events, volatility of materials processed in the equipment, and the rationale used to identify and characterize the emission events. The emissions may be based on using a compound more volatile than compounds actually used in the process(es), and the emissions may be generated from all equipment in the process(es) or only selected equipment.

(iii) *Emission profile by capture and control device limitation.* The emission profile must consider the capture and control system limitations and the highest emissions, in pounds per hour that can be routed to the control device, based on maximum flowrate and concentrations possible because of limitations on conveyance and control equipment (*e.g.,* fans and lower explosive level alarms).

(d) *Concentration correction calculation.* If a combustion device is the control device and supplemental combustion air is used to combust the emissions, the concentration of total organic HAP, vinyl chloride, and hydrogen chloride must be corrected as specified in paragraph (d)(1) or (2) of this section. If a control device other than a combustion device is used to comply with an outlet concentration emission limit for batch process vents, you must correct the actual concentration for supplemental gases as specified in paragraph (d)(3) of this section.

(1) Determine the concentration of total organic HAP, vinyl chloride, or hydrogen chloride corrected to 3-percent oxygen ($C_c$) using Equation 1 of this section.

$$C_c = C_m \left( \frac{17.9}{20.9 - \%O_{2d}} \right) \quad \text{(Eq. 1)}$$

Where:

$C_c$ = Concentration of total organic HAP, vinyl chloride, or hydrogen chloride corrected to 3-percent oxygen, dry basis, parts per million by volume.

$C_m$ = Concentration of total organic HAP, vinyl chloride, or hydrogen chloride, dry basis, parts per million by volume.

$\%O_{2d}$ = Concentration of oxygen, dry basis, percentage by volume.

(2) To determine the oxygen concentration, you must use the emission rate correction factor (or excess air), integrated sampling and analysis procedures of Method 3, 3A, or 3B at 40 CFR part 60, appendix A–2, or ANSI/ASME PTC 19.10–1981, "Flue and Exhaust Gas Analyses" [Part 10, Instruments and Apparatus] (incorporated by reference, see § 63.14).

(3) Correct the measured concentration for supplemental gases using Equation 2 of this section. Process knowledge and representative operating data may be used to determine the fraction of the total flow due to supplemental gas.

$$C_a = C_m \left( \frac{Q_s + Q_a}{Q_a} \right) \quad \text{(Eq. 2)}$$

Where:

$C_a$ = Corrected outlet concentration of HAP, dry basis, parts per million by volume (ppmv).

$C_m$ = Actual concentration of HAP measured at control device outlet, dry basis, ppmv.

$Q_a$ = Total volumetric flow rate of all gas streams vented to the control device, except supplemental gases.

$Q_s$ = total volumetric flow rate of supplemental gases.

**§ 63.11950 What emissions calculations must I use for an emission profile by process of my batch process operation?**

Except as specified in paragraph (i) of this section, if you choose to develop an emission profile by process for your batch process operation as specified in § 63.11945(c)(3)(i) when determining your absolute worst-case conditions, you must calculate emissions from episodes caused by vapor displacement, purging a partially filled vessel, heating, depressurization, vacuum operations, gas evolution, air drying, or empty vessel purging, using the applicable procedures in paragraphs (a) through (h) of this section.

(a) *Vapor displacement.* You must calculate emissions from vapor displacement due to transfer of material using Equation 3 of this section.

$$E = \left( \frac{V}{RT} \right) \sum_{i=1}^{n} P_i (MW_i) \quad \text{(Eq. 3)}$$

Where:

E = Mass of HAP emitted.

V = Volume of gas displaced from the vessel.

R = Ideal gas law constant.

T = Temperature of the vessel vapor space; absolute.

$P_i$ = Partial pressure of the individual HAP.

$MW_i$ = Molecular weight of the individual HAP.

n = Number of HAP compounds in the emission stream.

i = Identifier for a HAP compound.

(b) *Gas sweep of a partially filled vessel.* You must calculate emissions from purging a partially filled vessel using Equation 4 of this section. The pressure of the vessel vapor space may be set equal to 760 millimeters of mercury (mmHg). You must multiply the HAP partial pressure in Equation 4 of this section by a HAP-specific saturation factor determined in accordance with Equations 5 through 7 of this section. Solve Equation 5 of this section iteratively beginning with saturation factors (in the right-hand side of the equation) of 1.0 for each condensable compound. Stop iterating when the calculated saturation factors for all compounds are the same to two significant figures for subsequent iterations. Note that for multi-component emission streams, saturation factors must be calculated for all condensable compounds, not just the HAP.

$$E = \sum_{i=1}^{n} P_i MW_i \left( \frac{Vt}{RT} \right) \left( \frac{P_T}{P_T - \sum_{j=1}^{m} (P_j)} \right) \quad \text{(Eq. 4)}$$

Where:

E = Mass of HAP emitted.

V = Purge flow rate of the noncondensable gas at the temperature and pressure of the vessel vapor space.

R = Ideal gas law constant.

T = Temperature of the vessel vapor space; absolute.

$P_i$ = Partial pressure of the individual HAP at saturated conditions.

$P_j$ = Partial pressure of individual condensable compounds (including HAP) at saturated conditions.

$P_T$ = Pressure of the vessel vapor space.

$MW_i$ = Molecular weight of the individual HAP.

t = Time of purge.

n = Number of HAP compounds in the emission stream.

i = Identifier for a HAP compound.

j = Identifier for a condensable compound.

m = Number of condensable compounds (including HAP) in the emission stream.

$$S_i = \frac{K_i A}{K_i A + V + \sum_{i=1}^{n} S_i V_i^{sat}} \qquad \text{(Eq. 5)}$$

$$V_i^{sat} = \frac{VP_i}{\left(P_T - \sum_{i=1}^{n} P_i\right)} \qquad \text{(Eq. 6)}$$

$$K_i = K_o \left(\frac{M_o}{M_i}\right)^{1/3} \qquad \text{(Eq. 7)}$$

Where:

$S_i$ = Saturation factor for individual condensable compounds.
$P_i$ = Partial pressure of individual condensable compounds at saturated conditions.
$P_T$ = Pressure of the vessel vapor space.
A = Surface area of liquid.
V = Purge flow rate of the noncondensable gas.
$V_i^{sat}$ = Volumetric flow rate of individual condensable compounds at saturated vapor pressure.
$K_i$ = Mass transfer coefficient of individual condensable compounds in the emission stream.
$K_o$ = Mass transfer coefficient of reference compound (*e.g.,* 0.83 cm/s for water).
$M_o$ = Molecular weight of reference compound (*e.g.,* 18.02 for water).
$M_i$ = Molecular weight of individual condensable compounds in the emission stream.
n = Number of condensable compounds in the emission stream.

(c) *Heating.* You must calculate emissions caused by the heating of a vessel to a temperature lower than the boiling point using the procedures in paragraph (c)(1) of this section. If the contents of a vessel are heated to the boiling point, you must calculate emissions using the procedures in paragraph (c)(2) of this section.

(1) If the final temperature to which the vessel contents are heated is lower than the boiling point of the HAP in the vessel, you must calculate the mass of HAP emitted per episode using Equation 8 of this section. The average gas space molar volume during the heating process is calculated using Equation 9 of this section. The difference in the number of moles of condensable in the vessel headspace between the initial and final temperatures is calculated using Equation 10 of this section.

$$E = MW_{HAP}\left[N_{avg} \ln\left[\frac{P_T - \sum_{i=1}^{n}\left(P_{i,1}\right)}{P_T - \sum_{i=1}^{n}\left(P_{i,2}\right)}\right] - \left(n_{i,2} - n_{i,1}\right)\right] \qquad \text{(Eq. 8)}$$

Where:

E = Mass of HAP vapor displaced from the vessel being heated.
$N_{avg}$ = Average gas space molar volume during the heating process.
$P_T$ = Total pressure in the vessel.
$P_{i,1}$ = Partial pressure of the individual HAP compounds at initial temperature ($T_1$).
$P_{i,2}$ = Partial pressure of the individual HAP compounds at final temperature ($T_2$).
$MW_{HAP}$ = Average molecular weight of the HAP compounds calculated using Equation 13 of this section.
$n_{i,1}$ = Number of moles of condensable in the vessel headspace at initial temperature ($T_1$).
$n_{i,2}$ = Number of moles of condensable in the vessel headspace at final temperature ($T_2$).
n = Number of HAP compounds in the emission stream.
ln = Natural logarithm.

$$N_{avg} = \frac{VP_T}{2R}\left(\frac{1}{T_1} + \frac{1}{T_2}\right) \qquad \text{(Eq. 9)}$$

Where:

$N_{avg}$ = Average gas space molar volume during the heating process.
V = Volume of free space in vessel.
$P_T$ = Total pressure in the vessel.
R = Ideal gas law constant.
$T_1$ = Initial temperature of the vessel.
$T_2$ = Final temperature of the vessel.

$$\left(n_{i,2} - n_{i,1}\right) = \frac{V}{RT_2}\sum_{i=1}^{n} P_{i,2} - \frac{V}{RT_1}\sum_{i=1}^{n} P_{i,1} \qquad \text{(Eq. 10)}$$

Where:

V = Volume of free space in vessel.
R = Ideal gas law constant.
$T_1$ = Initial temperature in the vessel.
$T_2$ = Final temperature in the vessel.
$P_{i,1}$ = Partial pressure of the individual HAP compounds at $T_1$.
$P_{i,2}$ = Partial pressure of the individual HAP compounds at $T_2$.
n = Number of HAP compounds in the emission stream.

(2) If the final temperature to which the vessel contents are heated is at the boiling point or higher, you must calculate emissions using the procedure in paragraphs (c)(2)(i) and (ii) of this section.

(i) To calculate the emissions from heating to the boiling point use Equations 11, 12, and 13 of this section. (Note that $Pa_2 = 0$ in the calculation of $\Delta\eta$ in Equation 12 of this section.)

$$E = \Delta\eta \times \frac{\sum_{i=1}^{n} P_i MW_{HAP}}{P_T - \sum_{j=1}^{m} (P_j)} \qquad \text{(Eq. 11)}$$

Where:

E = Mass of HAP emitted.

$\Delta\eta$ = The number of moles of noncondensable displaced from the vessel, as calculated using Equation 12 of this section.

$P_T$ = Pressure in the receiver.

$P_i$ = Partial pressure of the individual HAP determined at the exit temperature of the condenser or at the conditions of the dedicated receiver.

$P_j$ = Partial pressure of the individual condensable (including HAP) determined at the exit temperature of the condenser or at the conditions of the dedicated receiver.

n = Number of HAP compounds in the emission stream.

i = Identifier for a HAP compound.

j = Identifier for a condensable compound.

$MW_{HAP}$ = The average molecular weight of HAP in vapor exiting the dedicated receiver, as calculated using Equation 13 of this section with partial pressures determined at the exit temperature and exit pressure conditions of the condenser or at the conditions of the dedicated receiver.

m = Number of condensable compounds (including HAP) in the emission stream.

$$\Delta\eta = \frac{V}{R}\left[\left(\frac{Pa_1}{T_1}\right) - \left(\frac{Pa_2}{T_2}\right)\right] \qquad \text{(Eq. 12)}$$

$$MW_{HAP} = \sum_{i=1}^{n} \frac{\left((P_i)_{T_1} + (P_i)_{T_2}\right) MW_i}{\sum_{i=1}^{n} \left((P_i)_{T_1} + (P_i)_{T_2}\right)} \qquad \text{(Eq. 13)}$$

Where:

$\Delta\eta$ = Number of moles of noncondensable gas displaced from the vessel.

V = Volume of free space in the vessel.

R = Ideal gas law constant.

$T_1$ = Initial temperature of vessel contents, absolute.

$T_2$ = Final temperature of vessel contents, absolute.

$Pa_n$ = Partial pressure of noncondensable gas in the vessel headspace at initial (n=1) and final (n=2) temperature.

$MW_{HAP}$ = The average molecular weight of HAP in vapor exiting the dedicated receiver.

$(P_i)_{Tn}$ = Partial pressure of each HAP in the vessel headspace at initial (T1) and final (T2) temperature of the receiver.

$MW_i$ = Molecular weight of the individual HAP.

n = Number of HAP compounds in the emission stream.

i = Identifier for a HAP compound.

(ii) While boiling, the vessel must be operated with a properly operated process condenser. An initial demonstration that a process condenser is properly operated must be conducted during the boiling operation and documented in the notification of compliance status report described in § 63.11985(a). You must either measure the liquid temperature in the receiver or the temperature of the gas stream exiting the condenser and show it is less than the boiling or bubble point of the HAP(s) in the vessel; or perform a material balance around the vessel and condenser and show that at least 99 percent of the recovered HAP vaporized while boiling is condensed. This demonstration is not required if the process condenser is followed by a condenser acting as a control device or if the control device is monitored using a CEMS.

(d) *Depressurization.* You must calculate emissions from depressurization using Equation 14 of this section.

$$E = \frac{V}{RT} \times \ln\left(\frac{P_1 - \sum_{j=1}^{m} (P_j)}{P_2 - \sum_{j=1}^{m} (P_j)}\right) \times \sum_{i=1}^{n} (P_i)(MW_i) \qquad \text{(Eq. 14)}$$

Where:

E = Emissions.
V = Free volume in vessel being depressurized.
R = Ideal gas law constant.
T = Temperature of the vessel, absolute.
$P_1$ = Initial pressure in the vessel.
$P_2$ = Final pressure in the vessel.
$P_j$ = Partial pressure of the individual condensable compounds (including HAP).
$MW_i$ = Molecular weight of the individual HAP compounds.
n = Number of HAP compounds in the emission stream.
m = Number of condensable compounds (including HAP) in the emission stream.
i = Identifier for a HAP compound.
j = Identifier for a condensable compound.
ln = Natural logarithm.

(e) *Vacuum systems.* You must calculate emissions from vacuum systems using Equation 15 of this section if the air leakage rate is known or can be approximated. The receiving vessel is part of the vacuum system for purposes of this subpart.

$$E = \frac{(La)(t)}{MW_{nc}} \left( \frac{\sum_{i=1}^{n} P_i MW_i}{P_T - \sum_{j=1}^{m} (P_j)} \right) \quad \text{(Eq. 15)}$$

Where:

E = Mass of HAP emitted.
$P_T$ = Absolute pressure of receiving vessel or ejector outlet conditions, if there is no receiver.
$P_i$ = Partial pressure of the HAP at the receiver temperature or the ejector outlet conditions.
$P_j$ = Partial pressure of condensable (including HAP) at the receiver temperature or the ejector outlet conditions.
La = Total air leak rate in the system, mass/time.
$MW_{nc}$ = Molecular weight of noncondensable gas.
t = Time of vacuum operation.
$MW_i$ = Molecular weight of the individual HAP in the emission stream, with HAP partial pressures calculated at the temperature of the receiver or ejector outlet, as appropriate.

(f) *Gas evolution.* You must calculate emissions from gas evolution using Equation 15 in paragraph (e) of this section with mass flow rate of gas evolution, Wg, substituted for La.

(g) *Air drying.* You must calculate emissions from air drying using Equation 16 of this section:

$$E = B \times \left( \frac{PS_1}{100 - PS_1} - \frac{PS_2}{100 - PS_2} \right) \quad \text{(Eq. 16)}$$

Where:

E = Mass of HAP emitted.
B = Mass of dry solids.
$PS_1$ = HAP in material entering dryer, weight percent.
$PS_2$ = HAP in material exiting dryer, weight percent.

(h) *Empty vessel purging.* You must calculate emissions from empty vessel purging using Equation 17 of this section (*Note:* The term $e^{-Ft/v}$ can be assumed to be 0):

$$E = \left( \frac{V}{RT} \times \left[ \sum_{i=1}^{n} (P_i)(MW_i) \right] (1 - e^{-Ft/v}) \right) \quad \text{(Eq. 17)}$$

Where:

V = Volume of empty vessel.
R = Ideal gas law constant.
T = Temperature of the vessel vapor space; absolute.
$P_i$ = Partial pressure of the individual HAP at the beginning of the purge.
$MW_i$ = Molecular weight of the individual HAP.
F = Flow rate of the purge gas.
t = Duration of the purge.
n = Number of HAP compounds in the emission stream.
i = Identifier for a HAP compound.

(i) *Engineering assessments.* You must conduct an engineering assessment to calculate HAP emissions for each batch emission episode that is not due to vapor displacement, partially filled vessel purging, heating, depressurization, vacuum operations, gas evolution, air drying, or empty vessel purging. An engineering assessment may also be used to support a finding that the emissions estimation equations in this section are inappropriate. All data, assumptions, and procedures used in the engineering assessment must be documented, are subject to preapproval by the Administrator, and must be reported in the batch precompliance report. An engineering assessment may include, but is not limited to, the items listed in paragraphs (i)(1) through (4) of this section.

(1) Previous test results provided the tests are representative of current operating practices at the process unit.

(2) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

(3) Maximum flow rate, HAP emission rate, concentration, or other relevant parameter specified or implied within a permit limit applicable to the process vent.

(4) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties.

Examples of analytical methods include, but are not limited to the following:

(i) Use of material balances based on process stoichiometry to estimate maximum organic HAP concentrations.

(ii) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities.

(iii) Estimation of HAP concentrations based on saturation conditions.

**§ 63.11955 What are my initial and continuous compliance requirements for other emission sources?**

(a) For each process component (including pre-polymerization reactors used in the manufacture of bulk resins) that contains a gas, vapor, liquid, or solid material containing HAP, except for the process components specified in paragraphs (a)(1) through (3) of this section, before opening the process component for any reason, the quantity of total HAP is to be reduced to an amount that occupies a volume of no more than 2.0 percent of the component's containment volume or 25 gallons, whichever is larger, at standard temperature and pressure.

(1) Process components that, during opening, are vented to a closed vent system and control device meeting the requirements in §§ 63.11925 through 63.11950.

(2) Pressure relief devices meeting the requirements in § 63.11915(c).

(3) Process vent bypasses meeting the requirements specified in § 63.11930(c).

(b) Before opening a polymerization reactor for any reason, the quantity of vinyl chloride is not to exceed 0.04 pounds per ton of PVC product, with the product determined on a dry solids basis.

(c) Any gas or vapor HAP removed from a process component in accordance with paragraphs (a)(2) and (3) of this section is to be vented to a closed vent system and control device meeting the requirements in § 63.11925.

**§ 63.11956 What are my compliance requirements for ambient monitoring?**

You must operate a reliable and accurate vinyl chloride monitoring system for detection of major leaks and identification of the general area of the affected source where a leak is located. A vinyl chloride monitoring system means a device which obtains air samples from one or more points on a continuous sequential basis and analyzes the samples with gas chromatography or, if you assume that all hydrocarbons measured are vinyl chloride, analyzes the samples with infrared spectrophotometry, flame ion detection, or an equivalent or alternative method. You must operate the vinyl chloride monitoring system according to a program that you develop for your affected source. You must submit a description of the program to the Administrator within 45 days of your compliance date, unless a waiver of compliance is granted by the Administrator, or the program has been approved and the Administrator does not request a review of the program. Approval of a program will be granted by the Administrator provided the Administrator finds:

(a) The location and number of points to be monitored and the frequency of monitoring provided for in the program are acceptable when they are compared with the number of pieces of equipment in vinyl chloride service and size and physical layout of the affected source.

(b) It contains a definition of leak which is acceptable when compared with the background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride monitoring system. Measurements of background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride monitoring system are to be included with the description of the program. The definition of leak for a given plant may vary among the different areas within the plant and is also to change over time as background concentrations in the plant are reduced.

(c) It contains an acceptable plan of action to be taken when a leak is detected.

(d) It provides for an acceptable calibration and maintenance schedule for the vinyl chloride monitoring system and portable hydrocarbon detector. For the vinyl chloride monitoring system, a daily span check is to be conducted with a concentration of vinyl chloride equal to the concentration defined as a leak according to paragraph (b) of this section. The calibration is to be done with either:

(1) A calibration gas mixture prepared from the gases specified in sections 7.2.1 and 7.2.2 of Method 106 and in accordance with section 10.1 of Method 106, or

(2) A calibration gas cylinder standard containing the appropriate concentration of vinyl chloride. The gas composition of the calibration gas cylinder standard is to have been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration, and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer. If a gas chromatograph is used as the vinyl chloride monitoring system, these gas mixtures may be directly used to prepare a chromatograph calibration curve as described in Sections 8.1 and 9.2 of Method 106. The requirements in Sections 7.2.3.1 and 7.2.3.2 of Method 106 for certification of cylinder standards and for establishment and verification of calibration standards are to be followed.

**§ 63.11960 What are my initial and continuous compliance requirements for stripped resin?**

(a) *Emission limits.* You must meet the applicable vinyl chloride and total HAP emission limits for stripped resin specified in Table 1 or 2 to this subpart.

(b) *Demonstration of initial compliance.* For each stripped resin stream specified in paragraph (a) of this section, you must meet the requirements in paragraphs (b)(1) through (6) of this section to demonstrate initial compliance. You must demonstrate compliance for each resin stripper or for each group of resin strippers used to process the same type of resin.

(1) For each resin stripper required to meet the emission limit for stripped resin in Table 1 or 2 to this section, you must prepare the site-specific monitoring plan specified in § 63.11935(c)(1) for CPMS. You must install, operate, and maintain CPMS meeting the requirements of § 63.11935(c) and capable of continuously monitoring the parameters specified in paragraph (c)(1) of this section. You must conduct an initial site-specific performance evaluation test of each CPMS according to your site-specific monitoring plan.

(2) You must conduct an initial performance test for the resin stripper, measuring the concentration of vinyl chloride in the stripped resin at the outlet of each resin stripper as specified in paragraphs (b)(2)(i) through (iv) of this section.

(i) Use the test method(s) and procedures specified in paragraph (d) of this section.

(ii) Collect samples on a day when the PVCPU (or collection of PVCPUs, as applicable, if demonstrating compliance with a group of strippers) is producing the resin grade of which you manufacture the most, based on total mass of resin produced in the month preceding the sampling event.

(iii) For continuous processes, collect 1 grab sample for each 8 hours or per grade of PVC produced, whichever is more frequent, during a 24-hour sampling period.

(iv) For batch processes, collect 1 grab sample for each batch during a 24-hour sampling period. Sampling must be completed immediately after stripping.

(3) Demonstrate initial compliance with the vinyl chloride emission limit in Table 1 or 2 to this subpart as specified in paragraphs (b)(3)(i) and (ii) of this section.

(i) Calculate the 24-hour arithmetic average vinyl chloride concentration for each stripper for each resin grade produced during the 24-hour sampling period, using the vinyl chloride concentrations measured for the grab samples collected as specified in paragraph (b)(2)(iii) or (iv) of this section.

(ii) Demonstrate compliance with the vinyl chloride emission limit in Table 1 or 2 to this subpart based on the 24-hour arithmetic average concentration calculated in either paragraph (b)(3)(ii)(A) or (B) of this section.

(A) If more than one resin grade was produced during the 24-hour sampling period, calculate the 24-hour weighted arithmetic average vinyl chloride concentration for each stripper, or for each group of strippers used to process the same type of resin, using the 24-hour average vinyl chloride concentrations calculated in paragraph (b)(3)(i) of this section and the mass of each resin grade produced during the 24-hour sampling period.

(B) If only one resin grade was produced during the 24-hour sampling event, use the 24-hour arithmetic average vinyl chloride concentration for the one resin grade in paragraph (b)(3)(i) of this section for each stripper or calculate the 24-hour arithmetic average vinyl chloride concentration for all strippers used to process the one grade of resin.

(4) You must measure the concentration of total HAP in the stripped resin at the outlet of the resin stripper as specified in paragraphs (b)(4)(i) through (iv) of this section.

(i) Use the test method(s) and procedures specified in paragraph (d) of this section.

(ii) Collect samples on a day when the PVCPU (or collection of PVCPUs, as applicable, if demonstrating compliance with a group of strippers) is producing the resin grade of which you manufacture the most, based on total mass of resin produced in the month preceding the sampling event.

(iii) For continuous processes, you must collect 1 grab sample for each 8 hours or per grade of PVC produced, whichever is more frequent, during a 24-hour sampling period.

(iv) For batch processes, you must collect 1 grab sample for each batch during a 24-hour sampling period. Sampling must be completed immediately after stripping.

(5) Demonstrate initial compliance with the total HAP emission limit for stripped resin in Table 1 or 2 to this subpart as specified in paragraphs (b)(5)(i) and (ii) of this section.

(i) Calculate the 24-hour arithmetic average total HAP concentration for each stripper for each resin grade produced during the 24-hour sampling period, using the individual HAP concentrations measured for the grab samples collected in paragraph (b)(4)(iii) or (iv) of this section and the calculation procedures specified in paragraph (e) of this section.

(ii) Demonstrate compliance with the total HAP emission limit for stripped resin in Table 1 or 2 to this subpart based on each 24-hour arithmetic average concentration calculated in either paragraph (b)(5)(ii)(A) or (B) of this section.

(A) If more than one resin grade was produced during the 24-hour sampling period, calculate the 24-hour weighted arithmetic average total HAP concentration for each stripper, or for each group of strippers used to process the same type of resin, using the 24-hour average total HAP concentrations calculated in paragraph (b)(5)(i) of this section and the mass of each resin grade produced during the 24-hour sampling period.

(B) If only one resin grade was produced during the 24-hour sampling event, use the 24-hour arithmetic average total HAP concentration for the one resin grade in paragraph (b)(5)(i) of this section for each stripper or calculate the 24-hour arithmetic average vinyl chloride concentration for all strippers used to process the one grade of resin.

(6) During the initial vinyl chloride and total HAP performance tests specified in paragraphs (b)(2) and (4) of this section, you must collect the CPMS data specified in paragraph (b)(1) of this section. Using this CPMS data, you must establish an operating limit according to the procedures specified in § 63.11935(d) for each applicable operating parameter specified in paragraphs (c)(1)(i) through (iv) of this section. Each operating limit must be based on the data averaging period for compliance specified in Table 6 to this subpart using data collected at the minimum frequency specified in §§ 63.11935(c)(2) and 63.11890(c), and calculated using the data reduction method specified in § 63.11935(e). For a CPMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the averaging period specified in Table 6 to this subpart.

(c) *Demonstration of continuous compliance.* For each stripped resin stream specified in paragraph (a) of this section, you must meet the requirements in paragraphs (c)(1) through (6) of this section to demonstrate continuous compliance. Compliance must be demonstrated for each resin stripper or for each group of resin strippers used to process the same type of resin.

(1) For each resin stripper required to meet the emission limit for stripper resin in Table 1 or 2 to this section, you must operate and maintain CPMS meeting the requirements of § 63.11935(c) and capable of continuously recording the operating parameters specified in paragraphs (c)(1)(i) through (iv) of this section, as applicable. You must conduct periodic site-specific CPMS performance evaluation tests according to your site-specific monitoring plan and § 63.11935(c).

(i) For each resin steam stripper, you must monitor the ratio of steam feed rate to the flow rate of the resin entering the stripper and the temperature of the stripped resin exiting the stripper before any cooling process. The ratio of steam feed rate to entering resin flow rate is calculated by dividing the steam feed rate by the resin flow rate.

(ii) For each resin vacuum stripper, you must monitor the vacuum level maintained in the column, the maximum flow rate of the resin entering the stripper, and the temperature of the stripped resin exiting the stripper before any cooling process. If steam is used, you must monitor the ratio of steam feed rate to the flow rate of the resin entering the resin stripper instead of the maximum flow rate of the resin entering the resin stripper. The ratio of steam feed rate to entering resin flow rate is calculated by dividing the steam feed rate by the resin flow rate.

(iii) If you are using process components other than a steam or vacuum stripper to meet a vinyl chloride or total HAP level specified for stripped resin in Table 1 or 2 to this subpart, you must request approval to use an alternative process component by submitting to the Administrator the information specified in paragraphs (c)(1)(iii)(A) through (C) of this section.

(A) A description of the proposed stripping process.

(B) A description of the operating parameter(s) to be monitored to ensure the stripping process is operated in conformance with its design and achieves the performance level as specified in Table 1 or 2 to this subpart

and an explanation of the criteria used to select the operating parameter(s).

(C) A description of the methods and procedures that will be used to demonstrate that the parameter specified in paragraph (c)(1)(iii)(B) of this section indicates proper operation of the resin stripper, the schedule for this demonstration, and a statement that you will establish an operating limit for the monitored operating parameter as part of the notification of compliance status report specified in § 63.11935(d).

(iv) Alternatives to monitoring requirements.

(A) You may request approval to use alternatives to the continuous operating parameter monitoring listed in paragraphs (c)(1)(i) through (iii) of this section, as specified in § 63.11985(c)(5).

(B) You may request approval to monitor a different operating parameter than those established in paragraphs (c)(1)(i) through (iii) of this section or to set a unique monitoring parameter, as specified in § 63.11985(c)(6).

(C) Until permission to use an alternative operating procedure, method, or operating parameter has been granted by the Administrator, you remain subject to the requirements of this subpart.

(2) You must ensure that each operating parameter monitored in paragraph (c)(1) through (4) of this section for the stripper meets the operating limit established in paragraph (b)(4) of this section. You must continuously determine the average value of each monitored operating parameter based on the data collection and reduction methods specified in § 63.11935(c)(2) and (e), and the applicable data averaging period for resin strippers specified in Table 6 to this subpart for all periods the process is operating. You must follow the data measurement and recording frequencies and data averaging periods specified in Table 6 to this subpart. For a CPMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the averaging periods specified in Table 6 to this subpart.

(3) On a daily basis, you must measure the concentration of vinyl chloride in the stripped resin at the outlet of the resin stripper for continuous processes, or immediately after stripping for batch processes, using the test method(s) and procedures specified in paragraph (d) of this section, and the procedures specified in paragraphs (b)(2)(iii) and (iv) of this section.

(4) You must demonstrate continuous compliance with the vinyl chloride emission limit in Table 1 or 2 to this subpart on a daily basis using the procedures specified for initial compliance in paragraphs (b)(3)(i) and (ii) of this section.

(5) On a monthly basis, you must measure the concentration of total HAP in the stripped resin at the outlet of the resin stripper for continuous processes, or immediately after stripping for batch processes, as specified in paragraphs (b)(4)(i) through (iv) of this section. Individual sampling events may be 3 to 5 weeks apart, but you must conduct a minimum of 12 sampling events per calendar year.

(6) You must demonstrate continuous compliance with the total HAP emission limit for stripped resin in Table 1 or 2 to this subpart as specified in paragraphs (c)(6)(i) through (iii) of this section.

(i) Calculate the 24-hour arithmetic average total HAP concentration for each stripper for each resin grade produced during the 24-hour sampling period, using the individual HAP concentrations measured for the grab samples collected as specified in paragraph (b)(4)(iii) or (iv) of this section and the calculation procedures specified in paragraph (e) of this section.

(ii) In the first 12 months following your demonstration of initial compliance in paragraph (b)(4) and (5) of this section, you must demonstrate continuous compliance with the total HAP emission limit for stripped resin in Table 1 or 2 to this subpart on a monthly basis as specified in paragraph (b)(4) and (5) of this section.

(iii) Beginning 13 months following your initial demonstration of compliance in paragraph (b)(5) of this section, demonstrate continuous compliance with the total HAP emission limit for stripped resin in Table 1 or 2 to this subpart based on a 12-month rolling average concentration, calculated as the average of the 12 most recent 24-hour arithmetic average concentrations in either paragraph (c)(6)(iii)(A) or (B) of this section.

(A) If more than one resin grade was produced during the 24-hour sampling period, calculate the 24-hour weighted arithmetic average total HAP concentration for each stripper, or for each group of strippers used to process the same type of resin, using the 24-hour average total HAP concentrations calculated in paragraph (c)(6)(i) of this section and the mass of each resin grade produced during the 24-hour sampling period.

(B) If only one resin grade was produced during the 24-hour sampling event, use the arithmetic average total HAP concentration for the one resin grade in paragraph (c)(6)(i) of this section for each stripper or calculate the 24-hour arithmetic average vinyl chloride concentration for all strippers used to process the one grade of resin.

(d) *Performance test methods and procedures for determining concentration of vinyl chloride and total HAP.* You must determine the concentration of vinyl chloride and total HAP using the test methods and procedures specified in paragraphs (d)(1) through (5) of this section. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(1) You must conduct performance tests during maximum representative operating conditions for the process and when the resin stripper is operating as close as possible to your operating limits established during the initial performance test, as required in § 63.11935(d)(2), or during a subsequent performance test, as provided in § 63.11935(d)(2). If an operating limit is a range, then you must operate the stripper as close as possible to the maximum or minimum operating limit for the resin stripper, whichever results in higher emissions (*i.e.*, lower emission reduction). If the resin stripper will be operating at several different sets of operating conditions, you must supplement the testing with additional testing, modeling and/or engineering assessments to demonstrate compliance with the operating limit. Alternative operating conditions may be used if specified or approved by the Administrator.

(2) For measuring total HAP, you must propose a method in your test plan prepared in § 63.7(c)(3) and (e)(2)(i) for conducting sampling and analysis using the methods specified in paragraphs (d)(2)(i) and (ii) of this section. You must submit the test plan for approval as specified in § 63.8(d) and (e).

(i) Method 107 at 40 CFR part 61, appendix B, Section 8.0 for sample collection, preservation, storage, and transport.

(ii) Method 8260B Volatile Organic Compounds by Gas Chromatography/Mass spectrometry (GC/MS) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," Revision 3, February 2007, EPA Publication No. SW–846, Third Edition (incorporated by reference, see § 63.14) for sample analysis.

(3) For measuring vinyl chloride, you must use Method 107 at 40 CFR part 61, appendix B, Section 8.0 for sample collection, preservation, storage, transport, and analysis.

(4) When using the methods in paragraphs (d)(2) and (3) of this section, for sample collection, preservation, transport, and analysis, you must minimize loss of HAP and maintain sample integrity.

(5) For batch process operations, you must obtain samples when the batch process is operating at absolute worst-case conditions or hypothetical worst-case conditions, as specified in § 63.11945(c)(1) and (2), and the stripper is operating at conditions for the monitored operating parameters that achieve normal emission reduction. For combined continuous and batch process operations, you must obtain sample when the batch processes are operating at absolute worst-case conditions and the stripper is operating at conditions for the monitored operating parameters that achieve normal emission reduction.

(e) *Method for calculating total HAP concentration.* For each stripped resin sample measured using the methods specified in paragraph (d) of this section, calculate the sum of the measured individual HAP compound concentrations by using Equation 1 to this section.

$$C_{HAP} = \sum_{i=1}^{n} C_i \qquad \text{(Eq. 1)}$$

Where:

$C_{HAP}$ = Concentration of total HAP compounds in the stripped resin, in parts per million by weight (ppmw).

$C_i$ = Concentration of each individually identified HAP compound in the stripped resin, in ppmw, where a value of zero should be used for any HAP concentration that is below the detection limit.

**§ 63.11965 What are my general compliance requirements for wastewater?**

(a) *Initial control level determination.* You must meet the control level (*i.e.*, emission limit or standard) specified in Table 3 to this subpart for each wastewater stream. To determine the applicable control level for each wastewater stream, you must follow the procedures in paragraphs (a)(1) and (2) of this section.

(1) You must measure the concentrations of vinyl chloride and total HAP listed in Table 9 to subpart G of this part as specified in paragraphs (a)(1)(i) and (ii) of this section.

(i) You must collect wastewater samples at the location specified in paragraph (a)(1)(i)(A) for vinyl chloride and paragraph (a)(1)(i)(B) for total HAP listed in Table 9 to subpart G of this part.

(A) For vinyl chloride, collect samples at the location that the wastewater stream is generated and prior to the wastewater stream being exposed to the atmosphere, stored, combined with any other liquid stream, treated (*e.g.*, stripping, distillation, thin film evaporating), or discharged to a wastewater treatment plant.

(B) For total HAP listed in Table 9 to subpart G of this part, collect samples at the point of determination, as defined in subpart G of this part.

(ii) You must measure the concentration of vinyl chloride and total HAP (based on the HAP listed in Table 9 to subpart G of this part) using the test methods and procedures specified in § 63.11980(a) and Table 10 to this subpart and the calculation method specified in § 63.11980(b).

(2) You must determine the annual average flow rate as specified in paragraph (d) of this section.

(b) *Requirements for wastewater streams that must be treated to reduce the vinyl chloride concentration.* Each wastewater stream that has a vinyl chloride concentration equal to or greater than 10 parts per million by weight, determined pursuant to paragraph (a)(1) of this section must be treated to reduce the concentration of vinyl chloride at the outlet of the treatment process as specified in Table 3 to this subpart. You must meet the wastewater treatment process requirements of either paragraph (b)(1) or (2) of this section. You must also meet the continuous compliance requirements specified in § 63.11975.

(1) Route wastewater streams through hard piping from the point of generation directly to the treatment process and route the vent stream from the treatment process to a closed vent system and control device meeting the requirements of §§ 63.11925 through 63.11945.

(2) Meet the requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators used to manage the wastewater from the point of generation through the treatment process as specified in §§ 63.133 through 63.137 and all requirements of subpart G of this part referenced therein.

(c) *Requirements for wastewater streams that must be treated to reduce the concentration of the total HAP listed in Table 9 to subpart G of this part.* For each wastewater stream that contains greater than or equal to 1,000 parts per million by weight total HAP in paragraph § 63.11970(a)(2) or § 63.11975(d)(3), and has an annual average flow rate greater than or equal to 10 liters per minute in § 63.11970(a)(2) or § 63.11975(e)(2), as determined pursuant to paragraphs (a)(1) and (a)(2) of this section, you must meet the requirements in paragraphs (c)(1) through (4) of this section.

(1) Comply with the applicable requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators as specified in §§ 63.133 through 63.137.

(2) Comply with the applicable requirements specified in § 63.138 for control of total HAP listed in Table 9 to subpart G of this part. Alternatively, you may elect to comply with the wastewater treatment provisions specified in § 63.132(g).

(3) Comply with the applicable monitoring and inspection requirements specified in § 63.143.

(4) Comply with the applicable reporting and recordkeeping requirements specified in §§ 63.146 and 63.147.

(d) *Determination of the annual average flow rate.* The annual average flow rate for the wastewater stream must be representative of actual or anticipated operation of the PVCPU generating the wastewater over a designated 12-month period. You must consider the total annual wastewater volume generated by the PVCPU. You must use one or more of the procedures specified in paragraphs (d)(1) through (3) of this section to determine the flow rate. Documentation to determine the annual average flow rate is not required for wastewater streams with an annual average flow rate of 10 liters per minute or greater.

(1) *Knowledge of the wastewater.* You may use knowledge of the wastewater stream and/or the process to determine the annual average flow rate. You must use the maximum expected annual average production capacity of the process unit, knowledge of the process, and/or mass balance information to either: estimate directly the annual average wastewater flow rate; or estimate the total annual wastewater volume and then divide the total volume by 525,600 minutes in a year. When knowledge is used to determine the annual average flow rate, you must provide sufficient information to document the flow rate for wastewater streams determined to have an annual average flow rate of less than 10 liters per minute.

(2) *Historical records.* You may use historical records to determine the annual average flow rate. Derive the highest annual average flow rate of wastewater from historical records representing the 5 most recent years of operation, or, if the process unit has been in service for less than 5 years but at least 1 year, from historical records

representing the total operating life of the process unit. When historical records are used to determine the annual average flow rate, you must provide sufficient information to document the flow rate for wastewater streams determined to have an annual average flow rate of less than 10 liters per minute.

(3) *Measurements of flow rate.* You may take measurements to determine the annual average flow rate. If you elect to measure flow rate, you must measure flow rate measurements at or near the point of determination, as defined in subpart G of this part. When measurement data are used to determine the annual average flow rate, you must provide sufficient information to document the flow rate measurements for wastewater streams determined to have an annual average flow rate of less than 10 liters per minute.

**§ 63.11970 What are my initial compliance requirements for wastewater?**

(a) *Demonstration of initial compliance for wastewater streams that must be treated.* For each wastewater stream that must be treated as specified in § 63.11965(b) and (c), you must meet the requirements in paragraphs (a)(1) through (3) of this section, respectively, to demonstrate initial compliance.

(1) For each wastewater stream that must be treated to reduce the vinyl chloride concentration limit specified in Table 3 to this subpart, and for which you elect to treat the stream according to § 63.11965(b)(1), you must follow the requirements of paragraphs (a)(1)(i) through (iii) of this section.

(i) For each wastewater treatment process, you must prepare the site-specific monitoring plan specified in § 63.11935(c) for CPMS. You must install, operate, and maintain CPMS meeting the requirements of § 63.11935 and capable of continuously monitoring the parameters specified in § 63.11975(a)(1). You must conduct an initial site-specific performance evaluation test of each CPMS according to your site-specific monitoring plan and § 63.11935(c)(2).

(ii) You must conduct an initial performance test for the wastewater treatment process, measuring the concentration of vinyl chloride in the wastewater stream at the outlet of the wastewater treatment process before the wastewater is exposed to the atmosphere and using the test method(s) and procedures specified in § 63.11980(a).

(iii) During the initial performance test conducted as specified in paragraph (a)(1)(ii) of this section, you must use the CPMS data collected pursuant to paragraph (a)(1)(i) of this section to establish an operating limit for the wastewater treatment process according to the procedures specified in § 63.11935(d) for each operating parameter specified in § 63.11975(a)(1). Each operating limit must be based on the data averaging period for the wastewater treatment process specified in Table 6 to this subpart using data collected at the minimum frequency specified in §§ 63.11935(c)(2) and 63.11890(c), and calculated using the data reduction method specified in § 63.11935(e). For a CPMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the averaging period specified in Table 6 to this subpart.

(2) For each wastewater stream that must be treated to meet the vinyl chloride emission limit in Table 3 to this subpart, and for which you elect to treat the stream according to § 63.11965(b)(2), you must demonstrate initial compliance as specified in subpart G, as referenced in 63.11965(b)(2).

(3) For each wastewater stream that contains greater than or equal to 1,000 parts per million by weight of total HAP and has an annual average flow rate greater than or equal to 10 liters per minute, determined using the procedures and methods specified in § 63.11965(a)(1) and (2) respectively, you must demonstrate initial compliance as specified in subpart G, as referenced in § 63.11965(c).

(b) *Demonstration of initial compliance for wastewater streams that are not required to be treated for vinyl chloride.* For each wastewater stream that has a vinyl chloride concentration less than 10 parts per million by weight, you must use the measurement specified in § 63.11965(a)(1) to demonstrate initial compliance.

(c) *Demonstration of initial compliance for wastewater streams that are not required to be treated for total HAP.* You must follow the procedure in either paragraph (c)(1) or (2) of this section to demonstrate initial compliance.

(1) For each wastewater stream that has a total HAP concentration of less than 1,000 parts per million by weight, you must use the measurement in § 63.11965(a)(1)(i)(B) to demonstrate compliance.

(2) For each wastewater stream that has an annual average flow rate of less than 10 liters per minute, you must use the flow rate initially determined as specified in § 63.11965(a)(2).

**§ 63.11975 What are my continuous compliance requirements for wastewater?**

For each wastewater stream that must be treated to reduce the concentration of vinyl chloride as specified in § 63.11965(b)(1), you must demonstrate continuous compliance as specified in either paragraph (a) or (b) of this section. For each wastewater stream for which you initially determine in § 63.11970(c) that treatment is not required to reduce total HAP concentration, you must demonstrate continuous compliance as specified in paragraph (e) of this section. For each wastewater stream that must be treated to reduce the concentration of total HAP as specified in § 63.11965(c), you must demonstrate continuous compliance as specified in paragraph (c) of this section. For each wastewater stream for which you initially determine in § 63.11970(b) that treatment is not required to reduce the vinyl chloride concentration, you must demonstrate continuous compliance as specified in paragraph (d) of this section.

(a) For each wastewater stream that must be treated to reduce the concentration of vinyl chloride, and for which you elect to treat the stream according to § 63.11965(b)(1), you must demonstrate continuous compliance as specified in paragraphs (a)(1) through (3) of this section.

(1) For each wastewater treatment process, you must operate and maintain CPMS meeting the requirements of § 63.11935(c) and capable of continuously recording the parameters specified in paragraphs (a)(1)(i) through (iv) of this section, as applicable. You must conduct periodic site-specific CPMS performance evaluation tests according to your site-specific monitoring plan and § 63.11935(c).

(i) For wastewater steam strippers, you must monitor the ratio of steam feed rate into the stripper to wastewater stream flow rate into the stripper and the temperature of the wastewater exiting the stripper before any cooling process. The steam feed to wastewater flow ratio is calculated by dividing the steam feed rate by the wastewater stream flow rate. You must follow the data measurement and recording frequencies and data averaging periods specified in Table 6 to this subpart.

(ii) For wastewater vacuum strippers, you must monitor the vacuum level maintained in the column, the maximum flow rate of the wastewater stream, and the temperature of the wastewater exiting the stripper before any cooling process. If steam is used, you must monitor the ratio of steam feed rate into the stripper to wastewater stream flow rate into the stripper

instead of monitoring the flow rate of the wastewater stream. The steam feed to wastewater flow ratio is calculated by dividing the steam feed rate by the wastewater stream flow rate. You must follow the data measurement and recording frequencies and data averaging periods specified in Table 6 to this subpart.

(iii) If you are using a wastewater treatment process other than a steam or vacuum stripper, you must submit the information specified in paragraphs (a)(1)(iii)(A) through (C) of this section.

(A) A description of the proposed treatment process.

(B) A description of the parameter(s) to be monitored to ensure that the treatment process is operated in conformance with its design and that it achieves the emission standard specified in Table 3 to this subpart, and an explanation of the criteria used to select the parameter(s).

(C) A description of the methods and procedures that will be used to demonstrate that the parameter specified in paragraph (a)(1)(iii)(B) of this section indicates proper operation of the treatment process, the schedule for this demonstration, and a statement that you will establish an operating limit for the monitored operating parameter as part of the notification of compliance status report specified in § 63.11935(d).

(iv) Alternatives to monitoring requirements.

(A) You may request approval to use alternatives to the continuous operating parameter monitoring listed in paragraphs (a)(1)(i) through (iii) of this section, as specified in § 63.11985(c)(5).

(B) You may request approval to monitor a different parameter than those established in paragraphs (a)(1)(i) through (iii) of this section or to set unique monitoring parameter, as specified in § 63.11985(c)(6).

(C) Until permission to use an alternative monitoring procedure, method, or parameter has been granted by the Administrator, you remain subject to the requirements of this subpart.

(2) You must ensure that each operating parameter monitored in paragraph (a)(1) of this section for a treatment process meets the operating limit established in § 63.11970(a)(1)(iii). You must continuously determine the average value of each monitored operating parameter based on the data collection and reduction methods specified in § 63.11935(c)(2) and (e), and the applicable data averaging period for the wastewater treatment process specified in Table 6 to this subpart for all periods the process is operating. You must follow the data measurement and recording frequencies and data averaging periods specified in Table 6 to this subpart. For a CPMS used on a batch operation, you may use a data averaging period based on an operating block in lieu of the averaging periods specified in Table 6 to this subpart.

(3) To demonstrate compliance with the emission limit for vinyl chloride specified in Table 3 to this subpart, you must follow the procedures specified in paragraphs (a)(3)(i) through (iii) of this section.

(i) Take monthly measurements of the vinyl chloride concentration using the procedures and methods for vinyl chloride specified in § 63.11965(a)(1).

(ii) In the first 12 months following your demonstration of initial compliance in § 63.11970(a)(1), you must demonstrate continuous compliance with the vinyl chloride emission limit in Table 3 to this subpart on a monthly basis, using the monthly concentration measurement specified in paragraph (a)(3)(i) of this section.

(iii) Beginning 13 months following your initial demonstration of compliance in § 63.11970(a)(1), demonstrate continuous compliance with the vinyl chloride emission limit in Table 3 to this subpart on a monthly basis, using a 12-month rolling average concentration, calculated as the average of the 12 most recent monthly concentration measurements specified in paragraph (a)(3)(i) of this section.

(b) For each wastewater stream that must be treated to reduce the concentration of vinyl chloride, and for which you elect to treat the stream according to § 63.11965(b)(2), you must demonstrate continuous compliance as specified in subpart G of this part, as referenced in § 63.11965(b)(2).

(c) For each wastewater stream that must be treated to reduce the concentration of total HAP as specified in § 63.11965(c), you must demonstrate continuous compliance as specified in subpart G of this part, as referenced in § 63.11965(c).

(d) For each wastewater stream for which you initially demonstrate in § 63.11970(b) that treatment is not required to reduce the vinyl chloride concentration, you must demonstrate continuous compliance as specified in paragraphs (d)(1) through (4) of this section.

(1) Conduct monthly performance tests, measuring the vinyl chloride concentration using the procedures and methods for vinyl chloride specified in § 63.11965(a)(1).

(2) In the first 12 months following your demonstration of initial compliance in § 63.11970(b), you must demonstrate continuous compliance with the vinyl chloride emission limit in Table 3 to this subpart on a monthly basis, using the monthly concentration measurement specified in paragraph (d)(1) of this section.

(3) Beginning 13 months following your initial demonstration of compliance in § 63.11970(b), demonstrate continuous compliance with the vinyl chloride emission limit in Table 3 to this subpart on a monthly basis, using a 12-month rolling average concentration, calculated as the average of the 12 most recent monthly concentration measurements specified in paragraph (d)(1) of this section.

(4) If any monthly performance test specified in paragraph (d)(2) or (3) of this section shows that the concentration of vinyl chloride in the wastewater stream is greater than or equal to the vinyl chloride emission limit in Table 3 to this subpart, then you must use a treatment process to reduce the vinyl chloride concentration as specified in § 63.11965(b) and you must demonstrate compliance as specified in paragraph (a) of this section.

(e) For each wastewater stream for which you initially demonstrate in § 63.11970(c) that treatment is not required to reduce the total HAP concentration, you must conduct monthly performance tests, following the procedure specified in paragraph (e)(1) or (2) of this section on a monthly basis.

(1) Sample and measure the concentration of total HAP using the procedures and methods for total HAP specified in § 63.11965(a)(1) and demonstrate that the total HAP concentration (based on the HAP listed in Table 9 to subpart G of this part) is less than 1,000 parts per million by weight. The data-averaging period for demonstrating compliance is specified in subpart G of this part.

(2) Re-establish that the annual average flow rate of the stream is less than 10 liters per minute, using the procedure and methods specified in § 63.11965(a)(2).

(3) If any monthly performance test specified in paragraph (e)(1) of this section shows that the concentration of total HAP is greater than or equal to 1,000 parts per million by weight and the annual average flow rate measured in paragraph (e)(2) of this section is greater than or equal to 10 liters per minute, then you must use a treatment process to reduce the vinyl chloride concentration as specified in § 63.11965(c) and you must demonstrate compliance as specified in paragraph (b) of this section.

**§ 63.11980 What are my test methods and calculation procedures for wastewater?**

(a) *Performance test methods and procedures.* You must determine the concentration of vinyl chloride and total HAP (based on the list of HAP in Table 9 to subpart G of this part) using the test methods and procedures specified in paragraphs (a)(1) through (5) of this section. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(1) You must conduct performance tests during maximum representative operating conditions for the process and when the wastewater treatment process is operating as close as possible to your operating limits established during the performance test conducted to demonstrate initial compliance, as required in § 63.11970, or during a subsequent performance test conducted to demonstrate continuous compliance, as provided in § 63.11975. If an operating limit is a range, then you must operate the wastewater treatment process as close as possible to the maximum or minimum operating limit, whichever results in higher emissions (*i.e.,* lower emission reduction). If the wastewater treatment process will be operating at several different sets of operating conditions, you must supplement the testing with additional testing, modeling and/or engineering assessments to demonstrate compliance with the operating limit. Alternative operating conditions may be used if specified or approved by the Administrator as specified in 63.11940(j).

(2) For measuring total HAP, you must propose a method in your test plan prepared in § 63.7(c)(3) and (e)(2)(i) for conducting sampling and analysis using the methods specified in paragraphs (a)(2)(i) through (iii) of this section. You must submit the test plan for approval as specified in § 63.8(d) and (e).

(i) Using Method 107 at 40 CFR part 61, appendix B, Section 8.0 for sample collection, preservation, storage, and transport.

(ii) For sample analysis for total HAP except methanol, using Method 8260B Volatile Organic Compounds by Gas Chromatography/Mass spectrometry (GC/MS) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," Revision 3, February 2007, EPA Publication No. SW–846, Third Edition (incorporated by reference, see § 63.14) for sample analysis.

(iii) For sample analysis for methanol, using Method 305 at 40 CFR 63, appendix A, Sections 6.0 and 7.0.

(3) For measuring vinyl chloride, you must use Method 107 at 40 CFR part 61, appendix B, Section 8.0 for sample collection, preservation, storage, transport, and analysis.

(4) When using the test methods in paragraph (a)(2) or (3) of this section, you must meet the requirements in paragraphs (a)(4)(i) through (iii) of this section.

(i) Sample collection may consist of grab or composite samples.

(ii) Samples must be taken before the wastewater stream is exposed to the atmosphere.

(iii) You must ensure that sample collection, preservation, transport, and analysis minimizes loss of HAP and maintains sample integrity.

(5) For batch process operations, you must obtain samples when the batch process is operating at absolute worst-case conditions or hypothetical worst-case conditions, as defined for process vents in § 63.11945(c)(1) and (2), and the wastewater treatment process is operating at conditions specified in paragraph (a)(1) of this section. For combined continuous and batch process operations, you must obtain sample when the batch processes are operating at absolute worst-case conditions and the wastewater treatment process is operating at conditions for the monitored operating parameters that achieve normal emission reduction.

(b) *Method for calculating total HAP concentration.* For each wastewater stream measured using the methods specified in paragraph (a) of this section, calculate the sum of the measured concentrations of individual HAP listed in Table 9 to subpart G of this part by using Equation 1 to this section.

$$C_{T9} = \sum_{i=1}^{n} C_i \qquad \text{(Eq. 1)}$$

Where:

$C_{T9}$ = Concentration of total HAP that are listed in Table 9 to subpart G of this part, in the stream, in parts per million by weight (ppmw).

$C_i$ = Concentration of each individually identified HAP that is listed in Table 9 to subpart G of this part, in ppmw.

**Notifications, Reports, and Records**

**§ 63.11985 What notifications and reports must I submit and when?**

In addition to the notifications and reports required in subpart A of this part, as specified in Table 5 to this subpart, you must submit the additional information and reports specified in paragraphs (a) through (c) of this section, as applicable.

(a) *Notification of compliance status.* When submitting the notification of compliance status required in § 63.9(h), you must also include the information specified in paragraphs (a)(1) through (9) of this section, as applicable.

(1) You must include an identification of the storage vessels subject to this subpart, including the capacity and liquid stored for each vessel. You must submit the information specified in paragraph (a)(2) of this section for each pressure vessel.

(2) You must include the information specified in § 63.1039(a) for equipment leaks.

(3) You must include an identification of the heat exchange systems that are subject to the requirements of this subpart.

(4) You must include the operating limit for each monitoring parameter identified for each control device, resin stripper, and wastewater treatment process used to meet the emission limits in Table 1, 2 or 3 to this subpart, as determined pursuant to § 63.11935(d). This report must include the information in § 63.11935(d), as applicable.

(5) You must include the records specified in paragraphs (d)(5)(i) through (iv) of this section, as applicable, for process vents.

(i) You must include the performance test records specified in § 63.11990(f)(1), as applicable. These reports must include one complete test report for each test method used for each process vent. A complete test report must include a brief process description, sampling site description, description of sampling and analysis procedures and any modifications to standard procedures, quality assurance procedures, record of operating conditions during the test, record of

preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, documentation of calculations, and any other information required by the test method. For additional tests performed for the same kind of emission point using the same method, the results and any other information required in applicable sections of this subpart must be submitted, but a complete test report is not required.

(ii) You must include the information specified in paragraphs (a)(5)(ii)(A) through (C) of this section for batch process vent operations.

(A) Descriptions of worst-case operating and/or testing conditions for control devices including results of emissions profiles.

(B) Calculations used to demonstrate initial compliance according to §§ 63.11945 and 63.11950, including documentation of the proper operation of a process condenser(s) as specified in § 63.11950(c)(2)(ii).

(C) Data and rationale used to support an engineering assessment to calculate emissions in accordance with § 63.11950(i).

(iii) If you use a fabric filter, you must include the fabric filter operation and maintenance plan as specified in § 63.11940(h)(10). You must submit analyses and supporting documentation demonstrating conformance with Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997 (incorporated by reference, see § 63.14) and specifications for bag leak detection systems as part of the notification of compliance status report.

(iv) If you use a control device other than those listed in § 63.11940 for your process vent, you must include a description of the parameters to be monitored to ensure the control device is operated in conformance with its design and achieves the specified emission limitation and an explanation of the criteria used to select the parameter; and a description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device, the schedule for this demonstration, and a statement that you will establish an operating limit for the monitored parameter as specified in paragraph (a)(4) of this section.

(6) [Reserved]

(7) You must include the records specified in paragraphs (a)(7)(i) through (iii) of this section, as applicable, for resin strippers.

(i) You must include an identification of each resin stripper and resin type subject to the requirements of this subpart.

(ii) You must include results of the initial testing used to determine the annual average concentration of vinyl chloride and the annual average flow rate and concentration of total HAP that are listed in Table 9 to subpart G of this part.

(iii) You must record the approved test method specified in § 63.11980(a) for sample introduction, instrument calibration and sample analysis for the laboratory determination of vinyl chloride and the laboratory determination of total HAP that are listed in Table 9 to subpart G of this part.

(8) You must include the records specified in paragraphs (a)(8)(i) through (vi) of this section, as applicable, for wastewater.

(i) You must include an identification of each wastewater stream subject to the requirements of this subpart, and the control level required. You must also include a description of the treatment process to be used for each wastewater stream.

(ii) You must include results of the initial sampling used to determine the annual average concentration of vinyl chloride and the annual average concentration of total HAP that are listed in Table 9 to subpart G of this part.

(iii) You must include the annual average flow rate calculated using the procedures in § 63.11965(d) for each wastewater stream that you have determined is not subject to treatment as specified in § 63.11970(b) because it has an annual average flow rate of less than 10 liters per minute.

(iv) You must record the test method specified in § 63.11980(a)(2) for sample introduction, instrument calibration and sample analysis for the laboratory determination of vinyl chloride and laboratory determination of total HAP that are listed in Table 9 to subpart G of this part.

(v) You must include any other applicable information that is required by the reporting requirements specified in § 63.146 of subpart G.

(vi) If you use a wastewater treatment process other than a steam or vacuum stripper for wastewater, you must include a description of the parameters to be monitored to ensure the control measure is operated in conformance with its design and achieves the specified emission limitation and an explanation of the criteria used to select the parameter; and a description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device, the schedule for this demonstration, and a statement that you will establish an operating limit for the monitored parameter as specified in paragraph (a)(4) of this section.

(9) You must include a certification of compliance, signed by a responsible official, as applicable that states the following:

(i) "This facility complies with the requirements in this subpart for storage vessels."

(ii) "This facility complies with the requirements in this subpart for equipment leaks."

(iii) "This facility complies with the requirements in this subpart for heat exchange systems."

(iv) "This facility complies with the requirements in this subpart for HAP emissions from process vents."

(v) "This facility complies with the requirements in this subpart for other emission sources."

(vi) "This facility complies with the requirements in this subpart for the stripped resin."

(vii) "This facility complies with the requirements in this subpart for wastewater."

(b) *Compliance reports.* When submitting the excess emissions and continuous monitoring system performance report and summary report required in § 63.10(e)(3), you must also include the information specified in paragraphs (b)(1) through (10) of this section, as applicable. This report is referred to in this subpart as your compliance report.

(1) You must include a copy of the inspection record specified in § 63.11990(b)(2) for each storage vessel when a defect, failure, or leak is detected. You must also include a copy of the applicable information specified in § 63.1039(b)(5) through (8) of subpart UU of this part for each pressure vessel.

(2) You must include the information specified in § 63.1039(b) for equipment leaks, except for releases from pressure relief devices. For any releases from pressure relief devices, you must submit the report specified in paragraph (c)(8) of this section instead of the information specified in § 63.1039(b)(1) through (3) of subpart UU of this part.

(3) You must include the information specified in paragraphs (b)(3)(i) through (vi) of this section for heat exchange systems.

(i) The number of heat exchangers.

(ii) The number of heat exchangers found to be leaking.

(iii) A summary of the monitoring data used to indicate a leak, including the number of leaks determined to be equal to or greater than the leak definition.

(iv) If applicable, the date a leak was identified, the date the source of the leak was identified, and the date of repair.

(v) If applicable, a summary of each delayed repair, including the original date and reason for the delay and the date of repair, if repaired during the reporting period.

(vi) If applicable, an estimate of total strippable volatile organic compounds emissions for each delayed repair over the reporting period.

(4) You must include the records specified in paragraphs (b)(4)(i) through (iii) of this section, as applicable, for process vents, resin strippers, and wastewater.

(i) *Deviations using CEMS or CPMS.* For each deviation from an emission limit or operating limit where a CEMS or CPMS is being used to comply with an emission limit in this rule, you must include the information in paragraphs (b)(4)(i)(A) through (E) of this section.

(A) For CEMS, the 3-hour block average value calculated for any period when the value is higher than an emission limit in Table 1 or 2 to this subpart or when the value does not meet the data availability requirements defined in § 63.11890(c).

(B) For CPMS, the average value calculated for any day (based on the data averaging periods for compliance specified in Table 6 to this subpart) that does not meet your operating limit established according to § 63.11935(d) or that does not meet the data availability requirements specified in § 63.11890(c).

(C) The cause for the calculated emission level or operating parameter level do not meet the established emission limit or operating limit.

(D) For deviations caused by lack of monitoring data, the duration of periods when monitoring data were not collected.

(E) Operating logs of batch process operations for each day during which the deviation occurred, including a description of the operating scenario(s) during the deviation.

(ii) *New operating scenario.* Include each new operating scenario that has been operated since the time period covered by the last compliance report and has not been submitted in the notification of compliance status report or a previous compliance report. For each new operating scenario, you must provide verification that the operating conditions for any associated control or treatment device have not been exceeded and constitute proper operation for the new operating scenario. You must provide any required calculations and engineering analyses that have been performed for the new operating scenario. For the purposes of this paragraph (b)(4)(ii), a revised operating scenario for an existing process is considered to be a new operating scenario when one or more of the data elements listed in § 63.11990(e)(4) have changed.

(iii) *Process changes.* You must document process changes, or changes made to any of the information submitted in the notification of compliance status report or a previous compliance report, that is not within the scope of an existing operating scenario, in the compliance report. The notification must include all of the information in paragraphs (b)(4)(iii)(A) through (C) of this section.

(A) A description of the process change.

(B) Revisions to any of the information reported in the original notification of compliance status report as provided in paragraph (a) of this section.

(C) Information required by the notification of compliance status report, as provided in paragraph (a) of this section, for changes involving the addition of processes or equipment at the affected source.

(5) You must submit the applicable information specified in paragraphs (b)(5)(i) through (iv) of this section for process vents.

(i) For catalytic incinerators for which you have selected the alternative monitoring specified in § 63.11940(b)(3), results of the annual catalyst sampling and inspections required by § 63.11940(b)(3)(i) and (ii) including any subsequent corrective actions taken.

(ii) For regenerative adsorbers, results of the adsorber bed outlet volatile organic compounds concentration measurements specified in § 63.11940(d)(7).

(iii) For non-regenerative adsorbers, results of the adsorber bed outlet volatile organic compounds concentration measurements specified in § 63.11940(e)(2).

(iv) *Other control device reporting provisions.* If you are using a control device other than those listed in this subpart, you must submit the information as specified in paragraphs (b)(5)(iv)(A) through (C) of this section.

(A) A description of the proposed control device.

(B) A description of the parameter(s) to be monitored to ensure the control device is operated in conformance with its design and achieves the performance level as specified in this subpart and an explanation of the criteria used to select the parameter(s).

(C) The frequency and content of monitoring, recording, and reporting if monitoring and recording is not continuous, or if compliance reports, as specified in paragraph (b)(4)(i)(A) of this section, will not contain 3-hour block average values when the monitored parameter value does not meet the established operating limit. The rationale for the proposed monitoring, recording, and reporting system must be included.

(6) You must include the records specified in § 63.11990(j) for other emission sources.

(7) For resin stripper operations, you must include results of monthly concentration measurements for each resin type discharged from the PVCPU that did not meet the control level requirements in Table 1 or 2, as applicable.

(8) You must include the information specified in paragraphs (b)(8)(i) and (ii) of this section for your wastewater streams.

(i) Results of monthly concentration measurements for each wastewater stream discharged from the affected source that did not meet the control level requirements in Table 3 to this subpart.

(ii) If you must comply with § 63.11965, you must include any other applicable information that is required by the reporting requirements specified in § 63.146.

(9) For closed vent systems subject to the requirements of § 63.11930, you must include the information specified in paragraphs (b)(9)(i) through (iv) of this section, as applicable.

(i) As applicable, records as specified in § 63.11930(g)(1)(i) for all times when flow was detected in the bypass line, the vent stream was diverted from the control device, or the flow indicator was not operating.

(ii) As applicable, records as specified in § 63.11930(g)(1)(ii) for all occurrences of all periods when a bypass of the system was indicated (the seal mechanism is broken, the bypass line valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has been broken).

(iii) Records of all times when monitoring of the system was not performed as specified in § 63.11930(d) and (e), or repairs were not performed as specified in § 63.11930(f), or records were not kept as specified in § 63.11930(g)(2).

(iv) Records of each time an alarm on a closed vent system operating in vacuum service is triggered as specified in § 63.11930(h) including the cause for

the alarm and the corrective action taken.

(10) *Overlap with title V* reports. Information required by this subpart, which is submitted with a title V periodic report, does not need to be included in a subsequent compliance report required by this subpart or subpart referenced by this subpart. The title V report must be referenced in the compliance report required by this subpart.

(c) *Other notifications and reports.* You must submit the other notification and reports, as specified in paragraphs (c)(1) through (10) of this section, as applicable.

(1) *Notification of inspection.* To provide the Administrator the opportunity to have an observer present, you must notify the Administrator at least 30 days before an inspection required by §§ 63.11910 through 63.11920 and § 63.11930. If an inspection is unplanned and you could not have known about the inspection 30 days in advance, then you must notify the Administrator at least 7 days before the inspection. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, the notification including the written documentation may be made in writing and sent so that it is received by the Administrator at least 7 days before the inspection. If a delegated State or local agency is notified, you are not required to notify the Administrator. A delegated State or local agency may waive the requirement for notification of inspections.

(2) *Batch precompliance report.* You must submit a batch precompliance report at least 6 months prior to the compliance date of this subpart that includes a description of the test conditions, data, calculations, and other information used to establish operating limits according to § 63.11935(d) for all batch operations. If you use an engineering assessment as specified in § 63.11950(i), you must also include data or other information supporting a finding that the emissions estimation equations in § 63.11950(a) through (h) are inappropriate. We will either approve or disapprove the report within 90 days after we receive it. If we disapprove the report, you must still be in compliance with the emission limitations and work practice standards of this subpart by your compliance date. To change any of the information submitted in the report, you must notify us 60 days before you implement the planned change.

(3) *Notification of process change.* If you change or add to your plant site or affected source, as discussed in § 63.11896, you must submit a notification describing the change or addition.

(4) *Affirmative defense notification and report.*

(i) As specified in § 63.11895(b), if your affected source experiences an exceedance of its emission limit(s) during a malfunction, you must notify the Administrator by telephone or facsimile (fax) transmission as soon as possible, but no later than 2 business days after the initial occurrence of the malfunction, if you wish to avail yourself of an affirmative defense to civil penalties for that malfunction.

(ii) If you seek to assert an affirmative defense, you must follow the procedures in paragraph (c)(4)(i) of this section and submit a written report as specified in § 63.11895 to the Administrator within 45 days of the initial occurrence of the exceedance of the standard in § 63.11880 to demonstrate, with all necessary supporting documentation, that you have met the requirements set forth in § 63.11895(a).

(5) *Request for approval to use alternative monitoring methods.* Prior to your initial notification of compliance status, you may submit requests for approval to use alternatives to the continuous operating parameter monitoring specified in this rule, as provided for in §§ 63.11940(j)(1), 63.11960(c)(1)(iv)(A), and 63.11975(a)(1)(iv)(A), following the same procedure as specified in § 63.8. The information specified in paragraphs (c)(5)(i) and (ii) of this section must be included.

(i) A description of the proposed alternative system.

(ii) Information justifying your request for an alternative method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(6) *Request for approval to monitor alternative parameters.* Prior to your initial notification of compliance status, you may submit requests for approval to monitor a different parameter than those established in § 63.11935(d) and as provided for in §§ 63.11940(j)(2), 63.11960(c) (1)(iv)(B), and 63.11975(a)(1)(iv)(B), following the same procedure as specified for alternative monitoring methods in § 63.8. The information specified in paragraphs (c)(6)(i) through (iii) of this section must be included in the request.

(i) A description of the parameter(s) to be monitored to ensure the control technology or pollution prevention measure is operated in conformance with its design and achieves the specified emission limit and an explanation of the criteria used to select the parameter(s).

(ii) A description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device, the schedule for this demonstration, and a statement that you will establish an operating limit for the monitored parameter(s) as part of the notification of compliance status if required under this subpart, unless this information has already been submitted.

(iii) The frequency and content of monitoring, recording, and reporting, if monitoring and recording is not continuous. The rationale for the proposed monitoring, recording, and reporting system must be included.

(7) [*Reserved*]

(8) *Pressure relief device, closed vent system in vacuum service, bypass deviation, or pressure vessel closure device deviation report.* If any pressure relief device in HAP service or any piece of equipment or closed vent system has discharged to the atmosphere as specified in §§ 63.11910(c)(4), 63.11915(c), 63.11930(c), or 63.11930(h), you must submit to the Administrator within 10 days of the discharge the following information:

(i) The source, nature, and cause of the discharge.

(ii) The date, time, and duration of the discharge.

(iii) An estimate of the quantity of vinyl chloride and total HAP emitted during the discharge and the method used for determining this quantity.

(iv) The actions taken to prevent this discharge.

(v) The measures adopted to prevent future such discharges.

(9) *Commencing and ceasing operation of continuous emissions monitoring systems.* Before starting or stopping the use of CEMS you must notify the Administrator as specified in § 63.11935(b)(7).

(10) *Data Submittal.*

(i) As of January 1, 2012, and within 60 days after the date of completing each performance test (see § 60.8) required by this subpart, you must submit performance test data, except opacity data, electronically to EPA's Central Data Exchange (CDX) by using the Electronic Reporting Tool (ERT) (see *http://www.epa.gov/ttn/chief/ert/ert_tool.html*). Only data collected using test methods compatible with ERT are subject to this requirement to be submitted electronically to EPA's CDX.

(ii) Within 60 days after the date of completing each CEMS performance

evaluation test (see § 60.13), you must submit the relative accuracy test audit data electronically into EPA's CDX by using the ERT, as mentioned in paragraph (10)(i) of this section. Only data collected using test methods compatible with ERT are subject to this requirement to be submitted electronically to EPA's CDX.

(iii) All reports required by this subpart not subject to the requirements in paragraphs (c)(10)(i) and (ii) of this section must be sent to the Administrator at the appropriate address listed in § 63.13. The Administrator or the delegated authority may request a report in any form suitable for the specific case (*e.g.,* by electronic media such as Excel spreadsheet, on CD or hard copy). The Administrator retains the right to require submittal of reports subject to paragraphs (10)(i) and (ii) of this section in paper format.

**§ 63.11990 What records must I keep?**

You must keep records as specified in paragraphs (a) through (j) of this section, as applicable.

(a) *Copies of reports.* You must keep a copy of each notification and report that you submit to comply with this subpart, including all documentation supporting any notification or report. You must also keep copies of the current versions of the site-specific performance evaluation test plan, site-specific monitoring plan, and the equipment leak detection and repair plan.

(b) *Storage vessels.* For storage vessels, you must maintain the records specified in paragraphs (b)(1) through (5) of this section.

(1) You must keep a record of the dimensions of the storage vessel, an analysis of the capacity of the storage vessel, and an identification of the liquid stored.

(2) Inspection records for fixed roofs complying with § 63.11910 including the information specified in paragraphs (b)(2)(i) and (ii) of this section.

(i) Record the date of each inspection required by § 63.11910(a)(3).

(ii) For each defect detected during an inspection required by § 63.11910(a)(3), record the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with § 63.11910(a)(4)(ii), also record the reason for the delay and the date that completion of repair of the defect is expected.

(3) For degassing and cleaning events, you must maintain the records specified in paragraphs (b)(3)(i) and (ii) of this section.

(i) Keep records of the storage vessel identification and date of each degassing and cleaning event.

(ii) Estimate and keep records of the emissions from each degassing and cleaning event.

(4) For pressure vessels, you must keep the records specified in paragraph (c) of this section for each pressure vessel.

(5) For internal and external floating roof storage vessels, you must maintain the records required in § 63.1065 of subpart WW of this part.

(c) *Equipment leaks.* For equipment leaks, you must maintain the records specified in § 63.1038 of subpart UU of this part for equipment leaks and a record of the information specified in § 63.11930(g)(4) for monitoring instrument calibrations conducted according to § 63.11930(e)(2).

(d) *Heat exchange systems.* For a heat exchange system subject to this subpart, you must keep the records specified in paragraphs (d)(1) through (6) of this section.

(1) Identification of all heat exchangers at the facility and the measured or estimated average annual HAP concentration of process fluid or intervening cooling fluid processed in each heat exchanger.

(2) Identification of all heat exchange systems. For each heat exchange system that is subject to this subpart, you must include identification of all heat exchangers within each heat exchange system, identification of the individual heat exchangers within each heat exchange system, and, for closed-loop recirculation systems, the cooling tower included in each heat exchange system.

(3) Identification of all heat exchange systems that are exempt from the monitoring requirements according to the provisions in § 63.11920(b) and the provision under which the heat exchange system is exempt.

(4) Results of the following monitoring data for each monitoring event.

(i) Date/time of event.

(ii) Heat exchange exit line flow or cooling tower return line flow at the sampling location, gal/min.

(iii) Monitoring method employed.

(iv) If the "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources," Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference, see § 63.14) is used according to § 63.11920(a)(3)(i) or (h)(4)(i):

(A) Barometric pressure.

(B) El Paso air stripping apparatus water flow (ml/min) and air flow, ml/min, and air temperature, °C.

(C) FID reading (parts per million by volume).

(D) Calibration information identified in Section 5.4.2 of the "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources," Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference, see § 63.14).

(v) If Method 8021B, "Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors," dated December 1996 (incorporated by reference, see § 63.14) is used according to § 65.610(a)(3)(ii):

(A) The type of detector used.

(B) The list of target analytes.

(C) The measured cooling water concentration for each of target analyte (parts per billion by weight).

(D) Calibration and surrogate recovery information identified in Section 8.0 of Method 8021B, "Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors," dated December 1996 (incorporated by reference, see § 63.14).

(5) The date when a leak was identified and the date when the heat exchanger was repaired or taken out of service.

(6) If a repair is delayed, the reason for the delay, the schedule for completing the repair, and the estimate of potential emissions for the delay of repair.

(e) *Process vents, resin strippers, and wastewater.* You must include the records specified in paragraphs (e)(1) through (4) of this section, as applicable, for process vents, resin strippers, and wastewater.

(1) *Continuous records.* Where this subpart requires a continuous record using CEMS or CPMS, you must maintain, at a minimum, the records specified in § 63.10(b)(2)(vii)(A).

(2) *Excluded data.* In any average computed to determine compliance, you must exclude monitoring data recorded during periods specified in paragraphs (e)(2)(i) through (iii) of this section.

(i) Periods of non-operation of the process unit (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(ii) Periods of no flow to a control device.

(iii) Monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities, as specified in § 63.11890(c)(2).

(3) *Records of calculated emission and operating parameter values.* You must retain for 5 years a record of CEMS and CPMS data as specified in paragraphs (e)(3)(i) and (ii) of this section, unless an alternative recordkeeping system has been requested and approved.

(i) Except as specified in paragraphs (e)(3)(ii) of this section, retain for 5 years the records of the average values for each continuously monitored operating parameter and pollutant specified in §§ 63.11925(e)(3)(ii), 63.11925(e)(4)(ii)(B), 63.11960(c)(2), and 63.11975(a)(2) for CEMS and CPMS.(ii) In lieu of calculating and recording the average value specified in paragraphs (e)(3)(i) of this section, if all 1-hour averages specified in § 63.11935(e) demonstrate compliance with your parameter operating limit or the applicable pollutant emission limit in Table 1 or 2 to this subpart for the block average period, you may record a statement that all recorded 1-hour averages met the operating limit or emission limit, as applicable, and retain for 5 years this statement and all recorded CPMS or CEMS data for the block average period.

(4) *Information to be included in records.* You must keep records of each operating scenario as specified in paragraphs (e)(4)(i) through (viii) of this section, as applicable.

(i) You must keep a schedule or log of operating scenarios, updated each time a different operating scenario is put into effect.

(ii) A description of the process and the type of process components used.

(iii) An identification of related process vents, wastewater streams, or resin strippers including their associated emissions episodes.

(iv) The applicable control requirements of this subpart for process vents, resin strippers, and/or treatment processes.

(v) The control device, resin stripper, and/or treatment process, including a description of operating and testing conditions.

(vi) Combined emissions that are routed to the same control device, resin stripper, and/or treatment process.

(vii) The applicable monitoring requirements of this subpart and any operating limit that assures compliance for all emissions routed to the control device resin stripper, and/or treatment process.

(viii) Calculations and engineering analyses required to demonstrate compliance.

(f) *Process vents.* You must include the records specified in paragraphs (f)(1) and (2) of this section, as applicable, for process vents.

(1) Records of performance tests as required in § 63.10(b)(2)(viii). You must also collect the applicable control device operating parameters required in § 63.11940 over the full period of the performance test.

(2) If you use a control device to comply with this subpart and you are required to use CPMS, you must keep up-to-date and readily accessible records for your process vents as specified in paragraphs (f)(2)(i) through (vi) of this section, as applicable.

(i) If you use a flow indicator, you must keep records of periods of no flow to the control device, including the start and stop time and dates of periods of flow and no flow.

(ii) If you use a catalytic incinerator for which you have selected the alternative monitoring specified in § 63.11940(b)(3), you must also maintain records of the results of the annual catalyst sampling and inspections required by § 63.11940(b)(3)(i) and (ii) including any subsequent corrective actions taken.

(iii) If you use a regenerative adsorber as specified in § 63.11940(d), the records specified in paragraphs (f)(2)(iii)(A) through (H) of this section, as applicable, must be kept.

(A) Records of total regeneration stream mass flow for each adsorber-bed regeneration cycle.

(B) Records of the temperature of the adsorber bed after each regeneration and within 15 minutes of completing any cooling cycle.

(C) For non-vacuum and non-steam regeneration systems, records of the temperature of the adsorber bed during each regeneration except during any temperature regulating (cooling or warming to bring bed temperature closer to vent gas temperature) portion of the regeneration cycle.

(D) If adsorber regeneration vacuum is monitored pursuant to § 63.11940(d)(4), records of the vacuum profile over time and the amount of time the vacuum level is below the minimum vacuum target for each adsorber-bed regeneration cycle.

(E) Records of the regeneration frequency and duration.

(F) Daily records of the verification inspections, including the visual observations and/or any activation of an automated alarm or shutdown system with a written entry into a log book or other permanent form of record.

(G) Records of the maximum volatile organic compound or HAP outlet concentration observed over the last 5 minutes of the adsorption cycle for each adsorber bed. Records must be weekly or for every regeneration cycle if the regeneration cycle is greater than 1 week.

(H) Records of the date and time the adsorbent had last been replaced.

(iv) If you use a non-regenerative adsorber as specified in § 63.11940(e), the records specified in paragraphs (f)(2)(iv)(A) through (C) of this section, as applicable, must be kept.

(A) A record of the average life of the bed, as determined by § 63.11940(e)(1), including the date the average life was determined.

(B) Daily, weekly, or monthly records of the maximum volatile organic compound or HAP outlet concentration, as specified by § 63.11940(e)(2).

(C) Records of bed replacement including the date and time the adsorbent had last been replaced, and the date and time in which breakthrough is detected.

(v) If you use sorbent injection as specified in § 63.11940(g), you must keep records of the type and brand of sorbent used. If the type or brand of sorbent is changed, you must maintain documentation that the substitute will provide the same or better level of control as the original sorbent.

(vi) If you use a fabric filter as specified in § 63.11940(h), you must maintain the records specified in paragraphs (f)(2)(vi)(A) through (C) of this section for each bag leak detector used.

(A) An operation and maintenance plan as described in § 63.11940(h)(10).

(B) A corrective action plan as described in § 63.11940(h)(11).

(C) Records of any bag leak detection system alarm, including the date and time, with a brief explanation of the cause of the alarm and the corrective action taken.

(g) *Closed vent systems.* You must keep the records specified in paragraphs (g)(1) through (6) of this section, and you must record any additional information as specified in § 63.11930, as applicable.

(1) Each alarm triggered because flow was detected in a bypass as specified in § 63.11930(g)(1)(i).

(2) Inspections of seals or closure mechanisms as specified in § 63.11930(g)(1)(ii).

(3) Copies of compliance reports for closed vent system leak inspections as specified in § 63.11985(b)(9) and § 63.11930(g)(2) and (3).

(4) Instrument calibration records as specified in § 63.11930(g)(4).

(5) Unsafe-to-inspect equipment as specified in § 63.11930(g)(5).

(6) Pressure alarms as specified by § 63.11930(h)(2) and (3).

(h) *Resin stripper.* For resin strippers, you must maintain the records specified in paragraphs (h)(1) through (3) of this section.

(1) All sampling data, including monthly measurements of the concentration of vinyl chloride and total HAP compounds in the stripped resin exiting the resin stripper for each type of resin produced.

(2) The applicable operating parameters required in § 63.11960(c) over the full period of the sampling.

(3) The quantity (tons) of resin produced per grade per day.

(i) *Wastewater.* For wastewater treatment processes, you must maintain the records specified in paragraphs (i)(1) through (6) of this section.

(1) A description of the wastewater generation activities and treatment process.

(2) Records of the control level determinations specified in § 63.11965(a)(1)(i) and (ii) for each wastewater stream and the type of treatment applied if required in § 63.11965(b) and (c).

(3) Records of the initial performance test specified in § 63.11970(a) including the operating parameters monitored during testing and the average of each parameter, averaged over the testing period.

(4) Records of the annual average flow rate as determined in § 63.11965(a)(2) and § 63.11975(e)(2), including documentation of how the average flow rate was determined.

(5) All testing data, including monthly measurements of the concentrations of vinyl chloride and the concentration of total HAP that are listed in Table 9 to subpart G of this part in each wastewater stream required to be measured, as specified in § 63.11975. You must also record the applicable operating parameters required in § 63.11975(a) over the full period of the sampling.

(6) You must keep any other applicable records that are required by the recordkeeping requirements specified in § 63.147 of subpart G of this part.

(j) *Other emission sources.* You must keep the records specified in paragraphs (j)(1) and (2) of this section.

(1) All engineering calculations, testing, sampling, and monitoring results and data specified in § 63.11955.

(2) Each occurrence that you do not comply with the requirements in § 63.11955.

**§ 63.11995 In what form and how long must I keep my records?**

(a) You must keep records for 5 years in a form suitable and readily available for expeditious review, as specified in § 63.10(b)(1).

(b) You must keep each record on site for at least 2 years, as specified in § 63.10(b)(1). You can keep the records off site for the remaining 3 years. Records may be maintained in hard copy or computer-readable format including, but not limited to, on paper, microfilm, hard disk drive, floppy disk, compact disk, magnetic tape, or microfiche.

**§ 63.12000 Who implements and enforces this subpart?**

(a) This subpart can be implemented and enforced by the Administrator, as defined in § 63.2, or a delegated authority such as your state, local, or Tribal agency. If the Administrator has delegated authority to your state, local, or Tribal agency, then that agency (as well as the Administrator) has the authority to implement and enforce this subpart. You should contact your EPA Regional Office to find out if this subpart is delegated to your State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a state, local, or Tribal agency, the authorities listed in paragraphs (b)(1) through (4) of this section are retained by the Administrator and are not transferred to the state, local, or Tribal agency, however, the EPA retains oversight of this subpart and can take enforcement actions, as appropriate.

(1) Approval of alternatives to the emission limits, operating limits, and work practice standards specified in this subpart.

(2) Approval of a major change to test methods, as defined in § 63.90, approval of any proposed analysis methods, and approval of any proposed test methods.

(3) Approval of a major change to monitoring, as defined in § 63.90.

(4) Approval of a major change to recordkeeping and reporting, as defined in § 63.90.

**Definitions**

**§ 63.12005 What definitions apply to this subpart?**

Terms used in this subpart are defined in the Clean Air Act, in § 63.2, and in this section, as follows:

*Affirmative defense* means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

*Batch emission episode* means a discrete venting episode that is associated with a single unit operation. A unit operation may have more than one batch emission episode. For example, a displacement of vapor resulting from the charging of a vessel with HAP will result in a discrete emission episode that will last through the duration of the charge and will have an average flowrate equal to the rate of the charge. If the vessel is then heated, there will also be another discrete emission episode resulting from the expulsion of expanded vapor. Both emission episodes may occur in the same vessel or unit operation. There are possibly other emission episodes that may occur from the vessel or other process components, depending on process operations.

*Batch operation* means a noncontinuous operation involving intermittent or discontinuous feed into process components, and, in general, involves the emptying of the process components after the operation ceases and prior to beginning a new operation. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation.

*Batch process vent* means a vent from a batch operation from a PVCPU or vents from multiple PVCPUs within a process that are manifolded together into a common header, through which a HAP-containing gas stream is, or has the potential to be, released to the atmosphere. Batch process vents also include vents with intermittent flow from continuous operations that are not combined with any stream that originated as a continuous gas stream from the same continuous process. Examples of batch process vents include, but are not limited to, vents on condensers used for product recovery, polymerization reactors, and process tanks. The following are not batch process vents for the purposes of this subpart:

(1) Continuous process vents.

(2) Bottoms receivers.

(3) Surge control vessels.

(4) A gas stream routed to other processes for reaction or other use in another process (*i.e.,* for chemical value as a product, isolated intermediate, byproduct, coproduct, or for heat value).

(5) Vents on storage tanks, wastewater emission sources, or pieces of process components subject to the emission limits and work practice standards for storage vessels, equipment leaks, and wastewater.

(6) Drums, pails, and totes.

(7) Vents from a pressure relief device having an actuation pressure of 2 psig or higher.

*Bottoms receiver* means a tank that collects bottoms from continuous distillation before the stream is sent for storage or for further downstream processing. A rundown tank is an example of a bottoms receiver.

*Bulk process* means a process for producing polyvinyl chloride resin that is characterized by a two-step anhydrous polymerization process: the formation of small resin particles in a pre-polymerization reactor using small amounts of vinyl chloride monomer, an initiator, and agitation; and the growth of the resin particles in a post-polymerization reactor using additional vinyl chloride monomer. Resins produced using the bulk process are referred to as bulk resins.

*Bypass* means to direct a process vent or closed vent system stream to the atmosphere such that it does not first pass through an emission control device.

*Calendar year* means the period between January 1 and December 31, inclusive for a given year.

*Capacity* means the nominal figure or rating given by the manufacturer of the storage vessel, condenser, or other process component.

*Car-seal* means a seal that is placed on a device that is used to change the position of a valve (*e.g.,* from opened to closed) in such a way that the position of the valve cannot be changed without breaking the seal.

*Closed vent system* means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that collect or transport gas or vapor from an emission point to a control device.

*Combustion device* means an individual unit used for the combustion of organic emissions, such as a flare, incinerator, process heater, or boiler.

*Conservation vent* means an automatically operated (*e.g.,* weight-loaded or spring-loaded) safety device used to prevent the operating pressure of a storage vessel from exceeding the maximum allowable working pressure of the process component. Conservation vents open and close to permit only the intake or outlet relief necessary to keep the storage vessel within permissible working pressures, and reseal automatically.

*Container* means a portable unit in which a material can be stored, transported, treated, disposed of, or otherwise handled. Examples of containers include, but are not limited to, drums, pails, and portable cargo containers known as "portable tanks" or "totes." Container does not include transport vehicles or barges.

*Continuous emission monitoring system (CEMS)* means the total equipment that may be required to meet the data acquisition and availability requirements of this subpart, used to sample, condition (if applicable), analyze, and provide a record of emissions.

*Continuous operation* means any operation that is not a batch operation.

*Continuous parameter monitoring system (CPMS)* means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.

*Continuous record* means documentation, either in hard copy or computer readable form, of data values measured at least once every 15 minutes and recorded at the frequency specified in § 63.11990(e)(1).

*Continuous process vent* means the point of discharge to the atmosphere (or the point of entry into a control device, if any) of a gas stream if the gas stream has the following characteristics:

(1) Some, or all, of the gas stream originates as a continuous flow from any continuous PVCPU operation during operation of the PVCPU.

(2) The discharge to the atmosphere (with or without passing through a control device) meets at least one of the following conditions:

(i) Is directly from any continuous operation.

(ii) Is from any continuous operation after passing solely (*i.e.,* without passing through any other unit operation for a process purpose) through one or more recovery devices within the PVCPU.

(iii) Is from a device recovering only mechanical energy from a gas stream that comes either directly from any continuous operation, or from any continuous operation after passing solely (*i.e.,* without passing through any other unit operation for a process purpose) through one or more recovery devices within the PVCPU.

(3) The gas stream is in the gas phase from the point of origin at the continuous operation to the point of discharge to the atmosphere (or to the point of entry into a control device, if any).

(4) The gas stream is discharged to the atmosphere either on site, off site, or both. If the gas stream is discharged to an off-site or on-site location that you do not own or operate, you must comply with the requirements in § 63.113(a)(i) of this part.

(5) The gas stream is not any of the following items:

(i) A pressure relief device discharge having an actuation pressure of 2 psig or higher.

(ii) A leak from equipment subject to this subpart.

(iii) A gas stream exiting a control device used to comply with the emission limits and work practice standards of this subpart.

(v) A gas stream transferred to other processes (on site or off site) for reaction or other use in another process (*i.e.,* for chemical value as a product, isolated intermediate, by-product, or co-product, or for heat value).

(vi) A storage vessel vent or transfer operation vent subject to the provisions of this subpart.

(vii) A vent from a waste management unit subject to the provisions of subpart G of this subpart, as specified in this subpart.

(viii) A gas stream exiting an analyzer (but they must be controlled as sample purge).

(6) The gas stream would meet the characteristics specified in paragraphs (1) through (6) of this definition, but, for purposes of avoiding applicability, has been deliberately interrupted, temporarily liquefied, or routed through any process component for no process purpose.

*Control device* means, with the exceptions noted in this definition, a combustion device, recovery device, recapture device, or any combination of these devices used to comply with this subpart. Process condensers are not control devices.

*Control system* means the combination of the closed vent system and the control devices used to collect and control vapors or gases from a regulated emission source.

*Cooling tower* means a heat removal device used to remove the heat absorbed in circulating cooling water systems by transferring the heat to the atmosphere using natural or mechanical draft.

*Cooling tower return line* means the main water trunk lines at the inlet to the cooling tower before exposure to the atmosphere.

*Corrective action plan* means a description of all reasonable interim and long-term measures, if any, that are available, and an explanation of why the selected corrective action is the best alternative, including, but not limited to, any consideration of cost-effectiveness.

*Day* means a calendar day, unless otherwise specified in this subpart.

*Degassing* means the process of removing HAP organic gases from a storage vessel.

*Dioxin/furan* means total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

*Dispersion process* means a process for producing polyvinyl chloride resin that is characterized by the formation of the polymers in soap micelles that contain small amounts of vinyl chloride monomer. Emulsifiers are used to disperse vinyl chloride monomer in the water phase. Initiators used in the dispersion process are soluble in water. Resins produced using the dispersion process are referred to as latex or dispersion resins.

*Empty or emptying* means the partial or complete removal of stored liquid from a storage vessel. Storage vessels that contain liquid only as a result of the liquid clinging to the walls or bottoms, or resting in pools due to bottom irregularities, are considered completely empty.

*Equipment* means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in HAP service; and any control devices or systems used to comply with this subpart.

*Fill or filling* means the introduction of liquid into a storage vessel, but not necessarily to capacity.

*First attempt at repair,* for the purposes of this subpart, means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere, followed by monitoring as specified in § 63.11930(f) to verify whether the leak is repaired, unless the owner or operator determines by other means that the leak is not repaired.

*Fixed roof storage vessel* means a vessel with roof that is mounted (*i.e.,* permanently affixed) on a storage vessel and that does not move with fluctuations in stored liquid level.

*Flow indicator* means a device that indicates whether gas flow is, or whether the valve position would allow gas flow to be, present in a line.

*Grade* means the subdivision of PVC resin classification which describes it as a unique resin, *i.e.,* the most exact description of a resin with no further subdivision.

*Heat exchange system* means a device or collection of devices used to transfer heat from process fluids to water without intentional direct contact of the process fluid with the water (*i.e.,* non-contact heat exchanger) and to transport and/or cool the water in a closed-loop recirculation system (cooling tower system) or a once-through system (*e.g.,* river or pond water). For closed-loop recirculation systems, the heat exchange system consists of a cooling tower, all heat exchangers that are serviced by that cooling tower, and all water lines to and from the heat exchanger(s). For once-through systems, the heat exchange system consists of one or more heat exchangers servicing an individual process unit and all water lines to and from the heat exchanger(s). Intentional direct contact with process fluids results in the formation of a wastewater.

*In HAP service* means that a process component either contains or contacts a liquid that is at least 5 percent HAP by weight or a gas that is at least 5 percent by volume HAP as determined according to the provisions of § 63.180(d). The provisions of § 63.180(d) also specify how to determine that a process component is not in HAP service.

*In vacuum service* means that the process component is operating at an internal pressure that is at least 5 kilopascals (kPa) (0.7 pounds per square inch absolute) below ambient pressure.

*Incinerator* means an enclosed combustion device with an enclosed fire box that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas. This energy recovery section limitation does not apply to an energy recovery section used solely to preheat the incoming vent stream or combustion air.

*Maximum representative operating conditions* means process operating conditions that result in the most challenging condition for the control device. The most challenging condition for the control device may include, but is not limited to, the highest or lowest HAP mass loading rate to the control device, the highest or lowest HAP mass loading rate of constituents that approach the limits of solubility for scrubbing media, the highest or lowest HAP mass loading rate of constituents that approach limits of solubility for scrubbing media.

*Maximum true vapor pressure* means the equilibrium partial pressure exerted by the total HAP in the stored or transferred liquid at the temperature equal to the highest calendar-month average of the liquid storage or transfer temperature for liquids stored or transferred above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored or transferred at the ambient temperature, as determined by any one of the following methods or references:

(1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss From External Floating-Roof Tanks (incorporated by reference, see § 63.14).

(2) As obtained from standard reference texts.

(3) As determined by the American Society for Testing and Materials Method D2879–10 (incorporated by reference, see § 63.14).

(4) Any other method approved by the Administrator.

*Nonstandard batch* means a batch process that is operated outside of the range of operating conditions that are documented in an existing operating scenario but is still a reasonably anticipated event. For example, a nonstandard batch occurs when additional processing or processing at different operating conditions must be conducted to produce a product that is normally produced under the conditions described by the standard batch. A nonstandard batch may be necessary as a result of a malfunction, but it is not itself a malfunction.

*Operating block* means a period of time that is equal to the time from the beginning to end of batch process operations within a process.

*Operating day* means a 24-hour period between 12 midnight and the following midnight during which PVC is produced at any time in the PVCPU. It is not necessary for PVC to be produced for the entire 24-hour period.

*Operating scenario* means, for the purposes of reporting and recordkeeping, any specific operation of a regulated process as described by reports specified in § 63.11985(b)(3) and records specified in § 63.11990(e)(4).

*Plant site* means all contiguous or adjoining property that is under common control including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination thereof.

*Polymerization reactor* means any vessel in which vinyl chloride is partially or totally polymerized into polyvinyl chloride. For bulk processes, the polymerization reactor includes pre-polymerization reactors and post-polymerization reactors.

*Polyvinyl chloride (PVC)* means a synthetic thermoplastic polymer that is derived from the polymerization of vinyl chloride and has the general chemical structure $(–H_2CCHCl–)_n$.

Polyvinyl chloride is typically a white powder or colorless granule. Polyvinyl chloride is produced by different processes, including (but not limited to), suspension, dispersion/emulsion, bulk, and solution processes.

*Polyvinyl chloride and copolymers production process unit or PVCPU* means a collection of process components assembled and connected by hard-piping or duct work, used to process raw materials and to manufacture polyvinyl chloride and/or polyvinyl chloride copolymers. A PVCPU includes, but is not limited to, polymerization reactors; resin stripping operations; blend tanks; centrifuges; dryers; product separators; recovery devices; feed, intermediate, and product storage vessels such as reactant storage tanks, holding tanks, mixing and weighing tanks, and final product storage tanks or storage silos; finished product loading operations; heat exchange systems; wastewater strippers; wastewater treatment systems; connected ducts and piping; equipment components including pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, and connectors. A PVCPU does not include chemical manufacturing process units, as defined in § 63.101, that produce vinyl chloride monomer or other raw materials used in the PVC polymerization process.

*Polyvinyl chloride copolymer* means a synthetic thermoplastic polymer that is derived from the simultaneous polymerization of vinyl chloride and another vinyl monomer such as vinyl acetate. Polyvinyl chloride copolymer is produced by different processes, including, but not limited to, suspension, dispersion/emulsion, bulk, and solution processes.

*Pressure relief device* means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process component. A common pressure relief device is a spring-loaded pressure relief valve. Devices that are actuated either by a pressure of less than or equal to 2.5 pounds per square inch gauge or by a vacuum are not pressure relief devices.

*Pressure vessel* means a vessel that is used to store liquids or gases and is designed not to vent to the atmosphere as a result of compression of the vapor headspace in the pressure vessel during filling of the pressure vessel to its design capacity.

*Process change* means an addition to or change in a PVCPU and/or its associated process components that creates one or more emission points or changes the characteristics of an emission point such that a new or different emission limit, operating parameter limit, or work practice requirement applies to the added or changed emission points. Examples of process changes include, but are not limited to, changes in production capacity, production rate, or catalyst type, or whenever there is replacement, removal, or addition of recovery device components. For purposes of this definition, process changes do not include process upsets, changes that do not alter the process component configuration and operating conditions, and unintentional, temporary process changes. A process change does not include moving within a range of conditions identified in the standard batch, and a nonstandard batch does not constitute a process change.

*Process component* means any unit operation or group of units operations or any part of a process or group of parts of a process that are assembled to perform a specific function (*e.g.,* polymerization reactor, dryers, *etc.*). Process components include equipment, as defined in this section.

*Process condenser* means a condenser whose primary purpose is to recover material as an integral part of a batch process. All condensers recovering condensate from a batch process at or above the boiling point or all condensers in line prior to a vacuum source are considered process condensers. Typically, a primary condenser or condensers in series are considered to be integral to the batch regulated process if they are capable of and normally used for the purpose of recovering chemicals for fuel value (*i.e.,* net positive heating value), use, reuse or for sale for fuel value, use, or reuse. This definition does not apply to a condenser that is used to remove materials that would hinder performance of a downstream recovery device as follows:

(1) To remove water vapor that would cause icing in a downstream condenser.

(2) To remove water vapor that would negatively affect the adsorption capacity of carbon in a downstream carbon adsorber.

(3) To remove high molecular weight organic compounds or other organic compounds that would be difficult to remove during regeneration of a downstream adsorber.

*Process tank* means a tank or other vessel (*e.g.,* pressure vessel) that is used within an affected source to both: (1) Collect material discharged from a feedstock storage vessel, process tank, or other PVCPU process component, and (2) discharge the material to another process tank, process component, byproduct storage vessel, or product storage vessel.

*Process unit* means the process components assembled and connected by pipes or ducts to process raw and/or intermediate materials and to manufacture an intended product. For the purpose of this subpart, process unit includes, but is not limited to, polyvinyl chloride production process.

*Process vent* means batch process vent or continuous process vent from process components including polymerization reactors, resin strippers, vinyl chloride monomer recovery systems, slip gauges, unloading and loading lines, samples, wastewater collection and treatment systems, and other process components prior to the resin stripper.

*Product* means a polymer produced using the same monomers and varying in additives (*e.g.,* initiators, terminators, *etc.*); catalysts; or in the relative proportions of monomers, that is manufactured by a process unit. With respect to polymers, more than one recipe may be used to produce the same product, and there can be more than one grade of a product. Product also means a chemical that is not a polymer, which is manufactured by a process unit. By-products, isolated intermediates, impurities, wastes, and trace contaminants are not considered products.

*Recipe* means a specific composition, from among the range of possible compositions that may occur within a product, as defined in this section. A recipe is determined by the proportions of monomers and, if present, other reactants and additives that are used to make the recipe.

*Recovery device* means an individual process component capable of and normally used for the purpose of recovering chemicals for fuel value (*i.e.,* net positive heating value), use, reuse or for sale for fuel value, use, or reuse. Examples of process components that may be recovery devices include absorbers, adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers (*e.g.,* wastewater steam and vacuum strippers), or thin-film evaporation units. For purposes of this subpart, recovery devices are control devices.

*Repaired,* for the purposes of this subpart, means equipment that is adjusted or otherwise altered to eliminate a leak as defined in the applicable sections of this subpart; and unless otherwise specified in applicable provisions of this subpart, is inspected as specified in § 63.11930(f) to verify that emissions from the equipment are below the applicable leak definition.

*Resin stripper* means a unit that removes organic compounds from a raw polyvinyl chloride and copolymer product. In the production of a polymer, stripping is a discrete step that occurs after the polymerization reaction and before drying or other finishing operations. Examples of types of stripping include steam stripping, vacuum stripping, or other methods of devolatilization. For the purposes of this subpart, devolatilization that occurs in dryers or other finishing operations is not resin stripping. Resin stripping may occur in a polymerization reactor or in a batch or continuous stripper separate from the polymerization reactor where resin stripping occurs.

*Root cause analysis* means an assessment conducted through a process of investigation to determine the primary cause, and any other significant contributing cause(s), of a discharge of gases in excess of specified thresholds.

*Sensor* means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

*Slip gauge* means a gauge that has a probe that moves through the gas/liquid interface in a storage vessel and indicates the level of product in the vessel by the physical state of the material the gauge discharges.

*Solution process* means a process for producing polyvinyl chloride resin that is characterized by the anhydrous formation of the polymer through precipitation. Polymerization occurs in an organic solvent in the presence of an initiator where vinyl chloride monomer and co-monomers are soluble in the solvent, but the polymer is not. The PVC polymer is a granule suspended in the solvent, which then precipitates out of solution. Emulsifiers and suspending agents are not used in the solution process. PVC resins produced using the solution process are referred to as solution resins.

*Specific gravity monitoring device* means a unit of equipment used to monitor specific gravity and having a minimum accuracy of ±0.02 specific gravity units.

*Standard procedure* means a formal written procedure officially adopted by the plant owner or operator and available on a routine basis to those persons responsible for carrying out the procedure.

*Storage vessel* means a tank or other vessel (*e.g.,* pressure vessel) that is part of an affected source and is used to store a gaseous, liquid, or solid feedstock, byproduct, or product that contains organic HAP. *Storage vessel* does not include:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;

(2) Process tanks;

(3) Vessels with capacities smaller than 10,040 gallons;

(4) Vessels storing organic liquids that contain organic HAP only as impurities;

(5) Bottoms receiver tanks;

(6) Surge control vessels; and

(7) Wastewater storage tanks.

Wastewater storage tanks are covered under the wastewater provisions.

*Stripped resin* means the material exiting the resin stripper that contains polymerized vinyl chloride.

*Supplemental combustion air* means the air that is added to a vent stream after the vent stream leaves the unit operation. Air that is part of the vent stream as a result of the nature of the unit operation is not considered supplemental combustion air. Air required to operate combustion device burner(s) is not considered supplemental combustion air. Air required to ensure the proper operation of catalytic oxidizers, to include the intermittent addition of air upstream of the catalyst bed to maintain a minimum threshold flow rate through the catalyst bed or to avoid excessive temperatures in the catalyst bed, is not considered to be supplemental combustion air.

*Surge control vessel* means feed drums, recycle drums, and intermediate vessels used as a part of any continuous operation. Surge control vessels are used within an affected source when in-process storage, mixing, or management of flow rates or volumes is needed to introduce material into continuous operations.

*Suspension process* means a process for producing polyvinyl chloride resin that is characterized by the formation of the polymers in droplets of liquid vinyl chloride monomer or other co-monomers suspended in water. The droplets are formed by agitation and the use of protective colloids or suspending agents. Initiators used in the suspension process are soluble in vinyl chloride monomer. Polyvinyl chloride resins produced using the suspension process are referred to as suspension resins.

*Treatment process* means a specific technique or collection of techniques that remove or destroy the organics in a wastewater or residual stream such as a steam stripping unit, thin-film evaporation unit, waste incinerator, biological treatment unit, or any other process or collection of processes applied to wastewater streams or residuals to comply with §§ 63.11965 and 63.11970. Most treatment processes are conducted in tanks.

*Type of resin* means the broad classification of resin referring to the basic manufacturing process for producing that resin, including, but not limited to, suspension, dispersion/emulsion, bulk, and solution processes.

*Unloading operations* means the transfer of organic liquids from a transport vehicle, container, or storage vessel to process components within the affected source.

*Wastewater* means water that comes into direct contact with HAP or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product containing HAP but that has not been discharged untreated as wastewater. Examples are product tank drawdown or feed tank drawdown; water formed during a chemical reaction or used as a reactant; water used to wash impurities from organic products or reactants; water used to cool or quench organic vapor streams through direct contact; water discarded from a control device; and condensed steam from jet ejector systems pulling vacuum on vessels containing organics. Gasholder seal water is not wastewater until it is removed from the gasholder.

*Work practice standard* means any design, equipment, work practice, or operational standard, or combination thereof that is promulgated pursuant to section 112(h) of the Clean Air Act.

TABLE 1 TO SUBPART HHHHHHH OF PART 63—EMISSION LIMITS AND STANDARDS FOR EXISTING AFFECTED SOURCES

| For this type of emission point . . . | And for this air pollutant . . . | And for an affected source producing this type of PVC resin . . . | You must meet this emission limit . . . |
|---|---|---|---|
| Process vents [1] ..... | Vinyl chloride ..... | All resin types ..... | 0.32 parts per million by volume at 3-percent oxygen (ppmv). |

TABLE 1 TO SUBPART HHHHHHH OF PART 63—EMISSION LIMITS AND STANDARDS FOR EXISTING AFFECTED SOURCES—Continued

| For this type of emission point . . . | And for this air pollutant . . . | And for an affected source producing this type of PVC resin . . . | You must meet this emission limit . . . |
|---|---|---|---|
| | Total organic HAP | All resin types | 12 ppmv. (For compliance determination, demonstrate that total hydrocarbon is less than or equal to 2 ppmv measured as propane). |
| | Hydrogen chloride | All resin types | 150 ppmv. |
| | Dioxins/furans (toxic equivalency basis). | All resin types | 0.023 ng/dscm at 3-percent oxygen. |
| Stripped resin | Vinyl chloride | Bulk | 7.1 parts per million by weight (ppmw). |
| | | Dispersion | 55 ppmw. |
| | | All other resins [2] | 0.48 ppmw. |
| | Total HAP | Bulk | 170 ppmw. |
| | | Dispersion | 110 ppmw. |
| | | All other resins [2] | 76 ppmw. |
| Wastewater | Vinyl chloride | All resin types | See Table 3 to this subpart. |
| | Total HAP | All resin types. | |

[1] Emission limits at 3 percent oxygen, dry basis.
[2] Includes, but is not limited to, PVCPUs using the suspension process and solution process.

TABLE 2 TO SUBPART HHHHHHH OF PART 63—EMISSION LIMITS AND STANDARDS FOR NEW AFFECTED SOURCES

| For this type of emission point . . . | And for this air pollutant . . . | And for an affected source producing this type of PVC resin . . . | You must meet this emission limit . . . |
|---|---|---|---|
| Process vents [1] | Vinyl chloride | All resin types | 3.2 parts per billion by volume at 3-percent oxygen (ppbv). |
| | Total organic HAP | All resin types | 0.22 ppmv. (For compliance determination, demonstrate that total hydrocarbon is less than or equal to 2 ppmv measured as propane). |
| | Hydrogen chloride | All resin types | 0.17 ppmv. |
| | Dioxins/furans (toxic equivalency basis). | All resin types | 0.0087 ng/dscm at 3-percent oxygen. |
| Stripped resin | Vinyl chloride | Bulk | 7.1 parts per million by weight (ppmw). |
| | | Dispersion | 41 ppmw. |
| | | All other resins [2] | 0.20 ppmw |
| | Total HAP | Bulk | 170 ppmw. |
| | | Dispersion | 58 ppmw. |
| | | All other resins [2] | 42 ppmw. |
| Wastewater | Vinyl chloride | All resin types | See Table 3 to this subpart. |
| | Total HAP | All resin types. | |

[1] Emission limits at 3 percent oxygen, dry basis.
[2] Includes, but is not limited to, PVCPUs using the suspension process and solution process.

TABLE 3 TO SUBPART HHHHHHH—EMISSION LIMITS AND STANDARDS FOR WASTEWATER FOR NEW AND EXISTING AFFECTED SOURCES

| If a wastewater stream is determined to have a . . . | Then . . . | And the wastewater stream must meet the following limit or standard: |
|---|---|---|
| Vinyl chloride concentration less than 10 parts per million by weight (ppmw) at the point of generation. | You are not required to use a wastewater treatment process to reduce your vinyl chloride emissions and compliance must be demonstrated as specified in § 63.11970(b). | Less than 10 ppmw vinyl chloride.[1] |
| HAP concentration (based on HAP listed in Table 9 to subpart G of this part) less than 1,000 ppmw; or. Annual average flow rate less than 10 liters per minute. | You are not required to use a wastewater treatment process to reduce your total HAP emissions (for HAP listed in Table 9 to subpart G of this part) and compliance must be demonstrated as specified in § 63.11970(c). | Less than 1,000 ppmw of HAP listed in Table 9 to subpart G of this part and less than 10 liters per minute annual average flow rate.[2] |
| Vinyl chloride concentration greater than or equal to 10 ppmw at the point of generation. | You must use a wastewater treatment process and demonstrate compliance as specified in §§ 63.11965(b) and 63.11970(a), respectively [1]. | *Existing sources*—0.11 ppmw vinyl chloride at the stripper outlet.[1] *New sources*—0.0060 ppmw vinyl chloride at the stripper outlet.[1] |

TABLE 3 TO SUBPART HHHHHHH—EMISSION LIMITS AND STANDARDS FOR WASTEWATER FOR NEW AND EXISTING AFFECTED SOURCES—Continued

| If a wastewater stream is determined to have a . . . | Then . . . | And the wastewater stream must meet the following limit or standard: |
|---|---|---|
| HAP concentration (based on HAP listed in Table 9 to subpart G of this part) greater than or equal to 1,000 ppmw; HAP and Annual average flow rate greater than or equal to 10 liters per minute. | You must use a wastewater treatment process and demonstrate compliance as specified in §§ 63.11965(c) and 63.11970(a), respectively. | The provisions in subpart G of this part, as referenced in § 63.11965(c)(1) through (4).[2] |

[1] Refer to § 63.11975(a)(3) and (d) for the data averaging period for determining compliance.
[2] Refer to subpart G of this part for the data averaging period for determining compliance.

TABLE 4 TO SUBPART HHHHHHH OF PART 63—SUMMARY OF CONTROL REQUIREMENTS FOR STORAGE VESSELS AT NEW AND EXISTING SOURCES

| If the storage vessel capacity (gallons) is * * * | And the vapor pressure[1] (psia) is *** | Then, you must use the following type of storage vessel: *** |
|---|---|---|
| ≥ 20,000 but < 40,000 | ≥ 4 | Internal floating roof, external floating roof, or fixed roof vented to a closed vent system and control device achieving 95 percent reduction.[2] |
| ≥ 40,000 | ≥ 0.75 | Internal floating roof, external floating roof, or fixed roof vented to a closed vent system and control device achieving 95 percent reduction.[2] |
| Any capacity | > 11.1 | Pressure vessel.[3] |
| All other capacity and vapor pressure combinations | | Fixed roof.[4] |

[1] Maximum true vapor pressure of total HAP at storage temperature.
[2] If using a fixed roof storage vessel vented to a closed vent system and control device, you must meet the requirements in § 63.11910(a) for fixed roof storage vessels. If using an internal floating roof storage vessel or external floating roof storage vessels, you must meet the requirements in § 63.11910(b) for internal floating roof storage vessels or external floating roof storage vessels, as applicable.
[3] Meeting the requirements of § 63.11910(c) for pressure vessels.
[4] Meeting the requirements in § 63.11910(a) for fixed roof storage vessels.

TABLE 5 TO SUBPART HHHHHHH OF PART 63—APPLICABILITY OF THE GENERAL PROVISIONS TO PART 63

| Citation | Subject | Applies to subpart HHHHHHH | Explanation |
|---|---|---|---|
| § 63.1(a)(1)–(a)(4), (a)(6), (a)(10)–(a)(12), (b)(1), (b)(3), (c)(1), (c)(2), (c)(5), (e). | Applicability | Yes | |
| § 63.1(a)(5), (a)(7)–(a)(9), (b)(2), (c)(3), (c)(4), (d). | Reserved | No | |
| § 63.2 | Definitions | Yes | Additional definitions are found in § 63.12005. |
| § 63.3 | Units and abbreviations | Yes | |
| § 63.4 | Prohibited activities and circumvention. | Yes | |
| § 63.5 | Preconstruction review and notification requirements. | Yes | |
| § 63.6(a), (b)(1)–(b)(5), (b)(7), (c)(1), (c)(2), (c)(5), (e)(1)(iii), (f)(2), (f)(3), (g), (i), (j). | Compliance with standards and maintenance requirements. | Yes | § 63.11875 specifies compliance dates. |
| § 63.6(b)(6), (c)(3), (c)(4), (d), (e)(2), (e)(3)(ii), (h)(2)(ii), (h)(3), (h)(5)(iv). | [Reserved] | No | |
| § 63.6(e)(1)(i), (e)(1)(ii), (e)(3), (f)(1) | Startup, shutdown, and malfunction provisions. | No. See § 63.11890(b) for general duty requirement. | |
| § 63.6(h)(1), (h)(2)(i), (h)(2)(iii), (h)(4), (h)(5)(i)–(h)(5)(iii), (h)(5)(v), (h)(6)–(h)(9). | Compliance with opacity and visible emission standards. | No | Subpart HHHHHHH does not specify opacity or visible emission standards. |
| § 63.7(a)(1), (a)(2)(ix), (a)(3), (a)(4), (b)–(d), (e)(2)–(e)(4), (f)–(h). | Performance testing requirements | Yes | |
| § 63.7(e)(1) | Performance testing | No. See especially § 63.11945, 63.11960(d), 63.11980(a). | |
| § 63.8(a)(1), (a)(2), (a)(4), (b), (c)(1)(i), (c)(1)(ii), (c)(2)–(c)(4), (c)(6)–(c)(8). | Monitoring requirements | Yes | Except cross reference in § 63.8(c)(1)(i) to § 63.6(e)(1) is replaced with a cross-reference to § 63.11890(b). |
| § 63.8(a)(3) | [Reserved] | No | |

TABLE 5 TO SUBPART HHHHHHH OF PART 63—APPLICABILITY OF THE GENERAL PROVISIONS TO PART 63—Continued

| Citation | Subject | Applies to subpart HHHHHHH | Explanation |
|---|---|---|---|
| § 63.8(c)(1)(iii) | Requirement to develop SSM plan for continuous monitoring systems. | No | |
| § 63.8(c)(5) | Continuous opacity monitoring system minimum procedures. | No | Subpart HHHHHHH does not have opacity or visible emission standards. |
| § 63.8(d)(3) | Written procedures for continuous monitoring systems (CMS). | Yes, except for last sentence, which refers to an SSM plan. SSM plans are not required. | |
| § 63.8(g) | Reduction of monitoring data | Yes | Except that the minimum data collection requirements are specified in § 63.11890(e). |
| § 63.9(a), (b)(1), (b)(2), (b)(4)(i), (b)(4)(v), (b)(5), (c)–(e), (g)(1), (g)(3), (h)(1)–(h)(3), (h)(5), (h)(6), (i), (j). | Notification requirements | Yes | |
| § 63.9(f) | Notification of opacity and visible emission observations. | No | Subpart HHHHHHH does not have opacity or visible emission standards. |
| § 63.9(g)(2) | Use of continuous opacity monitoring system data. | No | Subpart HHHHHHH does not require the use of continuous opacity monitoring system. |
| § 63.9(b)(3), (b)(4)(ii)–(iv), (h)(4) | [Reserved] | No | |
| § 63.10(a), (b)(1) | Recordkeeping and reporting requirements. | Yes | |
| § 63.10(b)(2)(i) | Recordkeeping of occurrence and duration of startups and shutdowns. | No | |
| § 63.10(b)(2)(ii) | Recordkeeping of malfunctions | No. See 63.11985(c)(4) and (8) for recordkeeping of (1) occurrence and duration and (2) actions taken during malfunction. See also 63.11985(b)(4)(i), for deviation reporting. | |
| § 63.10(b)(2)(iii) | Maintenance records | Yes | |
| § 63.10(b)(2)(iv), (b)(2)(v) | Actions taken to minimize emissions during SSM. | No | |
| § 63.10(b)(2)(vi) | Recordkeeping for CMS malfunctions. | Yes | |
| § 63.10(b)(2)(vii)–(ix) | Other CMS requirements | Yes | |
| § 63.10(b)(2)(xi)–(xiv) | Other recordkeeping requirements. | Yes | |
| § 63.10(b)(3) | Recordkeeping requirement for applicability determinations. | Yes | |
| § 63.10(c)(1), (c)(5), (c)(6) | Additional recordkeeping requirements for sources with continuous monitoring systems. | Yes | |
| § 63.10(c)(2)–(4), (c)(9) | [Reserved] | | |
| § 63.10(c)(7) | Additional recordkeeping requirements for CMS—identifying exceedances and excess emissions. | Yes | |
| § 63.10(c)(8) | Additional recordkeeping requirements for CMS—identifying exceedances and excess emissions. | Yes | |
| § 63.10(c)(10) | Recording nature and cause of malfunctions. | No. See 63.11985(c)(4) and (8) for recordkeeping of (1) occurrence and duration and (2) actions taken during malfunction. See also 63.11985(b)(4)(i), for deviation reporting. | |
| 63.10(c)(11) | Recording corrective actions | No. See 63.11985(c)(4) and (8) for recordkeeping of (1) occurrence and duration and (2) actions taken during malfunction. See also 63.11985(b)(4)(i), for deviation reporting. | |

TABLE 5 TO SUBPART HHHHHHH OF PART 63—APPLICABILITY OF THE GENERAL PROVISIONS TO PART 63—Continued

| Citation | Subject | Applies to subpart HHHHHHH | Explanation |
|---|---|---|---|
| § 63.10(c)(13)–(14) | Records of the total process operating time during the reporting period and procedures that are part of the continuous monitoring system quality control program. | Yes | |
| § 63.10(c)(15) | Use SSM plan | No | |
| § 63.10(d)(1) | General reporting requirements | Yes | |
| § 63.10(d)(2) | Performance test results | Yes | |
| § 63.10(d)(3) | Opacity or visible emissions observations. | No | Subpart HHHHHHH does not specify opacity or visible emission standards. |
| § 63.10(d)(4) | Progress reports | Yes | |
| § 63.10(d)(5) | SSM reports | No. See 63.11985(c)(4) and (8) for recordkeeping of (1) occurrence and duration and (2) actions taken during malfunction. See also 63.11985(b)(4)(i), for deviation reporting. | |
| § 63.10(e)(1) | Additional continuous monitoring system reports—general. | Yes | |
| § 63.10(e)(2)(i) | Results of continuous monitoring system performance evaluations. | Yes | |
| § 63.10(e)(2)(ii) | Results of continuous opacity monitoring system performance evaluations. | No | Subpart HHHHHHH does not require the use of continuous opacity monitoring system. |
| § 63.10(e)(3) | Excess emissions/continuous monitoring system performance reports. | Yes | |
| § 63.10(e)(4) | Continuous opacity monitoring system data reports. | No | Subpart HHHHHHH does not require the use of continuous opacity monitoring system. |
| § 63.10(f) | Recordkeeping/reporting waiver | Yes | |
| 63.11(a) | Control device and work practice requirements—applicability. | Yes | |
| § 63.11(b) | Flares | No | Facilities subject to subpart HHHHHHH do not use flares as control devices, as specified in § 63.11925(b). |
| § 63.11(c)–(e) | Alternative work practice for monitoring equipment for leaks. | Yes | |
| § 63.12 | State authority and delegations | Yes | § 63.12000 identifies types of approval authority that are not delegated. |
| § 63.13 | Addresses | Yes | |
| § 63.14 | Incorporations by reference | Yes | Subpart HHHHHHH incorporates material by reference. |
| § 63.15 | Availability of information and confidentiality. | Yes | |
| § 63.16 | Performance track provisions | Yes | |

TABLE 6 TO SUBPART HHHHHHH OF PART 63—OPERATING PARAMETERS, OPERATING LIMITS, AND DATA MONITORING, RECORDING, AND COMPLIANCE FREQUENCIES FOR PROCESS VENTS, STRIPPED RESIN, AND WASTEWATER

| For these control devices, you must monitor these operating parameters . . . | Establish the following operating limit during your initial performance test . . . | Monitor, record, and demonstrate continuous compliance using these minimum frequencies | | |
|---|---|---|---|---|
| | | Data measurement | Data recording | Data averaging period for compliance |
| **Process Vents** | | | | |
| Any Control device: Flow to/from the control device. | N/A | Continuous | N/A | Date and time of flow start and stop. |
| Incinerators: Temperature (in fire box or downstream ductwork prior to heat exchange). | Minimum temperature | Continuous | Every 15 minutes | 3-hour block average. |

TABLE 6 TO SUBPART HHHHHHH OF PART 63—OPERATING PARAMETERS, OPERATING LIMITS, AND DATA MONITORING, RECORDING, AND COMPLIANCE FREQUENCIES FOR PROCESS VENTS, STRIPPED RESIN, AND WASTEWATER—Continued

| For these control devices, you must monitor these operating parameters . . . | Establish the following operating limit during your initial performance test . . . | Monitor, record, and demonstrate continuous compliance using these minimum frequencies | | |
|---|---|---|---|---|
| | | Data measurement | Data recording | Data averaging period for compliance |
| Temperature differential across catalyst bed. | Minimum temperature differential. | Continuous | Every 15 minutes | 3-hour block average. |
| Inlet temperature to catalyst bed and catalyst condition. | Minimum inlet temperature and catalyst condition as specified in 63.11940(b)(3). | Continuous for temperature, annual for catalyst condition. | Every 15 minutes for temperature, annual for catalyst condition. | 3-hour block average for temperature, annual for catalyst condition. |
| Absorbers and Acid Gas Scrubbers: | | | | |
| Influent liquid flow | Minimum inlet liquid flow | Continuous | Every 15 minutes | 3-hour block average. |
| Influent liquid flow and gas stream flow. | Minimum influent liquid flow to gas stream flow ratio. | Continuous | Every 15 minutes | 3-hour block average. |
| Pressure drop | Minimum pressure drop | Continuous | Every 15 minutes | 3-hour block average. |
| Exhaust gas temperature. | Maximum exhaust gas temperature. | Continuous | Every 15 minutes | 3-hour block average. |
| Change in specific gravity of scrubber liquid. | Minimum change in specific gravity. | Continuous | Every 15 minutes | 3-hour block average. |
| pH of effluent liquid | Minimum pH | Continuous | Every 15 minutes | 3-hour block average. |
| Causticity of effluent liquid. | Minimum causticity | Continuous | Every 15 minutes | 3-hour block average. |
| Conductivity of effluent liquid. | Minimum conductivity | Continuous | Every 15 minutes | 3-hour block average. |
| Regenerative Adsorber: | | | | |
| Regeneration stream flow. | Minimum total flow per regeneration cycle. | Continuous | N/A | Total flow for each regeneration cycle. |
| Adsorber bed temperature. | Maximum temperature | Continuously after regeneration and within 15 minutes of completing any temperature regulation. | Every 15 minutes after regeneration and within 15 minutes of completing any temperature regulation. | 3-hour block average. |
| Adsorber bed temperature. | Minimum temperature | Continuously during regeneration except during any temperature regulating portion of the regeneration cycle.. | N/A | Average of regeneration cycle. |
| Vacuum and duration of regeneration. | Minimum vacuum and period of time for regeneration. | Continuous | N/A | Average vacuum and duration of regeneration. |
| Regeneration frequency. | Minimum regeneration frequency and duration. | Continuous | N/A | Date and time of regeneration start and stop. |
| Adsorber operation valve sequencing and cycle time. | Correct valve sequencing and minimum cycle time. | Daily | Daily | N/A. |
| Non-Regenerative Adsorber: | | | | |
| Average adsorber bed life. | N/A | Daily until breakthrough for 3 adsorber bed change-outs. | N/A | N/A. |
| Outlet VOC concentration of the first adsorber bed in series. | Limits in Table 1 or 2 of this subpart. | Daily, except monthly (if more than 2 months bed life remaining) or weekly (if more than 2 weeks bed life remaining). | N/A | Daily, weekly, or monthly. |
| Condenser: | | | | |
| Temperature | Maximum outlet temperature | Continuous | Every 15 minutes | 3-hour block average. |
| Sorbent injection monitoring: | | | | |
| Sorbent injection rate | Minimum injection rate | Continuous | Every 15 minutes | 3-hour block average. |
| Sorbent injection carrier gas flow rate. | Minimum carrier gas flow rate | Continuous | Every 15 minutes | 3-hour block average. |
| Downstream firebox temperature. | Minimum temperature | Continuous | Every 15 minutes | 3-hour block average. |

TABLE 6 TO SUBPART HHHHHHH OF PART 63—OPERATING PARAMETERS, OPERATING LIMITS, AND DATA MONITORING, RECORDING, AND COMPLIANCE FREQUENCIES FOR PROCESS VENTS, STRIPPED RESIN, AND WASTEWATER—Continued

| For these control devices, you must monitor these operating parameters . . . | Establish the following operating limit during your initial performance test . . . | Monitor, record, and demonstrate continuous compliance using these minimum frequencies | | |
|---|---|---|---|---|
| | | Data measurement | Data recording | Data averaging period for compliance |
| Upstream particulate matter control device downstream temperature. | Minimum temperature | Continuous | Every 15 minutes | 3-hour block average. |
| Fabric Filter: | | | | |
| Alarm time | Maximum alarm time is not established on a site-specific basis but is specified in § 63.11940(h)(1). | Continuous | N/A | Maximum alarm time specified in § 63.11940(h)(1). |
| **Stripped Resin** | | | | |
| Stripper: | | | | |
| Steam to feed ratio [1] | Minimum steam to feed ratio | Continuous | Every 15 minutes | Daily. |
| Vacuum level | Minimum vacuum | Continuous | Every 15 minutes | Daily. |
| Resin exit temperature | Minimum temperature | Continuous | Every 15 minutes | Daily. |
| Resin inlet flow rate | Maximum flow rate | Continuous | Every 15 minutes | Daily. |
| **Wastewater** | | | | |
| Stripper: | | | | |
| Steam to feed ratio [1] | Minimum steam to feed ratio | Continuous | Every 15 minutes | Daily. |
| Bottoms exit temperature. | Minimum exit temperature | Continuous | Every 15 minutes | Daily. |
| Vacuum level | Minimum vacuum level | Continuous | Every 15 minutes | Daily. |
| Wastewater inlet flow rate. | Maximum flow rate | Continuous | Every 15 minutes | Daily |

[1] Steam to feed ratio is calculated based on the steam feed rate into the stripper and the wastewater flow rate into the stripper.

TABLE 7 TO SUBPART HHHHHHH OF PART 63—TOXIC EQUIVALENCY FACTORS

| Dioxin/furan congener | Toxic equivalency factor |
|---|---|
| 2,3,7,8-tetrachlorodibenzo-p-dioxin | 1 |
| 1,2,3,7,8-pentachlorodibenzo-p-dioxin | 1 |
| 1,2,3,4,7,8-hexachlorodibenzo-p-dioxin | 0.1 |
| 1,2,3,7,8,9-hexachlorodibenzo-p-dioxin | 0.1 |
| 1,2,3,6,7,8-hexachlorodibenzo-p-dioxin | 0.1 |
| 1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin | 0.01 |
| octachlorodibenzo-p-dioxin | 0.0003 |
| 2,3,7,8-tetrachlorodibenzofuran | 0.1 |
| 2,3,4,7,8-pentachlorodibenzofuran | 0.3 |
| 1,2,3,7,8-pentachlorodibenzofuran | 0.03 |
| 1,2,3,4,7,8-hexachlorodibenzofuran | 0.1 |
| 1,2,3,6,7,8-hexachlorodibenzofuran | 0.1 |
| 1,2,3,7,8,9-hexachlorodibenzofuran | 0.1 |
| 2,3,4,6,7,8-hexachlorodibenzofuran | 0.1 |
| 1,2,3,4,6,7,8-heptachlorodibenzofuran | 0.01 |
| 1,2,3,4,7,8,9-heptachlorodibenzofuran | 0.01 |
| octachlorodibenzofuran | 0.0003 |

TABLE 8 TO SUBPART HHHHHHH OF PART 63—CALIBRATION AND ACCURACY REQUIREMENTS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

| If you monitor this parameter . . . | Then your accuracy requirements are . . . | And your inspection/calibration frequency requirements are . . . |
|---|---|---|
| Temperature (non-cryogenic temperature ranges). | ± 1 percent of temperature measured or 2.8 degrees Celsius (5 degrees Fahrenheit) whichever is greater. | Every 12 months. |
| Temperature (cryogenic temperature ranges) | ± 2.5 percent of temperature measured or 2.8 degrees Celsius (5 degrees Fahrenheit) whichever is greater. | Every 12 months. |

TABLE 8 TO SUBPART HHHHHHH OF PART 63—CALIBRATION AND ACCURACY REQUIREMENTS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS—Continued

| If you monitor this parameter . . . | Then your accuracy requirements are . . . | And your inspection/calibration frequency requirements are . . . |
|---|---|---|
| Liquid flow rate | ± 2 percent of the normal range of flow | Every 12 months.<br>You must select a measurement location where swirling flow or abnormal velocity distributions due to upstream and downstream disturbances at the point of measurement do not exist. |
| Gas flow rate | ± 5 percent of the flow rate or 10 cubic feet per minute, whichever is greater. | Every 12 months<br>Check all mechanical connections for leakage at least annually.<br>At least annually, conduct a visual inspection of all components of the flow CPMS for physical and operational integrity and all electrical connections for oxidation and galvanic corrosion if your flow CPMS is not equipped with a redundant flow sensor. |
| pH or caustic strength | ± 0.2 pH units | Every 8 hours of process operation check the pH or caustic strength meter's calibration on at least two points. |
| Conductivity | ± 5 percent of normal range | Every 12 months. |
| Mass flow rate | ± 5 percent of normal range | Every 12 months. |
| Pressure | ± 5 percent or 0.12 kilopascals (0.5 inches of water column) whichever is greater. | Calibration is required every 12 months.<br>Check all mechanical connections for leakage at least annually. At least annually perform a visual inspection of all components for integrity, oxidation and galvanic corrosion if CPMS is not equipped with a redundant pressure sensor. |

TABLE 9 TO SUBPART HHHHHHH OF PART 63—METHODS AND PROCEDURES FOR CONDUCTING PERFORMANCE TESTS FOR PROCESS VENTS

| For each control device used to meet the emission limit in Table 1 or 2 to this subpart for the following pollutant . . . | You must . . . | Using . . . |
|---|---|---|
| Total organic HAP | Measure the total hydrocarbon concentration at the outlet of the control device or in the stack. | Method 25A at 40 CFR part 60, appendix A. Conduct each test run for a minimum of 1 hour. |
| Vinyl chloride | Measure the vinyl chloride concentration at the outlet of the control device or in the stack. | Method 18 at 40 CFR part 60, appendix A–6. Conduct each test run for a minimum of 1 hour. |
| Hydrogen chloride | Measure hydrogen chloride concentrations at the outlet of the control device or in the stack. | Method 26 at 40 CFR part 60, appendix A–8, collect 60 dry standard liters of gas per test run; or<br>Method 26A at 40 CFR part 60, appendix A–8, collect 1 dry standard cubic meter of gas per test run. |
| Dioxin/furan | Measure dioxin/furan concentrations on a toxic equivalency basis (and report total mass per isomer) at the outlet of the control device or in the stack. | Method 23 at 40 CFR part 60, appendix A–7 and collect 5 dry standard cubic meters of gas per test run. |
| Any pollutant from a continuous, batch, or combination of continuous and batch process vent(s). | Select sampling port locations and the number of traverse points. | Method 1 or 1A at 40 CFR part 60, appendix A–1. |
| | Determine gas velocity and volumetric flow rate. | Method 2, 2A, 2C, 2D, 2F, or 2G at 40 CFR part 60, appendix A–1 and A–2. |
| | Conduct gas molecular weight analysis and correct concentrations the specified percent oxygen in Table 1 or 2 to this subpart. | Method 3, 3A, or 3B at 40 CFR part 60, appendix A–2 using the same sampling site and time as HAP samples. |
| | Measure gas moisture content | Method 4 at 40 CFR part 60, appendix A–3. |

TABLE 10 TO SUBPART HHHHHHH OF PART 63—METHODS AND PROCEDURES FOR CONDUCTING PERFORMANCE TESTS FOR STRIPPED RESIN AND WASTEWATER

| For demonstrating . . . | For the following emission points and types of processes . . . | Collect samples according to the following schedule . . . | | Using the following test methods . . . |
|---|---|---|---|---|
| | | Vinyl chloride . . . | Total HAP . . . | |
| **Each stripped resin stream** | | | | |
| Initial compliance .... | Continuous .. | During a 24 hour period, every 8 hours or for each grade, whichever is more frequent. | During a 24 hour period, 1 grab sample every 8 hours or for each grade, whichever is more frequent. | For vinyl chloride Method 107; and<br>For total HAP, your proposed method as specified in §63.11960(d)(2), incorporating Method 107 and Method 8260B. |
| | Batch ..... | 1 grab sample for each batch produced during a 24 hour period. | 1 grab sample for each batch produced during a 24 hour period. | |
| Continuous compliance. | Continuous .. | On a daily basis, 1 grab sample every 8 hours or for each grade, whichever is more frequent. | On a monthly basis, 1 grab sample every 8 hours or for each grade, whichever is more frequent, during a 24 hour period. | |
| | Batch ..... | On a daily basis, 1 grab sample for each batch produced during a 24 hour period. | On a monthly basis, 1 grab sample for each batch produced during a 24 hour period. | |
| **Each wastewater stream** | | | | |
| Initial compliance .... | N/A ..... | 1 grab sample ..... | If you are not required to use a treatment process, 1 grab sample; or.<br>If you are required to use a treatment process, the sampling frequency specified in subpart G of this part, as referenced in §63.11965(c)(1) through (4). | If you are not required to use a treatment process, for vinyl chloride Method 107; and<br>For total HAP, your proposed method as specified in §63.11980(a)(2),incorporating Methods 107, 305, and 8260B. For vinyl chloride, Method 107; or<br>If you are required to use a treatment process, the test methods specified in subpart G of this part, as referenced in §63.11965(c)(1) through (4). |
| Continuous compliance. | N/A ..... | 1 grab sample per month. | If you are not required to use a treatment process, 1 grab sample per month; or.<br>If you are required to use a treatment process, the sampling frequency specified in subpart G of this part, as referenced in §63.11965(c)(1) through (4). | |

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Part IV

# Department of Commerce

Bureau of Industry and Security

15 CFR Parts 734, 740, 742 *et al.*
Wassenaar Arrangement 2010 Plenary Agreements Implementation: Commerce Control List, Definitions, Reports; Final Rule

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 734, 740, 742, 743, 772, 774**

**[Docket No. 110124056–1119–01]**

**RIN 0694–AF11**

## Wassenaar Arrangement 2010 Plenary Agreements Implementation: Commerce Control List, Definitions, Reports

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) maintains, as part of the agency's Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises the CCL to implement changes made to the Wassenaar Arrangement's List of Dual-Use Goods and Technologies (Wassenaar List) maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement, or WA) at the December 2010 WA Plenary Meeting (the Plenary). The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. To harmonize the CCL with the changes made to the Wassenaar List at the Plenary, this rule amends entries on the CCL that are controlled for national security reasons in Categories 1, 2, 3, 4, 5 Parts I & II, 6, 7, 8, and 9, revises reporting requirements, and adds and amends definitions in the EAR.

**DATES:** *Effective Date:* This rule is effective: May 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** For general questions contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202–482–2440 or by *e-mail: Sharron.cook@bis.doc.gov.*

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Category 6: Chris Costanzo at 202–482–0718 (optics), John Varesi 202–482–1114 (sensors & cameras) and Mark Jaso at 202–482–0987 (lasers)
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**SUPPLEMENTARY INFORMATION:**

### Background

In July 1996, the United States and thirty-three other countries gave final approval to the establishment of a new multilateral export control arrangement called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement or WA). The Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states committed to exchange information on exports of dual use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in developing a common understanding of the risks associated with the transfers of these items. For more information on the Wassenaar Arrangement go to *http://www.wassenaar.org/.*

### Revisions to the Commerce Control List

This rule revises the following 53 ECCNs on the Commerce Control List (CCL) to implement the changes to the Wassenaar List of Dual-Use Goods and Technologies agreed to at the December 2010 WA Plenary meeting: 1A002, 1A004, 1B001, 1C003, 1C006, 1C008, 1C010, 1C011, 1C111, 2A001, 2B001, 2B005, 2B006, 3A001, 3A002, 3A991, 3B001, 3C001, 3E001, 4A001, 5A001, 5D001, 5E001, 5A002, 5D002, 5E002, 6A001, 6A002, 6A003, 6A005, 6A006, 6A008, 6D001, 6D003, 6E001, 6E002, 6E003, 7A001, 7A002, 7A003, 7E004, 8A001, 8A002, 9A001, 9A003, 9A991, 9B001, 9B002, 9B008, 9D003, 9D004, 9E001 and 9E003. These changes are described in more detail below.

### Category 1—Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"

ECCN 1A002 is amended by:

Removing the phrase "finished or" from Notes 2 and 3, because finished products are not generally specified based on the materials they contain.

Adding a new Note 4 to convey that ECCN "1A002 does not apply to finished items specially designed for a specific application."

ECCN 1A004 is amended by:

Deleting the phrase "Nuclear, biological and chemical (NBC)" from 1A004.c, because it conflicts with the list in 1A004.c, as it is missing radioactive materials, and is redundant to the list.

Changing the format of the civil industries from a narrative list to an enumerated list formatin paragraph (b) of the Note to 1A004 that is located after the Notes to paragraph 1A004.d, as well as replacing the "and" to "or" between the phrases "residential safety" and "civil industries" in this same paragraph (b) of this same Note. These changes are made to clarify the meaning of the note.

ECCN 1B001 is amended by:

Adding the phrase "specially designed or modified," removing the words "to manufacture," and adding the word "for" to paragraph 1B001.c to clarify that common textile weaving and interlacing machines are not intended to be controlled. In addition, the note is removed because the new text makes the note unnecessary.

ECCN 1C003 is amended by replacing, for the sake of clarity, the phrase "initial permeability" with "initial relative permeability" in the technical note of paragraph 1C003.a.

ECCN 1C006 is amended by:

Revising the format of the parameters in 1C006.c from a narrative to a cascaded list format to clarify the text.

Removing 1C006.e to correct the text. This paragraph was the last paragraph of a technical note that was moved in 2009 from 1C006.d to the end of 1C006.a.2.e. This paragraph was inadvertently not removed when the technical note was moved.

ECCN 1C008 is amended by:

Removing "Non-fluorinated polymeric substances" and adding in its place "Imides" in 1C008.a, and adding the word "compounds" to 1C008.b.1, to better describe the scope of the paragraphs that follow.

Adding "(PAI) having a 'glass transition temperature ($T_g$)' exceeding 563 K (290° C)" to 1C008.a.2—Aromatic polyamide-imides, which adds a temperature property as a parameter.

Adding the word "compounds" to 1C008.b.1 to add a more complete description of the scope of the paragraphs that follow.

Removing the CAS numbers for all the compounds in 1C008.b.1.a, because CAS numbers are used to describe specific substances, not compounds.

Adding the word "acids" to 1C008.b.2 to better describe the scope of the paragraphs that follow.

Adding a new sentence about the PAI test to the technical note at the end of the items paragraph of 1C008.PAI varnishes are sometimes sold and these contain PAI polymers that are only partially polymerized. The added language therefore explains that the $T_g$ parameter should be determined using a PAI specimen that is properly cured to reach a maximum capability.

ECCN 1C010 is amended by:

Revising the narrative format to a cascaded format in Note 2 to 1C010.e, in order to add a new paragraph (b) to this note to convey that "Fully or partially resin-impregnated or pitch-impregnated mechanically chopped, milled or cut carbon "fibrous or filamentary materials" 25.0 mm or less in length when using a resin or pitch other than those specified by 1C008 or 1C009.b." are not controlled under 1C010.e.

Amending the technical note at the end of ECCN 1C010 by splitting it into two separate sentences (ending the first sentence after "specimen"), for better readability and clarity. Also, this rule removes the phrase "with a minimum 90% degree of cure" and adding in its place "In the case of thermoset materials, degree of cure of a dry test specimen shall be a minimum of 90%" to clarify the scope of "degree of cure" in the definition for 'Dynamic Mechanical Analysis glass transition temperature (DMA $T_g$)'.

ECCN 1C011 is amended by:

Revising the Missile Technology (MT) paragraph in the License Requirements section because WA has now aligned with the Missile Technology Control Regime in controls for boron and boron alloys; therefore, the parenthetical phrase "for boron" is removed and the MT control applies to both the boron and the boron alloy in 1C011.b.

Adding a new sentence to number 2 of the Related Controls paragraph to indicate that "the following are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls" and adding "metal powders mixed with other substances to form a mixture formulated for military purposes" to the end of the existing list that includes materials controlled by 1C011.a.

Replacing the word "carbide" with "alloys" in 1C011.b for boron, and cascading the parameters in two new paragraphs 1C011.b.1 and 1C001.b.2 in order to align with controls under the Missile Technology Control Regime, to make the text more clear, and to recognize the foreign availability and decreased use of boron carbide for military uses.

ECCN 1C111 is amended by adding a note 3 to the Related Controls paragraph to reference ECCN 1C011 for boron and boron alloys, and by removing paragraph 1C111.a.2.b "Boron alloys with a purity of 85% by weight or more" because this control is now in 1C011.b.

**Category 2—Materials Processing**

ECCN 2A001 is amended by:

Removing reference to 2A001.b from the License Exceptions GBS and CIV eligibility paragraphs in ECCN 2A001, because this paragraph is removed and reserved by this rule.

Removing one of the standards "or ANSI/ABMA Std 20 Tolerance Class ABEC–7 or RBEC–7" from paragraph 2A001.a and leaving only "or other national equivalents" because this language sufficiently describes the applicable standard for the control.

Removing and reserving paragraph 2A001.b, that controlled specified ball bearings and solid roller bearings because of the wide foreign availability of these commodities.

ECCN 2B001 is amended by removing the phrase "Having two or more rotary axes and all of the following" and adding in its place "At least two rotary axes having all of the following" to clarify the scope of the 2B001.e.2.

ECCN 2B005 is amended by removing the phrase "allowing for the" and adding in its place "capable of" to clarify the control in the introductory text of 2B005.g.

ECCN 2B006 is amended by:

Replacing the phrase "indication (MPEE)" with "length measurement ($E_{0,MPE}$)" to harmonize with the new ISO standard and replacing the year of the ISO standard from "2001" to "2009" in 2B006.a.

Replacing the acronym "MPEE" with "$E_{0,MPE}$" in the Technical Note following 2B006.a to harmonize with the new ISO standard.

Replacing the phrase "Machine tools, which" with "2B006 includes machine tools, other than those specified by 2B001, that" to clarify the Note following paragraph 2B006.c.

Removing two superfluous phrases "are controlled" and "the machine tool function or" from the Note following paragraph 2B006.c.

**Category 3—Electronics**

ECCN 3A001 is amended by:

Removing paragraph 3A001.a.4 from the License Exception CIV eligibility paragraph in the License Exceptions section, because 3A001.a.4 is removed by this rule.

Removing and reserving paragraph 3A001.a.4 "Storage integrated circuits manufactured from a compound semiconductor," because the circuits of concern are covered by 3A001.a.2.

Adding the word "Converter" to "Analog-to-Digital," adding capitalization, and adding the acronyms (ADC) and (DAC) to paragraph 3A001.a.5.

Replacing "Analog-to-digital converters" with "ADCs" in 3A001.a.5.a and Note 2 of the technical note located after 3A001.a.5.b for consistency.

Revising the output rate for Analog-to-Digital Converters (ADCs) in 3A001.a.5.a.2, a.5.a.3, a.5.a.4, and a.5.a.5 from "200 million words per second" to "300 million words per second," "105 million words per second" to "200 million words per second," "10 million words per second" to "125 million words per second," and "2.5 million words per second" to "20 million words per second," respectively. These revisions are made because the speeds and capabilities of digital signal processing have advanced significantly since the last revision to these control parameters.

The Technical Notes that appeared after paragraph 3A001.a.5.b are moved to after 3A001.a.5.a.5. In addition, this rule moves the last half of Technical Note 3 to Note 6 and moves Note 4 to Note 7, and adds new notes 4, 5, 8, and 9 to address aggregation of ADCs.

Revising the parameters for Digital-to-Analog Converters (DAC) in 3A001.a.5.b to better describe the crucial benchmarks for evaluating DAC devices, as well as adding four new technical notes that include two new technical terms: "adjusted update rate" and "Spurious Free Dynamic Range" (SFDR).

Revising the upper threshold of the frequency parameter from 6 GHz to 6.8 GHz for Microwave Monolithic Integrated Circuits (MMIC) power amplifiers in paragraphs 3A001.b.2.a and b.2.b, for discrete microwave transistors in paragraphs 3A001.b.3.a and b.3.b, for microwave solid state amplifiers and microwave assemblies/modules containing microwave solid state amplifiers in paragraphs 3A001.b.4.a and b.4.b, and for the technology for the development or production of MMIC power amplifiers in paragraphs 5E001.d.1 and d.2, because the prevalent bands for commercial satellite communications are 5.7 GHz to 6.7 GHz.

Adding a new parameter to paragraphs 3A001.b.2.d and b.2.f that reads "and with an average output power greater than 0.1 nW" for MMICs to narrow the scope of controls.

Removing and reserving Note 1 to 3A001.b.2 relating to broadcast satellite

equipment, because this entry controls components, not equipment.

Adding the words "product group" to Note 3 to 3A001.b.2 to clarify the text.

Adding a new parameter to paragraphs 3A001.b.3.e that reads "and with an average output power greater than 0.1 nW" for discrete microwave transistors to narrow the scope of this control.

Adding a new parameter to paragraphs 3A001.b.4.c and b.4.e that reads "and with an average output power greater than 0.1 nW" for microwave solid state amplifiers and microwave assemblies/modules containing microwave solid state amplifiers to narrow the scope of controls for these items.

Removing and reserving Note 1 after 3A001.b.4.f.3 concerning broadcast satellite equipment, because 3A001 does not control equipment but components, in this case Microwave or Millimeter Wave Components. In addition, *Note 1* is not necessary, because MMICs specially designed for satellite broadcast equipment are not controlled by Category 3 pursuant to *Note 1* at the beginning of Category 3.

Removing the phrase "from one selected frequency to another" from 3A001.b.11 because it is redundant with the term "frequency switching."

ECCN 3A002 is amended by:

Revising the parameters for radio-frequency signal analyzers in paragraphs 3A002.c to revise control thresholds to more accurately differentiate between commercial/civilian applications and applications of strategic concern by changing the controls from frequency only to a combination of frequency and other parameters. This change includes the redesignation of 3A002.c.3 to c.4 and the addition of a new paragraph 3A002.c.3.

Revising and rearranging the narrative in 3A002.c.1 to more clearly describe the radio-frequency signal analyzers.

This rule introduces a new parameter, "Displayed Average Noise Level," in 3A002.c.2. This control protects the applications (principally advanced radar) that are of national security concern. Specifically, this revision relaxes the controls in 3A002.c.2 by adding the additional control parameter, "Displayed Average Noise Level," that applies to the current frequency parameter of between 43.5 and 70 GHz.

Adding a new control in 3A002.c.3 for signal analyzers having a frequency exceeding 70 GHz.

Revising the "real-time bandwidth" for "dynamic signal analyzers" from "500 kHz" to "40 MHz" in the newly designated paragraph 3A002.c.4 to respond to emerging communications standards and available test equipment as "dynamic signal analyzers" approach 40 MHz in bandwidth.There is growing application of "dynamic signal analyzers" with "real-time bandwidth" above 40 MHz bandwidth in military applications.

Replacing the reference in the Note following 3A002.c.4 from "3A002.c.3" to "3A002.c.4" to harmonize it with the addition of paragraph 3A002.c.3.

Revising paragraphs 3A002.d.1, d.2 and the introductory text to d.4 relating to frequency synthesized signal generators to revise control thresholds to more accurately differentiate between purely civilian applications and those of strategic concern. These revisions are being implemented by changing the entry from one solely based on frequency to a combination of frequency and other parameters, such as output power.

Revising 3A002.d.3.e and adding d.3.f to clarify the frequency switching controls by defining switching times and windows within the range 43.5–70 GHz.

Revising the introductory text for 3A002.d.4 to add an upper limit to the frequency switching control of 70 GHz.

Removing an "or" at the end of paragraph 3A002.d.3.d and adding it to the end of paragraph 3A002.d.3.e, because of the addition of new paragraph d.3.f. An "or" is added at the end of paragraph 3A002.d.4.b, because of the addition of new paragraph 3A002.d.5. These controls protect the applications (principally advanced radar) that are of national security concern. Finally, the umbrella control on signal generators ''> 70 GHz" is moved to new paragraph 3A002.d.5. Specifically, this revision relaxes the frequency threshold from the current value of 43.5 GHz to 70 GHz by clarifying that other control parameters apply between 43.5 and 70 GHz. This approach addresses emerging civilian telecommunications standards in the 56–67 GHz band by defining performance parameters.

ECCN 3A991 is amended by replacing the control level for Analog-to-Digital Converters (ADCs) in paragraph 3A991.c with the former control levels for ADCs in ECCN 3A001.a.5.a. Therefore, ADCs in 3A991.c.1 having a resolution of 8 bit or more, but less than 12 bit are amended by revising the output rate from "greater than 100 million words per second" to "greater than 200 million words per second." ADCs in 3A991.c.2 having a resolution of 12 bit are amended by revising the output rate from "greater than 5 million words per second" to "greater than 105 million words per second." ADCs in 3A991.c.3 having a resolution of more than 12 bit but equal to or less than 14 bit are amended by revising the output rate from "greater than 500 thousand words per second" to "greater than 10 million words per second." ADCs in 3A991.c.4 having a resolution of more than 14 bit are amended by revising the output rate from "greater than 500 thousand words per second" to "greater than 2.5 million words per second." These changes are made because of the technological advances in the field of ADCs and because raising the control level for ADCs destined to anti-terrorism countries will not pose a national security threat to the United States.

Pursuant to the EAR, those ADCs that are now classified as EAR99 still require a license for export to Cuba, North Korea, and Syria, because a license is required for export of all items subject to the EAR to these countries. EAR99 ADCs destined to Iran and Sudan may require a license pursuant to the EAR if destined to a restricted end-user or end-use. (*See* General Prohibitions 4 through 10 in Part 736 of the EAR.) Also note that the Treasury Department's Office of Foreign Assets Control (OFAC) administers comprehensive trade embargoes against Iran and Sudan, and exports or reexports of EAR99 ADCs to those countries are subject to OFAC's regulations. See 31 CFR part 538—the Sudanese Sanctions Regulations and 31 CFR part 560—the Iranian Transactions Regulations.

ECCN 3B001 is amended by:

Revising the critical dimension of semiconductor devices by plasma enhanced Chemical Vapor Deposition (CVD) equipment from "180 nm or less" to "65 nm or less" in paragraph 3B001.d.1 and d.2 to account for technical advances in the industry of semiconductor manufacturing.

Capitalizing "Minimum Resolvable Feature" size and adding the acronym (MRF) in paragraph 3B001.f.1.b and in the technical note that follows.

Revising the feature size from "180 nm" to "95 nm" for align and expose step and repeat (direct step on wafer) or step and scan (scanner) equipment in 3A001.f.1.b and for imprint lithography equipment in paragraph 3B001.f.2.

Revising the K factor from "0.45" to "0.35" in the Technical Note following 3B001.f.1.b to align with advancing technology.

ECCN 3C001 is amended by removing the text in the Related Definitions paragraph of the List of Items Controlled section and adding in its place "N/A" to correct the Related Definitions paragraph.

ECCN 3E001 is amended by revising the parameter in paragraph (a) of Note 2 from "of 0.5 μm or more; and" to "at or above 0.130 μm," to accommodate advances in technology and increasing civil application of that technology.

Replacing the current text in paragraph (b) of Note 2 "Not incorporating multi-layer structures" with "Incorporating multi-layer structures with three or fewer metal layers" to expand the exclusion note.

In addition, this rule removes the technical note in Note 2 of 3E001 because the note is no longer necessary due to the revision to paragraph (b) of Note 2.

**Category 4—Computers**

ECCN 4A001 is amended by:

Adding the phrase "or "civil aircraft"" to the Note to 4A001.a.1, because some civil aircraft computers often reach the thresholds in 4A001.

Revising the single event upset rate in 4A002.a.2.c from "$1 \times 10^{-7}$" to "$1 \times 10^{-8}$" because of advances in this technology. A Note is added to 4A001.a.2 to clarify that this provision does not apply to computers specially designed for "civil aircraft" applications to prevent this control from inadvertently capturing onboard civil aircraft computers.

**Category 5 Part I—Telecommunications**

Category 5 Part 1 is amended by adding a second *Nota Bene* (N.B.2.) after Note 1 at the beginning of the category to close a potential loophole in relation to items incorporating or using cryptography or other "information security" functionality, including encryption, "cryptanalysis" and "cryptographic activation." Note 1 could be read to require that all telecommunications items should only be classified using Category 5 Part 1 even if they incorporate or use cryptography or other "information security" functionality, when, in fact, the control status of "information security" items is determined using Category 5 Part 2 . The second *Nota Bene* clarifies that any item that is designed for telecommunications and incorporates or uses cryptography should also be classified using Category 5 Part 2.

ECCN 5A001 is amended by:

Replacing the text in paragraph 5A001.c with the text in paragraph 5A001.c.1 "Optical fiber communication cables, optical fibers and accessories, as follows:". Also, adding an "and" between "length" and "specified" in the new 5A001.c (former 5A001.c.1). The *Nota Bene* (N.B. 1) that reads "For underwater umbilical cables, and connectors thereof, see 8A002.a.3." is moved from 5A001.c.2 to after 5A001.c, revised by removing the phrase ", and connectors thereof" and relabeled from "N.B. 1" to "N.B."

5A001.c.2, the exclusion Note and *Nota Bene* 2 that follows it are deleted, because they no longer serve a purpose.

Replacing "electronic" with "radio frequency (RF) transmitting" and replacing "Radio Controlled Improvised Explosive Devices (RCIED)" with "Improvised Explosive Devices (IEDs)" in paragraph 5A001.h to clarify the text. Also, adding a new reference to ECCN 5A001.f in the *Nota Bene* of 5A001.h to reference 5A001.f and Category XI of the ITAR where radio transmission equipment is controlled. In addition, 5A001.h is moved from NS Column 2 controls to NS Column 1 controls because Radio Frequency (RF) transmitting equipment designed or modified for prematurely activating or preventing the initiation of Improvised Explosive Devices (IEDs) are now listed on the Wassenaar Arrangement's Very Sensitive List. License Exceptions LVS, GBS, and CIV are no longer available, for 5A001.h items because they have been added to the Wassenaar Arrangement's Very Sensitive List.

ECCN 5D001 is amended by:

Revising the License Exceptions section by removing License Exception CIV eligibility for "software" controlled by 5D001.a and specially designed for the "development" or "production" of items controlled by 5A001.h; and removing License Exception TSR eligibility for exports and reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "software" controlled by 5D001.a and specially designed for the "development" or "production" of items controlled by 5A001.h. "Software" controlled by 5D001.a and specially designed for the "development" or "production" of items controlled by 5A001.h are on the Wassenaar Arrangement's Very Sensitive List.

ECCN 5E001 is amended by:

Removing License Exception TSR eligibility for exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "technology" controlled by 5E001.a for the "development" or "production" of items controlled by 5A001.h; or"software" controlled by 5D001.a that is specially designed for the "development" or "production" of equipment, functions or features controlled by 5A001.h.

Adding a new Note for 5E001.b.4 to exclude "technology" for the "development" of civil cellular radio-communications systems from control under 5E001, because this technology is commercial and does not warrant national security controls.

Raising the frequency parameter from 6.0 GHz to 6.8 GHz for technology for the "development" and "production" of Microwave Monolithic Integrated Circuit (MMIC) power amplifiers specially designed for telecommunications in 5E001.d.1 and d.2, because a primary segment of the high power amplifier market is for commercial satellite communications (TV and Internet traffic) and meteorological radar within the standard ITU bands. The prevalent bands for commercial satellite communications are 5.7GHz to 6.7 GHz and 13.75GHz to 14.5GHz.

**Category 5 Part II—"Information Security"**

ECCN 5A002 is amended by:

Revising the EI paragraph in the License Requirements section to add paragraph 5A002.b.

Revising Note 1 in the Related Controls paragraph of the List of Items Controlled section to add paragraph (j) to the first sentence, as paragraph (j) has been added to the decontrol Note of ECCN 5A002.

Replacing a period with a semicolon in paragraph (a)(2) of the Note at the beginning of the Items paragraph of the List of Items Controlled section to correct the punctuation.

Removing "or" from paragraph .g and removing the period at the end of paragraph .i and adding in its place "; or" in the Note at the beginning of the Items paragraph of the List of Items Controlled section.

Adding a new paragraph .j to the decontrol notes in ECCN 5A002 for equipment where the encryption cannot be used or can only be made useable by means of "cryptographic activation," as specified, as well as adding a new *Nota Bene* (N.B.) to reference 5A002.a for equipment that has undergone "cryptographic activation." This new note is added to clarify the treatment of equipment with dormant cryptography.

Adding a new control paragraph 5A002.b to control systems, equipment, application specific electronic assemblies, modules and integrated circuits, designed or modified to enable an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that

would not otherwise be enabled. This addition is made to address the issue of mechanisms that are used to upgrade the cryptographic functionality of equipment to performance levels specified by 5A002.a, when the equipment would not be controlled under 5A002.a (*i.e.,* would not perform controlled cryptographic functions) without these upgrades.

These changes are intended to clarify existing policy regarding the treatment of products with dormant cryptography. They are not a new control on these products.

ECCN 5D002 is amended by:

Revising the EI control paragraph by removing the phrase "5D002.a or c.1" and adding in its place "5D002.a,.c.1, or .d" in the License Requirements section.

Adding a new paragraph 5D002.d to control "software" designed or modified to enable an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled. This addition is made to address the issue of mechanisms that are used to upgrade the cryptographic functionality of equipment or "software" to performance levels specified by 5A002.a (note: 5D002 "software" is classified according to performance levels specified by 5A002), when the equipment or "software" would not be controlled under 5A002.a or 5D002 (*i.e.,* would not perform controlled cryptographic functions) without these upgrades.

ECCN 5E002 is amended by:

Moving the text of the Heading to 5E002.a and adding in its place "Technology" as follows:"

Revising the EI control paragraph in the License Requirement section by removing the phrase "ECCNs 5A002 or 5D002.a or 5D002.c" and adding in its place "ECCNs 5A002 or 5D002" to succinctly indicate what is EI controlled under ECCN 5E002.

Removing the text following the Items paragraph, which states "The list of items controlled is contained in the ECCN heading" and adding in its place a control paragraph 5E002.a to control "technology" according to the General Technology Note for the "development," "production" or "use" of equipment specified by 5A002 or 5B002 or "software" specified by 5D002.a or 5D002.c. Prior to the addition of a new "technology" control paragraph to address the issue of "cryptographic activation," ECCN 5E002 did not have any specified control paragraphs. The 5E002 Heading text in place prior to this rule is now the text of the new paragraph 5E002.a.

Adding a control paragraph 5E002.b to control "technology" to enable an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled. This addition is made to address the issue of mechanisms that are used to upgrade the cryptographic functionality of equipment or "software" to performance levels specified by 5A002.a, when the equipment or "software" would not be controlled under 5A002.a or 5D002 (*i.e.,* would not perform controlled cryptographic functions) without these upgrades.

**Category 6—Sensors and Lasers**

ECCN 6A001 is amended by:

Removing 6A001.c from License Exceptions LVS, GBS and CIV eligibility in the License Exceptions section, because this paragraph is moved to ECCN 8A002.r.

Adding a new control for acoustic seabed survey equipment in 6A001.a.1.a because of the usefulness of this equipment in military reconnaissance, including subparagraphs 6A001.a.1.a.1 (surface vessel survey equipment), a.1.a.2 (underwater survey equipment designed for seabed topographic mapping), and a.1.a.3 (Side Scan Sonar (SSS) or Synthetic Aperture Sonar (SAS), designed for seabed imaging).

Removing the parenthetical phrase in 6A001.a.2 that read "receiving, whether or not related in normal application to separate active equipment" because it is guidance about the control that belongs in a Note. A new Note is added to 6A001.a.2 to provide this guidance about the control.

Moving ECCN 6A001.c (diver deterrent acoustic systems) to ECCN 8A002.r, because the specified diver deterrent systems have no capability to detect divers and are only used to deter divers. This rule designates 6A001.c as reserved.

New *Nota Bene* (N.B.) is added to reference 8A002.r for controls on diver deterrent acoustic systems.

ECCN 6A002 is amended by adding a Note to 6A002.d.3 to exclude encapsulated optical sensing fibers specially designed for bore hole sensing applications, because these fibers have limited use outside of the intended application.

ECCN 6A003 is amended by correcting the abbreviation for Instantaneous Field of View (IFOV) in two places where it is listed as FOV in the technical note following paragraph (b)(4)(b) of Note 3 to 6A003.b.4.b.

ECCN 6A005 is revised by:

Adding a new Note to 6A005.c.1 to exclude dye lasers or other liquid lasers with specified parameters to correct the roll-back on controls resulting from the WA 2005 agreements.

Replacing a period with a semicolon in 6A005.f.4, because a new paragraph follows.

Adding a new paragraph 6A005.g to control laser acoustic detection equipment, and includes a technical note that reads "laser acoustic detection equipment is sometimes referred to as a laser microphone or particle flow detection microphone." This equipment can be used as a surreptitious listening device over very long distances.

ECCN 6A006 is amended by:

Adding 6A006.e to the list of items excluded from License Exception LVS eligibility, because it has been added to the Wassenaar Arrangement's Sensitive List.

Removing "and" from 6A006.c.3 and replacing a period with a semicolon in 6A006.d, because this rule adds a new paragraph.

Adding a new paragraph 6A006.e to control specified Underwater ElectroMagnetic Receivers (UEMR). The UEMR can be used in civil applications, such as oil and gas exploration, as well as for military purposes such as mine/vessel detection and alerting.

ECCN 6A008 is amended by:

Removing 6A008.l.3 from the License Exception LVS eligibility paragraph, because this rule removes and reserves this paragraph.

Adding an "or" to the end of 6A008.l.1 to harmonize it with changes in this ECCN;

Removing and reserving 6A008.l.2 and l.3, because these parameters for radar data processing sub-systems are no longer key or major criteria to determining whether these commodities are usable for military applications;

Revising 6A008.l.4 by adding the phrase "Configured to provide" at the beginning, replacing the phrase "in real time" with "within six seconds," and adding the phrase "specified by 6A008.f, or 6A008.i." to clarify the control parameter; and

Adding a *Nota Bene* to reference a related control in the U.S. Munitions List (22 CFR part 121).

ECCN 6D001 is amended by adding 6A004.c and d, and 6A008.d, h, and k to paragraph 3 of the License Exception TSR paragraph, because these ECCN subparagraphs are listed on the Wassenaar Arrangement's Sensitive List.

ECCN 6D003 is amended by:

Adding two new paragraphs 6D003.f.3 and f.4 to control "software" and "source code," specially designed for "real time processing" of electromagnetic data using underwater electromagnetic receivers specified by 6A006.e, because this source code and software is

essential for the use of Underwater ElectroMagnetic Receivers (UEMR).

Adding the phrase "designed to be" between "programs" and "hosted" in paragraph 6D003.h.1 to clarify that software to be exported is controlled not only when it has been loaded onto a general purpose computer, but also prior to loading onto such a computer.

ECCN 6E001 is amended by:

Revising the Heading by removing the reference to 6A018 (because ECCN 6A018 was removed from the CCL on July 30, 2004 (69 FR 46086)) and adding a missing closing parenthetical to the end of the Heading; and

Revising paragraph 4 of License Exception TSR by replacing 6A001.a.1.b.1 with 6A001.a.1.b, and adding 6A001.a.1.e, a.2.d; 6A002.a.1.a, a.1.b, a.2.a, a.2.b, a.3, b, and c; 6A003.b.3, b.4; 6A004.c and d; 6A005.a.1; 6A006.a.2, c.1, d, e, g, and h; 6A008.d, h, and k. These revisions are made to conform to the Wassenaar Arrangement's Sensitive List.

ECCN 6E002 is amended by:

Revising the Heading by removing the reference to 6A018 (because ECCN 6A018 was removed from the CCL on July 30, 2004 (69 FR 46086)).

Revising paragraph 3 of License Exception TSR by replacing the word "development" with "production" to correct this paragraph, replace 6A001.a.1.b.1 with 6A001.a.1.b, moving 6A001.a.2.c to paragraph (b) of this paragraph, adding 6A002.a.3, 6A002.b, 6A002.c, 6A003.b.3, 6A003.b.4, 6A004.c, 6A004.d, 6A005.a.1, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A006.g, 6A006.h, 6A008.d, 6A008.h, 6A008.k, 6A008.l.3, 6B008, replacing 6A001.a.2.e with 6A001.a.2.c in paragraph (b) of this paragraph, and removing paragraph (c) of this paragraph 3. These revisions are made to conform to the Wassenaar Arrangement's Sensitive List.

ECCN 6E003 is amended by adding the phrase "an 'optical thickness'" between "achieve" and "uniformity" in paragraph 6E003.d.1 to add clarity to the parameter, as well as adding a technical note to this paragraph to define 'optical thickness.'

**Category 7—Navigation and Avionics**

ECCN 7A001 is amended by:

Adding the phrase "but less than or equal to 100 g" after "15g" in 7A001.a.2 for linear accelerometers, to prevent an overlap of control between 7A001 and 7A002.

Adding a note for 7A001.a.1 and a.2 to exclude accelerometers limited to measuring only vibration or shock.

ECCN 7A002 is amended by:

Adding new parameters to control gyros or angular rate sensors in 7A002.a and .b to address an overlap of controls between 7A001 and 7A002.

Adding a new Note for 7A002.a.2.b to exclude 'spinning mass gyros' from 7A002 controls.

ECCN 7A003 is amended by removing the phrase "and specially designed components therefor" from 7A003.d, because this phrase is redundant. The specially designed components of concern are the accelerometers and gyros that are already controlled in the text of 7A003.d.

ECCN 7E004 is amended by:

Removing the phrase "Raster-type head-up displays or" from 7E004.a.3, because cathode ray tube and related raster scanning technology is outdated and no longer represents the standard for display technology.

Removing and reserving specified inertial navigation systems or gyro-astro compasses in 7E004.a.4, because this technology is covered by ECCNs 7E001 and 7E002.

**Category 8—Marine**

ECCN 8A001 is amended by:

Removing the word "Fiber" from paragraph 8A001.d.3 and replacing "optic" with "optical," because this paragraph addresses parameters for untethered submersible vehicles, which, by definition, are not tethered by fiber.

ECCN 8A002 is amended by:

Adding paragraph 8A002.r to License Exceptions GBS and CIV, because this paragraph was moved from 6A001.c, which was eligible for these license exceptions.

Cascading the parameters in paragraph 8A002.i.l to make clear that remotely controlled articulated manipulators specially designed for use with submersibles vehicles are controlled when the system that controls the manipulators uses either measured or detected information from tactile sensors.

Adding single quotes around the term 'active noise reduction or cancellation systems' in paragraph 8A002.o.3.b and moving some of the text of 8A002.o.3.b into a new technical note that defines 'active noise reduction or cancellation systems' to move definitional text out of the parameter paragraph.

Cascading the text in 8A002.p to make it clear that both the "power output" and "using divergent nozzle and flow conditioning vane techniques" parameters apply to pumpjet propulsion systems.

Cascading the parameters in 8A002.q to make it clear that closed circuit rebreathers and semi-closed circuit rebreathers are types of underwater swimming and diving equipment that are controlled by this paragraph.

Replacing the word "apparatus" with "rebreathers," in 8A002.q.1 and q.2, and replacing the phrase "its user" with "their users" to clarify the Note to 8A002.q.

Adding a new paragraph 8A002.r, which has been moved from 6A001.c, because the specified diver deterrent systems have no capability to detect divers and are only used to deter divers. This rule also adds related notes describing the scope of 8A002.r to help readers understand the scope of the control better.

**Category 9—Aerospace and Propulsion**

ECCN 9A001 is amended by adding a reference to 9E003.i in 9A001.a as a new parameter for control of aero gas turbine engines.

ECCN 9A003 is amended by replacing the phrase "having any of the following" with "any of the following" in the Header because the Items paragraphs do not list characteristics of engine propulsion systems. In addition, this rule adds 9E003.i ("technology" for adjustable flow path systems designed to maintain engine stability for gas generator turbines, fan or power turbines, or propelling nozzles) to the heading of 9A003.

ECCN 9A991 is amended by adding double quotes around the term "civil aircraft" in paragraph 9A991.b in the Items paragraph of the List of Items Controlled, because this is a defined term in Part 772.

ECCN 9B001 is amended by adding double quotes around the term "tip shroud", because this rule adds a definition to Part 772 of the EAR.

ECCN 9B002 is amended by moving and cascading the text that appeared in the Heading to the Items paragraph of the List of Items Controlled section to improve clarity of the control. In addition, this rule replaces the reference to "9E003.a. or 9E003.h" with "9E003.h and 9E003.i" in the new paragraph 9B002.b, to harmonize it with the movement of "technology" for adjustable flow path systems designed to maintain engine stability for gas generator turbines, fan or power turbines, or propelling nozzles from 9E003.a.10 to 9E003.i.

ECCN 9B008 is amended by revising the Heading for clarity of the control scope of the entry.

ECCN 9D003 is amended by:

Replacing the phrase "specially designed or modified for the "use" of "Full Authority Digital Electronic Engine Controls Systems"" with "incorporating "technology" specified by

9E003.h and used in" to use less words to refer to the same parameters.

Removing the phrase "as follows (see List of Items Controlled)" to harmonize with the revisions described in this entry.

Removing paragraphs 9D003.a and .b, and adding in their place the sentence, "The list of items controlled is contained in the ECCN heading."

ECCN 9D004 is amended by adding double quotes around the newly defined term "tip shrouds" in paragraph 9D004.f.

ECCN 9E001 is corrected by adding back the MT and AT paragraphs of the License Requirement section that was inadvertently removed on January 2, 2008 (73 FR 32, 38).

ECCN 9E003 is amended by:

Revising the SI control paragraph in the License Requirements section to add paragraph .j, which was previously listed as .i but is redesignated as .j by this rule to the existing list. The SI control paragraph now includes a.8, .h, .i, and .j.

Adding double quotes around the newly defined term "tip shrouds" in paragraph 9E003.a.1, a.4, and a.5.

Replacing the word "rotating" with "rotor" in 9E003.a.8, because this is a more precise description of the component to be controlled.

Adding a Technical Note to define "damage tolerant" after 9E003.a.8 to add clarity to the control and adding single quotes around 'damage tolerant' to identify that this term is defined in 9E003. Adding "or" to the end of the text for a.8, because a.8 is the last paragraph of substance before a.11, which is the last paragraph of 9E003.a.

Removing and reserving paragraph .a.10 and the related notes and adding a new *Note Bene* stating "For adjustable flow path geometry, see 9E003.i." Redesignating paragraph .i as paragraph .j in the Items paragraph of the List of Items Controlled section, in order to move technology for "adjustable flow path geometry and associated control systems" from 9E003.a.10 to the new 9E003.i. This paragraph was moved to move it out from under the stipulation in 9E003.a that this particular technology must be "required" for the "development" or "production" of any of the following gas turbine engine components or systems. Instead the new more precise control is for specifically listed "technology" for adjustable flow path systems designed to maintain engine stability for gas generator turbines, fan or power turbines, or propelling nozzles.

**§ 734.4 *De minimis* U.S. Content**

Section 734.4 is amended by removing the phrase "9E003.a.1 through a.8, a.10, h and i." and adding in its place "9E003.a.1 through a.8, .h,.i and .j." in paragraph (a)(4) "Items for which there is no *de minimis* level." This change is made to harmonize with revisions to paragraphs ECCN 9E003.i and .jin this rule.

Section 734.4 is amended by removing the phrase "5A002.a.1, .a.2, .a.5, or .a.6, .a.9, or 5D002," and adding in its place "5A002.a.1, .a.2, .a.5, .a.6, .a.9, .b, or 5D002," in the introductory text of paragraph (b)(1), because 5A002.b is a newly added EI controlled paragraph.

**License Exception GOV 740.11—Supplement No. 1 to section 740.11**

As a matter of policy BIS does not allow the use of License Exception GOV for the export of items listed on the WA Very Sensitive List. As a result of WA agreements adding ECCN 5A001.h (and corresponding technology and software) to its Very Sensitive List, this rule makes corresponding changes to Supplement No. 1 to section 740.11.

**§ 740.17 License Exception ENC**

Section 740.17 is amended by removing the phrase "5A002.a.1, .a.2, .a.5, .a.6, or .a.9" and adding in its place "5A002.a.1, .a.2, .a.5, .a.6, .a.9, or .b" in the introductory paragraph and paragraphs (a)(1)(i), (a)(2), and (b)(1). This is a consequential change because of the newly added paragraph 5A002.b, which is EI controlled. (The newly added paragraph 5D002.d, which is EI controlled, is already covered by the existing reference to ECCN 5D002 in these section 740.17 paragraphs. So, while 5D002.d is a new CCL entry, its addition does not require any conforming edits in these particular paragraphs.)

**§ 742.14 Significant Items: Hot Section Technology for the Development, Production or Overhaul of Commercial Aircraft Engines, Components, and Systems**

This rule harmonizes the list of paragraphs under ECCN 9E003 that are controlled for SI reasons with the list in section 742.14. The paragraphs of ECCN 9E003 that are controlled for SI reasons are 9E003.a.1 through a.8, .h, .i, and .j.

**§ 742.15 Encryption Items**

Section 742.15 is amended by removing the phrase "5A002.a.1, a.2, a.5, a.6 and a.9; 5D002.a or c.1 for equipment controlled for EI reasons in ECCN 5A002;" and adding in its place "5A002.a.1, .a.2, .a.5, .a.6, .a.9, and .b; 5D002.a, .c.1 or .d for equipment and "software" controlled for EI reasons in ECCNs 5A002 or 5D002;" in paragraph (a)(1). This is a consequential change because of the newly added paragraphs 5A002.b and 5D002.d, which are EI controlled. This change also clarifies that "EI" controls apply to "software" items as specified by the designated ECCN 5D002 paragraphs, regardless of whether the "software" is bundled, commingled or otherwise used with ECCN 5A002 equipment.

**§ 743.1 Wassenaar Arrangement**

WA has three levels of control of goods: Basic List (BL), Sensitive List (SL), and Very Sensitive List (VSL). As a matter of policy, BIS makes certain items on the WA BL and SL eligible for license exceptions. Because of the U.S. obligations under its agreements to the WA, the U.S. must report on SL items exported outside of the WA membership countries. BIS does this by gathering data from its licensing database. To collect data on exports made under license exceptions, BIS requires WA reporting on SL items exported (excluding deemed exports) under License Exceptions GBS, CIV, TSR, LVS, APP and portions of GOV. As a result of WA making changes to its SL, this rule makes corresponding changes to the reporting requirements of section 743.1 of the EAR.

This rule revises the Note to paragraph (c)(1)(ii) of Section 743.1 by adding WA reporting requirements for 2D001 software other than that controlled by 2D002, specially designed for the development or production of deep-hole-drilling machines controlled by 2B001.f, or "numerically controlled" or manual machine tools controlled by 2B003. In addition, this rule revises the Note to paragraph (c)(1)(ii) of Section 743.1 by adding WA reporting requirements for 2E001 and 2E002 technology consistent with the General Technology Note for development and production of deep-hole-drilling machines controlled by 2B001.f, or "numerically controlled" or manual machine tools controlled by 2B003. This rule also changes the formatting of the information in this Note by putting it in outline format for easier readability.

This rule also revises reporting requirements in Section 743.1(c)(1)(v) to add 5A001.h in three places and to add 5A001.b.5 in two places for consistency.

This rule also revises reporting requirements in Section 743.1(c)(1)(vi) to remove 6A002.a.1.a, a.1.b, a.2.a, a.3, c, and e; 6A003.b.3 and b.4, ; and 6A006.a.1, a.2, and d, because the subparagraphs of these ECCNs are not eligible for list based license exceptions and are therefore not subject to WA reporting requirements under the EAR. In addition, this rule removes 6D001,

6D003.a, 6E001 and 6E002, because the only list based license exception this software and technology are eligible for is License Exception TSR, and only within countries that are WA member countries.

This rule also revises reporting requirements in Section 743.1(c)(1)(viii) to add the phrase "as well as 8A001.b, c, and d" to ECCNs 8D001 and 8E001, to indicate that the reporting requirements of 743.1(c)(1) apply to exports of 8D001 software for the development, production or use of commodities controlled by 8A001.b, c, and d and 8E001 technology for the development or production of commodities controlled by 8A001.b, c, and d.

**§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR)**

As a result of the decisions reached at the 2010 WA Plenary, this rule amends section 772.1 to add categories 4 and 9 as references in the definition of "civil aircraft" to identify other categories that use this definition. This rule also adds definitions for "cryptographic activation," "radiant sensitivity," and "tip shroud," and amends the existing definition for "information security" to include "cryptographic activation." This rule also amends the definition of "frequency switching time" to add a more practical and meaningful definition for the term. The change from an absolute frequency to a percentage of the final maximum specified frequency will make actual frequency measurements possible and reasonable, thus removing ambiguity of interpretation. Additionally, this rule corrects the structure of the definition of "frequency switching time" by replacing an absolute value with a relative value. Also, the phrase "or signal generator" is removed from the definition of "frequency synthesizer," because a signal generator is a subset of a frequency source. Finally, the definition of "object code" is amended by replacing the term "converted" with "compiled" to use a more precise and commonly used word to describe what it is that is done to source code in order to obtain object code.

**Supplement No. 3 to Part 774**

This rule adds a Statement of Understanding related to Used Goods at the end of Supplement No. 3 to Part 774, which states, "The specifications in the Commerce Control List apply equally to new or used goods. In the case of used goods, an evaluation by the Bureau of Industry and Security may be carried out in order to assess whether the goods are capable of meeting the relevant specifications." This statement was added because the regulated public often asks the question as to whether the controls apply to used or older equipment. The statement clearly states that the controls apply to new and used equipment equally, but that if you believe the equipment cannot perform to the stated control parameters because of its current age and condition that you may submit a classification request to BIS and BIS will evaluate the current state of the equipment against the control parameters and make a classification determination.

**Export Administration Act**

Since August 21, 2001, the Export Administration Act of 1979, as amended, has been in lapse. However, the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 12, 2010, 75 FR 50681 (August 16, 2010) has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*).

**Saving Clause**

Shipments of items removed from license exception eligibility or eligibility for export without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on May 20, 2011, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported from the United States before July 19, 2011. Any such items not actually exported before midnight, on July 19, 2011, require a license in accordance with this regulation.

**Rulemaking Requirements**

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action" although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves two collections of information subject to the PRA. One of the collections has been approved by OMB under control number 0694–0088, "Multi Purpose Application," and carries a burden hour estimate of 58 minutes for a manual or electronic submission. The other of the collections has been approved by OMB under control number 0694–0106, "Reporting and Recordkeeping Requirements under the Wassenaar Arrangement," and carries a burden hour estimate of 21 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to JasmeetSeehra, OMB Desk Officer, by e-mail at *Jasmeet_K._Seehra@omb.eop.gov* or by fax to (202) 395–7285; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Avenue, NW., Room 6622, Washington, DC 20230.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Immediate implementation of these amendments fulfills the United States' international obligation to the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Wassenaar Arrangement contributes to international security and regional stability by promoting greater responsibility in transfers of conventional arms and dual use goods and technologies, thus preventing

destabilizing accumulations of such items. The Wassenaar Arrangement consists of 40 member countries that act on a consensus basis and the changes set forth in this rule implement agreements reached at the December 2010 plenary session of the WA. Since the United States is a significant exporter of the items in this rule, implementation of this provision is necessary for the WA to achieve its purpose. Any delay in implementation will create a disruption in the movement of affected items globally because of disharmony between export control measures implemented by WA members, resulting in tension between member countries. Export controls work best when all countries implement the same export controls in a timely manner. If this rulemaking was delayed to allow for notice and comment, it would prevent the United States from fulfilling its commitment to the WA in a timely manner and would injure the credibility of the United States in this and other multilateral regimes.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Ave., NW., Room 2099, Washington, DC 20230.

**List of Subjects**

*15 CFR Part 734*

Administrative practice and procedure, Exports, Inventions and patents, Research Science and technology.

*15 CFR Part 740*

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

*15 CFR Part 742*

Exports, Terrorism.

*15 CFR Part 743*

Administrative practice and procedure, Reporting and recordkeeping requirements.

*15 CFR Part 772*

Exports.

*15 CFR Part 774*

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 734, 740, 742, 743, 772 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

## PART 734—[AMENDED]

■ 1. The authority citation for Part 734 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010); Notice of November 4, 2010, 75 FR 68673 (November 8, 2010).

### § 734.4 [Amended]

■ 2. Section 734.4 is amended by:
■ a. Removing the phrase "9E003.a.1 through a.8, a.10, h and i."and adding in its place "9E003.a.1 through a.8,.h, .i., and .j." in paragraph (a)(4); and
■ b. Removing the phrase "5A002.a.1, .a.2, .a.5, or .a.6, .a.9, or 5D002," and adding in its place "5A002.a.1, .a.2, .a.5, .a.6, .a.9, .b, or 5D002," in the introductory text of paragraph (b)(1).

## PART 740—[AMENDED]

■ 3. The authority citation for Part 740 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 4. Supplement No. 1 to section 740.11 is amended by:
■ a. Revising the introductory text to paragraph (a)(1);
■ b. Revising paragraphs (a)(1)(vi)(B) and (a)(1)(vii)(C);
■ c. Revising the introductory text to paragraph (b)(1); and
■ d. Revising paragraphs (b)(1)(vi)(B) and (b)(1)(vii)(C), to read as follows:

### § 740.11 Governments, international organizations, international inspections under the Chemical Weapons Convention, and International Space Station (GOV).

* * * * *

**SUPPLEMENT NO. 1 TO § 740.11—ADDITIONAL RESTRICTIONS ON USE OF LICENSE EXCEPTION GOV.**

(a) * * *

(1) Items identified on the Commerce Control List as controlled for national security (NS) reasons under Export Control Classification Numbers (ECCNs) as follows for export or reexport to destinations other than Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom: 1C001, 5A001.b.5, 5A001.h, 6A001.a.1.b.1 object detection and location systems, having a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) and an operating frequency in the band from 30 Hz to 2 kHz inclusive, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.e, 6A002.a.1.c, 6A008.l.3, 6B008, 8A001.b, 8A001.d, 8A002.o.3.b; and

* * * * *

(vi) * * *

(B) Controlled by 5D001.a, specially designed for the "development" or "production" of equipment, functions or features controlled by 5A001.b.5 and 5A001.h; and

* * * * *

(vii) * * *

(C) Controlled by 5E001.a for the "development" or "production" of digitally controlled radio receivers controlled by 5A001.b.5 and radio frequency (RF) transmitting equipment controlled by 5A001.h; or 5D001.a for "software" specially designed for the "development" or "production" of digitally controlled radio receivers controlled by 5A001.b.5 and radio frequency (RF) transmitting equipment controlled by 5A001.h; and

* * * * *

(b) * * *

(1) Items identified on the Commerce Control List as controlled for national security (NS) reasons under Export Control Classification Numbers (ECCNs) as follows for export or reexport to destinations other than Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom: 1C001, 5A001.b.5, 5A001.h, 6A001.a.1.b.1 object detection and location systems having a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 Hz to 2 kHz inclusive, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.e, 6A002.a.1.c, 6A008.l.3, 6B008, 8A001.b, 8A001.d, 8A002.o.3.b; and

* * * * *

(vi) * * *

(B) Controlled by 5D001.a, specially designed for the "development" or "production" of equipment, functions or features controlled by 5A001.b.5 and 5A001.h; and

* * * * *

(vii) * * *

(C) Controlled by 5E001.a for the "development" or "production" of digitally controlled radio receivers controlled by 5A001.b.5 and radio frequency (RF) transmitting equipment controlled by 5A001.h; or 5D001.a for "software" specially designed for the "development" or "production" of digitally controlled radio receivers controlled by 5A001.b.5 and radio frequency (RF) transmitting equipment controlled by 5A001.h; and

* * * * *

**§ 740.17 [Amended]**

■ 5. Section 740.17 is amended by removing the phrase "5A002.a.1, .a.2, .a.5, .a.6, or .a.9" and adding in its place "5A002.a.1, .a.2, .a.5, .a.6, .a.9, or .b" in the introductory paragraph and paragraphs (a)(1)(i), (a)(2), and (b)(1).

## PART 742—[AMENDED]

■ 6. The authority citation for Part 742 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010); Notice of November 4, 2010, 75 FR 68673 (November 8, 2010).

■ 7. Section 742.14 is amended by revising paragraph (a) and the introductory text to paragraph (b) to read as follows:

**§ 742.14 Significant Items: Hot Section Technology for the Development, Production or Overhaul of Commercial Aircraft Engines, Components, and Systems.**

(a) *License requirement.* Licenses are required for all destinations, except Canada, for ECCNs having an "SI" under the "Reason for Control" paragraph. These items include hot section technology for the development, production or overhaul of commercial aircraft engines controlled under ECCN 9E003.a.1 through a.8, .h,.i and .j, and related controls.

(b) *Licensing policy.* Pursuant to section 6 of the Export Administration Act of 1979, as amended, foreign policy controls apply to technology required for the development, production or overhaul of commercial aircraft engines controlled by ECCN 9E003a.1 through a.8, .h,.i, and .j, and related controls. These controls supplement the national security controls that apply to these items. Applications for export and reexport to all destinations will be reviewed on a case-by-case basis to determine whether the export or reexport is consistent with U.S. national security and foreign policy interests. The following factors are among those that will be considered to determine what action will be taken on license applications:

* * * * *

**§ 742.15 [Amended]**

■ 8. Section 742.15 is amended by removing the phrase "5A002.a.1, a.2, a.5, a.6 and a.9; 5D002.a or c.1 for equipment controlled for EI reasons in ECCN 5A002;" and adding in its place "5A002.a.1, .a.2, .a.5, .a.6, .a.9, and .b; 5D002.a, .c.1 or .d for equipment and "software" controlled for EI reasons in ECCNs 5A002 or 5D002;" in paragraph (a)(1).

## PART 743—[AMENDED]

■ 9. The authority citations for Part 743 are revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 10. Section 743.1 is amended by:

■ a. Revising the note to paragraph (c)(1)(ii) and paragraph (c)(1)(v), the introductory text of paragraph (c)(1)(vi) and paragraph (c)(1)(viii) as set forth below;

■ b. Removing and reserving paragraph (c)(1)(vii).

**§ 743.1 Wassenaar Arrangement.**

* * * * *

(c) * * *

(1) * * *

(ii) * * *

**Note to paragraph (c)(1)(ii):** *Reports for 2D001,* are for "software", other than that controlled by 2D002, specially designed for the "development" or "production" of equipment as follows:

a. Equipment controlled by 2B001.a or .b (changing 6μm to 5.1μm in 2B001.a.1 and 2B001.b.1.a; and adding "a positioning accuracy with "all compensations available" equal to or less (better) than 5.1μm along any linear axis" to the existing text for 2B001.b.2)(See Technical Notes 5 and 6 to Product Group B in Category 2 of the Commerce Control List for acceptable positioning accuracy measurements.);

b. Deep-hole-drilling machines controlled by 2B001.f.; or

c. "Numerically controlled" or manual machine tools controlled by 2B003.

*Reports for 2E001,* are for "technology" according to the General Technology Note for the "development" of "software" as described in this paragraph for 2D001, or for equipment as follows:

a. Equipment controlled by 2B001.a, .b (changing 6μm to 5.1μm in 2B001.a.1 and 2B001.b.1.a; and adding "a positioning accuracy with "all compensations available" equal to or less (better) than 5.1μm along any linear axis" to the existing text for 2B001.b.2) (See Technical Notes 5 and 6 to Product Group B in Category 2 of the Commerce Control List for acceptable positioning accuracy measurements.);

b. Deep-hole-drilling machines controlled by 2B001.f.; or

c. "Numerically controlled" or manual machine tools controlled by 2B003.

*Reports for 2E002,* are for "technology" according to the General Technology Note for the "production" of equipment as follows:

a. Equipment controlled by 2B001.a or .b (changing 6μm to 5.1μm in 2B001.a.1 and 2B001.b.1.a; and adding "a positioning accuracy with "all compensations available" equal to or less (better) than 5.1μm along any linear axis" to the existing text for 2B001.b.2)(See Technical Notes 5 and 6 to Product Group B in Category 2 of the Commerce Control List for acceptable positioning accuracy measurements.);

b. Deep-hole-drilling machines controlled by 2B001.f.; or

c. "Numerically controlled" or manual machine tools controlled by 2B003.

* * * * *

(v) *Category 5:* 5A001.b.3; 5B001.a (items specially designed for 5A001.b.3, b.5 or .h); 5D001.a (specially designed for the "development" or "production" of equipment, function, or features in 5A001.b.3, b.5 or .h) and 5D001.b (specially designed or modified to support "technology" under 5E001.a as described in this paragraph); and 5E001.a (for the "development" or "production" of equipment, functions or features specified by 5A001.b.3, b.5 or .h or "software" in 5D001.a or 5D001.b as described in this paragraph);

(vi) *Category 6:* 6A001.a.1.b (changing 10 kHz to 5 kHz and adding the text "or a sound pressure level exceeding 224 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 5kHz to 10 kHz inclusive" to the existing text in 6A001.a.1.b.1), and 6A001.a.2.d; 6A002.b; 6A004.c and d; 6A006.c.1; 6A008.d, .h, and .k;

* * * * *

(viii) Category 8: 8A001.c; 8A002.b (for 8A001.b, .c, .d), .h, .j, .o.3, and .p; 8D001 (for commodities listed in this paragraph, as well as 8A001.b, c, and d); 8D002; 8E001 (for commodities listed in this paragraph, as well as 8A001.b, c and d); and 8E002.a; and

* * * * *

## PART 772—[AMENDED]

■ 11. The authority citation for Part 772 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 12. Section 772.1 is amended by:
■ a. Amend the definition for "Civil aircraft", by removing the reference "(Cat 1, 3, and 7)" and by adding the reference "(Cat 1, 3, 4, 7, and 9)", in its place. ;
■ b. Adding in alphabetical order new definitions for "cryptographic activation" and "Radiant sensitivity", and "Tip shroud" ; and
■ c. Revising the definition for the term "frequency switching time", "frequency synthesizer", "information security", and "object code", to read as follows:

**§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).**

* * * * *

"*Cryptographic activation*" (Cat 5P2) Any technique that activates or enables cryptographic capability, via a secure mechanism that is implemented by the manufacturer of the item and is uniquely bound to the item or customer for which the cryptographic capability is being activated or enabled (*e.g.,* a serial number-based license key or an authentication instrument such as a digitally signed certificate).

*Technical Note to definition of* "*Cryptographic activation*"*:*
"Cryptographic activation" techniques and mechanisms may be implemented as hardware, "software" or "technology".

* * * * *

"*Frequency switching time*". (Cat 3 and 5)—The time (*i.e.,* delay), taken by a signal, when switched from an initial specified output frequency, to arrive at or within ±0.05% of a final specified output frequency. Items having a specified frequency range of less than ±0.05% around their centre frequency are defined to be incapable of frequency switching.

"*Frequency synthesizer*". (Cat 3)—Any kind of frequency source, regardless of the actual technique used, providing a multiplicity of simultaneous or alternative output frequencies, from one or more outputs, controlled by, derived from or disciplined by a lesser number of standard (or master) frequencies.

* * * * *

"*Information security*". (Cat 5)—All the means and functions ensuring the accessibility, confidentiality or integrity of information or communications, excluding the means and functions intended to safeguard against malfunctions. This includes "cryptography", "cryptographic activation", "cryptanalysis", protection against compromising emanations and computer security.

*Technical Note to definition of* "*Information security*"*:* "*Cryptanalysis*"*: the analysis of a cryptographic system or its inputs and outputs to derive confidential variables or sensitive data, including clear text. (ISO 7498–2–1988 (E), paragraph 3.3.18)*

* * * * *

"*Object code*". (or object language) (Cat 9)—An equipment executable form of a convenient expression of one or more processes ("source code" (or source language)) that has been compiled by a programming system. (See also "source code")

* * * * *

"Radiant sensitivity" (Cat 6)—Radiant sensitivity (mA/W) = 0.807 × (wavelength in nm) × 'Quantum Efficiency (QE)'

**Technical Note:** 'QE' is usually expressed as a percentage; however, for the purposes of this formula 'QE' is expressed as a decimal number less than one, e.g., 78% is 0.78.

* * * * *

"Tip shroud" (Cat 9)—A stationary ring component (solid or segmented) attached to the inner surface of the engine turbine casing or a feature at the outer tip of the turbine blade, which primarily provides a gas seal between the stationary and rotating components.

* * * * *

## PART 774—[AMENDED]

■ 13. The authority citation for Part 774 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.,* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 14. Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", ECCN 1A002, List of Items Controlled section, Items paragraph is amended by:
■ a. Revising the introductory text to Notes 2 and 3 after paragraph b.2;
■ b. Adding a new Note 4;

**1A002 "Composite" structures or laminates, having any of the following (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

**Note 2:** 1A002 does not control semi-finished items, specially designed for purely civilian applications as follows:

* * * * *

**Note 3:** 1A002.b.1 does not apply to semi-finished items containing a maximum of two dimensions of interwoven filaments and specially designed for applications as follows:

* * * * *

**Note 4:** 1A002 does not apply to finished items specially designed for a specific application.

■ 15. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", ECCN 1A004, List of Items Controlled section the Items paragraph is amended by:
■ a. Revising the introductory text to paragraph .c;
■ b. Revising the Note that appears after Note 2 to paragraph 1A004.d, to read as follows:

**1A004 Protective and detection equipment and components, not specially designed for military use, as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c. Detection systems, specially designed or modified for detection or identification of any of the following, and specially designed components therefor:

* * * * *

d. * * *

**Note 2:** * * *

**Note:** 1A004 does not control:

a. Personal radiation monitoring dosimeters;

b. Equipment limited by design or function to protect against hazards specific to residential safety or civil industries, including:

1. Mining;
2. Quarrying;
3. Agriculture;
4. Pharmaceutical;
5. Medical;
6. Veterinary;
7. Environmental;
8. Waste management;
9. Food industry.

* * * * *

■ 16. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", Export Control Classification Number (ECCN) 1B001, List of Items Controlled section the Items paragraph is amended by revising paragraph .c, including removing the Note to paragraph .c, to read as follows:

**1B001 Equipment for the production or inspection of "composite" structures or laminates controlled by 1A002 or "fibrous or filamentary materials" controlled by 1C010, as follows (see List of Items Controlled), and specially designed components and accessories therefor.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c. Multidirectional, multidimensional weaving machines or interlacing machines, including adapters and modification kits, specially designed or modified for weaving, interlacing or braiding fibers for "composite" structures;

**Technical Note:** For the purposes of 1B001.c the technique of interlacing includes knitting.

* * * * *

■ 17. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", Export Control Classification Number (ECCN) 1C003 is amended by removing the phrase "*initial permeability*" and adding in its place "*initial relative permeability*" in the Technical Note of paragraph .a in the Items paragraph of the List of Items Controlled section.

■ 18. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", Export Control Classification Number (ECCN) 1C006, List of Items Controlled section the Items paragraph is amended by:

■ a. Revising paragraph .c, to read as follows; and

■ b. Removing paragraph .e;

**1C006 Fluids and lubricating materials, as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c. Damping or flotation fluids having all of the following:

c.1. Purity exceeding 99.8%;

c.2. Containing less than 25 particles of 200 μm or larger in size per 100 ml; and

c.3. Made from at least 85% of any of the following:

c.3.a. Dibromotetrafluoroethane (CAS 25497 30-7, 124-73-2, 27336-23- 8);

c.3.b. Polychlorotrifluoroethylene (oily and waxy modifications only); *or*

c.3.c. Polybromotrifluoroethylene;

* * * * *

■ 19. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", ECCN 1C008, List of Items Controlled section the Items paragraph is amended by:

■ a. Revising paragraphs .a and .b; and

■ b. Revising the Technical Note that appears after paragraph .f, to read as follows:

**1C008 Non-fluorinated polymeric substances as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. Imides as follows:

a.1. Bismaleimides;

a.2. Aromatic polyamide-imides (PAI) having a 'glass transition temperature ($T_g$)' exceeding 563 K (290° C);

a.3. Aromatic polyimides;

a.4. Aromaticpolyetherimides having a 'glass transition temperature ($T_g$)' exceeding 513K (240° C).

**Note:** 1C008.a controls the substances in liquid or solid "fusible" form, including resin, powder, pellet, film, sheet, tape, or ribbon.

N.B.: For non-"fusible" aromatic polyimides in film, sheet, tape, or ribbon form, see ECCN 1A003.

b. Thermoplastic liquid crystal copolymers having a heat distortion temperature exceeding 523 K (250° C) measured according to ISO 75–2 (2004), method A, or national equivalents, with a load of 1.80 N/mm$^2$ and composed of:

b.1. Any of the following compounds:

b.1.a. Phenylene, biphenylene or naphthalene; *or*

b.1.b. Methyl, tertiary-butyl or phenyl substituted phenylene, biphenylene or naphthalene; *and*

b.2. Any of the following acids:

b.2.a. Terephthalic acid (CAS 100–21–0);

b.2.b. 6-hydroxy-2 naphthoic acid (CAS 16712–64–4); *or*

b.2.c. 4-hydroxybenzoic acid (CAS 99–96–7);

* * * * *

f. * * *

**Technical Note:** The 'glass transition temperature ($T_g$)' for 1C008 materials is determined using the method described in ISO 11357–2 (1999) or national equivalents. In addition, for 1C008.a.2 materials,'glass transition temperature ($T_g$)' is determined on a PAI test specimen having initially been cured at a minimum temperature of 310° C for a minimum of 15 minutes.

■ 20. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", ECCN 1C010, List of Items Controlled section the Items paragraph is amended by revising Note 2 and the Technical Note of paragraph .e to read as follows:

**1C010 "Fibrous or filamentary materials" as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

e. * * *

**Note 2:** 1C010.e does not apply to:

a. Epoxy resin "matrix" impregnated carbon "fibrous or filamentary materials" (prepregs) for the repair of "civil aircraft" structures or laminates, having all of the following:

1. An area not exceeding 1 m$^2$;
2. A length not exceeding 2.5 m; *and*
3. A width exceeding 15 mm;

b. Fully or partially resin-impregnated or pitch-impregnated mechanically chopped, milled or cut carbon "fibrous or filamentary materials" 25.0 mm or less in length when using a resin or pitch other than those specified by 1C008 or 1C009.b.

**Technical Note:** The 'Dynamic Mechanical Analysis glass transition temperature (DMA $T_g$)' for materials controlled by 1C010.e is determined using the method described in ASTM D 7028–07, or equivalent national standard, on a dry test specimen. In the case of thermoset materials, degree of cure of a dry test specimen shall be a minimum of 90% as defined by ASTM E 2160 04 or equivalent national standard.

■ 21. Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", ECCN 1C011, List of Items Controlled section is amended by:
■ a. Revising the MT paragraph of the License Requirements section;
■ b. Adding paragraphs b and c to the Related Controls paragraph; and
■ c. Revising paragraph .b in the Items paragraph, to read as follows:

**1C011 Metals and compounds, as follows (see List of Items Controlled).**

**License Requirements**

* * * * *

MT applies to 1C011.a and MT Column 1.b

* * * * *

**List of Items Controlled**

*Unit:* * * *

*Related Controls:* (1.) See also 1C018 and 1C111. (2.) The following are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR 121.1 Category V): a) Materials controlled by 1C011.a, and metal fuels in particle form, whether spherical, atomized, spheroidal, flaked or ground, manufactured from material consisting of 99 percent or more of items controlled by 1C011.b; and b) Metal powders mixed with other substances to form a mixture formulated for military purposes.

*Related Definitions:* * * *

*Items:*

* * * * *

b. Boron or boron alloys, with a particle size of 60 μm or less, as follows:

b.1. Boron with a purity of 85% by weight or more;

b.2. Boron alloys with a boron content of 85% by weight or more;

**Note:** The metals or alloys specified by 1C011.b also refer to metals or alloys encapsulated in aluminum, magnesium, zirconium or beryllium.

* * * * *

■ 22. Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and "Toxins"", ECCN 1C111, List of Items Controlled section is amended by:
■ a. Adding a new note (3) in the Related Controls paragraph in the List of Items Controlled section as set forth below; and
■ b. Removing paragraph .a.2.b in the Items paragraph of the List of Items Controlled section.

**1C111 Propellants and constituent chemicals for propellants, other than those specified in 1C011, as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

Related Controls: * * *

(3) See 1C011.b for controls on boron and boron alloys.

* * * * *

■ 23. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, ECCN 2A001 is amended by:

■ a. Revising the GBS and CIV paragraphs in the License Exceptions section, to read as set forth below;

■ b. Revising paragraph .a in the Items Paragraph of the List of Items Controlled, to read as set forth below; and

■ c. Removing and reserving paragraph .b in the Items Paragraph of the List of Items Controlled.

**2A001 Anti-friction bearings and bearing systems, as follows, (see List of Items Controlled) and components therefor.**

* * * * *

**License Exceptions**

* * * * *

GBS: Yes, for 2A001.a,

N/A for MT

CIV: Yes, for 2A001.a,

N/A for MT

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

a. Ball bearings and solid roller bearings, having all tolerances specified by the manufacturer in accordance with ISO 492 Tolerance Class 4 (or national equivalents), or better, and having both rings and rolling elements (ISO 5593), made from monel or beryllium;

**Note:** 2A001.a does not control tapered roller bearings.

* * * * *

■ 24. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, ECCN 2B001, List of Items Controlled section the Items paragraph is amended by revising the introductory text to paragraph .e.2 to read as follows:

**2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or "composites", which, according to the manufacturer's technical specifications, can be equipped with electronic devices for "numerical control"; and specially designed components as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

e. * * *

e.2. At least two rotary axes having all of the following:

* * * * *

■ 25. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, ECCN 2B005, List of Items Controlled section the Items paragraph is amended by revising the introductory text to paragraph .g to read as follows:

**2B005 Equipment specially designed for the deposition, processing and in-process control of inorganic overlays, coatings and surface modifications, as follows, for non-electronic substrates, by processes shown in the Table and associated Notes following 2E003.f, and specially designed automated handling, positioning, manipulation and control components therefor.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

g. Ion plating production equipment capable of *in situ* measurement of any of the following:

* * * * *

■ 26. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, ECCN 2B006, List of Items Controlled section the Items paragraph is amended by:
■ a. Revising paragraph .a; and
■ b. Revising the Note that appears after .c, to read as follows:

**2B006 Dimensional inspection or measuring systems, equipment, and "electronic assemblies", as follows (see List of Items Controlled).**

**License Requirements**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. Computer controlled or "numerically controlled" Coordinate

Measuring Machines (CMM), having a three dimensional length (volumetric) maximum permissible error of length measurement ($E_{0,MPE}$) at any point within the operating range of the machine (*i.e.,* within the length of axes) equal to or less (better) than (1.7 + L/1,000) μm (L is the measured length in mm) according to ISO 10360–2 (2009);

**Technical Note:** The $E_{0,MPE}$ of the most accurate configuration of the CMM specified by the manufacturer (*e.g.,* best of the following: Probe, stylus length, motion parameters, environment) and with "all compensations available" shall be compared to the 1.7 + L/1,000 μm threshold.

* * * * *

c. * * *

**Note:** 2B006 includes machine tools, other than those specified by 2B001, that can be used as measuring machines, if they meet or exceed the criteria specified for the measuring machine function.

■ 27. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A001 is amended by:

■ a. Revising paragraph CIV in the License Exceptions section, as set forth below;

■ b. Removing and reserving paragraph a.4 in the Items paragraph of the List of Items Controlled section; and

■ c. Revising paragraphs a.5, .b.2, .b.3, b.4, and the introductory text of b.11 in the Items paragraph of the List of Items Controlled section, to read as follows:

**3A001 Electronic components and specially designed components therefor, as follows (see List of Items Controlled).**

* * * * *

**License Exceptions**

* * * * *

CIV: Yes for 3A001.a.3, a.7, and a.11.

**List of Items Controlled**

* * * * *

*Items:*

a. * * *

a.5. Analog-to-Digital Converter (ADC) and Digital-to-Analog Converter (DAC) integrated circuits, as follows:

a.5.a. ADCs having any of the following:

a.5.a.1. A resolution of 8 bit or more, but less than 10 bit, with an output rate greater than 500 million words per second;

a.5.a.2 A resolution of 10 bit or more, but less than 12 bit, with an output rate greater than 300 million words per second;

a.5.a.3. A resolution of 12 bit with an output rate greater than 200 million words per second;

a.5.a.4. A resolution of more than 12 bit but equal to or less than 14 bit with an output rate greater than 125 million words per second; *or*

a.5.a.5. A resolution of more than 14 bit with an output rate greater than 20 million words per second;

**Technical Notes:**

1. A resolution of n bit corresponds to a quantization of $2^n$ levels.

2. The number of bits in the output word is equal to the resolution of the ADC.

3. The output rate is the maximum output rate of the converter, regardless of architecture or oversampling.

4. For the 'multiple channel ADCs', the outputs are not aggregated and the output rate is the maximum output rate of any single channel.

5. For 'interleaved ADCs' or for 'multiple channel ADCs' that are specified to have an interleaved mode of operation, the outputs are aggregated and the output rate is the maximum combined total output rate of all of the outputs.

6. Vendors may also refer to the output rate as sampling rate, conversion rate or throughput rate. It is often specified in megahertz (MHz) or mega samples per second (MSPS).

7. For the purpose of measuring output rate, one output word per second is equivalent to one Hertz or one sample per second.

8. 'Multiple channel ADCs' are defined as devices which integrate more than one ADC, designed so that each ADC has a separate analog input.

9. 'Interleaved ADCs' are defined as devices which have multiple ADC converter units that sample the same analog input at different times such that when the outputs are aggregated, the analog input has been effectively sampled and converted at a higher sampling rate.

a.5.b. Digital-to-Analog Converters (DAC) having any of the following:

a.5.b.1. A resolution of 10 bit or more with an 'adjusted update rate' of 3,500 MSPS or greater; or

a.5.b.2. A resolution of 12-bit or more with an 'adjusted update rate' of equal to or greater than 1,250 MSPS and having any of the following:

a.5.b.2.a. A settling time less than 9 ns to 0.024% of full scale from a full scale step; or

a.5.b.2.b. A 'Spurious Free Dynamic Range' (SFDR) greater than 68 dBc (carrier) when synthesizing a full scale analog signal of 100 MHz or the highest full scale analog signal frequency specified below 100 MHz.

**Technical Notes:**

1. 'Spurious Free Dynamic Range' (SFDR) is defined as the ratio of the RMS value of the carrier frequency (maximum signal component) at the input of the DAC to the RMS value of the next largest noise or harmonic distortion component at its output.

2. SFDR is determined directly from the specification table or from the characterization plots of SFDR versus frequency.

3. A signal is defined to be full scale when its amplitude is greater than –3 dBfs (full scale).

4. 'Adjusted update rate' for DACs is:

a. For conventional (non-interpolating) DACs, the 'adjusted update rate' is the rate at which the digital signal is converted to an analog signal and the output analog values are changed by the DAC.For DACs where the interpolation mode may be bypassed (interpolation factor of one), the DAC should be considered as a conventional (non-interpolating) DAC.

b. For interpolating DACs (oversampling DACs), the 'adjusted update rate' is defined as the DAC update rate divided by the smallest interpolating factor. For interpolating DACs, the 'adjusted update rate' may be referred to by different terms including:

- Input data rate
- Input word rate
- Input sample rate
- Maximum total input bus rate
- Maximum DAC clock rate for DAC clock input.

* * * * *

b. * * *

b.2. Microwave "Monolithic Integrated Circuits" (MMIC) power amplifiers having any of the following:

b.2.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6.8 GHz and with an average output power greater than 4W (36 dBm) with a "fractional bandwidth" greater than 15%;

b.2.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 16 GHz and with an average output power greater than 1W (30 dBm) with a "fractional bandwidth" greater than 10%;

b.2.c. Rated for operation at frequencies exceeding 16 GHz up to and including 31.8 GHz and with an average output power greater than 0.8W (29 dBm) with a "fractional bandwidth" greater than 10%;

b.2.d. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz and with an average output power greater than 0.1 nW;

b.2.e. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and with an average output power greater than 0.25W (24 dBm) with a "fractional bandwidth" greater than 10%; *or*

b.2.f. Rated for operation at frequencies exceeding 43.5 GHzand with an average output power greater than 0.1 nW.

**Note 1:** [RESERVED]

**Note 2:** The control status of the MMIC whose rated operating frequency includes frequencies listed in more than one

frequency range, as defined by 3A001.b.2.a through 3A001.b.2.f, is determined by the lowest average output power control threshold.

**Note 3:** Notes 1 and 2 following the Category 3 heading for product group A. Systems, Equipment, and Components mean that 3A001.b.2 does not control MMICs if they are specially designed for other applications, *e.g.,* telecommunications, radar, automobiles.

b.3. Discrete microwave transistors having any of the following:

b.3.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6.8 GHz and having an average output power greater than 60W (47.8 dBm);

b.3.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 31.8 GHz and having an average output power greater than 20W (43 dBm);

b.3.c. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz and having an average output power greater than 0.5W (27 dBm);

b.3.d. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and having an average output power greater than 1W (30 dBm); *or*

b.3.e. Rated for operation at frequencies exceeding 43.5 GHz and with an average output power greater than 0.1 nW;

**Note:** The control status of a transistor whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.3.a through 3A001.b.3.e, is determined by the lowest average output power control threshold.

b.4. Microwave solid state amplifiers and microwave assemblies/modules containing microwave solid state amplifiers, having any of the following:

b.4.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6.8 GHz and with an average output power greater than 60W (47.8 dBm) with a "fractional bandwidth" greater than 15%;

b.4.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 31.8 GHz and with an average output power greater than 15W (42 dBm) with a "fractional bandwidth" greater than 10%;

b.4.c. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz and with an average output power greater than 0.1 nW;

b.4.d. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and with an average output power greater than 1W (30 dBm) with a "fractional bandwidth" greater than 10%;

b.4.e. Rated for operation at frequencies exceeding 43.5 GHz and with an average output power greater than 0.1 nW; *or*

b.4.f. Rated for operation at frequencies above 3.2 GHz and all of the following:

b.4.f.1. An average output power (in watts), P, greater than 150 divided by the maximum operating frequency (in GHz) squared [$P > 150\ W*GHz^2/f_{GHz}^2$];

b.4.f.2. A "fractional bandwidth" of 5% or greater; *and*

b.4.f.3. Any two sides perpendicular to one another with length d (in cm) equal to or less than 15 divided by the lowest operating frequency in GHz [$d \leq 15\ cm*GHz/f_{GHz}$];

**Technical Note:** 3.2 GHz should be used as the lowest operating frequency ($f_{GHz}$) in the formula in 3A001.b.4.f.3., for amplifiers that have a rated operation range extending downward to 3.2 GHz and below [$d \leq 15cm*GHz/3.2\ f_{GHz}$].

N.B.: MMIC power amplifiers should be evaluated against the criteria in 3A001.b.2.

**Note 1:** [RESERVED]

**Note 2:** The control status of an item whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.4.a through 3A001.b.4.e, is determined by the lowest average output power control threshold.

* * * * *

b.11. "Frequency synthesizer" "electronic assemblies" having a "frequency switching time" as specified by any of the following:

* * * * *

■ 28. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A002, List of Items Controlled section the Items paragraph is amended by revising paragraphs .c and .d to read as follows:

**3A002 General purpose electronic equipment and accessories therefor, as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c. Radio-frequency "signal analyzers" as follows:

c.1. "Signal analyzers" having a 3 dB resolution bandwidth (RBW) exceeding 10 MHz anywhere within the frequency range exceeding 31.8 GHz but not exceeding 37.5 GHz;

c.2. "Signal analyzers" having Displayed Average Noise Level (DANL) less (better) than −150 dBm/Hz anywhere within the frequency range exceeding 43.5 GHz but not exceeding 70 GHz;

c.3. "Signal analysers"having a frequency exceeding 70 GHz;

c.4. "Dynamic signal analyzers" having a "real-time bandwidth" exceeding 40 MHz;

**Note:** 3A002.c.4 does not control those "dynamic signal analyzers" using only constant percentage bandwidth filters (also known as octave or fractional octave filters).

d. Frequency synthesized signal generators producing output frequencies, the accuracy and short term and long term stability of which are controlled, derived from or disciplined by the internal master reference oscillator, and having any of the following:

d.1. Specified to generate a 'pulse duration' of less than 100 ns anywhere within the synthesized frequency range exceeding 31.8 GHz but not exceeding 70 GHz;

d.2. An output power exceeding 100 mW (20 dBm) anywhere within the synthesized frequency range exceeding 43.5 GHz but not exceeding 70 GHz;

d.3. A "frequency switching time" as specified by any of the following:

d.3.a. Less than 312 ps;

d.3.b. Less than 100 μs for any frequency change exceeding 1.6 GHz within the synthesized frequency range exceeding 3.2 GHz but not exceeding 10.6 GHz;

d.3.c. Less than 250 μs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 10.6 GHz but not exceeding 31.8 GHz;

d.3.d. Less than 500 μs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 31.8 GHz but not exceeding 43.5 GHz;

d.3.e. Less than 1 ms for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 43.5 GHz but not exceeding 56 GHz; *or*

d.3.f. Less than 1 ms for any frequency change exceeding 2.2 GHz within the synthesized frequency range exceeding 56 GHz but not exceeding 70 GHz;

d.4. At synthesized frequencies exceeding 3.2 GHz but not exceeding 70 GHz, and having all of the following:

d.4.a. A single sideband (SSB) phase noise, in dBc/Hz, better than—(126+20 $\log_{10}$F–20 $\log_{10}$f) for 10 Hz < F < 10 kHz; *and*

d.4.b. A single sideband (SSB) phase noise, in dBc/Hz, better than—(114+20

$\log_{10}F-20\log_{10}f$) for 10 kHz ≤ F < 500 kHz; *or*

**Technical Note:** In 3A002.d.4, F is the offset from the operating frequency in Hz and f is the operating frequency in MHz.

d.5. A maximum synthesized frequency exceeding 70 GHz;

**Note 1:** For the purpose of 3A002.d, frequency synthesized signal generators include arbitrary waveform and function generators.

**Note 2:** 3A002.d. does not control equipment in which the output frequency is either produced by the addition or subtraction of two or more crystal oscillator frequencies, or by an addition or subtraction followed by a multiplication of the result.

**Technical Notes:** 1. Arbitrary waveform and function generators are normally specified by sample rate (*e.g.,* GSample/s), which is converted to the RF domain by the Nyquist factor of two. Thus, a 1 GSample/s arbitrary waveform has a direct output capability of 500 MHz. Or, when oversampling is used, the maximum direct output capability is proportionately lower.

2. For the purposes of 3A002.d.1, 'pulse duration' is defined as the time interval between the leading edge of the pulse achieving 90% of the peak and the trailing edge of the pulse achieving 10% of the peak.

* * * * *

■ 29. Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A991 is amended by revising paragraph .c in the Items paragraph of the List of Items Controlled section to read as follows:

**3A991 Electronic devices and components not controlled by 3A001.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c. Analog-to-digital converters having any of the following:

c.1. A resolution of 8 bit or more, but less than 12 bit, with an output rate greater than 200 million words per second;

c.2. A resolution of 12 bit with an output rate greater than 105 million words per second;

c.3. A resolution of more than 12 bit but equal to or less than 14 bit withan output rate greater than 10 million words per second; *or*

c.4. A resolution of more than 14 bit with an output rate greater than 2.5 million words per second.

* * * * *

■ 30. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3B001, List of Items Controlled section the Items paragraph is amended by revising paragraphs .d.1, .d.2, .f.1.b, and .f.2, to read as follows:

**3B001 Equipment for the manufacturing of semiconductor devices or materials, as follows (see List of Items Controlled) and specially designed components and accessories therefor.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

d. * * *

d.1. Equipment with cassette-to-cassette operation and load-locks, and designed according to the manufacturer's specifications or optimized for use in the production of semiconductor devices with critical dimensions of 65 nm or less;

d.2. Equipment specially designed for equipment controlled by 3B001.e. and designed according to the manufacturer's specifications or optimized for use in the production of semiconductor devices with critical dimensions of 65 nm or less;

* * * * *

f. * * *

f.1. * * *

f.1.b. Capable of producing a pattern with a "Minimum Resolvable Feature size" (MRF) of 95 nm or less;

**Technical Note:** The 'Minimum Resolvable Feature size' (MRF) is calculated by the following formula:

$$MRF = (\text{an exposure light source wavelength in nm}) \times (K \text{ factor})$$

---

$$\text{numerical aperture}$$

where the K factor = 0.35

f.2 Imprint lithography equipment capable of production features of 95 nm or less;

**Note:** 3B001.f.2 includes:

—Micro contact printing tools
—Hot embossing tools
—Nano-imprint lithography tools
—Step and flash imprint lithography (S–FIL) tools

* * * * *

■ 31. Supplement No. 1 to Part 774 (the Commerce Control List), Category 3Electronics, ECCN 3C001 is amended by removing the text in the Related Definitions paragraph of the List of Items Controlled section and adding in its place "N/A".

■ 32. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3E001, List of Items Controlled section the Items paragraph is amended by revising Note 2 to read as follows:

**3E001 "Technology" according to the General Technology Note for the "development" or "production" of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991 3A992, or 3A999), 3B (except 3B991 or 3B992) or 3C (except 3C992).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

**Note 2:** 3E001 does not control "technology" for the "development" or "production" of integrated circuits controlled by 3A001.a.3 to a.12, having all of the following:

(a) Using "technology" at or above 0.130 μm; and

(b) Incorporating multi-layer structures with three or fewer metal layers.

■ 33. Supplement No. 1 to Part 774 (the Commerce Control List), Category 4 Computers, ECCN 4A001 is amended by revising the Items paragraph in the List of Items controlled section to read as follows:

**4A001 Electronic computers and related equipment, having any of the following (see List of Items Controlled), and "electronic assemblies" and specially designed components therefor.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. Specially designed to have any of the following:

a.1. Rated for operation at an ambient temperature below 228 K (−45 °C) or above 358 K (85 °C); or

**Note:** 4A001.a.1 does not apply to computers specially designed for civil automobile, railway train or "civil aircraft" applications.

a.2. Radiation hardened to exceed any of the following specifications:

a.2.a. A total dose of 5 x $10^3$ Gy (Si);

a.2.b. A dose rate upset of 5 x $10^6$ Gy (Si)/s; *or*

a.2.c. Single Event Upset of 1 x $10^{-8}$ Error/bit/day;

**Note:** 4A001.a.2 does not apply to computers specially designed for "civil aircraft" applications.

b. [RESERVED]

■ 34. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications is amended by:

■ a. Removing the reference "N.B." and adding in its place "N.B.1." at the beginning of Category 5—Part I; and

■ b. Adding a new Nota Bene (N.B.) to read as follows:

**CATEGORY 5—TELECOMMUNICATIONS AND "INFORMATION SECURITY"**

**PART I. TELECOMMUNICATIONS**

**Notes:**

1. * * *

N.B.1.: For "lasers" specially designed for telecommunications equipment or systems, see ECCN 6A005.

N.B.2.: See also Category 5, Part 2 for equipment, components, and "software" performing or incorporating "information security" functions.

* * * * *

■ 35. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5A001 is amended by:

■ a. Revising the License Requirements section;

■ b. Revising the License Exceptions section;

■ c. Removing paragraphs c.1 and c.2, and adding in their place a new paragraph .cin the Items paragraph of the List of Items Controlled section, as set forth below; and

■ d. Revising paragraph.h in the Items paragraph of the List of Items Controlled section, to read as follows:

**5A001 Telecommunications systems, equipment, components and accessories, as follows (see List of Items Controlled).**

**License Requirements**

*Reason for Control:* NS, AT

| Control(s) | Country chart |
|---|---|
| NS applies to 5A001.a, .e, and .h. | NS Column 1. |
| NS applies to 5A001.b, .c, .d, .f, and .g. | NS Column 2. |
| AT applies to entire entry ..... | AT Column 1. |

**License Requirement Notes:** See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

**License Exceptions**

LVS: N/A for 5A001.a, b.5, e, and h; $5000 for 5A001b.1, b.2, b.3, b.6, d, f, and g; $3000 for 5A001.c.

GBS: Yes, except 5A001.a, b.5, e, and h.

CIV: Yes, except 5A001.a, b.3, b.5, e, and h.

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c. Optical fibers of more than 500 m in length and specified by the manufacturer as being capable of withstanding a 'proof test' tensile stress of $2 \times 10^9$ N/$m^2$ or more;

N.B.: For underwater umbilical cables, see 8A002.a.3.

**Technical Note:** 'Proof Test': on-line or off-line production screen testing that dynamically applies a prescribed tensile stress over a 0.5 to 3 m length of fiber at a running rate of 2 to 5 m/s while passing between capstans approximately 150 mm in diameter. The ambient temperature is a nominal 293 K (20 °C) and relative humidity 40%. Equivalent national standards may be used for executing the proof test.

* * * * *

h. Radio Frequency (RF) transmitting equipment designed or modified for prematurely activating or preventing the initiation of Improvised Explosive Devices (IEDs).

N.B.: See also ECCN 5A001.f and Category XI of the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120–130).

■ 36. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5D001 is amended by revising the License Exceptions section to read as follows:

**5D001 "Software" as follows (see List of Items Controlled).**

* * * * *

**License Exceptions**

CIV: Yes, except for "software" controlled by 5D001.a and specially designed for the "development" or "production" of items controlled by 5A001.b.5 and 5A001.h.

TSR: Yes, except for exports and reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "software" controlled by 5D001.a and specially designed for items controlled by 5A001.b.5 and 5A001.h.

* * * * *

■ 37. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5E001 is amended by:

■ a. Revising the License Exceptions section;

■ b. Revising paragraphs .b.4, .d.1, and .d.2in the Items paragraph of the List of Items Controlled section, to read as follows:

**5E001 "Technology" as follows (see List of Items Controlled).**

* * * * *

**License Exceptions**

CIV: N/A.

TSR: Yes, except for exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "technology" controlled by 5E001.a for the "development" or "production" of the following:

(1) Items controlled by 5A001.b.5 or 5A001.h; or

(2) "Software" controlled by 5D001.a that is specially designed for the "development" or "production" of equipment, functions or features controlled by 5A001.b.5 or 5A001.h.

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

b.4. "Technology" for the "development" of "spread spectrum" techniques, including "frequency hopping" techniques.

**Note:** 5E001.b.4 does not apply to "technology" for the "development" of civil cellular radio-communications systems.

* * * * *

d. * * *

d.1. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6.8 GHz and with an average output power greater than 4 W (36 dBm) with a "fractional bandwidth" greater than 15%;

d.2. Rated for operation at frequencies exceeding 6.8 GHz up to and including 16 GHz and with an average output power greater than 1 W (30 dBm) with a "fractional bandwidth" greater than 10%;

* * * * *

■ 38. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Part II—Telecommunications And "Information Security", ECCN 5A002 is amended by:

■ c. Revising the EI paragraph in the License Requirements section, as set forth below;

■ d. Revising Note 1 in the Related Controls paragraph of the List of Items Controlled section as set forth below;

■ e. Replacing a period with a semicolon in paragraph (a)(2) of the Note at the beginning of the Items paragraph of the List of Items Controlled section;

■ f. Removing "or" from the end of paragraph .g in the Note at the beginning of the Items paragraph of the List of Items Controlled section;

■ e. Removing the period at the end of paragraph .i and adding in its place "; or" in the Note at the beginning of the Items paragraph of the List of Items Controlled section;

■ f. Adding a new paragraph .j in the Note at the beginning of the Items paragraph of the List of Items Controlled section as set forth below;

■ g. Adding a new paragraph .b in the Items paragraph of the List of Items Controlled section to read as follows:

**5A002 "Information security" systems, equipment and components therefor, as follows (see List of Items Controlled).**

* * * * *

EI applies to 5A002.a.1, .a.2, .a.5, .a.6, .a.9 and .b. Refer to § 742.15 of the EAR.

**List of Items Controlled**

* * * * *

*Related Controls:* (1) 5A002 does not control the commodities listed in paragraphs (a), (d), (e), (f), (g), (i) and (j) in the Note in the items paragraph of this entry. These commodities are instead classified under ECCN5A992, and related software and technology are classified under ECCNs 5D992 and 5E992 respectively. * * *

* * * * *

*Items:*

**Note:** * * *

(j) Equipment, having no functionality specified by 5A002.a.2, 5A002.a.4, 5A002.a.7, or 5A002.a.8, where all cryptographic capability specified by 5A002.a meets any of the following:

1. It cannot be used; or

2. It can only be made useable by means of "cryptographic activation".

N.B.: See 5A002.a for equipment that has undergone "cryptographic activation".

* * * * *

b. Systems, equipment, application specific "electronic assemblies", modules and integrated circuits, designed or modified to enable an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled.

■ 39. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Part II "Information Security", ECCN 5D002 is amended by:

■ a. Removing the phrase "5D002.a or c.1" and adding in its place "5D002.a,.c.1, or .d" in the EI paragraph of the License Requirements section; and

■ b. Adding a new paragraph .d to the Items paragraph of the List of Items Controlled section to read as follows:

**5D002 "Software" as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

d. "Software" designed or modified to enable an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled.

■ 40. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Part II "Information Security", ECCN 5E002 is amended by:

■ a. Revising the Heading and the Items paragraph, as set forth below; and

■ b. Removing the phrase "ECCNs 5A002 or 5D002.a or 5D002.c" and adding in its place "ECCNs 5A002 or 5D002" in the EI paragraph and in the License Requirement Note of the License Requirements section.

**5E002 "Technology" as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. "Technology" according to the General Technology Note for the "development", "production" or "use" of equipment controlled by 5A002 or 5B002 or "software" controlled by 5D002.a or 5D002.c.

b. "Technology" to enable an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled.

■ 41. Supplement No. 1 to Part 774 (the Commerce Control List), Category 6—Sensors and "Lasers", ECCN 6A001 is amended by:

■ a. Revising the License Exceptions section;

■ b. Revising paragraph .a.1.a and the introductory text to paragraph .a.2 in the Items paragraph of the List of Items Controlled section;

■ c. Adding a new Note to paragraph .a.2 that appears after .a.2.fin the Items paragraph of the List of Items Controlled section; and

■ d. Removing and reserving paragraph .c and adding a *Nota Bene* (N.B.) to paragraph .cin the Items paragraph of the List of Items Controlled section, to read as follows:

**6A001 Acoustic systems, equipment and components, as follows (see List of Items Controlled).**

* * * * *

**License Exceptions**

LVS: $3000; N/A for 6A001.a.1.b.1 object detection and location systems having a transmitting frequency below 5 kHz or a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 kHz to 2 kHz inclusive; 6A001.a.1.e, 6A001.a.2.a.1, a.2.a.2, 6A001.a.2.a.3, a.2.a.5, a.2.a.6, 6A001.a.2.b; processing equipment controlled by 6A001.a.2.c, and specially designed for real time application with towed acoustic hydrophone arrays; a.2.e.1, a.2.e.2; and bottom or bay cable systems controlled by 6A001.a.2.f and having processing equipment specially designed for real time application with bottom or bay cable systems.

GBS: Yes for 6A001.a.1.b.4.

CIV: Yes for 6A001.a.1.b.4.

**List of Items Controlled**

* * * * *

*Items:*

a. * * *

a.1. * * *

a.1.a. Acoustic seabed survey equipment as follows:

a.1.a.1. Surface vessel survey equipment designed for sea bed topographic mapping and having all of the following:

a.1.a.1.a. Designed to take measurements at an angle exceeding 20° from the vertical;

a.1.a.1.b. Designed to measure seabed topography at seabed depths exceeding 600 m;

a.1.a.1.c.'Sounding resolution' less than 2; *and*

a.1.a.1.d. 'Enhancement' of the depth accuracy through compensation for all the following:

a.1.a.1.d.1. Motion of the acoustic sensor;

a.1.a.1.d.2. In-water propagation from sensor to the seabed and back; *and*

a.1.a.1.d.3. Sound speed at the sensor;

**Technical Notes:** 1. 'Sounding resolution' is the swath width (degrees) divided by the maximum number of soundings per swath.

2. 'Enhancement' includes the ability to compensate by external means.

a.1.a.2. Underwater survey equipment designed for seabed topographic mapping and having all of the following:

a.1.a.2.a. Designed or modified to operate at depths exceeding 300 m; *and*

a.1.a.2.b. 'Sounding rate' greater than 3,800;

**Technical Note:**

'Sounding rate' is the product of the maximum speed (m/s) at which the sensor can operate and the maximum number of soundings per swath.

a.1.a.3. Side Scan Sonar (SSS) or Synthetic Aperture Sonar (SAS), designed for seabed imaging and having all of the following:

a.1.a.3.a. Designed or modified to operate at depths exceeding 500 m; *and*

a.1.a.3.b. An 'area coverage rate' of greater than 570 $m^2/s$ while operating with both an 'along track resolution' and 'across track resolution' of less than 15 cm.

**Technical Notes:** 1. 'Area coverage rate' ($m^2/s$) is twice the product of the maximum sonar range (m) and the maximum speed (m/s) at which the sensor can operate.

2. 'Along track resolution' (cm), for SSS only, is the product of azimuth (horizontal) beamwidth (degrees) and maximum sonar range (m) and 0.873.

3. 'Across track resolution' (cm) is 75 divided by the signal bandwidth (kHz).

* * * * *

a.2. Passive systems, equipment and specially designed components therefor, as follows:

* * * * *

**Note:** 6A001.a.2 also applies to receiving equipment, whether or not related in normal application to separate active equipment, and specially designed components therefor.

* * * * *

N.B.: For diver deterrent acoustic systems, see 8A002.r.

■ 42. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6—Sensors and "Lasers", ECCN 6A002, List of Items Controlled section the Items paragraph is amended by adding a new Note to paragraph .d.3, to read as follows:

**6A002 Optical sensors.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

d. * * *

d.3. * * *

**Note:** 6A002.d.3 does not apply to encapsulated optical sensing fibers specially designed for bore hole sensing applications.

* * * * *

■ 43. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and "Lasers", ECCN 6A003, License of Items Controlled section the Items paragraph is amended by revising the last Technical Note in paragraph .b.4 to read as follows:

**6A003 Cameras.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

b.4. * * *

**Note 3:** * * *

b. * * *

4. * * *

**Technical Note:**

Instantaneous Field of View (IFOV) specified in Note 3.b is the lesser figure of the Horizontal IFOV or the Vertical IFOV.

Horizontal IFOV = horizontal Field of View (FOV)/number of horizontal detector elements

Vertical IFOV= vertical Field of View (FOV)/number of vertical detector elements.

* * * * *

■ 44. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and "Lasers", ECCN 6A005, List of Items Controlled section the Items paragraph is amended by:

■ a. Adding a new Note to paragraph .c.1;

■ b. Removing the period at the end of paragraph .f.4 and adding in its place a semi-colon;

■ c. Adding a new paragraph .g, to read as follows:

**6A005 "Lasers" (other than those described in 0B001.g.5 or .h.6), components and optical equipment, as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

c.1. * * *

**Note:** 6A005.c.1 does not apply to dye lasers or other liquid lasers, having a multimode output and a wavelength of 150 nm or more but not exceeding 600 nm and all of the following:

1. Output energy less than 1.5 J per pulse or a "peak power" less than 20 W; and

2. Average or CW output power less than 20 W.

* * * * *

f. * * *

f.4. Projection telescopes specially designed for use with "SHPL" systems;

g. "Laser acoustic detection equipment" having all of the following:

g.1. CW laser output power greater than or equal to 20 mW;

g.2. Laser frequency stability equal to or better (less) than 10 MHz;

g.3. Laser wavelengths equal to or exceeding 1,000 nm but not exceeding 2,000 nm;

g.4. Optical system resolution better (less) than 1 nm; *and*

g.5. Optical Signal to Noise ratio equal or exceeding to $10^3$.

**Technical Note:** "Laser acoustic detection equipment" is sometimes referred to as a Laser Microphone or Particle Flow Detection Microphone.

■ 45. Supplement No. 1 to Part 774 (the Commerce Control List), Category 6—Sensors and "Lasers", ECCN 6A006 is amended by:

■ a. Revising the LVS paragraph of the License Exceptions section as set forth below;

■ b. Removing the "and" at the end of paragraph .c.3 in the Items paragraph of the List of Items Controlled section;

■ c. Removing the period and adding in its place "; and" at the end of paragraph .din the Items paragraph of the List of Items Controlled section; and

■ d. Adding a new paragraph .e in the Items paragraph of the List of Items Controlled section to read as follows:

**6A006 "Magnetometers," "magnetic gradiometers," "intrinsic magnetic gradiometers," underwater electric field sensors, "compensation systems," and specially designed components therefor, as follows (see List of Items Controlled).**

* * * * *

**License Exceptions**

LVS: $1500, N/A for 6A006.a.1; "Magnetometers" and subsystems defined in 6A006.a.2 using optically pumped or nuclear precession (proton/Overhauser) having a "sensitivity" lower

(better) than 2 pT (rms) per square root Hz; 6A006.d, and 6A006.e.

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

e. Underwater electromagnetic receivers incorporating magnetic field sensors specified by 6A006.a or underwater electric field sensors specified by 6A006.b.

* * * * *

■ 46. Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and "Lasers", ECCN 6A008 is amended by:

■ a. Revising the LVS paragraph of the License Exceptions section as set forth below; and

■ b. Revising paragraph .l to read as follows:

**6A008 Radar systems, equipment and assemblies, having any of the following (see List of Items Controlled), and specially designed components therefor.**

* * * * *

**License Exceptions**

LVS: $5000; N/A for MT and for 6A008.j.1

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

1. Having data processing sub-systems and having any of the following:

1.1. "Automatic target tracking" providing, at any antenna rotation, the predicted target position beyond the time of the next antenna beam passage; or

**Note:** 6A008.1.1 does not control conflict alert capability in ATC systems, or marine or harbor radar.

1.2. [RESERVED]

1.3. [RESERVED]

1.4. Configured to provide superposition and correlation, or fusion, of target data within six seconds from two or more "geographically dispersed" radar sensors to improve the aggregate performance beyond that of any single sensor specified by 6A008.f, or 6A008.i.

N.B.: See also the U.S. Munitions List (22 CFR part 121).

**Note:** 6A008.1.4 does not apply to systems, equipment and assemblies designed for marine traffic control.

■ 47. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and "Lasers," ECCN 6D001 is amended by revising the License Exceptions section the TSR paragraph to read as follows:

**6D001 "Software" specially designed for the "development" or "production" of equipment controlled by 6A004, 6A005, 6A008, or 6B008.**

* * * * *

**License Exceptions**

CIV: * * *

TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) "Software" specially designed for the "development" or "production" of "space qualified" "laser" radar or Light Detection and Ranging (LIDAR) equipment defined in 6A008.j.1; or

(3) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "software" specially designed for the "development" or "production" of equipment controlled by 6A004.c or d, 6A008.d, h, k, or 1.3, or 6B008.

* * * * *

■ 48. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6—Sensors and "Lasers", ECCN 6D003, List of Items Controlled section the Items paragraph is amended by:

■ a. Adding new paragraphs .f.3 and .f.4; and

■ b. Revising paragraph .h.1, to read as follows:

**6D003 Other "software" as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

f. * * *

f.3. "Software" specially designed for "real time processing" of electromagnetic data using underwater electromagnetic receivers specified by 6A006.e;

f.4. "Source code" for "real time processing" of electromagnetic data using underwater electromagnetic receivers specified by 6A006.e;

* * * * *

h. * * *

h.1. Air Traffic Control (ATC) "software" application "programs" designed to be hosted on general purpose computers located at Air Traffic Control centers and capable of accepting radar target data from more than four primary radars;

* * * * *

■ 49. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and "Lasers", ECCN 6E001 is amended by revising the Heading and the TSR paragraphof the License Exceptions section to read as follows:

**6E001 "Technology" according to the General Technology Note for the "development" of equipment, materials or "software" controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).**

* * * * *

**License Exceptions**

CIV: * * *

TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) "Technology" for commodities controlled by 6A002.e, 6A004.e, or 6A008.j.1;

(3) "Technology" for "software" specially designed for "space qualified" "laser" radar or Light Detection and Ranging (LIDAR) equipment defined in 6A008.j.1 and controlled by 6D001 or 6D002;

(4) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "technology" for the "development" of the following: (a) Items controlled by 6A001.a.1.b, 6A001.a.1.e, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.d, 6A001.a.2.e., 6A002.a.1.a, 6A002.a.1.b, 6A002.a.1.c, 6A002.a.2.a, 6A002.a.2.b, 6A002.a.3, 6A002.b, 6A002.c, 6A003.b.3, 6A003.b.4, 6A004.c, 6A004.d, 6A005.a.1, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A006.g, 6A006.h, 6A008.d, 6A008.h, 6A008.k, 6A008.l.3, 6B008, 6D003.a; (b) Equipment controlled by 6A001.a.2.c or 6A001.a.2.f when specially designed for real time applications; or (c) "Software" controlled by 6D001 and specially designed for the "development" or "production" of equipment controlled by 6A008.l.3 or 6B008, or 6D003.a; or

(5) Exports or reexports to Rwanda.

* * * * *

■ 50. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6—Sensors and "Lasers," ECCN 6E002 is amended by revising the Heading and the TSR paragraphof the License Exceptions section to read as follows:

**6E002 "Technology" according to the General Technology Note for the "production" of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995) or 6C (except 6C992 or 6C994).**

* * * * *

**License Exceptions**

CIV: * * *

TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) "Technology" for commodities controlled by 6A002.e, 6A004.e, 6A008.j.1;

(3) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of "technology" for the "production" of the following: (a) Items controlled by 6A001.a.1.b, 6A001.a.1.e, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A002.a.3, 6A002.b, 6A002.c, 6A003.b.3, 6A003.b.4, 6A004.c, 6A004.d, 6A005.a.1, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A006.g, 6A006.h, 6A008.d, 6A008.h, 6A008.k, 6A008.l.3, 6B008; and (b) Equipment controlled by 6A001.a.2.c and 6A001.a.2.f when specially designed for real time applications; or

(4) Exports or reexports to Rwanda.

* * * * *

■ 51. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors and "Lasers", ECCN 6E003, List of Items Controlled section the Items paragraph is amended by revising paragraph .d.1, including adding a Technical Note, to read as follows:

**6E003 Other "technology" as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

d. * * *

d.1. Optical surface coating and treatment "technology", "required" to achieve an 'optical thickness' uniformity of 99.5% or better for optical coatings 500 mm or more in diameter or major axis length and with a total loss (absorption and scatter) of less than 5 x $10^{-3}$;

N.B.: See also 2E003.f.

**Technical Note:** 'Optical thickness' is the mathematical product of the index of refraction and the physical thickness of the coating.

* * * * *

■ 52. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7Navigation and Avionics, ECCN 7A001, List of Items Controlled section the Items paragraph is amended by:

■ a. Revising paragraph .a.2; and

■ b. Adding a new Note that appears after paragraph .a.3, to read as follows:

**7A001 Accelerometers as follows (see List of Items Controlled) and specially designed components therefor.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. * * *

a.2. Specified to function at linear acceleration levels exceeding 15 g but less than or equal to 100 g and having all of the following:

* * * * *

a.3. * * *

**Note:** 7A001.a.1 and 7A001.a.2 do not apply to accelerometers limited to measurement of only vibration or shock.

* * * * *

■ 53. Supplement No. 1 to Part 774 (the Commerce Control List), Category 7Navigation and Avionics, ECCN 7A002, List of Items Controlled section is amended by revising the Items paragraph to read as follows:

**7A002 Gyros or angular rate sensors, having any of the following (see List of Items Controlled) and specially designed components therefor.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. Specified to function at linear acceleration levels less than or equal to 100 g and having any of the following:

a.1. A rate range of less than 500 degrees per second and having any of the following:

a.1.a. A "bias" "stability" of less (better) than 0.5 degree per hour,when measured in a 1 g environment over a period of one month, and with respect to a fixed calibration value; *or*

a.1.b. An "angle random walk" of less (better) than or equal to 0.0035 degree per square root hour; *or*

**Note:** 7A002.a.1.b does not control 'spinning mass gyros'.

**Technical Note:** 'Spinning mass gyros' are gyros which use a continually rotating mass to sense angular motion.

a.2. A rate range greater than or equal to 500 degrees per second and having any of the following:

a.2.a. A "bias" "stability" of less (better) than 40 degrees per hour, when measured in a 1 g environment over a period of three minutes, and with respect to a fixed calibration value; *or*

a.2.b. An "angle random walk" of less (better) than or equal to 0.2 degree per square root hour; *or*

**Note:** 7A002.a.2.b does not apply to 'spinning mass gyros'.

b. Specified to function at linear acceleration levels exceeding 100 g.

■ 54. Supplement No. 1 to Part 774 (the Commerce Control List), Category 7Navigation and Avionics, ECCN 7A003, List of Items Controlled section the Items paragraph is amended by revising the introductory text of paragraph .d to read as follows:

**7A003 Inertial systems and specially designed components, as follows.**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

d. Inertial measurement equipment including Inertial Measurement Units (IMU) and Inertial Reference Systems (IRS), incorporating accelerometers or gyros controlled by 7A001 or 7A002.

* * * * *

■ 55. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7Navigation and Avionics, ECCN 7E004, List of Items Controlled section the Items paragraph is amended by:

■ a. Revising paragraph .a.3 as set forth below; and

■ b. Removing and reserving paragraph .a.4.

**7E004 Other "technology" as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. * * *

a.3. Three dimensional displays for "aircraft";

* * * * *

■ 56. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8—Marine, ECCN 8A001, List of Items Controlled section the Items paragraph is amended by revising paragraph .d.3 to read as follows:

**8A001 Submersible vehicles and surface vessels, as follows (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

d. * * *

d.3. Optical data or command link exceeding 1,000 m;

* * * * *

■ 57. Supplement No. 1 to Part 774 (the Commerce Control List), Category 8 Marine, ECCN 8A002 is amended by:

■ a. Revising the License Exceptions section;

■ b. Revising paragraphs .i.1, .o.3.b (including adding a Technical Note), .p, and .q in the Items paragraph of the List of Items Controlled section; and

■ c. Adding a new paragraph .r in the Items paragraph of the List of Items Controlled section, to read as follows:

**8A002 Marine systems, equipment and components, as follows (see List of Items Controlled).**

* * * * *

**License Exceptions**

LVS: * * *

GBS: Yes for 8A002.e.2 and manipulators for civil end-uses (*e.g.,* underwater oil, gas or mining operations) controlled by 8A002.i.2 and having 5 degrees of freedom of movement; and 8A002.r.

CIV: Yes for 8A002.e.2 and manipulators for civil end-uses (*e.g.,* underwater oil, gas or mining operations) controlled by 8A002.i.2 and having 5 degrees of freedom of movement; and 8A002.r.

**List of Items Controlled**

* * * * *

*Items:*

* * * * *

i. * * *

i.1. Systems which control the manipulator using information from sensors which measure any of the following:

i.1.a. Torque or force applied to an external object; *or*

i.1.b. Tactile sense between the manipulator and an external object; or

* * * * *

o. * * *

o.3. * * *

o.3.b. "Active noise reduction or cancellation systems" or magnetic bearings, specially designed for power transmission systems;

**Technical Note:** "Active noise reduction or cancellation systems" incorporate electronic control systems capable of actively reducing equipment vibration by the generation of anti-noise or anti-vibration signals directly to the source.

p. Pumpjet propulsion systems having all of the following:

p.1. Power output exceeding 2.5 MW; *and*

p.2. Using divergent nozzle and flow conditioning vane techniques to improve propulsive efficiency or reduce propulsion-generated underwater-radiated noise;

q. Underwater swimming and diving equipment as follows;

q.1. Closed circuit rebreathers;

q.2. Semi-closed circuit rebreathers;

**Note:** 8A002.q does not control individual rebreathers for personal use when accompanying their users.

r. Diver deterrent acoustic systems specially designed or modified to disrupt divers and having a sound pressure level equal to or exceeding 190 dB (reference 1 μPa at 1 m) at frequencies of 200 Hz and below.

**Note 1:** 8A002.r does not apply to diver deterrent systems based on under-water-explosive devices, air guns or combustible sources.

**Note 2:** 8A002.r includes diver deterrent acoustic systems that use spark gap sources,alsoknown as plasma sound sources.

■ 58. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9A001, List of Items Controlled section the Items paragraph is amended by revising the introductory text of paragraph .a to read as follows:

**9A001 Aero gas turbine engines having any of the following (see List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. Incorporating any of the technologies controlled by 9E003.a, 9E003.h, or 9E003.i; *or*

* * * * *

■ 59. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9A003 is amended by revising the Heading to read as follows:

■ 60.

**9A003 Specially designed assemblies and components, incorporating any of the "technologies" controlled by 9E003.a, 9E003.h or 9E003.i, for any of the following gas turbine engine propulsion systems (see List of Items Controlled).**

* * * * *

■ 61. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9A991 is amended by adding double quotes around the term "civil aircraft" in paragraph .b of the Items paragraph in the List of Items Controlled section.

■ 62. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9B001 is amended by adding double quotes around the term "tip shrouds" in the Heading.

■ 63. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9B002 is amended by revising the Heading and the Items paragraph of the List of Items Controlled section, to read as follows:

**9B002 On-line (real time) control systems, instrumentation (including sensors) or automated data acquisition and processing equipment, having all of the following (See List of Items Controlled).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. Specially designed for the "development" of gas turbine engines, assemblies or components; *and*

b. Incorporating "technologies" controlled by 9E003.h or 9E003.i.

■ 64. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9B008is amended by revising the Heading to read as follows:

**9B008 Direct measurement wall skin friction transducers specially designed to operate at a test flow total (stagnation) temperature exceeding 833 K (560° C).**

* * * * *

■ 65. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9D003 is amended by revising the Heading and the Items paragraph in the List of Items Controlled section to read as follows:

**9D003 "Software" incorporating "technology" specified by 9E003.h and used in "FADEC Systems" for propulsion systems controlled by 9A (except 9A018, 9A990 or 9A991) or equipment controlled by 9B (except 9B990 or 9B991).**

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

The list of items controlled is contained in the ECCN heading.

■ 66. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9D004, List of Items Controlled section the Items paragraph is amended by adding double quotes around the term "tip shrouds" in paragraph .f.

■ 67. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9E001 is amended by revising the License Requirement section to read as follows:

**9E001 "Technology" according to the General Technology Note for the "development" of equipment or "software", controlled by 9A001.b, 9A004 to 9A012, 9B (except 9B990 or 9B991), or 9D (except 9D990 or 9D991)**

**License Requirements**

*Reason for Control:* NS, MT, AT

| Control(s) | Country chart |
|---|---|
| NS applies to "technology" for items controlled by 9A001.b, 9A012, 9B001 to 9B010, 9D001 to 9D004 for NS reasons. | NS Column 1. |
| MT applies to "technology" for items controlled by 9B001, 9B002, 9B003, 9B004, 9B005, 9B007, 9B105, 9B106, 9B116, 9B117, 9D001, 9D002, 9D003, and 9D004 for MT reasons.. | MT Column 1. |
| AT applies to entire entry ..... | AT Column 1. |

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

■ 68. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9Aerospace and Propulsion, ECCN 9E003 is amended by:

■ a. Revising the SI paragraph in the License Requirements section;

■ b. Adding double quotes around the term "tip shrouds" in paragraphs .a.1, .a.4, and .a.5 in the Items paragraph of the List of Items Controlled section;

■ c. Revising paragraph .a.8 (including adding a Technical Note) in the Items paragraph of the List of Items Controlled section, as set forth below;

■ d. Removing and reserving paragraph .a.10 and adding a Nota Bene (N.B.) in the Items paragraph of the List of Items Controlled section, as set forth below;

■ e. Redesignating paragraph .i as paragraph .j in the Items paragraph of the List of Items Controlled section; and

■ f. Adding a new paragraph .i in the Items paragraph of the List of Items Controlled section to read as follows:

**9E003 Other "technology" as follows (see List of Items Controlled).**

**License Requirements**

* * * * *

SI applies to 9E003.a.1 through a.8,.h, .i, and .j. See § 742.14 of the EAR for additional information.

* * * * *

**List of Items Controlled**

* * * * *

*Items:*

a. * * *

a.8. "Damage tolerant" gas turbine engine rotor components using powder metallurgy materials controlled by 1C002.b; *or*

**Technical Note:** "Damage tolerant"components are designed using methodology and substantiation to predict and limit crack growth.

* * * * *

a.10. [RESERVED]

N.B.: For adjustable flow path geometry, see 9E003.i.

* * * * *

i. "Technology" for adjustable flow path systems designed to maintain engine stability for gas generator turbines, fan or power turbines, or propelling nozzles, as follows:

i.1. "Development" "technology" for deriving the functional requirements for the components that maintain engine stability;

i.2. "Development" or "production" "technology" for components unique to the adjustable flow path system and that maintain engine stability;

i.3. "Development" "technology" for the control law algorithms, including "source code", unique to the adjustable flow path system and that maintain engine stability;

**Note:** 9E003.i does not apply to "development" or "production" "technology" for any of the following:

a. Inlet guide vanes;

b. Variable pitch fans or prop-fans;

c. Variable compressor vanes;

d. Compressor bleed valves; or

e. Adjustable flow path geometry for reverse thrust.

* * * * *

■ 69. Supplement No. 3 to Part 774 (Statements of Understanding), adding a new statement of understanding to the end of the supplement to read as follows:

Supplement No. 3 to part 774—Statements of Understanding

* * * * *

**Statement of Understanding—Used Goods**

The specifications in the Commerce Control List apply equally to new or used goods. In the case of used goods, an evaluation by the Bureau of Industry and Security may be carried out in order to assess whether the goods are capable of meeting the relevant specifications.

Dated: May 2, 2011.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2011–11134 Filed 5–19–11; 8:45 am]

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**Federal Register**

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**H.R. 1308/P.L. 112–13**
To amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes. (May 12, 2011; 125 Stat. 215)
**Last List April 28, 2011**

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