

and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States. The EPA has determined that this final action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment. This rule is making a finding that Pennsylvania failed to submit nonattainment SIPs for the 2008 Lead NAAQS as required by the CAA. The enforceable measures in the attainment SIPs will ensure that the areas will attain the NAAQS for lead, which was established to protect public health, including the health of minority and low income populations, with an adequate margin of safety.

#### K. Congressional Review Act

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. The 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 action 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). This action will be effective February 25, 2014.

#### L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the Third Circuit within 60 days from the date this action is published in the **Federal Register**. Filing a petition for reconsideration by the Administrator of this final action 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 must be filed, and shall not postpone the effectiveness of this action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Air pollution control,

Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: February 7, 2014.

**Janet G. McCabe,**

*Acting Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2014-03329 Filed 2-24-14; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 482

[CMS-3244-F2]

RIN-0938-AQ89

#### Medicare and Medicaid Program; Correcting Amendment

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects a technical error that appeared in the final rule published in the **Federal Register** (77 FR 29034) on May 16, 2012, entitled "Reform of Hospital and Critical Access Hospital Conditions of Participation."

**DATES:** This correcting amendment is effective February 25, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ronisha Davis, (410) 786-6882.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 2012-11548 (77FR 29034) of May 16, 2012, the final rule entitled "Reform of Hospital and Critical Access Hospital Conditions of Participation," there were technical errors that are identified and corrected in the regulations text of this correcting amendment.

##### II. Summary of Errors in the Regulations Text

On page 29075 of the May 16, 2012 **Federal Register** final rule, in the amendatory instructions for 42 CFR 482.42, we revised the introductory text of paragraph (a) to include the provisions of paragraph (a)(1). However, we inadvertently neglected to omit paragraph (a)(1) from the regulations text. In addition, we proposed to remove the burdensome requirement for an infection log at paragraph (a)(2), but inadvertently omitted the removal of paragraph (a)(2) from the regulations text.

### III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued. The provision finalized in the final rule noted above has previously been subjected to notice and comment procedures. These corrections do not make substantive changes to the requirement that was finalized in the final rule. In addition, we believe it is important for the public to have the correct information as soon as possible and find no reason to delay the dissemination of it.

For the reasons stated above, we find that both notice and comment and the 30-day delay in effective date for the correction notice are unnecessary. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this correction notice.

#### List of Subjects in 42 CFR Part 482

Grant programs, Health, Hospitals, Medicaid, Medicare, Reporting and recordkeeping requirements.

Accordingly, 42 CFR chapter IV is corrected by making the following correcting amendments to part 482:

#### PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

■ 1. The authority citation for part 482 continues to read as follows:

**Authority:** Secs. 1102, 1871 and 1881 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr), unless otherwise noted.

**Subpart C—Basic Hospital Functions****§ 482.42 [Corrected]**

- 2. In § 482.42, remove paragraphs (a)(1) and (a)(2).

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

Dated: February 18, 2014.

**Jennifer Cannistra,**

*Executive Secretary to the Department.*

[FR Doc. 2014-04024 Filed 2-24-14; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. NHTSA-2014-0026]

RIN 2127-AL35

**Child Restraint Systems**

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

**ACTION:** Final rule; response to petition for reconsideration.

**SUMMARY:** This final rule denies most aspects of a petition for reconsideration of a February 27, 2012, final rule that expanded the applicability of the Federal motor vehicle safety standard for child restraint systems to child restraints sold for children weighing up to 36 kilograms (kg) (80 pounds (lb)). The petition stated, among other things, that a label that was required by the 2012 rule for certain child restraints was unclear and could be misunderstood. In response, NHTSA is making minor adjustments to the labeling requirement to make it clearer and more reader-friendly. For a year, manufacturers have the option of meeting the requirements of the February 27, 2012 rule or the rule as modified today. All other requests for substantive changes to the 2012 rule are denied.

**DATES:** *Effective date:* The amendments made by this final rule are effective February 27, 2014.

*Compliance dates:* The compliance date of the amendments of this final rule is February 27, 2015. Optional early compliance is permitted. Accordingly, child restraints manufactured on or after February 27, 2014 until February 26, 2015, may comply by meeting either the requirements specified in the February

27, 2012, final rule (77 FR 11626) or those requirements as amended by today's final rule. Child restraints manufactured on or after February 27, 2015 must meet the requirements as amended by today's final rule.

If you wish to petition for reconsideration of this rule, your petition must be received by April 11, 2014.

**ADDRESSES:** If you wish to petition for reconsideration of this rule, refer in your petition to the docket number of this document and submit your petition to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590. For information on the Privacy Act, see Rulemaking Analyses and Notices section.

For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and follow the online instructions for accessing the docket. You may also visit DOT's Docket Management Facility, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001 for on-line access to the docket.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, you may call Ms. Cristina Echemendia, Office of Rulemaking (Telephone: 202-366-6345) (Fax: 202-493-2990). For legal issues, you may call Ms. Deirdre Fujita, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820). The mailing address of the National Highway Traffic Safety Administration is: 1200 New Jersey Avenue SE., West Building, Washington, DC 20590.

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  - a. The Label
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**I. Introduction**

This final rule denies most aspects of a petition for reconsideration of a February 27, 2012, final rule (77 FR 11626) that expanded the applicability of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child restraint systems," from child restraint systems (CRSs) for children weighing up to 65 lb to CRSs for children weighing up to 80 lb. The final rule also adopted use of a 10-year-old child (10YO) test dummy (HIII-10C) to test CRSs

manufactured for children weighing 65 to 80 lb. The test dummy weighs about 78 lb.

Generally speaking, in NHTSA's compliance test for FMVSS No. 213, NHTSA has the choice of assessing the performance of a CRS when installed on a bench seat by way of the simulated lower anchorages of the "child restraint anchorage system"<sup>1</sup> of the standard seat assembly or by a seat belt. That is, child restraint manufacturers must ensure that their products meet the requirements of FMVSS No. 213 when NHTSA tests the CRS attached by the child restraint anchorage system connectors and when the agency tests the CRS attached by the seat belt. During the course of this particular rulemaking, the Alliance of Automobile Manufacturers (Alliance) submitted a comment<sup>2</sup> on an aspect of the rulemaking proposal relating to how NHTSA would use the 10YO dummy in compliance tests, particularly with respect to an issue concerning attaching CRSs by the child restraint anchorage system.<sup>3</sup> The Alliance pointed out that the child restraint anchorage system was developed by NHTSA to withstand crash forces in a crash generated by a mass on the system of 65 lb (mass of child plus that of CRS).<sup>4</sup> Given such a design parameter, the group stated that vehicle manufacturers would never recommend that a CRS be installed using the vehicle child restraint anchorage system when used to restrain

<sup>1</sup> In 1999, NHTSA issued FMVSS No. 225, "Child restraint anchorage systems," which requires vehicle manufacturers to equip vehicles with child restraint anchorage systems that are standardized and independent of the vehicle seat belts. The child restraint anchorage system required by FMVSS No. 225 is a 3-point system consisting of two lower anchorage points and an upper anchorage point. Each lower anchorage consists of a six millimeter (mm) diameter straight rod, or "bar," onto which a CRS connector can be attached. The two lower anchorage bars are typically located at or near the seat bight. The upper anchorage ("tether anchorage") is a part to which a tether hook of a CRS can be attached. The 1999 rule also amended FMVSS No. 213, "Child restraint systems," to require CRSs to be equipped with connectors that enable the CRS to attach to the vehicle's lower anchorages of the child restraint anchorage system. A new head excursion performance requirement was added for forward-facing child restraints (other than booster seats), and to meet it, child restraints universally use a top tether strap affixed to the top of the restraints.

<sup>2</sup> NHTSA-2007-0048-0008.

<sup>3</sup> These are CRSs equipped with an internal harness (webbing) to restrain the child ("harness-equipped CRSs"). Forces from the mass of the child+CRS are imposed on the child restraint anchorage system. These are not "belt-positioning seats" used with a vehicle's Type II seat belt system.

<sup>4</sup> Assuming the mass of the CRS is about 17 lb, which is approximately the average mass of a CRS, the child restraint anchorage system is designed for children weighing up to about 48 lb (for a combined weight of 65 lb, from the weight of the CRS plus the weight of the child).