

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****[Docket No. FTA–2014–0002]****Notice of Buy America Waiver for a Cross-Connect Cabinet****AGENCY:** Federal Transit Administration, DOT.**ACTION:** Notice of Buy America Waiver.

**SUMMARY:** In response to the City of Cincinnati (Cincinnati) request for a Buy America waiver for a cross-connect cabinet, the Federal Transit Administration (FTA) hereby waives its Buy America requirements for the cross-connect cabinet needed for a Cincinnati Bell utility relocation associated with the Cincinnati Streetcar project. This waiver is limited to a single procurement for the cross-connect cabinet for the Cincinnati Streetcar project.

**FOR FURTHER INFORMATION CONTACT:**Mary J. Lee, FTA Attorney-Advisor, at (202) 366–0985 or [mary.j.lee@dot.gov](mailto:mary.j.lee@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to announce that the Federal Transit Administration (FTA) has granted a non-availability waiver for the procurement of a cross-connect cabinet that will be used in a utility relocation performed by Cincinnati Bell. This utility relocation will be performed in connection with the Cincinnati Streetcar project, which is an FTA-funded project.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that "the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality," then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

On September 30, 2013, the City of Cincinnati (Cincinnati) formally requested a non-availability waiver for

the procurement of one cross-connect cabinet.<sup>1</sup> In its request, Cincinnati stated that the only known cross-connect cabinet that complies with Cincinnati Bell's network specifications and service protocols is the Tyco Electronics (TE) NGXC pad mount cross-connect cabinet. At this time, deviations from the use of this particular cross-connect cabinet would result in impacts that would cascade down from the installation, maintenance, and emergency repair aspects, to operational impacts due to hardware incompatibility.

On October 17, 2013, Cincinnati alerted FTA that Cincinnati Bell had installed the cross-connect cabinet in order to comply with its scheduling demands. Unfortunately, because almost all FTA employees were furloughed during this time due to a partial government shutdown, Cincinnati was unable to consult with FTA on how to proceed.

On February 18, 2014, FTA published a notice to request comments on the Cincinnati's waiver request for the cross-connect cabinet. The comment period closed on March 4, 2014. FTA did not receive any comments to the docket, docket number FTA–2014–0002.

Based upon Cincinnati Bell's assertions that it is unable to procure a U.S.-manufactured cross-connect cabinet at this time that is configured for Cincinnati Bell's telecommunications network and meets Cincinnati Bell's engineering standards, FTA hereby waives its Buy America requirement for manufactured products under 49 CFR 661.5(d) for the cross-connect cabinet. This waiver is limited to a single procurement for the cross-connect cabinet for the Cincinnati Streetcar project.

**Dana C. Nifosi,***Deputy Chief Counsel.*

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<sup>1</sup> This request was the result of several informal communications between FTA, Cincinnati, and Cincinnati Bell to work through all of the Buy America issues. The availability of a domestic cross-connect cabinet that meets Cincinnati Bell's specifications in order to conform to its telecommunications network is the only remaining issue.

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****[U.S. DOT Docket Number NHTSA–2014–0041]****Reports, Forms, and Record Keeping Requirements****AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).**ACTION:** Request for public comment on an extension of a currently approved collection.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for Part 541 and Part 542 for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before July 7, 2014.**ADDRESSES:** Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590 by any of the following methods.

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

- *Hand Delivery/Courier:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*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 (65FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to the street address listed above. The internet access to the docket will be at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Deborah Mazyck, NHTSA, 1200 New Jersey Ave. SE., Room W43-443, NVS-131, Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366-4139. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

- (i.) 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;
  - (ii.) 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;
  - (iii.) How to enhance the quality, utility, and clarity of the information to be collected and;
  - (iv.) How to minimize the burden of the collection of information on those who are 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 submission of responses.
- In compliance with these requirements, NHTSA asks for public

comments on the following proposed collections of information:

*Title:* Consolidated Federal Motor Vehicle Theft Prevention Standard and Procedures for Selecting Lines To Be Covered by the Theft Prevention Standard for 49 CFR Part 541 and 542 (OMB Clearance Number 2127-0539).

*OMB Control Number:* 2127-0539.

*Affected Public:* Vehicle manufacturers.

*Form Number:* The collection of this information uses no standard form.

*Requested Expiration Date of Approval:* Three years from approval date.

*Abstract:* For Parts 541 and 542.

#### Part 541

The Motor Vehicle Information and Cost Savings Act was amended by the Anti-Car Theft Act of 1992 (Pub. L. 102-519). The enacted Theft Act requires specified parts of high-theft vehicle to be marked with vehicle identification numbers. In a final rule published on April 6, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. Each major component part must be either labeled or affixed with the VIN and its replacement component part must be marked with the DOT symbol, the letter (R) and the manufacturers' logo. The final rule became effective September 1, 2006. Due to expansion of the Federal Motor Vehicle Theft Prevention Standard (Part 541), all passenger cars, and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, and light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles, are required to be parts marked.

#### Part 542

Manufacturers of light duty trucks must identify new model introductions that are likely to be high-theft lines as defined in 49 U.S.C. § 33104. In 1984, Congress enacted the Motor Vehicle Theft Law Enforcement Act (the 1984 Theft Act). As a means to prevent the theft of motor vehicles for their parts, the 1984 Theft Act required vehicle manufacturers to mark the major parts of "high-theft" passenger cars and the major replacement parts for those cars. The Anti Car Theft Act of 1992 (ACTA) amended the 1984 Theft Act to extend

its provisions to multipurpose passenger vehicles (MPVs) and light duty trucks (LDTs).

The 1984 Theft Act, as amended by ACTA, requires NHTSA to promulgate a theft prevention standard for the designation of high-theft vehicle lines. The specific lines are to be selected by agreement between the manufacturer and the agency. If there is a disagreement of the selection, the statute states that the agency shall select such lines and parts, after notice to the manufacturer and an opportunity for written comment. NHTSA's procedures for selecting high theft vehicle lines are contained in 49 CFR Part 542.

In a final rule published on April 6, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, regardless of whether they were likely to be high or low theft, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. The final rule became effective September 1, 2006.

As a result of this amendment, determination of high theft status is required only for LDTs manufactured on or after that date. There are seven vehicle manufacturers who produce LDTs. Generally, these manufacturers would not introduce more than one new LDT line in any year. NHTSA estimates the maximum number of responses to be two.

#### Estimated Total Cost Burden and Annual Burden Hour

##### Part 541

To meet the Theft Prevention Standard, the agency estimates that the time to number and affix 14 labels to each vehicle is approximately 2 minutes. Approximately 8 million vehicles will be covered. NHTSA estimates the hourly burden for labeling 8 million motor vehicles would be 266,666 hours (8 million cars × 2 minutes per car/60 minutes in an hour).

The other option is to stamp the engine and transmission. The agency estimates that the time to stamp both the engine and transmission will take approximately 1 minute. Approximately 8 million vehicles will be covered; the total burden for stamping is estimated to total 133,333 hours (8 million cars × 1 minute per car/60 minutes in an hour). Please note that in this analysis each vehicle would either have its major parts labeled or stamped, but not both.

NHTSA will use the highest hour number in the hour burden estimate.

Each manufacturer of vehicles that are required to be parts-marked must submit reports of the target area locations for the labels or stamping. NHTSA estimates that the maximum number of submissions to be 30. The average time to prepare and submit the target area submissions will be 20 hours for each submission at a cost of \$60 per hour. The burden hour for submissions will be 600 hours (30 submissions × 20 hours) with an annual estimated cost burden of \$36,000.00 (\$60.00 × 20 hours × 30 submissions).

The total burden hours equal 266,666 + 600 = 267,266. The estimated total cost associated with the burden hours is approximately \$16,035,960 (267,266 × \$60.00/hr).

NHTSA assumes that most manufacturers will use the less expensive method of labeling the major parts on vehicles, and not stamp the VINs onto major parts. NHTSA estimates that the average cost to label the 14 parts is \$10.24 per vehicle, broken down into \$5.33 for material and \$4.91 for labor. At present, 8 million motor vehicles annually must have its major parts marked. At present, the total annual fleet costs are estimated at \$81,920,000 for label identifiers (\$10.24 × 8 million vehicles). NHTSA estimates the total annual cost of meeting Part 541 will be \$81,920,000 (label) + \$36,000 (target area submission) = \$81,956,000.00 (approximately \$82 million).

#### Part 542

NHTSA estimates that the average hours per submittal are 45, for a total annual burden of 90 hours. NHTSA estimates that the cost associated with the burden hours is \$36.00 per hour, for a total cost of approximately \$3,234.

NHTSA estimates the total annual cost of meeting Part 542 require no additional costs to the respondents.

Therefore, NHTSA estimates the grand total cost for Part 541 and Part 542 will be \$81,956,000.00 (approximately \$82 million).

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of

automated collection techniques or other forms of information technology.

**Claude H. Harris,**

*Acting Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2014-0005]

#### Pipeline Safety: Information Collection Activities

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

**AGENCY:** Pipeline and Hazardous Materials Safety Administration  
**SUMMARY:** On January 29, 2014, in accordance with the Paperwork Reduction Act of 1995, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice in the **Federal Register** notifying the public of its intent to request an extension with no change for the pipeline reporting information collections identified by Office of Management and Budget (OMB) control numbers 2137-0578, 2137-0584, and 2137-0601. In addition, PHMSA also intends to revise the information collection identified under OMB control number 2137-0618 to include the information currently collected under OMB control number 2137-0601.

PHMSA received no comments in response to that notice. PHMSA is publishing this notice to provide the public with an additional 30 days to comment on both the renewal and the revision of the information collections referenced above and announce that the Information Collections will be submitted to OMB for approval.

**DATES:** Comments on this notice must be received by June 5, 2014 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Angela Dow by telephone at 202-366-1246, by fax at 202-366-4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP-30, Washington, DC 20590-0001.

**ADDRESSES:** You may submit comments identified by the docket number PHMSA-2014-0005 by any of the following methods:

- *Fax:* 1-202-395-5806.
- *Mail:* Office of Information and Regulatory Affairs (OIRA), Records Management Center, Room 10102

NEOB, 725 17th Street NW., Washington, DC 20503,

ATTN: Desk Officer for the U.S. Department of Transportation\PHMSA.  
• *Email:* Office of Information and Regulatory Affairs, OMB, at the following email address:  
*OIRA\_Submission@omb.eop.gov.*

Requests for a copy of the Information Collection should be directed to Angela Dow by telephone at 202-366-1246, by fax at 202-366-4566, by email at *Angela.Dow1@dot.gov*, or by mail at U.S. Department of Transportation, PHMSA, 1200 New Jersey Avenue SE., PHP-30, Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:** Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies certain information collection requests that PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA requests comments on the following information collections:

1. *Title:* Reporting Safety-Related Conditions on Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.

*OMB Control Number:* 2137-0578.

*Current Expiration Date:* 5/31/2014.

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

*Abstract:* In accordance with 49 CFR Parts 191 and 195, each pipeline facility operator (except master meter operators) must submit to DOT a written report on any safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility or a condition that is a hazard to life, property or the environment.

*Affected Public:* Operators of pipeline facilities (except master meter operators).

*Annual Reporting and Recordkeeping Burden:*

Estimated number of responses: 142.

Estimated annual burden hours: 852.

*Frequency of collection:* On occasion.

2. *Title:* Gas Pipeline Safety Program Certification and Hazardous Liquid Pipeline Safety Program Certification.