

Issued in Washington, DC, on December 6, 2013.

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*FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-200.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: General Aviation and Air Taxi Activity and Avionics Survey

**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 to renew an information collection. Respondents to this survey are owners of general aviation aircraft. This information is used by FAA, NTSB, and other government agencies, the aviation industry, and others for safety assessment, planning, forecasting, cost/benefit analysis, and to target areas for research.

**DATES:** Written comments should be submitted by February 10, 2014.

**FOR FURTHER INFORMATION CONTACT:** Kathy DePaepe at (405) 954-9362, or by email at: [Kathy.DePaepe@faa.gov](mailto:Kathy.DePaepe@faa.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 2120-0060.

*Title:* General Aviation and Air Taxi Activity and Avionics Survey.

*Form Numbers:* There are no FAA forms associated with this collection.

*Type of Review:* Renewal of an information collection.

*Background:* Title 49, United States Code, empowers the Secretary of Transportation to collect and disseminate information relative to civil aeronautics, to study the possibilities for development of air commerce and the aeronautical industries, and to make long-range plans for, and formulate policy with respect to, the orderly development and use of the navigable airspace, radar installations and all other aids for air navigation. Respondents to this survey are owners of general aviation aircraft. This information is used by FAA, NTSB, and other government agencies, the aviation

industry, and others for safety assessment, planning, forecasting, cost/benefit analysis, and to target areas for research.

*Respondents:* Approximately 83,500 owners of general aviation aircraft.

*Frequency:* Information is collected annually.

*Estimated Average Burden per Response:* 20 minutes.

*Estimated Total Annual Burden:* 13,000 hours.

**ADDRESSES:** Send comments to the FAA at the following address: Ms. Kathy DePaepe, Room 126B, Federal Aviation Administration, AES-200, 6500 S. MacArthur Blvd., Oklahoma City, OK 73169.

*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 December 6, 2013.

**Albert R. Spence,**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Information Regarding Ferry Flights in On-Demand Operations

**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 a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August

30, 2013, vol. 78, no. 169, pages 53817-53818. The collection involves an assessment of the number of ferry flights typically conducted by on-demand air carriers and the costs associated with those flights. The information to be collected will be used to conduct a benefit cost analysis in connection with rulemaking as required by Congress.

**DATES:** Written comments should be submitted by January 13, 2014.

**FOR FURTHER INFORMATION CONTACT:** Martin Zhu at (202) 267-4110 or by email at: [martin.zhu@faa.gov](mailto:martin.zhu@faa.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 2120-XXXX.

*Title:* Information Regarding Ferry Flights in On-Demand Operations.

*Form Numbers:* There are no FAA forms associated with this specific collection of information.

*Type of Review:* Clearance of a new information collection.

*Background:* In response to the FAA Modernization and Reform Act of 2012 (Public Law 112-95), the FAA will initiate a rulemaking to change part 91 tail-end ferry flight limitations and rest requirements. The rule would apply part 135 flight limitations and rest requirements to today's part 91 tail-end ferry flights (a part 91 flight following the last part 135 flight in a duty period). The FAA will use the results of this collection of information as the basis for the cost and benefit estimate of the proposed rule. The FAA requests comments on the proposed questions below in order to help assess costs.

#### Survey Questions

1. How many total part 135 operations do you have annually?
  2. For comparative purposes, how many aircraft are flown in your part 135 services?
  3. How many tail-end ferry flights flown under part 91 would be curtailed if pilots need to fly under part 135 of rest and duty requirements?
  4. What percentage of these tail-end ferry flights would be accounted as single-pilot flights?
  5. Would another crewmember fly the aircraft to its destination?
  6. What would be the average cost of tail-end ferries flown under part 91 rules?
  7. What would be the average cost of tail-end ferries flown under part 135 rest and duty rules?
  8. Please itemize key cost-drivers to comply with the proposed rule.
- Respondents:* Part 135 operators conducting part 91 tail-end ferry flight. We estimate 2,155 of part 135 operators have such operations.
- Frequency:* One time.

*Estimated Average Burden per Response:* 60 minutes.

*Estimated Total One-Time Burden:* 2,155 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.

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2011-0294 (PD-35(R))]

#### New Jersey Regulations on Transportation of Regulated Medical Waste

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of administrative determination of preemption.

*Applicable Federal Requirements:* Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171-180.

*Modes Affected:* All transportation modes

**SUMMARY:** Federal hazardous material transportation law preempts the following requirements in the New Jersey Administrative Code (N.J.A.C.) because the requirements are not substantively the same as the requirements in the HMR:

1. N.J.A.C. 7:26-3A.10(a) that generators must separate into different containers before transport sharps, fluids (greater than 20 cc), and other regulated medical waste;

2. N.J.A.C. 7:26-3A.11(d) which allows a generator to ship oversized medical waste without placing it in a packaging as required by the HMR;

3. N.J.A.C. 7:26-3A.14 that the words "Medical Waste" or "Infectious Waste" must be labeled on the outside of the package when there is untreated regulated medical waste;

4. N.J.A.C. 7:26-3A.15 that each "generator shall mark each individual container of regulated medical waste in accordance with all applicable Federal regulations. . . ." and that the markings must include details of the transporter's name, the date of shipment, the intermediate handler's name, and other specific information;

5. N.J.A.C. 7:26-3A.19 and those provisions in 7:26-3A.31 which require the use of a specific "tracking form" to accompany shipments of regulated medical waste that are prescribed for either the generator or the transporter;

6. N.J.A.C. 7:26-3A.28 that, when transferring between transporters, each transporter must place a water resistant tag below the generator's marking on the outer surface of the container with the transporter's name, solid waste registration number, and date of receipt; and

7. N.J.A.C. 7:26-3A.30 which requires that a vehicle used to transport regulated medical waste must have: 1) the name of the transporter; 2) the New Jersey Department of Environmental Protection (NJDEP) solid waste transporter registration number; and 3) either the words "Medical Waste" or "Infectious Waste" on two sides and the back of the cargo-carrying body.

8. N.J.A.C. 7:26-3A.45, to the extent that it requires rail transporters to comply with the transporter requirements of 7:26-3A.28 and 7:26-3A.30.

9. N.J.A.C. 7:26-3A.46 which requires a specific tracking form to accompany shipments of regulated medical waste for rail transporters.

Federal hazardous material transportation law does not preempt the following requirements because they do not create an obstacle in complying with the HMR.

1. N.J.A.C. 7:26-3A.21(a)(1) to the extent that it requires the generator to retain a copy of the shipping paper for at least three years from the date the regulated medical waste was accepted by the transporter;

2. N.J.A.C. 7:26-3A.21(a)(2) to the extent that it requires the generator to retain a copy of any exception report for at least three years after the day the exception report was submitted;

3. N.J.A.C. 7:26-3A.22 to the extent that it requires the generator of regulated medical waste to file an exception report with the state when a transporter and/or destination facility notifies the generator of any discrepancy between the shipment as accepted by the initial transporter and delivered to the destination facility;

4. N.J.A.C. 7:26-3A.32 to the extent that it requires the transporter to deliver the entire quantity of regulated medical waste to the proper party listed on the tracking form;

5. N.J.A.C. 7:26-3A.33 to the extent that does not require a particular form to be used to consolidate the multiple shipments;

6. N.J.A.C. 7:26-3A.34 to the extent that it requires that the transporter of regulated medical waste to retain a copy of the shipping paper for at least three years from the date the regulated medical waste was accepted by the next party; and

7. N.J.A.C. 7:26-3A.41 to the extent that it requires intermediate handlers and destination facilities to certify that they had received the listed regulated medical waste.

#### FOR FURTHER INFORMATION CONTACT:

Alisa Chunephisal, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001 (Tel. No. 202-366-4400).

#### SUPPLEMENTARY INFORMATION:

##### I. Application

The Healthcare Waste Institute (Institute) has applied to PHMSA for a determination whether Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts requirements in the N.J.A.C. on the transportation of regulated medical waste in commerce regarding packaging, labeling and marking of containers, use of a specific "tracking form," submission of "exception reports," and marking of transport vehicles.

In summary, the Institute contends that these requirements are preempted because they are (1) not "substantively the same as" requirements in the