

or local union at the place of employment when, in the judgment of the NIOSH authorized representatives, giving such notice would adversely affect the validity and effectiveness of an investigation. Those individuals and organizations specified in § 85a.4(a)(1), (a)(3), and (a)(4) will be notified prior to the initiation of such a site visit. After the site visit has been initiated, and, as soon as possible thereafter, the NIOSH authorized representatives will contact the organizations specified in § 85a.4(a)(2) concerning the nature and details of the site visit.

(c) In those instances where site visits are not necessary to the conduct of an investigation, the NIOSH authorized representatives will contact an official representative of the place of employment either verbally or through a written communication and provide the details of why an investigation of the place of employment is being conducted. If appropriate, the NIOSH authorized representatives will contact those individuals or organizations stipulated in paragraphs (a)(1) through (4) of this section about the nature and details of the investigation.

■ 4. Amend § 85a.5 by revising paragraphs (b)(2) and (d) to read as follows:

**§ 85a.5 Conduct of investigations of places of employment.**

\* \* \* \* \*

(b) \* \* \*

(2) In those instances where the NIOSH authorized representative is a person fulfilling a contract agreement with NIOSH or is serving as an expert or consultant to NIOSH pursuant to the Act, the employer, owner, operator or agent in charge at the place of employment may, after advising the NIOSH contractor or consultant in writing, elect to withhold information deemed to be a trade secret from such a NIOSH authorized representative or prohibit entry into the area of the place of employment where such entry will reveal trade secrets. In those instances, where the subject information is needed or access to the area of the place of employment is necessary, in the judgment of NIOSH, to fulfill the goals of the investigation, NIOSH regular employees will then obtain the information or enter the subject area of the place of employment.

\* \* \* \* \*

(d)(1) NIOSH authorized representatives are authorized: To collect environmental samples and samples of substances; to measure environmental conditions and employee exposures (including measurement of employee exposure by the attachment of

personal sampling devices to employees with their consent); to take or obtain photographs, video recordings related to the purpose of the investigation; to employ other reasonable investigative techniques, including medical examinations, anthropometric measurements and standardized and experimental functional tests of employees with the informed consent of such employees; to review, abstract, and duplicate such personnel records as are pertinent to mortality, morbidity, injury, safety, and other similar studies; and to question and interview privately any employer, owner, operator, agency, or employee from the place of employment. The employer, owner, operator, or agency shall have the opportunity to review photographs, and video recordings taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

(2) Prior to the conduct of medical examinations, anthropometric measurements or functional tests of any employees, the NIOSH authorized representatives will obtain approval of the procedures to be utilized from the NIOSH Institutional Review Board and no employee examination, measurement or test will be undertaken without the informed consent of such employee.

\* \* \* \* \*

■ 5. Revise § 85a.7 to read as follows:

**§ 85a.7 Imminent dangers.**

Whenever, during the course of, or as a result of, an investigation under this part, the NIOSH authorized representatives believe there is a reasonable basis for an allegation of an imminent danger, NIOSH will immediately advise the employer, owner, operator or agent in charge at the place of employment and those employees who appear to be in immediate danger of such allegation and will inform the agencies identified in § 85a.4(a) through (4).

■ 6. Amend § 85a.8 by revising paragraph (a)(2) to read as follows:

**§ 85a.8 Reporting of results of investigations of places of employment.**

(a) \* \* \*

(2) All specific reports of investigations of each place of employment under this part will be available to the public from the NIOSH Education and Information Division, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

\* \* \* \* \*

Dated: December 18, 2013.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 95**

[ET Docket No.08-59; FCC 12-54]

**Medical Body Area Networks; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) corrects a document published December 27, 2013. The **DATES** and **SUPPLEMENTARY INFORMATION** sections contain an incorrect **Federal Register** citation.

**DATES:** Effective January 16, 2014, and applicable beginning December 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** Nancy Brooks, Policy and Rules Division, Office of Engineering and Technology, (202) 418-2454, email *Nancy.Brooks@fcc.gov*.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final rules that are the subject of this correction relate to “Medical Body Area Networks” under 47 CFR 95.1215(c), 95.1217(a)(3), 95.1223 and 95.1225 of the rules.

**Correction**

In FR Doc. 2013-30649, published on December 27, 2013, on page 78769, in the second column, correct the **Federal Register** citation in the **DATES** and **SUPPLEMENTARY INFORMATION** sections to read as “77 FR 55715, September 11, 2012”.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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