

workers have a duty to ensure safe operating practices to prevent accidents. To ensure all workers, regardless of employer, will take appropriate action whenever necessary, Congress should amend the Outer Continental Shelf Lands Act or specific safety statutes to provide the same whistleblower protection that workers are guaranteed in other comparable settings.”

F. Program Evaluation

One commenter requested that BTS report the results of the program to stakeholders at least once a year and that the program be evaluated after two years of operation. The frequency of public reports will depend on how many near miss reports are reported to the system. To comply with CIPSEA, reports of aggregated data must be prepared in such a way that no third party could determine the identity of a reporter, directly or indirectly. BTS expects to issue public reports at least once per year and potentially more often, as appropriate.

With regard to re-evaluating the program after two years, as demonstrated by near miss reporting in the aviation industry, it took a commitment of several years before employee reporting increased sufficiently to allow for a robust program evaluation. BTS agrees that “formative evaluation” is essential in developing a successful data collection program and will conduct such evaluation as soon as there is sufficient quantitative information in the near miss data system to allow for such analysis. However, the potential value of sharing data in a confidential manner is worth the investment of time and effort because the continuation of environmental and human losses is an unacceptable alternative to the public and the government.

G. Intent of the National Commission Report

One commenter correctly noted that the National Commission Report on the BP Deepwater Horizon Oil Spill was issued in 2011, not 2013 as the 60-day notice inadvertently stated. BTS, however, does not agree with the commenter’s suggestions that the National Commission Report did not envision a government-managed system for near miss reporting, or that the Commission’s recommendation for an industry “self-policing institute that would gather incident and performance data” would satisfy the recommendation for a near miss reporting program. In fact, the two recommendations are contained in different parts of the 2011 report, and it

was in that part of the report directed to the Department of the Interior (DOI) that the National Commission recommended that DOI: “Develop more detailed requirements for incident reporting and data concerning offshore incidents and ‘near misses.’ Such data collection would allow for better tracking of incidents and stronger risk assessments and analysis.”

Issued On: January 28, 2015.

Rolf Schmitt,

Deputy Director, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide recommendations regarding Aircraft Systems Information Security/Protection (ASISP) rulemaking, policy, and guidance on best practices for airplanes and rotorcraft, including both certification and continued airworthiness. The issue is that without updates to regulations, policy, and guidance to address ASISP, aircraft vulnerabilities may not be identified and mitigated, thus increasing exposure times to security threats. In addition, a lack of ASISP-specific regulations, policy, and guidance could result in security related certification criteria that are not standardized and harmonized between domestic and international regulatory authorities.

This notice informs the public of the new ARAC activity and solicits membership for the new ASISP Working Group.

FOR FURTHER INFORMATION CONTACT: Steven C. Paasch, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057-3356, Email: steven.c.paasch@faa.gov, Phone: (425) 227-2549, Fax (425) 227-1100.

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

As a result of the December 18, 2014, ARAC meeting, the FAA assigned and ARAC accepted this task establishing

the ASISP Working Group. The working group will serve as staff to the ARAC and provide advice and recommendations on the assigned task. The ARAC will review and approve the recommendation report and will submit it to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

The ASISP Working Group will provide advice and recommendations to the ARAC on ASISP-related rulemaking, policy, and guidance, including both initial certification and continued airworthiness. Without updates to regulations, policy, and guidance to address ASISP, aircraft vulnerabilities may not be identified and mitigated, thus increasing exposure times to security threats. Unauthorized access to aircraft systems and networks could result in the malicious use of networks, and loss or corruption of data (e.g., software applications, databases, and configuration files) brought about by software worms, viruses, or other malicious entities. In addition, a lack of ASISP-specific regulations, policy, and guidance could result in security related certification criteria that are not standardized and harmonized between domestic and international regulatory authorities.

There are many different types of aircraft operating in the United States National Air Space (NAS), including transport category airplanes, small airplanes, and rotorcraft. The regulations, system architectures, and security vulnerabilities are different across these aircraft types. The current regulations do not specifically address ASISP for any aircraft operating in the NAS. To address this issue, the FAA has published special conditions for particular make and model aircraft designs. The FAA issues Special Conditions when the current airworthiness regulations for an aircraft do not contain adequate or appropriate safety standards for certain novel or unusual design features including ASISP. Even though the FAA published special conditions for ASISP, an update to the current regulations should be considered. International civil aviation authorities are also considering rulemaking for ASISP and the ASISP Working Group could be used as input into harmonization of these activities.

The FAA has issued policy statement, PS-AIR-21.16-02, *Establishment of*

Special Conditions for Cyber Security, which describes when the issuance of special conditions is required for certain aircraft designs. This policy statement provides general guidance and requires an update to address the ever evolving security threat environment.

A companion issue paper is published in combination with each FAA ASISP Special Condition. The issue paper provides guidance for specific aircrafts and models and contains proprietary industry information which is not publically available. These issue papers, with industry input, could provide additional guidance and best practices recommendations and could be used as input into the development of national policy and guidance (e.g., advisory circular). The FAA has not published guidance on the use of security controls and best practices for ASISP, thus ARAC recommendations in this area are highly desirable.

There are many industry standards addressing various security topics, such as Aeronautical Radio Incorporated (ARINC), Federal Information Processing Standards (FIPS), International Standards Organization (ISO), and National Institute of Standards and Technology (NIST) standards. There are also industry standards addressing processes for requirements development, validation, and verification, such as Society of Automotive Engineers (SAE) Aerospace Recommended Practices (ARP) 4754a and SAE ARP 4761. In addition, there are standards from RTCA such as (1) RTCA DO-326A "Airworthiness Security Process Specification," published July 8, 2014. This document provides process assurance guidance and requirements for the aircraft design regarding systems information security. (2) RTCA DO-355, "Information Security Guidance for Continuing Airworthiness," published June 17, 2014. This document provides guidance for assuring continued safety of aircraft in service in regard to systems information security. (3) RTCA DO-356, "Airworthiness Security Methods and Considerations," published September 23, 2014. This document provides analysis and assessment methods for executing the process assurance specified in DO-326A.

The ASISP Working Group recommendations as to the usability of these standards in ASISP policy and/or guidance are highly desirable.

The Task

The ASISP Working Group is tasked to:

1. Provide recommendations on whether ASISP-related rulemaking,

policy, and/or guidance on best practices are needed and, if rulemaking is recommended, specify where in the current regulatory framework such rulemaking would be placed.

2. Provide the rationale as to why or why not ASISP-related rulemaking, policy, and/or guidance on best practices are required for the different categories of airplanes and rotorcraft.

3. If it is recommended that ASISP-related policy and/or guidance on best practices are needed, specify (i) which categories of airplanes and rotorcraft such policy and/or guidance should address, and (ii) which airworthiness standards such policy and/or guidance should reference.

4. If it is recommended that ASISP-related policy and/or guidance on best practices is needed, recommend whether security-related industry standards from ARINC, FIPS, International Standards Organization (ISO), NIST, SAE ARP 4754a and/or SAE ARP 4761 would be appropriate for use in such ASISP-related policy and/or guidance.

5. Consider EASA requirements and guidance material for regulatory harmonization.

6. Develop a report containing recommendations on the findings and results of the tasks explained above.

- a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.

- b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

7. The working group may be reinstated to assist the ARAC by responding to the FAA's questions or concerns after the recommendation report has been submitted.

Schedule

The recommendation report should be submitted to the FAA for review and acceptance no later than fourteen months from the date of the first working group meeting.

Working Group Activity

The ASISP Working Group must comply with the procedures adopted by the ARAC, and are as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.

2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the ARAC.

3. Provide a status report at each ARAC meeting.

4. Draft and submit the recommendation report based on the

review and analysis of the assigned tasks.

5. Present the recommendation report at the ARAC meeting.

6. Present the findings in response to the FAA's questions or concerns (if any) about the recommendation report at the ARAC meeting.

Participation in the Working Group

The ASISP Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The FAA would like a wide range of members to ensure all aspects of the tasks are considered in development of the recommendations. The provisions of the August 13, 2014 Office of Management and Budget guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C. 1603, 1604, and 1605.)

If you wish to become a member of the ASISP Working Group, write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. The FAA must receive all requests by March 5, 2015. The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate in the working group, attend all meetings, and provide written comments when requested. The member must devote the resources necessary to support the working group in meeting any assigned deadlines. The member must keep management and those represented advised of the working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those represented. Once the working group

has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

The ARAC meetings are open to the public. However, meetings of the ASISP Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on January 28, 2015.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2015-0002]

Agency Information Collection Activities: Request for Comments for New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on November 12, 2014. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 5, 2015.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to

enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2015-0002.

FOR FURTHER INFORMATION CONTACT: Keith Williams, 202-366-9212, Highway Safety Specialist, Strategic Integration Team, Office of Safety Programs, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Room E71-119, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Inventory of State Police Accident Reports (PAR) and Serious Injury Reporting.

Background: The Federal Highway Administration (FHWA) Office of Safety's mission is to exercise leadership throughout the highway community to make the Nation's roadways safer by developing, evaluating, and deploying life-saving countermeasures; advancing the use of scientific methods and data-driven decisions, fostering a safety culture, and promoting an integrated, multidisciplinary 4 E's (Engineering, Education, Enforcement, Education) approach to safety. The mission is carried out through the Highway Safety Improvement Program (HSIP), a data driven strategic approach to improving highway safety on all public roads that focuses on performance. The goal of the program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands.

In keeping with that mission, the United States Congress on June 29, 2012 passed the Moving Ahead for Progress in the 21st Century Act (MAP-21), which was signed into law (Pub. L. 112-141) on July 6, 2012 by President Barack Obama. MAP-21 is a milestone for the U.S. economy and the Nation's surface transportation program as it transformed the policy and programmatic framework for investments to guide the system's growth and development and created a streamlined performance-based surface transportation program. The Federal Highway Administration defines Transportation Performance Management as a strategic approach that uses system information to make investment and policy decisions to achieve national performance goals.

MAP-21 requires the Secretary of Transportation to establish performance measures for States to use to assess serious injuries and fatalities per vehicle mile traveled; and the number of serious injuries and fatalities, for the purposes of carrying out the HSIP under 23 U.S.C. 148. The HSIP is applicable to all public roads and therefore requires crash reporting by law enforcement agencies that have jurisdiction over them.

In defining performance measures for serious injuries, FHWA seeks to define serious injuries in a manner that would provide for a uniform definition for national reporting in this performance area, as required by MAP-21. An established standard for defining serious injuries as a result of highway crashes has been developed in the 4th edition of the Model Minimum Uniform Crash Criteria (MMUCC). MMUCC represents a voluntary and collaborative effort to generate uniform crash data that are accurate, reliable and credible for data-driven highway safety decisions within a State, between States, and at the national level. The MMUCC defines a serious injuries resulting from traffic crashes as "Suspected Serious Injury (A)" whose attributes are: Any injury, other than fatal, which results in one or more of the following: Severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant loss of blood, broken or distorted extremity (arm or leg), crush injuries, suspected skull, chest, or abdominal injury other than bruises or minor lacerations, significant burns (second and third degree burns over 10 percent or more of the body), unconsciousness when taken from the crash scene, or paralysis.

As part of the effort to understand current reporting levels for serious injuries to support the MAP-21 performance measures, the FHWA seeks to determine at what level law enforcement agencies have adopted the MMUCC definition, attribute and coding convention. FHWA is aware that not all States have adopted the MMUCC definition, attribute and coding convention for serious injuries while other States have only partially adopted the definition. It is also known that some jurisdictions do not use the State Police Accident Report (PAR) form to report on crashes. It is not known if these PARs are MMUCC compliant.

The purpose of the information collection is to conduct an assessment of each Federal, tribal, State and non-State PAR to determine if the definition and coding convention used for reporting on serious injuries is or is not compliant with MMUCC, and if not