

the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Saab AB, Saab Aerosystems: Docket No. FAA–2014–0056; Directorate Identifier 2013–NM–160–AD.

(a) Comments Due Date

We must receive comments by April 11, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Saab AB, Saab Aerosystems Model SAAB 2000 airplanes, certificated in any category, serial numbers 004 through 016 inclusive, 018, 022, 023, 024, 026, 029, 031, 032, 033, 035 through 039 inclusive, 041 through 044 inclusive, 046, 047, 048, 051, and 053 through 063 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 38, Water/Waste.

(e) Reason

This AD was prompted by a report of rudder pedal restriction which was the result of water leakage at the inlet tubing for an in-line heater in the lower part of the forward fuselage. We are issuing this AD to prevent rudder pedal restriction due to the pitch control mechanism becoming frozen as the result of water spray, which could prevent disconnection and normal pitch control, and consequently result in reduced controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Deactivation of Potable Water System

Within 30 days after the effective date of this AD, deactivate the potable water system, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–38–010, dated July 12, 2013.

(h) Alternative Inspections and Inspection Intervals

As an alternative, or subsequent, to the action required by paragraph (g) of this AD, during each filling of the potable water system after the effective date of this AD, accomplish the temporary filling procedure, in accordance with the instructions in Saab Service Newsletter SN 2000–1304, Revision 01, dated September 10, 2013, including Attachment 1 Engineering Statement to Operators 2000PBS034334.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Shahram Daneshmandi, Aerospace Engineer,

International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1112; fax (425) 227–1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or by the Design Approval Holder with a State of Design Authority’s design organization approval). For a repair method to be approved, the repair approval must specifically refer to this AD. You are required to ensure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0172R1, dated September 6, 2013, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA–2014–0056.

(2) For service information identified in this AD, contact Saab AB, Saab Aerosystems, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email saab2000.techsupport@saabgroup.com; Internet <http://www.saabgroup.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 14, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04002 Filed 2–24–14; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1206

[DOCUMENT NUMBER NASA–NASA–2700–0006]

RIN 2700–AE04

Procedures for Disclosure of Records Freedom of Information Act Regulations; Correction

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects the title and adds a word to a notice of proposed rulemaking published in the **Federal Register** of February 19, 2014. The correction clarifies the title and misspelled word to prevent confusion.

FOR FURTHER INFORMATION CONTACT: Nanette Jennings, 202-358-0819.

SUPPLEMENTARY INFORMATION:

Correction

In a notice of proposed rulemaking FR Doc. 2014-03450, on pages 9430-9432 and 9437 in the issue of February 19, 2014, make the following corrections:

1. In the subject heading, on page 9430 in the first column, remove the words "Procedures for Disclosure of Records Freedom of Information Act Regulations" and add in their place "Procedures for Disclosure of Records Under the Freedom of Information Act (FOIA)."

2. In the part title, on page 9431 in the first column, remove the words "Procedures for Disclosure of Records Freedom of Information Act Regulations" and add in their place "Procedures for Disclosure of Records Under the Freedom of Information Act (FOIA)."

3. In paragraph (h) of § 1206.300 on page 9432 in the third column, add the word "basis" after the words "case-by-case."

4. In paragraph (i) of § 1206.502 on page 9437 in the first column, remove the reference to paragraphs "(h)(1), (2) and (3)" after the words "such as those listed" and add in its place "(i)(1), (2) and (3)."

Nanette Jennings,

NASA Federal Register Liaison Officer.

[FR Doc. 2014-03870 Filed 2-24-14; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700-AD79

Profit and Fee Under Federal Financial Assistance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is revising the NASA Grant & Cooperative Agreement Handbook to clarify that NASA does not pay profit or fee on Federal Financial Assistance awards, *i.e.* grants and cooperative agreements, to non-profit organizations. This proposed rule would make changes to NASA regulations to reflect that revision.

DATES: Interested parties should submit comments to NASA at the address identified below on or before April 28, 2014 to be considered in formulation of the final rule.

ADDRESSES: Interested parties may submit comments, identified by RIN 2700-AD79, via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments may also be submitted to William Roets (Room 5K34), NASA Headquarters, Office of Procurement, Contract Management Division, Washington, DC 20546. Comments may also be submitted by email to: william.roets-1@nasa.gov.

FOR FURTHER INFORMATION CONTACT: William Roets, NASA Office of Procurement, Contract Management Division, Suite 5K34, 202-358-4483, william.roets-1@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

NASA published a proposed rule for Profit and Fee Under Financial Assistance Awards in the **Federal Register** on January 11, 2012 (77 FR 1657). The public comment period closed on March 11, 2012. By the end of the established comment period, NASA received comments from one entity. However, those comments were subsequently determined to have been submitted to the incorrect docket and were not applicable to the proposed rule. After the specified end date for the submission of comments had passed, three organizations submitted late comments to the proposed rule. NASA accepted the late comments. Based on the comments received and subsequent revisions to the proposed rule, NASA is publishing this rule again as a proposed rule. Historically, NASA has discouraged the payment of profit or fee under its Federal Financial Assistance awards because payment in excess of costs is inconsistent with the intent of grant and cooperative agreements which provide funding in the form of financial assistance to recipients for their performance of a public purpose. For commercial firms, payment of profit or fee is specifically prohibited in NASA policy. Because this prohibition does not include recipients such as non-profit organizations, NASA's policy has been misinterpreted and inconsistent application has occurred. This rule, which will extend this prohibition on the payment of profit or fee to all recipients of NASA grants and cooperative agreements, will alleviate the misinterpretation and inconsistent application of this policy.

II. Discussion and Analysis

Comment 1: It is long-standing NASA Policy to allow a management fee. NASA has a rich history of closely partnering with nonprofit organizations to advance space science and research. To help meet its important mission, NASA has long recognized the importance of allowing a modest management fee under cooperative agreements. This proposed change would represent a major shift in NASA policy supporting their nonprofit partners in the space science and technology research area.

Response: NASA continues to support non-profit partners and does not consider this change a major shift in policy, but rather a clarification of NASA's policy regarding profit and fee under grants and cooperative agreements and is consistent with proposed OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards, 78 FR 7282, February 1, 2013.

There appears to have been some confusion with regard to the term 'management fee'. Management fees that are allowable, allocable, reasonable and necessary costs in accordance with an entity's established accounting practices and Government cost principles will be paid by NASA. This rule is clarifying that NASA will not pay profit or fee where profit or fee is defined as the amounts above allowable costs. The language in this rule has been revised to clarify this point.

Comment 2: NASA has the statutory authority to allow a management fee.

Response: While the Space Act of 1958 (42 U.S.C 2473(c)(5)) provides NASA broad authority and discretion to award grants and cooperative agreements to fulfill its mission, the Agency has no express or explicit authority with regard to 'management fees'.

Comment 3: NASA proposed the same change in 1998, (63 FR 71609) Dec 29, 1998, and withdrew it after full consideration.

The proposed rule was withdrawn on May 18, 1999. NASA "decided to withdraw the proposed rule because, in limited situations, a nominal fee may be warranted and necessary for the recipient to perform NASA research" (64 FR26923) May 18, 1999.

NASA now seeks to reverse this longstanding policy, and is using the same rationale in the recently proposed rule change that it had used in 1998, but later withdrew in 1999.

Response: NASA has long recognized that the grant and cooperative agreement regulation is incomplete in