

(c) *Manufacturer records of notifications.* When a manufacturer is required to provide notification under this subpart, the manufacturer must maintain a record of each type of notice sent and a complete list of the persons notified and their addresses. The manufacturer must maintain these records in a manner approved by the Secretary or an SAA to identify each notification campaign.

(d) *Manufacturer records of corrections.* When a manufacturer is required to provide or provides correction under this subpart, the manufacturer must maintain a record of one of the following, as appropriate, for each manufactured home involved:

(1) If the correction is made, a certification by the manufacturer that the repair was made to conform to the federal construction and safety standards in effect at the time the home was manufactured and that each identified imminent safety hazard or serious defect has been corrected; or

(2) If the owner refuses to allow the manufacturer to repair the home, a certification by the manufacturer that:

(i) The owner has been informed of the problem that may exist in the home;

(ii) The owner has been provided with a description of any hazards, malfunctions, deterioration, or other consequences that may reasonably be expected to result from the defect, serious defect, or imminent safety hazard; and

(iii) An attempt has been made to repair the problems, but the owner has refused the repair.

(e) *Maintenance of manufacturer's records.* (1) Except as provided in paragraph (b)(3) of this section, for each manufactured home produced by a manufacturer, the manufacturer must maintain in a printed or electronic format all of the information required by paragraphs (b), (c), and (d) of this section, and must consolidate the information in a readily accessible file or in a readily accessible combination of a printed file and an electronic file. For each home, the manufacturer also must include in such file a copy of the homes data plate; all information related to manufacture, handling, and assembly of the home; any checklist or similar documentation used by the manufacturer in the transport of the home; the name and address of the retailer; the original or a copy of each purchaser's registration record received by the manufacturer; all correspondence with the retailer and homeowner that is related to the home; any information received by the manufacturer regarding setup of the home; all work orders for servicing the home; and the information

that the manufacturer is required to keep pursuant to § 3282.211. The manufacturer must organize all such files in order of the serial numbers of the homes produced.

(2) The manufacturer must maintain each of these manufactured-home records at the plant where the home was produced. If that plant is no longer in existence, the manufacturer must keep the records at its nearest production plant in the same State, or, if such a plant does not exist, at the manufacturer's corporate headquarters.

§ 3282.418 Factors for appropriateness and amount of civil penalties.

In determining whether to seek a civil penalty for a violation of the requirements of this subpart, and the amount of such penalty to be recommended, the Secretary will consider the provisions of the Act and the following factors:

- (a) The gravity of the violation;
- (b) The degree of the violator's culpability, including whether the violator had acted in good faith in trying to comply with the requirements;
- (c) The injury to the public;
- (d) Any injury to owners or occupants of manufactured homes
- (e) The ability to pay the penalty;
- (f) Any benefits received by the violator;
- (g) The extent of potential benefits to other persons;
- (h) Any history of prior violations;
- (i) Deterrence of future violations; and
- (j) Such other factors as justice may require.

■ 11. In 3282.554, revise paragraph (b) to read as follows:

§ 3282.554 SAA reports.

* * * * *

(b) The description of the SAA's oversight activities and findings regarding consumer complaints, notification, and correction actions during the preceding month. The IPIA report for the preceding month described in § 3282.553, as well as any orders issued pursuant to 3282.413 and manufacturer reports under § 3282.417(a), which were received during the preceding month, are to be attached to each such SAA report as an Appendix thereto.

Dated: September 18, 2013.

Carol J. Galante,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2013-23775 Filed 9-30-13; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE-2013-0007; 134E1700D2 EEAA103000 ET1EX0000.PEA000]

RIN 1014-AA12

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Adjustment of Service Fees

AGENCY: Bureau of Safety and Environmental Enforcement (BSEE), Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the BSEE oil and gas resources regulations to update some fees that cover BSEE's cost of processing and filing certain documents relating to its oil and gas resources program.

DATES: This final rule becomes effective on October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Angela Mazzullo, Office of the Deputy Director, 202-208-5122 or Amy C. White, Chief, Regulations and Standards Branch, 703-787-1665.

SUPPLEMENTARY INFORMATION:

I. BSEE

The BSEE promotes safety, protects the environment, and conserves offshore oil and gas resources through vigorous regulatory oversight and enforcement. The BSEE was established on October 1, 2011, as part of a major restructuring of the Department of the Interior's (DOI) offshore regulatory programs. The Secretary of the Interior (Secretary) announced the new division of responsibilities of the former Minerals Management Service (MMS) into three new bureaus within DOI in Secretarial Order No. 3299, issued on May 19, 2010. The BSEE, one of the three new bureaus, assumed responsibility for "safety and environmental enforcement functions including, but not limited to, the authority to permit activities, inspect, investigate, summon witnesses and produce evidence[;] levy penalties; cancel or suspend activities; and oversee safety, response and removal preparedness" (76 FR 64432).

II. BSEE Statutory and Regulatory Authority

The BSEE derives its authority from the Outer Continental Shelf Lands Act (OCSLA)(43 U.S.C. 1331-1356(a). Congress enacted OCSLA in 1953, establishing Federal control over the Outer Continental Shelf (OCS) and

authorizing the Secretary to regulate oil and gas exploration, development, and production operations on the OCS. The Secretary has authorized BSEE to perform these functions (30 CFR 250.101).

The BSEE regulatory program is comprehensive and provides regulatory oversight over a wide range of facilities and activities including drilling, completion, workover production, pipeline, and decommissioning operations. To carry out its responsibilities, BSEE develops and enforces regulations to enhance safety and environmental protection for offshore exploration and development of oil and natural gas on the OCS and to reflect advancements in technology and new information. The BSEE also conducts onsite inspections to assure compliance with regulations, lease terms, and approved plans and operates an oil spill response program. Detailed information concerning BSEE's regulations and guidance to the offshore industry may be found on BSEE's Web site at <http://www.bsee.gov/Regulations-and-Guidance/index.aspx>.

III. Background

The BSEE has authority to recover the full cost of services that confer special benefits under the Independent Offices Appropriation Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996), and the Office of Management and Budget (OMB) Circular A-25. Under DOI's implementing policy, BSEE is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. At 30 CFR 250.125(a), the regulations provide that BSEE will periodically adjust fees for

inflation according to changes in the Implicit Price Deflator for Gross Domestic Product (IPD-GDP), which is published quarterly by the U.S. Department of Commerce, Bureau of Economic Analysis (BEA).

The DOI finds that good cause exists under the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to implement this final rule without prior public notice and comment for these inflation adjustments. The BSEE provided the public with an opportunity to comment on this procedure during the public comment period when it promulgated 30 CFR 250.125(a), and this new rule simply implements the procedure set forth in that regulation. The calculation of these adjustments is based on the change in the BEA IPD-GDP. The amount of the adjustment is not within BSEE's discretion. Accordingly, public notice and comment procedures are unnecessary.

The DOI also finds that good cause exists under 5 U.S.C. 553(d)(3) to implement this final rule with an effective date sooner than 30 days after publication. An effective date of October 1, 2013 allows BSEE to align implementation of the final rule with the beginning of the fiscal year. This final rule will not affect the operations of the parties to which it applies. These parties will only need to increase the dollar amount of the cost recovery fee payments that are prospectively submitted to BSEE. Accordingly, waiting 30 days after publication to make this final rule effective is unnecessary.

IV. Discussion of Final Rule

In this final rule, BSEE is adjusting cost recovery service fees to account for inflation in accordance with 30 CFR 250.125(a). These cost recovery service

fees were last updated on August 25, 2008, when the MMS published a final rule on Electronic Payment of Fees for Outer Continental Shelf Activities in the **Federal Register** (73 FR 49943). The 2008 update included fee adjustment through the year 2007. This final rule is based on the change in the IPD-GDP from 2007 through 2012, thus reflecting the rate of inflation over 5 years.

The inflation rate between any 2 years is calculated as the percentage difference between the measure of the level of prices for a designated year (*e.g.*, 2012) and some previous year (*e.g.*, 2007) of all new, domestically produced, final goods and services in the economy for the designated year (*e.g.*, 2012), as contained in the BEA Table 1.1.9, IPD-GDP available at http://www.bea.gov/iTable/index_nipa.cfm. The BEA Table 1.1.9 IPD-GDP shows a percentage difference between the measure of the level of prices between 2012 and 2007 of 7.87 percent. The 2013 cost recovery service fees are calculated by increasing the 2008 cost recovery service fee value by 7.87 percent. The calculated value is rounded to the nearest dollar to establish the 2013 cost recovery service fee.

While BEA may revise the inflation rate in the future, BSEE will retain this published cost recovery service fee schedule until BSEE publishes an updated cost recovery service fee schedule in the **Federal Register**.

The following table lists the cost recovery service fees that are affected by this rulemaking. The BSEE is also making a few minor revisions to the numbering of the cost recovery service fees and the 30 CFR citations in the cost recovery service fee table in 30 CFR 250.125(a).

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Service—processing of the following:	30 CFR citation	2008 Fee Amount (Current)	2013 Fee Amount
(1) Suspension of Operations/ Suspension of Production (SOO/SOP) Request	§ 250.171(e).	\$1,968	\$2,123
(2) Deepwater Operations Plan	§ 250.292(p).	\$3,336	\$3,599
(3) Application for Permit to Drill (APD; Form BSEE-0123)	§ 250.410(d); § 250.513(b); § 250.1617(a).	\$1,959 for initial applications only; no fee for revisions	\$2,113 for initial applications only; no fee for revisions
(4) Application for Permit to Modify (APM; Form BSEE-0124)	§ 250.465(b); § 250.513(b); § 250.613(b); § 250.1618(a); § 250.1704(g).	\$116	\$125
(5) New Facility Production Safety System Application for facility with more than 125 components	§ 250.802(e).	\$5,030 A component is a piece of equipment or ancillary system that is protected by one or more of the safety devices required by API RP 14C (as incorporated by reference in § 250.198); \$13,238 additional fee will be charged if BSEE deems it necessary to visit a facility offshore, and \$6,884 to visit a facility in a shipyard.	\$5,426 A component is a piece of equipment or ancillary system that is protected by one or more of the safety devices required by API RP 14C (as incorporated by reference in § 250.198); \$14,280 additional fee will be charged if BSEE deems it necessary to visit a facility offshore, and \$7,426 to visit a facility in a shipyard.
(6) New Facility Production Safety System Application for facility with 25-125 components	§ 250.802(e)	\$1,218 Additional fee of \$8,313 will be charged if BSEE deems it necessary to visit a facility offshore, and \$4,766 to visit a facility in a shipyard.	\$1,314 Additional fee of \$8,967 will be charged if BSEE deems it necessary to visit a facility offshore, and \$5,141 to visit a facility in a shipyard.
(7) New Facility Production Safety System Application for facility with fewer than 25 components	§ 250.802(e).	\$604	\$652
(8) Production Safety System Application—Modification with more than 125 components reviewed	§ 250.802(e).	\$561	\$605

Service—processing of the following:	30 CFR citation	2008 Fee Amount (Current)	2013 Fee Amount
(9) Production Safety System Application—Modification with 25-125 components reviewed	§ 250.802(e).	\$201	\$217
(10) Production Safety System Application—Modification with fewer than 25 components reviewed	§ 250.802(e).	\$85	\$92
(11) Platform Application—Installation—Under the Platform Verification Program	§ 250.905(l).	\$21,075	\$22,734
(12) Platform Application—Installation—Fixed Structure Under the Platform Approval Program	§ 250.905(l).	\$3,018	\$3,256
(13) Platform Application—Installation—Caisson/Well Protector	§ 250.905(l).	\$1,536	\$1,657
(14) Platform Application—Modification/Repair	§ 250.905(l).	\$3,601	\$3,884
(15) New Pipeline Application (Lease Term)	§ 250.1000(b).	\$3,283	\$3,541
(16) Pipeline Application—Modification (Lease Term)	§ 250.1000(b).	\$1,906	\$2,056
(17) Pipeline Application—Modification (ROW)	§ 250.1000(b).	\$3,865	\$4,169
(18) Pipeline Repair Notification	§ 250.1008(e).	\$360	\$388
(19) Pipeline Right-of-Way (ROW) Grant Application	§ 250.1015(a).	\$2,569	\$2,771
(20) Pipeline Conversion of Lease Term to ROW	§ 250.1015(a).	\$219	\$236
(21) Pipeline ROW Assignment	§ 250.1018(b).	\$186	\$201

Service—processing of the following:	30 CFR citation	2008 Fee Amount (Current)	2013 Fee Amount
(22) 500 Feet From Lease/Unit Line Production Request	§ 250.1156(a).	\$3,608	\$3,892
(23) Gas Cap Production Request	§ 250.1157.	\$4,592	\$4,953
(24) Downhole Commingling Request	§ 250.1158(a).	\$5,357	\$5,779
(25) Complex Surface Commingling and Measurement Application	§ 250.1202(a); § 250.1203(b); § 250.1204(a).	\$3,760	\$4,056
(26) Simple Surface Commingling and Measurement Application	§ 250.1202(a); § 250.1203(b); § 250.1204(a).	\$1,271	\$1,371
(27) Voluntary Unitization Proposal or Unit Expansion	§ 250.1303(d).	\$11,698	\$12,619
(28) Unitization Revision	§ 250.1303(d).	\$831	\$896
(29) Application to Remove a Platform or Other Facility	§ 250.1727.	\$4,342	\$4,684
(30) Application to Decommission a Pipeline (Lease Term)	§ 250.1751(a) or § 250.1752(a).	\$1,059	\$1,142
(31) Application to Decommission a Pipeline (ROW)	§ 250.1751(a) or § 250.1752(a).	\$2,012	\$2,170

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Procedural Matters**Regulatory Planning and Review (Executive Order 12866)**

The OMB has not designated this rule as significant under Executive Order (E.O.) 12866.

(1) These amendments are administrative and procedural. This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. A cost-benefit and economic analysis is not required.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule will not alter the budgetary effects of entitlements, grants,

user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

Regulatory Flexibility Act

The DOI certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The changes in the rule will affect lessees and pipeline right-of-way holders in the OCS. This includes about 130 Federal oil and gas lessees and 115 holders of pipeline rights-of-way. Small lessees that operate under this rule fall under the Small Business Administration's North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. For these NAICS code classifications, a small company is one with fewer than 500

employees. Based on these criteria, an estimated 69 percent of these companies are considered small.

This final rule, therefore, will affect a substantial number of small entities, but BSEE has concluded that it will not have a significant economic effect on those entities. The cost recovery service fees increase less than 8 percent as a result of this final rule. The highest adjustment, in dollar terms, is for Platform Application—Installation—Under the Platform Verification Program, which will be increased by \$1,659. This dollar amount is insignificant as compared to the considerable operational costs and liability risks associated with activities on the OCS.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency

enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the actions of BSEE, call 1-888-734-3247. You may comment to the Small Business Administration without fear of retaliation. Allegations of discrimination/retaliation filed with the Small Business Administration will be investigated for appropriate action.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*). This rule:

- a. Will not have an annual effect on the economy of \$100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The requirements will apply to all entities operating on the OCS.

Unfunded Mandates Reform Act of 1995

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) is not required.

Takings Implication Assessment (E.O. 12630)

According to E.O. 12630, the rule does not have significant takings implications. The rulemaking is not a governmental action capable of interfering with constitutionally protected property rights. A Takings Implication Assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this rulemaking does not have federalism implications. This rule will not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this rule will not affect that role. A Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

Under the criteria in E.O. 13175, we evaluated this rule and determined that it has no substantial effects on federally recognized Indian tribes.

Paperwork Reduction Act (PRA) of 1995

This rule does not contain new information collection requirements and a submission under the PRA is not required. Therefore, an information collection request is not being submitted to OMB for review and approval under the PRA (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act of 1969 (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. The BSEE has analyzed this rule under the criteria of NEPA and DOI's regulations implementing NEPA. This rule meets the criteria set forth at 43 CFR 46.210(i) for a Departmental Categorical Exclusion in that this rule is ". . . of an administrative, financial, legal, technical, or procedural nature . . ." Further, BSEE has analyzed this rule to

determine if it meets any of the extraordinary circumstances that would require an environmental assessment or an environmental impact statement as set forth in 43 CFR 46.215 and concluded that this rule does not meet any of the criteria for extraordinary circumstances.

Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554, app. C § 515, 114 Stat. 2763, 2763A-153-154).

Effects on the Nation's Energy Supply (E.O. 13211)

This rulemaking is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, and Sulphur.

Dated: September 23, 2013.

Tommy P. Beaudreau,

Acting Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Safety and Environmental Enforcement (BSEE) amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

- 1. Authority citation for part 250 continues to read as follows:

Authority: 30 U.S.C. 1751; 31 U.S.C. 9701, 43 U.S.C. 1334.

- 2. Revise the table in § 250.125(a) to read as follows:

§ 250.125 Service fees.

(a) * * *

BILLING CODE 4310-VH-P

Service—processing of the following:	Fee Amount	30 CFR citation
(1) Suspension of Operations/Suspension of Production (SOO/SOP) Request	\$2,123	§ 250.171(e).
(2) Deepwater Operations Plan	\$3,599	§ 250.292(p).
(3) Application for Permit to Drill (APD; Form BSEE-0123)	\$2,113 for initial applications only; no fee for revisions.	§ 250.410(d); § 250.513(b); § 250.1617(a).
(4) Application for Permit to Modify (APM; Form BSEE-0124)	\$125	§ 250.465(b); § 250.513(b); § 250.613(b); § 250.1618(a); § 250.1704(g).
(5) New Facility Production Safety System Application for facility with more than 125 components	\$5,426 A component is a piece of equipment or ancillary system that is protected by one or more of the safety devices required by API RP 14C (as incorporated by reference in § 250.198); \$14,280 additional fee will be charged if BSEE deems it necessary to visit a facility offshore, and \$7,426 to visit a facility in a shipyard.	§ 250.802(e).
(6) New Facility Production Safety System Application for facility with 25-125 components	\$1,314 Additional fee of \$8,967 will be charged if BSEE deems it necessary to visit a facility offshore, and \$5,141 to visit a facility in a shipyard.	§ 250.802(e).
(7) New Facility Production Safety System Application for facility with fewer than 25 components	\$652	§ 250.802(e).
(8) Production Safety System Application—Modification with more than 125 components reviewed	\$605	§ 250.802(e).
(9) Production Safety System Application—Modification with 25-125 components reviewed	\$217	§ 250.802(e).
(10) Production Safety System Application—Modification with fewer than 25 components reviewed	\$92	§ 250.802(e).
(11) Platform Application—Installation—Under the Platform Verification Program	\$22,734	§ 250.905(l).

(12) Platform Application— Installation—Fixed Structure Under the Platform Approval Program	\$3,256	§ 250.905(l).
(13) Platform Application— Installation—Caisson/Well Protector	\$1,657	§ 250.905(l)
(14) Platform Application— Modification/Repair	\$3,884	§ 250.905(l).
(15) New Pipeline Application (Lease Term)	\$3,541	§ 250.1000(b).
(16) Pipeline Application— Modification (Lease Term)	\$2,056	§ 250.1000(b).
(17) Pipeline Application— Modification (ROW)	\$4,169	§ 250.1000(b).
(18) Pipeline Repair Notification	\$388	§ 250.1008(e).
(19) Pipeline Right-of-Way (ROW) Grant Application	\$2,771	§ 250.1015(a).
(20) Pipeline Conversion of Lease Term to ROW	\$236	§ 250.1015(a).
(21) Pipeline ROW Assignment	\$201	§ 250.1018(b).
(22) 500 Feet From Lease/Unit Line Production Request	\$3,892	§ 250.1156(a).
(23) Gas Cap Production Request	\$4,953	§ 250.1157.
(24) Downhole Commingling Request	\$5,779	§ 250.1158(a).
(25) Complex Surface Commingling and Measurement Application	\$4,056	§ 250.1202(a); § 250.1203(b); § 250.1204(a).
(26) Simple Surface Commingling and Measurement Application	\$1,371	§ 250.1202(a); § 250.1203(b); § 250.1204(a).
(27) Voluntary Unitization Proposal or Unit Expansion	\$12,619	§ 250.1303(d).
(28) Unitization Revision	\$896	§ 250.1303(d).
(29) Application to Remove a Platform or Other Facility	\$4,684	§ 250.1727.
(30) Application to Decommission a Pipeline (Lease Term)	\$1,142	§ 250.1751(a) or § 250.1752(a).
(31) Application to Decommission a Pipeline (ROW)	\$2,170	§ 250.1751(a) or § 250.1752(a).

* * * * *

[FR Doc. 2013-23874 Filed 9-30-13; 8:45 am]

BILLING CODE 4310-VH-C

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG-2013-0760]

RIN 1625-AA11

Regulated Navigation Area; Reporting Requirements for Barges Loaded With Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District; Extension of Stay (Suspension)

AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District is extending the previously published stay (suspension) of reporting requirements under the Regulated Navigation Area (RNA) established by 33 CFR 165.830 for barges loaded with certain dangerous cargoes (CDC barges) in the inland rivers of the Eighth Coast Guard District. This extension is necessary because the Coast Guard continues to analyze future reporting needs and evaluate possible changes in CDC reporting requirements. This extension of the suspension of the CDC reporting requirements in no way relieves towing vessel operators and fleeting area managers responsible for CDC barges in the RNA from their dangerous cargo or vessel arrival and movement reporting obligations currently in effect under other regulations or placed into effect under appropriate Coast Guard authority.

DATES: Effective midnight September 30, 2013, 33 CFR 165.830(d), (f), (g), and (h) are stayed until midnight December 31, 2015.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2013-0760. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions about this temporary rule, call or email LT Jason Doherty, Coast Guard; telephone 504-671-2266, email: Jason.C.Doherty@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CDC Certain Dangerous Cargo
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable, unnecessary, and contrary to the public interest.

The contract for the CDC barge reporting system at the Inland River Vessel Movement Center (IRVMC) expired in January 2011. Due to the expiration of this contract, the Coast Guard is not able to receive and process reports. Therefore in late December 2010, the Coast Guard decided to suspend the IRVMC reporting requirements for a two-year period. This suspension was published in the **Federal Register** at 76 FR 1360 (January 10, 2011), and was due to expire on January 15, 2013. On January 2, 2013, the Coast Guard extended this suspension until midnight, September 30, 2013 (78 FR 25).

At this time, there is no plan to renew the contract for the CDC barge reporting system, and the Coast Guard is still considering whether to enter into a new contract and lift the suspension, modify the reporting requirements in the RNA, or repeal the RNA completely. Additionally, the Coast Guard has proposed a rule that would require vessels in this area to install and carry Automatic Identification Systems (AIS). See Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System notice of proposed rulemaking (73 FR 76295, December 16, 2008). These requirements, if imposed,

may provide a suitable alternative to the stayed reporting requirements of 33 CFR 165.830. Therefore, an additional extension of the stay is necessary while the Coast Guard continues to evaluate these options.

We believe prior notice and comment is unnecessary because we expect the affected public will have no objection to the extension of the temporary suspension of regulatory requirements. This suspension has been in place since January 2011, and the Coast Guard has received no public comment or objection regarding the suspension. Prior notice and comment is also contrary to the public interest because there is no public purpose served by continuing to require reports when there is no mechanism for receiving or processing those reports.

Under 5 U.S.C. 553(d)(1), a substantive rule that relieves a restriction may be made effective less than 30 days after publication. This temporary final rule, suspending the reporting requirements and thereby relieving the regulatory restriction on towing vessel operators and fleeting area managers provided by 33 CFR 165.830, takes effect at midnight on September 30, 2013, less than 30 days after publication.

B. Basis and Purpose

The legal basis for this rulemaking is the Coast Guard's authority to establish regulated navigation areas, under 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Public Law 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1. An RNA is a water area within a defined boundary for which regulations for vessels navigating within the area have been established, to control vessel traffic in a place determined to have hazardous conditions. See 33 CFR 165.10; Commandant Instruction Manual M16704.3A, 1-6.

The purpose of this temporary final rule is to extend the previously published suspension of the reporting requirements for CDC barges imposed by the RNA created in 33 CFR 165.830. This temporary rule relieves the towing vessel operators and fleeting area managers responsible for CDC barges from the reporting requirements for an additional 2-year period.

C. Discussion of the Final Rule

During the extended period for the suspension of reporting requirements, towing vessel operators and fleeting area managers responsible for CDC barges will be relieved of their obligation to