

developers by allowing their products to be certified to CDT alone.

From the broader perspective of the Medicare and Medicaid EHR Incentive Programs, we believe that this revision to the Common MU Data Set definition will mitigate the risk that some EHR technology developers would limit or cease development of EHR technology specifically designed for doctors of dental surgery and dental medicine. If certified EHR technology designed to meet their specific needs is not available, these EPs may not qualify for EHR incentive payments and could be subject to future downward payment adjustments under Medicare. Additionally, the expected time it would take to complete the notice and comment rulemaking process could compromise the timely availability of 2014 Edition certified EHR technologies for doctors of dental surgery and dental medicine seeking to participate for the first time or continue their participation in the Medicare and Medicaid EHR Incentive Programs.

For the reasons stated, we believe that a notice and comment period would be contrary to the public interest. We therefore find good cause for waiving the notice and comment period to revise the Common MU Data Set definition.

#### IV. Response to Comments

Because of the number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the DATES section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble of that document.

#### V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it does not need to be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

#### VI. Regulatory Impact Statement

We have examined the impact of this interim final rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (February 2, 2011), the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), section 202 of the Unfunded Mandates Reform Act of 1995

(2 U.S.C. 1532), and Executive Order 13132 on Federalism (August 4, 1999).

In following Executive Orders 12866 and 13563, we have determined that this interim final rule does not reach the economic threshold (\$100 million or more in any one year) such that a regulatory impact analysis (RIA) needs to be prepared. Thus, this rule is not considered a major rule and an RIA has not been prepared. This rule is not being treated as a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget.

Similarly, with respect to the RFA, we do not believe that the change in this interim final rule with comment period alters any of the prior analyses we performed for the 2014 Edition Final Rule; and therefore, the Secretary certifies that this interim final rule with comment period will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a final rule (including an interim final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. Because this interim final rule with comment period does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year of \$100 million in 1995 dollars, updated annually for inflation. The current inflation-adjusted statutory threshold is approximately \$141 million.

This interim final rule with comment period will not impose an unfunded mandate on state, local, and tribal governments or on the private sector that will reach the threshold level.

#### List of Subjects in 45 CFR Part 170

Computer technology, Electronic health record, Electronic information system, Electronic transactions, Health, Health care, Health information technology, Health records, Hospitals, Reporting and recordkeeping requirements, Public health.

For the reasons set forth in the preamble, the Department amends 45 CFR subtitle A, subchapter D, part 170 as follows:

### PART 170—HEALTH INFORMATION TECHNOLOGY STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA AND CERTIFICATION PROGRAMS FOR HEALTH INFORMATION TECHNOLOGY

■ 1. The authority citation for part 170 continues to read as follows:

**Authority:** 42 U.S.C. 300jj–11; 42 U.S.C. 300jj–14; 5 U.S.C. 552.

■ 2. Section 170.102 is amended by revising paragraph (15) of the Common MU Data Set definition to read as follows:

#### § 170.102 Definitions.

\* \* \* \* \*

#### Common MU Data Set

\* \* \* \* \*

(15) Procedures—  
(i)(A) At a minimum, the version of the standard specified in § 170.207(a)(3) or § 170.207(b)(2); or

(B) For EHR technology primarily developed to record dental procedures, the standard specified in § 170.207(b)(3).

(ii) *Optional.* The standard specified at § 170.207(b)(4).

\* \* \* \* \*

Dated: October 24, 2013.

**Kathleen Sebelius,**

*Secretary.*

[FR Doc. 2013–26290 Filed 11–1–13; 8:45 am]

**BILLING CODE 4150–45–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 110620342–1659–03]

RIN 0648–XC922

### International Fisheries; Pacific Tuna Fisheries; 2013 Bigeye Tuna Longline Fishery Closure in the Eastern Pacific Ocean

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; fishery closure.

**SUMMARY:** NMFS is closing the U.S. pelagic longline fishery for bigeye tuna in the eastern Pacific Ocean (EPO) as a result of the fishery reaching the 2013 catch limit of 500 metric tons. This action is intended to limit fishing mortality on bigeye tuna caused by

longline fishing in the EPO, and contribute to the long-term conservation of bigeye tuna at levels that support healthy fisheries.

**DATES:** Effective November 11, 2013 through December 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** Heidi Taylor, NMFS West Coast Region, 562-980-4039.

**SUPPLEMENTARY INFORMATION:** Pelagic longline fishing in the eastern Pacific Ocean is managed, in part, under the Tuna Conventions Act of 1950 (Act), 16 U.S.C. 951-962. Under the Act, NMFS must publish regulations to carry out recommendations of the Inter-American Tropical Tuna Commission (IATTC) that have been approved by the Department of State (DOS). The United States is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949 (Convention) to provide an international arrangement to ensure the effective international conservation and management of highly migratory species of fish in the Convention Area.

The Convention Area for this purpose is defined to include the waters of the eastern Pacific bounded by the coast of the Americas, the 50° N. and 50° S. parallels, and the 150° W. meridian. Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart C. Those regulations implement recommendations of the IATTC for the conservation and management of highly migratory fish resources in the eastern Pacific Ocean.

The IATTC has recommended, and the DOS approved, annual catch limits of bigeye tuna for U.S. longline vessels. For calendar year 2013, the catch and landing of bigeye tuna by longline gear in the Convention Area by fishing vessels of the United States that are over 24 meters in overall length is limited to 500 metric tons (76 FR 68332, November 4, 2011, and codified at 50 CFR 300.25).

NMFS monitored the retained catches of bigeye tuna using logbook data submitted by vessel captains and other available information, and determined that the 2013 catch limit is expected to be reached on or by November 8, 2013. In accordance with 50 CFR 300.25(b), this temporary rule serves as advance notification to fishermen, the fishing industry, and the public that the U.S. longline fishery for bigeye tuna in the Convention Area will be closed starting on November 11, 2013, through the end of the 2013 calendar year. The 2014 fishing year is scheduled to open on January 1, 2014.

During the closure, a U.S. fishing vessel over 24 meters in overall length may not be used to retain on board, transship, or land bigeye tuna captured by longline gear in the Convention Area, except as follows:

- Any bigeye tuna already on board a fishing vessel upon the effective date of the prohibitions may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the prohibitions become effective, that is, by November 18, 2013.

- In the case of a vessel that has declared to NMFS that the current trip type is shallow-setting, the 14-day limit is waived, but the number of bigeye tuna retained on board, transshipped, or landed must not exceed the number on board the vessel upon the effective date of the prohibitions, as recorded by the NMFS observer on board the vessel.

- Bigeye tuna caught by longline gear used on a vessel of the United States over 24 meters in the Convention Area may not be transshipped to a fishing vessel unless that fishing vessel is operated in compliance with a valid permit issued under § 660.707 or § 665.801.

- A fishing vessel of the United States over 24 meters, other than a vessel for which a declaration has been made to NMFS that the current trip is shallow-setting, may not be used to fish in the Pacific Ocean using longline gear both inside and outside the Convention Area during the same fishing trip, with the exception of a fishing trip during which the prohibitions were put into effect.

- If a vessel over 24 meters that is not on a declared shallow-set trip is used to fish in the Pacific Ocean using longline gear outside the Convention Area, and the vessel enters the Convention Area at any time during the same fishing trip, the longline gear on the fishing vessel must be stowed in a manner so as not to be readily available for fishing. Specifically, the hooks, branch lines, and floats must be stowed and not available for immediate use, and any power-operated mainline hauler on deck must be covered in such a manner that it is not readily available for use.

#### Classification

There is good cause to waive prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B). This action is based on the best available information and is necessary for the conservation and management of bigeye tuna. Compliance with the notice and comment requirement would be impracticable and contrary to the public interest, since NMFS would be unable

to ensure that the 2013 bigeye tuna catch limit is not exceeded. The annual catch limit is an important mechanism to ensure that the U.S. complies with its international obligations in preventing overfishing and managing the fishery at optimum yield. Moreover, NMFS previously solicited public comments on the rule that established the catch limit (76 FR 68332, November 4, 2011). For the same reasons, there is good cause to establish an effective date less than 30 days after date of publication of this notice.

This action is required by § 300.25(b) and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 951-962 *et seq.*

Dated: October 31, 2013.

**James P. Burgess,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013-26450 Filed 10-31-13; 4:15 pm]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 130219149-3397-02]

RIN 0648- XC897

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason adjustment of landing limits.

**SUMMARY:** This temporary rule increases the possession limits for Gulf of Maine cod, Cape Cod/Gulf of Maine yellowtail flounder, Gulf of Maine winter flounder, white hake, and pollock for Northeast multispecies common pool vessels for the remainder of the 2013 fishing year. This action is being taken because catch rates of these stocks are low. Increasing these possession limits is intended to provide additional fishing opportunities and help allow the common pool fishery to catch more of its quota for these stocks.

**DATES:** Effective October 30, 2013, through April 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** Liz Sullivan, Fishery Management Specialist, 978-282-8493.