

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2013 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA.—Continued

Species	Period ending	Standard ex-vessel price per pound
Thornyhead rockfish	November 30	0.23
	May 31	0.49
	June 30	0.32
	July 31	0.15
	August 31	0.00
	September 30	0.46
	October 31	0.59
	November 30	0.35

*The pelagic shelf rockfish (PSR) species group has been changed to “dusky rockfish.”

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447.

Dated: February 26, 2014.

James P. Burgess,

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

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CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2013–0016]

Petition Requesting Exception From Lead Content Limits: BIC USA Inc.; Reopening of the Comment Period

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Comment request.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) has received a petition requesting an exception from the 100 ppm lead content limit under section 101(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), as amended by Public Law 112–28, for a children’s pen from BIC USA Inc. (BIC). On April 30, 2013 (78 FR 25256), the CPSC published notice of the petition inviting written comments concerning the petition. On January 21, 2014, BIC submitted a letter to the Commission to provide additional information about the possible availability of a low lead stainless steel alternative to the nickel silver alloy point for which a lead limit exception would be required. A copy of the letter may be viewed on: <http://www.regulations.gov>, under docket number CPSC–2013–0016, Supporting and Related Materials. To allow interested parties to comment on the additional information, the Commission is reopening the comment period for 30 days.

DATES: Submit comments by April 2, 2014.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2013–0016, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through www.regulations.gov. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions in the following way: Mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>, and insert the docket number CPSC–2013–0016, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Kristina Hatlelid, Ph.D., M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 5 Research Pl, Rockville, MD 20850; email: khatlelid@cpsc.gov; telephone: 301–987–2558.

SUPPLEMENTARY INFORMATION: On March 25, 2013, BIC submitted a petition requesting an exception from the lead content limit of 100 ppm under section 101(b) of the CPSIA for a new line of writing instrument products intended for children age five and up (BIC Children’s Pen) to address the needs of young children who are in the early stages of learning to write. BIC specifically requested an exception for the accessible portion of the nickel silver point assembly (which includes the point and point support subassembly) that BIC proposed to use in the BIC Children’s Pen. The petition noted that the point and point support subassembly in the BIC Children’s Pen contained total lead of approximately 8720 ppm. According to BIC, all of the other accessible components of the BIC Children’s Pen contained total lead below 100 ppm. BIC asserted that removing or making excess lead inaccessible in manufacturing the BIC Children’s Pen is neither practicable nor technologically feasible.

In the **Federal Register** of April 30, 2013 (78 FR 25256), the CPSC invited comments on the issues raised by the petition. The Commission received five comments in response to the notice.

On January 21, 2014, BIC submitted a letter to the CPSC to inform the Commission about the possible availability of a low lead stainless steel alternative to the nickel silver alloy point currently used in BIC’s solvent based ink pens and for which a lead limit exception would be required. BIC states that a trial batch of the stainless steel points passed BIC’s technical qualification when tested with BIC’s solvent based inks. BIC further states that production of the low lead stainless steel points on a consistent basis in industrial quantities to meet the volume and timing demands of customers is not technically feasible. Accordingly, BIC suggests that BIC’s earlier request for an exception for the continued use of the nickel silver alloy point be limited to

five years to allow BIC additional time to develop a compliant Children's Pen.

Through this notice, we are reopening the comment period to give all interested parties an opportunity to comment on the additional information provided by BIC. A copy of the letter may be viewed on <http://www.regulations.gov>, under docket number CPSC-2013-0016, Supporting and Related Materials.

Dated: February 26, 2014.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2014-04581 Filed 2-28-14; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

Public Health Authority Notification

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice .

SUMMARY: CPSC is publishing this notice to inform hospitals and other health care organizations of CPSC's status as a "public health authority" under the medical privacy requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

FOR FURTHER INFORMATION CONTACT: Melissa Buford, CPSC Office of the General Counsel, 4330 East West Highway, Suite 704, Bethesda MD 20814. 301-504-7636.

SUPPLEMENTARY INFORMATION: Congress enacted HIPAA to improve portability and continuity of health insurance, among other purposes. (Pub. L. 104-191, 110 Stat. 1936 (1996)). The U.S. Department of Health and Human Services (HHS) promulgated regulations pursuant to HIPAA to address the security and privacy of health data. Known as the Privacy Rule, *Standards for Privacy of Individually Identifiable Health Information*, 45 CFR parts 160 and 164, the regulations established procedures to protect the privacy of individually identifiable health information and to address the use and disclosure of such information.

The Privacy Rule provides that covered entities, including health care providers, health plans, and health care clearinghouses, may not use or disclose protected health information, except in certain expressly permitted circumstances. Covered entities, however, may disclose protected health information to a "public health authority." As HHS recognized in guidance issued on December 3, 2002, and revised on April 3, 2003, disclosure

in certain circumstances is necessary to support the work of public health authorities:

The HIPAA Privacy Rule recognizes the legitimate need for public health authorities and others responsible for ensuring public health and safety to have access to protected health information to carry out their public health mission. The Rule also recognizes that public health reports made by covered entities are an important means of identifying threats to the health and safety of the public at large, as well as individuals. Accordingly, the Rule permits covered entities to disclose protected health information without authorization for specified public health purposes.

The regulations define a "public health authority" broadly to include:

an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has grant authority, that is responsible for public health matters as part of its official mandate.

45 CFR 164.501. Moreover, the preamble to the final Privacy Rule underscored the expansive meaning of "public health authority." Noting the clear congressional mandate not to interfere with current public health practices, the preamble stated: "the broad definition of 'public health authority' is appropriate to achieve that end." 65 FR 82462 (December 28, 2000).

Thus, the Privacy Rule provides that protected health information may be disclosed to a public health authority that is authorized by law to collect certain health-related information. Specifically, the Privacy Rule allows for the disclosure of protected health information to a public health authority that is:

authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority.

45 CFR 164.512(b)(1)(i).

CPSC is a public health authority authorized by law to collect certain health-related information in pursuit of its official mandate. CPSC's mission is to protect the public against unreasonable risks of injury associated with consumer products and to promote research and investigation into the causes and prevention of product-

related deaths, illnesses, and injuries. 15 U.S.C. 2051(b). As such, CPSC's mission falls well within the broad parameters of a public health authority responsible for public health matters as defined in the Privacy Rule.

Additionally, in furtherance of its mandate, CPSC is authorized by law to, among other things, collect information for the purpose of preventing injury or death, report injury or death, and conduct public health investigations. For example, pursuant to statutory direction, CPSC must "maintain an Injury Information Clearinghouse to collect, investigate, analyze, and disseminate injury data, and information, relating to the causes and prevention of death, injury, and illness associated with consumer products" and to "conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary." 15 U.S.C. 2054(a)(1) and (2). In addition, CPSC is authorized to "conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products." 15 U.S.C. 2054(b). Additionally, each fiscal year CPSC is required to submit a comprehensive report to the President and Congress documenting "thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence of injury and effects to the population resulting from consumer products, with a breakdown, insofar as practicable, among the various sources of such injury" and "statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c)." 15 U.S.C. 2076(j)(1) and (6)(B).

As an agency responsible for public health matters pursuant to its official mandate, and with statutory authorization to collect and report information to prevent injury and death, CPSC falls squarely within the definition of a "public health authority." Accordingly, CPSC is providing notice that it is a public health authority within the meaning of the Privacy Rule, entitled to receive protected health information from hospitals and other health care organizations, without written authorization or consent. The disclosure of protected health information to a public health authority is a permitted disclosure under the Privacy Rule. 45 CFR 164.502(a)(1)(vi).