

Act, the Selective Service Act, or this part were not met.

(b) In cases where the Department of Commerce determines that failure to comply with the provisions of the Defense Production Act, the Selective Service Act, or this part was inadvertent, the person may be informed in writing of the particulars involved and the corrective action to be taken. Failure to take corrective action may then be construed as a willful violation of the Defense Production Act, this part, or an official action.

**§ 700.75 Violations, penalties, and remedies.**

(a) Willful violation of the provisions of the Defense Production Act, the priorities provisions of the Selective Service Act, or this part is a crime and upon conviction, a person may be punished by fine or imprisonment, or both. The maximum penalty provided by the Defense Production Act is a \$10,000 fine, or one year in prison, or both. The maximum penalty provided by the Selective Service Act is a \$50,000 fine, or three years in prison, or both.

(b) The government may also seek an injunction from a court of appropriate jurisdiction to prohibit the continuance of any violation of, or to enforce compliance with, the Defense Production Act, this part, or an official action.

(c) In order to secure the effective enforcement of the Defense Production Act, this part, and official actions, the following are prohibited (see section 704 of the Defense Production Act; see also, for example, sections 2 and 371 of Title 18, United States Code):

(1) No person may solicit, influence or permit another person to perform any act prohibited by, or to omit any act required by, the Defense Production Act, this part, or an official action.

(2) No person may conspire or act in concert with any other person to perform any act prohibited by, or to omit any act required by, the Defense Production Act, this part, or an official action.

(3) No person shall deliver any item if the person knows or has reason to believe that the item will be accepted, redelivered, held, or used in violation of the Defense Production Act, this part, or an official action. In such instances, the person must immediately notify the Department of Commerce that, in accordance with this provision, delivery has not been made.

**§ 700.76 Compliance conflicts.**

If compliance with any provision of the Defense Production Act, the Selective Service Act, or this part would

prevent a person from filling a rated order or from complying with another provision of the Defense Production Act, this part, or an official action, the person must immediately notify the Department of Commerce or the appropriate Delegate Agency for resolution of the conflict.

10. Subpart I is revised to read as follows:

**Subpart I—Miscellaneous Provisions**

Sec.

700.80 Applicability of this part and official actions.

700.81 Communications.

**Subpart I—Miscellaneous Provisions**

**§ 700.80 Applicability of this part and official actions.**

(a) This part and all official actions, unless specifically stated otherwise, apply to transactions in any state, territory, or possession of the United States and the District of Columbia.

(b) This part and all official actions apply not only to deliveries to other persons but also include deliveries to affiliates and subsidiaries of a person and deliveries from one branch, division, or section of a single entity to another branch, division, or section under common ownership or control.

(c) This part and its schedules shall not be construed to affect any administrative actions taken by the Department of Commerce, or any outstanding contracts or orders placed pursuant to any of the regulations, orders, schedules or delegations of authority under the Defense Materials System, Defense Priorities System or the Defense Priorities and Allocations System previously issued by the Department of Commerce. Such actions, contracts, or orders shall continue in full force and effect under this part unless modified or terminated by proper authority.

(d) Any repeal of any provision of this part or any order, schedule or delegation of authority issued pursuant to this part shall not release or extinguish any penalty or liability incurred under that provision, order, schedule or delegation of authority. That provision, order, schedule or delegation of authority shall be treated as still remaining in force for the purpose of sustaining any action for the enforcement of such penalty or liability.

**§ 700.81 Communications.**

All communications concerning this part, including requests for copies of the regulation and explanatory information, requests for guidance or clarification, and requests for adjustment or exception shall be addressed to the

Office of Strategic Industries and Economic Security, Room 3876, U.S. Department of Commerce, Washington, DC 20230, Ref: DPAS; telephone: (202) 482-3634, fax: (202) 482-5650. Communications may also be submitted electronically at [DPAS@bis.doc.gov](mailto:DPAS@bis.doc.gov), with reference to the topic of the communication in the subject line.

**Subpart J—[Removed]**

11. Subpart J is removed.

**Subpart K—[Removed]**

12. Subpart K is removed.

**Subpart L—[Removed]**

13. Subpart L is removed.

Dated: May 28, 2010.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2010-13395 Filed 6-4-10; 8:45 am]

**BILLING CODE 3510-JT-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Parts 1301, 1309**

[Docket No. DEA-304P]

RIN 1117-AB27

**Voluntary Surrender of Certificate of Registration**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Drug Enforcement Administration (DEA) proposes to amend its regulations and to revise applicable implementing forms to clarify the registration status of a registrant who voluntarily surrenders a Certificate of Registration for cause. The effect of these proposed changes would make it clear that a voluntary surrender of a registration for cause by a registrant has the legal effect of immediately terminating the registrant's registration without any further action by DEA.

**DATES:** Written comments must be postmarked and electronic comments must be submitted on or before August 6, 2010. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

**ADDRESSES:** To ensure proper handling of comments, please reference "Docket No. DEA-304" on all written and electronic correspondence. Written

comments being sent via regular or express mail should be sent to the Drug Enforcement Administration, Attention: Federal Register Representative/ODL, 8701 Morrisette Drive, Springfield, VA 22152. Comments may be sent to DEA by sending an electronic message to [dea.diversion.policy@usdoj.gov](mailto:dea.diversion.policy@usdoj.gov). Comments may also be sent electronically through <http://www.regulations.gov> using the electronic comment form provided on that site. An electronic copy of this document is also available at the <http://www.regulations.gov> Web site. DEA will accept attachments to electronic comments in Microsoft word, WordPerfect, Adobe PDF, or Excel file formats only. DEA will not accept any file format other than those specifically listed here.

Please note that DEA is requesting that electronic comments be submitted before midnight Eastern time on the day the comment period closes because <http://www.regulations.gov> terminates the public's ability to submit comments at midnight Eastern time on the day the comment period closes. Commenters in time zones other than Eastern time may want to consider this so that their electronic comments are received. All comments sent via regular or express mail will be considered timely if postmarked on the day the comment period closes.

**FOR FURTHER INFORMATION CONTACT:** Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. Telephone (202) 307-7297.

**SUPPLEMENTARY INFORMATION:**

*Posting of Public Comments:* Please note that all comments received are considered part of the public record and made available for public inspection online at <http://www.regulations.gov> and in the Drug Enforcement Administration's public docket. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted online or made available in the public docket.

Personal identifying information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, will be posted online and placed in the Drug Enforcement Administration's public docket file. Please note that the Freedom of Information Act applies to all comments received. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

**Background**

Under current regulations the DEA registration of any person terminates "if and when such person dies, ceases legal existence, or discontinues business or professional practice \* \* \*" 21 CFR 1301.52(a) and 1309.62(a). Under these provisions, no further action by DEA is needed to terminate a DEA Certificate of Registration after one of the specified events occurs. These regulations are silent about whether the automatic termination provisions apply upon a registrant's surrender of a DEA registration. Moreover, DEA forms 104 (for controlled substance registrations) and 104c (for listed chemical registrations), which are sometimes used by registrants to effectuate voluntary surrenders, state that submission of the forms "shall be authority for the Administrator of the Drug Enforcement Administration to terminate \* \* \* my registration without an order to show cause, a hearing, or any other proceedings \* \* \*." Thus the forms have led some registrants to believe that DEA must issue a final order revoking the registration, after submission of the forms, to terminate a DEA registration.

DEA regulations, however, do not require any further action by DEA's Administrator to terminate a DEA registration after the submission of a voluntary surrender, and in practice, DEA treats the submission of a voluntary surrender form as an

immediate termination of the DEA registration at issue. The only further action taken by DEA in such cases is the entry of the surrender into DEA's registration database. Moreover, DEA regulations do not even require a registrant to use any particular format to submit a voluntary surrender. DEA accepts voluntary surrenders as long as the Registrant submits a signed statement expressing the desire to surrender a registration.

**Proposed Action**

To ensure that there is no confusion as to actions necessary to effectuate the voluntary surrender of a DEA registration, DEA intends to revise the relevant regulations to state that a DEA registration terminates when DEA, through any employee, receives notice of a voluntary surrender of a DEA registration.

**Regulatory Certifications**

*Regulatory Flexibility Act*

The Deputy Assistant Administrator, Office of Diversion Control, has reviewed this regulation and hereby certifies that it has been drafted in accordance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601-612), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities. This Notice of Proposed Rulemaking merely clarifies the circumstances under which DEA registrations may be revoked or surrendered.

*Executive Order 12866*

The Deputy Assistant Administrator further certifies that this regulation has been drafted in accordance with the principles of Executive Order 12866, Section 1(b). It has been determined that this is a "significant regulatory action" under Executive Order 12866, and accordingly this rule has been reviewed by the Office of Management and Budget.

*Paperwork Reduction Act*

This rulemaking would not create any new recordkeeping or reporting requirements. The forms discussed in this rulemaking are internal to DEA and are used under specific law enforcement circumstances.

*Executive Order 12988*

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988.

*Executive Order 13132*

This rulemaking does not preempt or modify any provision of State law; nor does it impose enforcement responsibilities on any State; nor does it diminish the power of any State to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

*Unfunded Mandates Reform Act of 1995*

This rulemaking will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$120 million or more (adjusted for inflation) in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Congressional Review Act*

This rulemaking is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S.-based companies to compete with foreign-based companies in domestic and export markets.

**List of Subjects***21 CFR Part 1301*

Administrative practice and procedure, Drug traffic control, Security measures.

*21 CFR Part 1309*

Administrative practice and procedure, Drug traffic control, Exports, Imports, Security measures.

For the reasons set out above, 21 CFR parts 1301 and 1309 are proposed to be amended as follows:

**PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES**

1. The authority citation for part 1301 continues to read as follows:

**Authority:** 21 U.S.C. 821, 822, 823, 824, 831, 871(b), 875, 877, 886a, 951, 952, 953, 956, 957, 958.

2. Section 1301.52(a) is revised to read as follows:

**§ 1301.52 Termination of registration; transfer of registration; distribution upon discontinuance of business.**

(a) Except as provided in paragraph (b) of this section, the registration of any person, and any modifications of that registration, shall terminate, without any further action by the Administration, if and when such person dies, ceases legal existence, discontinues business or professional practice, or surrenders a registration. Any registrant who ceases legal existence or discontinues business or professional practice shall notify the Administrator promptly of such fact. In the case of a surrender, termination shall occur upon receipt by any employee of the Administration of a duly executed DEA form 104 or any signed writing indicating the desire to surrender a registration.

\* \* \* \* \*

**PART 1309—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, IMPORTERS, AND EXPORTERS OF LIST I CHEMICALS**

3. The authority citation for part 1309 continues to read as follows:

**Authority:** 21 U.S.C. 821, 822, 823, 824, 830, 871(b), 875, 877, 886a, 958.

4. Section 1309.62(a) is revised to read as follows:

**§ 1309.62 Termination of registration.**

(a) The registration of any person shall terminate, without any further action by the Administration, if and when such person dies, ceases legal existence, discontinues business or professional practice, or surrenders a registration. In the case of a surrender, termination shall occur upon receipt by any employee of the Administration of a duly executed DEA form 104c or any signed writing indicating the desire to surrender a registration. Any registrant who ceases legal existence or discontinues business or professional practice or wishes to surrender a registration shall notify the Special Agent in Charge of the Administration in the area in which the person is located of such fact and seek authority and instructions to dispose of any List I chemicals obtained under the authority of that registration.

\* \* \* \* \*

Dated: May 26, 2010.

**Joseph T. Rannazzisi,**  
*Deputy Assistant Administrator, Office of Diversion Control.*

[FR Doc. 2010-13521 Filed 6-4-10; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1910****RIN 1218-AC41****Combustible Dust**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of combustible dust Web Chat.

**SUMMARY:** OSHA invites interested parties to participate in a Web Chat on the workplace hazards of combustible dust. OSHA plans to use the information gathered in response to this Web Chat in developing a proposed standard for combustible dust.

**DATES:** The Web Chat will be held on June 28, 2010, at 1 p.m. EDT.

**ADDRESSES:****Registration**

Participants are requested to provide their name, affiliation, and e-mail address so OSHA can respond to comments or seek clarification.

**Web Site**

Participants can access the Web Chat at <http://www.dol.gov/dol/chat.htm>. The Web Blog will remain accessible for additional feedback through July 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

- *Press inquiries.* Contact Jennifer Ashley, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-1999.

- *General and technical information regarding Combustible Dust.* Contact Mat Chibbaro, P.E., Fire Protection Engineer, Office of Safety Systems, OSHA Directorate of Standards and Guidance, Room N-3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2255.

- *Technical information regarding Web Chat logistics and electronic access.* Contact Andy Bailey, DOL Web Content Manager, Office of Public Affairs, Division of Enterprise Communications, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-5946.

- *Copies of this Federal Register notice.* Electronic copies are available at <http://www.regulations.gov>. This