

**List of Subjects in 21 CFR Part 1308**

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is proposed to be amended to read as follows:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

- 1. The authority citation for 21 CFR part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

- 2. Amend § 1308.14 by adding a new paragraph (b)(3) to read as follows:

**§ 1308.14 Schedule IV.**

\* \* \* \* \*

(b) \* \* \*

(3) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers]—9752

\* \* \* \* \*

Dated: October 25, 2013.

**Thomas M. Harrigan,**  
Deputy Administrator.

[FR Doc. 2013-25933 Filed 11-1-13; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 300**

[REG-144990-12]

**RIN 1545-BL37**

**User Fees for Processing Installment Agreements and Offers in Compromise; Hearing Cancellation**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of a notice of public hearing on proposed rulemaking.

**SUMMARY:** This document cancels a public hearing on proposed regulations that amend the provider user fees for installment agreements and offers in compromise.

**DATES:** The public hearing originally scheduled for October 1, 2013 at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Oluwafunmilayo Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on Friday August 30, 2013 (78 FR 53702) announced that a public hearing was scheduled for October 1, 2013, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is under sections 6159 and 7122 of the Internal Revenue Code.

The public comment period for these regulations expired on September 30, 2013. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. The hearing was not held on October 1, 2013, due to the closure of the Federal Government. As of October 17, 2013, the date of the reopening of the Federal Government, there were no requests to speak. Therefore, the public hearing scheduled for October 1, 2013, is cancelled and will not be rescheduled.

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2013-26280 Filed 11-1-13; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Parts 1910 and 1926**

[Docket No. OSH-2013-0005]

**RIN No. 1218-AC77**

**Updating OSHA Standards Based on National Consensus Standards; Signage**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** With this notice, OSHA is withdrawing the proposed rule that accompanied its direct final rule revising its signage standards for general industry and construction.

**DATES:** Effective November 4, 2013, OSHA is withdrawing the proposed rule published June 13, 2013 (78 FR 35585).

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, Room N-3647, U.S.

Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

**Technical information:** Contact Ken Stevanus, Directorate of Standards and Guidance, Room N-3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-2260; fax: (202) 693-1663; email: [stevanus.ken@dol.gov](mailto:stevanus.ken@dol.gov).

**SUPPLEMENTARY INFORMATION:**

*Copies of this Federal Register notice:* Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, also is available at OSHA's Web page at <http://www.osha.gov>.

**Withdrawal of the proposal:** On June 13, 2013, OSHA published a companion proposed rule (NPRM) along with the direct final rule (DFR) (see 78 FR 35585) updating its signage standards for general industry and construction. In the DFR, OSHA stated that it would withdraw the companion NPRM and confirm the effective date of the DFR if it received no significant adverse comments to the DFR by the close of the comment period, July 15, 2013. OSHA received eight favorable and no adverse comments on the DFR by that date (see ID: OSHA-2013-0005-0008 thru -0015 in the docket for this rulemaking). Accordingly, OSHA is withdrawing the proposed rule. In addition, OSHA is publishing two separate **Federal Register** notices, one confirming the effective date of the DFR, and the other making minor, nonsubstantive additions and corrections to 29 CFR 1910.6, 1926.6, and 1926.200(b) and (c).

**List of Subjects in 29 CFR Parts 1910 and 1926**

Signage, Occupational safety and health, Safety.

**Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this document. OSHA is issuing this document pursuant to 29 U.S.C. 653, 655, and 657, 5 U.S.C. 553, Secretary of Labor's Order 1-2012 (77 FR 3912), and 29 CFR part 1911.

Signed at Washington, DC, on October 30, 2013.

**David Michaels,**  
Assistant Secretary of Labor for Occupational Safety and Health.  
[FR Doc. 2013-26337 Filed 11-1-13; 8:45 am]  
**BILLING CODE 4510-26-P**

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1613

#### Restrictions on Legal Assistance With Respect to Criminal Proceedings

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule updates the Legal Services Corporation (LSC or Corporation) regulation on legal assistance with respect to criminal proceedings. The Tribal Law and Order Act of 2010 (TLOA) amended the LSC Act to authorize LSC funds to be used for representation of persons charged with criminal offenses in tribal courts. This proposed rule will bring the regulations into alignment with the amended LSC Act. The proposed rule will also revise the conditions under which LSC recipients can accept or decline tribal court appointments to represent defendants in criminal proceedings.

**DATE:** Comments must be submitted by December 4, 2013.

**ADDRESSES:** Written comments must be submitted to Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 337-6519 (fax) or *lscrulemaking@lsc.gov*. Electronic submissions are preferred via email with attachments in Acrobat PDF format. Written comments sent to any other address or received after the end of the comment period may not be considered by LSC.

**FOR FURTHER INFORMATION CONTACT:** Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007, (202) 295-1563 (phone), (202) 337-6519 (fax), *lscrulemaking@lsc.gov*.

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory and Regulatory Background

The Corporation first issued 45 CFR part 1613 in 1976 to implement a statutory prohibition on the use of LSC funds to provide legal assistance in criminal cases. Section 1007 of the LSC Act prohibited the use of LSC funds to provide legal assistance “with respect to any criminal proceeding.” Public Law

93-355, § 1007(b)(2), 88 Stat. 383 (Jul. 25, 1974) (42 U.S.C. 2996f(b)(2)). The original section 1613.2 defined “criminal proceeding” as “the adversary judicial proceeding prosecuted by a public officer and initiated by a formal complaint, information, or indictment charging a person with an offense denominated ‘criminal’ by applicable law and punishable by death, imprisonment, or a jail sentence. A misdemeanor or lesser offense tried in an Indian tribal court is not a ‘criminal proceeding.’” 41 FR 38506, Sept. 10, 1976. Neither the proposed rule nor the final rule explained why the Corporation exempted minor criminal cases in tribal courts from the general prohibition.

The following year, Congress amended the LSC Act to codify the Corporation’s exemption of minor crimes in tribal courts from the types of criminal proceedings for which LSC funds could not be used. Public Law 95-222, § 10(b), 91 Stat. 1620-1623 (Dec. 28, 1977). According to the House Report on H.R. 6666, which became Public Law 95-222, it made this amendment at the Corporation’s request. H.R. Rep. 95-310, 1977 U.S.C.C.A.N. 4503, 4515-16 (May 13, 1977). The Committee on the Judiciary explained:

Section 7(b)(2) permits a legal services program to provide representation in a very narrow category of technically criminal cases that may be viewed as basically civil in nature to a person charged with an offense involving hunting, fishing, trapping or gathering fruits of the land when the principal defense asserted involves rights arising from a treaty with Indians. A number of legal services programs have developed expertise in the highly specialized area of Indian treaty law. Prior to the passage of the Legal Services Corporation Act they provided assistance to Indians charged with criminal offenses when the defense arose out of an asserted treaty right. Because an effective defense depends on knowledge of treaty law, rather than of criminal law, state-appointed private counsel and public defenders generally lack the legal background required to provide an effective defense.

The provision of section 7(b)(2) authorizing representation of an Indian charged with a misdemeanor or lesser offense in an Indian tribal court is declaratory of existing law and codifies current Corporation Regulations.

The committee approves the provisions of current Corporation Regulations, that appropriately define the scope of the prohibition against criminal representation and the narrow exceptions to the prohibition that are required for fulfillment of a lawyer’s professional obligations and responsibilities.

In 2010, Congress enacted the TLOA. The TLOA had two major effects on tribal criminal jurisdiction. First, it authorized tribal courts to impose longer sentences, raising the maximum

duration from up to one year to a total of nine years for multiple charges. Public Law 111-211, Tit. II, Subtitle C, § 234(a), 124 Stat. 2280 (Jul. 29, 2010). Second, it required tribes exercising the expanded sentencing authority to, “at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney.” Public Law 111-211, Tit. II, Subtitle C, § 234(c)(2), 124 Stat. 2280. Of most relevance for LSC funding recipients, the TLOA amended section 1007(b)(2) of the LSC Act to authorize the use of LSC funds to provide representation in all criminal proceedings before tribal courts. Public Law 111-211, Tit. II, Subtitle C, § 235(d), 124 Stat. 2282.

Congress further expanded tribal court jurisdiction in 2013. Through the Violence Against Women Reauthorization Act of 2013 (2013 VAWA), Congress amended the Indian Civil Rights Act of 1968 to authorize tribal courts to exercise special criminal jurisdiction over domestic violence cases. Public Law 113-4, § 904(b)(1), 127 Stat. 120-121 (Mar. 7, 2013) (25 U.S.C. 1304(a)). This “special domestic violence criminal jurisdiction” is exercised concurrently with state or Federal jurisdictions, or both, as applicable. Public Law 113-4, § 904(b)(2), 127 Stat. 121 (25 U.S.C. 1304(b)(2)). Unlike prior congressional enactments, the 2013 VAWA explicitly authorizes tribes to exercise jurisdiction over both Indian and non-Indian defendants in certain circumstances.

In order for the tribe to assert special domestic violence criminal jurisdiction, the alleged act must have occurred within Indian country. Public Law 113-4, § 904(c), 127 Stat. 122. “Indian country” is a term of art defined in 8 U.S.C. 1151. If neither the victim nor the accused is Indian, the court may not exercise jurisdiction. Public Law 113-4, § 904(b)(4)(A)(i), 127 Stat. 121. If only the accused is a non-Indian, the court may exercise jurisdiction only if the accused resides in the Indian country over which the tribe has jurisdiction; is employed in the Indian country of the tribe; or is a spouse, intimate partner, or dating partner of a member of the tribe or an Indian who resides in the Indian country of the tribe. Public Law 113-4, § 904(b)(4)(B), 127 Stat. 122.

The 2013 VAWA also introduced another set of crimes in Indian country for which defendants are entitled to counsel at the tribal government’s expense. Section 904(d)(2) states that if a sentence of any length of time may be imposed, the defendant is entitled to all of the rights laid out in Section 202(c) of the Indian Civil Rights Act. Public Law 113-4, § 904(d)(2), 127 Stat. 122.