

assignment and therefore are not normally permitted to operate outside the Boundary Line.

(More information on load lines and the Boundary Line can be found on the Coast Guard's load line Web site at: <http://www.uscg.mil/hq/cg5/cg5212/loadlines.asp>)

*Load line-exempted routes on Lake Michigan.* At present, river barges can obtain a special load line that allows them to operate on Lake Michigan between Calumet and Muskegon, provided that they remain within 5 miles of the shoreline, transit only under favorable weather conditions, and only carry dry, non-hazardous cargoes. This load line is issued by the American Bureau of Shipping, who inspects (surveys) the vessel each year to ensure its continued seaworthiness.

Although non-load line river barges are not normally permitted to operate on the Lake, there are two specific routes where they are so permitted under restricted conditions: Between Calumet and Burns Harbor, IL, and between Calumet and Milwaukee, MI. The voyages are subject to weather limitations and certain other loading restrictions. The premise for these exempted routes is that weather conditions on the Lake are often benign, that accurate and timely forecasts are readily available, and that ports of refuge are close at hand along the route. This allows the river barges to avoid bad weather and safely transit along the Lake shore. The specific restrictions for these exempted routes are found in 46 CFR 45.171, *et seq.*

*Petition for a special load line exemption.* In order to promote barge transportation of certain agricultural products and cargoes, the petitioners have submitted to the Coast Guard a request to create a load line-exempted route along the eastern shore of Lake Michigan. These requests can be viewed in the docket, but to summarize: The request would effectively extend the existing Burns Harbor exemption up the eastern shore of Lake Michigan to Muskegon, MI. The actual restrictions would be very similar to those for the Milwaukee route.

The benefit of the exemption is that it would allow non-hazardous cargoes to be loaded onto ordinary, non-load line river barges at inland Mississippi River terminals for direct delivery to Muskegon and intermediate Lake ports, and for agricultural products to be similarly transported to downriver terminals.

#### Request for Comments

In deciding whether or not to move forward with the requested rulemaking,

the Coast Guard must consider several issues: The safety of the operation, protection of the marine environment, resource demands on the Coast Guard (particularly compliance verification and enforcement), and the potential economic costs and benefits.

Public comments on these issues, as well as other points that are pertinent to this petition, are encouraged. Upon review, the Coast Guard will decide whether or not to proceed with a rulemaking to establish the proposed exempted route.

This document is issued under authority of 5 U.S.C. 552(a) and 46 U.S.C. 5108.

Dated: May 19, 2014.

**F.J. Sturm,**

*Acting Director of Commercial Regulations and Standards.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 383, 384, and 391

[Docket No. FMCSA-2012-0178]

RIN 2126-AB40

#### Medical Examiner's Certification Integration; Availability of Updated Privacy Impact Assessment

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** FMCSA announces the availability of the Privacy Impact Assessment (PIA) for the Medical Examiner's Certification Integration notice of proposed rulemaking (NPRM) published on May 10, 2013. Due to technical errors, the PIA was not posted to the docket until July 4, 2013, just a few days prior to the end of the public comment period. In addition, the PIA was not posted to the Department of Transportation's (DOT's) Privacy Web site until December 11, 2013. In an effort to provide the public with as much information as possible regarding the National Registry and the Medical Examiner's Certification Integration rulemaking, we are announcing the availability of the updated PIA and requesting comments from the public. Comments must be limited to possible impact of the rules proposed in the NPRM on the protection of privacy of information used in determining the

physical qualifications of drivers of commercial motor vehicles.

**DATES:** Comments must be received on or before June 11, 2014.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA-2012-0178 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Robin Hamilton, Office of Medical Programs, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001, by telephone at (202) 366-4001 or via email at [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov). Office hours are from 9 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Public Participation and Request for Comments**

FMCSA encourages you to submit comments regarding the impacts on privacy of information by the rules proposed in the Medical Examiner's Certification Integration rulemaking. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you provide.

##### *A. Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking (FMCSA-2012-0178), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and

material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission. To submit your comment online, go to <http://www.regulations.gov> and click on the "Submit a Comment" box, which will then become highlighted in blue. In the "Document Type" drop-down menu, select "Proposed Rules," insert "FMCSA 2012-0178" in the "Keyword" box, and click "Search." When the new screen appears, click on "Submit a Comment" in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit your comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change the proposed rule based on your comments.

#### B. Viewing Comments and Documents

To view comments, as well as documents mentioned in the Medical Examiner's Certification Integration NPRM, available in the docket, go to <http://www.regulations.gov> and click on the "Read Comments" box in the upper right-hand side of the screen. Then in the "Keyword" box, insert "FMCSA-2012-0178" and click "Search." Next, click the "Open Docket Folder" in the "Actions" column. Finally, in the "Title" column, click on the document you would like to review. If you do not have access to the Internet, you may view the docket online by visiting 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. ET, Monday through Friday, except Federal holidays.

#### C. Privacy Act

Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you

may visit <http://www.gpo.gov/fdsys/pkg/FR-2008-01-17/pdf/E8-785.pdf>.

## II. Background

### Legal Basis

The Agency, in conjunction with the Department's Chief Information Office, has prepared and made available a PIA.<sup>1</sup> This PIA has been prepared in accordance with the provisions of Section 522(a)(5) of the FY 2005 Omnibus Appropriations Act, Public Law 108-447, 118 Stat. 3268 (Dec. 8, 2004).<sup>2</sup> This statute requires DOT agencies to prepare a PIA on proposed rules involving the privacy of information in identifiable form, including the type of personally identifiable information collected and the number of people affected.<sup>3</sup>

The statute involved does not require this Agency or the Department to provide an opportunity to comment on the PIA directly. The PIA provides a detailed explanation of the privacy interests involved in the entire National Registry program. It sets out the careful and thorough steps FMCSA and the Department have taken and will take to protect those interests, while at the same time carrying out the statutory directives to ensure that CMV drivers are physically qualified and can operate safely and that operation of a CMV does not affect their health.<sup>4</sup> Nonetheless, the PIA does provide a basis for public comment on any rules proposed by the Agency that may have an impact on privacy of information within its scope. The context for such impact is provided by a brief review of the history of the development of the National Registry.

### Regulatory History

The National Registry was developed and implemented under the authority of 49 U.S.C. 31149, enacted by Section 4116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The program is managed and maintained by the FMCSA. The Federal Motor Carrier Safety Regulations (FMCSRs) require that CMV drivers comply with physical qualification requirements and be examined and certified by a medical examiner (ME) at

least once every two years. The National Registry ensures that MEs who perform DOT driver medical examinations are properly trained and certified by FMCSA to do so. The program maintains personally identifiable information (PII) for each ME candidate applying for ME certification, MEs' administrative personnel who are registering on the National Registry, and of CMV drivers examined by a certified ME. FMCSA published a final rule on April 20, 2012 (77 FR 73129), to establish and maintain a National Registry of Certified Medical Examiners. FMCSA posted a PIA of the final rule on the DOT privacy program Web site on August 20, 2012.

FMCSA published the Medical Examiner's Certification Integration NPRM on May 10, 2013 (78 FR 24104), a follow-on rule to the National Registry final rule. The purpose of the principal requirements proposed in the Medical Examiner's Certification Integration NPRM was to modify the requirements adopted in two earlier final rules issued by FMCSA, Medical Certification Requirements as Part of the Commercial Driver's License, 73 FR 73096 (Dec. 1, 2008), and the National Registry final rule. It proposed that the information from the Medical Examiner's Certificate (MEC) be transmitted to FMCSA on a daily basis by MEs. FMCSA would then promptly and accurately transmit that information for CDL holders to the State Driver Licensing Agencies (SDLAs) electronically for entry into the appropriate CDL driver record within one business day of receipt from FMCSA. Specifically, the NPRM proposed to require MEs to use a slightly revised Medical Examination Report (MER) Form, MCSA-5875 and the MEC, Form MCSA-5876; daily instead of monthly reporting of CMV driver medical examinations; electronic transmission of CDL and Commercial Learner's Permit (CLP) driver information from the National Registry system to the SDLAs; and electronic transmission of medical variance information for all CMV drivers to the SDLAs.

The PIA announced by this notice is an update to the previous National Registry PIA (August 20, 2012) and in support of the Medical Examiner's Certification Integration NPRM. It not only updates the additional collection of personally identifiable information (PII) under this rule but attempts to update language in the PIA for clarity to the reader.

<sup>1</sup> Available at <http://www.regulations.gov/#!documentDetail;D=FMCSA-2012-0178-0039>.

<sup>2</sup> Set out as a note to 5 U.S.C. 552a, the Privacy Act, 5 U.S.C. 552a.

<sup>3</sup> Section 522(f) of the statute defines "identifiable form" as to be consistent with section 208 of the E-Government Act of 2002 (set out as a note under 44 U.S.C. § 3501, the Paperwork Reduction Act) and as any representation of information that permits identification of an individual to be reasonably inferred by either direct or indirect means.

<sup>4</sup> 49 U.S.C. 31136(a)(3) and (4).

### III. Summary of Privacy Impact Assessment

The Privacy Act of 1974 articulates concepts for how the Federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of PII. The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct PIAs for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and provides documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to: (i) Ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; (ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and (iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.

Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how DOT's electronic information systems and collections handle PII. The goals accomplished in completing a PIA include:

Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;

- Accountability for privacy issues;
- Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and
- Providing documentation on the flow of personal information and information requirements within DOT systems.

The Medical Examiner's Certification Integration NPRM would require the collection of PII; therefore, a PIA is required for the rulemaking and was prepared. It was belatedly included in the rulemaking docket and then made available on the DOT Privacy Web site late in 2013. The supporting PIA, available for review in the docket, gives a complete explanation of FMCSA practices for protecting PII, as updated from the 2012 PIA prepared in support of the National Registry of Certified

Medical Examiners final rule. In addition, the 2013 PIA updates the frequency with which PII is submitted to the Agency, adds the driver's mailing address which is currently being collected on the medical forms to the list of PII required to be submitted to the National Registry, and outlines how certain PII would be transmitted to the State licensing agencies. There is no additional PII collected under this NPRM. The updated 2013 PIA is specifically related to both the National Registry and Medical Examiner's Certification Integration NPRM and the entire medical program administered by FMCSA. Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.

The Agency requests comments on the possible impact of the rules proposed in the NPRM on the protection of privacy of information used in determining the physical qualifications of drivers of commercial motor vehicles, in light of the evaluation by the Agency and the Department of the protection of privacy of information set out in the Privacy Impact Assessment.

Issued under the authority delegated in 49 CFR 1.87 on: May 21, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

RIN 0648-BA17

#### Atlantic Highly Migratory Species; Environmental Assessment for Amendment 6 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan

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

**ACTION:** Notice of intent to prepare an Environmental Assessment.

**SUMMARY:** NMFS announces its intent to prepare an Environmental Assessment (EA) for Amendment 6 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) instead of an Environmental

Impact Statement (EIS), as previously announced through publication of a Notice of Intent published on September 16, 2011. NMFS intends to prepare the EA as required by the National Environmental Policy Act (NEPA) to assess the potential effects on the human environment of proposed alternatives and actions in Amendment 6 to the 2006 Consolidated HMS FMP. The EA will analyze potential environmental impacts of various proposed alternatives related to the Atlantic commercial shark fisheries consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other relevant Federal Laws.

**DATES:** NMFS tentatively expects to release the EA for Amendment 6 to the 2006 Consolidated HMS FMP in September 2014.

**ADDRESSES:** Members of the public requesting background material on Amendment 6 to the 2006 Consolidated HMS FMP should contact LeAnn Hogan by phone or by mail at 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** LeAnn Hogan by phone: (301) 427-8503, or by fax: (727) 824-5398.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Act. The 2006 Consolidated HMS FMP is implemented by regulations at 50 CFR part 635. The NOI published on September 16, 2011 (76 FR 57709) that announced NMFS' intent to consider catch shares for the Atlantic shark fisheries and established a control date for eligibility to participate in any potential catch share program. While NMFS received a variety of comments on the 2011 NOI, many of the commenters opposed the idea of catch shares for the Atlantic shark fisheries. These NOI comments, along with recent shark fishery trends and management changes, have led NMFS to re-consider whether catch shares are the best management tool for the Atlantic shark fisheries at this time. Catch shares remain a potential future management tool that could address some of the issues in the Atlantic shark fisheries. At this time, short-term management measures may better address the current issues facing these fisheries, while potentially economically benefitting the Atlantic shark fisheries. NMFS therefore intends to move forward with a proposal for short-term management measures for the Atlantic shark fisheries that will achieve the goals and objectives of increasing management flexibility to achieve optimum yield while rebuilding overfished stocks and