

writes the necessary implementing rules for programs involving highways, airports, mass transit, the maritime industry, railroads, and motor transportation and vehicle safety. DOT writes regulations carrying out such disparate statutes as the Americans with Disabilities Act and the Uniform Time Act. Finally, DOT has responsibility for developing policies that implement a wide range of regulations that govern programs such as acquisition and grants management, access for people with disabilities, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, security, and the use of aircraft and vehicles.

### **DOT's Existing Process for Reviewing Rules**

The Department has long recognized that there should be no more regulations than necessary and those that are issued should be simple, comprehensible, and impose only as much burden as is necessary. Likewise, the Department understands that review and revision of existing regulations is essential to ensure that they continue to meet the needs for which they originally were designed and that they remain cost-effective and cost justified. The Department regularly makes a conscientious effort to review its rules in accordance with the Department's 1979 Regulatory Policies and Procedures (44 FR 11034, Feb. 26, 1979), Executive Order 12866, and section 610 of the Regulatory Flexibility Act, 5 U.S.C. 610.

In 2011, in response to Executive Order 13563, the Department decided to improve its plan by adding special oversight processes within the Department; encouraging effective and timely reviews, including providing additional guidance on particular problems that warrant review; and expanding opportunities for public participation. The Department merged the results of the retrospective review of existing rules that was initially conducted pursuant to Executive Order 13563 and the other special reviews that were to be conducted, into a 10-year review plan to provide a simpler resource for the public and a more effective tool for oversight and management of the Department's retrospective reviews of rules.

The Department's 2011 final plan listed 79 existing rules for which the Department had already undertaken or proposed actions that promise significant savings in terms of money and burden hours. In addition, the Department identified 56 other rules

with potential savings, and we committed to further study of public commenter recommendations further before deciding on the appropriate action. You can find this list of rules as Attachment 2 to our 2011 final plan, located at <http://www.dot.gov/regulations/retrospective-review-and-analysis-existing-rules>.

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

DOT is an active regulatory agency with broad regulatory responsibilities, thus a robust regulatory program is essential to our mission. For this reason, it is all the more important that we maintain a consistent culture of retrospective review and analysis. We have determined that it is time to begin a second round of retrospective review, even as the first round of reviews begun under Executive Order 13563 are being completed.

Unlike the first round of retrospective review under Executive Order 13563, where the Department solicited suggestions for specific rules that should be on the list of candidate rules for review, the Department is looking for your suggestions on how this round should be managed and your reasons for your suggestions.

1. Should DOT simply publish a notice in the **Federal Register** asking for suggestions for specific existing rules to be reviewed, as we did during the initial round?

2. Should DOT focus on the 56 rules identified in the 2011 plan as having potential savings? Or are there any particular rules from that list that should be?

3. Should DOT publish a notice and request for comment in the **Federal Register**—

a. Focusing instead on the existing regulations of one or more specific OAs? If so, which OA(s) and why?

b. Focusing instead on one or more cross-cutting issues such as access rules or drug and alcohol testing? If so, which cross-cutting issues and why?

c. Focus on a combination of one or more specific OA(s) and specific cross-cutting issue(s)? If so, which and why?

4. One other idea would be to hold a series of listening sessions announced in the **Federal Register**, each one tailored to a specific OA or cross-cutting issue. Ideas developed at these sessions could be developed at additional public workshops (e.g., if the OA has an authorized advisory committee (such as FRA's Railroad Safety Advisory Committee chartered under the Federal Advisory Committee Act), at workshops under the auspices of that advisory committee), and/or through publication

of a notice and request for comment in the **Federal Register**, before the idea is included in a DOT draft preliminary retrospective review plan with a request for comment. We would like your thoughts on whether this idea is preferable, and if so how much time should be allowed for each stage (listening sessions, additional public workshops, and/or publication of a notice and request for comment on the suggestions for retrospective review). Please send suggestions as to which OAs and/or cross-cutting issues could benefit from this more in-depth retrospective review, including your rationale.

5. We also seek other alternatives for how to implement this second round of retrospective review and your reason for supporting the alternative(s).

### **Regulatory Notices**

*Privacy Act:* Anyone may search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://www.gpoaccess.gov/fr/browse.html> and browse under 2000 for April 11, looking under the heading "Department of Transportation."

**Authority:** 5 U.S.C. 610; E.O. 13563, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

Issued on February 19, 2014, in Washington, DC.

**Kathryn B. Thomson,**  
*Acting General Counsel.*

[FR Doc. 2014–04008 Filed 2–26–14; 8:45 am]

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[MM Docket Nos. 01–229 and 01–231;  
Report No. 2994]

### **Petition for Reconsideration of Action in Rulemaking Proceeding**

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for reconsideration.

**SUMMARY:** A Petition for Reconsideration has been filed in the Commission's Rulemaking proceedings by Edward Czelada.

**DATES:** Oppositions to the Petition must be filed on or before March 14, 2014.

Replies to an opposition must be filed on or before March 24, 2014.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, 202-418-2700.

**SUPPLEMENTARY INFORMATION:** This is a summary of Commission's document, Report No. 2994, released December 19, 2013. The full text of Report No. 2994 is available for viewing and copying in Room CY-B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160).

**Subject:** In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Caseville and Pigeon, Michigan) (MM Docket No. 01-229).

In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Harbor Beach and Lexington, Michigan) (MM Docket No. 01-231).

**Number of Petitions Filed:** 1.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014-04325 Filed 2-26-14; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R8-ES-2013-0131; FXES1113090000-145-FF09E42000]

**RIN 1018-AW04**

#### Endangered and Threatened Wildlife and Plants; Removing *Oenothera avita* ssp. *eurekensis* and *Swallenia alexandrae* From the Federal List of Endangered and Threatened Plants

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule and 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to remove *Oenothera avita* ssp. *eurekensis* (now accepted as *Oenothera californica* subsp. *eurekensis*, with a common name of Eureka Valley evening-primrose, Eureka evening-primrose, or Eureka Dunes evening-primrose) and *Swallenia alexandrae* (with a common name of Eureka dune grass or Eureka Valley dune grass) from the Federal List of

Endangered and Threatened Plants. This action is based on a review of the best available scientific and commercial information, which indicates that both species no longer meet the definition of an endangered species, and further do not meet the definition of a threatened species, under the Endangered Species Act of 1973, as amended (Act). This proposed rule, if made final, would remove these plants from the List of Endangered and Threatened Plants. This document also constitutes our 12-month finding on a petition to remove both species from the List of Endangered and Threatened Plants. We are seeking information and comments from the public regarding this proposed rule.

**DATES:** We will accept comments received or postmarked on or before April 28, 2014. We must receive requests for public hearings, in writing, at the address shown in the **FOR FURTHER INFORMATION CONTACT** section by April 14, 2014.

**ADDRESSES:** *Comment submission:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter Docket No. FWS-R8-ES-2013-0131, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R8-ES-2013-0131; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Requested section below for more information).

**Document availability:** You may obtain copies of the proposed rule and related documents (including a copy of the Background Information document (Service 2014, entire) referenced throughout this proposed rule) at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2013-0131, or at the Ventura Fish and Wildlife Office's Web site at <http://www.fws.gov/ventura/>.

**FOR FURTHER INFORMATION CONTACT:** Stephen P. Henry, Deputy Field

Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone 805-644-1766; facsimile 805-644-3958. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Summary**

**Species addressed.** *Oenothera avita* ssp. *eurekensis* (now accepted as *Oenothera californica* subsp. *eurekensis*; Eureka Valley evening-primrose) and *Swallenia alexandrae* (Eureka dune grass) are endemic to three dune systems in the Eureka Valley, Inyo County, California. Eureka Valley falls within federally designated wilderness within Death Valley National Park, and is managed accordingly by the National Park Service (Park Service).

**Purpose of the Regulatory Action.** This document constitutes our 12-month finding in response to a petition to delist Eureka Valley evening-primrose and Eureka dune grass, and we are proposing to remove both plants from the Federal List of Endangered and Threatened Plants.

**Basis for the Regulatory Action.** Under the Endangered Species Act of 1973, we may be petitioned to list, delist, or reclassify a species. Under the Act, a species may be determined to be an endangered species or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence. We must consider the same factors in delisting a species. We may delist a species if the best scientific and commercial data indicate the species is neither threatened nor endangered for one or more of the following reasons: (1) The species is extinct, (2) The species has recovered and is no longer endangered or threatened, or (3) The original scientific data used at the time the species was classified were in error.

The primary threat to Eureka Valley evening-primrose and Eureka dune grass at the time of listing was off-highway vehicle (OHV) activity at Eureka Dunes (43 FR 17910; April 26, 1978); although not specifically stated in the final listing rule, this also presumes a lesser degree of impacts from camping that were associated with OHV activity on and around the dunes. Habitat protections and ongoing management by the Bureau of Land Management (BLM; up until