

# Rules and Regulations

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 32

#### Public Safety Officers' Benefits Program

**AGENCY:** Office of Justice Programs, Justice.

**ACTION:** Final rule.

**SUMMARY:** This order will amend regulations to revise delegations of authority for the review process for determinations regarding claims for benefits under the Public Safety Officers' Benefits Program. The changes to the regulations are designed to increase efficiency, reduce duplication, and streamline the processing of claims.

**DATES:** This rule takes effect on May 20, 2013.

**FOR FURTHER INFORMATION CONTACT:** Hope Janke, Director, Public Safety Officers' Benefits Program, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW., Washington, DC 20531; telephone: (202) 307-2858.

**SUPPLEMENTARY INFORMATION:** The Public Safety Officers' Benefits (PSOB) program provides death benefits, disability benefits, and educational assistance benefits to eligible public safety officers or their families when a death or disability occurs in the line of duty. The program, authorized and established by the PSOB Act in 1976, was designed to offer peace of mind to men and women seeking careers as public safety officers and to make a strong statement about the value that the nation places on their commitment to serve their communities in potentially dangerous circumstances. The Office of Justice Programs and Bureau of Justice Assistance (BJA) are engaged in ongoing efforts to improve the performance of the PSOB program including an entirely paperless electronic case management system in order to improve the

efficiency of claims processing. Additionally, BJA is ready to launch an effort to revise their claims process and streamline the documentation required of claimants. This rule represents one aspect of the streamlining efforts. Having the legal review function handled by the Department component authorized to administer the PSOB program will maintain that critical function while simplifying the claims administration process, eliminating duplicative efforts across components, and increasing overall programmatic efficiency.

#### Federal Rulemaking Requirements

##### A. Executive Order 12866 and 13563

This rule has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review. The Department of Justice has determined that this is not a "significant regulatory action" under section 3(f) of Executive Order 12866, and that it relates to a matter of agency organization, management, or personnel. *See* Executive Order 12866, 3(d)(3). Accordingly, this rule has not been reviewed by the Office of Management and Budget.

##### B. Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Attorney General has determined that this rule will not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

##### C. Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

##### D. Administrative Procedure Act

This rule concerns matters relating to "grants, benefits, or contracts," 5 U.S.C. 553(a)(2), and also relates to matters of agency management or personnel, and is therefore exempt from the usual requirements of prior notice and comment and a 30-day delay in the effective date. *See also* 5 U.S.C. 553(d).

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., does not apply because this rule is a rule of agency organization, procedure, and practice and therefore is not subject to notice-and-comment rulemaking requirements. *Id.* 553(b)(A).

#### F. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. It 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 United States-based enterprises to compete with foreign-based companies in domestic and export markets.

#### G. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year, and it 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.

#### H. Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

#### List of Subjects in 28 CFR Part 32

Administrative practice and procedure, Claims, Disability benefits, Education, Emergency medical services, Firefighters, Law enforcement officers, Reporting and recordkeeping requirements, Rescue squad.

Accordingly, for the reasons set forth in the preamble, part 32 of title 28 of the Code of Federal Regulations is amended as follows:

#### PART 32—PUBLIC SAFETY OFFICERS' DEATH, DISABILITY, AND EDUCATIONAL ASSISTANCE BENEFIT CLAIMS

■ 1. The authority citation for part 32 continues to read as follows:

**Authority:** 42 U.S.C. ch. 46, subch. XII; 42 U.S.C. 3782(a), 3787, 3788, 3791(a), 3793(a)(4) & (b), 3795a, 3796c-1, 3796c-2; sec. 1601, title XI, Public Law 90-351, 82 Stat. 239; secs. 4 through 6, Public Law 94-430, 90 Stat. 1348; secs. 1 and 2, Public Law 107-37, 115 Stat. 219.

■ 2. In § 32.3, the definition for “PSOB Office” is revised to read as follows:

#### § 32.3 Definitions.

\* \* \* \* \*

*PSOB Office* means the unit of BJA that directly administers the Public Safety Officers’ Benefits program.

\* \* \* \* \*

#### § 32.43 [Amended]

■ 3. In § 32.43, remove paragraph (e).

■ 4. In § 32.44, paragraph (a) is revised to read as follows:

#### § 32.44 Hearing Officer determination.

(a) Upon his determining a claim, the Hearing Officer shall file a notice of the same simultaneously with the Director (for his review under subpart F of this part in the event of approval) and the PSOB Office, which notice shall specify the factual findings and legal conclusions that support it.

\* \* \* \* \*

Dated: May 9, 2013.

Mary Lou Leary,

Acting Assistant Attorney General.

[FR Doc. 2013-11872 Filed 5-17-13; 8:45 am]

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## DEPARTMENT OF EDUCATION

### 34 CFR Chapter III

[CFDA Number: 84.133B-7]

#### Final Priority; National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research Training Centers

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Final priority.

**SUMMARY:** The Assistant Secretary for Special Education and Rehabilitative Services announces a priority for a Rehabilitation Research Training Center (RRTC) on Disability Statistics and Demographics under the Disability and Rehabilitation Research Projects and Centers program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). The Assistant Secretary may use this priority for a competition in fiscal year (FY)

2013 and later years. We take this action to focus research attention on areas of national need. We intend to use this priority to improve outcomes for individuals with disabilities.

**DATES:** *Effective Date:* This priority is effective June 19, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., Room 5133, Potomac Center Plaza (PCP), Washington, DC 20202-2700. Telephone: (202) 245-7532 or by email: [marlene.spencer@ed.gov](mailto:marlene.spencer@ed.gov).

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**SUPPLEMENTARY INFORMATION:** This notice of final priority is in concert with NIDRR’s Long-Range Plan for Fiscal Years 2013–2017 (Plan). The Plan, which was published in the **Federal Register** on April 4, 2013 (78 FR 20299), can be accessed on the Internet at the following site: <http://www.gpo.gov/fdsys/pkg/FR-2013-04-04/html/2013-07879.htm>.

Through the implementation of the Plan, NIDRR seeks to improve the health and functioning, employment, and community living and participation of individuals with disabilities through comprehensive programs of research, engineering, training, technical assistance, and knowledge translation and dissemination. The Plan reflects NIDRR’s commitment to quality, relevance, and balance in its programs to ensure that appropriate attention is paid to all aspects of the well-being of individuals with disabilities and to all types and degrees of disability, including individuals with low incidence and severe disabilities.

This notice announces a priority that NIDRR intends to use for an RRTC competition in FY 2013 and possibly later years. However, nothing precludes NIDRR from publishing additional priorities, if needed. Furthermore, NIDRR is under no obligation to make an award for this priority. The decision to make an award will be based on the quality of applications received and available funding.

**Purpose of Program:** The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technologies that maximize the full inclusion and integration into society, employment, independent living, family

support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

#### Rehabilitation Research and Training Centers (RRTCs)

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through advanced research, training, technical assistance, and dissemination activities in general problem areas, as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, and the family members or other authorized representatives of individuals with disabilities. Additional information on the RRTC program can be found at: [www.ed.gov/rschstat/research/pubs/res-program.html#RRTC](http://www.ed.gov/rschstat/research/pubs/res-program.html#RRTC).

**Program Authority:** 29 U.S.C. 762(g) and 764(b)(2).

**Applicable Program Regulations:** 34 CFR part 350.

We published a notice of proposed priority (NPP) for this program in the **Federal Register** on February 21, 2013 (78 FR 12002). That notice contained background information and our reasons for proposing the priority.

**Public Comment:** In response to our invitation in the NPP, nine parties submitted comments on the proposed priority.

Generally, we do not address technical and other minor changes.

**Analysis of Comments and Changes:** An analysis of the comments and of any changes in the priority since publication of the notice of proposed priority follows.

**Comment:** One set of commenters recommended that NIDRR include an additional requirement that the RRTC collect and analyze market-oriented information about the use of assistive and accessible technologies by individuals with disabilities. These commenters noted that such information would provide technology developers, service providers, and other stakeholders with information about the number of users of specific assistive technology products or the size of the potential market for specific technology accessibility features. The commenters suggested that the RRTC be required to collect and analyze data on the number