

**Executive Orders 12866 and 13563***Regulatory Impact Analysis*

Under Executive Order 12866, the Secretary must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

**Summary of Potential Costs and Benefits**

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years in that similar projects have been completed successfully. This final priority will generate new knowledge through research and development.

Another benefit of this final priority is that the establishment of a new RRTC will improve the lives of individuals with disabilities. The new RRTC will generate, disseminate, and promote the use of new information that will contribute to improved employment outcomes for individuals with disabilities.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or computer disc) by contacting the Grants and Contracts

Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

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Dated: July 10, 2012.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2012–17186 Filed 7–12–12; 8:45 am]

**BILLING CODE 4000–01–P**

**DEPARTMENT OF EDUCATION**

[Docket ID ED–2012–OESE–0009]

**Notice Reopening the Request for Information (RFI) To Gather Technical Expertise Pertaining to the Disaggregation of Asian and Native Hawaiian and Other Pacific Islander Student Data**

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice reopening comment period.

**SUMMARY:** On May 4, 2012, we published in the **Federal Register** (77 FR 26531) an RFI that established a July 3, 2012, deadline for the submission of written comments. We are reopening the public comment period to give interested parties additional time to submit written comments.

**DATES:** Written submissions must be received by August 13, 2012.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via U.S. mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure

that we do not receive duplicate copies, please submit your comments only one time. In addition, please include the Docket ID and the term "Data Disaggregation Response" at the top of your comments.

- *Federal eRulemaking Portal*: Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How to Use This Site."

- *U.S. Mail, Commercial Delivery, or Hand Delivery*: If you mail or deliver your comments, address them to Donald Yu, Attention: ANHPI Student Data Disaggregation RFI, U.S. Department of Education, 400 Maryland Avenue SW., Room 7C157, Washington, DC 20202-6132.

- *Privacy Note*: The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

Given the subject matter, some comments may include proprietary information as it relates to confidential commercial information. The Freedom of Information Act defines "confidential commercial information" as information the disclosure of which could reasonably be expected to cause substantial competitive harm. You may wish to request that we not disclose what you regard as confidential commercial information.

To assist us in making a determination on your request, we encourage you to identify any specific information in your comments that you consider confidential commercial information. Please list the information by page and paragraph numbers.

While this RFI is seeking to gather information related to policies and practices, you should still make certain your comments do not include disclosures of personally identifiable information from students' education records in a manner that violates the Family Educational Rights and Privacy Act of 1974 (FERPA).

**FOR FURTHER INFORMATION CONTACT:** Don Yu, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W104, Washington, DC 20202-6132 by phone at 202-205-4499.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-(800) 877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 4, 2012, we published an RFI in the **Federal Register** (77 FR 26531) to collect information about promising practices and policies regarding existing education data systems and models that disaggregate data on subgroups within the Asian and Native Hawaiian or Other Pacific Island student population. The deadline for written submissions during the initial comment period was July 3, 2012. We are reopening the comment period for written submissions in response to the RFI notice through August 13, 2012. We are reopening the comment period to maximize opportunities for State educational agencies, local educational agencies, schools, and institutions of higher education to respond with their disaggregation practices so as to yield beneficial data for the Department to analyze and report on.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 10, 2012.

**Martha Kanter**,

*Under Secretary.*

**Deborah S. Delisle**,

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2012-17185 Filed 7-12-12; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Basic Energy Sciences Advisory Committee

**AGENCY:** Department of Energy, Office of Science.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Basic Energy Sciences Advisory Committee (BESAC). Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Thursday, July 26, 2012, 8:30 a.m.–5 p.m., and Friday, July 27, 2012, 9 a.m.–12 p.m.

**ADDRESSES:** Bethesda North Hotel and Conference Center, 5701 Marinelli Road, Bethesda, Maryland 20852.

#### FOR FURTHER INFORMATION CONTACT:

Katie Perine, Office of Basic Energy Sciences, U.S. Department of Energy, Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (301) 903-6529.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Meeting*: The purpose of this meeting is to provide advice and guidance with respect to the basic energy sciences research program.

*Tentative Agenda*: Agenda will include discussions of the following:

- News from Office of Science/DOE
- News from the Office of Basic Energy Sciences
- Future of ARPA-E
- Linac Coherent Light Source (LCLS) update
- Materials Sciences and Engineering Division Committee of Visitors Report
- Mesoscale Discussion

*Public Participation*: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Katie Perine at (301) 903-6594 (fax) or by email at: [katie.perine@science.doe.gov](mailto:katie.perine@science.doe.gov).

Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

This notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

*Minutes*: The minutes of this meeting will be available for public review and