I. Purpose

The FAR requires insertion of clause 52.247–2, Permits, Authorities, or Franchises, when regulated transportation is involved. The clause requires the contractor to indicate whether it has the proper authorization from the Federal Highway Administration (or other cognizant regulatory body) to move material. The contractor may be required to provide copies of the authorization before moving material under the contract. The clause also requires the contractor, at its expense, to obtain and maintain any permits, franchises, licenses, and other authorities issued by State and local governments. The Government may request to review the documents to ensure that the contractor has complied with all regulatory requirements.

II. Discussion and Analysis

One respondent submitted a comment related to the submission of medical errors. The comment is not within the scope of this information collection requirement.

III. Annual Reporting Burden

The estimated annual reporting burden has decreased from what was published in the **Federal Register** at 74 FR 56640, on November 2, 2009. The decrease is based on a revised estimate of the number of respondents, responses per year and response time per response. According to Fiscal Year 2011 Federal Procurement Data System (FPDS) data, 3,877 contracts were awarded to 1021 unique vendors under the North American Industry Classification System (NAICS) code 484 for trucking, where the requirements for this collection would apply. It is estimated that a maximum of 25%, or 255 of these vendors would be required to provide the information required by the clause. The information need only be gathered and submitted on an exception basis. We estimate that any respondent will be required to submit supporting information only one time annually. In addition, we think that it will take the contractor only one half hour to pull existing franchises or permits from the files.

Respondents: 255.

Responses per Respondent: 1.

Annual Responses: 255.

Hours per Response: 0.5.

Total Burden Hours: 128.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 9000–0053, Permits, Authorities, or Franchises, in all correspondence.

Dated: January 17, 2013.

William Clark,

Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2013–01475 Filed 1–24–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2012–0076; Sequence 46; OMB Control No. 9000–0083]

Federal Acquisition Regulation; Submission for OMB Review; Qualification Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of reinstatement request for an information collection requirement regarding an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Qualification Requirements. A notice was published in the **Federal Register** at 77 FR 51784, on August 27, 2012. One respondent submitted comments.

DATES: Submit comments on or before February 25, 2013.

ADDRESSES: Submit comments identified by Information Collection 9000–0083, Qualification Requirements, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0083, Qualification Requirements''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0083, Qualification Requirements'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000–0083, Qualification Requirements.

Instructions: Please submit comments only and cite Information Collection 9000–0083, Qualification Requirements, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Corrigan, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, (202) 208–1963 or *patricia.corrigan@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR subpart 9.2 and the associated clause at FAR 52.209–1, implement the statutory requirements of 10 U.S.C. 2319 and 41 U.S.C. 3311, which allow an agency to establish a qualification requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract. Under the qualification requirements, an end item, or a component thereof, may be required to be prequalified. The clause at FAR 52.209–1, Qualification Requirements, requires offerors who have met the qualification requirements to identify the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known). This eliminates the need for an offeror to provide new information when the offeror, manufacturer, source, product or service covered by qualification requirement has already met the standards specified by an agency in a solicitation.

The contracting officer uses the information to determine eligibility for award when the clause at 52.209–1 is included in the solicitation. Alternatively, items not yet listed may be considered for award upon the submission of evidence of qualification with the offer.

B. Analysis of Public Comments

One respondent submitted public comments on the extension of the previously approved information collection. The analysis of the public comments is summarized as follows:

Comment: The respondent commented that the extension of the information collection would violate the fundamental purposes of the Paperwork

Reduction Act because of the burden it puts on the entity submitting the information and the agency collecting the information.

Response: In accordance with the Paperwork Reduction Act (PRA), agencies can request an OMB approval of an existing information collection. The PRA requires that agencies use the **Federal Register** notice and comment process, to extend the OMB's approval, at least every three years. This extension, to a previously approved information collection, pertains to FAR subpart 9.2 and the associated clause at FAR 52.209–1. This information collection, which implements the statutory requirements of 10 U.S.C. 2319 and 41 U.S.C. 3311, which allows an agency to establish a qualification requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract. Under the qualification requirements, an end item, or a component thereof, may be required to be prequalified. The clause at FAR 52.209–1, Qualification Requirements, requires offerors who have met the qualification requirements to identify the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known). This eliminates the need for an offeror to provide new information when the offeror, manufacturer, source, product or service covered by qualification requirement has already met the standards specified by an agency in a solicitation. The contracting officer uses the information to determine eligibility for award when the clause at 52.209–1 is included in the solicitation.

Comment: The respondent commented that the agency did not accurately estimate the public burden challenging that the agency's methodology for calculating it is insufficient and inadequate and does not reflect the total burden. The respondent stated that ''the Agencies estimate that only 2,207 respondents will be subject to this requirement annually * * * we respectfully submit that this is greatly understated.'' The respondent also took issue with the ''number of responses annually per respondent. The Agencies have reduced the prior estimate by 95% without any explanation. The current estimate of five responses per year is entirely unrealistic.'' Further, the respondent found the estimate of 15 minutes per response to be ''unrealistic'' indicating that ''a reasonable estimate would be in the range of at least two to three hours per response''. For this reason, the respondent provided that the agency should reassess the estimated total burden hours and revise the estimate upwards to be more accurate. The same respondent provided that the burden of compliance with the information collection requirement greatly exceeds the agency's estimate and outweighs any potential utility of the extension.

Response: Serious consideration is given, during the open comment period, to all comments received and adjustments are made to the paperwork burden estimate based on reasonable considerations provided by the public. This is evidenced, as the respondent notes, in FAR Case 2007–006 where an adjustment was made from the total preparation hours from three to 60. This change was made considering particularly the hours that would be required for review within the company, prior to release to the Government.

The burden is prepared taking into consideration the necessary criteria in OMB guidance for estimating the paperwork burden put on the entity submitting the information. For example, consideration is given to an entity reviewing instructions; using technology to collect, process, and disclose information; adjusting existing practices to comply with requirements; searching data sources; completing and reviewing the response; and transmitting or disclosing information. The estimated burden hours for a collection are based on an average between the hours that a simple disclosure by a very small business might require and the much higher numbers that might be required for a very complex disclosure by a major corporation. Also, the estimated burden hours should only include projected hours for those actions which a company would not undertake in the normal course of business.

Following careful consideration of both the estimated number of respondents and the time needed to respond to the information required by the clause at FAR 52.209–1, it is determined that an upward adjustment is required.

In response to the respondent's concern that ''the Agencies' estimate that only 2,207 respondents will be subject to this requirement annually'' was ''greatly understated'', it should be noted that the clause at FAR 52.209–1, Qualification Requirements, is used in relatively limited circumstances. The clause is prescribed for solicitations and contracts only when the acquisition is subject to a qualification requirement, which should be rare because of the statutory requirement favoring the acquisition of commercial items. Further, offerors are only required to provide information in paragraph (c) of the clause in cases where the offeror, manufacturer, source, product or service covered by a qualification requirement has already met the standards specified in the solicitation. Given these limiting circumstances and absent receipt of additional data to support the respondent's comments, the estimated number of respondents is revised from the previous 2,207 to 5 percent or 9,693 of the 193,859 unique vendors awarded contracts during Fiscal Year 2011. It is estimated that 5 percent of the 193,859 vendors would have received awards for solicitations in which the clause at FAR 52.209–1 was used and contained one or more qualification requirements.

The respondent also commented on the estimated number of responses annually, stating that ''the Agencies have reduced the prior estimate by 95% without any explanation. The current estimate of five responses per year is entirely unrealistic.'' The estimated number of responses annually contained in the currently approved information collection is changed from 100, which was based on an estimated number of qualification requirements contained in each solicitation, to an estimated average of 5 responses per respondent. The estimated number of responses refers to the average number of offers received annually per respondent for the type of information associated with this collection, despite the number of qualification requirements contained in a solicitation.

Lastly, based on the previous explanation of the limited circumstances of which this collection applies and the respondent's comments, the estimated responses time is revised from 15 minutes to one hour. The estimate is an average time for an offeror to complete six brief responses of what should be readily available qualification documentation regarding one to four qualified products per solicitation.

C. Annual Reporting Burden

There is no Governmentwide data collection process or system, e.g., Federal Procurement Data System (FPDS) which respondents has been raised from 2,207 to 9,693 reflecting an estimate of 5 percent of the 193,859 new contracts awarded in Fiscal Year 2011. Lastly, the estimated Hours per Response is raised from 15 minutes to one hour to accommodate an information collection on multiple qualified products in each solicitation.

Respondents: 9,693.
Responses per Respondent: 5.
Annual Responses: 48,465.
Hours per Response: 1.0.
Total Burden Hours: 48,465.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 9000–0083, Qualification Requirements, in all correspondences.

Dated: January 18, 2013.

William Clark,

Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2013–01557 Filed 1–24–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Rao M. Adibhatla, Ph.D., University of Wisconsin: Based on the report of an investigation conducted by the University of Wisconsin (UW) and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Rao M. Adibhatla, Assistant Professor, Department of Neurological Surgery, UW, engaged in research misconduct by falsifying results in two publications supported by National Institute of Neurological Diseases and Stroke (NINDS), National Institutes of Health (NIH), grant R01 NS042008 and in three unfunded applications that Dr. Adibhatla submitted to NINDS, NIH, as R01 NS042008–05, –05A1, and –05A2. The questioned papers are:

1. Adibhatla, R.M., Hatcher, J.F., Larsen E.C. *et al.* ''CDP-choline Significantly Restores Phoshatidylcholine Levels by Differentially Affecting Phospholipase A_2 and CTP:Phosphocholine Cytidylyltransferase after Stroke.'' *J. Biol. Chem.* 281:6718–6725, 2006 (hereafter referred to as the ''*JBC* paper''), as the $sPLA_2$-IIA, CCTα, and PLD2 data in Figures 1B, 2A, and 3A, respectively
2. Adibhatla, R.M., & Hatcher, J.F. ''Secretory phospholipase A2 IIA is Up-regulated by TNF-α and IL-1α/β after Transient Focal Cerebral Ischemia in Rat.'' *Brain Research* 1134:199–205, 2007 (hereafter referred to as the ''*Brain Research* paper''), as the $sPLA_2$-IIA data in Figures 2A and 2C.

ORI found that Respondent committed research misconduct by falsifying Western blot images as well as quantitative and statistical data obtained from purported scans of the films. The research studied the effect of cerebral ischemia on phospholipid homeostasis in an experimental animal model (SHR rat) of stroke during the course of reperfusion of the ischemic cortex. The falsified Western blot images and derivative quantitative data describe changes in levels of $sPLA_2$-IIAA, CCTα, and of PLD2 during reperfusion in the ischemic cortex.

Specifically, the Respondent:

- Falsified the Western blot data demonstrating $sPLA_2$ expression in a time course after ischemia in Figure 1B of the *JBC* paper and Figure 2A and 2C of the *Brain Research* paper by rearranging the bands such that the labels do not accurately portray what is in the lanes. He perpetuated the falsification by presenting the quantification of the single falsified Western blot in a bar graph as the average of five (5) replicate Western blots. The result in the paper cannot be substantiated by the actual experiments.
- Falsified the Western blot data demonstrating CCTα expression in a time course assay after ischemia in Figure 2A of the *JBC* paper by rearranging the bands such that the labels do not accurately portray what is in the lanes. He perpetuated the falsification by presenting the quantification of the single falsified Western blot in a bar graph as the average of four (4) replicate Western blots and the six (6) hour time point was further falsified to make the results look better. The result in the paper cannot be substantiated by the actual experiments.
- Falsified the quantification of a Western blot demonstrating PLD2 expression in a time course after ischemia in Figure 3A of the *JBC* paper by claiming a bar graph quantifying a single Western blot is the average of four Western blots.
- Submitted the same falsified Western blot images and bar graph data in three unfunded grant applications: NS042008–05, NS042008–05A1, and NS042008–05A2. Specifically:

< the falsified $sPLA_2$-IIA data were submitted as Figures 3, 8, and 12 in the respective NS042008–05, –05A1, and –05A2 applications

< the falsified CCTα data appeared as Figures 10, 15, and 16 in the respective –05, –05A1, and –05A2 applications

< The falsified PLD2 bar graph data and associated statistical claims appeared as Figures 8 and 13 in the –05 and –05A1 applications respectively.

Dr. Adibhatla has entered into a Voluntary Exclusion Agreement and has voluntarily agreed:

(1) To exclude himself voluntarily for a period of two (2) years from the effective date of the Agreement from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States pursuant to HHS' Implementation (2 CFR part 376 *et seq.*) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR Part 180 (collectively the ''Debarment Regulations'');

(2) To exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years beginning on December 18, 2012; and

(3) To request retraction of the following papers:

- *J. Biol. Chem.* 281:6718–6725, 2006
- *Brain Research* 1134:199–205, 2007.

FOR FURTHER INFORMATION CONTACT: Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

David E. Wright,

Director, Office of Research Integrity.

[FR Doc. 2013–01454 Filed 1–24–13; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Organizations To Serve as Non-Voting Liaison Representatives to the Chronic Fatigue Syndrome Advisory Committee (CFSAC)

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

Authority: 42 U.S.C. 217a, section 222 of the Public Health Service (PHS) Act, as amended. The committee is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The Office of the Assistant Secretary for Health (OASH), within the Department of Health and Human Services (HHS), is soliciting nominations from qualified organizations to be considered for non-voting liaison representative positions