

requirements while attempting to reduce burden, improve clarity, take into account current data management processes, and maintain the necessary tools for effective compliance and enforcement. In order to propose such revisions, BIS seeks public comment on all aspects of its recordkeeping requirements. BIS would like to receive public comments that are as specific and well-supported as possible. Helpful comments will include a description of a problem or concern, available data on cost or economic impact, and a proposed solution. BIS also welcomes comments on aspects of the current recordkeeping provisions that are considered effective or well designed. In particular, BIS invites the public to submit comments on the following issues:

(1) How have the current recordkeeping requirements of the EAR positively or negatively affected organizations? Quantitative analyses on this topic would be beneficial.

(2) Are there any recordkeeping provisions or references to documents that are out of date? Are there provisions in the recordkeeping requirements that should be updated to take into account technological changes in how business is conducted and records are maintained?

(3) Should the recordkeeping provisions make transactional distinctions on when records should be created or maintained? For instance, should intangible transfers of technology or software be treated differently than tangible exports or reexports for record creation and record retention purposes? Or would it be preferable to avoid making distinctions in order to have more clear and concise requirements?

(4) Would be efficient to make a distinction in Part 762 between provisions that require the *maintenance* of records created in the ordinary course of business as opposed to those that require the *creation* of records for export control purposes that would not otherwise be created in the ordinary course of business?

(5) Are there any record creation requirements in the EAR that should be reviewed or revised?

(6) Are there any recordkeeping requirements under U.S. or other law that would serve as good examples for the EAR?

Comments should be submitted to BIS as described in the **ADDRESSES** section of this notice of inquiry by December 1, 2014. BIS will consider all comments submitted in response to this advance notice of proposed rulemaking that are received before the close of the

comment period. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. BIS will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. BIS will return such comments and materials to the persons submitting the comments and will not consider them. All public comments in response to this advance notice of proposed rulemaking must be in writing and will be a matter of public record, and will be available for public inspection and copying on the BIS Freedom of Information Act (FOIA) Reading Room at <http://efoia.bis.doc.gov/index.php/electronic-foia/index-of-documents>.

Dated: September 25, 2014.

**Kevin J. Wolf,**

*Assistant Secretary of Commerce for Export Administration.*

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**BILLING CODE 3510-33-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 7 and 75

[Docket No. MSHA-2013-0033]

**RIN 1219-AB79**

#### Refuge Alternatives for Underground Coal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for information; extension of comment period.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is extending the comment period on the Agency's Request for Information (RFI) on Refuge Alternatives for Underground Coal Mines to give interested parties additional time to review research reports from the National Institute for Occupational Safety and Health (NIOSH) and other relevant information and provide substantive comments.

**DATES:** The comment period for the RFI published on August 8, 2013 (78 FR 48593), last extended on June 3, 2014 (79 FR 31895), has been further extended. Comments must be received or postmarked by midnight Eastern Daylight Saving Time on April 2, 2015.

**ADDRESSES:** Submit comments and informational materials, identified by RIN 1219-AB79 or Docket No. MSHA-2013-0033, by one of the following methods:

- **Federal E-Rulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **Email:** [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include RIN 1219-AB79 or Docket No. MSHA-2013-0033 in the subject line of the message.

- **Mail:** MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939.

- **Fax:** 202-693-9441.

- **Hand Delivery or Courier:** MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.

**Instructions:** All submissions must include RIN 1219-AB79 or Docket No. MSHA-2013-0033. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to <http://www.regulations.gov> and <http://www.msha.gov/currentcomments.asp>, including any personal information provided.

**Docket:** For access to the docket to read comments received, go to <http://www.regulations.gov> or <http://www.msha.gov/currentcomments.asp>. To read background documents, go to <http://www.regulations.gov>. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist's desk on the 21st floor.

**Email Notification:** To subscribe to receive an email notification when MSHA publishes rules in the **Federal Register**, and program information, instructions, and policy, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

#### FOR FURTHER INFORMATION CONTACT:

Sheila A. McConnell, Acting Director, MSHA, Office of Standards, Regulations, and Variances, at [McConnell.Sheila.A@dol.gov](mailto:McConnell.Sheila.A@dol.gov) (email); 202-693-9440 (voice); or 202-693-9441 (facsimile). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** On August 8, 2013 (78 FR 48593), MSHA published an RFI on Refuge Alternatives for Underground Coal Mines. The comment period was scheduled to close on October 2, 2014 (79 FR 31895), after three extensions. In response to requests, MSHA is extending the comment period to April 2, 2015, to allow interested parties additional time to review recent studies from the

National Institute for Occupational Safety and Health and other information that bear on issues raised in the RFI.

**Authority:** 30 U.S.C. 811.

Dated: September 25, 2014.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2014-23301 Filed 9-30-14; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 86

[Docket ID: DOD-2013-OS-0009]

RIN 0790-AJ19

#### Background Checks on Individuals in DoD Child Care Services Programs

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This rule establishes and updates policy, assigns responsibilities, and provides procedures to conduct criminal history checks on individuals involved in the provision of child care services for children under the age of 18 in DoD programs. *Public Law 101-647, also known as the Crime Control Act of 1990 (Act)*, requires all individuals involved with the provision of child care services to children under the age of 18 undergo a criminal background check. "Child care services" include, but are not limited to, social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), and rehabilitative programs. Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be grounds for denying employment or for dismissal of an employee providing any of the services discussed above.

**DATES:** Comments must be received by December 1, 2014.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) number and title, by any of the following methods:

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

- **Mail:** Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal**

**Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

#### FOR FURTHER INFORMATION CONTACT:

Karen Morgan, 571-372-0859

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

The purpose of this regulatory action is to describe requirements for criminal history background checks, including reinvestigation, and self-reporting, for individuals involved with the provision of child care services.

The legal authorities for this rule include: 5 U.S.C. 2105, 10 U.S.C. chapter 47, 42 U.S.C. 13041.

The major provisions of this regulatory action include providing procedures for requirements for criminal history background checks listing the types of background checks, and descriptions of reinvestigation and self-reporting.

This rule is intended to support the workforce mission of the DoD and implement current law that covers individuals expected to have regular contact with children in the performance of child care services on a DoD installation or DoD-sanctioned program. The estimated costs of the proposed rule are \$10 million annually. This cost includes administration costs; required FBI fingerprint Investigations Child Care National Agency Check with Inquiries checks (\$125/NACI); State Criminal History Repository checks (\$25/each state the individual resided in); and periodic reinvestigations. We do not believe that this rule will impose substantial direct costs on state and local governments.

##### Regulatory Analysis

*Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and

promoting flexibility. This rule has been determined to be a significant regulatory action, although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

*Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"*

DoD has reviewed the rule in accordance with the Unfunded Mandates Reform Act of 1995, and compliance with the rule would require no additional expenditures by either public or private employers. In sum, the final rule does not mandate that State, local, and tribal governments adopt new, unfunded regulatory obligations. The costs of the investigations conducted pursuant to this rule are borne by the DoD, and not by the individual or his or her employer.

*Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)*

We certify this rule would not have a significant economic impact on a substantial number of small entities because the costs for the investigation conducted pursuant to this rule are borne by the DoD, and not by the individual or his or her employer. Furthermore, any indirect costs incurred by small businesses as a result of this rule would be minimal. Accordingly, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

*Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)*

This rule imposes reporting and record keeping requirements under the Paperwork Reduction Act of 1995. These requirements have been approved by the Office of Management and Budget and assigned OMB Control Number 3206-0005, "Questionnaires for National Security Positions, Standard Form 86 (SF 86)," OMB Control Number 3206-0261, "SF 85 Questionnaire for Non-Sensitive Positions," OMB Control Number 3206-0191, "SF 85P Questionnaire for Public Trust Positions," and OMB Control Number 0704-0516, "Child Care Development Program (CDP) Criminal History."

*Executive Order 13132, "Federalism"*

This rulemaking was analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). It has been determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. This rulemaking has no substantial effect on