

improve the options for individuals with disabilities to perform regular activities of their choice in the community.

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Dated: June 6, 2013.

**Michael K. Yudin,**

*Delegated the authority to perform the functions and duties of the Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2013-13851 Filed 6-10-13; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter III

[CFDA Number: 84.133P-1.]

#### **Final Priority; National Institute on Disability and Rehabilitation Research—Advanced Rehabilitation Research Training Program**

**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 the Advanced Rehabilitation Research Training (ARRT) program 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 competitions in fiscal year (FY) 2013 and later years. We take this action to ensure that NIDRR's resources are appropriately allocated across the three outcome domains—community living and participation, employment, and health and function. We intend this priority to (1) strengthen the capacity of the disability and rehabilitation field to train qualified individuals, including individuals with disabilities, to conduct high-quality, advanced multidisciplinary rehabilitation research; and (2) improve outcomes for individuals with disabilities across the domains of community living and participation, employment, and health and function.

**DATES: Effective Date:** This priority is effective July 11, 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).

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:**

**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 technology 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).

#### **Advanced Rehabilitation Research Training**

The purpose of NIDRR's ARRT program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to provide advanced research training and experience to individuals with doctorates, or similar advanced degrees, who have clinical or other relevant experience. ARRT projects train rehabilitation researchers, including researchers with disabilities, with particular attention to research areas

that support the implementation and objectives of the Rehabilitation Act, and that improve the effectiveness of services authorized under the Rehabilitation Act.

Additional information on the ARRT program can be found at: [www.ed.gov/rschstat/research/pubs/res-program.html#ARRT](http://www.ed.gov/rschstat/research/pubs/res-program.html#ARRT).

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

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

We published a notice of proposed priority for this program in the **Federal Register** on March 28, 2013 (78 FR 18933). That notice contained our reasons for proposing the particular priority and background information, including on NIDRR's major domains as discussed in NIDRR's Long-Range Plan for Fiscal Years 2013-2017 (78 FR 20299).

**Public Comment:** In response to our invitation in the notice of proposed priority, we received two comments, but neither was specific to the proposed ARRT priority. We do not address general comments that raised concerns not directly related to the proposed priority. There are no differences between the proposed priority and this final priority.

#### **Final Priority**

##### **Advanced Rehabilitation Research Training Program**

The Assistant Secretary for Special Education and Rehabilitative Services announces a new priority for the Advanced Rehabilitation Research Training (ARRT) program. For FY 2013, and potential subsequent years, ARRT projects must provide advanced research training to eligible individuals to enhance their capacity to conduct high-quality multidisciplinary rehabilitation and disability research to improve outcomes for individuals with disabilities in one of NIDRR's major domains of individual well-being: (a) Community living and participation, (b) employment, or (c) health and function.

#### **Types of Priorities**

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

**Absolute priority:** Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

**Competitive preference priority:** Under a competitive preference priority,

we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

## 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 upon 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 upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would 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.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years, as projects similar to the one envisioned by the final priority have been completed successfully. Establishing new ARRT projects based on the final priority would strengthen the capacity of the rehabilitation and disability field to train qualified individuals, including individuals with disabilities, to conduct high-quality, advanced multidisciplinary research across all of NIDRR’s major domains of community living and participation, employment, and health and function, and thereby contribute to advancing knowledge and solving problems encountered by individuals with disabilities of all ages.

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Dated: June 6, 2013.

**Michael K. Yudin,**

*Delegated the authority to perform the functions and the duties of the Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2013–13861 Filed 6–10–13; 8:45 am]

**BILLING CODE 4000–01–P**