

*Guidelines:* Prior to initiation all specific projects must be reviewed and approved:

(1) By the Reagan-Udall Board of Directors.

Before granting its final approval to a project, the Board shall submit the project to independent review. In selecting reviewers, the Board shall insure that:

- Reviewers are qualified experts on the relevant topics.
- Each reviewer has certified that he or she meets the conflict of interest standard in Article VII.

In the unusual case where a waiver of this requirement is necessary because there is no other practical means of ensuring the necessary expertise, the name of the reviewer and the justification for the waiver will be made public and the Board must determine that the financial interest is not so substantial as to be likely to affect the integrity of the review.

Before granting its final approval to a project, the Board shall also determine that:

- Independent review was sufficient to ensure the objectivity, scientific validity, and feasibility of the proposal.
- The project is likely to advance the mission of the FDA to modernize medical, veterinary, food, food ingredient, or cosmetic product development, accelerate innovation, or enhance product safety.

(2) *By a meaningful independent review.*

- For projects with a total budget over \$250,000 ("large projects"), the Board may (i) use an existing independent review process (for example, if one of the project collaborators is an academic institution or foundation with an appropriate independent review mechanism); or (ii) utilize an ad hoc, independent panel to review the project.
- For small projects with a total budget of \$250,000 or less ("small projects"), the Board may use an abbreviated independent review process.
- A majority of reviewers must determine that the project design is objective, scientifically valid, and feasible, and that the project is likely to advance the mission of the FDA to modernize medical, veterinary, food, food ingredient, or cosmetic product development, accelerate innovation, or enhance product safety.

### III. Policies for Accepting Funds

The Foundation has in place two sets of guidelines for the acceptance of funds.

(1) Core Operating Funds can be accepted from

• Federal Government appropriations process.

• Individuals as tax deductible donations.

• Foundations and other Not for Profit organizations.

(2) Project Funds can be accepted from

• Federal Government appropriations process.

• Individuals as tax deductible donations.

• Foundations and other Not for Profit organizations.

• Other entities.

### IV. Violations of Conflicts in Interest Policy

If the Board of Directors has reason to believe that a Foundation employee or Board member has failed to disclose a conflict, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose. If, after hearing the response of such person and making further investigations as may be warranted, the Board determines that the employee or Board member has knowingly or intentionally failed to disclose a conflict of interest it shall take appropriate action, including termination of the employee or Board member.

### V. Transparency

The Foundation will post the following on its Web site:

(1) The Foundation Bylaws and Appendix A. Public comment will be sought on these bylaws and on any proposed changes prior to adoption.

(2) A statement about RUF's commitment to transparency.

(3) A copy of the conflict of interest form used by Foundation Staff.

(4) Information regarding particular recusals of Board members or Staff, including the particular matters on which the Board member or staff will be recused and the basis for the recusal.

(5) For each Board member, a list of any interest, financial or otherwise, that the member, his or her spouse, minor child, general partner or employee has in an FDA-regulated company that conducts business in areas where the Foundation is active such that the interest could pose a potential conflict. Such statement will describe the nature of the interest but need not list its monetary value.

(6) In the unusual case when there is a waiver of the requirement that a reviewer have no direct financial interest in the outcome of a project because there is no other practical means of ensuring the necessary expertise, the name of the reviewer and the justification for the waiver.

(7) The amount of each donation and the identity of the donor, including in kind donations.

(8) Information about each project, including:

• An Executive Summary, including a summary of the review process.

• A list of organizational project participants and their role.

• The identity of all funders.

• A list of Board and/or staff members who were recused from discussion and decision making for the project.

(9) The Foundation's 990 IRS filings and annual reports (for all years).

(10) A section for questions, feedback and public input.

Dated: December 15, 2009.

**Mark B. McClellan,**

*Chairman, Reagan-Udall Foundation Board.*

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**BILLING CODE 4164-04-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* Southeast Region Dealer and Interview Family of Forms.

*OMB Control Number:* 0648-0013.

*Form Number(s):* 88-12, 88-12B, 88-129, 88-30.

*Type of Request:* Regular submission.

*Number of Respondents:* 13,766.

*Average Hours per Response:* Shrimp and finfish interviews and dealer quota reports, 10 minutes; dealer no-purchase reports, 3 minutes; rock shrimp, golden crab and coral dealer reports, 15 minutes.

*Burden Hours:* 1,656.

*Needs and Uses:* The National Marine Fisheries Service, Southeast Fisheries Science Center uses these reporting instruments to collect landings statistics and quota monitoring data from commercial seafood dealers and to conduct interviews with fishermen for effort and fishing locations data. This family of forms includes data collection activities for monitoring fishery quotas, routine collections of monthly statistics from seafood dealers, and interviews with fishermen to collect catch/effort and biological data. Collection of information is authorized by the development of regional fishery management councils under the authority of the Magnuson-Stevens

Fishery Conservation and Management Act.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Weekly, monthly, bimonthly and annually.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: December 16, 2009.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Proposed Information Collection; Comment Request; Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States-Peru Trade Promotion Agreement (U.S.-PERU TPA)**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On behalf of the Committee for the Implementation of Textile Agreements (CITA), the Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before February 22, 2010.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW.,

Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Mease, Office of Textiles and Apparel, Telephone: 202-482-3400, Fax: 202-482-0858, E-mail: [Laurie.Mease@trade.gov](mailto:Laurie.Mease@trade.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The United States and Peru negotiated the U.S.-Peru Trade Promotion Agreement (the "Agreement"), which entered into force on February 1, 2009. Subject to the rules of origin in Annex 4.1 of the Agreement, pursuant to the textile provisions of the Agreement, fabric, yarn, and fiber produced in Peru or the United States and traded between the two countries are entitled to duty-free tariff treatment. Annex 3-B of the Agreement also lists specific fabrics, yarns, and fibers that the two countries agreed are not available in commercial quantities in a timely manner from producers in Peru or the United States. The fabrics listed are commercially unavailable fabrics, yarns, and fibers, which are also entitled to duty-free treatment despite not being produced in Peru or the United States.

The list of commercially unavailable fabrics, yarns, and fibers may be changed pursuant to the commercial availability provision in Chapter 3, Article 3.3, Paragraphs 5-7 of the Agreement. Under this provision, interested entities from Peru or the United States have the right to request that a specific fabric, yarn, or fiber be added to, or removed from, the list of commercially unavailable fabrics, yarns, and fibers in Annex 3-B.

Chapter 3, Article 3.3, paragraph 7 of the Agreement requires that the President "promptly publish" procedures for parties to exercise the right to make these requests. The President delegated the responsibility for publishing the procedures and administering commercial availability requests to the Committee for the Implementation of Textile Agreements ("CITA"), which issues procedures and acts on requests through the U.S. Department of Commerce, Office of Textiles and Apparel ("OTEXA") (See Proclamation No. 8341, 74 FR 4105, Jan. 22, 2009). Interim procedures to implement these responsibilities were published in the **Federal Register** on August 14, 2009. See Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States-Peru Trade Promotion

Agreement Implementation Act and Estimate of Burden for Collection of Information, 74 FR 41111 (Aug. 11, 2009).

The intent of the U.S.-Peru TPA Commercial Availability Procedures is to foster the use of U.S. and regional products by implementing procedures that allow products to be placed on or removed from a product list, on a timely basis, and in a manner that is consistent with normal business practice. The procedures are intended to facilitate the transmission of requests; allow the market to indicate the availability of the supply of products that are the subject of requests; make available promptly, to interested entities and the public, information regarding the requests for products and offers received for those products; ensure wide participation by interested entities and parties; allow for careful review and consideration of information provided to substantiate requests and responses; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

CITA must collect certain information about fabric, yarn, or fiber technical specifications and the production capabilities of Peruvian and U.S. textile producers to determine whether certain fabrics, yarns, or fibers are available in commercial quantities in a timely manner in the United States or Peru, subject to Section 203(o) of the U.S.-PERU TPA.

**II. Method of Collection**

Participants in a commercial availability proceeding must submit public versions of their Requests, Responses or Rebuttals electronically (via e-mail) for posting on OTEXA's Web site. Confidential versions of those submissions which contain business confidential information must be delivered in hard copy to the Office of Textiles and Apparel (OTEXA) at the U.S. Department of Commerce.

**III. Data**

*OMB Control Number:* 0625-0265.

*Form Number(s):* N/A.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 16.

*Estimated Time per Response:* 8 hours per Request; 2 hours per Response; and 1 hour per Rebuttal.

*Estimated Total Annual Burden Hours:* 89.

*Estimated Total Annual Cost to Public:* \$5,340.