

(i) *Antidumping or countervailing duty investigations.* All submissions of factual information to value factors of production under § 351.408(c) in an antidumping investigation, or to measure the adequacy of remuneration under § 351.511(a)(2) in a countervailing duty investigation, are due no later than 30 days before the scheduled date of the preliminary determination;

(ii) *Administrative review, new shipper review, or changed circumstances review.* All submissions of factual information to value factors under § 351.408(c), or to measure the adequacy of remuneration under § 351.511(a)(2), are due no later than 30 days before the scheduled date of the preliminary results of review; and

(iii) *Expedited antidumping review.* All submissions of factual information to value factors under § 351.408(c) are due on a date specified by the Secretary.

(iv) *Rebuttal, clarification, or correction of factual information submitted to value factors under § 351.408(c) or to measure the adequacy of remuneration under § 351.511(a)(2).* An interested party is permitted one opportunity to submit publicly available information to rebut, clarify, or correct such factual information submitted pursuant to § 351.408(c) or § 351.511(a)(2) 10 days after the date such factual information is served on the interested party. An interested party may not submit additional, previously absent-from-the-record alternative surrogate value information under this subsection. Additionally, all factual information submitted under this subsection must be accompanied by a written explanation identifying what information already on the record of the ongoing proceeding the factual information is rebutting, clarifying, or correcting. Information submitted to rebut, clarify, or correct factual information submitted pursuant to § 351.408(c) will not be used to value factors under § 351.408(c).

(4) *Factual information placed on the record of the proceeding by the Department.* The Department may place factual information on the record of the proceeding at any time. An interested party is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information placed on the record of the proceeding by the Department by a date specified by the Secretary.

(5) *Factual information not directly responsive to or relating to paragraphs (c)(1)–(4) of this section.* Paragraph (c)(5) applies to factual information other than that described in § 351.102(b)(21)(i)–(iv). The Secretary will reject information filed under

paragraph (c)(5) that satisfies the definition of information described in § 351.102(b)(21)(i)–(iv) and that was not filed within the deadlines specified above. All submissions of factual information under this subsection are required to clearly explain why the information contained therein does not meet the definition of factual information described in § 351.102(b)(21)(i)–(iv), and must provide a detailed narrative of exactly what information is contained in the submission and why it should be considered. The deadline for filing such information will be 30 days before the scheduled date of the preliminary determination in an investigation, or 14 days before verification, whichever is earlier, and 30 days before the scheduled date of the preliminary results in an administrative review, or 14 days before verification, whichever is earlier.

(i) Upon receipt of factual information under this subsection, the Secretary will issue a memorandum accepting or rejecting the information and, to the extent practicable, will provide written notice stating the reasons for rejection.

(ii) If the Secretary accepts the information, the Secretary will issue a schedule providing deadlines for submission of factual information to rebut, clarify or correct the factual information.

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 226

[DOD–2012–OS–0041]

RIN 0790–AI88

#### Shelter for the Homeless

**AGENCY:** Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, DoD.

**ACTION:** Direct final rule with request for comments.

**SUMMARY:** The Department of Defense is updating current policies and procedures for the Defense Shelter for the Homeless Program. This direct final rule makes nonsubstantive changes to the existing rule for this program. The amendments correct the authority citation throughout the text, update organizational titles, and move procedures from the policy section into a separate procedures section. This rule is being published as a direct final rule

as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

**DATES:** The rule is effective on June 19, 2013 unless comments are received that would result in a contrary determination. Comments will be accepted on or before June 10, 2013.

**ADDRESSES:** You may submit comments, identified by docket number and or 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 Regulatory Information Number (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:** Mr. Randy Wagner, 703–571–9081.

#### SUPPLEMENTARY INFORMATION:

#### Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Shelter for the Homeless Program. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule with publication in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

#### Executive Summary

##### I. Purpose of the Regulatory Action

a. The Department of Defense is updating current policies and

procedures for the Defense Shelter for the Homeless Program.

b. 10 U.S.C. 2556.

## II. Summary of the Major Provisions of the Regulatory Action in Question

The amendments correct the authority citation throughout the text, update organizational titles, and move procedures from the policy section into a separate procedures section.

## III. Costs and Benefits

There is no cost to the public. The costs to the Department of Defense for implementation of the authorities under this rule will include the administrative costs to process a request and the cost of the services provided incident to the furnishing of a shelter. The benefit is that homeless individuals will have shelter.

## Regulatory Procedures

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

It has been certified that 32 CFR part 226 does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or state, local, or tribal governments or communities;

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

(3) Materially alter the budgetary impact of entitlements, 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 set forth in these Executive Orders.

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

It has been certified that 32 CFR part 226 does not contain a Federal mandate that may result in the expenditure by state, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

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

It has been certified that 32 CFR part 226 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

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

It has been certified that this amendment rule for 32 CFR part 226 does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

*Executive Order 13132, "Federalism"*

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the National Government and the States; or

(3) The distribution of power and responsibilities among the various levels of government.

## List of Subjects in 32 CFR Part 226

Armed forces, Federal buildings and facilities, Homeless, Intergovernmental relations.

Accordingly, 32 CFR part 226 is amended as follows.

## PART 226—AMENDED

■ 1. The authority citation for part 226 is revised to read as follows:

Authority: 10 U.S.C. 2556

■ 2. Section 226.1 is revised to read as follows:

### § 226.1 Purpose.

This part implements 10 U.S.C. 2556 by establishing DoD policy, assigning responsibilities, and prescribing procedures for providing shelter for the homeless on military installations.

### § 226.5 [Removed]

■ 3. Remove § 226.5.

### §§ 226.3 and 226.4 [Redesignated as § 226.4 and 226.5]

■ 4. Redesignate §§ 226.3 and 226.4 as §§ 226.4 and 226.5 respectively.

■ 5. Newly redesignated 226.4 is amended:

■ a. By revising the section heading;

■ b. By adding introductory text;

■ c. By revising paragraph (a);

■ d. In paragraph (b) by revising "10 U.S.C. 2546" to read "10 U.S.C. 2556";

■ e. In paragraph (c) by removing from the second sentence "under the Shelter for the Homeless Program" and adding in its place "by this program" and adding a third sentence;

■ f. In paragraph (d) introductory text by revising "10 U.S.C. 2546" to read "10 U.S.C. 2556"; and

■ g. In paragraph (d)(6) by revising "10 U.S.C. 2546" to read "10 U.S.C. 2556"

and removing "and this part" from the end of the paragraph.

The revisions and addition read as follows:

### § 226.4 Procedures.

It is DoD policy that:

(a) Shelters for the homeless may be established on military installations.

\* \* \* \* \*

(c) \* \* \* Shelter and incidental services provided under this part may be provided without reimbursement.

\* \* \* \* \*

■ 6. Amend newly redesignated § 226.5:

■ a. By revising paragraph (a);

■ b. In paragraph (b) by revising "Assistance Secretary" to read "Under Secretary";

■ c. By revising paragraph (c)(2);

■ d. In paragraph (c)(4) by removing "Shelter for the Homeless" and revising "10 U.S.C. 2546 and this part" to read "10 U.S.C. 2556"; and

■ e. In paragraph (d)(3) by revising "DASD(I)" to read "DUSD(I&E)."

The revisions read as follows:

### § 226.5 Responsibilities.

(a) The Deputy Under Secretary of Defense (Installations and Environment) (DUSD(I&E)), under the authority, direction and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall administer the program and issue such supplemental guidance as is necessary.

\* \* \* \* \*

(c) \* \* \*

(2) Appoint a senior manager to monitor the program within the Department and to provide any assistance that may be required to the Office of the Deputy Under Secretary of Defense (Installations and Environment) (ODUSD(I&E)). Such official, after consultation with the ODUSD(I&E), shall approve or disapprove all requests to establish a shelter in accordance with 10 U.S.C. 2556 and this part.

\* \* \* \* \*

Dated: February 1, 2013.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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