

Office of Management and Budget (OMB) Control No. 3206-NEW, for Questionnaire for Non-Sensitive Positions, Standard Form 85 (SF 85). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until October 30, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Room 10235, Washington, DC 20503, Attention: Jasmeet K. Seehra, OMB Desk Officer or sent by email to oir_submission@omb.eop.gov or faxed to (202)395-6974; and Federal Investigative Services, U. S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or sent by email to FISFormsComments@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Federal Investigative Services, U. S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or sent by email to FISFormsComments@opm.gov.

SUPPLEMENTARY INFORMATION: This notice announces that OPM is submitting to OMB a request for review and clearance of the revised collection

of information, Questionnaire for Non-Sensitive Positions, SF 85, which is housed in a system named e-QIP (Electronic Questionnaires for Investigative Processing) and is an information collection completed by applicants for, or incumbents of, Federal Government civilian or military positions, or positions in private entities performing work for the Federal Government under contract. The collection is used as the basis of information:

- By the Federal Government in conducting background investigations of persons under consideration for non-sensitive, low-risk positions as defined in Executive Order 10450 and 5 CFR part 731;
- by agencies in determining whether a person performing work for or on behalf of the Federal Government under a contract should be deemed eligible for logical or physical access or fit to perform the work anticipated, if the contract provides for such an adjudication.

The SF 85 is completed by civilian employees of the Federal Government, military personnel, and non-federal employees, including Federal contractors and individuals otherwise not directly employed by the Federal Government but who perform work for or on behalf of the Federal Government. It is estimated that 55,040 non-Federal individuals will complete the SF 85 annually for investigations conducted by OPM. The SF 85 takes approximately 30 minutes to complete. The estimated annual burden for this form when used in OPM investigations is 27,520 hours.

This ICR also requests categorizing the form as a common form. OPM will continue to estimate the burden based on all Federal agencies that submit the SF 85 to OPM for investigation. Once OMB approves the use of this common form, all Federal agencies using the form not in connection with an OPM investigation may request use of this common form without additional 60- or 30-day notice and comment requirements. At that point, each agency will account for its number of respondents and the burden associated with the agency's use.

The 60-day notice of the proposed information collection was published in the **Federal Register** on July 18, 2013 (**Federal Register** Notices/Volume 78, Number 138, page 42982-42983) as required by 5 CFR 1320, affording the public an opportunity to comment on the form. A commenter from OPM recommend changing information collected in Section 7, Citizenship, to mirror the collection found on the SF 86. This recommendation was not

accepted at this time. OPM will need additional time to explore the feasibility of addressing this recommendation in a timely manner and comply with investigative coverage requirements.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

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OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Information Collection 3206-NEW; Standard Form 86 Certification (SF 86C)

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Federal Investigative Services (FIS), U. S. Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an information collection request (ICR), Office of Management and Budget (OMB) Control No. 3206-NEW, for Standard Form 86 Certification (SF 86C). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until October 30, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Room 10235, Washington, DC 20503, Attention: Jasmeet K. Seehra, OMB Desk Officer or sent by email to oir_submission@omb.eop.gov or faxed to (202) 395-6974; and Federal Investigative Services, U. S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, Attention: Donna McLeod or sent by email to FISFormsComments@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Federal Investigative Services, U. S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or sent by email to FISFormsComments@opm.gov.

SUPPLEMENTARY INFORMATION: This notice announces that OPM is submitting to OMB a request for review and clearance of the revised collection of information, Standard Form 86 Certification (SF 86C). The SF 86C is an information collection completed by applicants for, or incumbents of, Federal Government civilian or military positions, or positions in private entities performing work for the Federal Government under contract. The collection is used as the basis of information:

- By the Federal Government in conducting background investigations, reinvestigations, and continuous evaluations, as appropriate, of persons under consideration for or retention in national security sensitive positions as defined in Executive Order 10450 and 5 CFR part 732, and for positions requiring eligibility for access to classified information under Executive Order 12968;

- by agencies in determining whether a person performing work for or on behalf of the Federal Government under a contract should be deemed eligible for logical or physical access when the nature of the work is sensitive and could bring about a material adverse effect on national security.

The SF 86C is completed by civilian employees of the Federal Government, military personnel, and non-federal employees, including Federal contractors and individuals otherwise not directly employed by the Federal Government but who perform work for or on behalf of the Federal Government. Numerous situations exist that require an individual to complete a new SF 86

for the sole purpose of determining if any information on the previously executed SF 86 has changed. The SF 86C is used in lieu of a new SF 86 to permit the individual to indicate that no data changes occurred, or to provide new or changed information. The SF 86C is a certification document that permits the reporting of changes on previously reported SF 86 information. Individual agencies maintain the form.

It is estimated that no non-Federal individuals will complete the SF 86C annually for investigations conducted by OPM. The SF 86C is not used as the basis for any investigations conducted by OPM. The SF 86C takes approximately 15 minutes to complete. The estimated annual burden for this form when used in OPM investigations is zero hours.

OPM solicits comments to determine the utility of this collection. If the form no longer meets the intended purpose, OPM recommends abolishing the form.

This ICR also requests categorizing this form as a common form. Once OMB approves the use of this common form, all Federal agencies using the form not in connection with an OPM investigation may request use of this common form without additional 60- or 30-day notice and comment requirements. At that point, each agency will account for its number of respondents and the burden associated with the agency's use.

The 60-day notice of the proposed information collection was published in the **Federal Register** on July 29, 2013 (**Federal Register** Notices/Volume 78, Number 145, page 45579-45580), as required by 5 CFR 1320, affording the public an opportunity to comment on the form. No comments were received.

U.S. Office of Personnel Management.

Elaine Kaplan,
Acting Director.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-30700; File No. 812-14108]

Variable Insurance Trust, *et al.*; Notice of Application

September 24, 2013.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an exemption pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (the "Act"), seeking exemptions from Sections 9(a), 13(a),

15(a) and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

APPLICANTS: Variable Insurance Trust (the "Fund") and MFund Services LLC ("MFund") (collectively, "Applicants").

SUMMARY: *Summary of Application:* Applicants request an order pursuant to Section 6(c) of the Act granting exemptions from the provisions of Sections 9(a), 13(a), 15(a), and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder in cases where a life insurance company separate account supporting variable life insurance contracts ("VLI Accounts") holds shares of an existing portfolio of the Fund or any other "Insurance Fund," as defined below (collectively, the "Insurance Funds"), and one or more of the following other types of investors also hold shares of the Insurance Funds: (i) Separate accounts registered as investment companies or separate accounts that are not registered as investment companies under the Act pursuant to exemptions from registration under Section 3(c) of the Act that fund variable annuity contracts ("VA Accounts") and VLI Accounts (VA Accounts and VLI Accounts together "Separate Accounts") issued by both affiliated life insurance companies and unaffiliated life insurance companies ("Participating Insurance Companies"); (ii) trustees of qualified group pension or group retirement plans ("Qualified Plans") outside the Separate Account context; (iii) investment adviser(s) or affiliated person(s) of the investment adviser(s) to a series of an Insurance Fund (the "Adviser"), for the purpose of providing seed capital to a series of an Insurance Fund; and (iv) any general account of an insurance company depositor of VA Accounts and/or VLI Accounts ("General Accounts"). An Insurance Fund is any investment company (or investment portfolio or series thereof), including an existing portfolio of the Fund, designed to be sold to VA Accounts and/or VLI Accounts and to which an Applicant or its affiliates serve or may serve in the future as investment advisers, investment subadvisers, investment managers, administrators, principal underwriters or sponsors.

DATES: *Filing Date:* The application was filed on January 7, 2013, and amended and restated on July 23, 2013.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or