

connection with work performed under that agreement.

(d) *Prior approval for outside employment.* A NASA employee, other than a special Government employee, shall request and obtain approval before engaging in the following outside employment activities:

(1) Teaching, speaking, writing, or editing, unless the subject matter pertains to the private interests of the employee, such as a hobby, cultural activity, or a professional pursuit unrelated to the employee's official duties;

(2) The practice of a profession or the rendering of professional consulting services;

(3) The management or conduct of a business in which the employee or the employee's spouse has an ownership interest, if that business performs, or may seek to perform, work (other than routine consumer transactions) for the Federal Government or for a NASA contractor, grantee, or other party to an agreement with NASA;

(4) Holding State or local public office, whether by election or appointment;

(5) Employment with a NASA contractor, subcontractor, or grantee;

(6) Employment with a party to a Space Act agreement, Commercial Launch Act agreement, or other agreement to which NASA is a party pursuant to specific statutory authority;

(7) Serving as an officer, trustee, or member of a board, directorate, or other such body of a for profit organization or of a nonprofit organization that is a prohibited source; or

(8) Employment which involves the practice of a NASA-owned invention or the performance of experimental, developmental, research, design, or engineering work that relates to the official duties of such employee.

(e) *Prior approval requested by employee.* Even when not required by paragraph (d) of this section, a NASA employee may request prior approval using the procedures set forth in this section.

(f) *Form of request for approval.* A request for approval of outside employment shall be in writing and shall include the following:

(1) The employee's name and occupational title;

(2) The nature of the employment, including a full description of the specific duties or services to be performed and a statement explaining any relationship between the outside activity and the official duties of the employee;

(3) The name and address of the person or organization for which work will be done;

(4) The estimated total time that will be devoted to the activity. If the employment is on a continuing basis, indicate the estimated number of hours per year; for other employment, indicate the anticipated beginning and ending date;

(5) A statement as to whether the work can be performed entirely outside of the employee's regular duty hours and, if not, the estimated number of hours of absence from work that will be required;

(6) Whether the employee will receive compensation for the outside activity, and, if the employee is a covered noncareer employee as defined by 5 CFR 2636.303, the amount of compensation to be received; and

(7) A statement that the employee currently has no official duties involving a matter that affects the outside employer and will disqualify from future participation in matters that could directly affect the outside employer.

(g) *Approval of requests*— (1) When required to obtain approval prior to commencing outside employment pursuant to paragraph (d) of this section, a NASA employee shall receive approval from the employee's immediate supervisor. Additional authority to approve requests is as follows:

(i) Center Directors and Deputy Center Directors shall receive approval by the Associate Administrator;

(ii) Center employees shall receive approval from the Center Director or a person designated to act for the Center Director; and

(iii) Headquarters employees shall receive approval from the employee's Official-in-Charge.

(2) Prior to approval, the Office of the General Counsel shall review requests by Headquarters employees, Center Directors, Deputy Center Directors, and Center Chief Counsel. All other requests shall be reviewed by the Center Chief Counsel's office, and for Office of Inspector General employees, by the Counsel to the Inspector General.

(3) *Standard for approval.* Approval will be granted unless a determination is made that the prospective outside employment is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

(4) *Scope of approval.* Approval will be for a period not to exceed five years. Upon a significant change in the nature or scope of the outside employment or in the employee's NASA position, the

employee shall submit a revised request for approval.

(5) *Notification of approval or disapproval.* Employees will be notified in writing of the action taken on their requests.

(6) *Records of requests.* All requests for approval will be maintained in the local human resources/personnel office where the requesting employee works, or alternatively by the local NASA legal office upon the determination of the Center Chief Counsel and by the Office of the General Counsel upon the determination of the General Counsel.

Charles F. Bolden Jr.,

Administrator, National Aeronautics and Space Administration.

Walter M. Shaub, Jr.,

Director, United States Office of Government Ethics.

[FR Doc. 2014-02212 Filed 2-7-14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS-2009-0094]

RIN 0579-AD45

Importation of Live Birds and Poultry, Poultry Meat, and Poultry Products From a Region in the European Union; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule published in the **Federal Register** on March 29, 2013, and effective on April 15, 2013, we amended the regulations governing the importation of animals and animal products by recognizing 25 Member States of the European Union (EU) as the Animal and Plant Health Inspection Service (APHIS)-defined EU Poultry Trade Region. In that rule, we established requirements for the importation of live birds and poultry, and poultry meat and products, from the APHIS-defined EU Poultry Trade Region. In the final rule, it was not our intent to prohibit the importation of birds, poultry, and poultry meat and products from Member States of the APHIS-defined EU Poultry Trade Region that conduct trade in poultry and poultry products with other regions that APHIS recognizes as being free of Newcastle disease and highly

pathogenic avian influenza. It was also not our intent that the import requirements for cooked poultry meat and products from the APHIS-defined EU Poultry Trade Region not be equivalent with the requirements we apply to other regions whenever an outbreak of Newcastle disease or highly pathogenic avian influenza occurs in those regions. This document amends the regulations to reflect our original intentions.

DATES: Effective Date: February 10, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Javier Vargas, Case Manager, Regionalization and Evaluation, National Import Export Services, Veterinary Services, APHIS, 4700 River Road, Unit 38, Riverdale, MD 20737-1231; (301) 851-3300.

SUPPLEMENTARY INFORMATION: In a final rule¹ that was published in the **Federal Register** on March 29, 2013 (78 FR 19080-19085, Docket No. APHIS-2009-0094), and effective on April 15, 2013, we amended the regulations governing the importation of animals and animal products by recognizing 25 Member States of the European Union (EU) as the Animal and Plant Health Inspection Service (APHIS)-defined EU Poultry Trade Region.

The rule was based on our determination that the region meets our requirements for being considered free of Newcastle disease and highly pathogenic avian influenza (HPAI) and established requirements for the importation of live birds and poultry, and poultry meat and products, from the APHIS-defined EU Poultry Trade Region.

As published, § 94.28(a)(3) requires that live birds and poultry from which poultry meat and products are derived and intended for export to the United States must only originate from within the APHIS-defined EU Poultry Trade Region, and that the farms of origin must not have received live birds or poultry imported from outside the APHIS-defined EU Poultry Trade Region. Similarly, § 94.28(b)(3) requires that live birds and poultry intended for export to the United States must only originate from within the APHIS-defined EU Poultry Trade Region and that the farms of origin must not have received birds or poultry imported from outside the APHIS-defined EU Poultry Trade Region.

These import requirements are not consistent with how we regulate poultry

imports from other countries and regions that we recognize as being free of Newcastle disease and HPAI. We allow such regions to import live birds and poultry, and poultry meat and products, from other regions that are also free of those diseases, and we intended the APHIS-defined EU Poultry Trade Region to be able to do likewise.

Therefore, in keeping with our original intention, we are removing paragraphs (a)(3) and (b)(3) in § 94.28. Paragraph § 94.28(a)(5) will be redesignated as § 94.28(a)(4) and paragraph § 94.28(b)(5) will be redesignated as § 94.28(b)(4). References to these paragraphs in paragraphs (c) and (d) of § 94.28 will be amended to reflect these changes. As a result, farms within the APHIS-defined EU Poultry Trade Region will be able to export to the United States live birds and poultry originating from outside their region, as well as poultry meat and products that were derived from poultry originating from outside their region.

However, § 94.28(a)(1) and (b)(1) will continue to require that live birds and poultry, and poultry meat and products, must not have been from regions or zones in which Newcastle disease or HPAI are considered to exist. Likewise, paragraphs (a)(2) and (b)(2) of § 94.28 will continue to require that prior to export to the United States, live birds and poultry, and poultry meat and products, are not commingled with live birds and poultry, or poultry meat and products, from regions where Newcastle disease or HPAI are considered to exist. Additionally, live birds and poultry, and poultry meat and products, imported from the APHIS-defined EU Poultry Trade Region must be accompanied by a certificate indicating the zone of origin within that region. This requirement ensures they do not originate from restricted zones imposed within the APHIS-defined EU Poultry Trade Region due to outbreaks of Newcastle disease or HPAI.

In addition, we intended that the import requirements for cooked poultry meat and products from the APHIS-defined EU Poultry Trade Region be equivalent with the requirements we apply to other regions whenever an outbreak of Newcastle disease or HPAI occurs in those regions. Therefore, we are amending § 94.28(a)(1) by adding a statement that poultry meat and products are also allowed to be imported to the United States from the APHIS-defined EU Poultry Trade Region if accompanied by a certificate specifying that the articles were cooked and processed in accordance with the regulations in § 94.6(b)(3) or (b)(4).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, 7781-7786, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 94.28 is amended as follows:

- a. By revising the introductory text of paragraph (a)(1);
- b. By removing paragraph (a)(3) and redesignating paragraphs (a)(4) and (a)(5) as paragraphs (a)(3) and (a)(4), respectively;
- c. In newly designated paragraph (a)(4), by removing the reference “(a)(4)” and adding the reference “(a)(3)” in its place;
- d. By removing paragraph (b)(3) and redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(3) and (b)(4), respectively;
- e. In newly designated paragraph (b)(4), by removing the reference “(b)(4)” and adding the reference “(b)(3)” in its place;
- f. By withdrawing the amendment to paragraph (c) published December 4, 2013 (78 FR 73001);
- g. In paragraph (c), by removing the citation “§ 94.28(b)(5)” and adding “paragraph (b)(4) of this section” in its place; and
- h. In paragraph (d), by removing the references “(a)(5)” and “(b)(5)” and adding the references “(a)(4)” and “(b)(4)” in their place, respectively.

The revision reads as follows:

§ 94.28 Restrictions on the importation of poultry meat and products, and live birds and poultry, from the APHIS-defined EU Poultry Trade Region.

(a) * * *

(1) The poultry meat and products must not have been derived from birds and poultry that were in any of the following regions or zones, unless the birds and poultry were slaughtered after the periods described, or unless the poultry meat and products are

¹ To view the rule, supporting analyses, and comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0094>.

accompanied by a certificate specifying that the articles were cooked and processed in accordance with the regulations in § 94.6(b)(3) or (b)(4):

* * * * *

Done in Washington, DC, this 3rd day of February 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014-02768 Filed 2-7-14; 8:45 am]

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1071

[Docket No: CFPB-2012-0020]

RIN 3170-AA27

Equal Access to Justice Act Implementation Rule

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: On June 29, 2012, the Consumer Financial Protection Bureau (Bureau) published in the **Federal Register** an interim final rule implementing the Equal Access to Justice Act (EAJA or the Act). EAJA requires agencies that conduct adversary adjudications to award attorney fees and other litigation expenses to certain parties other than the United States in certain circumstances. EAJA also requires agencies that conduct adversary adjudications to establish procedures for the submission and consideration of applications for the award of fees and other expenses. After reviewing and considering the single public comment offered on its interim final rule, the Bureau adopts the interim final rule without change.

DATES: This final rule is effective on March 12, 2014.

FOR FURTHER INFORMATION CONTACT: John R. Coleman, Senior Counsel, Legal Division, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552; (202) 435-7254.

SUPPLEMENTARY INFORMATION:

I. Background

Originally enacted in 1980, EAJA provides that “[a]n agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency was

substantially justified or that special circumstances make an award unjust.” 5 U.S.C. 504(a)(1). The Administrative Conference of the United States (ACUS) was charged with coordination of the procedural rules adopted by various agencies to implement EAJA. To carry out this responsibility, ACUS issued model rules implementing EAJA (46 FR 32900, June 25, 1981), after receiving public comment on draft model rules (46 FR 15895, March 10, 1981). ACUS published revised model rules in 1986 that reflected the amendments Congress made when it re-authorized the Act in 1985. 51 FR 16659 (May 6, 1986), previously codified at 1 CFR part 315 (1995); *see* Administrative Conference of the U.S., Federal Administrative Procedure Sourcebook at 419 (2d ed. 1992). ACUS did not publish model rules reflecting amendments to the Act made since 1985 before ACUS was temporarily defunded in 1996.

When drafting the interim final rule, the Bureau used the 1986 ACUS model rules as a point of departure, modifying them to put them in plain language, to reflect more recent amendments to the Act, and to make certain changes the Bureau believed were warranted for reasons explained in the section-by-section analysis published with the interim final rule.

On June 29, 2012, the Bureau published its interim final rule implementing EAJA with a request for comment. 77 FR 39117. The interim final rule described each section of the rule and explained the basis of the rule with reference to the ACUS model rules, or those of other agencies, as appropriate. The comment period on the interim final rule ended on August 28, 2012. After reviewing and considering the single public comment offered, the Bureau is now promulgating its final rule implementing EAJA.

II. Legal Authority

The Bureau promulgates the final rule pursuant to 5 U.S.C. 504(c)(1).

III. Public Comment on the Interim Final Rule

In response to the interim final rule, the Bureau received one letter from an individual consumer. The comment letter from the consumer did not contain any specific comments or suggestions pertaining to the interim final rule. Accordingly, the Bureau is adopting the interim final rule without change.

IV. Regulatory Requirements

As noted in publishing the Interim Final Rule, under the Administrative Procedure Act, 5 U.S.C. 553(b), notice and comment is not required for rules

of agency organization, procedure, or practice. As discussed in the preamble to the Interim Final Rule, the Bureau confirms its finding that this is a procedural rule for which notice and comment is not required. Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a).

V. Paperwork Reduction Act

According to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) the Bureau may not conduct or sponsor a collection of information as defined by the PRA and, notwithstanding any other provisions of law, persons are not required to respond to a collection of information unless it displays a current valid Office of Management and Budget (OMB) control number. The collections of information contained in this rule, and identified as such, have been approved by OMB and assigned the control number 3170-0040.

A. Information Collection Requirements

EAJA provides for payment of fees and expenses to eligible parties who have prevailed against the Bureau in certain administrative proceedings. In order to obtain an award, the statute and associated regulations (12 CFR part 1071) require the filing of an application that shows that the party is a prevailing party and is eligible to receive an award under the Act. The Bureau regulations implementing the EAJA require applicants to submit certain information in their applications, as detailed in 12 CFR part 1071, subparts B, C. The Bureau estimates that as many as 3 applications may be filed annually with the Bureau and that it will take on average about 5 hours to complete and file an application for an award in accordance with the requirements of 12 CFR part 1071, subparts B, C, for a total estimated annual burden of 15 hours.

B. Comments

The Bureau published a 60-day **Federal Register** notice on August 23, 2013 (78 FR 52513). Comments were solicited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information shall have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information