

five years to allow BIC additional time to develop a compliant Children's Pen.

Through this notice, we are reopening the comment period to give all interested parties an opportunity to comment on the additional information provided by BIC. A copy of the letter may be viewed on <http://www.regulations.gov>, under docket number CPSC-2013-0016, Supporting and Related Materials.

Dated: February 26, 2014.

**Todd A. Stevenson,**

Secretary, U.S. Consumer Product Safety Commission.

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## CONSUMER PRODUCT SAFETY COMMISSION

### Public Health Authority Notification

**AGENCY:** Consumer Product Safety Commission (CPSC).

**ACTION:** Notice .

**SUMMARY:** CPSC is publishing this notice to inform hospitals and other health care organizations of CPSC's status as a "public health authority" under the medical privacy requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**FOR FURTHER INFORMATION CONTACT:** Melissa Buford, CPSC Office of the General Counsel, 4330 East West Highway, Suite 704, Bethesda MD 20814. 301-504-7636.

**SUPPLEMENTARY INFORMATION:** Congress enacted HIPAA to improve portability and continuity of health insurance, among other purposes. (Pub. L. 104-191, 110 Stat. 1936 (1996)). The U.S. Department of Health and Human Services (HHS) promulgated regulations pursuant to HIPAA to address the security and privacy of health data. Known as the Privacy Rule, *Standards for Privacy of Individually Identifiable Health Information*, 45 CFR parts 160 and 164, the regulations established procedures to protect the privacy of individually identifiable health information and to address the use and disclosure of such information.

The Privacy Rule provides that covered entities, including health care providers, health plans, and health care clearinghouses, may not use or disclose protected health information, except in certain expressly permitted circumstances. Covered entities, however, may disclose protected health information to a "public health authority." As HHS recognized in guidance issued on December 3, 2002, and revised on April 3, 2003, disclosure

in certain circumstances is necessary to support the work of public health authorities:

The HIPAA Privacy Rule recognizes the legitimate need for public health authorities and others responsible for ensuring public health and safety to have access to protected health information to carry out their public health mission. The Rule also recognizes that public health reports made by covered entities are an important means of identifying threats to the health and safety of the public at large, as well as individuals. Accordingly, the Rule permits covered entities to disclose protected health information without authorization for specified public health purposes.

The regulations define a "public health authority" broadly to include:

an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has grant authority, that is responsible for public health matters as part of its official mandate.

45 CFR 164.501. Moreover, the preamble to the final Privacy Rule underscored the expansive meaning of "public health authority." Noting the clear congressional mandate not to interfere with current public health practices, the preamble stated: "the broad definition of 'public health authority' is appropriate to achieve that end." 65 FR 82462 (December 28, 2000).

Thus, the Privacy Rule provides that protected health information may be disclosed to a public health authority that is authorized by law to collect certain health-related information. Specifically, the Privacy Rule allows for the disclosure of protected health information to a public health authority that is:

authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority.

45 CFR 164.512(b)(1)(i).

CPSC is a public health authority authorized by law to collect certain health-related information in pursuit of its official mandate. CPSC's mission is to protect the public against unreasonable risks of injury associated with consumer products and to promote research and investigation into the causes and prevention of product-

related deaths, illnesses, and injuries. 15 U.S.C. 2051(b). As such, CPSC's mission falls well within the broad parameters of a public health authority responsible for public health matters as defined in the Privacy Rule.

Additionally, in furtherance of its mandate, CPSC is authorized by law to, among other things, collect information for the purpose of preventing injury or death, report injury or death, and conduct public health investigations. For example, pursuant to statutory direction, CPSC must "maintain an Injury Information Clearinghouse to collect, investigate, analyze, and disseminate injury data, and information, relating to the causes and prevention of death, injury, and illness associated with consumer products" and to "conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary." 15 U.S.C. 2054(a)(1) and (2). In addition, CPSC is authorized to "conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products." 15 U.S.C. 2054(b). Additionally, each fiscal year CPSC is required to submit a comprehensive report to the President and Congress documenting "thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence of injury and effects to the population resulting from consumer products, with a breakdown, insofar as practicable, among the various sources of such injury" and "statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c)." 15 U.S.C. 2076(j)(1) and (6)(B).

As an agency responsible for public health matters pursuant to its official mandate, and with statutory authorization to collect and report information to prevent injury and death, CPSC falls squarely within the definition of a "public health authority." Accordingly, CPSC is providing notice that it is a public health authority within the meaning of the Privacy Rule, entitled to receive protected health information from hospitals and other health care organizations, without written authorization or consent. The disclosure of protected health information to a public health authority is a permitted disclosure under the Privacy Rule. 45 CFR 164.502(a)(1)(vi).

Dated: February 26, 2014.

**Todd A. Stevenson,**

Secretary, Consumer Product Safety  
Commission.

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2013-OS-0222]

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by April 2, 2014.

**FOR FURTHER INFORMATION CONTACT:** Fred Licari, 571-372-0493.

**SUPPLEMENTARY INFORMATION:**

*Title, Associated Form and OMB Number:* Application for DoD Impact Aid for Children with Severe Disabilities; SD 816; SD 816-C; OMB Control Number 0704-0425.

*Type of Request:* Extension.  
*Number of Respondents:* 50.  
*Responses Per Respondent:* .1  
*Annual Responses:* 50.  
*Average Burden per Response:* 8 hours.

*Annual Burden Hours:* 400.  
*Needs and Uses:* DoD funds are authorized for local educational agencies (LEAs) that educate military dependent students with severe disabilities and meet certain criteria. This application will be requested of military-impacted LEAs to determine if they meet the DoD criteria to receive compensation for the cost of educating military dependents with severe disabilities.

*Affected Public:* Local Education Agencies (LEAs).

*Frequency:* On occasion.  
*Respondent's Obligation:* Annually.  
*OMB Desk Officer:* Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, docket number and title 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.

*DOD Clearance Officer:* Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Dated: February 26, 2014.

**Aaron Siegel,**

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 2014-04614 Filed 2-28-14; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[Docket No. DARS-2014-0015]

### Waiver for Certain Defense Items Produced in the United Kingdom

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom (UK). United States Code, Title 10, section 2534, limits DoD procurement of certain items to sources in the national technology and industrial base. The waiver will permit procurement of enumerated items from sources in the UK, unless otherwise restricted by statute.

**DATES:** *Effective Date:* This waiver is effective for one year, beginning March 18, 2014 until March 17, 2015.

**FOR FURTHER INFORMATION CONTACT:** Director, Defense Procurement and Acquisition Policy (DPAP), Contract Policy and International Contracting (CPIC), Room 5E621, 3060 Defense Pentagon, Washington, DC 20301-3060, Attention: Ms. Patricia Foley, OUSD(AT&L), telephone (703) 693-1145.

**SUPPLEMENTARY INFORMATION:**

Subsection (a) of 10 U.S.C. 2534 provides that the Secretary of Defense may procure the items listed in that subsection only if the manufacturer of the item is part of the national technology and industrial base. Subsection (i) of 10 U.S.C. 2534 authorizes the Secretary of Defense to exercise the waiver authority in subsection (d), on the basis of the applicability of paragraph (2) or (3) of that subsection, only if the waiver is made for a particular item listed in subsection (a) and for a particular foreign country. Subsection (d) authorizes a waiver if the Secretary of Defense determines that application of the limitation "would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items" and if the Secretary of Defense determines that "that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country." The Secretary of Defense has delegated the waiver authority of 10 U.S.C. 2534(d) to the Under Secretary of Defense (Acquisition, Technology, and Logistics).

DoD has had a Reciprocal Defense Procurement Memorandum of Understanding (MOU) with the UK since 1975, most recently renewed on December 16, 2004.

The Under Secretary of Defense (Acquisition, Technology, and Logistics) finds that the UK does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in the UK, and also finds that application of the limitation in 10 U.S.C. 2534 against defense items produced in the UK would impede the reciprocal procurement of defense items under the MOU.

Under the authority of 10 U.S.C. 2534, the Under Secretary of Defense (Acquisition, Technology, and Logistics) has determined that application of the limitation of 10 U.S.C. 2534(a) to the procurement of any defense item produced in the UK that is listed below would impede the reciprocal procurement of defense items under the MOU with the UK.

On the basis of the foregoing, the Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation in 10 U.S.C. 2534(a) for procurements of any defense item listed below that is produced in the UK. This waiver applies only to the