

The proposed order contains provisions designed to prevent TRENDnet from engaging in the future in practices similar to those alleged in the complaint.

Part I of the proposed order prohibits TRENDnet from misrepresenting (1) the extent to which TRENDnet or its products or services maintain and protect the security of covered device functionality or the security, privacy, confidentiality, or integrity of any covered information; and (2) the extent to which a consumer can control the security of any covered information input into, stored on, captured with, accessed, or transmitted by a covered device.

Part II of the proposed order requires TRENDnet to establish and implement, and thereafter maintain, a comprehensive security program to (1) address security risks that could result in unauthorized access to or use of the functions of covered devices, and (2) protect the security, confidentiality, and integrity of covered information, whether collected by respondent or input into, stored on, captured with, accessed or transmitted through a covered device. The security program must contain administrative, technical, and physical safeguards appropriate to TRENDnet's size and complexity, nature and scope of its activities, and the sensitivity of the information collected from or about consumers. Specifically, the proposed order requires TRENDnet to:

(1) Designate an employee or employees to coordinate and be accountable for the security program;

(2) identify material internal and external risks to the security of covered devices that could result in unauthorized access to or use of covered device functionality, and assess the sufficiency of any safeguards in place to control these risks;

(3) identify material internal and external risks to the security, confidentiality, and integrity of covered information that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of such information, whether such information is in TRENDnet's possession or is input into, stored on, captured with, accessed, or transmitted through a covered device, and assess the sufficiency of any safeguards in place to control these risks;

(4) consider risks in each area of relevant operation, including but not limited to (a) employee training and management; (b) product design, development and research; (c) secure software design, development, and

testing; and (d) review, assessment, and response to third-party security vulnerability reports;

(5) design and implement reasonable safeguards to control the risks identified through risk assessments, including but not limited to reasonable and appropriate software security testing techniques, such as: (a) Vulnerability and penetration testing; (b) security architecture reviews; (c) code reviews; and (d) other reasonable and appropriate assessments, audits, reviews, or other tests to identify potential security failures and verify that access to covered information is restricted consistent with a user's security settings;

(6) regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures;

(7) develop and use reasonable steps to select and retain service providers capable of maintaining security practices consistent with the order, and require service providers by contract to establish and implement, and thereafter maintain, appropriate safeguards; and

(8) evaluate and adjust its information security program in light of the results of testing and monitoring, any material changes to TRENDnet's operations or business arrangement, or any other circumstances that it knows or has reason to know may have a material impact on its security program.

Part III of the proposed order requires TRENDnet to obtain, within the first one hundred eighty (180) days after service of the order and on a biennial basis thereafter for a period of twenty (20) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: (1) It has in place a security program that provides protections that meet or exceed the protections required by Part II of the proposed order; and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security of covered device functionality and the security, confidentiality, and integrity of covered information is protected.

Part IV of the proposed order requires TRENDnet to notify consumers whose cameras were affected by the breach that allowed third parties to access their live feeds without inputting login credentials; and provide instructions to such consumers on how to remove this flaw. In addition, TRENDnet must provide prompt and free support with clear and prominent contact information to help consumers update and/or uninstall their IP cameras. TRENDnet must provide this support via a toll-free, telephonic

number and via electronic mail for two (2) years.

Parts V through IX of the proposed order are reporting and compliance provisions. Part V requires TRENDnet to retain documents relating to its compliance with the order for a five-year period. Part VI requires dissemination of the order now and in the future to all current and future principals, officers, directors, and managers, and to persons with responsibilities relating to the subject matter of the order. Part VII ensures notification to the FTC of changes in corporate status. Part VIII mandates that TRENDnet submit a compliance report to the FTC within 60 days, and periodically thereafter as requested. Part IX is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.

By direction of the Commission.

**Richard C. Donohue,**  
*Acting Secretary.*

[FR Doc. 2013-22070 Filed 9-10-13; 8:45 am]

**BILLING CODE 6750-01-P**

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0174; Docket 2012-0076; Sequence 64]

### Submission for OMB Review; Information Regarding Responsibility Matters

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension, with changes, to an existing OMB information clearance.

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**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Information Regarding Responsibility Matters. A notice was published in the

**Federal Register** at 78 FR 18593, on March 27, 2013. One comment was received.

**DATES:** Submit comments on or before October 11, 2013.

**ADDRESSES:** Submit comments identified by Information Collection 9000–0174, Information Regarding Responsibility Matters, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link “Submit a Comment” that corresponds with “Information Collection 9000–0174, Information Regarding Responsibility Matters”. Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “Information Collection 9000–0174, Information Regarding Responsibility Matters” on your attached document.

- *Fax:* 202–501–4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405–0001. ATTN: Hada Flowers/IC 9000–0174, Information Regarding Responsibility Matters.

*Instructions:* Please submit comments only and cite Information Collection 9000–0174, Information Regarding Responsibility Matters, in all correspondence related to this collection. Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cecelia L. Davis, Procurement Analyst, Office of Governmentwide Acquisition Policy, at (202) 219–0202 or [Cecelia.davis@gsa.gov](mailto:Cecelia.davis@gsa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

This information collection is necessary to: (a) Determine the responsibility of prospective contractors; and (b) ensure that contractors maintain for accuracy and completeness, their integrity and performance information upon which responsibility determinations rely.

Section 872 of the Duncan Hunter National Defense Authorization Act of 2009 (Pub. L. 110–417), enacted on

October 14, 2008, required the development and maintenance of an information system that contains specific information on the integrity and performance of covered Federal agency contractors and grantees. The Federal Awardee Performance and Integrity Information System (FAPIIS) was developed to address these requirements. FAPIIS provides users access to integrity and performance information from the FAPIIS reporting module in the Contractor Performance Assessment Reporting System (CPARS), as well as proceedings information and suspension/debarment information from the Central Contractor Registration (CCR) and the Excluded Parties List System (EPLS) functions in the System for Award Management (SAM).

The provision at FAR 52.209–7 requires that for each solicitation where the resultant contract value is expected to exceed \$500,000, the offeror responds in paragraph (b) as to whether or not it has active Federal contracts and grants that total greater than \$10,000,000. Only if the offeror responds affirmatively is there any further FAPIIS-related information collection requirement.

The clause at FAR 52.209–9 applies to solicitations where the resultant contract value is expected to exceed \$500,000 and to contracts in which the contractor indicated in paragraph (b) of the provision at 52.209–7 that it has current active Federal contracts and grants with total values greater than \$10,000,000. Paragraph (a) of the clause at 52.209–9 requires the contractor to update responsibility information on a semiannual basis, throughout the life of the contract, by posting the information in the System for Award Management (SAM).

##### **B. Discussion and Analysis**

###### *1. The Analysis of the Public Comment Is Summarized as Follows*

###### *a. Necessity of the Information Collection Requirement*

*Comment:* According to the respondent, agencies should be seeking to create savings by reducing or eliminating such information collection requirements. However, the respondent did not challenge the propriety of this underlying information collection requirement.

*Response:* The provision at FAR 52.209–7 requires that for each solicitation where the resultant contract value is expected to exceed \$500,000, the offeror responds in paragraph (b) as to whether it has, or has not, active Federal contracts and grants that total greater than \$10,000,000. Only if the offeror responds affirmatively is there

any further FAPIIS-related information collection requirement. The clause at FAR 52.209–9 applies to solicitations where the resultant contract value is expected to exceed \$500,000 and to contracts in which the offeror has indicated in paragraph (b) of the provision at 52.209–7 that it has current active Federal contracts and grants with total values greater than \$10,000,000. Paragraph (a) of the clause at 52.209–9 requires the contractor to update responsibility information on a semiannual basis, throughout the life of the contract, by posting the information in the CCR. These requirements are necessary. There are no aspects of this requirement that can be reduced or eliminated without negatively impacting the ability of the Government to assess contractor responsibility, investigate and address potential criminal actions, and protect the Government's interests in maintaining the integrity of the acquisition process.

###### *b. OMB Approval To Extend the Approval of This Information Collection Requirement.*

*Comment:* The respondent commented that the extension of the information collection would violate the fundamental purposes of the Paperwork Reduction Act because the analysis significantly underestimates the paperwork burden imposed by this requirement and has therefore not provided sufficient justification for the requested extension. The respondent further stated that the agency and OMB should assess the need to extend this information collection requirement in the context of assessing the total information collection burden. The respondent further commented that the “collective burden of compliance” required of the Government acquisition community annually totals over 30 million hours. According to the respondent, the collective burden greatly exceeds the agency's estimates and outweighs any potential utility of the extension.

*Response:* The criteria for extension of an information collection requirement must be based primarily on the need and use for the required information. It is essential for contractors to report responsibility requirements, regardless the number of responses. If the agencies have determined that the information is essential to protect the interests of the Government, then the extension should be approved.

###### *c. Accuracy of Data Estimates*

*Comment:* The respondent commented that the agency did not accurately estimate the public burden,

challenging that the agency's methodology for calculating the burden is insufficient and inadequate and does not reflect the total burden. The respondent stated that—

- With regard to the number of unique vendors with contracts valued over \$500,000 and the number of proposals received per solicitation, FPDS data was used and the respondent considers the estimate of .1 hours per initial response to be reasonable.

- However, the respondent is unclear as to why the Agencies abandoned this approach when estimating the number of unique vendors with total current, active Federal contracts and grants with total values greater than \$10,000,000. If actual data is unavailable, the Agencies are required to do more than just declare, "It is estimated." The total burden hour estimates for the latter information collection requirement (506,313 hours) seems reasonable, but as the agencies have not provided a "specific, objectively supported estimate of burden" or clear explanation of its methodology, the exact burden estimate is unclear and the allocation is confusing. According to the notice's text, "[The Agencies] have used an average burden estimate of 100 hours to enter the company's data into the Web site. This time estimate also includes the average annual recordkeeping time necessary per respondent to maintain the company's information internally." However, the table then contradicts the text by assigning the 100 hours to the "recordkeeping burden" and then recognizing that entering the data will also take additional time, especially as the data must be entered into the new System Awards Management (SAM) system. According to the respondent, any change within SAM requires at least one hour of time: Even one update will force the respondent to confirm the accuracy of every page, i.e. scroll down to the bottom and agree to every screen.

*Response:* The respondent found the overall burden estimate to be reasonable. However, based on Fiscal Year (FY) 2012 data, and in consultation with subject matter experts, the Councils have increased the burden hours for the initial input of data into SAM (.5 hours to 1 hour), and separated out the data to be input under the provision 52.209-7 from the subsequent 6-month updates under 52.209-9 and the required recordkeeping hours. This re-evaluation resulted in a slight adjustment from the data previously published in the **Federal Register** at 78 FR 18593, on March 27, 2013.

The Councils take this process seriously. In this particular instance, the burden was prepared using the burden

hour's method taking into consideration the time, effort and financial resources put on the entity submitting the information. This includes reviewing instructions; using technology to collect, process, and disclose information; adjusting existing practices to comply with requirements; searching data sources; completing and reviewing the response; and transmitting or disclosing information. The estimated hours must also be viewed as an average between the hours that a simple disclosure by a very small business might require and the much higher numbers that might be required for a very complex disclosure by a major corporation. Also, it must be noted that the burden includes estimated hours only for those actions which a company would not undertake in the normal course of business.

#### d. Timing of Request for Extension

*Comment:* The respondent noted that this information collection is soliciting comments during an emergency extension period OMB granted in March 2013. The respondent reiterated OMB's comment that the agencies should have in place an internal planning process so that completion of the public notification and comment period required by 5 CFR 1320 occurs prior to an information collection's expiration date. Regular order allows the agencies and the public to have a meaningful and on-the-record dialogue on information collection extensions.

*Response:* There are over 100 information collection requirements that require periodic renewal, of which more than half expired in FY 2013. Although ideally it is preferable to complete the renewal process prior to expiration, an emergency extension may be necessary in order to allow the public the opportunity for input into the process.

#### e. The Collective Burden of Compliance

*Comment:* The respondent objects to the overall collective burden imposed by the Government on all respondents.

*Response:* The Councils cannot effectively address the broad allegations with regard to the accuracy and utility of the entire collective burden imposed on all Federal acquisitions. The Councils can only effectively address each individual information collection requirement that is under consideration for OMB approval. The Councils constantly review information collection requirements imposed by FAR regulations for ways to reduce the burdens and still achieve the objectives of the regulations, whether based on policy or statute.

#### 2. Annual Reporting Burden

This information collection reflects a slight adjustment from what was published in the **Federal Register** at 78 FR 18593, on March 27, 2013, for the number of respondents required to comply with the requirements of FAR 52.209-7 and FAR 52.209-9. This change is primarily due to a re-evaluation based on consultations with subject matter experts and updated data retrieved from the Federal Procurement Data System (FPDS).

For FAR 52.209-7, FY 2012 FPDS indicates that there were 26,327 contract awards. The Government estimates that there was an average of 3 responses per solicitation, resulting in approximately 79,000 offers ( $26,327 \times 3$ , rounded). Of the approximate 79,000 offers, the Government estimates that an average of five responses annually will be received by 15,800 unique vendors ( $79,000/5$ ). Consequently, it was determined that the FY 2012 FPDS data was a sufficient baseline for estimating the number of respondents. It is therefore estimated that approximately 15,800 respondents, 1,090 of which will not receive an award ( $15,800 - 14,710$ ), would need to comply with the applicable provision for this information collection. The Government further estimates that one third of the unique vendors (5,250) submitting offers may answer the first question affirmatively, and then will have to enter data into the FAPIIS.

For FAR 52.209-9, FY 2012 FPDS indicates that there were 26,327 contract awards to 14,710 unique vendors. Approximately one-third (4,900) of those unique vendors may answer the first question (from FAR 52.209-7) affirmatively. Consequently, it was determined that for FAR 52.209-9, the FY 2012 FPDS data was a sufficient baseline for estimating the number of respondents per year (4,900) that would need to comply with FAR 52.209-9.

The estimate number of responses per respondent is based on an estimated average of the total number of responses for FAR 52.209-7 and FAR 52.209-9 divided by the estimated number of respondents. In discussions with subject matter experts, it was determined that an estimated number of responses per respondent of 5.95 was sufficient for this information collection.

##### a. FAR 52.209-7:

##### (i) Initial Response:

Estimated number of respondents: .....	15,800
Est. number of responses per respondent per year: .....	$\times 5$
Total annual responses (rounded): .....	79,000
Estimated hours per response: .....	0.1
Total response burden hours: .....	7,900

## (ii) Additional Response:

Estimated number of respondents: ..... 5,250  
 Est. number of responses per respondent per year: ..... × 1

Estimated number of responses: ..... 5,250  
 Estimated hours per response: ..... × 1

Estimated response burden hours: ..... 5,250  
 Total response burden hours for FAR 52.209-7: ..... 13,150

## b. FAR 52.209-9:

Estimated number of respondents: ..... 4,900  
 Est. number of responses per respondent per year: ..... × 2

Total annual responses (rounded): ..... 9,800  
 Estimated hours per response: ..... 0.5

Total response burden hours for FAR 52.209-9: ..... 4,900

## c. Total (a. + b.):

Total number of respondents: ..... 15,800  
 Responses per respondent: ..... × 5.95

Total responses: ..... 94,050  
 Hours per response: ..... .19

Total response burden hours: ..... 18,050

## 3. Annual Recordkeeping Burden

Number of recordkeepers: ..... 5,250  
 Hours per recordkeeper: ..... × 100

Total recordkeeping burden hours: ..... 525,000

## C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

## Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration,

Regulatory Secretariat (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405-0001, telephone (202) 501-4755. Please cite OMB Control No. 9000-0174, Information Regarding Responsibility Matters, in all correspondence.

Dated: September 5, 2013.

**Karlos Morgan,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2013-22016 Filed 9-10-13; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Centers for Disease Control and Prevention

[30Day-13-0215]

## Agency Forms Undergoing Paperwork Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395-5806. Written comments should be received within 30 days of this notice.

## Proposed Project

Application form and related forms for the operation of the National Death Index (NDI), (OMB No. 0920-0215, Expiration 11/30/13)—Extension—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

## Background and Brief Description

The purpose of this request is to obtain OMB approval to extend the data collection for Application form and related forms for the operation of the

National Death Index (NDI), OMB No. 0920-0215, expires 11/30/2013. Section 306 of the Public Health Service Act (42 U.S.C.), as amended, authorizes that the Secretary of Health and Human Services, acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States.

The NDI is a national data base containing identifying death record information submitted annually to NCHS by all the state vital statistics offices, beginning with deaths in 1979. This request is for approval of forms used to request searches against the NDI file to obtain the states and dates of death and the death certificate numbers of deceased study subjects. The NDI Application Form is provided to all investigators who express an interest in the NDI. The Application Form is completed and submitted only by those investigators who actually decide to apply for use of the NDI services. The Request for a Repeat NDI File Search is used by those NDI users who already have an approved application on file. This form is used by researchers when they have additional study subjects that need to be identified as deceased. The final form used is the User Data Transmittal Format. The researcher uses this form when transmitting their data file to the NDI staff.

Using the NDI Plus service, researchers have the option of also receiving cause of death information for deceased subjects, thus reducing the need to request copies of death certificates from the states. The NDI Plus option currently provides the International Classification of Disease (ICD) codes for the underlying and multiple causes of death for the years 1979-2010. Health researchers must complete administrative forms in order to apply for NDI services, and submit records of study subjects for computer matching against the NDI file. A three-year clearance is requested. There is no cost to respondents except for their time. The total estimated annual burden hours are 182.

TABLE 1—ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Form type	Number of respondents	Number of responses/respondent	Average burden/response (in hours)
Health Researcher/Investigator .....	Application Form .....	50	1	2.5
Health Researcher/Investigator .....	Repeat Request Form .....	70	1	18/60
Health Researcher/Investigator .....	Data Transmittal Form .....	120	1	18/60