



FEDERAL REGISTER

Vol. 78

Friday,

No. 81

April 26, 2013

Pages 24665–24978

OFFICE OF THE FEDERAL REGISTER



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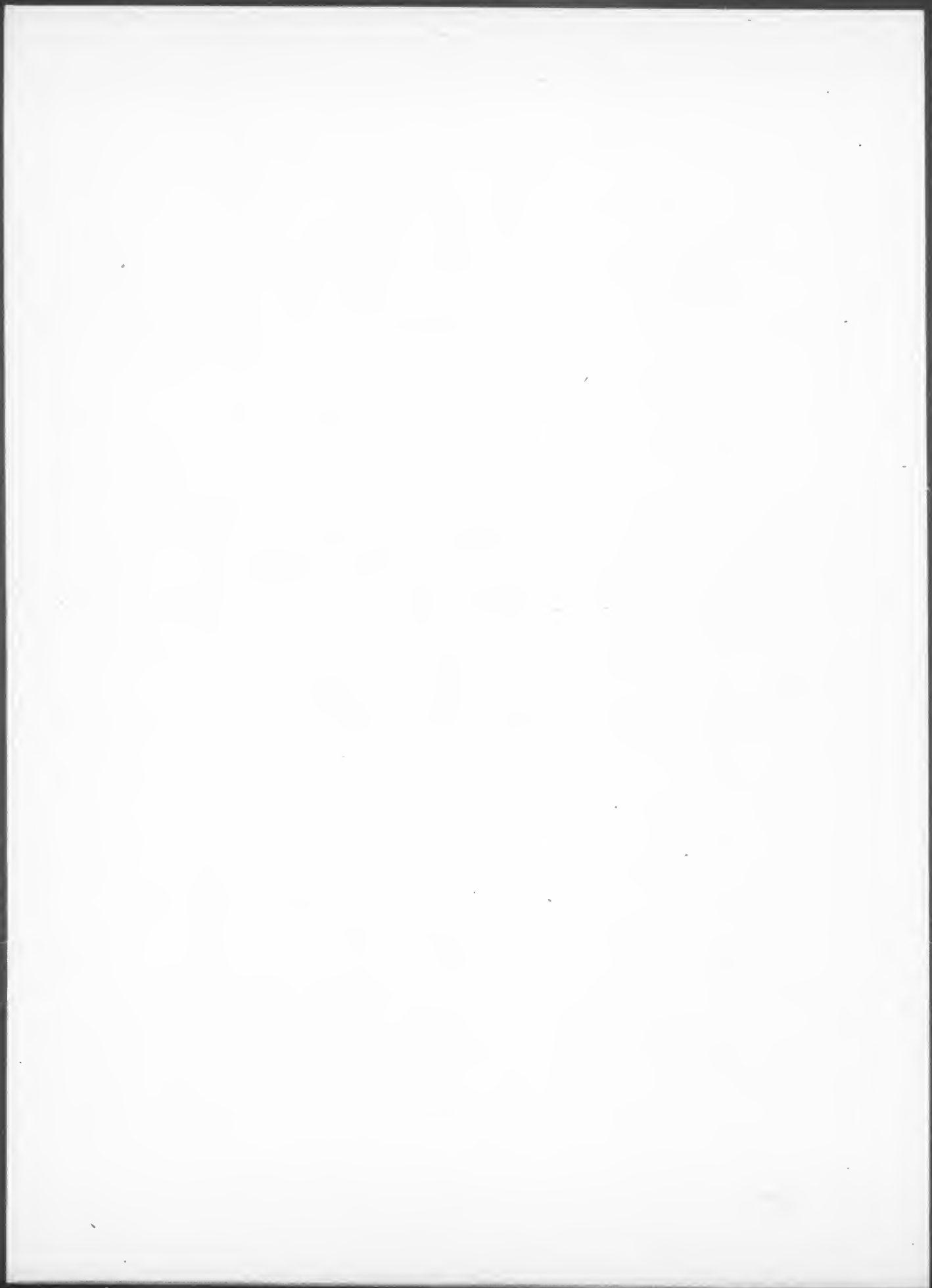
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS-2012-0075]

Gypsy Moth Generally Infested Areas; Additions in Wisconsin

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the gypsy moth regulations by adding areas in Wisconsin to the list of generally infested areas based on the detection of infestations of gypsy moth in those areas. As a result of this action, the interstate movement of regulated articles from those areas is restricted. This action is necessary to prevent the artificial spread of the gypsy moth to noninfested areas of the United States.

DATES: This interim rule is effective April 26, 2013. We will consider all comments that we receive on or before June 25, 2013.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0075-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2012-0075, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0075> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue

SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Julie S. Spaulding, National Manager, Plant Health Programs, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 137, Riverdale, MD 20737; (301) 851-2184.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest, shade, and commercial trees such as nursery stock and Christmas trees. The gypsy moth regulations (contained in 7 CFR 301.45 through 301.45-12 and referred to below as the regulations) restrict the interstate movement of regulated articles from generally infested areas to prevent the artificial spread of the gypsy moth.

In accordance with § 301.45-2 of the regulations, generally infested areas are, with certain exceptions, those States or portions of States in which a gypsy moth general infestation has been found by an inspector, or each portion of a State that the Administrator deems necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Less than an entire State will be designated as a generally infested area only if: (1) The State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of regulated articles that are substantially the same as those that are imposed with respect to the interstate movement of such articles; and (2) the designation of less than the entire State as a generally infested area will be adequate to prevent the artificial interstate spread of infestations of the gypsy moth.

Designation of Areas as Generally Infested Areas

Section 301.45-3 of the regulations lists generally infested areas. In this rule, we are amending § 301.45-3(a) by adding the following areas to the list of generally infested areas in Wisconsin: Bayfield, Clark, Jackson, and Price Counties, and all areas in Ashland County not already listed as generally

infested areas. As a result of this rule, the interstate movement of regulated articles from these areas will be restricted.

We are taking this action because, in cooperation with the State of Wisconsin, the United States Department of Agriculture conducted surveys that detected multiple life stages of the gypsy moth in the areas to be added. Based on these surveys, we determined that reproducing populations exist at significant levels in these areas and that eradication is not feasible. Adding these areas to the existing generally infested areas in Wisconsin will help prevent the artificial spread of the gypsy moth.

Miscellaneous

In addition to the substantive changes described above, we are making some editorial changes to § 301.45-1. The program aid "Don't Move Gypsy Moth" referenced in the definition for *OHA document* has been updated. As a result, we are changing the Program Aid Number from 1329 to 2065. In addition, we are revising footnote 2 in the definition of *Treatment manual* to update the link to the Gypsy Moth Program Manual. We are changing the URL to http://www.aphis.usda.gov/import_export/plants/manuals/domestic/downloads/gypsy_moth.pdf.

Emergency Action

This rulemaking is necessary on an emergency basis because of the possibility that the gypsy moth could be artificially spread to noninfested areas of the United States, where it could cause economic losses due to the defoliation of susceptible forest and shade trees. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. The full analysis may be viewed on the Regulations.gov Web site (see ADDRESSES above for instructions for accessing Regulations.gov) or obtained from the person listed under FOR FURTHER INFORMATION CONTACT.

The State of Wisconsin has expanded the intrastate quarantine to include Ashland, Bayfield, Clark, Jackson, and Price Counties. This rule similarly expands the federally regulated area. Regulated articles moved from gypsy moth quarantined areas are subject to inspection and certification to prevent spread of this pest.

Fifty-eight entities will be directly affected by this expansion of the quarantine area: 4 mills, 21 logger/hauler/yard operations, 31 Christmas tree growers, and 2 nurseries. We expect that most if not all of these businesses are small according to Small Business Administration size standards. The impact of this interim rule will not be significant. Businesses with compliance agreements can self-inspect regulated articles moved from quarantined areas. Many of the entities are already operating under compliance agreements. Businesses without compliance agreements can have inspection and certification services provided by State or Federal officials at no cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings

before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.45–1 is amended by revising the definition of *OHA document* and footnote 2 in the definition of *Treatment manual* to read as follows:

§ 301.45–1 Definitions.

* * * * *
OHA document. The self-inspection checklist portion of USDA–APHIS Program Aid Number 2065, “Don’t Move Gypsy Moth,” completed and signed by the owner of an outdoor household article (OHA) affirming that the owner has inspected the OHA for life stages of gypsy moth in accordance with the procedures in the program aid.
 * * * * *

Treatment manual. * * * 2
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² The Gypsy Moth Program Manual may be viewed on the Internet at http://www.aphis.usda.gov/import_export/plants/manuals/domestic/downloads/gypsy_moth.pdf.

■ 3. In § 301.45–3, paragraph (a), under the heading Wisconsin, the entry for Ashland County is revised and new entries for Bayfield County, Clark County, Jackson County, and Price County are added in alphabetical order to read as follows:

§ 301.45–3 Generally infested areas.

(a) * * *
 Wisconsin
 * * * * *
Ashland County. The entire county.

Bayfield County. The entire county.
 * * * * *

Clark County. The entire county.
 * * * * *

Jackson County. The entire county.
 * * * * *

Price County. The entire county.
 * * * * *

Done in Washington, DC, this 18th day of April 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–09804 Filed 4–25–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2012–0099]

Updates to the List of Plant Inspection Stations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of plants for planting to remove the entries for the United States Department of Agriculture (USDA) plant inspection stations in New Orleans, LA, and Baltimore, MD, and to add an entry for the USDA plant inspection station in Beltsville, MD. We are also updating the addresses provided for the USDA plant inspection stations in Florida, Guam, and Hawaii. This final rule is necessary for the regulations to reflect the most current information regarding USDA plant inspection stations.

DATES: Effective April 26, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Alan V. Tasker, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2224.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction and dissemination of plant pests. The regulations contained in Subpart—Plants for Planting, §§ 319.37–1 through 319.37–14 (referred to below as the regulations), restrict or prohibit the importation of living plants, seeds,

or plant parts intended for propagation. The regulations also describe requirements for the importation of these articles.

Section 319.37-14 of the regulations contains a list of United States Department of Agriculture (USDA) plant inspection stations and the corresponding ports of entry through which certain articles must pass in order to be imported into the United States. In order to be designated as a USDA plant inspection station, a building must have adequate space for inspection areas to be set up, laboratory facilities for pest and disease identification, and in some cases, provide facilities for treatment of imported living plants, seeds, or plant parts intended for propagation. Currently there are 16 USDA plant inspection stations listed in the regulations. USDA plant inspection stations are staffed by personnel from the Animal and Plant Health Inspection Service's (APHIS) Plant Protection and Quarantine (PPQ) division who inspect articles to ensure they are free of plant pests and diseases and otherwise comply with APHIS import requirements.

PPQ has operated a specialized facility for several years, known as the Plant Germplasm Inspection Station, in Beltsville, MD, that is uniquely designed for handling germplasm and

other plant material imported for plant breeding and research programs. The Plant Germplasm Inspection Station satisfies the criteria for being designated as a USDA plant inspection station, therefore, we are adding it to the list in § 319.37-14.

The existing list of ports of entry and plant inspection stations in § 319.37-14 is in need of several updates. Therefore, we are amending the regulations by removing the entries for the USDA plant inspection stations in New Orleans, LA, which has been closed, and Baltimore, MD, which had been listed in error, and by updating the addresses for the USDA plant inspection stations in Florida, Guam, and Hawaii.

We are publishing this rule without prior proposal because it relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12866 and 12988. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping

requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 is amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. In § 319.37-14, in the table, the list of USDA plant inspection stations is amended as follows:

- a. By removing the entries for Louisiana and Maryland;
- b. By adding, in alphabetical order, a new entry for Maryland; and
- c. By revising the entries for Florida, Guam, and Hawaii.

The addition and revisions read as follows:

§ 319.37-14 Ports of entry.

* * * * *

LIST OF USDA PLANT INSPECTION STATIONS

State	Port of entry	Federal plant inspection stations
Florida	Miami (Note: Restricted articles may be moved from Fort Lauderdale to Miami under U.S. Customs bond). Orlando	Plant Inspection Station, 6302 NW 36th Street, Miami, FL 33122. Plant Inspection Station, 3951 Centerport St., Orlando, FL 32827.
Guam	Agana	Plant Inspection Station, 17-3306 Neptune Avenue, Tiyan, Barrigada, GU 96913.
Hawaii	Honolulu (Airport)	Honolulu Inspection Station, Honolulu International Airport, 300 Rodgers Boulevard, #58, Honolulu, HI 96819-1897.
Maryland	Beltsville (Note: Plant germplasm only)	National Plant Germplasm Inspection Station, Building 580, BARC East, Beltsville, MD 20705.

Done in Washington, DC, this 18th day of April 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013-09801 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1000, 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131

[Docket No. AMS-DA-13-0016; AO-14-A74, et al.; DA-06-01]

Milk in the Northeast and Other Marketing Areas; Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding.

SUMMARY: This action terminates a proceeding that amended manufacturing allowances of the Class III and Class IV price formulas applicable to all Federal milk marketing orders on an interim basis. However, subsequent formal rulemaking proceedings have superseded these amendments and therefore, action on this proceeding is terminated.

DATES: April 29, 2013.

FOR FURTHER INFORMATION CONTACT: Erin C Taylor, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation and Enforcement, Stop 0231-Room 2971-S, 1400 Independence Avenue SW., Washington, DC 20250-0231, (202) 720-7311, email address: erin.taylor@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a small business if it has an annual gross

revenue of less than \$750,000, and a dairy products manufacturer is a small business if it has fewer than 500 employees.

For the purposes of determining which dairy farms are small businesses, the \$750,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy farms, it should be an inclusive standard for most small dairy farms. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of January 2006, the month the initial public hearing was held, the milk of 52,570 dairy farms was pooled on the Federal order system. Of the total, 49,153 dairy farms, or 94 percent, were considered small businesses. During the same month, 536 plants were regulated by or reported their milk receipts to be pooled and price on a Federal order. Of the total, 286 plants, or 53 percent, were considered small businesses.

Because this action terminates this rulemaking proceeding without amending the present rules, the economic conditions of small entities are not changed as a result of this action. Also, this action does not change reporting, record keeping, or other compliance requirements.

Prior documents in this proceeding:
Notice of Hearing: Issued December 30, 2005; published January 5, 2006 (71 FR 545).

Notice of Intent to Reconvene Hearing: Issued June 23, 2006; published June 28, 2006 (71 FR 36715).

Notice to Reconvene Hearing: Issued August 31, 2006; published September 6, 2006 (71 FR 52502).

Tentative Final Decision: Issued November 20, 2006, Published November 22, 2006 (71 FR 67467).

Interim Final Rule: Issued December 26, 2006, Published December 29, 2006 (71 FR 78333).

Preliminary Statement

A national public hearing was held in this proceeding to consider a proposal to amend the Class III and Class IV milk price formula manufacturing allowances applicable to all Federal milk marketing orders. The interim amendments adopted as a result of this proceeding were based on the record of the first session of a public hearing held in Alexandria, Virginia, on January 24-27, 2006, pursuant to a notice of hearing

issued December 30, 2005; published January 5, 2006, (71 FR 545) and a second session of a public hearing held in Strongsville, Ohio, on September 14-15, 2006, pursuant to a reconvened hearing notice issued August 31, 2006; published September 6, 2006, (71 FR 52502). The hearings were held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR part 900).

Make Allowances

The make allowances adopted by the interim final rule in this proceeding—cheese: \$0.1682 per pound; butter: \$0.1202 per pound; nonfat dry milk (NFD): \$0.1570 per pound; and dry whey: \$0.1956 per pound—amended section 1000.50, were approved by producers and became effective February 1, 2007 (71 FR 78333). These manufacturing allowances were subsequently amended through a separate rulemaking proceeding (72 FR 6179). An interim final rule published on July 31, 2008, (73 FR 44617), effective October 1, 2008, changed the make allowances to: cheese: \$0.2003 per pound; NFD: \$0.1678 per pound; butter: \$0.1715 per pound; and dry whey: \$0.1991 per pound. Further, a request was received from proponents of the 2007 amendments requesting termination of this proceeding. Accordingly, it is determined that this proceeding should be terminated.

Termination of Proceeding

In view of the forgoing, it is hereby determined that the proceeding that resulted in make allowances adopted by the interim final rule issued December 26, 2006 and published in the December 29, 2006, *Federal Register* (71 FR 78333) should be and is hereby terminated.

List of Subjects in 7 CFR Parts 1000, 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131

Milk marketing orders.

Authority: 7 U.S.C. 601-674, and 7253.

Dated: April 22, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013-09818 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF JUSTICE**Executive Office for Immigration Review****8 CFR Parts 1003 and 1292**

[EOIR Docket No. 174; A.G. Order No. 3384-2013]

RIN 1125-AA66

Reorganization of Regulations on the Adjudication of Department of Homeland Security Practitioner Disciplinary Cases**AGENCY:** Executive Office for Immigration Review, Department of Justice.**ACTION:** Final rule.

SUMMARY: This final rule adopts without change an interim rule with request for comments published in the *Federal Register* on January 13, 2012. The interim rule amended regulations of the Executive Office for Immigration Review (EOIR) at the Department of Justice (Department) by removing unnecessary provisions in its regulations that are the responsibility of the Department of Homeland Security (DHS). This rule also transferred certain provisions to another CFR part. Finally, the interim rule made revisions to reference applicable DHS regulations and to make technical and clarifying amendments to regulations in that part.

DATES: This rule is effective June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Jeff Rosenblum, General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia, 22041 telephone (703) 305-0470 (not a toll-free call).

SUPPLEMENTARY INFORMATION: On January 13, 2012, the Department published an interim rule with request for comments amending 8 CFR parts 1003 and 1292. Reorganization of Regulations on the Adjudication of Department of Homeland Security Practitioner Disciplinary Cases, 77 FR 2011 (Jan. 13, 2012). The Homeland Security Act of 2002, as amended, transferred the functions of the former Immigration and Naturalization Service (INS) to DHS; however, it retained the functions of EOIR within the Department, under the direction of the Attorney General. 6 U.S.C. 521; 8 U.S.C. 1103(g); see generally *Matter of D-J*, 23 I&N Dec. 572 (A.G. 2003). As the existing regulations often intermingled the responsibilities of the former INS and EOIR, this transfer required a reorganization of title 8 of the CFR,

including the establishment of a new chapter V in 8 CFR pertaining to EOIR. See 67 FR 9824 (Feb. 28, 2003). As part of this reorganization, a number of regulations pertaining to the responsibilities of DHS intentionally were duplicated in the new chapter V because those regulations also included provisions relating to the responsibilities of EOIR. One such instance involved DHS's practitioner disciplinary regulations at 8 CFR 292.3, which the Department duplicated in 8 CFR 1292.3 because EOIR adjudicates DHS practitioner disciplinary cases. As explained in the interim rule, the Department has determined that most of the duplicate provisions in § 1292.3 pertain to functions that are DHS's responsibility and do not need to be reproduced in EOIR's regulations in chapter V. The interim rule deleted the unnecessary regulations in § 1292.3, and revised § 1292.3 and 8 CFR part 1003 to reference applicable DHS regulations. The interim rule also transferred to 8 CFR part 1003 the provisions in § 1292.3 related to the adjudication of DHS's practitioner disciplinary cases. The interim rule also made technical changes to EOIR's practitioner disciplinary regulations and clarified a previous amendment to those regulations. See 73 FR 76914 (Dec. 18, 2008).

The Department provided an opportunity for post-promulgation comment even though this is a rule of internal organization for which a period of public comment is not required by statute. See 5 U.S.C. 553(b), (c). The comment period ended February 13, 2012. The Department did not receive any comments. Accordingly, the interim rule amending 8 CFR parts 1003 and 1292 that was published on January 13, 2012, is being adopted as a final rule without change.

Regulatory Requirements*Administrative Procedure Act*

The Department provided an opportunity for post-promulgation public comment under 5 U.S.C. 553, even though the nature of this rule makes it unnecessary to comply with the requirements in 5 U.S.C. 553 with regard to notice of proposed rulemaking and delayed effective date. See 5 U.S.C. 553(b), (d). The rule only makes technical amendments to the organization, procedures, and practices of the Department to improve the organization of the Department's regulations, reflects the transfer of functions pursuant to the Homeland Security Act of 2002, and recodifies existing regulations.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act (5 U.S.C. 553), the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. See 5 U.S.C. 601(2).

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. 3501-3521, and its implementing regulations, 5 CFR part 1320, do not apply to this interim rule because there are no new or revised recordkeeping or reporting requirements.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)

This rule is not a major rule as defined by section 251 of SBREFA, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based enterprises in domestic and export markets.

Congressional Review Act

This action pertains to agency organization, procedures, and practices and does not substantially affect the rights or obligations of non-agency parties; accordingly, it is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of SBREFA). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Executive Orders 12866 and 13563

This rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation, and Executive Order 13563. The Department has determined that this rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Department has determined that this rule does not have sufficient federalism implications to warrant a federalism summary impact statement.

Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

List of Subjects*8 CFR Part 1003*

Administrative practice and procedures, Immigration, Legal Services, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

8 CFR Part 1292

Administrative practice and procedures, Immigration, Lawyers, Reporting and recordkeeping requirements.

PART 1003—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**PART 1292—REPRESENTATION AND APPEARANCES**

■ Accordingly, the interim rule amending 8 CFR parts 1003 and 1292 that was published at 77 FR 2011 on January 13, 2012, is adopted as a final rule without change.

Dated: April 19, 2013.

Eric H. Holder, Jr.,
Attorney General.

[FR Doc. 2013-09858 Filed 4-25-13; 8:45 am]
BILLING CODE 4410-30-P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 94**

[Docket No. APHIS-2012-0094]

Notice of a Determination Regarding the Swine Vesicular Disease Status of Certain Regions in Italy

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Determination.

SUMMARY: We are advising the public that we have determined that the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano are free of swine vesicular disease. Based on an assessment of the animal health status of these areas, which we made available to the public for review and comment through a previous notice of availability, the Administrator has determined that the importation of pork or pork products from these areas presents a low risk of introducing swine vesicular disease into the United States. This determination is based on our review of the documentation submitted by the Government of Italy in support of its request and the findings of our own animal health risk evaluation.

DATES: *Effective Date:* May 28, 2013.

FOR FURTHER INFORMATION CONTACT: Dr. Chip Wells, Senior Staff Veterinarian, Regionalization Evaluation Services, Sanitary Trade Issues Team, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 851-3089.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various communicable diseases, including swine vesicular disease (SVD). SVD is a dangerous and destructive communicable disease of swine.

Sections 94.12 and 94.14 of the regulations contain requirements governing the importation of pork and pork products and swine, respectively, from regions where SVD exists in order to prevent the introduction of the disease into the United States. We consider SVD to exist in all regions except those listed in accordance with § 94.12(a)(2) as being free of SVD.

Section 94.13 of the regulations contains requirements governing the importation of pork or pork products from regions that have been determined to be free of SVD, but that are subject to certain restrictions because of their proximity to or trading relationships with SVD-affected regions. Such regions are listed in accordance with paragraph (a)(2) of that section.

The regulations in 9 CFR 92.2, contain requirements for requesting the recognition of the animal health status of a region or for the approval of the export of a particular type of animal or

animal product to the United States from a foreign region. If, after review and evaluation of the information submitted in support of the request, the Animal and Plant Health Inspection Service (APHIS) believes the request can be safely granted, APHIS will make its evaluation available for public comment through a notice published in the **Federal Register**.

Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another notice published in the **Federal Register**.

In accordance with that process, on December 18, 2012, we published in the **Federal Register** (77 FR 74787-74788, Docket No. APHIS-2012-0094) a notice of availability¹ in which we announced the availability for review and comment of our evaluation of the SVD status of the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano. Based on this evaluation, we determined that that the surveillance, prevention, and control measures implemented by Italy in the four Regions and two autonomous provinces under consideration as being free of SVD are sufficient to minimize the likelihood of introducing SVD into the United States via imports of SVD-susceptible species or products. However, because of the Regions' and autonomous provinces' proximity to or trading relationships with SVD-affected regions, we found that it is necessary to impose additional restrictions in accordance with § 94.13 on the importation of pork or pork products from the areas of Italy under consideration for being declared free of SVD.

We solicited comments on the notice of availability for 60 days ending on February 19, 2013. We received one comment on our evaluation, from the European Commission's Directorate-General for Health and Consumers. The commenter was supportive of our proposed action, but raised several additional points relating to the timeline for the final determination, the disease status of Italy, and our characterization of the regulations. The comments are discussed below.

The commenter stated that the last outbreak of SVD anywhere in Italy had occurred over 9 months ago and, consequently, all of Italy has now been declared officially free of SVD according

¹ To view the notice of availability, the assessments, and the comment we received, go to <http://www.regulations.gov/> #!docketDetail;D=APHIS-2012-0094.

to standards established by the World Organisation for Animal Health (OIE).

Reconsideration of the status of the remainder of Italy is beyond the scope of this determination, which addresses APHIS' evaluation and recognition of the SVD status of the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano. We are willing to work with the European Commission or the Government of Italy, should they request an additional evaluation that considers the SVD status of the remainder of Italy. In order to declare Italy to be free of SVD, we would need to conduct our own evaluation to assess the SVD-status of any additional regions in Italy.

The commenter said that Italy has already adopted all the safeguards necessary to avoid the spread of SVD and therefore additional requirements governing the importation of pork or pork products from regions that have been determined to be free of SVD, but that are subject to certain restrictions because of their proximity to or trading relationships with SVD-affected regions, are unnecessary.

We disagree with the commenter's assertion. As discussed in the risk analysis supporting the initial notice of availability, European Union and Italian regulations do not restrict the movement of pork or pork products from regions considered by APHIS to be SVD-affected into SVD-free regions, unless that pork is from swine that have tested positive for SVD or is from swine slaughtered as a result of an SVD outbreak. Therefore, there is the possibility that pork and pork products could be moved from an area considered to be SVD-affected by APHIS into a recognized free region of Italy, and subsequently be exported to the United States. To mitigate this risk, we will apply the restrictions listed in § 94.13, which prohibit the importation of fresh pork or pork products derived from swine originating in regions considered to be SVD-affected, to exports of pork and pork products from the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano.

The commenter requested that we provide a timeline concerning implementation of our final decision and action regarding the SVD status of the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano.

This final determination establishes the effective date for the action taken by APHIS in regards to the SVD status of Italy as May 28, 2013.

The initial notice of availability described the regulations in 9 CFR part 94 as governing the importation of certain animals and animal products into the United States in order to prevent the introduction of various communicable diseases, including SVD. The notice of availability further classed the diseases described in 9 CFR part 94 as "dangerous and destructive communicable diseases of ruminants and swine." The commenter observed that, as the notice of availability was on the subject of SVD, it would be more appropriate to exclude the reference to ruminants to avoid any confusion.

The language referenced by the commenter is what we commonly use to characterize the regulations in 9 CFR part 94, which also cover ruminant diseases. We have, however, altered the wording in this final determination in order to make our focus clear.

In our December 2012 notice of availability we stated that we would consider any comments received and announce our decision regarding the disease status of the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano with respect to SVD and the import status of pork and pork products. Based on the findings of our evaluation and the absence of comments that would lead us to reconsider those findings, we are announcing our determination to add the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano to the list of regions declared free of SVD and to the list of regions that have been determined to be free of SVD, but that are subject to certain restrictions because of their proximity to or trading relationships with SVD-affected regions. These lists are available on the APHIS Web site at http://www.aphis.usda.gov/import_export/animals/animal_import/animal_imports_svd.shtml.

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.

Done in Washington, DC, this 22nd day of April 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013-09929 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2012-0817; Directorate Identifier 99-NE-24-AD; Amendment 39-17438; AD 2013-08-20]

RIN 2120-AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for certain General Electric Company (GE) CF6-80C2 series turbofan engines. That AD currently requires replacement of the fuel tube connecting the flowmeter to the integrated drive generator (IDG) fuel-oil cooler and the fuel tube(s) connecting the main engine control (MEC) or hydromechanical (HMU) to the flowmeter, with improved fuel tubes. This new AD requires the same actions, requires installation of a new simplified one-piece supporting bracket, adds an engine model, alters the list of affected part numbers (P/Ns), changes the replacement schedule, and revises our estimated cost of compliance. This AD was prompted by several additional reports of fuel leaks and two reports of engine fire due to improper assembly of supporting brackets on the fuel tube connecting the flowmeter to the IDG fuel-oil cooler. We are issuing this AD to prevent high-pressure fuel leaks caused by improper seating of fuel tube flanges, which could result in an engine fire and damage to the airplane.

DATES: This AD is effective May 31, 2013.

ADDRESSES: For service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513-552-3272; email: geae.aoc@ge.com. You may view the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory

evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7773; fax: 781-238-7199; email: kasra.sharifi@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On February 29, 2000, the Office of the Federal Register (OFR) published AD 2000-04-14, Amendment 39-11597 (65 FR 10698). That AD applies to the specified products, and required replacement of the fuel tube connecting the flowmeter to the IDG fuel-oil cooler and the fuel tube(s) connecting the MEC or HMU to the flowmeter with improved fuel tubes.

On August 13, 2012, the OFR published a notice of proposed rulemaking (NPRM) (77 FR 48110) to supersede AD 2000-04-14 (65 FR 10698, February 29, 2000). The NPRM proposed to require replacement of the fuel tubes connected to the fuel flowmeter and to install a new simplified one-piece bracket to eliminate improper assembly. Thereafter, based on comments received in response to the NPRM, we issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to change the proposed AD further. The SNPRM published in the *Federal Register* on December 31, 2012 (77 FR 76977).

The SNPRM proposed to require the same actions as the original AD, to add an engine model, alter the list of affected P/Ns, change the replacement schedule, and revise our estimated cost of compliance.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and the FAA's response to each comment.

Request To Identify Spray Shield Part Numbers (P/Ns)

Lufthansa Technik and Air France Industries requested that we identify which P/Ns are the spray shield P/Ns. As-written, the applicability does not distinguish between the tube P/Ns and the spray shield P/Ns.

We agree. We changed the AD to identify the spray shield P/Ns in the AD.

Request To Add Engine Shop Visit Definition

Atlas Air requested that we add a definition for engine shop visit to clarify the compliance.

We agree. We changed the AD to add a definition for shop visit. The definition states "For the purpose of this AD, an engine shop visit is the induction of an engine into the shop for maintenance involving separation of pairs of major mating engine flanges (lettered flanges), except that the separation of engine flanges solely for the purposes of transporting the engine without subsequent engine maintenance does not constitute an engine shop visit."

Request To Provide Instructions for Installation

American Airlines requested that we provide instructions for installation of the mandated P/Ns to prevent the unsafe condition, or, require corrections to the Boeing and GE guidance documents before the AD is issued. They cite discrepancies in the guidance documents.

We do not agree. An operator may use any method, technique, or practice acceptable to the Administrator when performing maintenance. We did not change the AD.

We recognize that discrepancies may exist in manufacturers' service information. However, correcting errors in manufacturers' service information is not within the scope of this AD. We did not change the AD.

Request To Address Another Possible Unsafe Condition

American Airlines requested that we also address another possible unsafe condition caused by improper assembly of the two-piece spray shield bracket on the forward end of the flowmeter transmitter. The commenter states that this bracket has the same potential to be improperly assembled as the subject bracket of this AD.

We do not agree. To-date, we have received no reports of improper assembly or fuel leaks occurring at that location. We did not change the AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM (77 FR 76977, December 31, 2012) for correcting the unsafe condition; and

- Do not add any additional burden upon the public than was already proposed in the SNPRM (77 FR 76977, December 31, 2012).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 926 GE CF6-80C2 engines installed on airplanes of U.S. registry. We also estimate that one hour will be required per engine to accomplish the actions required by this AD. The average labor rate is \$85 per hour. We also estimate that the required parts will cost about \$370 per engine. We estimate that the cost of the idle leak check is \$1,000 per engine. Based on these figures, we estimate the total cost of the AD to U.S. operators is \$3,275,231.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866.

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2000-04-14, Amendment 39-11597 (65 FR 10698, February 29, 2000), and adding the following new AD:

2013-08-20 **General Electric Company:** Amendment 39-17438; Docket No. FAA-2012-0817; Directorate Identifier 99-NE-24-AD.

(a) Effective Date

This AD is effective May 31, 2013.

(b) Affected ADs

This AD supersedes AD 2000-04-14, Amendment 39-11597 (65 FR 10698, February 29, 2000).

(c) Applicability

This AD applies to all General Electric Company (GE) CF6-80C2 A1/A2/A3/A5/A8/A5F/B1/B2/B4/B5F/B6/B1F/B2F/B4F/B6F/B7F/D1F turbofan engines with any of the following installed:

- (1) Fuel tube, part number (P/N) 1321M42G01, 1334M88G01, 1374M30G01, or 1383M12G01.
- (2) Spray shield, P/N 1606M57G01, 1606M57G03, or 1775M61G01.
- (3) Supporting bracket, P/N 1321M88P001A.

(d) Unsafe Condition

This AD was prompted by several additional reports of fuel leaks and two reports of engine fire due to improper assembly of supporting brackets on the fuel tube connecting the flowmeter to the integrated drive generator (IDG) fuel-oil cooler. We are issuing this AD to prevent high-pressure fuel leaks caused by improper seating of fuel tube flanges, which could

result in an engine fire and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(f) Replacement

After the effective date of this AD, if the fuel tubes are disconnected for any reason, or at the next engine shop visit, whichever occurs first, replace the fuel tubes and brackets with improved tubes and brackets eligible for installation. For on-wing maintenance, replace only tubes and brackets that have been disconnected. Do the following:

(1) Replace the fuel flowmeter to IDG fuel-oil cooler fuel tube, P/N 1321M42G01, with a part eligible for installation.

(2) For engines with Power Management Controls, replace the main engine control to fuel flowmeter fuel tube, P/N 1334M88G01, with a part eligible for installation.

(3) For engines with full authority digital electronic controls, replace the hydromechanical unit to fuel flowmeter fuel tubes, P/Ns 1383M12G01 and 1374M30G01, with a part eligible for installation.

(4) Replace supporting bracket, P/N 1321M88P001A, and spray shields, P/Ns 1606M57G01, 1606M57G03, and 1775M61G01 with one-piece supporting bracket, P/N 2021M83G01.

(5) Perform an idle leak check after accomplishing paragraphs (f)(1), (f)(2), (f)(3), or (f)(4), or any combination thereof.

(g) Prohibition

After the effective date of this AD, do not install any of the following parts into any GE CF6-80C2 series turbofan engines: fuel tubes P/Ns 1321M42G01, 1334M88G01, 1374M30G01, and 1383M12G01, supporting bracket P/N 1321M88P001A, and spray shields P/Ns 1606M57G01, 1606M57G03, and 1775M61G01.

(h) Definition

For the purpose of this AD, an engine shop visit is the induction of an engine into the shop for maintenance involving separation of pairs of major mating engine flanges (lettered flanges), except that the separation of engine flanges solely for the purposes of transporting the engine without subsequent engine maintenance does not constitute an engine shop visit.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(j) Related Information

(1) For more information about this AD, contact Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7773; fax: 781-238 7199; email: kasra.sharifi@faa.gov.

(2) For guidance on the replacements, refer to GE Alert Service Bulletins CF6-80C2 SB

73-A0224, CF6-80C2 SB 73-A0231, CF6-80C2 SB 73-A0401, and CF6-80C2 SB 73-0242.

(3) For service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513-552-3272; email: geae.aoc@ge.com. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

(k) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on April 16, 2013.

Frank P. Paskiewicz,

Acting Director, Aircraft Certification Service.

[FR Doc. 2013-09650 Filed 4-25-13; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2013-0333; Directorate Identifier 2013-NM-080-AD; Amendment 39-17436; AD 2013-08-12]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding an existing airworthiness directive (AD) for The Boeing Company Model 787-8 airplanes. That AD currently requires modification of the battery system, or other actions. This AD requires installing main and auxiliary power unit (APU) battery enclosures and environmental control system (ECS) ducts; and replacing the main battery, APU battery, and their respective battery chargers. This AD also requires revising the maintenance program to include an airworthiness limitation. This AD also revises the applicability by removing airplanes on which these changes have been incorporated in production prior to delivery. This AD was prompted by recent incidents involving lithium ion battery failures that resulted in release of flammable electrolytes, heat damage, and smoke on two Model 787-8 airplanes. We are issuing this AD to minimize the occurrence of battery cell failures and propagation of such failures to other cells and to contain any flammable electrolytes, heat, and smoke released

during a battery thermal event in order to prevent damage to critical systems and structures and the potential for fire in the electronics equipment bays.

DATES: This AD is effective April 26, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 26, 2013.

We must receive any comments on this AD by June 10, 2013.

ADDRESSES: You may send comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Duffer, Manager, Systems and Equipment Branch, FAA, ANM-130S, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: (425) 917-6493; fax: (425) 917-6590; email: robert.duffer@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On February 1, 2013, we issued AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013), for all The Boeing Company Model 787-8 airplanes. That AD requires modification of the battery system, or other actions. That AD resulted from recent incidents involving lithium ion battery failures that resulted in release of flammable electrolytes, heat damage, and smoke on two Model 787-8 airplanes. We issued that AD to prevent damage to critical systems and structures and the potential for fire in the electrical compartment.

Actions Since AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013), Was Issued

Since we issued AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013), the National Transportation Safety Board (NTSB) released an Interim Factual Report, NTSB Case Number DCA13IA037, on March 7, 2013, presenting its initial findings concerning a battery failure on a Model 787-8 airplane operated by Japan Airlines. That report can be found at: http://www.ntsb.gov/investigations/2013/boeing_787/interim_report_B787_3-7-13.pdf.

That report documents thermal and mechanical damage to the battery and the battery control units, and a lack of containment of the battery electrolytes, heat, and smoke from the battery case. The cause(s) of this battery failure incident has not yet been determined by the NTSB. Likewise, the cause(s) of the battery failure incident on a Model 787-8 airplane operated by All Nippon Airways has not yet been determined by the Japan Transport Safety Board (JTSB), which is the accident investigative authority for Japan.

The FAA has reviewed the NTSB's interim factual report, as well as information provided by the JTSB, Boeing, All Nippon Airways, and Japan Airlines. The main and APU batteries are identical, but perform different functions on the airplane. The main battery installed on Model 787-8 airplanes is used to provide power while the engines are off during ground maintenance operations (e.g., power-up, refueling, braking, and navigation lights during towing) and backup electrical power while airborne. The APU battery is required to start and operate the APU. The APU may be used on the ground, or in flight to generate backup electrical power. Each of the two engines drives two variable frequency starter generators (VFSGs) for a total of four VFSGs providing power to the airplane.

Therefore, while in flight, the two generators driven by the APU provide the 5th and 6th layer of power generation for the airplane.

On March 12, 2013, the FAA approved a Boeing plan to mitigate the unsafe condition identified by AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013). The plan resulted from a detailed review by Boeing and the FAA that considered all potential causal factors of the two recent battery incidents. The plan provides three layers of protection to improve the reliability of the battery and to prevent any hazardous effects on the airplane from a battery failure. Those layers are (1) measures to minimize the probability of a single battery cell failure, (2) measures to minimize the probability of any single battery cell failure from propagating to other cells in the battery, and (3) measures to preclude hazardous airplane-level safety effects of any battery failure that might occur. Details of these measures, which are mandated by this AD, are as follows:

- **Minimize the Probability of a Single Battery Cell Failure—**Each main and APU battery consists of a set of individual cells within a battery case. Each battery cell will be encapsulated to isolate the cell electrically. Locking nuts with specific torque values will be used on every cell terminal to prevent overheating of the terminal due to a loose electrical connection. Drainage within the battery case will be improved to remove any condensation within the battery. The battery monitoring and charging unit will be changed to reduce the operational voltage range to lessen electrical stress on the battery cell, and to enhance over-discharge protection. Boeing has also made mandatory changes to the battery manufacturing and acceptance testing processes to improve the overall quality of the battery.

- **Minimize the Probability of Multiple Cell Failure Propagation—**Additional insulation will be provided between each battery cell and between each cell and the battery case to thermally and electrically isolate the individual battery cells. High temperature sleeving will also be added to the battery internal wiring harness to protect against short circuits. In addition, cell venting will be added to the battery case to allow any cell gasses, including electrolytes, to escape into the battery enclosure to minimize heat build-up within the battery case.

- **Preclude Hazardous Airplane-Level Safety Effects of a Battery Failure That Might Occur—**As stated previously, each main and APU battery consists of a set of individual cells within a battery

case. The case containing the cells will be secured within a stainless steel, sealed enclosure. This enclosure will be connected to a titanium ECS duct that vents to the outside of the airplane. Should a battery failure occur, and generate significant heat, pressure, and gasses, a metallic frangible disc (also referred to as a vent burst disc) at the interface of the enclosure and vent duct will open and allow the heat, pressure, and gasses to safely vent overboard through the ECS duct. This will prevent the introduction of any heat, pressure, or gasses in the electronics equipment bays or any occupied area of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin B787-81205-SB500003-00, Issue 001, dated April 19, 2013; and Section D, "Airworthiness Limitations—Life Limits," of the Boeing 787 Airworthiness Limitations (AWLs) Document D011Z009-03-01, dated April 2013. For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for Docket No. FAA-2013-0333.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in the service information identified previously.

Change to Applicability of AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013)

This AD applies to The Boeing Company Model 787-8 airplanes, as identified in Boeing Alert Service-Bulletin B787-81205-SB500003-00, Issue 001, dated April 19, 2013, instead of "all" airplanes, as specified in AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013). The actions required by this AD address the identified unsafe condition for in-service airplanes. For all future delivered airplanes, the replacement batteries, their respective chargers, and enclosure and duct installations will be incorporated at the factory prior to delivery.

FAA's Justification and Determination of the Effective Date

AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013), effectively grounded the Model 787-8 fleet and prevented delivery of new Model 787-8 airplanes because there was no design solution available. While necessary in the short term to address the unsafe condition, this caused a significant economic burden on domestic and international operators of Boeing Model 787-8 airplanes. The purpose of this AD is to allow the aircraft to return to service as soon as possible by mandating a modification that will address the unsafe condition.

Therefore, we find that notice and opportunity for prior public comment are impracticable and would defeat the Agency's regulatory objective, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include the docket number FAA-2013-0333 and Directorate Identifier 2013-NM-080-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 6 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation and replacement	112 work-hours × \$85 per hour = \$9,520	\$455,158	\$464,678	\$2,788,068
Revise maintenance program	1 work-hour × \$85 per hour = \$85	None	85	510

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more

detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013), and adding the following new AD:

2013-08-12 The Boeing Company:
Amendment 39-17436; Docket No. FAA-2013-0333; Directorate Identifier 2013-NM-080-AD.

(a) Effective Date

This AD is effective April 26, 2013.

(b) Affected ADs

This AD supersedes AD 2013-02-51, Amendment 39-17366 (78 FR 12231, February 22, 2013).

(c) Applicability

This AD applies to The Boeing Company Model 787-8 airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin B787-81205-SB500003-00, Issue 001, dated April 19, 2013.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Unsafe Condition

This AD was prompted by recent incidents involving lithium ion battery failures that resulted in release of flammable electrolytes, heat damage, and smoke on two Model 787-8 airplanes. We are issuing this AD to minimize the occurrence of battery cell failures and propagation of such failures to other cells and to contain any flammable electrolytes, heat, and smoke released during a battery thermal event in order to prevent damage to critical systems and structures and

the potential for fire in the electronics equipment bays.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Installation/Replacement

Before further flight: Install main battery and auxiliary power unit (APU) battery enclosures and environmental control system (ECS) ducts; and replace the main battery, APU battery, and their respective battery chargers; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787-81205-SB500003-00, Issue 001, dated April 19, 2013.

(h) Maintenance Program Revision

Before further flight: Revise the maintenance program to incorporate Item No. 1b. in Section D, "Airworthiness Limitations—Life Limits," of the Boeing 787 Airworthiness Limitations (AWLs) Document D011Z009-03-01, dated April 2013. This new item is the Systems Life-Limited Parts requirement for replacement of the main and APU battery enclosure vent burst discs.

(i) No Alternative Actions and Intervals

After accomplishing the revision required by paragraph (h) of this AD, no changes may be made to Item No. 1b. in Section D, "Airworthiness Limitations—Life Limits," of the Boeing Model 787 Airworthiness Limitations (AWLs) Document D011Z009-03-01, dated April 2013, unless approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

For more information about this AD, contact Robert Duffer, Manager, Systems and Equipment Branch, ANM-130S, Seattle

Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: (425) 917-6493; fax: (425) 917-6590; email: robert.duffer@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin B787-81205-SB500003-00, Issue 001, dated April 19, 2013.

(ii) Boeing 787 Airworthiness Limitations (AWLs) Document D011Z009-03-01, dated April 2013.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; phone: 206-544-5000, extension 1; fax: 206-766-5680; Internet: <https://www.myboeingfleet.com>.

(4) You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on April 22, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013-09990 Filed 4-25-13; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2013-0270]

Drawbridge Operation Regulation; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Steel Bridge across the Willamette River, mile 12.1, at Portland, Oregon. This deviation is necessary to accommodate the Rose Festival Rock N Roll Half Marathon.

This deviation allows the upper deck of the Steel Bridge to remain in the closed position to facilitate safe movement of event participants.

DATES: This deviation is effective from 7:45 a.m. on May 19, 2013, to 1 p.m. on May 19, 2013.

ADDRESSES: The docket for this deviation, [USCG-2013-0270] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Randall Overton, Bridge Administrator, Coast Guard Thirteenth District; telephone 206-220-7282, email Randall.D.Overton@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: The City of Portland has requested that the upper deck of the Steel Bridge remain closed to and need not open for vessel traffic in order to facilitate safe efficient movement of event participants associated with the Rose Festival Rock N Roll Half Marathon. The Steel Bridge crosses the Willamette River at mile 12.1 and is a double-deck lift bridge with a lower lift deck and an upper lift deck which operate independent of each other. When both decks are in the down position the bridge provides 26 feet of vertical clearance above Columbia River Datum 0.0. When the lower deck is in the up position the bridge provides 71 feet of vertical clearance above Columbia River Datum 0.0. This deviation does not affect the operating schedule of the lower deck which opens on signal. Vessels which do not require an opening of the upper deck of the bridge may continue to transit beneath the bridge and, if needed, may obtain an opening of the lower deck of the bridge for passage during this closure period of the upper deck. Under normal conditions the upper deck of the Steel Bridge operates in accordance with 33 CFR 117.897(c)(3)(ii) which states that from 8 a.m. to 5 p.m. Monday through Friday one hour advance notice shall be given for draw openings and at all other times two hours advance notice shall be

given to obtain an opening. This deviation period starts at 7:45 a.m. on May 19, 2013 and ends at 1 p.m. on May 19, 2013. The deviation allows the Steel Bridge upper deck to remain in the closed position and need not open for maritime traffic from 7:45 a.m. on May 19, 2013 to 1 p.m. on May 19, 2013. The bridge shall operate in accordance with 33 CFR 117.897 at all other times. Waterway usage on this stretch of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridges' operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. The bridge will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 16, 2013.

Randall D. Overton,
Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2013-09854 Filed 4-25-13; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2013-0208]

RIN 1625-AA00

Safety Zone; XA The Experimental Agency Fireworks, Pier 34, East River, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the East River in the vicinity of Pier 34, Manhattan, NY. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays. This rule is intended to restrict all vessels from a portion of East River before, during, and immediately after the fireworks event.

DATES: This rule is effective on May 16, 2013 from 8:00 p.m. until 9:15 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG-

2013-0208]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ensign Kimberly Beisner, Sector New York, Waterways Management, U.S. Coast Guard; Telephone (718) 354-4163, Email

Kimberly.A.Beisner@uscg.mil. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because sufficient information about the event was not received in time to publish a NPRM followed by a final rule before the effective date, thus making the publication of a NPRM impractical. The Coast Guard received the information about the event on February 20, 2013. The event sponsor was unwilling to delay the event since the event is being held in correlation with a film premiere event. Any delay encountered in this regulation's effective date by publishing a NPRM would be contrary to public interest, since immediate action is needed to provide for the safety of life and property on navigable waters from the hazards associated with fireworks including unexpected detonation and burning debris.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reasons specified above.

B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

This temporary safety zone is necessary to ensure the safety of spectators and vessels from hazards associated with the fireworks display.

C. Discussion of the Final Rule

This rule establishes a temporary safety zone on the navigable waters of the East River, in the vicinity of Pier 34, Manhattan, NY. All persons and vessels shall comply with the instructions of the Captain of the Port (COTP) New York or the designated representative during the enforcement of the temporary safety zone. Entering into, transiting through, or anchoring within the temporary safety zone is prohibited unless authorized by the COTP, or the designated representative.

Based on the inherent hazards associated with fireworks, the COTP New York has determined that fireworks launches in close proximity to water crafts pose a significant risk to public safety and property. The combination of increased number of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, and debris especially burning debris falling on passing or spectator vessels has the potential to result in serious injuries or fatalities. This temporary safety zone will restrict vessels from a portion of the East River around the location of the fireworks launch platform before, during, and immediately after the fireworks display.

The Coast Guard has determined that this regulated area will not have a significant impact on vessel traffic due to its temporary nature and limited size and the fact that vessels are allowed to transit the navigable waters outside of the regulated area.

Advanced public notifications may also be made to the local mariners through appropriate means, which may include, but are not limited to, the Local Notice to Mariners as well as Broadcast Notice to Mariners.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and

executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard's implementation of this temporary safety zone will be of short duration and is designed to minimize the impact to vessel traffic on the navigable waters. This temporary safety zone will only be enforced for a short period, in the late evening. Due to the location, vessels will be able to transit around the zone in a safe manner.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

(1) This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in a portion of the navigable waters in the vicinity of the marine event during the effective period.

(2) This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect a short period; late at night when vessel traffic is low, vessel traffic could pass safely around the safety zone, and the Coast Guard will notify mariners before activating the zone by appropriate means which may include but are not limited to Local Notice to Mariners and Broadcast Notice to Mariners.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a temporary safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant

Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREA

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01-0208 to read as follows:

§ 165.T01-0208 Safety Zone; XA The Experimental Agency Fireworks, Pier 34, East River, NY.

(a) *Regulated Area.* The following area is a temporary safety zone: all navigable waters of East River within a 180-yard radius of the fireworks barge located in approximate position 40°42'28.5" N, 073°59'9.9" W, approximately 182 yards south east of Pier 34, Manhattan, NY.

(b) *Effective Dates and Enforcement Periods.* This rule is effective and will be enforced on May 16, 2013 from 8:00 p.m. until 9:15 p.m.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A "designated representative" is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port Sector New York (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) Regulations.

(1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) No spectators, except for fireworks barge and accompanying vessels, will be allowed to enter into, transit through, or anchor in the safety zone without the permission of the COTP or the designated representative.

(3) All spectators given permission to enter or operate in the regulated area shall comply with the instructions of the COTP or the designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, vessel spectator shall proceed as directed.

(4) Spectators desiring to enter or operate within the regulated area shall contact the COTP or the designated representative via VHF channel 16 or 718-354-4353 (Sector New York command center) to obtain permission to do so.

Dated: April 10, 2013.

G. Loebli,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2013-09855 Filed 4-25-13; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2013-0227]

RIN 1625-AA00

Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones for fireworks displays within the Captain of the Port (COTP) Long Island Sound (LIS) Zone. This action is necessary to provide for the safety of life on navigable waters during these events. Entry into, transit through, mooring or anchoring within these zones is prohibited unless authorized by the COTP Sector Long Island Sound.

DATES: This rule is effective from April 27, 2013, until June 22, 2013. This rule will be enforced during the specific dates and times listed in Table of § 165.T01-0227.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG-2013-0227]. To view documents

mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Scott Baumgartner, Prevention Department, Coast Guard Sector Long Island Sound, (203) 468-4428, Scott.A.Baumgartner@uscg.mil. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
 DHS Department of Homeland Security
 FR Federal Register
 LIS Long Island Sound
 NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B). Because the information for the list of events in the Captain of the Port Long Island Sound Zone was not finalized until recently, it is impracticable to undertake notice and comment with regard to the events in this regulation because the events are set to occur as scheduled. Additionally, events listed in this temporary final rule are currently open for comment in the related NPRM published at 78 FR 20277 and Docket Number USCG-2013-1036 titled, "Safety Zones & Special Local Regulations; Recurring Marine Events in Captain of the Port" (April 4, 2013).

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay encountered in this regulation's

effective date by waiting for the NPRM comment period to close would be impracticable and contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters from the hazardous nature of fireworks including unexpected detonation and burning debris.

B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Public Law 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones.

This rulemaking establishes safety zones for marine events involving fireworks displays on the navigable waters of the COTP Sector LIS zone. This rule is necessary to protect waterway users from the dangers inherent to fireworks displays.

C. Discussion of the Final Rule

This temporary rule establishes safety zones for three fireworks displays in the COTP Sector LIS zone. Each zone encompasses a 600 foot radius around the launch site. These events are:

FIREWORKS DISPLAY EVENTS

1 Bridgeport Bluefish April Fireworks	• Location: Waters of the Pequannock south of the Interstate 95 bridge surrounding Steel Point in Bridgeport, CT.
2 Cherry Grove Arts Project Fireworks	• Location: Waters of the Great South Bay 1200 feet north of Cherry Grove, NY.
3 Bridgeport Bluefish June Fireworks	• Location: Waters of the Pequannock south of the Interstate 95 bridge surrounding Steel Point in Bridgeport, CT.

Because large numbers of spectator vessels are expected to congregate around the location of these events, these regulated areas are needed to protect both spectators and participants from the safety hazards created by them including unexpected pyrotechnics detonation and burning debris.

This rule prevents vessels from entering, transiting, mooring or anchoring within areas specifically designated as regulated areas during the periods of enforcement unless authorized by the COTP or designated representative.

The Coast Guard has determined that these regulated areas will not have a significant impact on vessel traffic due to their temporary nature, limited size, and the fact that vessels are allowed to transit the navigable waters outside of the regulated areas. The COTP will cause public notifications to be made by

all appropriate means including but not limited to the Local Notice to Mariners and Broadcast Notice to Mariners.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and

Budget has not reviewed it under those Orders.

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The regulated areas will be of limited duration and cover only a small portion of the navigable waterways. Furthermore, vessels may transit the navigable waterways outside of the regulated areas. Vessels requiring entry into the regulated areas may be authorized to do so by the COTP or designated representative.

Advanced public notifications will also be made to the local maritime community by the Local Notice to Mariners as well as Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the

potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

The owners or operators of vessels intending to transit or anchor in the designated regulated areas during the enforcement periods stated for each event listed below in the List of Subjects.

The temporary safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulated areas will be of limited size and of short duration, and vessels that can safely do so may navigate in all other portions of the waterways except for the areas designated as regulated areas. Additionally, notifications will be made before the effective period by all appropriate means, including but not limited to the Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the events.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132. Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order

13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of safety zones. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T0-0227 to read as follows:

§ 165.T0-0227 Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone.

(a) *Regulations.* The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the events listed in the TABLE of § 165.T01-0227. These regulations will be enforced for the duration of each event.

(b) *Enforcement period.* This rule will be enforced from on the dates and times listed for each event in TABLE of § 165.T01-0227.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A "designated representative" is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore

and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(4) Spectators desiring to enter or operate within the regulated areas should contact the COTP or the designated representative via VHF channel 16 or by telephone at (203) 468-4404 to obtain permission to do so. Spectators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(e) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(f) The regulated area for all fireworks displays listed in the TABLE of § 165.T01-0227 is that area of navigable waters within a 1000 foot radius of the launch platform or launch site for each fireworks display. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY." This sign will consist of 10 inch high by 1.5 inch wide red lettering on a white background. Shore sites used in these locations will display a sign labeled "FIREWORKS—STAY AWAY" with the same dimensions.

TABLE OF § 165.T01-0227—FIREWORKS DISPLAY EVENTS

1 Bridgeport Bluefish April Fireworks	<ul style="list-style-type: none"> • Date: Saturday April 27, 2013 from 7:30 p.m. until 10:30 p.m. • Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point in Bridgeport, CT in approximate position 41°10'35" N 073°10'58" W (NAD 83).
2 Cherry Grove Arts Project Fireworks	<ul style="list-style-type: none"> • Date: Sunday June 9, 2013 from 9 p.m. until 10 p.m. • Rain Date: Monday June 10, 2013. • Location: Waters of the Great South Bay off Cherry Grove, NY in approximate position 40°39'49.06" N, 073°05'27.99" W (NAD 83).
3 Bridgeport Bluefish June Fireworks	<ul style="list-style-type: none"> • Date Saturday June 8, 2013 from 7:30 p.m. until 10:30 p.m. and Saturday June 22, 2013 from 7:30 p.m. until 10:30 p.m. • Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point in Bridgeport, CT in approximate position 41°10'35" N 073°10'58" W (NAD 83).

Dated: April 11, 2013.

J.M. Vojvodich,
 Captain, U. S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2013-10013 Filed 4-25-13; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2012-0755; FRL-9384-9]

Dinotefuran; Pesticide Tolerances for Emergency Exemptions; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA issued a final rule in the *Federal Register* of November 9, 2012, concerning establishing time-limited tolerances for dinotefuran on pome

fruit, group 11 and stone fruit, group 12, in connection with authorizations for emergency exemption uses under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This document amends the tolerance listing for dinotefuran by restoring the time-limited tolerances that were inadvertently deleted by a subsequent (unrelated) final rule published in the *Federal Register* of November 28, 2012.

DATES: This final rule amendment is effective April 26, 2013.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2012-0755, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through

Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Andrea Conrath, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460-0001; telephone number: (703) 308-9356; email address: conrath.andrea@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

The Agency included in the final rule a list of those who may be potentially affected by this action.

II. What does this technical amendment do?

On November 9, 2012, EPA issued a final rule establishing time-limited tolerances for residues of dinotefuran in or on pome fruit, group 11 and stone fruit, group 12 in 40 CFR 180.603(b). A subsequent rule was published on November 28, 2012, establishing permanent tolerances for dinotefuran on rice and other commodities, under 40 CFR 180.603(a). Inadvertently, with the establishment of the permanent tolerances on November 28, 2012, the time-limited tolerances for pome fruit, group 11 and stone fruit, group 12, that had previously been established in the November 9, 2012 final rule were deleted. This final rule will restore § 180.603(b), as well as the pesticide time-limited tolerances for pome fruit, group 11 and stone fruit, group 12, to support uses authorized under section 18 emergency exemptions.

III. Why is this amendment issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical amendment final without prior proposal and opportunity for comment, in order to move quickly on the emergency exemption to address an urgent non-routine situation and ensure that the resulting food is safe and lawful, as provided for in FFDCA section 408(l)(6). EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order reviews apply to this action?

EPA included a discussion of the statutory and Executive Order reviews in the November 9, 2012 final rule.

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: April 19, 2013.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is amended as follows:

PART 180—[AMENDED]

- 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

- 2. In § 180.603, revise paragraph (b) to read as follows:

§ 180.603 Dinotefuran; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of dinotefuran, (RS)-1-methyl-2-nitro-3-((tetrahydro-3-furanyl)methyl)guanidine, including its metabolites and degradates, in or on the commodities in the table below resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of dinotefuran and its metabolites DN, 1-methyl-3-(tetrahydro-3-furylmethyl)guanidine, and UF, 1-methyl-3-(tetrahydro-3-furylmethyl)urea, calculated as the stoichiometric equivalent of dinotefuran, in or on the commodities listed in the table below. The tolerances expire and are revoked on the dates specified in the table.

Commodity	Parts per million	Expiration/revocation date
Fruit, pome, group 11	1.0	12/31/15
Fruit, stone, group 12	1.0	12/31/15

* * * * *

[FR Doc. 2013-09956 Filed 4-25-13; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[WC Docket No. 05-25; RM-10593; FCC 12-153; DA 13-379]

Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking To Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction of effective date.

SUMMARY: This document corrects the effective date of the Report and Order adopted in FCC 12-153 and published in the **Federal Register** on January 11, 2013. This correction is necessary to comply with the Congressional Review Act (CRA) requirement that a major rule is effective 60 days after publication in the **Federal Register** or 60 days after receipt by Congress of a report in compliance with the CRA, whichever is later. The Federal Communications Commission (Commission) issued an Erratum on March 11, 2013, delaying the effective date of the Report and Order (except the information collection rules and the delegation rule) to March 25, 2013. Further information is provided in the supplementary information that follows.

DATES: The effective date of the Report and Order published on January 11, 2013, at 78 FR 2572, is corrected to March 25, 2013. See 5 U.S.C. 801(a)(3)(A). The information collection and recordkeeping requirements contained in section III and appendix A of that document are not effective until they are approved by the Office of Management and Budget (OMB).

FOR FURTHER INFORMATION CONTACT: Belinda Nixon, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520 or (202) 418-0484 (TTY), or via email at Belinda.Nixon@fcc.gov.

SUPPLEMENTARY INFORMATION: On December 18, 2012, the Commission released a Report and Order initiating a comprehensive special access data collection. The Report and Order specified the nature of the data to be collected by the Commission and the scope of respondents, as well as delegated authority to the Commission's Wireline Competition Bureau to review and modify the collection to implement the requirements of the Report and Order. This Report and Order was published in the **Federal Register** on

January 11, 2013, at 78 FR 2572. That document set March 12, 2013, as the effective date for the Report and Order, with two exceptions. The delegation of authority to the Wireline Competition Bureau to implement a data collection in accordance with the terms of the Report and Order became effective upon adoption as specified in paragraph 137 of the document published at 78 FR 2572, January 11, 2013. Also, the information and recordkeeping requirements adopted in the Report and Order will not become effective until publication of an announcement in the **Federal Register** that these requirements have been approved by the OMB.

This document corrects the effective date of the Report and Order to comply with the requirements of the CRA, 5 U.S.C. 801–808. The Report and Order was classified as a major rule subject to congressional review. 5 U.S.C. 804(2). Pursuant to 5 U.S.C. 801(a)(3)(A), a major rule cannot be made effective until 60 days after the latter of publication in the **Federal Register** or receipt by Congress of a report in compliance with the CRA, 5 U.S.C. 801(a)(1). Congress did not receive the CRA report until January 24, 2013, thirteen days after publication of the final rule document in the **Federal Register**. Consequently, the Report and Order (except for the information collection requirement and the delegation of authority) is effective 60 days after that date.

As a result, the Commission issued an Erratum to the Report and Order delaying the effective date (except the information collection rules and the delegation rule) to March 25, 2013. This publication, which was inadvertently delayed, provides notice of the effective date.

Federal Communications Commission.

Deena Shetler,

Associate Bureau Chief, Wireline Competition Bureau.

[FR Doc. 2013–09708 Filed 4–25–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383 and 384

[Docket No. FMCSA–2012–0172]

RIN 2126–AB43

Self Reporting of Out-of-State Convictions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA amends its commercial driver's license (CDL) rules to eliminate the requirement for drivers to notify the State licensing agency that issued their commercial learner's permit (CLP) or CDL of out-of-State traffic convictions when those convictions occur in States that have a certified CDL program in substantial compliance with FMCSA's rules. Current regulations require both CDL holders and States with certified CDL programs to report a CDL holder's out-of-State traffic conviction to the driver's State of licensure. This final rule amends the CDL rules to eliminate this reporting redundancy for those cases in which the conviction occurs in a State that has a certified CDL program in substantial compliance with FMCSA's regulations. This change will reduce a regulatory burden on individual CLP and CDL holders and State driver licensing agencies. This rule is responsive to Executive Order (E.O.) 13563

“Improving Regulation and Regulatory Review,” issued January 18, 2011.

DATES: The final rule is effective May 28, 2013.

ADDRESSES: For access to the docket to read background documents, including those referenced in this document, or to read comments received, go to <http://www.regulations.gov> at any time and insert “FMCSA–2012–0172” in the “Keyword” box, and then click “Search.” You may also view the docket online by visiting the Docket Management Facility in Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Anyone is able to search the electronic form for all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the U.S. Department of Transportation's DOT complete Privacy Act Statement in the **Federal Register** published on December 29, 2010 (75 FR 82132), or you may visit <http://www.gpo.gov/fdsys/pkg/FR-2010-12-29/pdf/2010-32876.pdf>.

FOR FURTHER INFORMATION CONTACT: Robert Redmond, Office of Enforcement, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by telephone at (202) 366–5014 or via email at robert.redmond@dot.gov. Office hours are from 9 a.m. to 5 p.m. e.t., Monday through Friday, except

Federal holidays. If you have questions on viewing material to the docket, contact Barbara J. Hairston, Acting Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

Executive Summary
Legal Basis for Rulemaking
Background
Discussion of Comments
Section-by-Section Discussion of Regulatory Changes
Regulatory Analyses

Executive Summary

Purpose of the Rule and Summary of Major Provisions

This final rule amends the commercial driver's license (CDL) rules to eliminate the requirement for drivers to notify the State driver licensing agency (SDLA) that issued their commercial learner's permit (CLP) or CDL of out-of-State traffic convictions when those convictions occur in States that have a certified CDL program in substantial compliance with the Federal Motor Carrier Safety Administration's rules. The elimination of this reporting redundancy will reduce a regulatory burden on individual CLP and CDL holders and SDLAs.

This rule also responds to Executive Order (E.O.) 13563 “Improving Regulation and Regulatory Review,” issued January 18, 2011.

Costs and Benefits

The anticipated benefits of the rule will take the form of reduced paperwork burden hours and expenditures for the reporting of out-of-State traffic convictions. Neither the benefits nor the costs of eliminating this regulatory burden can be quantified at this time. States will continue to rely on State-to-State reporting, which is more accurate and secure than driver self-reporting.

Legal Basis for Rulemaking

Congress enacted the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) [Pub. L. 99–570, Title XII, 100 Stat. 3207–170, 49 U.S.C. chapter 313] to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways. To achieve these goals, the CMVSA established the CDL program and required States to ensure that drivers convicted of certain serious traffic violations are prohibited from operating commercial motor vehicles (CMVs). Although State participation in the CDL program is voluntary, CMVSA created incentives

by conditioning certain Federal highway and grant funding on States maintaining a certified CDL program (CMVSA secs. 12010, 12011, codified at 49 U.S.C. 31313, 31314). One of the CMVSA's CDL program requirements was that States report CDL holders' out-of-State traffic convictions to their licensing States within 10 days of the conviction (CMVSA sec. 12003(a)(9) codified at 49 U.S.C. 31311). The CMVSA also established a requirement for CDL holders to report these same out-of-State traffic convictions to their licensing States within 30 days of the conviction (CMVSA sec. 12003(a)(1), codified at 49 U.S.C. 31303(a)). Congress authorized the Secretary to issue regulations to implement these provisions (CMVSA sec. 12018(a), codified at 49 U.S.C. 31317). The Federal Highway Administration (FHWA), FMCSA's predecessor, subsequently issued regulations, including 49 CFR 383.31(a), which implemented the requirement that CDL holders report out-of-State traffic convictions to their licensing States (52 FR 20574, June 1, 1987). FHWA did not issue regulations implementing the States' reporting requirement at that time.

On July 5, 1994, Congress recodified title 49 of the U.S.C. [Pub. L. 103-272, 108 Stat. 745 (the 1994 Recodification Act)]. Among other things, the 1994 Recodification Act clarifies who had the obligation to report CDL holders' out-of-State violations: the State or the driver. The 1994 Recodification Act added language making it explicit that States must report an out-of-State CDL holder's traffic conviction to the licensing State within 10 days of the conviction (108 Stat. 1024, 49 U.S.C. 31311(a)(9)). However, Congress did not repeal the requirement that individual CDL holders report the same information within 30 days of conviction.

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) [Pub. L. 106-159, 113 Stat. 1748] amended numerous provisions of title 49 of the U.S.C. related to the licensing and sanctioning of CMV drivers required to hold a CDL and directed the Secretary to amend regulations to correct specific weaknesses in the CDL program. One such provision directed the Secretary to develop a uniform system for the State-to-State electronic transmission of out-of-State CDL holders' traffic conviction information. FMCSA subsequently issued regulations implementing MCSIA and other statutory requirements, including CMVSA sec. 12009(a)(9). Those regulations included 49 CFR 384.209, which requires States to report out-of-State CDL holders' traffic convictions to their licensing States as

a minimum requirement of maintaining a certified CDL program (67 FR 49742, July 31, 2002).

The FMCSA Administrator has been delegated authority under 49 CFR 1.87(e)(1) to carry out the CMVSA functions vested in the Secretary.

Background

This final rule arises as a result of Presidential Executive Order (E.O.) 13563, issued January 18, 2011, "Improving Regulation and Regulatory Review" (76 FR 3821, January 21, 2011), which prompted DOT to publish a notice in the *Federal Register* (76 FR 8940, February 16, 2011) requesting comments on a plan for reviewing existing rules, as well as identification of existing rules that DOT should review because they may be outmoded, ineffective, insufficient, or excessively burdensome. DOT placed all retrospective regulatory review comments, including a transcript of a March 14, 2011, public meeting, in docket DOT-OST-2011-0025. DOT received comments from 102 members of the public, with many providing multiple suggestions.

In connection with this initiative, a commenter identified as appropriate for review the requirements of 49 CFR 383.31(a) and 384.209, which provide for both individual CDL holders and States with certified CDL programs to report the same information about CDL holders' out-of-State convictions. FMCSA agreed with this suggestion. Although States were not required to participate in FMCSA's CDL certification program, all 50 States and the District of Columbia currently maintain certified programs, due in part to the financial incentives described below. Additionally States could be de-certified and lose their authority to issue CDLs. In practice, this means that compliance with both §§ 383.31(a) and 384.209 result in a reporting redundancy.

On August 2, 2012, FMCSA published a notice of proposed rulemaking in the *Federal Register* (77 FR 46010). FMCSA proposed to eliminate this redundant reporting practice by providing that, if a State in which the conviction occurs has a certified CDL program in substantial compliance with FMCSA's regulations, then an individual CDL holder convicted in that State would be considered to be in compliance with his/her out-of-State traffic conviction reporting obligations because the State where the conviction occurred will report the violation to the CDL holder's State of licensure. FMCSA received six public comments and made changes to the proposed rule in response to these

comments, which are detailed in part III, Discussion of Comments.

Discussion of Comments

FMCSA received six comments in response to the NPRM. The commenters included Advocates for Highway and Auto Safety (Advocates), Werner Enterprises (Werner), The National School Transportation Association (NSTA), Edison Electric Institute (EEI), State of New York Department of Motor Vehicles, and American Trucking Associations (ATA).

Overall, most commenters supported FMCSA's objective of eliminating a redundant reporting practice. Two commenters recommended back-up reporting provisions, should any State reporting a driver conviction suddenly become noncompliant with the CDL program. One commenter requested that the Agency provide documented proof of compliant CDL reporting programs prior to eliminating the driver reporting requirement. A commenter was concerned about general safety issues that could occur as a result of eliminating the driver reporting requirement. These comments are discussed in greater detail below.

Suggested Back-Up Reporting Provisions Comments

The Agency received two comments regarding back-up reporting provisions. Werner was concerned that drivers would not know whether a State is in compliance with the conviction reporting requirement. Werner offered two options for letting the driver know if the State is in compliance: (1) Require the reporting State to provide the driver with a notice that it is in compliance with 49 CFR part 384, subpart B, and has not been de-certified in accordance with 49 CFR 384.405. This would let the driver know that there is no obligation to report the conviction as the reporting State will report it; or (2) add language to 49 CFR 383.31(d) to create a presumption that every State is in compliance.

ATA was also concerned drivers would not know whether a State is in compliance with conviction reporting requirements. ATA proposed modifying 49 CFR 384.307 to provide that FMCSA would publish a notice in the *Federal Register* to alert drivers that their self-reporting requirements under 49 CFR 383.31 had been reactivated if FMCSA determines that a State is not in substantial compliance with the regulations or intends to withdraw from the CDL program.

FMCSA Response

If a State is no longer in compliance with the conviction reporting requirements, FMCSA agrees that drivers should be given notice. At this time FMCSA believes a more effective alternative is to alert drivers that their self-reporting requirements under 49 CFR 383.31 have been reactivated through a **Federal Register** notice, as suggested by the ATA, and also to provide notification by way of the FMCSA Web site and other social media. The Agency however, believes the requirement should be incorporated into new § 384.409 under Subpart D of part 384, which addresses the consequences of State noncompliance. Therefore, the Agency has incorporated language in the final rule in new § 384.409 to implement this solution.

Provision of Documented Proof of Compliant CDL Reporting Programs

Comment

Advocates requested that FMCSA determine the effectiveness and timeliness of State CDL programs to capture out-of-State convictions and provide the public with documentation of their effectiveness. Until data can be presented that demonstrates that all States have adopted compliant CDL reporting programs and that the home States of commercial drivers are receiving out-of-State convictions and acting on that information when appropriate, Advocates maintained that the driver reporting requirement should not be eliminated.

FMCSA Response

States are required in 49 CFR 384.209 to report out-of-State convictions to the State of licensure within 10 days of the conviction. As a part of CDL program certification, FMCSA and the American Association of Motor Vehicle Administrators (AAMVA) monitor the timeliness and accuracy of conviction data being sent from the State of conviction to the State of licensure and generate a monthly report. If a State shows a continuing pattern of not being timely or sending inaccurate data, FMCSA and AAMVA work with the State to correct the deficiency.

States have been showing a steady improvement in the timeliness of reporting conviction data from the State of conviction to the State of licensure.

Safety Concerns

Comment

The NSTA was concerned about the delay between when the State of conviction notifies the State of licensure, the State of licensure notifies

the employer, and appropriate action, including notification to the insurance company, is taken by the employer. If a driver is not required to report a conviction to his State of licensure, this delay would allow some drivers to continue to operate a school bus following a conviction.

FMCSA Response

Eliminating the requirement that the CDL holder report a conviction to the State of licensure does not eliminate the driver responsibility in 49 CFR 383.31(b) to report the conviction to his or her employer within 30 days of the conviction.

Section-by-Section Discussion of Regulatory Changes

Part 383 Commercial Driver's License Standards; Requirements and Penalties

Section 383.31. FMCSA adds an introductory phrase to paragraph (a) that clarifies that the addition of new paragraph (d) is the exception for this section. FMCSA adopts paragraph 383.31(d) as proposed, which provides that if the State in which a CLP or CDL holder is convicted for a traffic control violation has an FMCSA-certified CDL program, the Agency would consider the CLP or CDL holder to be in compliance with § 383.31(a).

Part 384 State Compliance With Commercial Driver's License Program

Section 384.409. FMCSA adds new § 384.409 to specify the means of notification to CLP and CDL holders when it determines that a State is not in substantial compliance, or when it issues a decertification order prohibiting a State from issuing commercial driver's licenses.

Regulatory Analyses

Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures as Supplemented by E.O. 13563)

FMCSA has determined that this final rule is not a significant regulatory action within the meaning of Executive Order (E.O.) 12866 (Regulatory Planning and Review," 58 FR 51735, October 4, 1993), as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), or within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979). Any costs associated with this rule are expected to be minimal, and, in any event, the estimated cost of the rule is not expected to exceed the \$100 million annual threshold for economic significance.

The issuance of driver notifications is the only substantive difference in this final rule from the published NPRM (77 FR 46010, August 2, 2012). If a State is no longer in substantial compliance with the conviction reporting requirements of 49 CFR 384.209 or issues a decertification order prohibiting a State from issuing commercial drivers licenses, FMCSA will alert drivers that they must comply with the self-reporting requirements under 49 CFR 383.31 using a **Federal Register** notice, its Web site and social media. This notification requirement is applicable to FMCSA and as such will not impose additional costs to the 50 States and District of Columbia which currently maintain certified CDL programs, nor to individual CLP or CDL holders.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. *et seq.*) requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term "small entities" comprises small business and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.¹ Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities and mandates that agencies strive to lessen any adverse effects on these businesses.

Under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 857), the final rule is not expected to have a significant economic impact on a substantial number of small entities.

Consequently, I certify that this final rule would not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this rule so that they can better evaluate its effects on them. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Robert Redmond, listed

¹ Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) see National Archives at <http://www.archives.gov/federal-register/laws/regulatory-flexibility/601.html>.

in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1-888-REG-FAIR (1-888-734-3247).

Unfunded Mandates Reform Act of 1995

This final rule does not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532 *et seq.*), that would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$141.3 million (which is the value of \$100 million in 2010 after adjusting for inflation) or more in any single year.

E.O. 13132 (Federalism)

A rule has implications for Federalism under Section 1(a) of E.O. 13132 if it has "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." FMCSA has determined that this rule will not have substantial direct effects on States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation.

E.O. 12988 (Civil Justice Reform)

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045 (Protection of Children)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, Apr. 23, 1997), requires agencies issuing "economically significant" rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, the

Agency does not believe that this regulatory action could create an environmental or safety risk that could disproportionately affect children.

E.O. 12630 (Taking of Private Property)

FMCSA reviewed this final rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

Privacy Impact Assessment

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108-447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note), requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule does not require the collection of any personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency which receives records contained in a system of records from a Federal agency for use in a matching program. FMCSA has determined this rule will not result in a new or revised Privacy Act System of Records for FMCSA.

E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FMCSA anticipates this final rule would result in a paperwork burden reduction that the Agency is unable to quantify, at this time.

National Environmental Policy Act and Clean Air Act

FMCSA analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1(69 FR 9680, March 1, 2004), Appendix 2, paragraphs (6)(s)(2). This categorical exclusion covers requirements for drivers to notify their States of licensure of certain

convictions. This final rule is covered by this categorical exclusion and in any event does not have a significant effect on the quality of the environment. The categorical exclusion determination is available for inspection or copying in the *Regulations.gov* Web site listed under **ADDRESSES**.

FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

E.O. 13211 (Energy Supply, Distribution or Use)

FMCSA analyzed this rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, no Statement of Energy Effects is required.

E.O. 13175 (Indian Tribal Governments)

This rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

List of Subjects

49 CFR Part 383

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Incorporation by reference, Motor carriers.

For the reasons discussed in the preamble, FMCSA amends 49 CFR parts 383 and 384 as follows:

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

- 1. The authority citation for part 383 is revised to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.*, and 31502; secs. 214 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub. L. 107–56, 115 Stat. 272, 297, sec. 4140 of Pub. L. 109–59, 119 Stat. 1144, 1746; and 49 CFR 1.87.

- 2. Amend § 383.31 by revising paragraph (a) and adding paragraph (d) to read as follows:

§ 383.31 Notification of convictions for driver violations.

(a) Except as provided in paragraph (d) of this section, each person who operates a commercial motor vehicle, who has a commercial learner's permit or commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) in a State or jurisdiction other than the one which issued his/her permit or license, shall notify an official designated by the State or jurisdiction which issued such permit or license, of such conviction. The notification must be made within 30 days after the date that the person has been convicted.

* * * * *

(d) A person is considered to be in compliance with the requirements of paragraph (a) of this section if the conviction occurs in a State or jurisdiction that is in substantial compliance with 49 CFR 384.209 and has not been de-certified in accordance with 49 CFR 384.405.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

- 3. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, and 31502; secs. 103 and 215 of Pub. L. 106–59, 113 Stat. 1753, 1767; and 49 CFR 1.87.

- 4. Amend subpart D by adding § 384.409 to read as follows:

§ 384.409 Notification of noncompliance.

If FMCSA determines that a State is not in substantial compliance with § 384.209, or if FMCSA issues a decertification order prohibiting a State from issuing commercial driver's licenses, FMCSA will notify commercial learner's permit and commercial driver's license holders of these actions by publication of a **Federal Register** notice. The notification will advise commercial learner's permit and commercial driver's license holders that they must comply with the self-reporting requirements of § 383.31(a) with respect to convictions obtained in that State until such time that FMCSA determines the State to be in substantial compliance.

Issued under the authority of delegation in 49 CFR 1.87 on: April 16, 2013.

Anne S. Ferro,
Administrator.

[FR Doc. 2013–09915 Filed 4–25–13; 8:45 am]

BILLING CODE P

Proposed Rules

Federal Register

Vol. 78, No. 81

Friday, April 26, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2013-0383; Directorate Identifier 2013-CE-008-AD]

RIN 2120-AA64

Airworthiness Directives; PILATUS Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all PILATUS Aircraft Ltd. Model PC-7 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a need to incorporate new revisions into the Limitations section of the FAA-approved maintenance program (e.g., maintenance manual). The limitations were revised to include an emergency fuel control system adjustment test. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 10, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of

Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact PILATUS AIRCRAFT LTD., Customer Technical Support (MCC), P.O. Box 992, CH-6371 STANS, Switzerland; telephone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; Internet: <http://www.pilatus-aircraft.com> or email:

Techsupport@pilatus-aircraft.com. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090; email: doug.rudolph@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2013-0383; Directorate Identifier 2013-CE-008-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The Federal Office of Civil Aviation (FOCA), which is the aviation authority for Switzerland, has issued AD HB-2013-003, dated March 19, 2013 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) is prompted by changes to the Airworthiness Limitations Section (ALS) of the Aircraft Maintenance Manual (AMM), which adds life-limits, revises life-limits or adds inspections not previously identified.

These documents include the maintenance instructions and/or airworthiness limitations developed by Pilatus Aircraft Ltd. and approved by FOCA. Failure to comply with these instructions and limitations could potentially lead to unsafe condition.

Pilatus Aircraft Ltd. published Pilatus PC-7 AMM report no. 01715 revision 31 dated 30 November 2012 to incorporate a 300 Flight Hour (FH) hour inspection on the Emergency Fuel Control System (FCS).

For the reason described above, this AD requires the implementation and the compliance with this new maintenance requirement.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

PILATUS Aircraft Ltd. has issued PILATUS PC-7 Maintenance Manual, Time Limited Inspection Requirements, 05-10-20, pages 1 through 6, dated November 30, 2012; and PILATUS PC-7 Maintenance Manual, Emergency Fuel Control System—Adjustment/Test, 76-20-00, pages 501 and 502, dated November 30, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information

referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 15 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$10 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$1,425, or \$95 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new AD:

PILATUS Aircraft Ltd.: Docket No. FAA-2013-0383; Directorate Identifier 2013-CE-008-AD.

(a) Comments Due Date

We must receive comments by June 10, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to PILATUS Aircraft Ltd. Model PC-7 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 76: Engine Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a need to incorporate new revisions into the Limitations section of the FAA-approved maintenance program (e.g., maintenance manual). The limitations were revised to include an emergency fuel control system adjustment test. We are issuing this AD to ensure the continued operational safety of the affected airplanes.

(f) Actions and Compliance

Unless already done, do the following actions as specified in paragraphs (f)(1) and (f)(2) of this AD:

- (1) Within the next 90 days after the effective date of this AD and repetitively thereafter at intervals not to exceed 300 hours time-in-service, do the emergency fuel control system test following the Functional Test Procedures in PILATUS PC-7 Maintenance Manual, Emergency Fuel Control System—Adjustment/Test, 76-20-00, pages 501 and 502, dated November 30,

2010, as specified in PILATUS PC-7 Maintenance Manual, Time Limited Inspection Requirements, 05-10-20, dated November 30, 2012.

Note to paragraph (f)(1) of this AD: Only page 4, Chapter 76—Engine Controls, of PILATUS PC-7 Maintenance Manual, Time Limited Inspection Requirements, 05-10-20, dated November 30, 2012, which was revised to add PILATUS PC-7 Maintenance Manual, Emergency Fuel Control System—Adjustment/Test, 76-20-00, dated November 30, 2010, is being mandated in this AD. Other Chapters referenced in this document are covered in other ADs.

(2) As a result of the functional test required in paragraph (f)(1) of this AD, if a discrepancy is found that is not identified in the document listed in paragraph (f)(1) of this AD, before further flight after finding the discrepancy, contact Pilatus Aircraft Ltd. at the address specified in paragraph (h) of this AD for a repair scheme and incorporate that repair scheme.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) **Alternative Methods of Compliance (AMOCs):** The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090; email: doug.rudolph@faa.gov. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) **Airworthy Product:** For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

(h) Related Information

Refer to Federal Office of Civil Aviation (FOCA) AD HB-2013-003, dated March 19, 2013; PILATUS PC-7 Maintenance Manual, Time Limited Inspection Requirements, 50-10-20, pages 1 through 6, dated November 30, 2012; and PILATUS PC-7 Maintenance Manual, Emergency Fuel Control System—Adjustment/Test, 76-20-00, pages 501 and 502, dated November 30, 2010, for related information. For service information related to this AD, contact PILATUS AIRCRAFT LTD., Customer Technical Support (MCC), P.O. Box 992, CH-6371 STANS, Switzerland; telephone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; Internet: <http://www.pilatus-aircraft.com> or email: Techsupport@pilatus-aircraft.com. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Issued in Kansas City, Missouri, on April 19, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013-09888 Filed 4-25-13; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

21 CFR Parts 1, 16, 106, 110, 114, 117, 120, 123, 129, 179, and 211

[Docket No. FDA-2011-N-0920]

RIN 0910-AG36

Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food; Extension of Comment Periods

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the proposed rule, and for the information collection related to the proposed rule, "Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food" that appeared in the *Federal Register* of January 16, 2013. We are taking this action in response to requests for an extension to allow interested persons additional time to submit comments on the proposed rule. We also are taking this action to keep the comment period for the information collection provisions associated with the rule consistent with

the comment period for the proposed rule.

DATES: The comment period for the proposed rule published January 16, 2013, at 78 FR 3646, is extended. In addition, the comment period for the information collection issues in the proposed rule, extended February 19, 2013, at 78 FR 11611, is further extended. Submit either electronic or written comments on the proposed rule by September 16, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by September 16, 2013 (see the "Paperwork Reduction Act of 1995" section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA-2011-N-0920 and/or Regulatory Information Number (RIN) 0910-AG36, by any of the following methods, except that comments on information collection issues under the Paperwork Reduction Act of 1995 must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) (see the "Paperwork Reduction Act of 1995" section of this document).

Electronic Submissions

Submit electronic comments in the following way

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

Written Submissions

Submit written submissions in the following ways:

- *Mail/Hand delivery/Courier (for paper or CD-ROM submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the "Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

With regard to the proposed rule:

Jenny Scott, Center for Food Safety and Applied Nutrition (HFS-300), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-2166.

With regard to the information collection: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Picard Drive, PI50-400T, Rockville, MD 20850, domini.bean@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

In the *Federal Register* of January 16, 2013 (78 FR 3646), we published a proposed rule entitled "Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food" with a 120-day comment period on the provisions of the proposed rule and a 30-day comment period on the information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

OMB and FDA previously received requests for a 90-day extension of the comment period for the information collection provisions of the proposed rule. We considered the requests and extended the comment period for the information collection for 90 days to make the comment period for the information collection provisions the same as that for the proposed rule—i.e., until May 16, 2013 (*Federal Register* of February 19, 2013, 78 FR 11611). FDA has now received comments requesting an extension of the comment period on the proposed rule. Each request conveyed concern that the current 120-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule. FDA has considered the requests and is granting a 120-day extension of the comment period for the proposed rule. FDA believes that a 120-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues. We also are extending the comment period for the information collection provisions for 120 days to continue to make the comment period for the information collection provisions the same as the comment period for the provisions of the proposed rule. To clarify, FDA is requesting comment on all issues raised by the proposed rule.

II. Paperwork Reduction Act of 1995

Interested persons may either submit electronic comments regarding the

information collection to oir_submission@omb.eop.gov or fax written comments to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-7285. All comments should be identified with the title "Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food." -

III. Request for Comments

Interested persons may submit either electronic comments regarding the proposed rule to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see ADDRESSES). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: April 22, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013-09763 Filed 4-24-13; 11:15 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 16 and 112

[Docket No. FDA-2011-N-0921]

RIN 0910-AG35

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; Extension of Comment Periods

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the proposed rule, and for the information collection related to the proposed rule, "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" that appeared in the *Federal Register* of January 16, 2013. We are taking this action in response to requests for an extension to allow interested persons additional time to submit comments on the proposed rule. We also are taking this action to keep the comment period for the

information collection provisions associated with the rule consistent with the comment period for the proposed rule.

DATES: The comment period for the proposed rule published January 16, 2013, at 78 FR 3504, is extended. In addition, the comment period for the information collection issues in the proposed rule, extended February 19, 2013, at 78 FR 11611, is further extended. Submit either electronic or written comments on the proposed rule by September 16, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by September 16, 2013 (see the "Paperwork Reduction Act of 1995" section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA-2011-N-0921 and/or Regulatory Information Number (RIN) 0910-AG35, by any of the following methods, except that comments on information collection issues under the Paperwork Reduction Act of 1995 must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) (see the "Paperwork Reduction Act of 1995" section of this document).

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

- *Mail/Hand delivery/Courier (for paper or CD-ROM submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. FDA-2011-N-0921, and RIN 0910-AG35 for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the "Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts

and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

With regard to the proposed rule: Samir Assar, Center for Food Safety and Applied Nutrition (HFS-317), Food and Drug Administration; 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-1636.

With regard to the information collection: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Picard Drive, PI50-400T, Rockville, MD 20850, Domini.Bean@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the *Federal Register* of January 16, 2013 (78 FR 3504), we published a proposed rule entitled "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" with a 120-day comment period on the provisions of the proposed rule and a 30-day comment period on the information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

OMB and FDA previously received requests for a 90-day extension of the comment period for the information collection provisions of the proposed rule. We considered the requests and extended the comment period for the information collection for 90 days to make the comment period for the information collection provisions the same as that for the proposed rule—i.e., until May 16, 2013 (*Federal Register* of February 19, 2013, 78 FR 11611). FDA has now received comments requesting an extension of the comment period on the proposed rule. Each request conveyed concern that the current 120-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule. FDA has considered the requests and is granting a 120-day extension of the comment period for the proposed rule. FDA believes that a 120-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues. We also are extending the comment period for the information collection provisions for 120 days to continue to make the comment period for the information collection provisions the same as the comment period for the provisions of the proposed rule. To clarify, FDA is requesting comment on all issues raised by the proposed rule.

II. Paperwork Reduction Act of 1995

Interested persons may either submit electronic comments regarding the information collection to oir_submission@omb.eop.gov or fax written comments to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-7285. All comments should be identified with the title "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption."

III. Request for Comments

Interested persons may submit either electronic comments regarding the proposed rule to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see ADDRESSES). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: April 22, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013-09761 Filed 4-24-13; 11:15 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 117

[Docket No. FDA-2012-N-1258]

Draft Qualitative Risk Assessment of Risk of Activity/Food Combinations for Activities (Outside the Farm Definition) Conducted in a Facility Co-Located on a Farm; Availability; Extension of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for a document that we made available for public comment by notification in the *Federal Register* of January 16, 2013. We are taking this action to make the comment period for the draft RA conform to the comment period for proposed rules entitled "Current Good Manufacturing Practice and Hazard

Analysis and Risk-Based Preventive Controls for Human Food" (the proposed preventive controls rule) and "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" (the proposed produce safety rule). Elsewhere in this issue of the *Federal Register*, we are announcing a 120-day extension of the comment period for the proposed preventive controls rule and the proposed produce safety rule.

DATES: The comment period for the document published January 16, 2013, at 78 FR 3824, reopened March 13, 2013, at 78 FR 15894, is extended. Submit either electronic or written comments by September 16, 2013.

ADDRESSES: Submit electronic comments to <http://www.regulations.gov>. Submit written comments to Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jenny Scott, Center for Food Safety and Applied Nutrition (HFS-300), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-2166.

SUPPLEMENTARY INFORMATION:

I. Background

In the *Federal Register* of January 16, 2013 (78 FR 3824), we published a notification with a 30-day comment period announcing the availability of, and requesting comment on, a document entitled "Draft Qualitative Risk Assessment of Risk of Activity/Food Combinations for Activities (Outside the Farm Definition) Conducted in a Facility Co-Located on a Farm." The purpose of the draft RA is to provide a science-based risk analysis of those activity/food combinations that would be considered low risk. Interested persons were originally given until February 15, 2013, to comment on the draft RA.

We conducted this draft RA to satisfy requirements of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111-353) to conduct a science-based risk analysis and to consider the results of that analysis in rulemaking that is required by FSMA. In the *Federal Register* of January 16, 2013 (78 FR 3824), we announced that we had used the results of the draft RA to propose to exempt certain food facilities (i.e., those that are small or very small businesses that are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities identified in the draft RA as low-risk activity/food combinations) from the proposed

requirements of the Federal Food, Drug, and Cosmetic Act for hazard analysis and risk-based preventive controls (the proposed preventive controls rule). Interested persons were originally given until May 16, 2013, to comment on the proposed preventive controls rule.

We previously received requests to allow interested persons additional time to comment on the draft RA. Two requesters had considered that the comment period for the draft RA should conform to the comment period of the proposed preventive controls rule. (One of these requesters further requested that the comment period conform to that of the proposed produce safety rule, which published in the *Federal Register* of January 16, 2013 (78 FR 3504), and other major rulemakings that we would be conducting under FSMA but were not yet published.) We considered the requests and reopened the comment period for the draft RA until May 16, 2013—i.e., the same date as that for the proposed preventive controls rule and the proposed produce safety rule (*Federal Register* of March 13, 2013, 78 FR 15894).

We have now received comments requesting an extension of the comment period on the proposed preventive controls rule and the proposed produce safety rule. Each request conveyed concern that the current 120-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to those proposed rules. We have considered the requests and, elsewhere in this issue of the *Federal Register*, we are granting a 120-day extension of the comment period for those proposed rules. We are extending the comment period for the draft RA for 120 days to continue to make the comment period for the draft RA conform to the comment period for the proposed preventive controls rule and the proposed produce safety rule.

II. Request for Comments

Interested persons may submit either electronic comments regarding the draft RA to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see ADDRESSES). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: April 22, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013-09762 Filed 4-24-13; 11:15 am]

BILLING CODE 4160-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 60

[Docket ID DOD-2008-OS-0128]

RIN 0790-A140

Family Advocacy Command Assistance Team (FACAT)

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Proposed rule.

SUMMARY: This part updates Department of Defense (DoD) policy and responsibilities and prescribes procedures for the implementation and use of the FACAT in accordance with 10 U.S.C. 1794. It is DoD policy to provide a safe and secure environment for DoD personnel and their families by promoting the prevention, early identification, and intervention in all allegations of child abuse and neglect.

DATES: Comments must be received by June 25, 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: Mary Campise, 571-372-5346.

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Purpose of the Regulatory Action

To establish DoD policy, assign responsibilities, and prescribe procedures for implementation and use of the multi-disciplinary Family Advocacy Command Assistant Team to respond to allegations of child sexual abuse in DoD-sanctioned childcare and youth activities.

a. The need for the regulatory action and how the action will meet that need.

Child sexual abuse allegations in DoD-sanctioned childcare and youth activities require a coordinated community response between law enforcement, child protection agencies, and the setting from which the allegation arose. Local teams who may not be sufficiently resourced to conduct large scale investigations and coordinate an effective multi-level response can request the deployment and support of the FACAT to foster cooperation among the DoD, other Federal agencies, and responsible civilian authorities when addressing allegations of child sexual abuse in DoD-sanctioned activities; promote timely and comprehensive reporting of all allegations; and actively seek prosecution of alleged perpetrators to the fullest extent of the law.

b. Succinct statement of legal authority for the regulatory action (explaining, in brief, the legal authority laid out later in the preamble).

Section 1794 of title 10, United States Code (U.S.C.) requires the Secretary of Defense to maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, medicine, psychology, and child development. This task force will provide assistance to the commander of the installation, and to parents at the installation, to effectively deal with the allegations.

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

a. This regulatory action establishes a DoD multi-disciplinary Family Advocacy Command Assistant Team (FACAT) to support local installation personnel in responding to extrafamilial child sexual abuse allegations in DoD sanctioned childcare and youth activities.

b. The deployment of the FACAT provides a coordinated and comprehensive DoD response to assist the Military Department upon DoD Component request to address allegations when local resources are limited.

c. The goal of the FACAT is to foster cooperation among the DoD, other Federal agencies, and responsible civilian authorities when addressing allegations of extrafamilial child sexual abuse in DoD-sanctioned activities, to ensure the timely and comprehensive reporting of all incidents to the appropriate authorities, and to seek prosecution of alleged perpetrators to the fullest extent of the law when appropriate.

III. Costs and Benefits

The benefit to the Department and to the public is to provide safe and secure environments for children of DoD personnel and their families by promoting a coordinated community response to allegations of child sexual abuse arising in DoD-sanctioned childcare and youth activities settings. The deployment of the FACAT to support local communities ensures that alleged offenders are identified, assessed, investigated, and prosecuted to the full extent of the law. Further, the multidisciplinary and well-coordinated approach promotes the identification of all potential child victims and provides a safe and secure setting for these children to be interviewed, assessed, and supported. Per Section 1794 of Title 10, United States Code, this rule has an internal reporting requirement that will cost the Department of Defense \$600 annually. Costs for this program include salaries of government employees, training costs of approximately \$30,000 every three years, and up to \$15,000 to deploy a FACAT of five team members per response. There were no FACATs deployed in FY 2011, and there was one FACAT deployed in FY 2010. The cost of the FY 2010 deployment was approximately \$7,500.

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

It has been certified that 32 CFR part 60 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 60 does not contain a Federal mandate that may result in 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 60 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 32 CFR part 60 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Executive Order 13132, "Federalism"

It has been certified that 32 CFR part 60 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 60

Family Advocacy Command Assistance Team, Family health, Child abuse.

Accordingly 32 CFR part 60 is proposed to be added to read as follows:

PART 60—FAMILY ADVOCACY COMMAND ASSISTANCE TEAM (FACAT)

- Sec.
- 60.1 Purpose.
 - 60.2 Applicability.
 - 60.3 Definitions.
 - 60.4 Policy.
 - 60.5 Responsibilities.
 - 60.6 Procedures.

Authority: 10 U.S.C. 1794; 42 U.S.C. 13031.

§ 60.1 Purpose.

(a) This part establishes policy, assigns responsibilities, and prescribes procedures for implementation and use of the FACAT in accordance with section 1794 of title 10, United States Code (U.S.C.)

(b) Reserved

§ 60.2 Applicability.

(a) This part applies to Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities and all other organizational entities in the DoD (hereinafter referred to collectively as the "DoD Components").

(b) The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 60.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part.

Child. An unmarried person under 18 years of age for whom a parent, guardian, foster parent, caregiver, employee of a residential facility, or any staff person providing out-of-home care is legally responsible.

(1) The term "child" means a biological child, adopted child, stepchild, foster child, or ward.

(2) The term also includes a sponsor's family member (except the sponsor's spouse) of any age who is incapable of self-support because of a mental or physical incapacity, and for whom treatment in a DoD medical treatment program is authorized.

Child abuse. The physical or sexual abuse, emotional abuse, or neglect of a child by a parent, guardian, foster parent, or by a caregiver, whether the caregiver is intrafamilial or extrafamilial, under circumstances indicating the child's welfare is harmed or threatened. Such acts by a sibling, other family member, or other person shall be deemed to be child abuse only when the individual is providing care under express or implied agreement with the parent, guardian, or foster parent.

Child sexual abuse. The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children

DoD-sanctioned activity. A U.S. Government activity or a nongovernmental activity authorized by appropriate DoD officials to perform

child care or supervisory functions on DoD controlled property. The care and supervision of children may be either its primary mission or incidental in carrying out another mission (e.g., medical care). Examples include Child Development Centers, Department of Defense Dependents Schools, Youth Activities, School Age/Latch Key Programs, Family Day Care providers, and child care activities that may be conducted as a part of a chaplain's program or as part of another Morale, Welfare, or Recreation Program.

Family Advocacy Command Assistant Team (FACAT). A multidisciplinary team composed of specially trained and experienced individuals who are on-call to provide advice and assistance on cases of child sexual abuse that involve DoD-sanctioned activities.

Family Advocacy Program Director (FAPD). An individual designated by the Secretary of the Military Department or the head of another DoD Component to manage, monitor, and coordinate the FAP at the headquarters level.

Family Advocacy Program Manager (FAPM). An individual designated by the Secretary of the Military Department to manage, monitor, and coordinate the FAP at the headquarters level.

Military criminal investigative organization (MCIO). U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

Out-of-home care. The responsibility of care for and/or supervision of a child in a setting outside the child's home by an individual placed in a caretaker role sanctioned by a Military Service or Defense Agency or authorized by the Service or Defense Agency as a provider of care. Examples include a child development center, school, recreation program, family child care, and child care activities that may be conducted as a part of a chaplain's program or as part of another morale, welfare, or recreation program.

Sponsor. A member of a Military Service, federal civil servant, or a civilian who is eligible for authorized care through DoD medical treatment programs.

§ 60.4 Policy.

It is DoD policy to:

- (a) Provide a safe and secure environment for DoD personnel and their families by promoting the prevention, early identification, and intervention in all allegations of child abuse and neglect in accordance with DoD Directive 6400.1, "Family Advocacy Program (FAP)" (see <http://www.dtic.mil/whs/directives/corres/pdf/640001p.pdf>).

(b) Promote early identification and intervention in allegations of extrafamilial child sexual abuse in accordance with DoD Directive 6400.1 as it applies to DoD-sanctioned activities.

(c) Provide a coordinated and comprehensive DoD response through the deployment of the FACAT to assist the Military Department upon DoD Component request to address allegations of extrafamilial child sexual abuse in DoD-sanctioned activities.

(d) Foster cooperation among the DoD, other Federal agencies, and responsible civilian authorities when addressing allegations of extrafamilial child sexual abuse in DoD-sanctioned activities.

(e) Promote timely and comprehensive reporting of all incidents covered by this part.

(f) As appropriate, actively seek prosecution of alleged perpetrators to the fullest extent of the law.

(g) Ensure that personally identifiable information, to include protected health information collected, used, and released by covered entities in the execution of this part is protected as required by DoD 6025.18-R, "DoD Health Information Privacy Regulation" (see <http://www.dtic.mil/whs/directives/corres/pdf/602518r.pdf>) and 5 U.S.C. 552a as implemented in the Department of Defense by 32 CFR part 310.

§ 60.5 Responsibilities.

(a) The Deputy Assistant Secretary of Defense for Military Community and Family Policy (DASD(MC&FP)), under the authority, direction, and control of the Assistant Secretary of Defense for Readiness and Force Management, shall:

(1) Monitor compliance with this part.
 (2) Train, maintain, and support a team of full-time or permanent part-time federal officers or employees from various disciplines to comprise the FACAT and respond to child sexual abuse in DoD-sanctioned activities.

(3) Develop and coordinate criteria for determining the appropriate professional disciplines, support staff, and the required capabilities of FACAT members.

(4) Ensure that policies and guidelines on activation and use of the FACAT are shared and coordinated with the DoD Components.

(5) Program, budget, and allocate funds for the FACAT.

(6) Appoint the chief of the FACAT and team members, and provide required logistical support when the FACAT is deployed.

(7) Coordinate the management and interaction of this effort with other Federal and civilian agencies as necessary.

(8) Foster general awareness of FACAT goals and responsibilities.

(b) The Secretaries of the Military Departments shall:

(1) Ensure compliance with this part throughout their respective Departments.

(2) Establish departmental procedures to implement with this part.

(3) Designate nominees for the FACAT upon request and ensure replacements are nominated when vacancies are indicated.

(4) Ensure that commanders and staff are aware of the availability and proper use of the FACAT and the procedures for requesting a FACAT to assist in addressing extrafamilial child sexual abuse allegations covered by this part.

(5) Encourage timely and comprehensive reporting in accordance with this part.

§ 60.6 Procedures.

(a) *Reporting requirements.* Any person with a reasonable belief that an incident of child abuse has occurred in a DoD-sanctioned activity must report it to:

(1) The appropriate civilian agency in accordance with 42 U.S.C. 13031 and 28 CFR 81.1-81.5.

(2) The installation FAP as required by DoD Directive 6400.1.

(b) *Notification of Suspected Abuse.*
 (1) *Physical or Emotional Abuse or Neglect.* If a report of suspected child physical abuse, emotional abuse, or neglect in a DoD-sanctioned activity is made to the FAP, the FAPM shall:

(i) Notify the appropriate military or civilian law enforcement agency, or multiple law enforcement agencies as appropriate.

(ii) Contact the appropriate civilian child protective services agency, if any, to request assistance.

(2) *Sexual Abuse.* If a report of suspected child sexual abuse in a DoD-sanctioned activity is made to the FAP, the FAPM, in addition to the procedures noted in paragraph (b)(1) of this section, shall:

(i) Immediately notify the servicing MCIO and civilian law enforcement as appropriate.

(ii) Forward the report required by 10 U.S.C. 1794 through DoD Component FAP channels to the DASD(MC&FP) within 72 hours.

(iii) Consult with the person in charge of the DoD-sanctioned activity and the appropriate law enforcement agency to estimate the number of potential victims and determine whether an installation response team may be appropriate to address the investigative, medical, psychological, and public affairs issues that may arise.

(iv) Notify the installation commander of the allegation and recommend whether an installation response team may be appropriate to assess the current situation and coordinate the installation's response to the incidents.

(v) Provide a written follow-up report through DoD Component channels regarding all allegations of child sexual abuse to the DASD(MC&FP) when:

(A) There have been significant changes in the status of the case;

(B) There are more than five potential victims;

(C) The sponsors of the victims are from different Military Services or DoD Components;

(D) There is increased community sensitivity to the allegation; or

(E) The DASD(MC&FP) has requested a follow-up report.

(c) *Requesting a FACAT.* An installation commander may request a FACAT through appropriate DoD Component channels from the DASD(MC&FP) when alleged child sexual abuse by a care provider in a DoD-sanctioned activity has been reported and at least one of the following apply:

(1) Additional personnel are needed to:

(i) Fully investigate a report of child sexual abuse by a care provider or employee in a DoD-sanctioned activity;

(ii) Assess the needs of the child victims and their families; or

(iii) Provide supportive treatment to the child victims and their families.

(2) The victims are from different Military Services or DoD Components, or there are multiple care providers who are the subjects of the report from different Military Services or DoD Components.

(3) Significant issues in responding to the allegations have arisen between the Military Services or DoD Components and other Federal agencies or civilian authorities.

(4) The situation has potential for widespread public interest that could negatively impact performance of the DoD mission.

(d) *Deployment of a FACAT.*

(1) The DASD(MC&FP) shall deploy a FACAT at the request of a DoD Component.

(2) The DASD(MC&FP) may deploy a FACAT at the request of the Head of the DoD Component without a request from the installation commander. Such circumstances include a case where:

(i) The victims are from different Military Services or DoD Components, or there are multiple care providers who are the subjects of the report from different Military Services or DoD Components;

(ii) Significant issues in responding to the allegations have arisen between the Military Services or DoD Components and other Federal agencies or civilian authorities; or

(iii) The situation has potential for widespread public interest that could negatively impact performance of the DoD mission.

(3) The DASD(MC&FP) shall configure the FACAT based on the information and recommendations of the requestor, the installation FAPM, and the FAPD of the DoD Component.

(4) The DASD(MC&FP) shall:

(i) Request the FAPDs to identify several individuals from the FACAT roster who are available for deployment.

(ii) Request, through the appropriate channels of the DoD Component, that the individuals' supervisors release them from normal duty positions to serve on temporary duty with the deploying FACAT.

(5) The DASD(MC&FP) shall provide fund citations to the FACAT members for their travel orders and per diem and shall provide information regarding travel arrangements. The FACAT members shall be responsible for preparing travel orders and making travel arrangements.

(6) FACAT members who are subject to DoD Instruction 6025.13, "Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS)" (see <http://www.dtic.mil/whs/directives/corres/pdf/602513p.pdf>) shall be responsible for arranging temporary clinical privileges in accordance with DoD 6025.13-R, "Military Health System (MHS) Clinical Quality Assurance (CQA) Program Regulation" (see <http://www.dtic.mil/whs/directives/corres/pdf/602513r.pdf>) at the installation to which they shall be deployed.

(e) *FACAT Tasks*. The FACAT shall meet with the installation's commanding officer, the MCIO, or designated response team to assess the current situation and assist in coordinating the installation's response to the incidents. Depending on the composition of the team, such tasks may include:

(1) Investigating the allegations.

(2) Conducting medical and mental health assessment of the victims and their families.

(3) Developing and implementing plans to provide appropriate treatment and support for the victims and their families and for the non-abusing staff of the DoD-sanctioned activity.

(4) Coordinating with local officials to manage public affairs tasks.

(f) *Reports of FACAT Activities*. The FACAT leader designated by the

DASD(MC&FP) or the installation commander depending on the composition of the team shall prepare three types of reports:

(1) Daily briefs for the installation commander or designee.

(2) Periodic updates to the FAPD of the DoD Component and to the DASD(MC&FP).

(3) An after-action brief for the installation commander briefed at the completion of the deployment and transmitted to the DASD(MC&FP) and the FAPD of the DoD Component.

Dated: April 19, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013-09672 Filed 4-25-13; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 162

[Docket No. USCG-2013-0027]

RIN 1625-AB84

Inland Waterways Navigation Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to exempt vessels under 20 meters (65 feet) in length operating in the St. Marys River along Michigan's eastern Upper Peninsula from certain speed rules. Exempting such vessels from these rules is necessary because enforcement is impractical and the rules impeded the operations of public response vessels.

DATES: Comments and related materials must reach the Coast Guard on or before June 10, 2013.

ADDRESSES: You may submit comments identified by docket number USCG-2013-0027 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(3) *Hand delivery:* Room W12-140 on the Ground Floor of the West Building, 1200 New Jersey Avenue SE.,

Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* 202-493-2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email CDR Nicholas Wong, Prevention Chief, Sector Sault Sainte Marie, Coast Guard; telephone (906) 635-3220, email

Nicholas.l.wong@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2013-0027), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to

<http://www.regulations.gov> at any time. Enter the docket number for this rulemaking (USCG-2013-0027) in the "Search" box and click "Search." You may also visit either the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the U.S. Coast Guard Sector Sault Sainte Marie, 337 E. Water Street, Sault Sainte Marie, MI 49783-2021, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://DocketsInfo.dot.gov>.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request

for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

33 CFR 162.117 prescribes inland navigation rules for the St. Marys River along Michigan's eastern Upper Peninsula. These rules include speed limits for stretches of the St. Marys River demarcated by lights. The table below from 162.117(g) depicts these speed rules.

Table 162.117(g)--St. Marys River Speed Rules		
Maximum speed limit between	Mph	Kts
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light "21"	14	12.2
Munuscong Lake Lighted Buoy "8" and Everens Point	12	10.4
Everens Point and Reed Point	9	7.8
Reed Point and Lake Nicolet Lighted Buoy "62"	10	8.7
Lake Nicolet Lighted Buoy "62" and Lake Nicolet Light "80"	12	10.4
Lake Nicolet Light "80" and Winter Point (West Neebish Channel)	10	8.7
Lake Nicolet Light "80" and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal		
Upbound	8	7
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4
Note: A vessel must not navigate any dredged channel at a speed of less than 5 statute miles per hour (4.3 knots).		

These speed rules apply to all vessels transiting the St. Marys River between the points in table 162.117(g).

U.S. Coast Guard Vessel Traffic Services (VTS) St. Mary's River monitors and directs vessel traffic movement within the VTS St. Marys River area through a Vessel Movement Reporting System (VMRS). This VTS area overlaps the length of the St. Marys River governed by the speed rules in § 162.117(g). The VMRS requires users, generally including commercial vessels of 20 meters or more, to report information, including their position,

course, and speed. These users report their information through radio communications and Automatic Identification System (AIS). Because VTS St. Marys River tracks speed for VMRS users, it can and does enforce the speed rules in § 162.117(g) on these users.

Many non-VMRS vessels transit the length of the St. Marys River governed by the speed rules in § 162.117(g). These vessels generally include private vessels under 20 meters. As non-VMRS users, these vessels are not required to report their speed to the VTS St. Marys River.

Additionally, unlike commercial vessels of 20 meters or more, these vessels are not required to operate with AIS, the prevalent means of reporting location, course, and speed to VTS St. Marys River. Because the VTS St. Marys River cannot track these non-VMRS vessels, it cannot and does not enforce the speed rules in § 162.117(g) on them.

The speed rules in § 162.117(g) also impact the operational effectiveness of public response vessels in the St. Marys River. These vessels include small boats, generally under 20 meters, operated by the U.S. Coast Guard and

federal, Canadian, state, and local partners. These small boats respond to pollution incidents, marine casualties, and perform search and rescue and law enforcement operations throughout the St. Marys River. These operations require public vessels to deploy and be on-scene rapidly. The speed rules impede response times and degrade operational effectiveness to the detriment of the boating public and industry.

Because the speed rules in 162.117(g) are not enforceable on non-VMRS users and impact operational effectiveness of public response boats, this rule proposes to exempt vessels under 20 meters (65 feet) from these speed rules.

This proposed exemption is not anticipated to impact the St. Marys River VTS, VMRS, or its users. Additionally, it is not intended to relieve vessels under 20 meters from the responsibility to boat safely and exercise good seamanship.

Discussion of Proposed Rule

Because the Ninth Coast Guard District Commander has determined that the speed rules in 33 CFR 162.117(g), as currently written, are too broad and unnecessarily restrict public vessel operations, this rule proposes to amend these rules. Specifically, this rule proposes to exempt vessels under 20 meters (65 feet) from the speed rules in § 162.117(g).

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulations and Regulatory Review, and does not require an assessment of potential costs and benefits under § 6(a)(3) of Executive Order 12866 or § 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that Order.

We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will not adversely affect the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. Rather, permitting vessels under 20 meters to operate free of the speed rules in 33 CFR

162.117(g) will lessen restrictions on the public and enable public vessels to engage unimpeded in response operations.

2. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed rule will affect the following entities, some of which might be small entities: The owners and operators of vessels intending to transit between the length of the St. Marys River governed by the speed rules in 33 CFR 162.117(g).

The proposed exemption for vessels under 20 meters to the speed rules in 33 CFR 162.117(g) will not have a significant economic impact on a substantial number of small entities for the following reason: This proposed amendment will lessen navigation restrictions on the public and private businesses.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact CDR Nicholas Wong, Prevention Chief, Sector Sault Sainte Marie, Coast Guard; telephone (906) 635–3220, email Nicholas.L.Wong@uscg.mil. The Coast Guard will not retaliate against small entities that question or object to this

proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this proposed rule under Executive Order 13045,

Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

13. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D and Department of Homeland Security Management

Directive 023-01, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves amendments to navigation regulations and thus, is categorically excluded under paragraph 34(i) of the Commandant Instruction. A preliminary Categorical Exclusion Determination (CED) and a preliminary environmental analysis checklist are available in the docket where indicated under ADDRESSES.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects 33 CFR Part 162

Navigation (water), Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 162 as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

■ 1. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; Department of Homeland Security Delegation No. 0170.1.

§ 162.117 [Amended]

■ 2. In § 162.117, revise paragraph (g)(1) to read as follows:

§ 162.117 St. Marys River, Sault Ste. Marie, Michigan.

* * * * *

(g) *Speed Rules.* (1) The following speed limits indicate speed over the ground. Vessels, other than those under 20 meters (65 feet) in length, must adhere to the following speed limits.

* * * * *

Dated: April 5, 2013.

M.N. Parks,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2013-09853 Filed 4-25-13; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2010-0406; FRL-9807-4]

Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze; Reconsideration; Announcement of Public Hearings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearings; extension of comment period.

SUMMARY: On March 15, 2013, EPA initiated reconsideration of its approval of North Dakota's best available retrofit technology (BART) emission limits for nitrogen oxides (NO_x) for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2, which are coal-fired power plants in North Dakota. EPA is holding public hearings on May 15, 2013 to accept written and oral comments on this proposed action. The comment period for this action was scheduled to close on May 14, 2013. EPA is extending the comment period to June 17, 2013 to allow for a full 30-day public comment period for the submission of additional public comment following the public hearings. **DATES:** The comment period for the proposed rule published March 15, 2013 at 78 FR 16452, is extended. Comments must be received on or before June 17, 2013. The public hearings will be held on May 15, 2013.

ADDRESSES: The public hearings will be held at the North Dakota Department of Health, Environmental Training Center, 2639 East Main Avenue, Bismarck, ND 58506.

FOR FURTHER INFORMATION CONTACT: Gail Fallon, EPA Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-6281, Fallon.Gail@epa.gov.

SUPPLEMENTARY INFORMATION: On March 15, 2013, we published a proposed rule initiating reconsideration of EPA's approval of North Dakota's BART emission limits for NO_x for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2, which are coal-fired power plants in North Dakota. See 78 FR 16452. Public hearings will be held on Wednesday, May 15, 2013, from 3 p.m. until 5 p.m., and again from 6 p.m. until 8 p.m.

The public hearings will provide interested parties the opportunity to

present information and opinions to EPA concerning our proposal. Interested parties may also submit written comments, as discussed in the proposal. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearings. We will not respond to comments during the public hearings. When we publish our final action, we will provide written responses to all oral and written comments received on our proposal.

At the public hearings, the hearing officer may limit the time available for each commenter to address the proposal to five minutes or less if the hearing officer determines it to be appropriate. The limitation is to ensure that everyone who wants to make comments has the opportunity to do so. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations. Any person may provide written or oral comments and data pertaining to our proposal at the public hearings. Verbatim transcripts, in English, of the hearings and written statements will be included in the rulemaking docket.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 12, 2013.

Howard M. Cantor,

Acting Regional Administrator, Region 8.

[FR Doc. 2013-09949 Filed 4-25-13; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 130213133-3133-01]

RIN 0648-XC508

Endangered and Threatened Wildlife; 90-Day Finding on Petitions To List the Great Hammerhead Shark as Threatened or Endangered Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: 90-day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce a 90-day finding on two petitions to list the great hammerhead shark (*Sphyrna mokarran*) range-wide or, in the alternative, the Northwest Atlantic distinct population segment (DPS) or any other identified DPSs as threatened or endangered under the Endangered Species Act (ESA), and to designate critical habitat. We find that the petitions and information in our files present substantial scientific or commercial information indicating that the petitioned action may be warranted. We will conduct a status review of the species to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species from any interested party.

DATES: Information and comments on the subject action must be received by June 25, 2013.

ADDRESSES: You may submit comments, information, or data on this document, identified by the code NOAA-NMFS-2013-0046, by any of the following methods:

- **Electronic Submissions:** Submit all electronic comments via the Federal eRulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0046, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- **Fax:** 301-713-4060, Attn: Maggie Miller.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427-8403.
SUPPLEMENTARY INFORMATION:

Background

On December 21, 2012, we received a petition from WildEarth Guardians (WEG) to list the great hammerhead shark (*Sphyrna mokarran*) as threatened or endangered under the ESA throughout its entire range, or, as an alternative, to list any identified DPSs as threatened or endangered. The petitioners also requested that critical habitat be designated for the great hammerhead under the ESA. On March 19, 2013, we received a petition from Natural Resources Defense Council (NRDC) to list the northwest Atlantic DPS of great hammerhead shark as threatened, or, as an alternative, to list the great hammerhead shark range-wide as threatened, and to designate critical habitat. The joint U.S. Fish and Wildlife Service (USFWS)/NMFS *Endangered Species Act Petition Management Guidance* (1996) states that if we receive two petitions for the same species, the requests only differ in the requested status of the species, and a 90-day finding has not yet been made on the earlier petition, then the later petition will be combined with the earlier petition and a combined 90-day finding will be prepared. Since the initial petition requested listing of the species as threatened or endangered and the second petition only requested a threatened listing, and a finding has not been made on the initial petition, we have combined the WEG and NRDC petitions and this 90-day finding will address both. Copies of the petitions are available upon request (see **ADDRESSES**, above).

ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates that the petitioned action may be warranted (a "positive 90-day finding"), we are required to promptly commence a review of the status of the species concerned during which we will

conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a finding that the "petition presents substantial scientific or commercial information that the action may be warranted" at this point does not predetermine the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS-USFWS (jointly, "the Services") policy (DPS Policy) clarifies the agencies' interpretation of the phrase "distinct population segment" for the purposes of listing, delisting, and reclassifying a species under the ESA (61 FR 4722; February 7, 1996). A species, subspecies, or DPS is "endangered" if it is in danger of extinction throughout all or a significant portion of its range, and "threatened" if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five section 4(a)(1) factors: (1) The present or threatened destruction, modification, or curtailment of habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by the Services (50 CFR 424.14(b)) define "substantial information" in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the

species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

Judicial decisions have clarified the appropriate scope and limitations of the Services' review of petitions at the 90-day finding stage, in making a determination that a petition presents substantial information indicating the petitioned action "may be" warranted. As a general matter, these decisions hold that a petition need not establish a "strong likelihood" or a "high probability" that a species is either threatened or endangered to support a positive 90-day finding.

We evaluate the petitioners' request based upon the information in the petition including its references and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioners' sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioners' assertions. In other words, conclusive information indicating that the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating that the subject

species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a "species" eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species faces an extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (e.g., population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union on the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do "not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act" because NatureServe assessments "have different criteria, evidence requirements, purposes and taxonomic

coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide" (<http://www.natureserve.org/prodServices/statusAssessment.jsp>). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

Distribution and Life History of the Great Hammerhead Shark

The great hammerhead shark is a circumtropical species that lives in coastal-pelagic and semi-oceanic waters from latitudes of 40° N to 35° S (Compagno, 1984; Denham *et al.*, 2007). It occurs over continental shelves as well as adjacent deep waters, and may also be found in coral reefs and lagoons (Compagno, 1984; Denham *et al.*, 2007; Bester, n.d.). Great hammerhead sharks are highly mobile and seasonally migratory (Compagno, 1984; Denham *et al.*, 2007; Hammerschlag *et al.*, 2011; Bester, n.d.). In the western Atlantic Ocean, the great hammerhead range extends from Massachusetts (although the species is rare north of North Carolina), in the United States, to Uruguay, including the Gulf of Mexico and Caribbean Sea. In the eastern Atlantic, it can be found from Morocco to Senegal, including in the Mediterranean Sea. The great hammerhead shark can also be found throughout the Indian Ocean and the Red Sea and in the Indo-Pacific region from Ryukyu Island south to New Caledonia and east to French Polynesia (Bester, n.d.). Distribution in the eastern Pacific Ocean extends from southern Baja California, including the Gulf of California, to Peru (Compagno, 1984).

The general life history pattern of the great hammerhead shark is that of a long lived (oldest observed maximum age = 44 years; Piercy *et al.*, 2010), large, and relatively slow growing species. The great hammerhead shark has a laterally expanded head that resembles a hammer, hence the common name "hammerhead," and belongs to the Sphyrnidae family. The great hammerhead shark is the largest of the hammerheads, characterized by a nearly straight anterior margin of the head and median indentation in the center in adults, strongly serrated teeth, strongly falcate first dorsal and pelvic fins, and a high second dorsal fin with a concave rear margin (Compagno, 1984; Bester, n.d.). The body of the great hammerhead is fusiform, with the dorsal side colored dark brown to light grey or olive that shades to white on the ventral side (Compagno, 1984; Bester, n.d.). Fins of

adult great hammerheads are uniform in color, while the tip of the second dorsal fin of juveniles may appear dusky (Bester, n.d.).

The oldest aged great hammerhead sharks had lengths of 398 cm total length (TL) (female—44 years) and 379 cm TL (male—42 years) (Piercy *et al.*, 2010), but they can reach lengths of over 610 cm TL (Compagno, 1984). However, individuals greater than 400 cm TL are rare (Compagno, 1984; Stevens and Lyle 1989), which Piercy *et al.* (2010) suggest may be attributed to growth overfishing. Estimates for size at maturity range from 234 to 269 cm TL for males and 210 to 300 cm TL for females (Compagno, 1984; Stevens and Lyle 1989). Male great hammerhead sharks have also been shown to grow faster than females (with a growth coefficient, *k*, of 0.16/year for males and 0.11/year for females) but reach a smaller asymptotic size (335 cm TL for males versus 389 cm TL for females) (Piercy *et al.*, 2010).

The great hammerhead shark is viviparous (i.e., give birth to live young), with a gestation period of 10–11 months, and likely breeds every other year (Stevens and Lyle, 1989). Litter sizes range from 6 to 42 live pups (Compagno, 1984; Stevens and Lyle, 1989). Length at birth estimates for great hammerheads range from 50–70 cm TL (Compagno, 1984; Stevens and Lyle, 1989).

The great hammerhead shark is a high trophic level predator (Cortés, 1999) and opportunistic feeder, with a diet that includes a wide variety of teleosts, cephalopods, and crustaceans, with a preference for stingrays (Compagno, 1984; Denham *et al.*, 2007).

Analysis of Petition and Information Readily Available in NMFS Files

We evaluated the information provided in the petition and readily available in our files to determine if the petitions presented substantial scientific or commercial information indicating that the petitioned actions may be warranted. The petitions contain information on the species, including the taxonomy, species description, geographic distribution, and habitat, with some information on population status and trends in certain locations, and factors contributing to the species' decline. The petitions state that commercial fishing, both targeted and bycatch, is the primary threat to the great hammerhead shark. The petitioners also assert that current habitat destruction, deposition of pollutants, lack of adequate regulatory mechanisms nationally and worldwide, global climate warming, as well the species' biological constraints, increase

the susceptibility of the great hammerhead shark to extinction.

According to the WEG petition, all five causal factors in section 4(a)(1) of the ESA are adversely affecting the continued existence of the great hammerhead shark: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. The focus of the NRDC petition is mainly on the northwest Atlantic population and it identified the threats of: (B) overutilization for commercial, recreational, scientific, or educational purposes; (D) inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. In the following sections, we use the information presented in the petition and in our files to determine whether the petitioned action may be warranted. If requested to list a global population and, alternatively, a DPS, we first determine if the petition presents substantial information that the petitioned action is warranted for the global population. If it does, then we make a positive finding on the petition and will revisit the question of DPSs during a status review, if necessary. If the petition does not present substantial information that the global population may warrant listing, and it has requested that we list any populations of the species as threatened or endangered, then we consider whether the petition provides substantial information that the requested population(s) may qualify as DPSs under the discreteness and significance criteria of our joint DPS Policy, and if listing any of those DPSs may be warranted. We summarize our analysis and conclusions regarding the information presented by the petitioners and in our files on the specific ESA section 4(a)(1) factors that we find may be affecting the species' risk of global extinction below.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Information from the petitions and in our files suggests that the primary threat to the great hammerhead shark is from fisheries. Great hammerhead sharks are both targeted and taken as bycatch in many global fisheries (e.g., bottom and pelagic longlines, coastal gillnet fisheries, artisanal fisheries). Because of their large fins with high fin needle

content (a gelatinous product used to make shark fin soup), hammerheads fetch a high commercial value in the Asian shark fin trade (Abercrombie *et al.*, 2005). However, the WEG petition overstates the contribution of great hammerheads in the Hong Kong fin trade market by presenting information on the trade of scalloped, smooth, and great hammerhead fins together. According to a genetic study that examined the concordance between assigned Hong Kong market categories and the corresponding fins, the great hammerhead market category "Gu pian" had an 88 percent concordance rate, indicating that traders are able to accurately identify and separate great hammerhead fins from the other hammerhead species (Abercrombie *et al.*, 2005; Clarke *et al.*, 2006a). As such, here we provide the information on a finer scale level (down to the species level) to evaluate the extent that the fin trade may contribute to the overutilization of the great hammerhead shark. According to Clarke *et al.* (2006a), *S. mokarran* is estimated to comprise approximately 1.5 percent of the total fins traded annually in the Hong Kong fin market. As mentioned above, great hammerhead fins are primarily traded under the "Gu pian" market category, where the market value for the average, wholesale, unprocessed fin is around \$135/kg, the most for any of the hammerhead fins (Abercrombie *et al.*, 2005). Extrapolating the fin data to numbers of sharks, Clarke *et al.* (2006b) estimates that around 375,000 (95 percent confidence interval = 130,000–1.1 million) individuals of this species (equivalent to a biomass of around 21,000 metric tons, (mt)) are traded annually in the Hong Kong fin market. Given their high price in the Hong Kong market, there is concern that many great hammerheads caught as incidental catch may be kept for the fin trade as opposed to released alive.

In the United States, great hammerhead sharks are mainly caught as bycatch in commercial longline and net fisheries and by recreational fishers using rod and reel. A recent stock assessment by Jiao *et al.* (2011) used a Bayesian hierarchical approach to assess the data-poor hammerhead species and found that the northwestern Atlantic and Gulf of Mexico great hammerhead population likely became overfished in the mid-1980s and experienced overfishing periodically from 1983 to 1997. However, after 2001, the models showed that the risk of overfishing was very low and that this population is probably still overfished but no longer experiencing overfishing (Jiao *et al.*,

2011), likely a result of the implementation of stronger fishery management regulations since the early 1990s. Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the term "overfishing" is defined as occurring when a stock experiences "a level of fishing mortality that jeopardizes the capacity of a stock or stock complex to produce MSY [maximum sustainable yield] on a continuing basis" (50 CFR 600.310). An "overfished" stock is defined as a stock whose biomass has declined below a level that jeopardizes the capacity of the stock to produce MSY on a continuing basis (50 CFR 600.310). However, it is important to note that these MSA classifications are based on different criteria (i.e., achieving MSY) than threatened or endangered statuses under the ESA. As such, "overfished" and "overfishing" classifications do not necessarily indicate that a species may warrant listing because they do not evaluate a species' extinction risk. However, they are relevant considerations for us to consider when we evaluate potential threats to the species from overutilization for commercial or recreational purposes.

In Central America and the Caribbean, there are very little data on great hammerhead catches. The WEG petition references Denham *et al.* (2007) which states that hammerheads were heavily fished by longlines off the coast of Belize in the 1980s and early 1990s, leading to an observed decline in the abundance and size of hammerheads and prompting a halt in the Belize-based shark fishery. Fishing pressure on hammerheads still continues as a result of Guatemalan fishermen entering Belizean waters (Denham *et al.*, 2007). However, catch records from the Cuban directed shark fishery show a small increase in the mean size of great hammerheads since 1992, suggesting partial recovery of the species in this region (Denham *et al.* 2007).

The WEG petition also references a study (Feretti *et al.*, 2008) that indicated that the population of smooth, scalloped, and great hammerheads in the Mediterranean Sea has experienced a greater than 99 percent decline in abundance and biomass; however, the authors of this study note that only *Sphyrna zygaena* (smooth hammerhead) was assessed because the other hammerhead species occurred only sporadically in historical records. As such, this is not an appropriate index of the abundance of the other hammerhead species in the Mediterranean Sea and does not indicate overutilization of the great hammerhead shark in this region.

In the Eastern Atlantic, off West Africa, the WEG petition states that the "great hammerhead population is believed to have fallen 80 percent as a result of unmanaged and unmonitored fisheries," but we could not verify the original source of this statistic. Data from the European pelagic freezer-trawler fishery that operates off Mauritania shows hammerhead species, including *S. mokarran*, constitute a significant component of the fishery's bycatch. Between 2001 and 2005, 42 percent of the retained pelagic megafauna bycatch from over 1,400 freezer-trawl sets consisted of hammerhead species, with around 75 percent of the hammerhead catch juveniles of 0.50–1.40 m in length (Zeeberg *et al.*, 2006). According to Denham *et al.* (2007), the sub-regional plan of action for sharks of West Africa identified *S. mokarran* as particularly threatened in the region, with a noticeable decline in the population and collapse of landings. Citing unpublished data and anecdotal evidence, Denham *et al.* (2007) suggests that *S. mokarran* is "almost extirpated" from waters off Mauritania to Angola after previously being abundant in these areas in the early 1980s. The growth of fisheries targeting sharks in this region for the lucrative fin trade has likely contributed to the great hammerhead decline. By the 1980s, many fishers were specializing in catching sharks (Denham *et al.*, 2007), with some artisanal fisheries in West Africa specifically specializing in catching sphyrnid species (CITES, 2010).

In the Indian Ocean, pelagic sharks, including the great hammerhead, are targeted in various fisheries, including semi-industrial, artisanal, and recreational fisheries. Countries that fish for sharks include: Egypt, India, Iran, Oman, Saudi Arabia, Sudan, United Arab Emirates, and Yemen, where the probable or actual status of shark populations is unknown, and Maldives, Kenya, Mauritius, Seychelles, South Africa, and United Republic of Tanzania, where the actual status of shark population is presumed to be fully to overexploited (de Young, 2006). Analysis of fishery-independent data from the KwaZulu-Natal beach protection program off South Africa revealed declines in the catch rates of *S. mokarran* since the late 1970s. Specifically, from 1978–2003, annual catch per unit effort (CPUE; in number of sharks per km net year) of *S. mokarran* declined by 79 percent, from 0.44 to 0.09 (Dudley and Simpfendorfer, 2006). The results were statistically significant, with the slope of the linear

regression = -0.014 , and the majority of the catch (greater than 64 percent) being immature great hammerhead sharks (Dudley and Simpfendorfer, 2006).

In Australian waters, sharks are caught by commercial, recreational and traditional fishers as targeted catch, retained catch, and bycatch. Almost all sharks landed in Australia are used for domestic consumption. According to Bensley *et al.* (2010), the annual commercial Australian shark catch from 1996 to 2006 ranged from about 8,600 mt to 11,500 mt; however, the reporting of catch weights varied due to the state of processing (e.g., whole weight, processed weight, landed weight, etc.). Data from protective shark meshing programs off beaches in New South Wales (NSW) and Queensland suggest declines in hammerhead populations off the east coast of Australia. Over a 35-year period, the number of hammerheads caught per year in NSW beach nets decreased by more than 90 percent, from over 300 individuals in 1973 to less than 30 in 2008, although the majority of the hammerhead catch was likely *S. zygaena* (Williamson, 2011). Similarly, data from the Queensland shark control program indicate declines of around 79 percent in hammerhead shark abundance between 1986 and 2010 (although it was estimated that *S. lewini* made up the majority of this catch) (Queensland Department of Employment, Economic Development and Innovation, (QLD DEEDI), 2011). *S. mokarran* abundance in the nets fluctuated over the years, but remained below 20 individuals per year, until 2008/2009 when a peak of 33 individuals was caught in the net (QLD DEEDI, 2011). Abundance has since declined by around 48 percent to 17 individuals in 2011/2012 (QLD DEEDI, 2011). In Australia's northwest marine region, Heupel and McAuley (2007) analyzed CPUE data from the northern shark fisheries for the period of 1996–2005 and reported hammerhead abundance declines of 58–76 percent.

Given the value and contribution of great hammerhead fins in the international fin trade and the evidence of historical and current fishing pressure and subsequent population declines, we conclude that the information in the petitions and in our files suggests that global fisheries are impacting great hammerhead shark populations to a degree that raises concerns of a risk of extinction.

Inadequacy of Existing Regulatory Mechanisms

The petitions assert that the existing international and domestic management measures of several nations have failed

to adequately protect the great hammerhead or stop ongoing population declines and present information on some of the current national and international shark regulations. Although the WEG petition mentions the International Convention for the Conservation of Atlantic Tunas (ICCAT) Recommendation 10–08, prohibiting the retention, transshipment, landing, storing, or offering for sale any part or carcass of hammerhead sharks of the family Sphyrnidae (except for bonnethead shark), the petition states that “these are merely recommendations and do not do enough to bind the relevant actors.” On the contrary, the “relevant actors,” of which we assume the petitioner is referring to ICCAT Contracting Parties, are bound to implement management measures consistent with achieving ICCAT recommendations under Article VIII of the ICCAT Convention. On August 29, 2011, we finalized the implementation of Recommendation 10–08 through passage of a final rule that prohibits the retention, possession, transshipment, landing, storing, selling or purchasing of oceanic whitetip sharks or scalloped, smooth, or great hammerheads by U.S. commercial highly migratory species (HMS) pelagic longline fishery and recreational fisheries for tunas, swordfish, and billfish in the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico (76 FR 53652; August 29, 2011). However, the exemption available to developing coastal States in this ICCAT recommendation, which allows them to retain hammerhead sharks for local consumption as long as no hammerhead parts enter international trade, is troubling. As this exception provides a lesser degree of protection for hammerhead sharks in some developing coastal States, it may be a cause for concern for great hammerhead populations in the Atlantic Ocean.

In addition, the petitions note that there is limited international management of the great hammerhead shark, which is generally allowed to be harvested outside of U.S. waters and ICCAT fisheries. The other regional fishery management organizations (RFMOs) do not have any species-specific regulations for great hammerhead sharks, but have addressed the controversial practice of shark finning (which involves harvesting sharks, severing their fins and returning their remaining carcasses to the sea) by adopting shark finning bans to reduce the number of sharks killed solely for their fins. However, as the WEG petition points out, these finning bans are

enforced by monitoring the fin-to-carcass weight ratio, with this ratio set at 5 percent (i.e., onboard fins cannot weigh more than 5 percent of the weight of sharks onboard, up to the first point of landing). In a study that looked at species-specific shark-fin-to-body-mass ratios, the great hammerhead shark had an average wet-fin-to-round-mass ratio of 1.96 percent (Biery and Pauly, 2012), much lower than the designated 5 percent. These results suggest that fishers of great hammerhead sharks would be able to land more fins than bodies and still pass inspection, essentially allowing them to continue the wasteful practice of shark finning at sea in these RFMO convention areas.

Domestic laws and regulations for other nations may also be lacking in certain areas of the great hammerhead range. For example, in Central America and the Caribbean, Kyne *et al.* (2012) notes that due in large part to the number of autonomous countries found in this region, the management of shark species remains largely disjointed, with some countries lacking basic fisheries regulations, and weak enforcement of those they do have. Off West Africa, weak fisheries management has led to many of their fish stocks being declared fully exploited to overexploited (FAO, 2012). Environmental Justice Foundation (EJF) (2012) notes that even countries with stricter fishing regulations in this region lack the resources to provide effective or, for that matter, any enforcement, with some countries lacking basic monitoring systems. In addition, reports of illegal, unregulated, and unreported fishing are prevalent in the waters off West Africa and account for around 37 percent of the region's catch, the highest regional estimate of illegal fishing worldwide (Agnew *et al.*, 2009; EJF, 2012). Illegal fishing is also common in the western central Pacific and eastern Indian Ocean (Agnew *et al.*, 2009), with many reports of vessels being caught with illegal shark carcasses and fins onboard (Paul, 2009). As the NRDC petition notes, “as recently as 2011, illegal fishing and finning of hammerhead sharks was documented in the Galapagos Marine Reserve,” suggesting that illegal shark fishing may still be an impediment to conservation despite increasing international efforts to protect sharks. Without stricter fishery regulations or enforcement, there is concern that captures of great hammerhead sharks, both legal and illegal, may be kept, especially considering the high price that great hammerhead fins fetch in the international fin trade market. The information in the petitions and in our

files suggests that while there is increasing support for national and international shark conservation and regulation, the existing regulatory mechanisms in some portions of the *S. mokarran* range may be inadequate to address threats to the global great hammerhead population.

Other Natural or Manmade Factors

The WEG petition contends that "biological vulnerability" in the form of long gestation periods, late maturity, and large size makes great hammerheads especially susceptible to overutilization. The species has low productivity (intrinsic rate of population increase per year = 0.070; Cortés *et al.*, 2012), which makes it generally vulnerable to depletion and slow to recover from overexploitation. In addition, both petitions mention the great hammerhead sharks' high capture mortality rate on bottom longline (BLL) gear. This high at-vessel mortality makes the shark vulnerable to fishing pressure, with any capture of this species, regardless of whether the fishing is targeted or incidental, contributing to its fishing mortality. In the northwest Atlantic, at-vessel fishing mortality on BLL gear (averaged for all age groups) was estimated to be 93.8 percent for great hammerhead sharks (Morgan and Burgess, 2007). However, in an ecological risk assessment of 20 shark stocks, Cortés *et al.* (2012) found that the great hammerhead ranked 14th in terms of its susceptibility to pelagic longline fisheries in the Atlantic Ocean. This information suggests that the species' biological vulnerability (low productivity and high at-vessel mortality) may be a threat in certain fisheries, possibly contributing to an increased risk of extinction, but may not be a cause for concern in other fisheries.

Conclusion

We conclude that the information in the petition and in our files suggests that fisheries, inadequate existing regulatory mechanisms, and other natural factors may be impacting great hammerhead shark populations to a degree that raises concerns of a risk of extinction, with evidence of population depletions throughout the entire range of the great hammerhead shark. We find that the WEG petition's discussion of the present and threatened destruction, modification, and curtailment of the great hammerhead's habitat and range due to growing human populations and both petitions' discussions of climate change threats to habitats do not constitute substantial information indicating that listing may be warranted. The petitioners fail to show if the great

hammerhead shark is responding in a negative fashion to those specific threats. For example, neither petition provides evidence, nor is there information in our files, to indicate that hypoxic occurrences and dead zones, a result of growing human populations, urban pollution, and climate warming, negatively impact shark populations. In fact, shark abundance can be very high in dead zones (Driggers and Hoffmayer, personal communication, 2013). In addition, both petitions assert that the loss of coral reef habitat due to climate change puts great hammerheads at risk of extinction; however, great hammerhead sharks are highly migratory species and are not limited to reef habitats. Additionally, another interpretation of the information could be that as ocean temperatures warm, more adequate habitat for great hammerheads would become available as they are a tropical species. The WEG petition also does not provide substantial information indicating that listing may be warranted due to the presence of mercury, PCBs, and arsenic in the great hammerhead shark's environment. The WEG petition references studies that examined the concentrations of these metals and organic compounds in different shark species, but it does not provide information, nor is there information in the references or in our files, on the effects of these substances and concentrations on great hammerhead sharks. In fact, the petition quotes a reference, stating that "scientists found that '[a]ll life-history stages [of the great white shark] may be vulnerable to high body burdens of anthropogenic toxins; how these may impact the population is not known.'" In addition, one of the petition's references, Storelli *et al.* (2003), states "[i]t is hypothesized [sic] that the large size of elasmobranch liver provides a greater ability to eliminate organic toxicants than in other fishes." The reference also mentions that in marine mammals selenium has a detoxifying effect against mercury intoxication when the molar ratio between the two metals is close to one, and observed similar ratios in shark liver "indicating that this particular mechanism may also be valid for sharks" (Storelli *et al.*, 2003). We conclude that given the information in the petition, references, and in our files, the petition fails to show that the great hammerhead may be responding in a negative fashion to these proposed threats.

Summary of ESA Section 4(a)(1) Factors

We conclude that the petitions present substantial scientific or

commercial information indicating that the petitioned action may be warranted due to a combination of the following three ESA section 4(a)(1) factors that may be causing or contributing to an increased risk of extinction for the great hammerhead shark: Overutilization for commercial, recreational, scientific, or educational purposes, inadequate existing regulatory mechanisms, and other natural factors. However, we conclude that the WEG petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted based on the remaining two ESA section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of its habitat or range; or disease or predation.

Petition Finding

After reviewing the information contained in the petitions, as well as information readily available in our files, and based on the above analysis, we conclude that the petitions present substantial scientific information indicating that the petitioned action of listing the great hammerhead shark range-wide as threatened or endangered may be warranted. Therefore, in accordance with section 4(b)(3)(B) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(2)), we will commence a status review of the species. During our status review, we will first determine whether the species is in danger of extinction (endangered) or likely to become so (threatened) throughout all or a significant portion of its range. If it is not, then we will consider whether any populations meet the DPS policy criteria, and if so, whether any of these are threatened or endangered throughout all or a significant portion of their ranges. We now initiate this review, and thus, the great hammerhead shark is considered to be a candidate species (69 FR 19975; April 15, 2004). Within 12 months of the receipt of the petition (December 21, 2013), we will make a finding as to whether listing the species (or any identified DPSs) as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA. If listing the species (or any identified DPSs) is found to be warranted, we will publish a proposed rule and solicit public comments before developing and publishing a final rule.

Information Solicited

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information on whether the great hammerhead shark is endangered or

threatened. Specifically, we are soliciting information in the following areas: (1) Historical and current distribution and abundance of this species throughout its range; (2) historical and current population trends; (3) life history in marine environments, including identified nursery grounds; (4) historical and current data on great hammerhead shark bycatch and retention in industrial, commercial, artisanal, and recreational fisheries worldwide; (5) historical and current data on great hammerhead shark discards in global fisheries; (6) data on the trade of great hammerhead shark products, including fins, jaws, meat, and teeth; (7) any current or planned activities that may adversely impact the species; (8) ongoing or planned efforts to protect and restore the species and their habitats; (9) population structure information, such as genetics data; and (10) management, regulatory, and enforcement information. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request from NMFS Protected Resources Headquarters Office (see ADDRESSES).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 23, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013-09943 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 120926497-3269-01]

RIN 0648-BC62

Fisheries of the Exclusive Economic Zone off Alaska: Fixed-Gear Commercial Halibut and Sablefish Fisheries; Limitations on Use of Quota Share and the Individual Fishing Quota Program

AGENCY: National Marine Fisheries Service (NMFS) National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend the hired master regulations of the Individual Fishing Quota Program (IFQ Program) for the fixed-gear commercial Pacific halibut and sablefish fisheries in the Bering Sea and Aleutian Islands (BSAI) and the Gulf of Alaska (GOA). The IFQ Program allows initial recipients of catcher vessel halibut and sablefish quota share (QS) to hire a vessel master to harvest an annual allocation of individual fishing quota (IFQ) derived from the QS. If this action is approved, an initial QS recipient would not be allowed to use a hired master to harvest IFQ derived from catcher vessel QS that they received by transfer after February 12, 2010, with a limited exception for small amounts of QS. This action is necessary to maintain a predominantly owner-operated fishery. In addition, this action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Northern Pacific Halibut Act of 1982, the Fishery Management Plan for Groundfish of the BSAI, the Fishery Management Plan for Groundfish of the GOA, and other applicable laws.

DATES: Comments must be received no later than 5 p.m., Alaska local time, on May 28, 2013.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA-NMFS-2012-0185, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal Web site at www.regulations.gov/ #!docketDetail;D=NOAA-NMFS-2012-0185, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian, P.O. Box 21668, Juneau, AK 99802-1668.

- **Fax:** (907) 586-7557; Attn: Ellen Sebastian.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

An electronic copy of the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) for this proposed regulatory amendment is available from <http://www.regulations.gov> or from the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule may be submitted to NMFS and by email to OIRA_Submission@omb.eop.gov or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Peggy Murphy, (907) 586-7228.

SUPPLEMENTARY INFORMATION:

Background

NMFS proposes to modify the hired master regulations for management of the IFQ Program for the fixed-gear commercial fisheries for Pacific halibut and sablefish in waters off Alaska (IFQ Program). The IFQ Program is a limited access system for managing the fixed-gear halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries off Alaska. The IFQ Program was recommended by the North Pacific Fishery Management Council (Council) in 1992 and implementing rules were published by NMFS on November 9, 1993 (58 FR 59375). Fishing under the program began on March 15, 1995.

The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 300, subpart

E, and 50 CFR part 679 under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). Fishing for Pacific halibut is managed by the International Pacific Halibut Commission (IPHC) and the Council under the Halibut Act. Section 773(c) of the Halibut Act authorizes the Council to develop regulations that are in addition to, and not in conflict with, approved IPHC regulations. Such Council-recommended regulations may be implemented by NMFS only after approval by the Secretary of Commerce (Secretary).

The IFQ Program for the sablefish fishery is implemented by the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP), the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), and Federal regulations at 50 CFR part 679 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). The Council recommended and NMFS approved the GOA FMP in 1978 and the BSAI FMP in 1982. Regulations implementing the FMPs and general regulations governing the IFQ Program appear at 50 CFR part 679.

The IFQ Program was intended primarily to reduce excessive fishing capacity in the commercial halibut and sablefish fixed-gear fisheries. The Council and NMFS designed the IFQ Program to maintain the social and economic character of the fixed-gear fisheries and the coastal communities where many of these fisheries are based. Access to the halibut and sablefish fisheries is limited to those persons holding QS. The QS holder is the person authorized to exercise the harvesting privilege in specific regulatory areas. Under the program, NMFS initially issued QS to qualified applicants (initial recipients) that owned or leased a vessel that made fixed-gear landings of halibut or sablefish during the qualifying period from 1984 to 1990 for halibut, and from 1985 to 1990 for sablefish. Initial recipients received QS allocations based on their harvest during the qualifying period, the area of the harvest, and the type of vessel used to land the harvest. Quota shares equate to individual harvesting privileges that are given effect on an annual basis through the issuance of IFQ permits. An annual IFQ permit authorizes the permit holder to harvest a specified amount of IFQ halibut or sablefish in a regulatory area.

All QS are categorized according to the size of the vessel (A, B, C, or D) from which IFQ halibut and sablefish may be fished and whether that IFQ halibut or

sablefish may be processed aboard the vessel. The vessel categories were designed to ensure that the IFQ Program did not radically change the structure of the fleet in place at the time the IFQ Program was implemented. These vessel size restrictions prevent the fishery from being dominated by large vessels or by any particular vessel category. A description of the specific vessel size categories is provided in regulation at 50 CFR part 679 and is not repeated here.

Quota share is transferrable from one person to another. To limit consolidation and maintain diversity of the IFQ fleet, the Council recommended and NMFS implemented limits on the transfer (sale and purchase) and use of QS. For example, the IFQ Program only allows persons who were originally issued catcher vessel QS (category B, C, and D halibut QS and category B and C sablefish QS), or persons who qualify as IFQ crew members, to hold and transfer catcher vessel QS.

As the IFQ Program developed, the Council recommended, and NMFS implemented, provisions such as QS use caps, vessel use caps, and a block program to limit QS acquisitions. These provisions were intended to maintain a diverse owner-operated fleet and to prevent excessive consolidation of QS. The QS use caps limit the amount of QS that a person may hold, while the vessel use cap limits the total amount of IFQ pounds that can be landed from a vessel during a season. Additionally, all initially issued QS that yielded relatively small amounts of IFQ annually was "blocked" or issued as an inseparable unit. Quota share blocks preserve small amounts of QS that are available at a relatively low cost to promote purchase of QS by crew members and new entrants to the IFQ fisheries. The block program also includes a "sweep-up" (consolidation) provision designed to minimize the number of very small blocks of QS that yield such a small amount of IFQ that they are economically disadvantageous to harvest. The consolidation provision allows small individual QS blocks to be permanently consolidated into larger QS blocks as long as the resulting QS block does not exceed consolidation limits specified in regulation.

The IFQ program also requires IFQ holders to be onboard the catcher vessel to maintain a predominantly "owner-operated" fishery with a narrow exemption for vessel category A QS holders and initial recipients of QS category B, C, and D QS. Vessel category A QS (catcher/processor QS) are not subject to the owner-operated requirement.

Vessel category A QS allows operators who had caught and processed catch at-sea during the QS qualifying years to continue to operate as catcher/processors. These catcher/processor vessels were not historically owner-operated prior to the implementation of the IFQ Program. Therefore, the IFQ Program did not seek to change the nature of operations in the catcher/processor fleet to limit the use of hired masters. Overall, only a small proportion of all QS is issued as vessel category A QS.

The requirement that individual holders of catcher vessel QS (vessel categories B, C, or D) be onboard the vessel during all IFQ fishing ensures that QS remain largely in the hands of active fishermen. However, the IFQ Program allows all initial recipients of QS, including individuals and non-individual entities, to hire masters to fish the IFQ derived from their QS. Prior to the implementation of the IFQ Program, many individual fishermen had conducted their fishing businesses by hiring masters to skipper their fishing vessels. The IFQ Program allows initial recipients of catcher vessel QS to continue to employ hired masters to fish their IFQ, but only if the initial recipient maintains a minimum ownership interest in the vessel on which the IFQ halibut and sablefish are harvested. By limiting this exception to initial recipients, the Council anticipated that individual initial recipients would eventually retire from fishing and that non-individual initial recipients would dissolve or change composition over time. Eventually, QS would be transferred to other qualified individuals and the IFQ fisheries would become almost entirely owner-operated.

Need for Action

In February 2010, the Council received public testimony indicating that some QS initial recipients were increasingly using hired masters rather than continuing to personally operate their vessels when fishing with QS. In addition, the Council received information that initial recipients were purchasing increasing amounts of QS, and the IFQ derived from that purchased QS was being fished by hired masters. The Council was concerned about the apparent QS consolidation and reduced opportunity for new entrants to the fishery. The Council determined that the transition to a predominantly owner-operated fishery has been unreasonably delayed because the ability to hire a master applies to the QS holder and not the QS itself. This allows initial recipients to hire masters to harvest IFQ derived not only from

their initially issued QS, but also IFQ derived from any QS received by transfer after initial issuance.

At subsequent meetings, the Council examined IFQ Program data detailing the use of hired masters, changes in QS holdings of initial recipients, QS transfers, and the rate of new entry into the fishery. Section 5.2 of the RIR/IRFA prepared for this proposed action (see ADDRESSES) indicates the use of hired masters has increased significantly above levels that existed at the start of the IFQ Program. Between 1998 and 2009, the number of individual initial recipients who hire masters in the halibut fishery increased from 110 to 210 (a 91 percent increase), while in the sablefish fishery the number of individual initial recipients using hired masters increased from 46 to 91 (a 98 percent increase). The percentage of halibut IFQ landed by hired masters increased from 7.9 percent of the total IFQ landings in 1998 to 19.3 percent in 2009. Similarly, the percentage of sablefish IFQ landed by hired masters increased from 7.7 percent of the total IFQ landings in 1998 to 15.0 percent in 2009. Table 50 in section 5.2 of the RIR/IRFA also shows that QS is being consolidated among individual and non-individual initial recipients in most halibut and sablefish management areas. The number of initial recipients has decreased in the past 10 years, while the average holdings of those QS holders have increased. Thus, QS has consolidated among fewer QS holders who hire masters to fish their QS. In addition, some initial recipients that had not previously hired a master are now doing so, and some that had previously hired a master have increased the amount of QS they hold for use by a hired master or are using masters for a higher percentage of their landings. Finally, section 5.2 of the RIR/IRFA shows that the rates at which initial recipients of halibut and sablefish QS are divesting themselves of QS and exiting the fishery have declined over the last 5 years.

After receiving public testimony and reviewing the analysis at its April 2011 meeting, the Council determined that it is likely that several factors are inhibiting new entrants from acquiring QS and slowing the transition to a predominantly owner-operated fishery. These factors include the increased use of hired masters, increased holdings of QS by initial recipients, and decreased numbers of initial QS recipients divesting their QS holdings. The Council determined that evolution to an owner-operated program is occurring at a slower pace than was originally envisioned and is therefore inhibiting

achievement of the Council's objectives for the IFQ Program. The Council determined that the absence of a limitation on the use of hired masters could further delay this evolution. To address this concern, the Council recommended, and this proposed rule would implement, regulations that would prohibit the use of a hired master to fish IFQ halibut or sablefish derived from vessel category B, C, or D QS received by transfer after February 12, 2010, with some exceptions described later in this proposed rule.

At final action, the Council set February 12, 2010, as the date because it is the date that the Council adopted its problem statement for the proposed action. At final action, the Council concluded that this date would reduce an initial recipient's incentive to purchase additional QS that could be fished by hired masters. The Council was concerned that QS purchases occurring before the proposed action's implementation would frustrate rather than support the progress toward an owner-operated fleet.

The Council acknowledged that selecting this date to limit the use of hired masters might affect some individual and non-individual QS holders who may have been unaware of the Council's action or who may have been unable to complete their purchase of QS prior to February 12, 2010. The Council considered alternate dates after February 12, 2010. The Council rejected these alternatives because dates after February 12, 2010, could allow initial recipients to further consolidate their holdings of QS, obstructing the goals of the Council to limit further increases in the amount of IFQ harvested by hired masters. The Council also considered alternatives to delay implementation for the proposed action to provide additional time for affected QS holders to evaluate how it would affect their individual business plans. The Council rejected these alternatives, noting that delaying the implementation of this regulation would also frustrate the Council's overall policy goal of encouraging a transition from initial QS recipients using hired masters to an owner-operated fishery.

The Council determined that the elapsed time between its recommendation and the implementation of the proposed action would provide a sufficient grace period for initial QS recipients to make any necessary changes to their business plans. The Council noted that under the proposed action, initial QS recipients would have options for using QS received by transfer after February 12, 2010. Specifically, initial recipients who

received catcher vessel QS after February 12, 2010, could choose to sell those QS to other halibut and sablefish IFQ fishery participants, or to new entrants into the fishery. Other than selling the QS, the options and associated impacts differ between individual and non-individual initial recipients. An individual initial recipient who receives catcher vessel QS after February 12, 2010, could choose to fish the IFQ derived from that QS as an owner onboard. A non-individual initial recipient who received catcher vessel QS by transfer after February 12, 2010, could also choose to fish the resulting IFQ using a hired master, but only until the effective date of this action. After the effective date, a non-individual initial recipient would be prohibited from fishing QS received by transfer after February 12, 2010, using a hired master, but could, as noted above, sell those QS.

Alternatively, a non-individual initial recipient could continue to hold that QS, but the resulting IFQ could not be used because a non-individual entity must hire a master to harvest the IFQ. Section 5.2 of the RIR/IRFA provides additional information on the amount of QS received by initial recipients after February 12, 2010, and the potential effects of this action on those initial recipients.

The Council anticipated that its recommendation could reduce the economic incentive for initial recipients to increase their QS holdings above the amount they held as of February 12, 2010. This would support the Council's IFQ program objectives by (1) preventing further increase in the use of hired masters while minimizing disruption to operations of small businesses that have historically used hired masters, and (2) discouraging further consolidation of QS among initial recipients who use hired masters. The Council did not expect this action to disrupt existing hired master arrangements because persons who currently qualify for the hired master exemption could continue to use a hired master for QS held on or before February 12, 2010.

The Council also clarified how the proposed action would affect catcher vessel QS transferred to an initial recipient and consolidated into a block after February 12, 2010. The Council recommended that:

- if catcher vessel QS is consolidated into a QS block between February 12, 2010 and the effective date of the proposed action, the IFQ resulting from that consolidated QS block could be fished by a hired master, and

- if catcher vessel QS is consolidated into a QS block after the effective date of the proposed action, the IFQ resulting from that consolidated QS block could not be fished by a hired master, and the QS holder would be required to be onboard the vessel harvesting the IFQ derived from those QS.

As discussed in section 5.2 of the RIR/IRFA, the Council recommended these QS block provisions because it would be administratively burdensome to track and separate QS blocks consolidated prior to the implementation of this proposed action. NMFS reported to the Council at the February 2011 meeting that a relatively small amount of QS had been transferred to initial recipients and then consolidated into blocks since February 12, 2010. NMFS anticipates that additional QS may be consolidated into blocks by both individual and non-individual initial recipients until the proposed action is implemented. Tracking these QS is administratively burdensome because once a new block of QS is formed, NMFS cannot differentiate what portion of that QS block should be attributed to QS with the hired master privilege as opposed to that without the hired master privilege. Implementation of this action requires all QS to be separated into QS with the hired master privilege and QS without the hired master privilege. To avoid the administrative burden of reversing these consolidations, the Council recommended that initial recipients be allowed to retain the hired master exemption for those QS consolidated into blocks after February 12, 2010, but before the effective date of the amendment. Following the effective date of the proposed action, initial recipients could continue to use the QS block consolidation provision. However, the IFQ derived from the consolidated QS block could not be fished by a hired master.

The proposed action would not apply under the following circumstances in the IFQ Program:

- Category A (catcher/processor) QS are excluded from this action because this vessel category of QS is not subject to owner-operator requirements.
- Individual (persons who, for example, are not corporations or partnerships) initial recipients in IPHC Area 2C (halibut) and the Southeast region (sablefish) are excluded from this action because existing regulations at § 679.42(i)(3) prohibit individuals who are initial recipients from using hired masters to harvest their IFQ halibut or sablefish in these areas.
- Catcher vessel QS held by Community Development Quota (CDQ) groups are excluded from this action.

CDQ groups are not subject to owner-operator requirements.

Proposed Action

Three regulatory amendments would be necessary to implement the Council's recommendation for the proposed action. The first two amendments would add regulations at § 679.42(i)(6) and (j)(10) to specify that a hired master could not be used to fish IFQ halibut or sablefish derived from catcher vessel QS that was received by transfer after February 12, 2010, unless the QS was consolidated into a block prior to the effective date of the proposed action. Third, NMFS proposes to add regulations under § 679.41(c)(11) specifying that NMFS would not approve a transfer of catcher vessel QS to a corporation, partnership, association, or other non-individual entity at any time. NMFS proposes these regulatory changes to make the regulations consistent with the Council's intent to discourage further consolidation of catcher vessel QS among initial recipients who use hired masters.

Under these proposed regulatory changes, IFQ derived from catcher vessel QS received by transfer after February 12, 2010, must not be harvested by a hired master. Because a non-individual entity must hire a master to harvest its IFQ, the proposed change to § 679.41(c)(11) would prevent non-individual entities, such as corporations, from receiving additional catcher vessel QS by transfer after the effective date, with one exception. That exception, found at § 679.41(g)(3), provides that an individual initial catcher vessel QS recipient may transfer initially issued QS to a corporation that is solely owned by the same individual. Otherwise, individuals may not transfer QS received after initial issuance into a solely-owned corporation. NMFS proposes no changes to this existing exception. This exception allows individuals to transfer initially received QS to a solely-owned corporation for tax purposes, limiting liability, or for other business purposes.

To implement the proposed action, NMFS would redesignate catcher vessel QS as "eligible to be fished by a hired master" if the QS was (1) held by an initial recipient on or before February 12, 2010, or (2) received by transfer and consolidated into a QS block held by an initial recipient prior to the effective date of the proposed action. All other QS that did not meet these requirements would be designated "not eligible to be fished by a hired master", including (1) category A QS, (2) CDQ QS, (2) individual initial recipient QS

designated for areas 2C (halibut) and Southeast (sablefish), (3) individual and non-individual QS not held by an initial recipient, (4) unblocked QS transferred to an initial recipient after February 12, 2010, and (5) blocked QS transferred to an initial recipient after the effective date. Following the redesignation of QS, two types of annual IFQ permits would be issued by NMFS. Quota share designated as eligible to be fished by a hired master would yield IFQ that may be harvested by a hired master. Quota share designated as not eligible to be fished by a hired master would yield IFQ that may not be harvested by a hired master. NMFS proposes to redesignate QS and issue the new types of IFQ permits prior to the beginning of the IFQ fishing year following implementation of this proposed action. The IFQ Program relies on an annual cycle to distribute QS, issue IFQ permits, arrange transfers and adjust IFQ holdings for a previous year's overages and underages. Implementing the proposed action at the beginning of the IFQ fishing season is necessary to avoid a large administrative burden for NMFS and affected participants. Mid-year implementation of the proposed action would require the reissuance of thousands of IFQ permits, increasing the costs of administering the IFQ Program and potentially causing considerable confusion in enforcement of regulations. Therefore, this action, if approved by the Secretary, would not be implemented until the beginning of the next fishing season following publication of the final rule.

Effects of the Proposed Action

The proposed action would affect the hired master privileges granted to initial recipients of catcher vessel QS. Under the proposed action, a number of options remain for initial recipients to maintain active and viable businesses in the halibut and sablefish fisheries. Initial recipients could continue to hire a master to harvest IFQ derived from QS held on or before February 12, 2010. Individual initial recipients who acquire QS after February 12, 2010, would need to decide whether to be onboard the vessel fishing the IFQ or transfer the QS to another person eligible to hold QS. Individual initial recipients could continue to purchase additional QS provided they are onboard to harvest the resulting IFQ. Non-individual initial recipients of QS would be prohibited from acquiring additional catcher vessel QS because the proposed regulation would prohibit non-individual entities from using a hired master for QS received by transfer after February 12, 2010. Given the opportunities for initial

recipients to continue to use hired masters for QS held before February 12, 2010, NMFS does not expect the proposed action to significantly disrupt existing business operations.

NMFS does not anticipate that the proposed action would significantly affect market availability or price of B, C, or D QS. It is difficult to predict the outcome of the action because the response of each QS holder will be different; some may choose not to purchase additional QS, some would be unable to purchase additional QS, and others may choose to finance QS purchases by crew or purchase more QS and be onboard to harvest the IFQ. The proposed action could increase opportunities for persons to purchase QS. Provisions of the action recognize business models developed since the inception of the IFQ Program while furthering the original goal of the IFQ program to move towards a predominantly owner-operated fishery.

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the GOA FMP, the BSAI FMP, other provisions of the Magnuson-Stevens Act, the Halibut Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Impact Review and Initial Regulatory Flexibility Analysis

A Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) were prepared for this action. The RIR assesses all costs and benefits of available regulatory alternatives. The RIR considers all quantitative and qualitative measures. The IRFA was prepared as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. The RFA recognizes and defines a business involved in fish harvesting as a small business if it is independently owned and operated and not dominant in its field of operation (including affiliates) and if it has combined annual gross receipts not in excess of \$4 million for all its affiliated operations worldwide.

A copy of this analysis is available from NMFS (see ADDRESSES). The IRFA describes the action, why this action is being proposed, the objectives and legal basis for the proposed rule, the type and

number of small entities to which the proposed rule would apply, and the reporting, recordkeeping, and other compliance requirements of the proposed rule. The description of the proposed action, its purpose, and its legal basis are described in the preamble and are not repeated here.

The proposed action could directly regulate a maximum of 1,447 entities holding halibut QS and sablefish QS, which are eligible to hire masters. However, the actual number of such entities that may be directly regulated is expected to be much smaller because many of these participants fish their own IFQ, without a hired master; and some have not and will not acquire additional QS. For purposes of providing a numerical estimate, had the rule been in effect in 2009, as few as 91 eligible entities that transferred QS for use by hired masters after February 12, 2009, would have been directly regulated.

Small entities regulated by the proposed action may be divided into two mutually exclusive groups to estimate their size relative to the \$4 million threshold. There are operations that harvest both halibut and groundfish (sablefish is considered a groundfish species, while halibut is not) for which gross revenue data exist. There are also operations that harvest halibut, but not groundfish, for which gross receipts data exist. These entities may also harvest species such as herring or salmon.

Section 6 of the RIR/IRFA estimates that in 2009 the total gross revenues for fixed-gear catcher vessels by entity, from all sources off Alaska, were not more than \$4 million in gross revenues, which has been the case since 2003. The average gross revenue for the small fixed-gear catcher vessels has been about \$500,000. Thus, all of the entities that harvest both halibut and groundfish are under the threshold. This includes all of the entities that harvest any sablefish. Since the IFQ Program limits the amount of annual IFQ that any single vessel may use to harvest halibut and sablefish and the maximum number of QS units an entity may use, NMFS believes that few vessels that harvest halibut, but not groundfish, would exceed the \$4 million threshold, either. Based upon gross receipts data for the halibut fishery, and more general information concerning the probable economic activity of vessels in this IFQ fishery, no entity (or at most a *de minimis* number) directly regulated by these restrictions could have been used to land fish worth more than \$4.0 million in combined gross receipts in 2010. Therefore, all halibut and

sablefish vessels have been assumed to be "small entities" for purposes of the IRFA. This simplifying assumption may overestimate the number of small entities, since it does not take into account vessel affiliations, owing to an absence of reliable data on the existence and nature of these relationships.

Based on the low revenues for the average groundfish vessel and the low cap on maximum halibut and sablefish revenues, additional revenues from herring, salmon, crab, or shrimp likely would be relatively small for most of this class of vessels. Therefore, the available data and analysis suggest that there are few, if any, large entities among the directly regulated entities subject to the proposed action.

The RIR reviews Alternative 1, the status quo, and Alternative 2, the preferred alternative. The Council did not identify any other alternatives that would have been substantially less burdensome. Alternative 1 would maintain the current regulations that allow all initial recipients of catcher vessel QS to hire a master to harvest their IFQ permits for any catcher vessel QS they hold. Current regulations enable initial QS recipients to continue to acquire QS up to IFQ Program caps and harvest accumulated IFQ with a hired master. This has resulted in increased amounts of IFQ being harvested by hired masters, which is contrary to the Council's objectives for the IFQ Program. Under Alternative 2, the preferred alternative, an initial QS recipient would not be allowed to use a hired master to harvest IFQ derived from catcher vessel QS that they received by transfer after February 12, 2010, with a limited exception for small amounts of QS. The preferred alternative may result in a loss of fishing opportunity for hired masters to harvest IFQ pounds. The proposed changes from this alternative would have distributional effects on initial recipients and hired masters, but will not affect production from the fisheries. Under Alternative 2, net benefits to the nation may increase, to the extent that the Council's objectives for an "owner-operated" fishery are more fully realized through this action.

There were no significant alternatives to the proposed rule identified that would achieve the Council's objectives for the action and minimize adverse impacts on small entities. The Council considered alternative dates after which the use of hired masters would be prohibited. Although those alternative dates could have allowed more small entities to use hired masters, or to use hired masters for more of the QS they now hold or could acquire before

another date, the use of hired masters is not necessary to harvest halibut and sablefish IFQ derived from QS held by individuals. None of the alternatives considered would limit the ability of small entities to receive QS by transfer and fish the resulting IFQ as owner-operators. The Council also considered and rejected an alternative to eliminate the hired master exemption from the IFQ Program, but determined that this would not sufficiently accommodate the existing business plans of initial catcher vessel QS recipients that use hired masters to harvest IFQ or their hired masters.

No Federal rules that might duplicate, overlap, or conflict with this proposed action have been identified.

Collection-of-Information Requirements

This proposed rule contains a collection-of-information, OMB Control No. 0648-0272. The IFQ Program requirements are mentioned in this proposed rule; however, the public reporting burden for this collection-of-information is not directly affected by this proposed rule.

Public reporting burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the

information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS at the ADDRESSES above, and email to OIRA_Submission@omb.eop.gov, or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries.

Dated: April 22, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108-447.

■ 2. In § 679.41, add paragraph (c)(11) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(c) * * *

(11) The person applying to receive QS assigned to vessel category B, C, or D is not a corporation partnership, association, or other non-individual entity, except as specified in paragraph (g)(3) of this section.

* * * * *

■ 3. In § 679.42 add paragraphs (i)(6) and (j)(10) to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(i) * * *

(6) Paragraphs (i)(1) and (i)(4) of this section do not apply to any QS assigned to vessel category B, C, or D received by transfer by any person described in paragraph (i)(1) after February 12, 2010, except a hired master may be used to harvest IFQ derived from QS blocks that were consolidated under § 679.41(e)(2) or (e)(3) after February 12, 2010, and before [INSERT DATE FINAL RULE BECOMES EFFECTIVE].

(j) * * *

(10) Paragraphs (j)(1) and (j)(9) of this section do not apply to any QS assigned to vessel category B, C, or D received by transfer after February 12, 2010, by an entity described in paragraph (j)(1) except a hired master may be used to harvest IFQ derived from QS that were consolidated under § 679.41(e)(2) or (e)(3) after February 12, 2010, and before [INSERT DATE FINAL RULE BECOMES EFFECTIVE].

* * * * *

[FR Doc. 2013-09939 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-22-P

Notices

Federal Register

Vol. 78, No. 81

Friday, April 26, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 22, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Agricultural Research Service

Title: Evaluation of User Satisfaction with NAL Internet Sites.

OMB Control Number: 0518-0040.

Summary of Collection: There is a need to measure user satisfaction with the National Agricultural Library (NAL) Internet sites in order for NAL to comply with Executive Order 12862, which directs federal agencies that provide significant services directly to the public to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. NAL Internet sites are a vast collection of Web pages created and maintained by component organizations of NAL, and are visited by 4.6 million people per month on average. The information generated from this research will enable NAL to evaluate the success of this new modality in response to fulfilling its legislative mandate to disseminate vital agricultural information and truly become the national digital library of agriculture.

Need and Use of the Information: The purpose of the research is to ensure that intended audiences find the information provided on the Internet sites easy to access, clear, informative, and useful. The research will provide a means by which to classify visitors to the NAL Internet sites, to better understand how to serve them. If the information is not collected, NAL will be hindered from advancing its mandate to provide accurate, timely information to its user's community.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal Government.

Number of Respondents: 10,800.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 540.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013-09856 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 23, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Pamela_Beverly_OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Organizational Information.

OMB Control Number: 0524-0026.

Summary of Collection: The National Institute of Food and Agriculture (NIFA) has primary responsibility for providing

linkages between the Federal and State components of a broad-based, national agricultural research, extension, and higher education system. Focused on national issues, its purpose is to represent the Secretary of Agriculture and the intent of Congress by administering formula and grant funds appropriated for agricultural research, extension, and higher education. Before awards can be made, certain information is required from applicant to effectively assess the potential recipient's capacity to manage Federal funds. NIFA will collect information using form NIFA 666, "Organizational Information."

Need and Use of the Information: NIFA will collect information to determine that applicants recommended for awards will be responsible recipients of Federal funds. If the information were not collected, it would not be possible to determine that the prospective grantees are responsible.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or households; State, Local, or Tribal Government.

Number of Respondents: 150.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 945.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013-09933 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-09-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 22, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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.

Comments regarding this information collection received by May 28, 2013 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 617th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Honey Survey.

OMB Control Number: 0535-0153.

Summary of Collection: The National Agricultural Statistics Service (NASS) primary function is to prepare and issue State and national estimates of crop and livestock production. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. Domestic honeybees are critical to the pollination of U.S. crops, especially fruits and vegetables. Africanized bees, colony collapse disorder, parasites, diseases, and pesticides threaten the survival of bees. Programs are provided by Federal, State and local governments to assist in the survival of bees and to encourage beekeepers to maintain bee colonies.

Need and Use of the Information: NASS will collect information on the number of colonies, honey production, stocks, and prices. The survey will provide data needed by the Department and other government agencies to administer programs and to set trade quotas and tariffs. Without the information agricultural industry would not be aware of changes at the State and national level.

Description of Respondents: Farms.

Number of Respondents: 10,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,349.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013-09857 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-TM-12-0053; TM-12-03]

Notice of Funds Availability Inviting Applications for the Federal-State Marketing Improvement Program (FSMIP)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) announces the availability of approximately \$1 million for competitive grant funds for fiscal year (FY) 2013, which would enable States to explore new market opportunities for U.S. food and agricultural products and to encourage research and innovation aimed at improving the efficiency and performance of the U.S. marketing system. Eligible applicants include State departments of agriculture, State agricultural experiment stations, and other appropriate State Agencies. Applicants are encouraged to involve industry groups, academia, community-based organizations, and other stakeholders in developing proposals and conducting projects. In accordance with the Paperwork Reduction Act of 1995, the information collection requirements have been previously approved by OMB under 0581-0240, Federal-State Marketing Improvement Program (FSMIP).

DATES: Proposals will be accepted through May 28, 2013.

ADDRESSES: FSMIP Staff Officer, Transportation and Marketing Programs, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 4945-South, Washington, DC 20250; telephone (202) 720-5024; email *janise.zygmont@ams.usda.gov*.

FOR FURTHER INFORMATION CONTACT: Janise Zygmont, FSMIP Staff Officer; telephone (202) 720-5024; fax (202) 690-1144; or email *janise.zygmont@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: FSMIP is authorized under Section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627). FSMIP provides

matching grants on a competitive basis to enable States to explore new market opportunities for U.S. food and agricultural products and to encourage research and innovation aimed at improving the efficiency and performance of the U.S. marketing system. Eligible applicants include State departments of agriculture, State agricultural experiment stations, and other appropriate State Agencies. Other organizations interested in participating in this program should contact their State Department of Agriculture's Marketing Division. State agencies specifically named under the authorizing legislation should assume the lead role in FSMIP projects, and use cooperative or contractual agreements with other agencies, universities, institutions, and producer, industry or community-based organizations as appropriate. Multi-State projects are encouraged. In such projects, one State agency assumes the coordinating role, using appropriate cooperative arrangements with the other State agencies and entities involved in the project.

Proposals must be accompanied by completed Standard Forms (SF) 424 and 424B. AMS will not approve the use of FSMIP funds for advertising or, with limited exceptions, for the purchase of equipment. Detailed program guidelines may be obtained from the contact listed above, and are available at the FSMIP Web site: <http://www.ams.usda.gov/FSMIP>.

Background

FSMIP funds a wide range of applied research projects that address barriers, challenges, and opportunities in marketing, transportation, and distribution of U.S. food and agricultural products domestically and internationally.

Eligible agricultural categories include livestock, livestock products, food and feed crops, fish and shellfish, horticulture, viticulture, apiary, and forest products and processed or manufactured products derived from such commodities. Reflecting the growing diversity of U.S. agriculture, in recent years, FSMIP accepts proposals dealing with nutraceuticals, bioenergy, compost, agroforestry products, and products made from agricultural residue.

Proposals may deal with barriers, challenges, or opportunities manifesting at any stage of the marketing chain including direct, wholesale, and retail. Proposals may involve small, medium, or large scale agricultural entities but should potentially benefit multiple producers or agribusinesses. Proprietary

proposals that benefit one business or individual will not be considered.

Proposals that address issues of importance at the State, Multi-State or national level are appropriate for FSMIP. FSMIP also seeks unique proposals on a smaller scale that may serve as pilot projects or case studies useful as a model for other States. Of particular interest are proposals that reflect a collaborative approach among the States, academia, the farm sector and other appropriate entities and stakeholders. FSMIP's enabling legislation authorizes projects to:

- Determine the best methods for processing, preparing for market, packing, handling, transporting, storing, distributing, and marketing agricultural products.
- Determine the costs of marketing agricultural products in their various forms and through various channels.
- Assist in the development of more efficient marketing methods, practices, and facilities to bring about more efficient and orderly marketing, and reduce the price spread between the producer and the consumer.
- Develop and improve standards of quality, condition, quantity, grade, and packaging in order to encourage uniformity and consistency in commercial practices.
- Eliminate artificial barriers to the free movement of agricultural products in commercial channels.
- Foster new/expanded domestic/foreign markets and new/expanded uses of agricultural products.
- Collect and disseminate marketing information to anticipate and meet consumer requirements, maintain farm income, and balance production and utilization.

All proposals which fall within the FSMIP guidelines will be considered. FSMIP encourages States to submit proposals that address the following objectives:

- Creating wealth in rural communities through the development of local and regional food systems and value-added agriculture.
- Developing direct marketing opportunities for producers, or producer groups.
- Assessing challenges and developing methods or practices that could assist local and regional producers in marketing agricultural products that meet the mandates of the Food and Drug Administration's new Food Safety Modernization Act.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the FSMIP information collection requirements

were previously approved by the Office of Management and Budget (OMB) and were assigned OMB control number 0581-0240.

AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public with the option of submitted information or transacting business electronically to the maximum extent possible.

How To Submit Proposals and Applications

Applications must be submitted electronically through the Federal grants Web site, <http://www.grants.gov>. Hard copy and emailed applications will not be accepted. Applicants are strongly urged to familiarize themselves with the Federal grants Web site well before the application deadline and to begin the application process before the deadline.

FSMIP is listed in the "Catalog of Federal Domestic Assistance" under number 10.156 and subject agencies must adhere to Title VI of the Civil Rights Act of 1964, which bars discrimination in all Federally assisted programs.

Authority: 7 U.S.C. 1621-1627.

Dated: April 23, 2013.

David R. Shipman,
Administrator, Agricultural Marketing Service.

[FR Doc. 2013-09934 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2013-0015]

Notice of Request for Extension of Approval of an Information Collection; Importation of Seed and Screenings From Canada Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of seed and screenings from Canada into the United States.

DATES: We will consider all comments that we receive on or before June 25, 2013.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0015-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2013-0015, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0015> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of seed and screenings, contact Ms. Lydia Colón, Regulatory Policy Specialist, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale MD 20737; (301) 851-2302. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.

SUPPLEMENTARY INFORMATION:

Title: Importation of Seed and Screenings From Canada into the United States.

OMB Number: 0579-0124.

Type of Request: Extension of approval of an information collection.

Abstract: Under the authority of the Federal Seed Act (FSA) of 1939, as amended (7 U.S.C. 1551 *et seq.*), the U.S. Department of Agriculture (USDA) regulates the importation and interstate movement of certain agricultural and vegetable seeds and screenings. Title III of the FSA, 'Foreign Commerce,' requires shipments of imported agricultural and vegetable seeds to be labeled correctly and to be tested for the presence of the seeds of certain noxious weeds as a condition of entry into the United States. The Animal and Plant Health Inspection Service's (APHIS') regulations implementing the provisions of title III of the FSA are found in 7 CFR part 361.

The regulations in 7 CFR part 361, "Importation of Seed and Screenings

under the Federal Seed Act" (§§ 361.1 to 361.10, referred to below as the regulations), prohibit or restrict the importation of agricultural seed, vegetable seed, and screenings into the United States. Section 361.7 provides the regulations for special provisions for Canadian-origin seed and screenings, and § 361.8 provides the regulations for the cleaning of imported seed and processing of certain Canadian-origin screenings.

APHIS' Plant Protection and Quarantine (PPQ) program operates a seed analysis program with Canada that allows U.S. companies that import seed for cleaning or processing to enter into compliance agreements with APHIS. This program eliminates the need for sampling shipments of Canadian-origin seed at the U.S.-Canadian border and allows certain seed importers to clean the seed without direct supervision of an APHIS inspector. The program provides a safe and expedited process for the importation of seed and screenings into the United States without posing a plant pest or noxious weed risk.

The seed analysis program involves the use of information collection activities, including a declaration for importation, container labeling, notification of seed location, a seed return request, seed identity maintenance, documentation for U.S. origin exported seed returned to the United States, written appeal for cancellation of a compliance agreement and request for a hearing, and associated recordkeeping. In addition, two forms that are required are the Seed Analysis Certificate (For Canadian-grown seed destined for the United States)(PPQ Form 925) and the USDA, APHIS, PPQ Compliance Agreement (PPQ Form 519).

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.3553 hours per response.

Respondents: Importers of Canadian seed and screenings, seed cleaning/processing facility personnel, and Canadian Food Inspection Agency (CFIA) officials, and private seed laboratories accredited by the CFIA.

Estimated annual number of respondents: 1,168.

Estimated annual number of responses per respondent: 23,099.

Estimated annual number of responses: 26,980.

Estimated total annual burden on respondents: 9,588 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 22nd day of April 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013-09911 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection: Disposal of Mineral Materials

AGENCY: Forest Service, USDA.

ACTION: Notice; Request for Comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection, Disposal of Mineral Materials.

DATES: Comments must be received in writing on or before June 25, 2013 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Ray TeSoro, Senior Geologist, USDA Forest Service Northern Region, Minerals and

Geology Management, Federal Building, 200 East Broadway, P.O. Box 7669, Missoula, MT 59807.

Comments also may be submitted via facsimile to (406) 329-3536 or by email to: rtesoro@fs.fed.us.

The public may inspect comments received at the USDA Forest Service Northern Region, Minerals and Geology Management, Federal Building, 200 East Broadway, Missoula, MT 59807 during normal business hours. Visitors are encouraged to call ahead to (406) 329-3523 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Ray TeSoro, Senior Geologist, Minerals and Geology Management Staff, 406-329-3523.

Individuals who use TDD may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Disposal of Mineral Materials.

OMB Number: 0596-0081.

Expiration Date of Approval: September 30, 2013.

Type of Request: Extension of a currently approved collection.

Abstract: The Mineral Materials Act of 1947, as amended, and the Multiple Use Mining Act of 1955, as amended, authorize the Secretary of Agriculture to dispose of petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders, clay, and other similar materials on lands administered by the USDA Forest Service. The collected information enables the Forest Service to document planned operations, to prescribe the terms and conditions the Agency deems necessary to protect surface resources, and to affect a binding contract agreement. Forest Service employees will evaluate the collected information to ensure that entities applying to mine mineral materials are financially accountable and will conduct their activities in accordance with the mineral regulations of Title 36, Code of Federal Regulations, Part 228, Subpart C (36 CFR part 228).

Individuals, organizations, companies, or corporations interested in mining mineral materials on National Forest System lands may contact their local Forest Service office to inquire about opportunities, to learn about areas on which such activities are permitted, and to request form FS-2800-9 (Contract of Sale for Minerals Materials). Interested parties are asked to provide information that includes the purchaser's name and address, the location and dimensions of the area to be mined, the kind of material that will be mined, the quantity of material to be mined, the sales price of the mined

material, the payment schedule, the amount of the bond, and the period of the contract. If this information is not collected, the Forest Service would be unable to comply with Federal regulations to mine materials and operations could cause undue damage to surface resources.

Estimate of Burden per Response: 2.5 hours.

Type of Respondents: Mineral materials operators.

Estimated Annual Number of Respondents: 5,646 responses.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 14,115 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: April 18, 2013.

Leslie A. C. Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2013-09928 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Crescent Ranger District; Deschutes National Forest; Klamath County, Oregon; Marsh Project Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) for a project called Marsh, in the southwestern portion of

the Crescent Ranger District just south of Crescent Lake. The Forest Service is approaching this project by looking at the environmental benefits that the project area provides, from recreation experiences to wildlife habitat, and from water quality to scenic views. The goal of the project is to increase the net benefits that people receive from the project area currently, and allow the area to continue to provide this diverse range of benefits into the future. We are using the term "ecosystem services" to represent all these benefits that areas such as the Marsh project area provide to people.

The focal point of the planning area is Big Marsh, one of the largest high elevation wetland/marsh complexes in the continental United States. In the upland portions of the planning area, the vegetation is primarily comprised of lodgepole pine with some ponderosa pine to the north and mixed conifer on the valley flanks. The area is also of high value for its biological resources (including the largest Oregon Spotted Frog population in the state), dispersed recreation opportunities, matsutake mushroom habitat (a commercially harvested and culturally significant species), big game and fish habitat, and cultural resources, as well as provision of water quality and quantity flowing into the Little Deschutes River and beyond.

The project area is an approximately 30,000 acre watershed, located in T. 24, 25, 25.5, & 26 S, R. 5.5, 6, 6.5, & 7 E., Willamette Meridian. The alternatives will include the proposed action, no action, and additional alternatives that respond to issues generated through the scoping process. The agency will give notice of the full environmental analysis and decision making process so interested and affected people may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by 30 days following the date that this notice appears in the **Federal Register**.

ADDRESSES: Send written comments to Tim Foley, Team Leader, Crescent Ranger District, P.O. Box 208, Crescent, Oregon 97733, or submit to comments-pacificnorthwest-deschutes-crescent@fs.fed.us. Please put "Marsh Scoping" in the subject line of your email. You will have another opportunity for comment when alternatives have been developed and the Environmental Impact Statement is made available.

FOR FURTHER INFORMATION CONTACT: Tim Foley, Team Leader, Crescent Ranger

District, P.O. Box 208, Crescent, Oregon 97733, phone (541) 433-3200.

Responsible Official: The responsible official will be Holly Jewkes, Crescent District Ranger, P.O. Box 208, Crescent, Oregon 97733.

SUPPLEMENTARY INFORMATION:

Purpose and Need: As directed by the Multiple Use Sustained Yield Act, there is a need to maintain and enhance the variety of resources, or environmental benefits, in combination provided by National Forest System lands. The purpose of this project is to manage for the provision of a suite of ecological and cultural benefits expressed by the public which are distinctive to the Marsh planning area and can be effectively managed by the Forest Service and its partners: high quality dispersed recreation opportunities; matsutake mushroom habitat; a clean, functioning water source to the hydrologic system; high quality habitat for a variety of plant and animal species, including some species classified as threatened or endangered; scenic views; and a sense of remoteness. There is a need to both address natural and human threats to this current range of benefits being provided, and also enhance the ecosystem's capacity to provide a similar amount and diverse set of benefits in the future.

Proposed Action: The goal of the project is to balance impacts to values, in such a way that the values most at risk get addressed without substantially reducing the ability of the landscape to provide any of the other benefits into the future. It is in this vein that the Forest Service proposes the following actions: Remove approximately 225 acres of lodgepole pine encroachment in meadows and riparian areas; Plant approximately 100 acres of hardwoods and other natural vegetation in riparian areas; Restore of natural water flow by recontouring approximately 5 miles of historical ditches and creating a small number of beaver dams in the upper reaches of the watershed; Redefine the boundaries of approximately 25 dispersed campsites; Restore approximately 2 miles of closed roads and user-created ATV trails; Open approximately 1/2 mile of Forest Service road 5825-540 to the public; Remove approximately 65 acres of invasive Reed Canary Grass; Thin approximately 725 acres of trees for fuels and density management; Approximately 1,000 acres of prescribed fire in areas dominated by ponderosa pine; Enhance a small number of scenic view opportunities through vegetation management.

Comment: Public comments about this proposal are requested in order to

assist in identifying issues, determine how to best manage the resources, and to focus the analysis. Comments received to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to object to the subsequent decision under 36 CFR part 218. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days. A draft EIS will be filed with the Environmental Protection Agency (EPA) and available for public review by Spring 2014. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The final EIS is scheduled to be available early fall 2014. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions [*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978)]. Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts [*City of Angoon v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)]. Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that comments and objections are made available to the

Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS of the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Forest Service is the lead agency and the responsible official is the Crescent District Ranger, Deschutes National Forest. The responsible official will decide where, and whether or not to manage for recreation, hydrology, access, vegetation and other resources, values and ecosystem services within the project area. The responsible official will also decide how to mitigate impacts of these actions and will determine when and how monitoring of effects will take place.

The Marsh Project decision and rationale will be documented in the Record of Decision. Per 36 CFR 218.7(a)(2), this is a project implementing a land management plan and not authorized under the HFRA, section 101(2), and is thus subject to subparts A and C of 36 CFR part 218—Project-level Predecisional Administrative Review Process.

Dated: April 16, 2013.

Holly Jewkes,

Crescent District Ranger.

[FR Doc. 2013-09747 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Nez Perce-Clearwater National Forests; Idaho; Lolo Insect & Disease Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service gives notice of its intent to prepare an Environmental Impact Statement for the Lolo Insect & Disease project to analyze

and disclose the effects of proposed forest management and watershed improvement activities within the Lolo Creek watershed, located approximately 16 miles northeast of Kamiah, Idaho. The proposed action would use a combination of timber harvest, pre-commercial thinning, and reforestation to achieve the desired range of age classes, size classes, vegetative species distributions, habitat complexity (diversity) and landscape patterns across the forested portions of the project area. Road decommissioning, culvert replacements, road improvements, and soils rehabilitation are also proposed to improve watershed health. The EIS will analyze the effects of the proposed action and alternatives. The Nez Perce-Clearwater Forest invites comments and suggestions on the issues to be addressed. The agency gives notice of the National Environmental Policy Act (NEPA) analysis and decision making process on the proposal so interested and affected members of the public may participate and contribute to the final decision.

DATES: The Draft Environmental Impact Statement is expected in February 2014, and will be followed by a 45-day public comment period. The Final Environmental Impact Statement is expected in October 2014.

ADDRESSES: Send written or electronic comments to Lois Hill, Interdisciplinary Team Leader; Kamiah Ranger Station; 903 3rd Street; Kamiah, ID 83536; FAX 208-935-4257; Email comments-northern-clearwater-lochsa@fs.fed.us. Include your name, address, organization represented (if any), and the name of the project for which you are submitting comments. Electronic comments will be accepted in MS Word, Word Perfect, or Rich Text formats. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

FOR FURTHER INFORMATION CONTACT: Lois Hill, Interdisciplinary Team Leader, (208) 935-4258.

SUPPLEMENTARY INFORMATION: The objective of the Lolo Insect & Disease Project is to manage forest vegetation to restore natural disturbance patterns; improve long term resistance and resilience at the landscape level; reduce fuels; improve watershed conditions; improve habitat for early seral species;

and maintain habitat structure, function, and diversity. Timber outputs from the proposed action would be used to offset treatment costs and support the economic structure of local communities and provide for regional and national needs.

Purpose and Need for the Proposal

Vegetation and Wildlife Habitat Improvement

Existing Condition: Most of the project area is in Forest Plan Management Area (MA) E1. MA E1 is timber-producing land to be managed for healthy timber stands to optimize potential timber growing. Timber production is to be cost-effective and provide maximum protection of soil and water quality. Big game, primarily elk, is to be managed through limited road closures. Dispersed recreation and livestock grazing will be provided if compatible with timber management goals.

In the project area, fires that occurred in 1910 and 1934 and the introduction of white pine blister rust have created a homogeneous age class and species composition which has become highly susceptible to insect and disease change agents due to its current age. Mortality in grand fir and Douglas-fir dominated stands is increasing from root disease, Douglas-fir bark beetle and grand fir engraver. Currently, a higher percentage of grand fir and Douglas-fir exist than natural long-term disturbance patterns would have created and that would have dominated these habitat types in the absence of historical disturbance events. Grand fir and Douglas-fir are more susceptible to insects and diseases, and grand fir is less likely to survive intense wildfires, than early seral species such as ponderosa pine, western larch, and western white pine.

Young forest habitat is lacking on this landscape, while the quality of available habitat for sensitive and old growth-associated species has declined. Patches of young forest that do exist are smaller with edges that are straighter and more even than natural disturbances would have created.

Desired Condition: The desired condition is a forest structure with a range of age and size classes with species diversity that is resistant and resilient to change agents such as insects, diseases, and wildfires. Early seral species (white pine, larch) should represent a greater percentage of the species mix.

Need for Action: Vegetation in this area needs to be managed to create a more diverse and resilient forest structure by creating a range of age and

size classes, species diversity, and disturbance patterns that more closely emulate the results of natural disturbance. A need exists to shift tree species composition away from shade-tolerant species toward more resistant and resilient early seral species. Restoration of blister rust resistant white pine is a primary objective.

Goods and Services

Existing Condition: Much of the Project area consists of grand fir-dominated stands. Insect and disease infestations are contributing to increased tree mortality, while decreasing timber volume and value.

Desired Condition: The desired condition is to provide a sustained yield of resource outputs as directed by the Clearwater Forest Plan.

Need for Action: Stands that are infested with insects and diseases need to be treated so that the harvested timber can provide materials for local industries.

Watershed Improvement

The emphasis for watershed restoration in the Lolo Creek drainage is associated with roads and soil improvement.

Existing Condition: Gravel and native surface roads could contribute sediment to stream channels, which can affect water quality and fish habitat. There are 555 miles of system and 40 miles of non-system road in the Lolo Creek watershed. A total of 500 miles occurs within designated PACFISH buffers.

Desired Condition: The desired condition is to maintain a road system in the Lolo Creek watershed that is adequate to provide for continued recreation, commodity production, and administrative use as described in the Clearwater Forest Plan while maintaining fish and water quality objectives.

Need for Action: Improving watershed function and stream conditions by reducing road densities and repairing existing roads and culverts to reduce sediment and improve drainage is needed. New system roads would be constructed to provide a long term transportation system while reducing roads located within riparian habitat conservation areas.

Transportation Planning

Existing Condition: Transportation planning has been done on a project by project basis without analyzing the entire transportation system as a whole.

Desired Condition: A diversity of motorized access adequate to provide for continued recreation, commodity

production, and administrative use as described in the Clearwater Forest Plan.

Need for Action: A comprehensive transportation plan including all motorized access opportunities. Implementation of the resulting transportation plan would create a sustainable transportation system.

Soil Improvement

Existing Condition: Past management activities have resulted in areas of soil detrimental disturbance, mostly in the form of compacted or displaced soil or loss of organic matter.

Desired Condition: Soils are productive (functioning soil biology, soil hydrology, and nutrient cycling) and stable.

Need for Action: Watershed function can be improved by restoring compacted soils and adding organic material on old skid trails and landings. Restoration of meadow function with seeding and planting of native species.

The Proposed Action

The Lochsa District proposes the following vegetation management actions to improve forest health, provide goods and services, and improve wildlife habitat:

General Project Area

- Variable retention regeneration harvest and site preparation activities would be conducted on approximately 3,000 acres. Stands that are currently being affected by biotic change agents would be targeted for treatment. Regeneration harvest would create early successional plant communities and habitat. Other silvicultural prescriptions would be used in portions of units to address specific resource concerns, such as areas within the National Historic Landmark Corridor that require retention to meet visual objectives.

- Regeneration would focus on restoring white pine and other long-lived early seral species.
- Variable retention regeneration harvest would include areas of full retention (clumps), irregular edges, and retention of snags and legacy trees to provide structure and a future source of woody debris. Some openings may exceed 40 acres.

- Construct a minimum temporary road system to carry out the proposed action. Roads would be decommissioned after use.

- Harvest would include utilizing ground based, skyline, and helicopter yarding systems.

- Harvesting may occur within Pacific buffers where they overlap on dry ridges or occur as a sliver above system roads.

- Soil rehabilitation would occur on approximately 50 acres of currently detrimentally disturbed areas associated with past harvest related activities. Activities could include decompaction, mastication, fertilization, seeding, and addition of woody material/organic material. These 50 acres of soil rehabilitation would be in addition to the soil rehabilitation associated with the transportation system and the Musselshell rehabilitation area.

Transportation System

The following road improvement actions are proposed to reduce sediment production and address transportation needs. Road improvements would occur on up to 125 miles of roads within the project area:

- Add cross drains on either side of perennial streams, fish-bearing would be the highest priority followed by non-fish bearing perennials. These would be determined and prioritized based on field review.

- Replace crossings on perennial streams with structures appropriately sized for a 100-year event. These would be prioritized by the zone fish biologist.

- Stabilize eroding sections of road: this could include blading followed by spot rocking or the addition of drainage structures where needed.

- Road decommissioning is proposed on approximately 100–150 miles of system road and approximately 40 miles of non-system road. In most cases this includes fully re-contouring the road.

- Off-highway vehicle opportunities would be considered during the roads analysis.

- Soil rehabilitation would occur on approximately 45 acres of currently detrimentally disturbed areas associated with past harvest related activities. Activities could include decompaction, mastication, fertilization, seeding, and addition of woody material/organic material. These 45 acres of soil rehabilitation would be in addition to the soil rehabilitation associated with the general project area and the Musselshell rehabilitation area.

- New system roads would be constructed to provide a long term transportation system while reducing roads located within riparian habitat conservation areas.

- Deferred maintenance opportunities (such as any needed reconstruction on trails in the National Historic Trail corridors) will be considered during alternative development and the environmental analysis.

Musselshell Restoration Area

The following actions are proposed to improve soil and vegetation conditions

in the Musselshell Restoration Area portion (1600 acres) of the Lolo Insect & Disease project area:

- Approximately 500 acres of white pine restoration would be accomplished through commercial thinning and creating small openings to plant blister rust resistant seedlings. Commercial thinning would also benefit other species and contribute to ecosystem health.

- Meadow restoration would occur in various places across the restoration area, and would be achieved through riparian shrub/tree/grass/forbs planting along the meadow in the Musselshell restoration area. Temporary fencing or other protection, such as tubing, would be installed to keep livestock and wildlife out.

- Meadow restoration would be conducted in two phases. During the first phase, half of the area would be planted and then protected for 5 years to allow for establishment. After that, the second phase would be completed. This approach would minimize impacts to the grazing allotment permittee.

- Soil rehabilitation would occur on approximately 55 acres of currently detrimentally disturbed areas associated with past harvest related activities. Activities could include decompaction, mastication, fertilization, seeding, and addition of woody material/organic material. These 55 acres of soil rehabilitation would be in addition to the soil rehabilitation associated with the transportation system and the Musselshell rehabilitation area.

Possible Alternatives: The Forest Service will consider include a no-action alternative, which will serve as a baseline for comparison of alternatives. The proposed action will be considered along with additional alternatives that will be developed to meet the purpose and need for action, and to address significant issues identified during scoping.

The Responsible Official: Rick Brazell, Nez Perce-Clearwater Forest Supervisor, Clearwater National Forest Supervisor's Office, 12730 Highway 12, Orofino, ID 83544.

The Decision To Be Made: Whether to adopt the proposed action, in whole or in part, or another alternative; and what mitigation measures and management requirements will be implemented.

The Scoping Process: The scoping process identifies issues to be analyzed in detail and leads to the development of alternatives to the proposal. The Forest Service is seeking information and comments from other Federal, State, and local agencies; Tribal Governments, and organizations and individuals who may be interested in or affected by the

proposed action. Comments received in response to this notice, including the names and addresses of those who comment, will be a part of the project record and available for public review.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A Draft Environmental Impact Statement (DEIS) will be prepared for comment. The next major opportunity for public input will be when the DEIS is published. The comment period for the DEIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The Draft EIS is anticipated to be available for public review in February 2014.

Dated: April 15, 2013.

Rick Brazell,

Forest Supervisor.

[FR Doc. 2013-09710 Filed 4-25-13; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: The Rural Housing Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for "Section 515 Multi-Family Housing Preservation and Revitalization Restructuring Demonstration Program (MPR) for Fiscal Year 2006."

DATES: Comments on this notice must be received by June 25, 2013 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Melinda Price, Finance and Housing Analyst, Multi-Family Housing and Preservation and Direct Loan Division, Federal Building, 200 North High Street, Room 597, Columbia, Ohio 43215, (614) 255-2403

SUPPLEMENTARY INFORMATION:

Title: Section 515 Multi-Family Housing Preservation and Revitalization Restructuring (MPR) Demonstration Program.

OMB Number: 0575-0190.

Expiration Date of Approval: July 31, 2013.

Type of Request: Extension of currently approved information collection.

Abstract: The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2006 (Pub. L. 109-97) provides funding for, and authorizes Rural Development to conduct a demonstration program for the preservation and revitalization of the Section 515 Multi-Family Housing portfolio. Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) provides Rural Development the authority to make loans for low-income Multi-Family Housing and related facilities.

Rural Development refers to this program as Multi-Family Housing Preservation and Revitalization Restructuring Program (MPR). A NOFA sets forth the eligibility and application requirements. Information will be collected from applicants and grant recipients by Rural Development staff in its Local, Area, State, and National offices. This information will be used to determine applicant eligibility for this demonstration program. If an applicant proposal is selected, that applicant will be notified of the selection and given the opportunity to submit a formal application.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Individuals, partnerships, public and private nonprofit corporations, agencies, institutions, organizations, and Indian tribes.

Estimated Number of Respondents: 1,500.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 2,420.

Estimated Total Annual Burden on Respondents: 2,720.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division at (202) 692-0040.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of Rural Development, including whether the information will have practical utility; (b) the accuracy of Rural Development's estimate of the burden of the proposed collection of information including the validity of the methodology and 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 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. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Support Services Division, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: April 17, 2013.

Tammy Treviño,

Administrator, Rural Housing Service.

[FR Doc. 2013-09894 Filed 4-25-13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-909]

Certain Steel Nails From the People's Republic of China: Amended Final Results of the Third Antidumping Duty Administrative Review; 2010-2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* April 26, 2013.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2243.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 2013, the Department of Commerce ("Department") published the final results of the third administrative review of the antidumping duty order on certain steel nails from the People's Republic of China ("PRC").¹ On March 13, 2013, Hongli *et al.*² filed timely allegations

¹ See *Certain Steel Nails From the People's Republic of China: Final Results of Third Antidumping Duty Administrative Review; 2010-2011*, 78 FR 16651 (March 18, 2013), and accompanying Issues and Decision Memorandum ("Final Results").

² Itochu Building Products Co., Inc., Tianjin Jinghai County Hongli Industry & Business Co., Ltd. ("Hongli"), Certified Products International Inc. ("CPI"), China Staple Enterprise (Tianjin) Co., Ltd. ("China Staple"), Chieh Yung Metal Ind. Corp.,

Continued

that the Department made ministerial errors in the *Final Results* and requested, pursuant to 19 CFR 351.224, that the Department correct the alleged ministerial errors. No other party in this proceeding submitted comments on the Department's final margin calculations.

Scope of the Order

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 7317.00.55, 7317.00.65 and 7317.00.75. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.³

For a full description of the scope, see Ministerial Error Memorandum⁴ at page 2.

Amended Final Results of the Review

The Tariff Act of 1930, as amended ("Act"), defines a "ministerial error" as including "errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial."⁵ As explained in the Ministerial Error Memorandum accompanying this notice, in accordance with section 751(h) of the Act, and 19 CFR 351.224(e), we have determined that we made a ministerial error in the calculation of Hongli's *Final Results* margin calculation with regard to the classification of certain surrogate financial data. We note that correcting this error changes the weighted-average margins for Hongli, as well as the separate rate companies from the *Final Results*. In addition, the *Final Results*

inadvertently reported a separate rate margin for CPI and China Staple, although we rescinded the review of these two companies.⁶ For a detailed discussion of these ministerial errors, as well as the Department's analysis of the allegations of ministerial errors, see the Ministerial Error Memorandum. As discussed in the Ministerial Error Memorandum, the review is rescinded for CPI and China Staple.

Disclosure

We will disclose the calculations performed for these amended final results within five days of the date of publication of this notice to interested parties in accordance with 19 CFR 351.224(b).

Amended Final Results of the Review

The weighted-average dumping margins for the period of review ("POR") are as follows:

Manufacturer/exporter	Weighted average margin (percent)
(1) Tianjin Jinghai County Hongli Industry & Business Co., Ltd	33.25
(2) Cana (Tianjin) Hardware Industrial Co., Ltd	33.25
(3) Shanghai Curvet Hardware Products Co., Ltd	33.25
(4) Huanghua Jinhai Hardware Products Co., Ltd	33.25
(5) Shanxi Tianli Industries Co., Ltd	33.25
(6) Shanghai Jade Shuttle Hardware Tools Co., Ltd	33.25
(7) Shandong Dinglong Import & Export Co., Ltd	33.25
(8) Tianjin Jinchi Metal Products Co., Ltd	33.25
(9) Huanghua Xionghua Hardware Products Co., Ltd	33.25
(10) Tianjin Zhonglian Metals Ware Co., Ltd	33.25
(11) Shanghai Yueda Nails Industry Co., Ltd	33.25
(12) Hebie Cangzhou New Century Foreign Trade Co., Ltd	33.25
(13) Zhaoqing Harvest Nails Co., Ltd	33.25
(14) Mingguan Abundant Hardware Products Co., Ltd	33.25
(15) Nanjing Yuechang Hardware Co., Ltd	33.25
(16) S-Mart (Tianjin) Technology Development Co., Ltd	33.25
(17) SDC International Australia Pty., Ltd	33.25
(18) Shanxi Hairui Trade Co., Ltd	33.25
(19) Guangdong Foreign Trade Import & Export Corporation	33.25
(20) Qingdao D&L Group Ltd	33.25
PRC-Wide Rate ⁷	118.04

Those companies not eligible for a separate rate will be considered part of the PRC-wide entity.

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends

to issue assessment instructions to CBP 15 days after the publication date of these amended final results of this review. However, on April 9, 2013, the U.S. Court of International Trade issued a preliminary injunction enjoining

CYM (Nanjing) Nail Manufacture Co., Ltd., Qidong Liang Chyuan Metal Industry Co., Ltd. ("Qidong Liang Chyuan") and Hengshui Mingyao Hardware & Mesh Products Co., Ltd. ("Hengshui Mingyao") (collectively Hongli *et al.*).

³ See *Notice of Antidumping Duty Order: Certain Steel Nails From the People's Republic of China*, 73 FR 44961 (August 1, 2008).

⁴ See Memorandum to Gary Taverman, from James C. Doyle, regarding "Third Antidumping Duty Administrative Review of Certain Steel Nails from the People's Republic of China: Ministerial Error Allegations Memorandum," dated concurrently with this notice ("Ministerial Error Memorandum"). This memorandum is a public

document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Ministerial Error Memorandum is available on the web at <http://ia.ita.doc.gov/frn/index.html>. The signed Ministerial Error Memorandum and the electronic versions of the Ministerial Error Memorandum are identical in content.

⁵ See section 751(h) of the Act; see also 19 CFR 351.224(e).

⁶ The Department notes that it rescinded the review for the following companies in the final results: (1) Jining Huarong Hardware Products Co., Ltd.; (2) Chieh Yung Metal Ind. Corp.; (3) CYM (Nanjing) Nail Manufacture Co., Ltd.; (4) Qidong Liang Chyuan; (5) CPI; (6) Besco Machinery Industry (Zhejiang) Co., Ltd.; (7) China Staple; (8) Zhejiang Gem-Chun Hardware Accessory Co., Ltd.; (9) PT Enterprise Inc.; (10) Shanxi Yuci Broad Wire Products Co., Ltd.; (11) Hengshui Mingyao; and (12) Union Enterprise (Kunshan) Co., Ltd. (collectively "No Shipment Respondents"). See *Final Results*, 78 FR at 16652.

⁷ See *Final Results*, 78 FR at 16652-16653.

liquidation of certain entries during the POR which are subject to the antidumping duty order on certain steel nails from the PRC.⁸ Accordingly, the Department will not issue assessment instructions to CBP for any entries subject to the above-mentioned injunction after publication of this notice.

In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. In these *Final Results*, the Department applied the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.*, on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.⁹ Where the respondent has reported reliable entered values, we calculate importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, we will apply the assessment rate to the entered value of the importers'/ customers' entries during the POR, pursuant to 19 CFR 351.212(b)(1).

Where we do not have entered values for all U.S. sales to a particular importer/customer, we calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).¹⁰ To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹¹

For the companies receiving a separate rate that were not selected for

individual review, we will assign an assessment rate based on the rate we calculated for the mandatory respondent whose rate was not *de minimis*, as discussed above. We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate. Finally, for those companies for which this review has been rescinded, the Department intends to assess antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the amended final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the amended final results of review (except, if the rate is zero or *de minimis*, *i.e.*, less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have a separate rate, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 118.04 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: April 17, 2013.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. 2013-09919 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* April 26, 2013.

SUMMARY: The Department of Commerce (Department) has determined that a request for a new shipper review (NSR) of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC), meets the statutory and regulatory requirements for initiation. The period of review (POR) for this NSR is September 1, 2012, through February 28, 2013.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; Telephone: 202-482-0665.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty order on freshwater crawfish tail meat from the

⁸ See *Itochu Building Products Co., Inc., et al. v. United States*, CIT Court No. 13-00132 dated April 9, 2013.

⁹ See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8103 (February 14, 2012) ("*Final Modification for Reviews*").

¹⁰ See 19 CFR 351.212(b)(1).

¹¹ See 19 CFR 351.106(c)(2).

PRC published in the **Federal Register** on September 15, 1997.¹ On March 26, 2013, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), we received a timely request for an NSR of the order from Hubei Nature Agriculture Industry Co., Ltd. (Hubei Nature).² Hubei Nature certified that it is both the producer and exporter of the subject merchandise upon which the request was based.³

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Hubei Nature certified that it did not export subject merchandise to the United States during the period of investigation (POI).⁴ In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Hubei Nature certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the POI.⁵ As required by 19 CFR 351.214(b)(2)(iii)(B), Hubei Nature also certified that its export activities were not controlled by the government of the PRC.⁶

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2), Hubei Nature submitted documentation establishing the following: (1) The date on which Hubei Nature first shipped subject merchandise for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.⁷

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Hubei Nature's request meets the threshold requirements for initiation of an NSR for the shipment of freshwater crawfish tail meat from the PRC produced and exported by Hubei Nature.⁸

¹ See Notice of Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat From the People's Republic of China, 62 FR 48218 (September 15, 1997).

² See Freshwater Crawfish Tail Meat from the People's Republic of China: New Shipper Review Request, dated March 26, 2013.

³ See *id.*, at 1 and Exhibit 2.

⁴ *Id.*, at Exhibit 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*, at Exhibit 1.

⁸ See Memorandum to the file entitled "Freshwater Crawfish Tail Meat from the People's Republic of China: Initiation Checklist for Antidumping Duty New Shipper Review," dated concurrently with this notice.

The POR for this NSR is September 1, 2012, through February 28, 2013. See 19 CFR 351.214(g)(1)(i)(A). The Department intends to issue the preliminary determination of this review no later than 180 days from the date of initiation and final results of this review no later than 90 days after the date the preliminary determination is issued. See section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non-market economy countries, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to Hubei Nature, which will include a section requesting information concerning Hubei Nature's eligibility for a separate rate. The review will proceed if the response provides sufficient indication that Hubei Nature is not subject to either *de jure* or *de facto* government control with respect to its export of subject merchandise.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Hubei Nature in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Hubei Nature certified that it produced and exported the subject merchandise, the sale of which is the basis for this NSR request, we will apply the bonding privilege to Hubei Nature only for subject merchandise which Hubei Nature both produced and exported.

To assist in its analysis of the *bona fides* of Hubei Nature's sales, upon initiation of this NSR, the Department will require Hubei Nature to submit on an ongoing basis complete transaction information concerning any sales of subject merchandise to the United States that were made subsequent to the POR.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: April 18, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013-09700 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) seeks public comment on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period July 1 through December 31, 2012.

DATES: Comments must be submitted within thirty days after publication of this notice.

ADDRESSES: See the Submission of Comments section below.

FOR FURTHER INFORMATION CONTACT:

James Terpstra, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3965.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2008, section 805 of Title VIII of the Tariff Act of 1930 (the Softwood Lumber Act of 2008) was enacted into law. Under this provision, the Secretary of Commerce is mandated to submit to the appropriate Congressional committees a report every 180 days on any subsidy provided by countries exporting softwood lumber or softwood lumber products to the United States, including stumpage subsidies.

The Department submitted its last subsidy report on December 17, 2012. As part of its newest report, the Department intends to include a list of subsidy programs identified with sufficient clarity by the public in response to this notice.

Request for Comments

Given the large number of countries that export softwood lumber and softwood lumber products to the United States, we are soliciting public comment only on subsidies provided by countries whose exports accounted for at least one percent of total U.S. imports of softwood

lumber by quantity, as classified under Harmonized Tariff Schedule code 4407.1001 (which accounts for the vast majority of imports), during the period July 1 through December 31, 2012. Official U.S. import data published by the United States International Trade Commission Tariff and Trade DataWeb indicate that only one country, Canada, exported softwood lumber to the United States during that time period in amounts sufficient to account for at least one percent of U.S. imports of softwood lumber products. We intend to rely on similar previous six-month periods to identify the countries subject to future reports on softwood lumber subsidies. For example, we will rely on U.S. imports of softwood lumber and softwood lumber products during the period January 1 through June 30, 2013, to select the countries subject to the next report.

Under U.S. trade law, a subsidy exists where a government authority: (i) Provides a financial contribution; (ii) provides any form of income or price support within the meaning of Article XVI of the GATT 1994; or (iii) makes a payment to a funding mechanism to provide a financial contribution to a person, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments, and a benefit is thereby conferred. See section 771(5)(B) of the Tariff Act of 1930, as amended.

Parties should include in their comments: (1) The country which provided the subsidy; (2) the name of the subsidy program; (3) a brief description (at least 3–4 sentences) of the subsidy program; and (4) the government body or authority that provided the subsidy.

Submission of Comments

Persons wishing to comment should file comments by the date specified above. Comments should only include publicly available information. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially due to business proprietary concerns or for any other reason. The Department will return such comments or materials to the persons submitting the comments and will not include them in its report on softwood lumber subsidies. The Department requests submission of comments filed in electronic Portable Document Format (PDF) submitted on CD-ROM or by

email to the email address of the IA Webmaster, below.

The comments received will be made available to the public in PDF on the Import Administration Web site at the following address: <http://ia.ita.doc.gov/public-comments.html>. Any questions concerning file formatting, access on the Internet, or other electronic filing issues should be addressed to Laura Merchant, Import Administration Webmaster, at (202) 482-0367, email address: webmaster_support@trade.gov.

All comments and submissions in response to this Request for Comment should be received by the Department no later than 5 p.m., on the above-referenced deadline date.

Dated: April 18, 2013.

Christian Marsh,

Deputy Assistant Secretary or Antidumping and Countervailing Duty Operations.

[FR Doc. 2013-09920 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Fire Codes: Request for Public Input for Revision of Codes and Standards

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: This notice contains the list of National Fire Protection Association (NFPA) documents opening for Public Input, and it also contains information on the NFPA Revision Process. The National Institute of Standards and Technology (NIST) is publishing this notice on behalf of the National Fire Protection Association (NFPA) to announce the NFPA's proposal to revise some of its fire safety codes and standards and requests Public Input to amend existing or begin the process of developing new NFPA fire safety codes and standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its codes and standards.

DATES: Interested persons may submit Public Input by 5:00 p.m. EST/EDST on or before the date listed with the code or standard.

ADDRESSES: Amy Beasley Cronin, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

FOR FURTHER INFORMATION CONTACT: Amy Beasley Cronin, NFPA, Secretary,

Standards Council, at above address, (617) 770-3000. David F. Alderman, NIST, 100 Bureau Drive, MS 2100, Gaithersburg, MD 20899, email: david.alderman@nist.gov or by phone at 301-975-4019.

SUPPLEMENTARY INFORMATION:

The National Fire Protection Association (NFPA) proposes to revise some of its fire safety codes and standards and requests Public Input to amend existing or begin the process of developing new NFPA fire safety codes and standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its codes and standards. The publication of this notice of request for Public Input by the National Institute of Standards and Technology (NIST) on behalf of NFPA is being undertaken as a public service; NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

The NFPA process provides ample opportunity for public participation in the development of its codes and standards. All NFPA codes and standards are revised and updated every three to five years in Revision Cycles that begin twice each year and take approximately two years to complete. Each Revision Cycle proceeds according to a published schedule that includes final dates for all major events in the process. The Revision Process contains four basic steps that are followed for developing new documents as well as revising existing documents. Step 1: Public Input Stage, which results in the First Draft Report (formerly ROP); Step 2: Comment Stage, which results in the Second Draft Report (formerly ROC); Step 3: the Association Technical Meeting at the NFPA Conference & Expo; and Step 4: Standards Council consideration and issuance of documents.

Note: NFPA rules state that, anyone wishing to make Amending Motions on the Public Comments, Second Revisions, or Committee Comments must signal his or her intention by submitting a Notice of Intent to Make a Motion by 5:00 p.m. EST/EDST of the Deadline stated in the Second Draft Report. Certified motions will then be posted on the NFPA Web site. Documents that receive notice of proper Amending Motions (Certified Amending Motions) will be presented for action at the Association Technical Meeting at the NFPA Conference & Expo. Documents that receive no motions will be forwarded directly to the Standards Council for action on issuance.

For more information on these rules and for up-to-date information on schedules and deadlines for processing NFPA Codes and Standards, check the

NFPA Web site at www.nfpa.org, or contact NFPA Codes and Standards Administration.

Background

The National Fire Protection Association (NFPA) develops building, fire, and electrical safety codes and standards. Federal agencies frequently use these codes and standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR part 51.

When a Technical Committee begins the development of a new or revised NFPA code or standard, it enters one of two Revision Cycles available each year. The Revision Cycle begins with the Call for Public Input, that is, a public notice asking for any interested persons to submit specific input for developing or revising a code or standard. The Call for Public Input is published in a variety of publications.

Following the Call for Public Input period, the Technical Committee holds a meeting to consider all the submitted Public Input and make Revisions accordingly. A document known as the First Draft Report (formerly ROP), is prepared containing all the Public Input, the Technical Committee's response to each input, as well as all Committee-generated First Revisions. The First Draft is then submitted for the approval of the Technical Committee by a formal written ballot. Any Revisions that do not receive approval by a two-thirds vote calculated in accordance with NFPA rules will not appear in the First Draft. If the necessary approval is

received, the Revisions are published in the First Draft Report that is posted on the NFPA Web site at www.nfpa.org for public review and comment, and the process continues to the next step.

Once the First Draft Report becomes available, there is a 10 week comment period during which anyone may submit a Comment on the proposed changes in the First Draft Report. The Committee then reconvenes at the end of the Comment period and acts on all Comments.

As before, a two-thirds approval vote by written ballot of the eligible members of the Committee is required for approval of the Second Revisions. All of this information is compiled into a second report, called the Second Draft Report (formerly ROC), which, like the First Draft Report, is published, and is made available for public review for a five-week period.

The process of public input and review does not end with the publication of the First Draft Report and Second Draft Report. Following the completion of the Public Input and Comment periods, there is further opportunity for debate and discussion through the Association Technical Meeting that takes place at the NFPA Conference & Expo.

The Association Technical Meeting provides an opportunity for the Technical Committee Report (i.e., the First Draft Report and Second Draft Report) on each proposed new or revised code or standard to be presented to the NFPA membership for the debate and consideration of motions to amend the Report. Before making an allowable motion at an Association Technical Meeting, the intended maker of the

motion must file, in advance of the session, and within the published deadline, a Notice of Intent to Make a Motion (NITMAM). A Motions Committee appointed by the Standards Council then reviews all notices and certifies all amending motions that are proper. Only these Certified Amending Motions, together with certain allowable Follow-Up Motions (that is, motions that have become necessary as a result of previous successful amending motions) will be allowed at the Association Technical Meeting.

For more information on dates/locations of NFPA Technical Committee meetings go to the NFPA Web site at www.nfpa.org/tcmeetings; and for NFPA Conference & Expo, go to the NFPA Web site at www.nfpa.org/conference.

The specific rules for the types of motions that can be made and who can make them are set forth in NFPA's Regulations Governing the Development of NFPA Standards which should always be consulted by those wishing to bring an issue before the membership at an Association Technical Meeting.

Request for Public Input

Interested persons may submit Public Input supported by data, views, and substantiation. Public Input should be submitted online for each specific document (i.e., www.nfpa.org/publicinput). Public Input received by 5:00 p.m. EST/EDST on or before the closing date indicated with each code or standard would be acted on by the Committee, and then considered by the NFPA Membership at the Association Technical Meeting.

Document—Edition	Document title	Public input closing date
NFPA 10—2013	Standard for Portable Fire Extinguishers	1/3/2014
NFPA 13—2013	Standard for the Installation of Sprinkler Systems	5/31/2013
NFPA 13D—2013	Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.	5/31/2013
NFPA 13R—2013	Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies.	5/31/2013
NFPA 14—2013	Standard for the Installation of Standpipe and Hose Systems	1/3/2014
NFPA 15—2012	Standard for Water Spray Fixed Systems for Fire Protection	7/7/2014
NFPA 18—2011	Standard on Wetting Agents	1/3/2014
NFPA 18A—2011	Standard on Water Additives for Fire Control and Vapor Mitigation	1/3/2014
NFPA 20—2013	Standard for the Installation of Stationary Pumps for Fire Protection ..	7/8/2013
NFPA 24—2013	Standard for the Installation of Private Fire Service Mains and Their Appurtenances.	5/31/2013
NFPA 32—2011	Standard for Drycleaning Plants	1/3/2014
NFPA 35—2011	Standard for the Manufacture of Organic Coatings	1/3/2014
NFPA 36—2013	Standard for Solvent Extraction Plants	1/5/2015
NFPA 40—2011	Standard for the Storage and Handling of Cellulose Nitrate Film	7/8/2013
NFPA 51—2013	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes.	7/6/2015
NFPA 51A—2012	Standard for Acetylene Cylinder Charging Plants	7/7/2014
NFPA 52—2013	Vehicular Gaseous Fuel Systems Code	1/3/2014
NFPA 53—2011	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres.	1/3/2014
NFPA 55—2013	Compressed Gases and Cryogenic Fluids Code	7/8/2013

Document—Edition	Document title	Public input closing date
NFPA 59A—2013	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG).	7/8/2013
NFPA 61—2013	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities.	7/6/2015
NFPA 67—2013	Guideline on Explosion Protection for Gaseous Mixtures in Pipe Systems.	1/3/2014
NFPA 72—2013	National Fire Alarm and Signaling Code	5/20/2013
NFPA 73—2011	Standard for Electrical Inspections for Existing Dwellings	7/8/2013
NFPA 75—2013	Standard for the Fire Protection of Information Technology Equipment	1/3/2014
NFPA 76—2012	Standard for the Fire Protection of Telecommunications Facilities	1/3/2014
NFPA 80—2013	Standard for Fire Doors and Other Opening Protectives	7/8/2013
NFPA 80A—2012	Recommended Practice for Protection of Buildings from Exterior Fire Exposures.	7/7/2014
NFPA 101A—2013	Guide on Alternative Approaches to Life Safety	7/8/2013
NFPA 102—2011	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures.	1/3/2014
NFPA 105—2013	Standard for the Installation of Smoke Door Assemblies and Other Opening Protectives.	7/8/2013
NFPA 110—2013	Standard for Emergency and Standby Power Systems	7/8/2013
NFPA 111—2013	Standard on Stored Electrical Energy Emergency and Standby Power Systems.	7/8/2013
NFPA 115—2012	Standard for Laser Fire Protection	1/3/2014
NFPA 150—2013	Standard on Fire and Life Safety in Animal Housing Facilities	7/8/2013
NFPA 160—2011	Standard for the Use of Flame Effects Before an Audience	7/8/2013
NFPA 211—2013	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.	1/3/2014
NFPA 214—2011	Standard on Water-Cooling Towers	1/3/2014
NFPA 225—2013	Model Manufactured Home Installation Standard	1/5/2015
NFPA 232—2012	Standard for the Protection of Records	7/7/2014
NFPA 241—2013	Standard for Safeguarding Construction, Alteration, and Demolition Operations.	1/5/2015
NFPA 252—2012	Standard Methods of Fire Tests of Door Assemblies	1/5/2015
NFPA 257—2012	Standard on Fire Test for Window and Glass Block Assemblies	1/5/2015
NFPA 268—2012	Standard Test Method for Determining Ignitibility of Exterior Wall Assemblies Using a Radiant Heat Energy Source.	1/5/2015
NFPA 269—2012	Standard Test Method for Developing Toxic Potency Data for Use in Fire Hazard Modeling.	1/5/2015
NFPA 275—2013	Standard Method of Fire Tests for the Evaluation of Thermal Barriers	1/5/2015
NFPA 285—2012	Standard Fire Test Method for Evaluation of Fire Propagation Characteristics of Exterior Non-Load-Bearing Wall Assemblies Containing Combustible Components.	1/5/2015
NFPA 287—2012	Standard Test Methods for Measurement of Flammability of Materials in Cleanrooms Using a Fire Propagation Apparatus (FPA).	1/5/2015
NFPA 288—2012	Standard Methods of Fire Tests of Horizontal Fire Door Assemblies Installed in Horizontal Fire Resistance-Rated Assemblies.	1/5/2015
NFPA 291—2013	Recommended Practice for Fire Flow Testing and Marking of Hydrants.	5/31/2013
NFPA 301—2013	Code for Safety to Life from Fire on Merchant Vessels	7/6/2015
NFPA 303—2011	Fire Protection Standard for Marinas and Boatyards	7/8/2013
NFPA 307—2011	Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves.	7/8/2013
NFPA 312—2011	Standard for Fire Protection of Vessels During Construction, Conversion, Repair, and Lay-Up.	7/8/2013
NFPA 385—2012	Standard for Tank Vehicles for Flammable and Combustible Liquids	1/5/2015
NFPA 400—2013	Hazardous Materials Code	7/8/2013
NFPA 402—2013	Guide for Aircraft Rescue and Fire-Fighting Operations	7/6/2015
NFPA 407—2012	Standard for Aircraft Fuel Servicing	7/7/2014
NFPA 409—2011	Standard on Aircraft Hangars	7/8/2013
NFPA 414—2012	Standard for Aircraft Rescue and Fire-Fighting Vehicles	7/7/2014
NFPA 415—2013	Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways.	7/8/2013
NFPA 418—2011	Standard for Heliports	1/3/2014
NFPA 423—2010	Standard for Construction and Protection of Aircraft Engine Test Facilities.	7/8/2013
NFPA 424—2013	Guide for Airport/Community Emergency Planning	7/6/2015
NFPA 450—2013	Guide for Emergency Medical Services and Systems	7/7/2014
NFPA 472—2013	Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents.	7/6/2015
NFPA 473—2013	Standard for Competencies for EMS Personnel Responding to Hazardous Materials/Weapons of Mass Destruction Incidents.	7/6/2015
NFPA 475 P*	Recommended Practice for Responding to Hazardous Materials Incidents/Weapons of Mass Destruction.	1/5/2015

Document—Edition	Document title	Public input closing date
NFPA 497—2012	Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas.	1/3/2014
NFPA 499—2013	Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas.	7/7/2014
NFPA 501—2013	Standard on Manufactured Housing	1/5/2015
NFPA 501A—2013	Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.	1/5/2015
NFPA 550—2012	Guide to the Fire Safety Concepts Tree	1/5/2015
NFPA 551—2013	Guide for the Evaluation of Fire Risk Assessments	1/3/2014
NFPA 555—2013	Guide on Methods for Evaluating Potential for Room Flashover	7/7/2014
NFPA 556—2011	Guide on Methods for Evaluating Fire Hazard to Occupants of Passenger Road Vehicles.	7/8/2013
NFPA 654—2013	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids.	7/6/2015
NFPA 655—2012	Standard for Prevention of Sulfur Fires and Explosions	1/5/2015
NFPA 664—2012	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities.	7/7/2014
NFPA 704—2012	Standard System for the Identification of the Hazards of Materials for Emergency Response.	7/7/2014
NFPA 820—2012	Standard for Fire Protection in Wastewater Treatment and Collection Facilities.	7/8/2013
NFPA 900—2013	Building Energy Code	1/3/2014
NFPA 901—2011	Standard Classifications for Incident Reporting and Fire Protection Data.	1/3/2014
NFPA 909—2013	Code for the Protection of Cultural Resource Properties—Museums, Libraries, and Places of Worship.	1/5/2015
NFPA 951 P*	Guide to Building and Utilizing Data Information	1/3/2014
NFPA 1000—2011	Standard for Fire Service Professional Qualifications Accreditation and Certification Systems.	1/5/2015
NFPA 1037—2012	Standard for Professional Qualifications for Fire Marshal	1/5/2015
NFPA 1051—2012	Standard for Wildland Fire Fighter Professional Qualifications	1/5/2015
NFPA 1071—2011	Standard for Emergency Vehicle Technician Professional Qualifications.	7/8/2013
NFPA 1072 P*	Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications.	1/5/2015
NFPA 1122—2013	Code for Model Rocketry	7/6/2015
NFPA 1124—2013	Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles.	7/7/2014
NFPA 1125—2012	Code for the Manufacture of Model Rocket and High Power Rocket Motors.	7/7/2014
NFPA 1126—2011	Standard for the Use of Pyrotechnics Before a Proximate Audience ...	7/8/2013
NFPA 1127—2013	Code for High Power Rocketry	7/6/2015
NFPA 1128PYR—2013	Standard Method of Fire Test for Flame Breaks	7/7/2014
NFPA 1129PYR—2013	Standard Method of Fire Test for Covered Fuse on Consumer Fireworks.	7/7/2014
NFPA 1141—2012	Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas.	7/7/2014
NFPA 1142—2012	Standard on Water Supplies for Suburban and Rural Fire Fighting	7/7/2014
NFPA 1144—2013	Standard for Reducing Structure Ignition Hazards from Wildland Fire	7/6/2015
NFPA 1145—2011	Guide for the Use of Class A Foams in Manual Structural Fire Fighting.	7/8/2013
NFPA 1221—2013	Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems.	7/8/2013
NFPA 1401—2012	Recommended Practice for Fire Service Training Reports and Records.	1/5/2015
NFPA 1402—2012	Guide to Building Fire Service Training Centers	1/5/2015
NFPA 1403—2012	Standard on Live Fire Training Evolutions	1/5/2015
NFPA 1405—2011	Guide for Land-Based Fire Departments that Respond to Marine Vessel Fires.	1/3/2014
NFPA 1500—2013	Standard on Fire Department Occupational Safety and Health Program.	7/6/2015

* Proposed NEW drafts are available from NFPA's Web site—www.nfpa.org or may be obtained from NFPA's Codes and Standards Administration, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

Dated: April 22, 2013.
 Willie E. May,
 Associate Director for Laboratory Programs.
 [FR Doc. 2013-09938 Filed 4-25-13; 8:45 am]
 BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Fire Codes: Request for Comments on NFPA's Codes and Standards

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) is publishing this notice on behalf of the National Fire Protection Association (NFPA) to announce the availability of and request comments on the First Draft Reports that will be reporting in NFPA's 2014 Annual Revision Cycle.

DATES: Thirty First Draft Reports are published on the NFPA Web site at <http://www.nfpa.org/FDRSDR>. Comments received by 5:00 p.m. EST/EDST on or before May 3, 2013 will be considered by the respective NFPA Committees before final action is taken on the comments.

ADDRESSES: The 2014 Annual Revision Cycle First Draft Reports are available and downloadable from NFPA's Web site at: <http://www.nfpa.org/FDRSDR>. Comments on the First Draft Reports can be submitted online by going to the link above.

FOR FURTHER INFORMATION CONTACT: Amy Beasley Cronin, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, (617) 770-3000. David F. Alderman, NIST, 100 Bureau Drive, MS 2100, Gaithersburg, MD 20899, email: david.alderman@nist.gov or by phone at 301-975-4019.

SUPPLEMENTARY INFORMATION: Since 1896, the National Fire Protection

Association (NFPA) has accomplished its mission by advocating consensus codes and standards, research, training and education for safety related issues. NFPA's *National Fire Codes*[®], which holds over 295 documents, are administered by more than 240 Technical Committees comprised of approximately 7600 volunteers and are adopted and used throughout the world. NFPA is a nonprofit membership organization with approximately 70,000 members from over 100 nations, all working together to fulfill the Association's mission.

The NFPA process provides ample opportunity for public participation in the development of its codes and standards. All NFPA codes and standards are revised and updated every three to five years in Revision Cycles that begin twice each year and that take approximately two years to complete. Each Revision Cycle proceeds according to a published schedule that includes final dates for all major events in the process. The Code Revision Process contains four basic steps that are followed for developing new documents as well as revising existing documents: Step 1: Public Input Stage, which results in the First Draft Report (formerly ROP); Step 2: Comment Stage, which results in the Second Draft Report (formerly ROC); Step 3: the Association Technical Meeting at the NFPA Conference & Expo; and Step 4: Standards Council consideration and issuance of documents.

Note: Anyone wishing to make Amending Motions on the Second Draft Reports (formerly ROP and ROC) must signal his or her intention by submitting a Notice of Intent to Make a Motion by the Deadline of 5:00 p.m. EST/EDST on or before February 7, 2014. Certified motions will be posted by April 4, 2014. Documents that receive notice of proper Amending Motions (Certified Amending Motions) will be presented for action at the Annual June 2014 Association Technical Meeting. Documents that receive no motions will be forwarded directly to the Standards Council for action on issuance.

For more information on these new rules and for up-to-date information on schedules and deadlines for processing

NFPA Documents, check the NFPA Web site at www.nfpa.org, or contact NFPA Codes and Standards Administration.

The purpose of this notice is to request comments on the First Draft Reports for the NFPA's 2014 Annual Revision Cycle. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of NFPA is being undertaken as a public service; NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

Background

The National Fire Protection Association (NFPA) develops building, fire, and electrical safety codes and standards. Federal agencies frequently use these codes and standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR part 51.

Request for Comments

Interested persons may participate in these revisions by submitting written data, views, or arguments, to Amy Beasley Cronin, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471. Commenters may go to the NFPA Web site at <http://www.nfpa.org/FDRSDR>. Each person submitting a comment should include his or her name and address, identify the notice, and give reasons for any recommendations. Comments received by 5:00 p.m. EST/EDST on or before May 3, 2013 for the 2014 Annual Revision Cycle First Draft Reports will be considered by the NFPA before final action is taken on the First Draft Reports.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the 2014 Annual Revision Cycle Second Draft Reports and will be available on the NFPA Web site at <http://www.nfpa.org/FDRSDR>.

2014 ANNUAL MEETING—FIRST DRAFT REPORTS

[P = Partial revision; W = Withdrawal; R = Reconfirmation; N = New]

NFPA 1	Fire Code	P
NFPA 3	Recommended Practice for Commissioning and Integrated Testing of Fire Protection and Life Safety Systems	P
NFPA 4	Standard for Integrated Fire Protection and Life Safety System Testing	N
NFPA 30	Flammable and Combustible Liquids Code	P
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages	P
NFPA 30B	Code for the Manufacture and Storage of Aerosol Products	P
NFPA 54	National Fuel Gas Code	P
NFPA 59	Utility LP-Gas Plant Code	P
NFPA 70E	Standard for Electrical Safety in the Workplace [®]	P
NFPA 79	Electrical Standard for Industrial Machinery	P

2014 ANNUAL MEETING—FIRST DRAFT REPORTS—Continued

[P = Partial revision; W = Withdrawal; R = Reconfirmation; N = New]

NFPA 86	Standard for Ovens and Furnaces	P
NFPA 87	Recommended Practice for Fluid Heaters	P
NFPA 88A	Standard for Parking Structures	P
NFPA 90A	Standard for the Installation of Air-Conditioning and Ventilating Systems	P
NFPA 90B	Standard for the Installation of Warm Air Heating and Air-Conditioning Systems	P
NFPA 99	Health Care Facilities Code	P
NFPA 99B	Standard for Hypobaric Facilities	P
NFPA 101	Life Safety Code®	P
NFPA 220	Standard on Types of Building Construction	P
NFPA 221	Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls	P
NFPA 302	Fire Protection Standard for Pleasure and Commercial Motor Craft	P
NFPA 318	Standard for the Protection of Semiconductor Fabrication Facilities	P
NFPA 484	Standard for Combustible Metals	P
NFPA 703	Standard for Fire Retardant—Treated Wood and Fire-Retardant Coatings for Building Materials	P
NFPA 720	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment	P
NFPA 790	Standard for Competency of Third-Party Field Evaluation Bodies	P
NFPA 791	Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation	P
NFPA 1720	Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments.	P
NFPA 2113	Standard on Selection, Care, Use, and Maintenance of Flame-Resistant Garments for Protection of Industrial Personnel Against Flash Fire.	P
NFPA 5000	Building Construction and Safety Code®	P

Dated: April 22, 2013.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2013-09936 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC641

New England Fishery Management Council (NEFMC); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific and Statistical Committee (SSC) on May 16, 2013 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, May 16, 2013 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director,

New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The NEFMC's Scientific and Statistical Committee will meet to review the Monkfish Operational Stock Assessment Update completed on May 8-9, 2013 and develop Acceptable Biological Catch (ABC) recommendations for monkfish (goosefish) for fishing years 2014 through 2016. The Committee will consider additional information provided to it by the Council's Monkfish Plan Development Team. The Committee also will review the approach used by the Council's Groundfish Closed Area Technical Team to spatially analyze juvenile and spawning protection for key groundfish stocks. Other business may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 23, 2013.

William D. Chappell,

Acting Deputy Director, Office of Sustainable Fisheries, Notional Marine Fisheries Service.

[FR Doc. 2013-09918 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC642

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 33 Gulf of Mexico gag and greater amberjack workshops and webinars.

SUMMARY: The SEDAR 33 assessment of the Gulf of Mexico stocks of gag (*Mycteroperca microlepis*) and greater amberjack (*Seriola dumerili*) will consist of: a Data Workshop; an Assessment process conducted via webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The Data Workshop will be held from 1 p.m. on Monday, May 20, 2013 until 12 p.m. on Friday, May 24, 2013 in Tampa, FL. The Assessment Workshop will take place via webinar on the following dates in 2013: July 22; July 29; August 5; August 14; August 21; August 28; September 4; September 11;

September 18; September 25; October 2; and October 9. All webinars will begin at 1 p.m. eastern time (ET) and will last approximately four hours. The Review Workshop will take place from 1 p.m. on Monday, November 18, 2013 until 12 p.m. on Thursday, November 21, 2013 in Miami, FL. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting addresses: The Data Workshop will be held at the Tampa Westshore Marriott, 1001 Westshore Plaza Boulevard, Tampa, FL 33607; (813) 287-2555. The Assessment Workshop webinars will be held via GoToWebinar. The Review Workshop will be held at the Doubletree by Hilton Grande Hotel Biscayne Bay, 1717 N. Bayshore Drive, Miami, FL 33132; (305) 372-0313. All workshops and webinars are open to members of the public. Those interested in participating should contact Ryan Rindone at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing pertinent information. Please request meeting information at least 24 hours in advance.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, SEDAR Coordinator; telephone: (813) 348-1630; email: ryan.rindone@gulfcouncil.org.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Consensus Summary documenting panel opinions regarding the strengths

and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the individual workshop agendas are as follows:

SEDAR 33 Data Workshop, May 20–24, 2013

1. Assessment data sets and associated documentation will be developed.
2. Participants will evaluate all available data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

SEDAR 33 Assessment Workshop Webinars, July 22–October 9, 2013

Participants will review modeling efforts, suggest sensitivity analyses, and decide upon an appropriate model run or set of model runs to put forward to the Review Workshop for each species assessed.

SEDAR 33 Review Workshop, November 18–21, 2013

Panelists will review the assessments and document their comments and recommendations in a Consensus Summary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: April 23, 2013.

William D. Chappell,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013-09917 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC494

Taking Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to an Exploration Drilling Program in the Chukchi Sea, Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; withdrawal of an incidental take authorization application.

SUMMARY: Notice is hereby given that ConocoPhillips Company (COP) has withdrawn its application for an Incidental Harassment Authorization (IHA). The following action is related to a proposed IHA to COP for the take of small numbers of marine mammals, by Level B harassment, incidental to conducting offshore exploration drilling on Outer Continental Shelf (OCS) leases in the Chukchi Sea, Alaska, during the 2014 open-water season.

ADDRESSES: A copy of the application, which contains several attachments, including COP's marine mammal mitigation and monitoring plan and Plan of Cooperation, can be viewed on the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION: On December 6, 2012, NMFS received a complete application from COP requesting an IHA. The requested IHA was for an authorization to take, by Level B harassment, small numbers of 12 marine mammal species incidental to COP's offshore exploration drilling in the Chukchi Sea during the 2014 open-

water season. NMFS published a Notice of Proposed IHA, initiating a 30-day public comment period, on February 22, 2013 (78 FR 12542). We then published a notice extending the comment period by 45 days on March 28, 2013 (78 FR 18965). On April 22, 2013, NMFS accepted notice from COP withdrawing their IHA application for the proposed action. COP has deferred the plan to drill an exploratory well at the Devils Paw Prospect in the Chukchi Sea during the 2014 open-water season.

Dated: April 23, 2013.

Helen M. Golde,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2013-09871 Filed 4-25-13; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

DATES: *Comments Must Be Received On or Before:* 5/27/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202-4149.

For Further Information or To Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to provide the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Linen Rental Service, Court Services and Offender Supervision Agency (CSOSA), (offsite: 4701 Market St, Fredericksburg, VA), 633 Indiana Ave, Room 892 NW., Washington, DC
NPA: Rappahannock Goodwill Industries, Inc., Fredericksburg, VA
Contracting Activity: Court Services and Offender Supervision Agency, Washington, DC

Service Type/Location: Grounds Maintenance, USDA APHIS Veterinary Services, 6300 NW. 36th Street, Miami, FL

NPA: Goodwill Industries of South Florida, Inc., Miami, FL

Contracting Activity: Dept. of Agriculture, Animal and Plant Health Inspection Service, Minneapolis, MN

Service Type/Location: Switchboard Operation Service, Headquarters, Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, Washington, DC

NPA: Columbia Lighthouse for the Blind, Washington, DC

Contracting Activity: Federal Bureau of Investigation, Washington, DC

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN: 7530-01-588-1145—DAYMAX System, 2012, Planner, 7-hole, Digital Camouflage
NSN: 7530-01-587-8929—DAYMAX System, 2012, JR Deluxe Planner, 6-hole, Black
NSN: 7530-01-587-8929L—DAYMAX System, 2012, JR Deluxe Planner, 6-hole, Black w/logo
NSN: 7530-01-587-8924L—DAYMAX System, 2012, LE Planner, 3-hole, Navy w/logo
NSN: 7530-01-587-8924—DAYMAX System, 2012, LE Planner, 3-hole, Navy
NSN: 7530-01-587-8923L—DAYMAX System, 2012, Planner, 7-hole, Desert Camouflage w/logo
NSN: 7530-01-587-8923—DAYMAX System, 2012, Planner, 7-hole, Desert Camouflage
NSN: 7530-01-587-8922—DAYMAX System, 2012, JR Deluxe Planner, 6-hole, Digital Camouflage, Black
NSN: 7530-01-587-8922L—DAYMAX System, 2012, JR Deluxe Planner, 6-hole, Digital Camouflage, Black w/logo
NSN: 7530-01-587-8921L—DAYMAX System, 2012, IE Planner, 3-hole, Navy w/logo
NSN: 7530-01-587-8921—DAYMAX System, 2012, IE Planner, 3-hole, Navy
NSN: 7530-01-587-8920L—DAYMAX System, 2012, DOD Planner, 3-hole, Burgundy
NSN: 7530-01-587-8920—DAYMAX

System, 2012, DOD Planner, 3-hole, Burgundy
NSN: 7530-01-587-8919—DAYMAX System, 2012, GLE Planner, 7-hole, Navy
NSN: 7530-01-587-8919L—DAYMAX System, 2012, GLE Planner, 7-hole, Navy w/logo
NSN: 7530-01-587-8918L—DAYMAX System, 2012, Planner, 7-hole, Woodland Camouflage w/logo
NSN: 7530-01-587-8918—DAYMAX System, 2012, Planner, 7-hole, Woodland Camouflage
NSN: 7530-01-587-8144—DAYMAX System, 2012, GLE Planner, 7-hole, Burgundy
NSN: 7530-01-587-8144L—DAYMAX System, 2012, GLE Planner, 7-hole, Burgundy
NSN: 7530-01-587-8138—DAYMAX System, 2012, GLE Planner, 7-hole, Black
NSN: 7530-01-587-8138L—DAYMAX System, 2012, GLE Planner, 7-hole, Black w/logo
NSN: 7530-01-587-8133—DAYMAX System, 2012, LE Planner, 3-hole, Burgundy
NSN: 7530-01-587-8133L—DAYMAX System, 2012, LE Planner, 3-hole, Burgundy w/logo
NSN: 7530-01-587-8132—DAYMAX System, 2012, IE Planner, 3-hole, Black
NSN: 7530-01-587-8132L—DAYMAX System, 2012, IE Planner, 3-hole, Black w/logo
NSN: 7530-01-587-8131L—DAYMAX System, 2012, LE Planner, 3-hole, Black w/logo
NSN: 7530-01-587-8131—DAYMAX System, 2012, LE Planner, 3-hole, Black
NSN: 7530-01-587-8130L—DAYMAX System, 2012, IE Planner, 3-hole, Burgundy
NSN: 7530-01-587-8130—DAYMAX System, 2012, IE Planner, 3-hole, Burgundy
NSN: 7530-01-587-8125—DAYMAX System, 2012, JR Planner, 6-hole, Burgundy
NSN: 7530-01-587-8125L—DAYMAX System, 2012, JR Planner, 6-hole, Burgundy w/logo
NSN: 7530-01-587-8124L—DAYMAX System, 2012, JR Planner, 6-hole, Navy w/logo
NSN: 7530-01-587-8124—DAYMAX System, 2012, JR Planner, 6-hole, Navy
NSN: 7530-01-587-8123—DAYMAX System, 2012, JR Planner, 6-hole, Black
NSN: 7530-01-587-8123L—DAYMAX System, 2012, JR Planner, 6-hole, Black w/logo
NSN: 7510-01-587-8925—DAYMAX System, 2012, Week at a View, GLE, 7-hole
NSN: 7510-01-587-8201—DAYMAX System, 2012, Tabbed Monthly, GLE, 7-hole
NSN: 7510-01-587-8199—DAYMAX System, 2012, Tabbed Monthly, IE/LE, 3-hole
NSN: 7510-01-587-8198—DAYMAX System, 2012, Week at a View, IE/LE, 3-hole
NSN: 7510-01-587-8194—DAYMAX System, 2012, Month at a View, IE/LE, 3-

hole
 NSN: 7510-01-587-8184—DAYMAX System, 2012, Day at a View, GLE, 7-hole
 NSN: 7510-01-587-8175—DAYMAX System, 2012, Month at a View, GLE, 7-hole
 NSN: 7510-01-587-8170—DAYMAX System, 2012, Day at a View, IE/LE, 3-hole
 NSN: 7510-01-587-8122—DAYMAX System, 2012, Tabbed Monthly, JR, 6-hole
 NSN: 7510-01-545-4432—DAYMAX System, 2012, Calendar Pad, Type I
 NSN: 7510-01-545-3771—DAYMAX System, 2012, Calendar Pad, Type II
 NSN: 7530-01-545-3751—DAYMAX System, 2012, Appointment Refill
 NSN: 7530-01-588-1144—Digital Camouflage Time Management System
 NSN: 7530-01-573-4845—JR Deluxe Version TMS, Black
 NSN: 7530-01-573-4845L—JR Deluxe Version TMS, Black w/Logo
 NSN: 7530-01-573-4846L—JR Deluxe Version TMS, Digital Camouflage w/Logo
 NSN: 7530-01-573-4846—JR Deluxe Version TMS, Digital Camouflage
 NPA: The Easter Seal Society of Western Pennsylvania, Pittsburgh, PA
 Contracting Activity: General Services Administration, New York, NY

Hydramax Hydration System

NSN: 8465-01-525-1560—Alpha, Black, 120 oz
 NSN: 8465-01-525-1561—Alpha, Desert, 120 oz
 NSN: 8465-01-524-2763—Mustang, Desert, 120 oz
 NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
 Contracting Activity: General Services Administration, Fort Worth, TX

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013-09886 Filed 4-25-13; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a product and service from the Procurement List previously furnished by such agencies.

DATES: Effective Date: 5/27/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202-4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Additions

On 2/8/2013 (78 FR 9386-9387); 2/22/2013 (78 FR 12296-12297); 3/1/2013 (78 FR 13868-13869); and 3/8/2013 (78 FR 15000), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.
2. The action will result in authorizing small entities to furnish the products and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products and services proposed for addition to the Procurement List.

End of Certification
 Accordingly, the following products and services are added to the Procurement List:

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN: 7930-00-NIB-0645—Detergent, Liquid, High-foaming, Car and Truck Washing, (4) 1-GL Container/BX
 NSN: 7930-00-NIB-0647—Liquid Solution, Truck and Trailer Wash, 5 GL
 NSN: 7930-00-NIB-0653—Protectant,

Liquid, Water-Based, Vehicle Interior Surface, (4) 1-GL Container/BX

COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

NSN: 7930-00-NIB-0646—Detergent, Liquid, High-foaming, Car and Truck Washing, 5 GL

NSN: 7930-00-NIB-0648—Liquid Solution, Truck and Trailer Wash, 55 GL

NSN: 7930-00-NIB-0649—Cleaner/Degreaser, Heavy Duty, Biodegradable, Car and Trucks, 5 GL

NSN: 7930-00-NIB-0650—Cleaner/Degreaser, Heavy Duty, Biodegradable, Car and Trucks, 55 GL

NSN: 7930-00-NIB-0651—Liquid Solution, Concentrated, Vehicle, Wash and Shine, With Wax polymer, (4) 1-GL Container/BX
 NSN: 7930-00-NIB-0652—Liquid Solution, Concentrated, Vehicle, Wash and Shine, W/Wax polymer, 5 GL

NSN: 7930-00-NIB-0654—Protectant, Liquid, Water-Based, Vehicle Interior Surface, 5 GL

NSN: 7930-00-NIB-0655—Cleaner, Wheel and Tire, 5 GL

NSN: 7930-00-NIB-0657—Bug Remover, Concentrated, Gelling, Vehicle, 5 GL

NSN: 7930-00-NIB-0666—Detergent, Oil and Water Separating, Heavy Duty, Biodegradable, Trucks and Trailers, 5 GL

NSN: 7930-00-NIB-0667—Detergent, Oil and Water Separating, Heavy Duty, Biodegradable, Trucks and Trailers, 55 GL

NPA: Susquehanna Association for the Blind and Vision Impaired, Lancaster, PA

Contracting Activity: GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

COVERAGE: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Portable Desktop Clipboard, 9½" W x 1½" D x 13½" H

NSN: 7510-00-NIB-2133—Black
 NSN: 7510-00-NIB-9835—Blue
 NSN: 7510-00-NIB-9836—Army Green

NPA: L.C. Industries for the Blind, Inc., Durham, NC

Contracting Activity: GENERAL SERVICES ADMINISTRATION, NEW YORK, NY

COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

NSN: MR 318—Set, Mixing Bowl,
Spill-Free, 3PC

NPA: Industries for the Blind, Inc.,
West Allis, WI

Contracting Activity: Defense
Commissary Agency, Fort Lee, VA

COVERAGE: C-List for the requirements
of military commissaries and
exchanges as aggregated by the
Defense Commissary Agency.

Services

Service Type/Location: Base Supply
Center Service, Barnes Federal
Building, 495 Summer Street,
Boston, MA.

NPA: Industries for the Blind, Inc., West
Allis, WI.

Contracting Activity: DEFENSE
CONTRACT MANAGEMENT
AGENCY (DCMA), DCMA
PROCUREMENT CENTER,
BOSTON, MA.

Service Type/Location: Custodial
Service, Harrisonburg Courthouse,
116 North Main Street,
Harrisonburg, VA.

NPA: Portco, Inc., Portsmouth, VA.

Contracting Activity: PUBLIC
BUILDINGS SERVICE, GSA/PBS/
R03 SOUTH SERVICE CENTER,
PHILADELPHIA, PA.

Service Type/Location: Custodial
Service, U.S. Army Reserve Center
Facility, 15303 Andrews Road,
Kansas City, MO.

NPA: JobOne, Independence, MO.

Contracting Activity: DEPT OF THE
ARMY, W6QM MICC-ARCC
NORTH, FORT McCOY, WI.

Service Type/Location: Custodial
Service, Consumer Financial
Protection Bureau, (Limited areas
Floors 1, 3, 4), 1625 Eye Street NW.,
Washington, DC.

NPA: Service Disabled Veterans
Business Association, Silver
Springs, MD.

Contracting Activity: CONSUMER
FINANCIAL PROTECTION
BUREAU, CFPB PROCUREMENT,
WASHINGTON, DC.

Deletions

On 3/15/2013 (78 FR 16475–16476)
and 3/22/2013 (78 FR 17641–17642), the
Committee for Purchase From People
Who Are Blind or Severely Disabled
published notices of proposed deletions
from the Procurement List.

After consideration of the relevant
matter presented, the Committee has
determined that the product and service
listed below are no longer suitable for
procurement by the Federal Government
under 41 U.S.C. 8501–8506 and 41 CFR
51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will
not have a significant impact on a
substantial number of small entities.
The major factors considered for this
certification were:

1. The action will not result in
additional reporting, recordkeeping or
other compliance requirements for small
entities.

2. The action may result in
authorizing small entities to furnish the
product and service to the Government.

3. There are no known regulatory
alternatives which would accomplish
the objectives of the Javits-Wagner-
O'Day Act (41 U.S.C. 8501–8506) in
connection with the product and service
deleted from the Procurement List.

End of Certification

Accordingly, the following product
and service are deleted from the
Procurement List:

Product

NSN: 8345–01–101–1101—Shape,
Day Maritime

NPA: None assigned.

Contracting Activity: DEFENSE
LOGISTICS AGENCY TROOP
SUPPORT, PHILADELPHIA, PA.

Service

Service Type/Location: CSS/Custodial/
Warehousing Service, Commissary
ANGB, 99 Pesch Circle, Building
420, Bangor, ME.

NPA: Pathways, Inc., Auburn, ME.

Contracting Activity: DEFENSE
COMMISSARY AGENCY (DECA)
FORT LEE, VA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–09885 Filed 4–25–13; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Final Environmental Impact Statement for the Construction and Operation of an Infantry Platoon Battle Course at Pōhakuloa Training Area, Hawai'i

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Pacific
(USARPAC) and U.S. Army Garrison,
Hawai'i, (USAG–HI) propose to
construct and operate a modern Infantry
Platoon Battle Course (IPBC) and
associated infrastructure that is
compliant with current Army training
requirements at Pōhakuloa Training

Area (PTA), Hawai'i. The proposed
IPBC would support the live-fire
collective training needs of the Army,
Army Reserve, and Hawai'i Army
National Guard, as well as other Service
components that are stationed or train
in Hawai'i.

Two alternatives were analyzed in the
EIS: the Western Range Area Alternative
(preferred) and the Charlie Circle
Alternative. Both proposed IPBC
alternative locations are in under-
utilized portions of the PTA impact area
where no ranges currently exist. These
locations have been exposed to indirect
munitions fire, and the proposed action
would reclaim portions of the impact
area to construct the IPBC. A third
alternative analyzed in the Draft
Programmatic Environmental Impact
Statement (PEIS), Southwest of Range
20, is not operationally feasible and has
been eliminated from the Final EIS. The
Army also considered a No Action
Alternative to not build the IPBC. For all
alternatives (except for the No Action),
the IPBC would be used for 242 training
days per year.

The Army identified and analyzed
environmental and socioeconomic
impacts associated with the proposed
IPBC. The major potential
environmental impacts are to air
quality, cultural sites, threatened and
endangered species, encountering
munitions and explosives of concern,
and igniting wildfires. Cultural
resources could also be significantly
impacted. The Army consulted with the
USFWS on potential mitigation
measures to protect federally-listed
species. The USFWS issued a Biological
Opinion (BO) pursuant to Section 7 of
the Endangered Species Act on January
11, 2013. The Army also consulted with
the State Historic Preservation Division,
Advisory Council on Historic
Preservation, and other consulting
parties, including Native Hawaiian
organizations, about potential effects on
cultural resources and mitigation of
those effects. The Army and the
consulting parties are in the process of
signing a Programmatic Agreement (PA)
pursuant to Section 106 of the National
Historic Preservation Act. The PA
establishes how the remaining steps to
the Section 106 consultation will be
completed and the mitigation measures
for the potential adverse effects on
cultural resources. The PA will be
signed prior to the Army issuing a
Record of Decision for the proposed
action.

DATES: The waiting period for the Final
EIS will end 30 days after publication of
the NOA in the **Federal Register** by the
U.S. Environmental Protection Agency.

ADDRESSES: Written comments may be addressed to PTA EIS, P.O. Box 514, Honolulu, HI 96809 or by email to PTAPEIS@bah.com.

FOR FURTHER INFORMATION CONTACT: USAG-HI Public Affairs Office by phone at (808) 656-3152 Monday through Friday 9:00 a.m. to 5:00 p.m. Hawai'i Standard Time (HST).

SUPPLEMENTARY INFORMATION: The IPBC would be used to train and test infantry platoons and other units on the skills necessary to conduct collective (group) tactical movement techniques, and to detect, identify, engage, and defeat stationary and moving infantry and armor targets in a tactical array. Soldiers would engage targets with small arms, machine guns, and other weapon systems as part of live-fire exercises. This includes air-ground integration where Soldiers maneuvering on the IPBC can coordinate air support. In addition to live-fire, the range would also be used for training with sub-caliber and/or laser training devices. This type of training is mission essential for Soldiers to be prepared to encounter threats during combat operations overseas.

The Draft PEIS included a programmatic level analysis of future modernization of ranges, training and support infrastructure, and the Cantonment Area. A number of factors caused the Army to reconsider the programmatic portion of this analysis: the highly uncertain nature of the future projects in the modernization program, a rapidly changing austere fiscal environment, as well as the many public and agency comments received on the Draft PEIS. After thorough consideration of all of these factors, Army leadership has decided to defer analysis of the programmatic portion of the EIS.

In the 2011 Draft PEIS, the IPBC was analyzed as part of a larger Infantry Platoon Battle Area (IPBA), which included a Military Operations on Urban Terrain (MOUT) Assault Course and a live-fire Shoothouse facility. Due to funding constraints, the MOUT Assault Course and Shoothouse facility are no longer part of the project. Further NEPA analysis will occur when funding becomes available for these projects and sites are identified. A third IPBC alternative analyzed in the Draft PEIS, Southwest of Range 20, was subsequently found not to be operationally feasible and it was eliminated from the Final EIS.

The Record of Decision will be published no sooner than 30 days after publication of the notice of availability of the Final EIS in the **Federal Register** by the U.S. Environmental Protection

Agency. The Record of Decision will include final mitigation measures the Army will adopt. Copies of the Final EIS are available at the following libraries: Hilo Public Library, 300 Waiianuenue Avenue, Hilo; Kailua-Kona Public Library, 75-138 Hualalalai Road, Kailua-Kona; Thelma Parker Memorial Public and School Library, 67-1209 Mamalahoa Highway, Kamuela; and Hawai'i State Library, 478 South King Street, Honolulu. A copy of the Final EIS can be accessed online at http://www.garrison.hawaii.army.mil/pta_peis/default.htm.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013-09827 Filed 4-25-13; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102-3.140 through 160, the Department of the Army announces the following committee meeting:

Name of Committee: Army Education Advisory Committee (AEAC).

Date of Meeting: Thursday, May 30, 2013, Friday, May 31, 2013.

Time of Meeting: 8:00 a.m.-4:00 p.m.

Place of Meeting: TRADOC HQ, Building 950, 950 Jefferson Ave, Conference Room 2047, 2nd Floor, Ft Eustis, VA.

Proposed Agenda: Purpose of the meeting is to gather, review, evaluate, and discuss information related to Army 2020 as the Army transitions into a future force focused on developing adaptive leaders and organizations and revolutionizing training to strengthen the Army. The agenda will include topics relating to the Army Learning Model that seeks to improve the Army's learning model by leveraging technology without sacrificing standards so the Army can provide credible, rigorous, and relevant training and education for its force of combat-seasoned Soldiers and leaders.

FOR FURTHER INFORMATION CONTACT: For information contact Mr. Wayne Joyner, Designated Federal Officer, at albert.w.joyner.civ@mail.mil, (757) 501-

5810, or to the following address: Army Education Advisory Committee, Designated Federal Officer, ATTN: ATTG-ZC (Joyner), 950 Jefferson Ave., Building 950, Ft Eustis, VA 23604.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102.3.165, the meeting of the Advisory Committee is open to the public however, any member of the public wishing to attend this meeting should contact the Designated Federal Officer previously listed at least ten calendar days prior to the meeting for information on base entry. Individuals without a DoD Government Common Access Card require an escort at the meeting location. Attendance will be limited to those persons who have notified the Designated Federal Officer of their intention to attend. Seating is on a first-come basis.

Filing Written Statement: Pursuant to 41 CFR 102.3.140(d), the Committee is not obligated to allow the public to speak, however, any member of the public, including interested organizations, wishing to provide input to the Committee concerning the committee's mission and functions, should submit a written statement in accordance with 41 CFR 102-3.105(j) and 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address listed (see **FOR FURTHER INFORMATION CONTACT**). Statements being submitted in response to the stated agenda mentioned in this notice must be received at least ten calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Advisory Committee until its next meeting. The Designated Federal Officer will review all timely submissions with the Advisory Committee Chairperson and ensure they are provided to members of the Committee before the meeting that is the subject of this notice. After reviewing written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during open portion of this meeting or at a future meeting.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013-09826 Filed 4-25-13; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2013-ICCD-0015]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; William D. Ford Federal Direct Loan Program (DL) Regulations**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.**DATES:** Interested persons are invited to submit comments on or before May 28, 2013.**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number ED-2013-ICCD-0015 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202-4537.**FOR FURTHER INFORMATION CONTACT:** Electronically mail ICDocketMgr@ed.gov. Please do not send comments here.**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be

processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: William D. Ford Federal Direct Loan Program (DL) Regulations.*OMB Control Number:* 1845-0021.*Type of Review:* Extension without change of an existing collection of information.*Respondents/Affected Public:* Private Sector.*Total Estimated Number of Annual Responses:* 6,603,667.*Total Estimated Number of Annual Burden Hours:* 535,998.*Abstract:* The William D. Ford Federal Direct Loan Program regulations cover areas of program administration. These regulations are in place to minimize administrative burden for program participants, to determine eligibility for and provide program benefits to borrowers, and to prevent fraud and abuse of program funds to protect the taxpayers' interests. This request is for continued approval of reporting and recordkeeping related to the administrative requirements of the Direct Loan program.

Dated: April 22, 2013.

Kate Mullan,*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013-09947 Filed 4-25-13; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY**Office of Energy Efficiency and Renewable Energy****Energy Savings Performance Contracts: Extension of Comment Period****AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.**ACTION:** Notice of request for information; extension of comment period.**SUMMARY:** The U.S. Department of Energy (DOE) issued a request for information (RFI) on April 3, 2013 that requested comments and information

regarding improvements to Energy Savings Performance Contracts (ESPCs), to be submitted by May 3, 2013. In an interest to provide additional time for a response, this notice extends the comment period until May 17, 2013.

DATES: Written comments and information are requested on or before May 17, 2013.**ADDRESSES:** Interested persons may submit comments by any of the following methods. Your response should be in the form of a Word document, or a compatible format.1. *Email:* to femp@go.doe.gov. Include "ESPC Comments" in the subject line of the message.2. *Mail:* Mr. Randy Jones, U.S. Department of Energy, 1617 Cole Blvd., Golden, CO 80401, Telephone: (720) 356-1667, Email: randy.jones@go.doe.gov. Please submit one signed paper original.**FOR FURTHER INFORMATION CONTACT:** Mr. Randy Jones, U.S. Department of Energy, 1617 Cole Blvd., Golden, CO 80401, Telephone: (720) 356-1667, Email: randy.jones@go.doe.gov, or Ms. Michella Hill, Contracting Officer, U.S. Department of Energy, 1617 Cole Blvd., Golden, CO 80401, Telephone: (720) 356-1489, Email: michella.hill@go.doe.gov.**SUPPLEMENTARY INFORMATION:** The Federal Energy Management Program (FEMP), within the DOE Office of Energy Efficiency and Renewable Energy (EERE), provides services, tools, and expertise to Federal agencies to help them achieve their legislated and executive-ordered energy, greenhouse gas, and water goals. These are delivered through project, technical, and program services. One of FEMP's major services is to support Federal agencies in identifying, obtaining, and implementing project funding for energy projects through the use of ESPCs.

ESPCs allow Federal agencies to accomplish energy savings projects without up-front capital costs. In an ESPC, a Federal agency contracts with an ESCO, following a comprehensive energy audit conducted by the ESCO of a Federal facility to identify improvements to save energy. In consultation with the Federal agency, the ESCO designs and constructs a project that meets the agency's needs and arranges the necessary funding. The ESCO guarantees that the improvements will generate energy cost savings sufficient to pay for the project over the term of the contract. After the contract ends, all additional cost savings accrue to the agency. Contract terms up to 25 years are allowed.

Under the ESPC statutes, DOE is required to develop methods and procedures for Federal agencies to implement the use of energy savings performance contracting. On April 10, 1995, DOE established the implementing procedures and regulations for ESPCs at 10 CFR part 436, Subpart B. (See, 60 FR 18334.)

To facilitate and accelerate the use of ESPCs, DOE has issued Indefinite-Delivery, Indefinite-Quantity (IDIQ) contracts designed to make ESPCs as practical and cost-effective as possible for use by Federal agencies. DOE awarded these "umbrella" contracts to ESCOs based on their ability to meet terms and conditions established in IDIQ contracts, and consistent with the ESPC regulations. DOE IDIQ contracts can be used by Federal agencies to achieve energy savings for any Federally-owned facility worldwide, by awarding Task Orders for ESPC projects at their facilities.

Since the inception of DOE's IDIQ contracts in 1996, numerous Federal agencies have used them to award more than 280 ESPC projects throughout the Federal government. More than \$2.71 billion has been invested in Federal energy efficiency and renewable energy improvements. These improvements have resulted in more than 347.5 trillion Btu life-cycle energy savings and more than \$7.18 billion of cumulative energy cost savings for the Federal Government.

While FEMP has provided implementing rules and policies regarding ESPCs, its efforts to promote and improve ESPC projects have been primarily through the DOE IDIQ contract vehicle. Over the course of the last 15 years, FEMP has continuously improved the ESPC IDIQ contract in many key areas, including contractor selection procedures, scope definition, Measurement and Verification (M&V), financing procurement, and definition of risk and responsibilities.

More detailed background and specifics of the current FEMP ESPC program can be found at: <http://www1.eere.energy.gov/femp/financing/espcs.html>.

More detailed information about the IDIQ contracts, FEMP's primary vehicle for implementation of ESPCs, including a generic version of the current contract, can be found at: http://www1.eere.energy.gov/femp/financing/espcs_resources.html.

More detailed information about the new FEMP streamlined ESPC ENABLE program for smaller facilities can be found at: http://www1.eere.energy.gov/femp/financing/espc_enable.html.

RFI

On April 3, 2013, DOE issued a request for information to solicit input on further potential improvements to ESPCs, with emphasis on improvements to the FEMP IDIQ contracts. (78 FR 20097) Comments and information regarding improvements ESPCs were requested to be submitted by May 3, 2013. In an interest to provide additional time for a response, DOE is accepting comments and information until May 17, 2013. Specifically, FEMP is interested in obtaining ideas and information in the following areas:

Speed to Award

- Decreasing the time from the point an agency decides to go forward (Issues Notice of Opportunity (NOO), Request for Proposals (RFP), etc.) to the time of award.

Process improvements and simplifications, while maintaining technical and project management integrity.

Addressing internal agency policies and processes to speed up key reviews, approvals, and decisions.

ESPC IDIQ Contract Improvements

- Opportunities and benefits relating to greater standardization of contract processes, terms and conditions across the Government.
- Comments on current IDIQ processes that allow contractor selection based on ESCO qualifications only, without the submission of a price proposal.
- Comments on structuring an ESPC IDIQ Contract so that new contractors may be added during the life of the contract based on meeting the same qualification criteria as specified in the original solicitation.
- Comments on a potential process where the technical criterion to receive an IDIQ ESPC contract from DOE are based partially or fully on meeting requirements of an impartial, national ESCO certification program.
- Comments on structuring an ESPC IDIQ Contract so that contractors can be removed during the life of the contract based on conditions specified in the IDIQ such as non-performance or lack of participation.
- Improvement of deliverables content and format (Investment Grade Audit, Commissioning Plans and Reports, Measurement and Verification Plans and Reports, etc.).

Increasing the Certainty of Energy Savings Persistence

- Improvements to Measurement and Verification methodologies, to achieve

and maintain the greatest assurance of energy savings at the least cost.

Approaches To Encourage Innovative or Underutilized Energy Efficiency and Renewable Energy Technologies

- Approaches to increase confidence in investing in technologies with good potential but little implementation experience.
- Approaches to incentivize ESCOs to propose innovative or underutilized technologies.

Potential Improvements to the FEMP Streamlined ENABLE Program for Smaller Facilities

- Improvements to the technical tools and contract templates that support project development and execution.
- Feedback on the process that is required by GSA Schedule 84, Special Identification Number 246-53 and use of the Schedule ordering process in general.

Disclaimer and Important Notes

This is an RFI issued solely for information and program planning purposes; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. DOE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that DOE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind DOE to any further actions related to this topic.

Confidential Business Information

In accordance with 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is

generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in a public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on April 22, 2013.

Timothy Unruh,

Program Manager, Federal Energy Management Program.

[FR Doc. 2013-09926 Filed 4-25-13; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2013-0276; FRL-9385-2]

Ethylene Oxide; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a quarantine exemption request from the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to use the pesticide ethylene oxide (CAS No. 75-21-8) to sterilize the interior surfaces of enclosed animal isolator units to control microorganisms. The applicant proposes a use of a pesticide which contains an active ingredient which is or has been the subject of a Special Review, and which could pose a risk similar to the risk which is or has been the subject of the Special Review. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before May 13, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2013-0276, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any

information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.htm>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Keri Grinstead, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8373; fax number: (703) 605-0781; email address: grinstead.keri@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked

will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. USDA APHIS has requested the EPA Administrator to issue a quarantine exemption for the use of ethylene oxide to sterilize interior

surfaces of enclosed animal isolator units used at USDA National Veterinary Services Laboratories (NVSL) and the National Animal Disease Center (NADC) in Ames, IA. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that without the ability to sterilize animal isolators, NVSL and NADC would not be able to conduct studies of national importance. NVSL and NADC provide diagnosis for animal diseases and diagnostic support for disease control and eradication. Ethylene oxide is an effective sterilizer, yet is non-corrosive on delicate instruments and electrical equipment.

The applicant proposes that enclosed animal isolator units used at USDA NVSL and NADC in Ames, IA will be sterilized 5 to 7 times over the 3-year term of the exemption. Six pounds of product (8.6% ethylene oxide) will be applied to each unit for each sterilization.

This notice does not constitute a decision by EPA on the application itself. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a quarantine exemption proposing use of a pesticide which contains an active ingredient which is or has been the subject of a Special Review, and which could pose a risk similar to the risk which is or has been the subject of the Special Review. The notice provides an opportunity for public comment on the application. The Agency will review and consider all comments received during the comment period in determining whether to issue the quarantine exemption requested by the USDA APHIS.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 19, 2013.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013-09954 Filed 4-25-13; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OA-2013-0133; FRL-9805-9]

Draft Policy Papers Released for Public Comment: Title VI of the Civil Rights Act of 1964: Adversity and Compliance With Environmental Health-Based Thresholds, and Role of Complainants and Recipients in the Title VI Complaints and Resolution Process

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for comments on EPA's Draft Policies.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has made improving its civil rights program a priority and recognizes that its enforcement of Title VI of the Civil Rights Act of 1964 (Title VI) is an important tool to use to protect against discrimination and ensure that recipients of EPA financial assistance do not discriminate in implementing programs and activities. Today, EPA has released two draft policy papers for public comment. The first draft policy paper, *Title VI of the Civil Rights Act of 1964: Adversity and Compliance with Environmental Health-Based Thresholds*, proposes to change the way EPA assesses "adversity" by having the Agency refrain from applying a "rebuttable presumption" in certain Title VI investigations. The second draft policy paper, *Role of Complainants and Recipients in the Title VI Complaints and Resolution Process*, discusses EPA's proposed position on clarifying the roles of complainants and recipients in the Title VI complaints process.

DATES: Written comments on this draft must be received on or before May 28, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OA-2013-0133, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- **Email:** ORD.Docket@epa.gov.
- **Fax:** 202-566-1753.
- **Mail:** Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- **Hand Delivery:** "EPA's Draft Policies entitled *Title VI of the Civil Rights Act of 1964: Adversity and Compliance with Environmental Health-Based Thresholds*, and *Role of Complainants and Recipients in the Title VI Complaints and Resolution*

Process" Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OA-2013-0133. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through www.regulations.gov your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. If you previously submitted comments to OCR via EPA's Web site, those comments will automatically be placed in the Docket and do not need to be resubmitted. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. **Docket:** All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials regarding this notice are available either electronically in www.regulations.gov or in hard copy at the "EPA's Draft Policies entitled *Title*

VI of the Civil Rights Act of 1964: Adversity and Compliance with Environmental Health-Based Thresholds, and Role of Complainants and Recipients in the Title VI Complaints and Resolution Process" Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 202-566-1752. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

FOR FURTHER INFORMATION CONTACT: For information on the docket, www.regulations.gov, or the public comment period, please contact the Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: 202-566-1752; facsimile: 202-566-1753; or email: ORD.Docket@epa.gov.

For information on the draft policy papers, please contact Helena Wooden-Aguilar, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: 202-564-7272; facsimile: 202-565-0196; or email: wooden-aguilar.helena@epa.gov.

SUPPLEMENTARY INFORMATION:

1. General Information

The U.S. Environmental Protection Agency (EPA) has made improving its civil rights program a priority and recognizes that its enforcement of Title VI of the Civil Rights Act of 1964 (Title VI) is an important tool in its efforts to protect against discrimination and ensure that recipients of EPA financial assistance do not discriminate in implementing programs and activities. To that end, in 2009, EPA made a commitment to strengthen and revitalize EPA's Civil Rights and Diversity Programs. In addition to increasing staff, securing additional training and improving processes, as part of that effort, in 2010, EPA funded an independent in-depth evaluation of its civil rights program by the firm Deloitte Consulting LLP. Following receipt of the evaluation, the Administrator established a Civil Rights Executive Committee to review Deloitte's evaluation, and other sources of information, and make recommendations for building a model civil rights program for EPA. The Executive Committee posted its draft

report for public review in February 2012, and the Administrator approved the final report and recommendations on April 13, 2012. Implementation of those recommendations is ongoing.

One of the recommendations was for EPA to develop policy statements and guidance that elucidates the analytical framework for reviewing Title VI complaints and for the use of ADR in resolving such complaints. To advance the dialogue on these issues, and consistent with its goal to promote transparency, EPA is seeking input and/or comment, on two policy issues that can improve the Title VI complaint process for all involved stakeholders. EPA initially posted these documents on its Web site and sent notification of the posting to stakeholders who previously had expressed an interest in agency activities. EPA is now publishing in the **Federal Register** in an effort to further expand the potential audience who may see these documents. Also, EPA will host two outreach sessions via teleconference with interested stakeholders concerning these two draft policies. For more information about the scheduled teleconferences, please go to <http://www.epa.gov/ocr/title6policy>.

At the same time, EPA is interested in building an email distribution list of individuals, organizations, and entities that have an interest in EPA's External Civil Rights Program, including Title VI. To this end, if you are interested, please go to www.epa.gov/ocr to add your name to the list.

2. Draft Proposed Policy Entitled *Title VI of the Civil Rights Act of 1964: Adversity and Compliance With Environmental Health-Based Thresholds*

I. Introduction

A. Purpose: This paper outlines the U.S. Environmental Protection Agency's (EPA's or Agency's) current thinking about enforcement of Title VI of the Civil Rights Act of 1964 concerning how compliance with environmental health-based thresholds relates to "adversity" in the context of disparate impact claims about environmental permitting.¹

This paper does not address allegations about intentional discrimination, most non-permitting fact patterns, or technology- and cost-

¹ Upon finalization of this paper, the policy described herein will supersede the corresponding discussions in the *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits*, 65 FR 39,667, 39,678, 39,680-81 (2000) (discussing relevance of recipients' authority and compliance with National Ambient Air Quality Standards) [hereinafter *2000 Draft Guidance*].

based standards; it is focused on discriminatory effects allegations that relate to the health protectiveness of pollution control permits issued by recipient agencies. In particular, this paper concerns the adversity prong of the *prima facie* case and does not address the other analytical steps necessary to determine whether a violation has occurred. While this paper discusses Title VI, the principles discussed here also apply to the other recipient nondiscrimination statutes,² as well as compliance with health thresholds in some non-permitting settings, such as brownfields cleanups.

B. Background: The Agency has encountered a number of complex and unique issues of law and policy in the course of Title VI complaint investigations, especially allegations concerning the protectiveness of environmental permits issued by state and local agencies that receive EPA financial assistance. These challenges have been the consequence of the need to merge the objectives and requirements of Title VI with the objectives and requirements of the environmental laws that the Agency implements. The Agency's environmental regulatory mandates require complex technical assessments regarding pollution emissions, exposures, and cause-effect relationships. In addition, the cooperative federalism approach embodied in the federal environmental statutes requires that EPA accomplish its environmental protection objectives in close coordination with state and local environmental regulators. Such issues do not have ready analogues in the context of other federal agencies' Title VI programs.³

The Agency's historical efforts in its Title VI program have been the subject of some criticism over the years. One particular criticism arose in response to the Agency's 1998 *Select Steel* decision—the origin of the rebuttable presumption addressed below. In *Select Steel*, EPA's Office of Civil Rights (OCR) dismissed an administrative complaint concerning a permit issued by the

² See *United States Dep't of Transp. v. Paralyzed Veterans*, 477 U.S. 597, 600 n.4 (1986) (stating that courts have "relied on case law interpreting Title VI as generally applicable to later statutes"). Other relevant recipient nondiscrimination statutes include section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, the Age Discrimination Act of 1975, 42 U.S.C. 6101-6107, and section 13 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251.

³ Nonetheless, EPA continues to review programs and best practices in place in other federal agencies to ensure consistency to the extent applicable and identify approaches that may be transferable to EPA's Title VI program.

Michigan Department of Environmental Quality for the Select Steel facility based, in part, on the fact that the applicable National Ambient Air Quality Standards (NAAQS) were already being met, and that the facility's permitted emissions, in combination with other stressors, were not causing an adverse effect.⁴ The rebuttable presumption approach was incorporated into the *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits*.⁵

The Agency has elected to reexamine the weight it accords compliance with environmental health-based thresholds because this issue, in particular, sits directly at the crossroads of environmental and civil rights law, and to respond to concerns raised by external Title VI stakeholders.

In examining this issue, EPA is mindful of the broad discretion afforded to federal agencies in the enforcement of federal statutes, including enforcement of federal financial assistance recipients' obligations under Title VI. This discretion applies to how agencies elect to enforce Title VI, including determining which Title VI issues to investigate.⁶

C. Title VI Legal Framework:⁷ Many Title VI investigations concern administrative complaints alleging adverse disparate impacts from the issuance of an environmental permit. Such complaints are filed pursuant to EPA's Title VI regulations. When assessing such complaints, EPA first determines whether it has jurisdiction

over the complaint.⁸ If so, the Agency then applies the analytical framework for assessing significant adverse disparate impact claims established by the courts:⁹

1. Is there a *prima facie* case? (The following three elements need not be established in order).
 - a. Does the alleged discriminatory act have an adverse impact?
 - b. Is that adverse impact suffered disparately?
 - c. Is the adverse disparate impact caused by the recipient?
2. Can the recipient offer a substantial legitimate justification for its action?
3. Is there a less discriminatory alternative?

This paper focuses only on a particular issue that may arise in the course of conducting the inquiry described in step 1.a., above. A finding of adversity, by itself, does not amount to a finding of a Title VI violation, which requires inquiry into all three of the steps outlined above, as well as the sub-elements of step 1 (*i.e.*, step 1.b. and 1.c.).¹⁰

II. Consideration of Environmental Health-Based Thresholds

In the course of investigating complaints of discrimination arising from the issuance of environmental permits, EPA may need to consider whether a permit that complies with a health-based threshold can nevertheless cause an adverse impact. Such assessments may involve analyses that are complex or, in some cases, simply infeasible with existing technical capabilities. Consequently, the Agency believes that the issue of establishing adversity warrants further consideration as described below.

A. Issue: How does compliance with environmental health-based

⁸The complaint must be in writing, state a claim, be timely, and concern a recipient. See 40 CFR 7.120(b). In addition, EPA evaluates whether the complaint is ripe or moot, whether the complainant has standing, whether the complaint should be referred to another federal agency, and whether clarification is required, among other things. See 40 CFR 7.120(a), (d)(1)(i); Federal Coordination and Compliance Section, U.S. Dep't of Justice, *Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes* 12, 16–21, 37–41 (1998).

⁹See *Elston v. Tolladega County Bd. of Educ.*, 997 F.2d 1394, 1407, 1413 (11th Cir. 1993); *Larry P. v. Riles*, 793 F.2d 969, 982 (9th Cir. 1984).

¹⁰See *New York City Envtl. Justice Alliance v. Giuliani*, 214 F.3d 65, 69 (2d Cir. 2000) (noting that a *prima facie* case requires "a causal connection between a facially neutral policy and a disproportionate and adverse impact," and dismissing the case because plaintiffs failed to establish causation).

thresholds¹¹ relate to whether adversity exists in Title VI investigations?

B. Current Position: The *2000 Draft Guidance* addresses the question of how to analyze adversity in a case where the NAAQS—which is a health-based standard—is being met. It states that attainment of health-based NAAQS creates a rebuttable presumption that no adverse impacts are caused by the permit at issue with respect to the relevant NAAQS pollutant(s) for purposes of Title VI. As applied in an investigation involving the NAAQS, EPA would first establish whether the area in question was attaining the NAAQS for the relevant pollutant. If so, EPA would presume that the adversity component of the *prima facie* case was not satisfied (*i.e.*, there is no adversity) and then dismiss the complaint. However, if the investigation produced evidence that significant adverse impacts may be occurring with respect to the NAAQS pollutant despite attainment of the NAAQS, the presumption would be rebutted and EPA would continue to investigate the remaining prongs of the *prima facie* case. While the *2000 Draft Guidance* spoke specifically to NAAQS, EPA has considered the issue of the rebuttable presumption as it might apply to any health-based threshold and the position set forth in this paper is applicable to any complaint in which a health-based threshold is present, not just NAAQS.

C. Proposed Position: While EPA has had little or no opportunity to apply the rebuttable presumption (that is, this issue has been discussed in the abstract, and has not been applied to any particular case following issuance of the *2000 Draft Guidance*), EPA now intends to eliminate application of the rebuttable presumption when investigating allegations about environmental health-based thresholds. Compliance with a health-based threshold such as a NAAQS is a serious consideration in an evaluation of whether adverse disparate impact exists. As described below, the Agency will also assess other information that may be available and appropriate when investigating whether adverse health impacts exist. While no presumption is established, compliance with a health-based threshold would be considered, along with other information, to enable the Agency to focus on the most significant cases (*i.e.*, those representing

¹¹The term "environmental health-based thresholds" is intended to encompass both enforceable regulatory standards (*e.g.*, NAAQS) and, in cases where such standards are not relevant, non-enforceable health-based target levels (*e.g.*, reference doses for noncarcinogenic effects in the Integrated Risk Information System).

⁴In its evaluation of the NAAQS, OCR noted that "[t]he NAAQS for ozone [and lead] is a health-based standard which has been set at a level that is presumptively sufficient to protect public health and allows for an adequate margin of safety for the population within the area." Letter from Ann E. Goode, Director, EPA/OCR, to Father Phil Schmitter and Sister Joanne Chiaverini, Co-Directors, St. Francis Prayer Center 3 (Oct. 30, 1998) [hereinafter Goode Letter]. OCR further noted that the NAAQS provides "protection for group(s) identified as being sensitive to the adverse effects of the NAAQS pollutants." Office of Civil Rights, U.S. Environmental Protection Agency, *Investigative Report for Title VI Administrative Complaint File No. 5R-98-R5 (Select Steel Complaint)* 14 (1998) [hereinafter *Select Steel Report*]. As applied to the complaint, OCR found that the area around the proposed Select Steel facility would attain the NAAQS for ozone and lead, and that there was no evidence suggesting other concerns. As a result, OCR concluded that no adverse impacts occurred with respect to the state's permitting emissions of those pollutants. See Goode Letter at 3–4; *Select Steel Report* at 27–33.

⁵See *2000 Draft Guidance* at 39.680–81.

⁶See *Lincoln v. Vigil*, 508 U.S. 182, 191 (1993); *Webster v. Doe*, 486 U.S. 592, 599 (1988); *Heckler v. Choney*, 470 U.S. 821, 831 (1985).

⁷The information in this subsection is intended as background. It does not change any of EPA's policies or practices.

the highest environmental and public health risk) and to determine whether adversity exists.

Environmental health-based thresholds are set at levels intended to be protective of public health. While compliance with such thresholds does not guarantee no risk, such compliance strongly suggests that the remaining risks are low and at an acceptable level for the specific pollutant(s) addressed by the health-based threshold. At the same time, EPA believes that presuming compliance with civil rights laws wherever there is compliance with environmental health-based thresholds may not give sufficient consideration to other factors that could also adversely impact human health.

The approach proposed here differs from the 2000 Draft Guidance's rebuttable presumption. Under the latter, complying with the NAAQS created a presumption of no adversity that would stand unless affirmatively overcome. By contrast, this proposal acknowledges the relative significance of compliance with an environmental health-based threshold, while also evaluating a number of other factors, as appropriate, including the existence of hot spots, cumulative impacts,¹² the presence of particularly sensitive populations that were not considered in the establishment of the health-based standard, misapplication of environmental standards, or the existence of site-specific data demonstrating an adverse impact despite compliance with the health-based threshold. Because EPA believes that the NAAQS (and other health-based thresholds) can be valid and appropriate, and yet not assure in all cases that no adverse impact is created, EPA will no longer presume an absence of adversity if a NAAQS (or another health-based threshold) is satisfied. Instead, EPA would consider such compliance concurrently with the type of information described above.

While EPA is eliminating the applicability of the rebuttable presumption from its analyses, nevertheless, there may be other features present that may impact EPA's ability to consider other information concurrently with compliance with health-based thresholds. Examples of such features include, but are not limited to, the Agency's existing technical capabilities and the availability of credible, reliable data (given the practical constraints of complaint investigations, EPA expects

¹²The 2000 Draft Guidance Defined "cumulative impacts," see 65 FR 39,684, and discussed it further at 65 FR 39,678-81.

to gather pre-existing technical data rather than generating new data).¹³

If the assessment of relevant factors fails to establish the adversity element of the *prima facie* case, EPA would ordinarily dismiss the allegation. Alternatively, if the assessment establishes adversity, EPA would then evaluate disparity and complete the other steps in the analysis set forth in Section I.C. To assist in its data collection, the Agency expects to solicit input from both complainants and recipients about these factors during the course of its investigations.

As the Title VI analytical framework described in Section I.C. illustrates, the issue addressed in this paper is not the only question that must be addressed in the investigation process. Others may require elaboration in the future as well. Moreover, there will be further work necessary to develop and implement the policy issue addressed here. Thus, the analysis here does not represent the end point, but rather an important step forward in considering and evaluating these and other policy issues raised in EPA's Title VI work.

3. Draft Proposed Policy Entitled *Role of Complainants and Recipients in the Title VI Complaints and Resolution Process*

I. Introduction

EPA has made improving its civil rights program a priority and recognizes that its enforcement of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, and other nondiscrimination statutes is an important tool in the Agency's efforts to address discrimination.¹⁴

The purpose of this paper is to set forth the U.S. Environmental Protection

¹³The Agency expects to evaluate relevant data from a wide variety of sources, such as Toxics Release Inventory; National Air Toxics Assessment; Comprehensive Environmental Response, Compensation, and Liability Information System; state and local databases; and monitor-specific data.

¹⁴EPA implements Title VI, section 504 of the Rehabilitation Act of 1973 (EPA regulations at 40 CFR part 12), section 13 of the Federal Water Pollution Control Act Amendments of 1972, Title IX of the Education Amendments of 1972 (EPA regulations at 40 CFR part 5), and the Age Discrimination Act of 1975, which prohibit discrimination based on race, color, national origin, disability, sex (in limited circumstances), and age. EPA's regulation at 40 CFR part 7, entitled "Nondiscrimination in Programs or Activities Receiving Federal Assistance from EPA," includes general and specific prohibitions against intentional and disparate effects or disparate impact discrimination by EPA's assistance recipients on the basis of race, color, national origin, sex (in limited circumstances), or disability, and age. Every EPA grant recipient, including each state environmental agency receiving financial assistance from EPA, is subject to the terms of 40 CFR part 7.

Agency's current thinking on the roles of complainants and recipients in EPA's Title VI administrative complaint processing and resolution efforts. The proposed approaches discussed below clarify and expand upon how EPA will implement its current regulations. In discussing these proposed approaches, EPA seeks to strike a balance between providing greater involvement for complainants in the complaint process while continuing to work closely with recipients, as detailed in the regulations, to address complaints filed against them and, as appropriate, in EPA's discretion, resolve complaints where possible.

A Title VI complainant is not like a plaintiff in court. Rather, a complainant's role is more like that of a tipster, who reports what he or she believes is an act violating Title VI by an entity receiving federal financial assistance (the recipient) to the associated agency providing such assistance, in this case EPA. EPA is not in an adjudicatory role, evaluating evidence produced by opposing sides, but instead investigates allegations about its recipient, and reaches a conclusion regarding whether a violation of Title VI has occurred.

EPA's regulations do not prescribe a role for the complainant once he or she has filed a complaint. Nevertheless, one of EPA's goals is to promote appropriate¹⁵ involvement by complainants and recipients in the Title VI complaint process. This paper addresses how EPA will enhance the roles and opportunities for complainants and recipients to participate in the complaint and resolution process including efforts related to informal resolution and voluntary compliance.

This document does not change or substitute for any law, regulation, or any other legally binding requirement; is not legally enforceable; and does not impose any legally binding requirements.

II. Current Position

A. Complainants: EPA's Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits (issued in June 2000) (Draft Investigation Guidance), states that complainants may play an important role in the administrative process; however, that role is determined by the nature and circumstances of the

¹⁵All determinations about if any action described in this document is "appropriate" will be made by the EPA as part exercise of enforcement discretion, which was recognized by the Supreme Court in *Alexander v. Choate*, 469 U.S. 287, 293-294 (1985).

claims.¹⁶ Specifically, during the jurisdictional review of Title VI complaints, OCR may seek clarification regarding the issues articulated by the complainants.¹⁷ OCR may also request interviews of complainants or request additional information from the complainants during the course of an investigation. Finally, in appropriate cases, OCR may offer complainants and recipients an opportunity to participate in Alternative Dispute Resolution concerning the matters raised in the complaint.

B. Recipients: EPA's Draft Investigation Guidance states that OCR may work closely with recipients to ensure that the Agency has a complete and accurate record of all relevant information pertaining to the complaint, and a full understanding of the recipient's position relating to the allegations.¹⁸ In order for OCR to perform the appropriate analyses, one of the most important things recipients may do as early as possible is to provide OCR with all of the information relevant to the complaint, including, but not limited to, background information, the permit application(s), monitoring data, computer modeling, other aspects of the recipient's analysis of the application(s), and any information relating to steps the recipient took to address potential Title VI concerns. Moreover, under EPA's Title VI regulations, OCR has the authority to obtain information from recipients and interview recipient staff.¹⁹ Full and expeditious disclosure of such information helps to facilitate resolution of Title VI complaints.²⁰

EPA's Title VI regulations provide the recipient with several opportunities to respond to the complaint and to any OCR finding. First, the recipient may make a written submission responding to, rebutting, or denying the allegations raised in a complaint.²¹ Second, OCR may attempt to resolve the complaint informally, during which time the recipient will be able to state its position. Third, if OCR makes a preliminary finding of noncompliance with the regulations, the recipient may submit a written response within 50 calendar days of receiving the preliminary finding, demonstrating that the preliminary finding is incorrect or that compliance may be achieved

through steps other than those recommended by OCR.²²

Finally, if OCR begins the procedure to deny, annul, suspend, or terminate EPA assistance, recipients may request a hearing before an Administrative Law Judge (ALJ)²³ and, if the ALJ's decision upholds a finding of noncompliance, the recipient may then file exceptions with the Administrator.²⁴

III. Proposed Position

EPA has evaluated its current policy and practices on the role and opportunities of complainants and recipients in complaint processing and resolution efforts. The following is intended to clarify and expand on EPA's existing policy and practices in this regard.

EPA intends to follow these principles in the processing and resolution of Title VI complaints, as applicable and appropriate:

A. Complaint Process

1. EPA may seek clarification from the complainants during its initial review of the administrative complaint. At the time they file a complaint, complainants should provide EPA any relevant information available to them which supports their claim(s).

2. Upon acceptance of a complaint, but prior to the initiation of an investigation, EPA will offer in appropriate cases, at EPA's expense, complainants and recipients the opportunity to engage in Alternative Dispute Resolution efforts. EPA considers the ADR process to be a viable option for complainants and recipients to address some, if not all, of the issues raised in a complaint.

3. EPA will continue its present practice of requesting additional information (e.g. interviews) from the complainants and recipients during the course of an investigation.

4. EPA will make information in its case tracking system available.

B. Informal Resolution And/OR Voluntary Compliance

EPA may, at any point prior to a preliminary finding of compliance, seek to informally resolve complaints of discrimination.

Following issuance of a preliminary determination of noncompliance, EPA may enter into a voluntary compliance agreement with a recipient to resolve a complaint. Where EPA issues a preliminary finding of noncompliance, in addition to notifying the recipient,

per the regulations, EPA intends to notify complainant of said finding.²⁵ EPA will also, at the appropriate time, notify the public of a preliminary finding of noncompliance by posting its decision on its public access Web sites.

If resolution discussions are occurring between EPA and the recipient, EPA will use its discretion, when appropriate, to engage complainants who want to provide input on potential remedies, and EPA will determine based on its discretion when such engagement may occur during the process. For instance, EPA, in appropriate cases, may request and consider complainant's input on potential remedies for the complaint and may forward the suggested remedies to the recipient for further discussion with EPA. Alternatively, depending on the complaint, EPA may seek and consider complainant's input on potential terms of a settlement agreement.

C. Alternative Dispute Resolution

As stated above, EPA considers the ADR process to be a viable option for complainants and recipients to address some, if not all, of the issues raised in Title VI complaints. As appropriate, EPA may offer the complainant and the recipient an opportunity to engage in the ADR process at any stage in the complaint process, even if an investigation has started.

Dated: April 16, 2013.

Diane E. Thompson,
Chief of Staff, Office of the Administrator.
[FR Doc. 2013-09922 Filed 4-25-13; 8:45 am]
BILLING CODE 5560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9008-8]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements Filed 04/15/2013 Through 04/19/2013 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters

¹⁶ See *Draft Revised Investigation Guidance*, 65 FR 39,650, 39,671 (proposed June 27, 2000).

¹⁷ 40 CFR 7.120(d)(1).

¹⁸ See *Draft Revised Investigation Guidance*, 65 FR at 39,671.

¹⁹ 40 CFR 7.85(b), (f).

²⁰ In addition to considering information supplied by recipients, OCR will also evaluate information provided by complainants.

²¹ 40 CFR 7.120(d)(1)(iii).

²² 40 CFR 7.115(d)(2).

²³ 40 CFR 7.130(b)(2).

²⁴ 40 CFR 7.130(b)(3).

²⁵ When preliminary finding has been made and the EPA is engaging in voluntary compliance in accordance with 40 CFR 7.115(d), EPA retains the discretion to contact the Recipient first.

on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

SUPPLEMENTARY INFORMATION: Due to EPA's agency-wide furlough day on Friday, May 24th and the Federal holiday on Monday, May 27th, all EISs must be filed with EPA by Thursday, May 23rd by 5:00 p.m. eastern time for publication under a Notice of Availability in the **Federal Register** for Friday, May 31st.

EIS No. 20130100. Draft EIS, USACE, CA, Placer Vineyards Specific Plan (SPK-1999-00737), Comment Period Ends: 06/10/2013, Contact: William Ness 916-557-5268.

EIS No. 20130101. Final EIS, BLM, NV, Proposed Sloan Hills Competitive Mineral Material Sales, Review Period Ends: 05/28/2013, Contact: Shonna Dooman 702-515-5174.

EIS No. 20130102. Final EIS, BLM, WY, Gateway West Transmission Line Project, Wyoming and Idaho, Review Period Ends: 06/28/2013, Contact: Walt George 307-775-6116.

EIS No. 20130103. Final EIS, NMFS, 00, Amendment 5 to the Atlantic Herring Fishery Management Plan, Review Period Ends: 05/28/2013, Contact: Carrie Nordeen 978-281-9272.

EIS No. 20130104. Draft EIS, FHWA, AZ, South Mountain Freeway (Loop 202), Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway), Comment Period Ends: 07/24/2013, Contact: Alan Hansen 602-382-8964.

EIS No. 20130105. Draft EIS, FHWA, TX, US 281 from Loop 1604 to Borgfeld, Comment Period Ends: 07/01/2013, Contact: Mr. Salvador Deocampo 512-536-5950.

EIS No. 20130106. Final EIS, NMFS, 00, Amendment 5a to the 2006 Consolidated Highly Migratory Species Fishery Management Plan, Review Period Ends: 05/28/2013, Contact: Peter Cooper 301-427-8503.

EIS No. 20130107. Final EIS, NRCS, WY, Henrys Fork Salinity Control Project Plan and Irrigation Improvements, Review Period Ends: 05/28/2013, Contact: Astrid Martinez 307-233-6750.

EIS No. 20130108. Final EIS, USA, HI, Construction and Operation of a Platoon Battle Course at Pohakuloa Training Area, Review Period Ends: 05/28/2013, Contact: Linda B. McDowell 210-466-1593.

Dated: April 23, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013-09951 Filed 4-25-13; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

Postponement Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee of the Export-Import Bank of the United States (Ex-Im Bank)

SUMMARY: The Sub-Saharan Africa Advisory Committee was established by Public Law 105-121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank. Further, the Committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for trade with Sub-Saharan Africa.

Postponement: The Sub-Saharan Africa Advisory Committee of the Export-Import Bank of the United States must postpone its Tuesday, April 30, 2013, Open Special Meeting until further notice.

FOR FURTHER INFORMATION CONTACT: For further information, contact Exa Richards, 811 Vermont Avenue NW., Washington, DC 20571, (202) 565-3455.

Sharon Whitt,

Director, Information Quality and Records Management.

[FR Doc. 2013-09868 Filed 4-25-13; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s).

Comments are requested concerning whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the

quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 25, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202-395-5167 or via Internet at Nicholas.A.Fraser@omb.eop.gov and to Judith B. Herman, Federal Communications Commission, via the Internet at judith-b.herman@fcc.gov. To submit your PRA comments by email send them to: PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418-0214.

SUPPLEMENTARY INFORMATION:

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 70 respondents; 70 responses.

Estimated Time per Response: 4 hours.

Frequency of Response:

Recordkeeping requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i) and 309(j) of the Communications Act of 1934, as amended.

Total Annual Burden: 280 hours.

Total Annual Cost: \$42,400.

Privacy Impact Assessment: N/A.

Needs and Uses: The Commission is seeking OMB approval for an extension of this information collection in order to obtain the full three year approval from them. There are no changes to the

reporting and/or recordkeeping requirements. There is a slight increase adjustment in the burden estimates for the total hours and annual costs. This is due to four additional small business auction winners (respondents).

This rule section requires each MTA licensee in the 896–901/935–940 MHz band must, three years from the date of license grant, construct and place into operation a sufficient number of base stations to provide coverage to at least one-third of the population of the MTA. Further, each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant. Alternatively, a MTA licensee must demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service. The MTA licensee must also demonstrate that other substantial service benchmarks will be met.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–09893 Filed 4–25–13; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden

for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 25, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: For information regarding this information collection, contact Judith B. Herman, Federal Communications Commission, via the Internet at Judith-b.herman@fcc.gov. To submit your PRA comments by email send them to: PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0799.
Title: FCC Ownership Disclosure Information for the Wireless Telecommunications Bureau.

Form Number: FCC Form 602.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 4,115 respondents; 5,215 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirements and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 4(i), 303(g) and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 5,215 hours.

Total Annual Cost: \$508,200.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality:

In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The purpose of the FCC Form 602 is to obtain the identity of the filer and to elicit information required by 47 CFR 1.2112 of the Commission's rules regarding:

(1) Persons or entities holding a 10 percent or greater direct or indirect ownership interest or any general partner in a general partnership holding a direct or indirect ownership interest in the applicant ("Disclosable Interest Holders"); and

(2) All FCC-regulated entities in which the filer or any of its Disclosable Interest Holders owns a 10 percent or greater interest.

The data collected on the FCC Form 602 includes the FCC Registration Number (FRN), which serves as a "common link" for all filings an entity has with the FCC. The Debt Collection Act of 1996 requires that entities filing with the Commission use a FRN. The FCC Form 602 was designed for, and must be filed electronically by all licensees that hold licenses in auctionable services.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–09892 Filed 4–25–13; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: *Background.* Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer, Cynthia Ayouch, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452-3829.

Telecommunications Device for the Deaf (TDD) users may contact (202) 263-4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer, Shagufta Ahmed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with minor revision, of the following report:

Report title: Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer; Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.

Agency form number: FR MSD-4; FR MSD-5.

OMB control number: 7100-0100; 7100-0101.

Frequency: On occasion.

Reporters: State member banks, bank holding companies, and foreign dealer banks that are municipal securities dealers.

Estimated annual reporting hours: FR MSD-4, 20 hours; FR MSD-5, 13 hours.

Estimated average hours per response: FR MSD-4, 1 hour; FR MSD-5, 0.25 hours.

Number of respondents: FR MSD-4, 20; FR MSD-5, 50.

General description of report: These information collections are mandatory pursuant to the Federal Reserve Act (12 U.S.C. 248(a)(1)) for state member banks and (12 U.S.C. 3105(c)(2)) for foreign bank branches and agencies. Sections 15B(a)-(b) and 17 of the Securities Exchange Act (the Act) (15 U.S.C. 78o-4(a)-(b) and 78q) authorize the Securities Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB) to promulgate rules requiring municipal security dealers to file reports about associated persons with the SEC and the appropriate regulatory agencies (ARAs). In addition, Section 15B(c) of the Act provides that ARAs may enforce compliance with the SEC's and MSRB's rules. 15 U.S.C. 78o-4(c). Section 23(a) of the Act also authorizes the SEC, the Federal Reserve Board, and the other ARAs to make

rules and regulations in order to implement the provisions of the Act. 15 U.S.C. 78w(a). The Federal Reserve Board is the ARA for municipal securities dealers that are state member banks and their divisions or departments, and for state branches or agencies of foreign banks that engage in municipal security dealer activities. 15 U.S.C. 78c(a)(34)(A)(ii). Accordingly, the Federal Reserve Board's collection of Form MSD-4 and MSD-5 for these institutions is authorized pursuant to 15 U.S.C. 78o-4, 78q, and 78w. Under the Freedom of Information Act, the Federal Reserve Board regards the information provided by each respondent as confidential (5 U.S.C. 552(b)(6)).

Abstract: These mandatory information collections are submitted on occasion by state member banks (SMBs), bank holding companies (BHCs), and foreign dealer banks that are municipal securities dealers. The FR MSD 4 collects information (such as personal history and professional qualifications) on an employee whom the bank wishes to assume the duties of municipal securities principal or representative. The FR MSD 5 collects the date of, and reason for, termination of such an employee.

Current Actions: On February 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 9691) requesting public comment for 60 days on the extension, with minor revision, of the FR MSD-4 and the extension, without revision, of the FR MSD-5. The comment period for this notice expired on April 12, 2013. The Federal Reserve did not receive any comments. The revision will be implemented as proposed.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. **Report title:** Written Security Program for State Member Banks.

Agency form number: FR 4004.

OMB control number: 7100-0112.

Frequency: On occasion.

Reporters: State member banks.

Estimated annual reporting hours: 22 hours.

Estimated average hours per response: 0.5 hours.

Number of respondents: 44.

General description of report: This recordkeeping requirement is mandatory pursuant to section 3 of the Bank Protection Act (12 U.S.C. 1882(a)) and Regulation H (12 CFR 208.61). Because written security programs are maintained at state member banks, no issue of confidentiality under the Freedom of Information Act normally arises. However, copies of such

documents included in examination work papers would, in such form, be confidential pursuant to exemption 8 of the Freedom of Information Act (5 U.S.C. 552(b)(8)). In addition, the records may also be exempt from disclosure under exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Abstract: Each state member bank must develop and implement a written security program and maintain it in the bank's records. There is no formal reporting form and the information is not submitted to the Federal Reserve.

Current Actions: February 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 9691) requesting public comment for 60 days on the extension, without revision, of the FR 4004. The comment period for this notice expired on April 12, 2013. The Federal Reserve did not receive any comments.

2. **Report title:** Notice By Financial Institutions of Government Securities Broker or Government Securities Dealer Activities; Notice By Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer.

Agency form number: FR G-FIN; FR G-FINW.

OMB control number: 7100-0224.

Frequency: On occasion.

Reporters: State member banks, foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations.

Estimated annual reporting hours: 5 hours.

Estimated average hours per response: FR G-FIN, 1 hour; FR G-FINW, 0.25 hour.

Number of respondents: FR G-FIN, 4; FR G-FINW, 2.

General description of report: These information collections are mandatory pursuant to the Securities and Exchange Act of 1934 (15 U.S.C. 78o-5(a)(1)(B)) which requires a financial institution that is a broker or dealer of government securities dealer to notify the ARA that it is a government securities broker or a government securities dealer, or that it has ceased to act as such. In addition, 15 U.S.C. 78o-5(b)(1) directs the Treasury to adopt rules requiring every government securities broker and government securities dealer to collect information and to provide reports to the applicable ARA, and 15 U.S.C. 78o-5(c)(2)(B) authorizes ARAs to enforce compliance with the Treasury's rules. The Federal Reserve Board is an ARA. 15 U.S.C. 78c(a)(34)(G)(ii). Respondents file two copies of the notices directly

with the Federal Reserve Board. Under the statute, the Federal Reserve Board forwards one copy to the SEC, and the notices are then made public by the SEC. 15 U.S.C. 78o-5(a)(1)(B)(iii). While the statute only requires the SEC to produce the notices to the public, the notices are also available to the public upon request made to the Federal Reserve Board. Accordingly, the Federal Reserve Board does not consider these data to be confidential.

Abstract: The Government Securities Act of 1986 (the Act) requires financial institutions to notify their ARA of their intent to engage in government securities broker or dealer activity, to amend information submitted previously, and to record their termination of such activity. The Federal Reserve is the ARA for state member banks, foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations. The Federal Reserve uses the information in its supervisory capacity to measure compliance with the Act.

Current Actions: February 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 9691) requesting public comment for 60 days on the extension, without revision, of the FR G-FIN and FR G-FINW. The comment period for this notice expired on April 12, 2013. The Federal Reserve did not receive any comments.

3. **Report title:** Funding and Liquidity Risk Management Guidance.

Agency form number: FR 4198.

OMB control number: 7100-0326.

Frequency: Funding and liquidity risk management guidance, Annually; Liquidity risk reports, monthly.

Reporters: Bank holding companies, state member banks, branches and agencies of foreign banking organizations, Edge and agreement corporations, and savings and loan holding companies.

Estimated annual reporting hours: Funding and liquidity risk management guidance, Large institutions, 25,920 hours; mid-sized institutions, 28,080 hours; small institutions, 520,720 hours; Liquidity risk reports, 317,520 hours.

Estimated average hours per response: Funding and liquidity risk management guidance, large institutions, 720 hours; mid-sized institutions, 240 hours; small institutions, 80 hours; Liquidity risk reports, 4 hours.

Number of respondents: Funding and liquidity risk management guidance, Large institutions, 36; mid-sized institutions, 117; small institutions, 6,509; Liquidity risk reports, 6,615.

General description of report: The Guidance is mandatory based on the following relevant statutory provisions.

- Section 9(6) of the Federal Reserve Act (12 U.S.C. 324) requires state member banks to make reports of condition to their supervising Reserve Bank in such form and containing such information as the Board may require.

- Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) requires a BHC and any subsidiary to keep the Board informed as to its financial condition, and systems for monitoring and controlling financial and operating risks.

- Section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)) requires branches and agencies of foreign banking organizations to file reports of condition with the Federal Reserve to the same extent and in the same manner as if the branch or agency were a state member bank.

- Section 25A of the Federal Reserve Act (12 U.S.C. 625) requires Edge and agreement corporations to make reports to the Board at such time and in such form as it may require.

- Section 312 of the Dodd-Frank Act (12 U.S.C. 5412) succeeded to the Board all powers of the OTS and its Director, including the Director's authority to require SLHCs to "maintain such books and records as may be prescribed by the Director." The original source for the authority of the OTS Director to examine S&Ls and SLHCs is contained in 12 U.S.C. 1467a(b)(3) of the Home Owners' Loan Act.

Because the records required by the Guidance are maintained at the institution, issues of confidentiality would not normally arise. Should the documents be obtained during the course of an examination, such information may be withheld from the public under the authority of the Freedom of Information Act, 5 U.S.C. 552 (b)(8). In addition, some or all of the information may be "commercial or financial information" protected from disclosure under 5 U.S.C. 552(b)(4).

Abstract: The Guidance summarizes the principles of sound liquidity risk management that the Office of the Comptroller of the Currency, the Federal Reserve, the Federal Deposit Insurance Corporation, and the National Credit Union Administration (the agencies), have issued in the past and, where appropriate, brings them into conformance with the "Principles for Sound Liquidity Risk Management and Supervision" issued by the Basel Committee on Banking Supervision (BCBS) in September 2008. While the BCBS liquidity principles primarily

focuses on large internationally active financial institutions, the Guidance emphasizes supervisory expectations for all domestic financial institutions including banks, thrifts and credit unions.

Two sections of the Guidance that fall under the definition of an information collection. Section 14 states that institutions should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Section 20 requires that liquidity risk reports provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the institution to changes in market conditions, its own financial performance, and other important risk factors.

Current Actions: February 11, 2013, the Federal Reserve published a notice in the **Federal Register** (78 FR 9691) requesting public comment for 60 days on the extension, without revision, of the FR 4198. The comment period for this notice expired on April 12, 2013. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, April 23, 2013.

Robert deV. Frierson,
Secretary of the Board.

[FR Doc. 2013-09878 Filed 4-25-13; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 13, 2013.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166-2034:

1. *Christopher C. Reid*, Owensboro, Kentucky, acting individually and in

concert with a control group, to retain control of Independence Bancshares, Inc., Owensboro, Kentucky, and thereby indirectly acquire Independence Bank of Kentucky, Owensboro, Kentucky. The control group consists of Mr. Reid, Beacon Insurance Agency, Inc., Janet Reid, Jacob Reid, Lauren Reid Patton, Cathy Switzer, Greg Mullican, Todd Switzer, Kyle Aud, Bridget Reid, Jennie Parker, Eve Holder, Matt Carter, Darrell Higginbotham, Gary White, all of Owensboro, Kentucky; Jim Davis, Scott Audas, Bob Cummins, Kay Bryant, all of Henderson, Kentucky; Danny Evitts, Scott Johnston, both of Paducah, Kentucky; Kelly Jackson, Alvaton, Kentucky; Tawna Wright, Calhoun, Kentucky; and Brad Howard, Bowling Green, Kentucky.

2. *Thomas H. Brouster, Sr.*, St. Louis, Missouri, acting individually, and in concert with a control group, to retain voting shares of Reliance Bancshares, Inc., Des Peres, Missouri, and thereby indirectly acquire Reliance Bank, St. Louis, Missouri. The control group consists of Mr. Brouster, the members of the Brouster Investment Group approved on February 19, 2013 to gain control of Reliance Bancshares, Inc., and the following new members of the Brouster Investment Group: Richard R. and Nancy J. Arnoldy, JTWROS St. Louis, Missouri; Kenneth M. Bartz, St. Louis, Missouri; Lawrence Callahan and IRA FBO Lawrence Callahan Pershing LLC as Custodian Roth Account, both of Olivette, Missouri; Timothy J. Danis, Vero Beach, Florida; Thomas P. Danis, St. Louis, Missouri; Nancy P. Demko Living Trust dtd 1-13-84, Nancy P. Demko, Trustee, Chesterfield, Missouri; Jacqueline A. Demko Revocable Trust and Jacqueline A. Demko Roth IRA, both of Chesterfield, Missouri; Joseph D. Demko Living Trust UAD 7/15/2003, Joseph D. Demko, Trustee, Glendale, Missouri; McRee Lesche Engler Fund (J. Curtis Engler), St. Louis, Missouri; David N. Flowers, Greenville, Illinois; Duane Flowers, Trustee of the Linda Flowers Trust, Greenville, Illinois; John Curtis Flowers Trust dtd 2-17-1998, John Curtis Trustee, Greenville, Illinois; J. Rush James III u/a dtd 1-30-1997, James R. James III Trustee, St. Louis, Missouri; PTC Custodian Prototype SEP IRA FBO John C. Kirkham, and John C. Kirkham and Marylyn J. Kirkham as Joint Tenants, both of Chesterfield, Missouri; Linda W. Lynch Revocable Trust Dated 1/27/94, Linda W. Lynch Trustee, St. Louis, Missouri; Thomas J. Lynch Revocable Trust dtd 1-27-94, Thomas J. Lynch Trustee, St. Louis, Missouri; David Meiners, St. Louis, Missouri; Elizabeth H. O'Keefe, Trustee

of the Elizabeth H. O'Keefe Living Trust dated 9/18/03, Olivette, Missouri; Henry G. Ollinger Lifetime Trust dtd 9/15/82 and Marcia A. Ollinger Lifetime Trust dtd 9/15/82 as joint tenants, and Marcia A. Ollinger Lifetime Trust dtd 9/15/82, all of St. Louis, Missouri; Thomas Geo Pappas, St. Louis, Missouri; DLP2005 Trust, David L. Payne, Trustee, St. Louis, Missouri; Michael O. Schmelzle Trustee of the Michael O. Schmelzle Revocable Trust u/a dtd November 9, 2007, Shrewsbury, Missouri; Craig A. Schriewer, St. Louis, Missouri; M. Todd Smith and Barbara L. Smith, joint tenants, St. Peters, Missouri; Andrew P. Thome, Chesterfield, Missouri; Howard Weiser and Maureen Weiser, JTWROS, Town & Country, Missouri; and AD Welsh, Trustee of the AD Welsh Revocable Living Trust dtd 9/18/2000, Ft. Myers, Florida.

Board of Governors of the Federal Reserve System, April 22, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013-09830 Filed 4-25-13; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications

must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 13, 2013.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *MidWest Bancorporation, Inc.*, Eden Prairie, Minnesota, to become a bank holding company as a result of the proposed conversion of its wholly-owned subsidiary, Star Bank, Bertha, Minnesota, from a federal savings bank to a Minnesota state-chartered commercial bank.

In addition, Midwest Bancorporation, Inc., has applied to engage through Todd County Agency, Inc., Eden Prairie, Minnesota, and its subsidiary West Central Agency, Inc., Graceville, Minnesota, in general insurance agency activities in a town of less than 5,000, pursuant to section 225.28(b)(11)(iii)(A).

Board of Governors of the Federal Reserve System, April 23, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013-09879 Filed 4-25-13; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 23, 2013.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *CapGen Capital Group III LLC and CapGen Capital Group III LP*, both located in New York, New York, to increase their voting shares up to 25-percent of Seacoast Banking Corporation of Florida, Stuart, Florida, and thereby indirectly control Seacoast National Bank, Stuart, Florida.

Board of Governors of the Federal Reserve System, April 22, 2013.

Margaret McCloskey Shanks,
Deputy Secretary of the Board.

[FR Doc. 2013-09829 Filed 4-25-13; 8:45 am]

BILLING CODE 6210-01-P

GOVERNMENT ACCOUNTABILITY OFFICE

Health Information Technology Policy Committee Appointment

AGENCY: Government Accountability Office (GAO).

ACTION: Notice on letters of nomination.

SUMMARY: The American Recovery and Reinvestment Act of 2009 (ARRA) established the Health Information Technology Policy Committee to make recommendations on the implementation of a nationwide health information technology infrastructure to the National Coordinator for Health Information Technology. There is an opening on the committee for a member from the research community. Candidates considered for this appointment will be required to complete a financial disclosure form. For this appointment I am announcing the following: Letters of nomination and resumes should be submitted through May 18, 2013 to ensure adequate opportunity for review and consideration of nominees.

ADDRESSES:

GAO: HITCommittee@gao.gov.
GAO: 441 G Street NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT:

GAO: Office of Public Affairs, (202) 512-4800.

42 U.S.C. 300jj-2.

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2013-09743 Filed 4-25-13; 8:45 am]

BILLING CODE 1610-02-M

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for a Modified OGE Form 201 Ethics in Government Act Access Form

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After this first round notice and public comment period, OGE plans to submit a proposed modified OGE Form 201 Ethics in Government Act access form to the Office of Management and Budget (OMB) for review and approval of a three-year extension under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The OGE Form 201 is used by persons requesting access to executive branch public financial disclosure reports and other covered records.

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received by June 25, 2013.

ADDRESSES: Comments may be submitted to OGE, by any of the following methods:

Email: usoge@oge.gov. (Include reference to "OGE Form 201 Paperwork Comment" in the subject line of the message.)

FAX: 202-482-9237, Attn: Paul D. Ledvina.

Mail, Hand Delivery/Courier: U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, *Attention:* Paul D. Ledvina, Agency Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Mr. Ledvina at the U.S. Office of Government Ethics; telephone: 202-482-9247; TTY: 800-877-8339; FAX: 202-482-9237; Email:

paul.ledvina@oge.gov. An electronic copy of the OGE Form 201 version used to manually submit access requests to OGE or other executive branch agencies by mail or FAX is available in the Forms Library section of OGE's Web site at <http://www.oge.gov>. A paper copy may also be obtained, without charge, by contacting Mr. Ledvina. An automated version of the OGE Form 201, also available on OGE's Web site, enables the requester to fill out, submit and receive immediate access to financial reports and certain related records for individuals who have been nominated by the President to executive branch positions requiring Senate confirmation,

and individuals who have declared their candidacy for the Office of the President of the United States.

SUPPLEMENTARY INFORMATION:

Title: Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.

Agency Form Number: OGE Form 201.

OMB Control Number: 3209-0002.

Type of Information Collection: Extension with modifications of a currently approved collection.

Type of Review Request: Regular.

Respondents: Individuals requesting access to executive branch public financial disclosure reports and other covered records.

Estimated Annual Number of Respondents: 870.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden: 145 hours.

Abstract: The OGE Form 201 collects information from, and provides certain information to, persons who seek access to OGE Form 278/SF 278 Public Financial Disclosure Reports, including OGE Form 278-T Periodic Transaction Reports, and other covered records. The form reflects the requirements of the Ethics in Government Act, subsequent amendments pursuant to the STOCK Act and OGE's implementing regulations that must be met by a person before access can be granted. These requirements relate to information collected about the identity of the requester, as well as any other person on whose behalf a record is sought, and notification of prohibited uses of executive branch public disclosure financial reports. See sections 105(b) and (c) and 402(b)(1) of the Ethics in Government Act, 5 U.S.C. appendix §§ 105(b) and (c) and 402(b)(1), and 5 CFR 2634.603 (c) and (f) of OGE's executive branchwide regulations. Executive branch departments and agencies are encouraged to utilize the OGE Form 201 for individuals seeking access to public financial disclosure reports and other covered documents. OGE permits departments and agencies to use or develop their own forms as long as the forms collect and provide all of the required information. OGE is proposing several modifications to both the non-automated and automated versions of the OGE Form 201. OGE proposes to modify the title of the form and add a warning to requestors that intentional falsification of the information required by the form may result in prosecution under 18 U.S.C. § 1001. OGE is proposing that this

renewal request to OMB also cover the fully automated version of the OGE Form 201, available only through the OGE Web site at www.oge.gov. Initially launched in March 2012, this automated version of the access form enables a requestor to obtain immediately upon Web site submission of the completed form, those financial disclosure reports of individuals who have been nominated by the President to executive branch positions requiring Senate confirmation. In addition, OGE reviews the public financial disclosure report of individuals who have declared their candidacy for the Office of the President of the United States. Those certified reports may also be requested by submitting a completed automated OGE Form 201.

Request for Comments: OGE is publishing this first round notice of its intent to request paperwork clearance for a proposed modified OGE Form 201 Ethics Act Access Form. Agency and public comment is invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: April 22, 2013.

Walter M. Shaub, Jr.,

Director, U.S. Office of Government Ethics.

[FR Doc. 2013-09932 Filed 4-25-13; 8:45 am]

BILLING CODE 6345-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request Therapies for Clinically Localized Prostate Cancer

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Scientific Information Submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from medical device manufacturers with products falling within the following UMDNS product codes: Brachytherapy Systems [20-352]; Cyclotrons [15-818]; Radiotherapy Systems, Linear

Accelerator [12-364]; Radiotherapy Systems, and Proton Beam [20-546]. Scientific information is being solicited to inform the update of our Comparative Effectiveness Review of Therapies for Clinically Localized Prostate Cancer which is currently being conducted by one of the Evidence-based Practice Centers for the AHRQ Effective Health Care Program. Access to published and unpublished pertinent scientific information on this device will improve the quality of this comparative effectiveness review. AHRQ is requesting this scientific information and conducting this comparative effectiveness review pursuant to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173.

DATES: Submission-Deadline-on or before May 28, 2013.

ADDRESSES:

Email submissions: sips@epc-src.org.

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

Shipping Address: (FedEx, UPS, etc) Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW US Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Robin Paynter, Scientific Information Packet Coordinator, Telephone: 503-220-8262 x58652 or Email: sips@epc-src.org.

SUPPLEMENTARY INFORMATION: In accordance with Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, the Agency for Healthcare Research and Quality has commissioned one of the Effective Health Care (EHC) Program Evidence-based Practice Centers to complete a comparative effectiveness review of the evidence for Therapies for Clinically Localized Prostate Cancer: An Update of a 2008 Comparative Effectiveness Review.

The EHC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information (e.g., details of studies conducted) through public information requests, including via the **Federal Register** and direct postal and/or online solicitations. We are looking for studies that report on

Therapies for Clinically Localized Prostate Cancer, including those that describe adverse events, as specified in the key questions detailed below. The entire research protocol, including the key questions, is also available online at: http://www.effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=display_product&productID=1434#7270.

This notice is a request for information about the following:

- A current product label, if applicable (preferably an electronic PDF file).
- Information identifying published randomized controlled trials and observational studies relevant to the clinical outcomes. AHRQ is interested in receiving both citations and reprints. Information identifying unpublished randomized controlled trials and observational studies relevant to the clinical outcomes. If possible, please provide a summary that includes the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients, screened/eligible/enrolled/lost to withdrawn/follow-up/analyzed, and effectiveness/efficacy and safety results.

• Registered ClinicalTrials.gov studies. Please provide a list including the ClinicalTrials.gov identifier, condition, and intervention.

Your contribution is very beneficial to this program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter. You may wish to indicate whether or not the submission comprises all of the complete information available.

Please Note: The contents of all submissions, regardless of format, will be available to the public upon request unless prohibited by law.

The draft of this review will be posted on AHRQ's EHC program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: <http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/>.

Scope and Key Questions

This update examines the same four key questions as in the original 2008 report on the comparative effectiveness of treatments for clinically localized prostate cancer. Although these key questions were reviewed and approved by AHRQ and discussed with Technical Expert Panel (TEP) members for the

original report, we presented them for discussion with a newly convened TEP for this update and made changes as necessary. This update will summarize the more recent evidence comparing the relative effectiveness and safety of treatment options for clinically localized prostate cancer. The key questions we will address are as follows:

Key Question 1

What are the comparative risks and benefits of the following therapies for clinically localized prostate cancer?

- a. Radical prostatectomy, including open (retropubic and perineal) and laparoscopic (with or without robotic assistance) approaches.
- b. External Beam Radiotherapy, including standard therapy and therapies designed to decrease exposure to normal tissues such as 3D conformal radiation therapy, intensity-modulated radiation therapy, proton beam therapy, and stereotactic body radiation therapy.
- c. Interstitial brachytherapy.
- d. Cryosurgery.
- e. Watchful waiting.
- f. Active surveillance.
- g. Hormonal therapy as primary therapy, adjuvant, or neoadjuvant to other therapies.
- h. High-intensity focused ultrasound.

Key Question 2

How do specific patient characteristics (e.g., age, race/ethnicity, presence or absence of comorbid illness, preferences such as trade-off of treatment-related adverse effects vs. potential for disease progression) affect the outcomes of these therapies overall and differentially?

Key Question 3

How do provider/hospital characteristics affect outcomes of these therapies overall and differentially (e.g., geographic region, case volume, learning curve)?

Key Question 4

How do tumor characteristics (e.g., Gleason score, tumor volume, screen-detected vs. clinically detected tumors, and PSA levels) affect the outcomes of these therapies overall and differentially?

Population, Interventions, Comparators, Outcomes, Timing, Settings Criteria Population

• Key Questions 1, 2, 3, and 4: Men considered to have clinically localized prostate cancer (T1 to T2, N0 to X, M0 to X) regardless of age, histologic grade, or PSA level. Articles will be excluded if men with disease stage higher than T2

were enrolled and outcomes were not stratified by stage.

Interventions

• For Key Questions 1, 2, 3, and 4, we will include treatment options for men with clinically localized prostate cancer: radical prostatectomy (including retropubic, perineal, laparoscopic, robotic-assisted), watchful waiting, active surveillance, External Beam Radiotherapy (including conventional radiation, Intensity Modulated Radiotherapy, 3D conformal radiation, proton beam, and stereotactic body radiation therapy), brachytherapy, androgen deprivation therapy, high-intensity focused ultrasound, and cryotherapy.

Comparators

• Any of the interventions of interest above or watchful waiting.

Outcomes

• The primary outcome is overall mortality or survival. Additional outcomes include prostate-cancer-specific mortality or survival, biochemical (PSA) progression, metastatic and/or clinical progression-free survival, health status, and quality of life. We will focus primarily on common and severe adverse events of treatment including bowel, bladder, and sexual dysfunction, as well as harms from biopsy such as bleeding and nosocomial infections.

• For Key Question 3, we plan to examine outcomes after radical prostatectomy, the most common treatment for localized prostate cancer, in association with provider location, case volume, and affiliation with academic centers.

Timing

• Duration of follow-up will be appropriate for the outcome under consideration.

Settings

• No restrictions by setting.

Dated: April 15, 2013.

Carolyn M. Clancy,

AHRQ, Director.

[FR Doc. 2013-09739 Filed 4-25-13; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Continuing Prospective Birth Cohort Study Involving Environmental Uranium Exposure in the Navajo Nation, Funding Opportunity Announcement (FOA) TS13-001, Initial Review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned SEP:

Time and Date: 12:00 p.m.–3:30 p.m., June 13, 2013 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Continuing Prospective Birth Cohort Study Involving Environmental Uranium Exposure in the Navajo Nation, FOA TS13-001."

Contact Person for More Information: Jane Suen, Dr.P.H., M.S., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341. Telephone: (770) 488-4281.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013-09874 Filed 4-25-13; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH or Institute)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Times and Dates:

8:00 a.m.–5:00 p.m., June 13, 2013 (Closed)
8:00 a.m.–5:00 p.m., June 14, 2013 (Closed)

Place: Embassy Suites, 1900 Diagonal Road, Alexandria, Virginia 22314.
Telephone: (703) 684-5900, Fax: (703) 684-0653.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals. This will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects, which will lead to improvements in the delivery of occupational safety and health services, and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals:

Matters To Be Discussed: The meeting will convene to address matters related to the conduct of Study Section business and for the study section to consider safety and occupational health-related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, Centers for Disease Control and Prevention, pursuant to Section 10(d) Public Law 92-463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Price Connor, Ph.D., NIOSH Health Scientist, CDC, 2400 Executive Parkway, Mailstop E-20, Atlanta, Georgia 30345, Telephone: (404) 498-2511, Fax: (404) 498-2571.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013-09873 Filed 4-25-13; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the aforementioned subcommittee:

Time and Date: 9:00 a.m.–5:00 p.m. Eastern Time, May 21, 2013.

Place: Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky 41018. Telephone (859) 334-4611, Fax (859) 334-4619.

Status: Open to the public, but without a public comment period. To access by conference call dial the following information 1 (866) 659-0537, Participant Pass Code 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2013.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood

that such radiation doses may have endangered the health of members of this class. The Subcommittee for Dose Reconstruction Reviews was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters to be Discussed: The agenda for the Subcommittee meeting includes: dose reconstruction program quality management and assurance activities, including: current findings from NIOSH internal dose reconstruction blind reviews; and discussion of dose reconstruction cases under review (sets 8-9, and Savannah River Site, Rocky Flats Plant, and Los Alamos National Laboratory cases from sets 10-13).

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

Contact Person for More Information: Theodore M. Katz, M.P.A., Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, NE., Mailstop E-20, Atlanta, Georgia 30333, Telephone (513) 533-6800, Toll Free 1-800-CDC-INFO, Email ocos@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013-09877 Filed 4-25-13; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS-685, CMS-10436, CMS-10452, CMS-10180 and CMS-R-199]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden

estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. Type of Information Collection

Request: Revision of a previously approved collection; **Title of Information Collection:** End Stage Renal Disease (ESRD) Network Semi-Annual Cost Report Forms and Supporting Regulations in 42 CFR section 405.2110 and 42 CFR 405.2112; **Use:** Section 1881(c) of the Social Security Act establishes End Stage Renal Disease (ESRD) Network contracts. The regulations found at 42 CFR 405.2110 and 405.2112 designated 18 ESRD Networks which are funded by renewable contracts. These contracts are on 3-year cycles. To better administer the program, CMS is requiring contractors to submit semi-annual cost reports. The purpose of the cost reports is to enable the ESRD Networks to report costs in a standardized manner. This will allow CMS to review, compare and project ESRD Network costs during the life of the contract. Since the last collection, the survey instrument has been revised. The burden has not changed. **Form Number:** CMS-685 (OMB#: 0938-0657); **Frequency:** Reporting—Semi-annually; **Affected Public:** Not-for-profit institutions; **Number of Respondents:** 18; **Total Annual Responses:** 36; **Total Annual Hours:** 108. (For policy questions regarding this collection contact Benjamin Bernstein at 410-786-6570. For all other issues call 410-786-1326.)

2. Type of Information Collection

Request: New collection; **Title of Information Collection:** Evaluation of the Multi-Payer Advanced Primary Care Practice Demonstration; **Use:** On September 16, 2009, the Department of Health and Human Services announced the establishment of the Multi-Payer Advanced Primary Care Practice (MAPCP) Demonstration, under which Medicare joined Medicaid and private insurers as a payer participant in state-sponsored initiatives to promote the principles that characterize advanced primary care, often referred to as the "patient-centered medical home" (PCMH). The CMS selected eight states to participate in this demonstration: Maine, Vermont, Rhode Island, New

York, Pennsylvania, North Carolina, Michigan, and Minnesota. These states vary on a number of important dimensions, such as features of their public (Medicaid) and private insurance markets, delivery system, prior experience with medical home initiatives, and nature of their state-sponsored multi-payer initiative.

CMS is conducting an evaluation of the demonstration to assess the effects of advanced primary care practice when supported by Medicare, Medicaid, and private health plans. As part of this evaluation, qualitative and quantitative data will be collected and analyzed to answer research questions focused on: (1) State initiative features and implementation, including various payment models; (2) practice characteristics, particularly medical home transformation; and (3) outcomes, including access to and coordination of care, clinical quality of care and patient safety, beneficiary experience with care, patterns of utilization, Medicare and Medicaid expenditures, and budget neutrality.

Subsequent to the publication of the 60-day **Federal Register** notice (May 31, 2012; 77 FR 32118), the interview protocols have been revised by adding, revising and/or deleting questions. Also, there have been protocols added to the information collection request. **Form Number:** CMS-10436 (OCN: 0938-New); **Frequency:** Yearly; **Affected Public:** Individuals and households; **Number of Respondents:** 472; **Total Annual Responses:** 472; **Total Annual Hours:** 478 (For policy questions regarding this collection contact Suzanne Goodwin at 410-786-0226. For all other issues call 410-786-1326.)

3. Type of Information Collection

Request: New collection; **Title of Information Collection:** CMS Enterprise Identity Management System; **Use:** The Enterprise Identity Management (EIDM) solution will provide an enterprise-wide solution that will also support CMS' senior management goal to improve the Provider and Health Information Exchange experience by providing an enterprise-wide set of credentials and single sign-on capability for multiple CMS applications. In order to prove the identity of an individual requesting electronic access to CMS protected information or services, CMS will collect a core set of attributes about that individual. These core attributes will be used to:

1. Provide the identity proofing service sufficient data to establish that the individual's identity is provable to a NIST assurance level;

2. Store the approval information returned by the identity proofing service;

3. Provide CMS with additional data for multi-factor identification (personal questions and answers);

4. Provide the user a single sign-on, federated CMS EIDM ID and Password;

5. Authenticate the user; and

6. Authorize the user for application access.

The information collected will be gathered and used solely by CMS and approved contractor(s) and state health insurance exchanges. Information confidentiality will conform to HIPAA and FISMA requirements. Respondents may also access CMS Terms of Service and CMS Privacy Statement on the Web. **Form Numbers:** CMS-10452 (OCN: 0938-New); **Frequency:** Reporting—On occasion; **Affected Public:** Individuals and households; **Number of Annual Respondents:** 26,000,000; **Total Annual Responses:** 26,000,000; **Total Annual Hours:** 8,666,667. (For policy questions regarding this collection contact Robert Burger at 410-786-2125. For all other issues call 410-786-1326.)

4. Type of Information Collection

Request: Reinstatement without change of a previously approved collection; **Title of Information Collection:** Children's Health Insurance Program (CHIP) Report on Payables and Receivables; **Use:** Collection of Children's Health Insurance Program (CHIP) data and the calculation of the CHIP Incurred But Not Reported (IBNR) estimate are pertinent to CMS' financial audit. The Chief Financial Officer auditors have reported the lack of an estimate for CHIP IBNR payables and receivables as a reportable condition in the FY 2005 audit of CMS's financial statements. It is essential that CMS collect the necessary data from State agencies in FY 2006, so that CMS continues to receive an unqualified audit opinion on its financial statements. Program expenditures for the CHIP have increased since its inception; as such, CHIP receivables and payables may materially impact the financial statements. The CHIP Report on Payables and Receivables will provide the information needed to calculate the CHIP IBNR; **Form Number:** CMS-10180 (OCN: 0938-0988); **Frequency:** Reporting—Annually; **Affected Public:** State, Local or Tribal governments; **Number of Respondents:** 56; **Total Annual Responses:** 56; **Total Annual Hours:** 392. (For policy questions regarding this collection contact Michele Myers at 410-786-7911. For all other issues call 410-786-1326.)

5. *Type of Information Collection Request*: Reinstatement without change of a previously approved collection; *Title of Information Collection*: Medicaid Report on Payables and Receivables; *Use*: The Chief Financial Officers (CFO) Act of 1990, as amended by the Government Management Reform Act (GMRA) of 1994, requires government agencies to produce auditable financial statements. Because the Centers for Medicare & Medicaid Services (CMS) fulfills its mission through its contractors and the States; these entities are the primary source of information for the financial statements. There are three basic categories of data: Expenses, payables, and receivables. The CMS-64 is used to collect data on Medicaid expenses. The CMS-R-199 collects Medicaid payable and receivable accounting data from the States. *Form Number*: CMS-R-199 (OCN: 0938-0697); *Frequency*: Reporting—Annually; *Affected Public*: State, Local or Tribal governments; *Number of Respondents*: 56; *Total Annual Responses*: 56; *Total Annual Hours*: 336. (For policy questions regarding this collection contact Michele Myers at 410-786-7911. For all other issues call 410-786-1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on May 28, 2013. OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395-6974, Email: OIRA_submission@omb.eop.gov.

Dated: April 23, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013-09913 Filed 4-25-13; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-D-0800]

Guidance for Industry on Regulatory Classification of Pharmaceutical Co-Crystals; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Regulatory Classification of Pharmaceutical Co-Crystals." This guidance provides applicants of new drug applications (NDAs) and abbreviated new drug applications (ANDAs) with the Center for Drug Evaluation and Research's (CDER's) current thinking on the appropriate regulatory classification of pharmaceutical co-crystal solid-state forms. This guidance also provides information about the data the applicant should submit to support the appropriate classification of a co-crystal, as well as the regulatory implications of the classification.

The recommendations in this guidance apply to materials that the Agency has not previously evaluated and determined to be pharmaceutical co-crystals. The recommendations do not apply to materials that the Agency has previously designated as salts, complexes, or other non-co-crystalline forms.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Andre Raw, Center for Drug Evaluation and Research, Food and Drug Administration, Metro-Park North II,

7500 Standish Pl., Rockville, MD 20855, 240-276-8500; or Richard Lostritto, Center for Drug Evaluation and Research, Food and Drug Administration, Bldg. 21, rm. 1626, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301-796-1900.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Regulatory Classification of Pharmaceutical Co-Crystals." This guidance provides applicants of NDAs and ANDAs with CDER's current thinking on the appropriate regulatory classification of pharmaceutical co-crystal solid-state forms. This guidance also provides information about the data the applicant should submit to support the appropriate classification of a co-crystal, as well as the regulatory implications of the classification.

On December 2, 2011 (76 FR 75551), FDA announced the availability of the draft version of this guidance. The public comment period closed on March 1, 2012. A number of comments were received from the public, all of which the Agency considered carefully as it finalized the guidance and made appropriate changes. Any changes to the guidance were minor and made to clarify statements in the draft guidance.

Co-crystals are solids that are crystalline materials composed of two or more molecules in the same crystal lattice. These solid-state forms, composed of an active pharmaceutical ingredient (API) with a neutral guest compound (also referred to as a conformer), have been the focus of significant interest in drug product development. Pharmaceutical co-crystals have opened the opportunity for engineering solid-state forms designed to have tailored properties to enhance drug product bioavailability and stability, as well as enhance processability of the solid material inputs in drug product manufacture. Pharmaceutical co-crystals are of interest because they offer the advantage of generating a diverse array of solid-state forms from APIs that lack ionizable functional groups needed for salt formation.

Traditionally, solid-state polymorphic forms of an API are classified as either crystalline, amorphous, or solvate and hydrate forms, and applicable regulatory schemes for these solid-state polymorphic forms are well-defined. Co-crystals, however, are distinguishable from these traditional pharmaceutical solid-state forms. Unlike

polymorphs, which generally speaking contain only the API within the crystal lattice, co-crystals are composed of an API with a neutral guest compound in the crystal lattice. Similarly, unlike salts, where the components in the crystal lattice are in an ionized state, a co-crystal's components are in a neutral state and interact via nonionic interactions.

At present, no formal regulatory policy exists governing the classification of pharmaceutical co-crystals. In response to this need for regulatory guidance, the guidance provides the Agency's current thinking on the appropriate classification of co-crystal solid-state forms.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on regulatory classification of pharmaceutical co-crystals. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to <http://www.regulations.gov>. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

III. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. This guidance refers to information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 314.50(d)(1) and 314.94(a)(5) and 314.94(a)(9) have been approved under OMB control number 0910–0001. The collections of information in the current good manufacturing practice (CGMP) regulations (21 CFR part 211) have been approved under OMB control number 0910–0139.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <http://www.regulations.gov>.

Dated: April 22, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–09872 Filed 4–25–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Health Resources and Services Administration (HRSA) will submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. To request a copy of the clearance requests submitted to OMB for review, email paperwork@hrsa.gov or call the HRSA Reports Clearance Office at (301) 443–1984.

Information Collection Request Title: Medicare Rural Hospital Flexibility Grant Program Performance Measure Determination (OMB No. 0915–xxxx)—New

Abstract: The purpose of the Medicare Rural Hospital Flexibility Program (Flex), authorized by Section 4201 of the Balanced Budget Act of 1997 (BBA), Public Law 105–33 and reauthorized by Section 121 of the Medicare Improvements for Patients and Providers Act of 2008, Public Law 110–275, is to support improvements in the quality of health care provided in communities served by Critical Access Hospitals (CAHs); to support efforts to improve the financial and operational performance of the CAHs; and to support communities in developing collaborative regional and local delivery systems. Additionally, the Flex program assists in the conversion of qualified

small rural hospitals to CAH status. The provision and delivery of quality health care to rural America is a priority of the Department of Health and Human Services (HHS). The Flex program provides funding for states to support technical assistance activities in hospitals related to: improving health care quality, patient safety, hospital financial and operational efficiency, and care coordination; and ensuring adequate training and support within rural Emergency Medical Services systems. Measures and goals identified in the Flex program take into consideration existing measures and priorities HHS has set for hospitals, to avoid both conflict and duplication of efforts.

For this program, performance measures were drafted to provide data useful to the Flex program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62). These measures cover principal topic areas of interest to the Office of Rural Health Policy, including: (a) Quality reporting; (b) quality improvement interventions; (c) financial and operational improvement initiatives; and (d) multi-hospital patient safety initiatives. Several measures will be used for this program and will inform the Office's progress toward meeting the goals set in GPRA.

This notice is the second of two **Federal Register** Notices issued regarding the intent to collect program performance measures, and the Office of Rural Health Policy received one set of comments for the original 60-day notice published on December 31, 2012 (Vol. 77, No. 250, pp. 77079–77080). The Office of Rural Policy responded to the comments and adjusted the burden estimate based on new calculations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The annual estimate of burden is as follows:

Form name	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Medicare Rural Hospital Flexibility Grant Program	45	1	45	216	9,720
Total	45	1	45	216	9,720

ADDRESSES: Submit your comments to the desk officer for HRSA, either by email to OIRA_submission@omb.eop.gov or by fax to 202-395-5806. Please direct all correspondence to the "attention of the desk officer for HRSA."

Deadline: Comments on this ICR should be received within 30 days of this notice.

Dated: April 22, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013-09946 Filed 4-25-13; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Noncompetitive Replacement Award to Genesee Health System.

SUMMARY: The Health Resources and Services Administration (HRSA) will be transferring Health Center Program (section 330 of the Public Health Service Act) funds originally awarded to the County of Genesee to ensure the provision of critical primary health care services to underserved populations in Genesee County, Michigan.

SUPPLEMENTARY INFORMATION:

Former Grantee of Record: County of Genesee.

Original Period of Grant Support: June 1, 2012, to April 30, 2014.

Replacement Awardee: Genesee Health System.

Amount of Replacement Award: The original award to the County of Genesee was issued as a result of a New Access Point application. The County of Genesee and Genesee Health System have agreed that the funds to be transferred will be the remaining amount in the account as of the date of this transfer.

Period of Replacement Award: The period of support for the replacement award is May 1, 2013, to April 30, 2014.

Authority: Sections 330 of the Public Health Service Act, 42 U.S.C. 245b. CFDA Number: 93.224.

Justification for the Exception to Competition: The former grantee, the County of Genesee, has requested that HRSA transfer a Health Center Program section 330 grant to Genesee Health System to implement and carry out grant activities originally proposed under the County of Genesee's funded section 330 grant application. Genesee County Community Mental Health (GCCMH)—now Genesee Health System—was formerly a department of the County of Genesee and has continued to carry out the operations of the grant program since its award in June 2012. On January 1, 2013, the State of Michigan approved GCCMH's independence as a separate public governmental entity, and GCCMH was legally renamed the Genesee Health System. The Genesee Health System is directly engaged in the delivery of primary health care services on the County of Genesee's behalf and has indicated an ability to continue operations without a disruption of services.

Genesee Health System is currently providing primary health care services on behalf of the County of Genesee to the original target population and is located in the same geographical area. This underserved target population has an immediate need for vital primary health care services and would be negatively impacted by any delay or disruption of services caused by a competition. As a result, in order to ensure that critical primary health care services remain available to the original target population without disruption, this replacement award will not be competed.

FOR FURTHER INFORMATION CONTACT: Kirsten Argueta, Senior Advisor, North Central Division, Bureau of Primary Health Care, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857, via email at KArgueta@hrsa.gov or (301) 594-1055.

Dated: April 19, 2013.

Mary K. Wakefield,
Administrator.

[FR Doc. 2013-09946 Filed 4-25-13; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301-496-7057; fax: 301-402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Zirconium-89 PET Imaging Agent for Cancer

Description of Technology: This technology is a new generation of rationally designed chelating agents which improve the complexation of Zirconium-89 for PET imaging of cancers. The technology uses cyclic or acyclic chelators made of 4 hydroxamate donors groups for improved stability compared to the currently used natural product siderophore desferrioxamine B (DFB), a

chelator that consists of only 3 hydroxamate donors that fails to saturate the coordination sphere of Zr(IV). DFB, which has been the object of many pre-clinical and clinical studies exhibits insufficient stability resulting in progressive radioisotope accumulation in bone once injected that can contribute to toxicity and increased background. The new chelators described in this invention have shown improved kinetic inertness compared to DFB with stability up to 90% after 7 days compared to 28% for DFB. In association with an adequate targeting agent such as an antibody, toxicity to the bone can be reduced and images with better contrast can be obtained with these new chelators.

Potential Commercial Applications:

- Cancer imaging.
- PET imaging.
- ImmunoPET.

Competitive Advantages:

- High stability.
- Low toxicity.
- Better imaging contrast.

Development Status:

- Prototype.
- *In vitro* data available.

Inventors: Francois Guerard (NCI), Yong Sok Lee (CIT), Martin Brechbiel (NCI).

Publications:

1. Zhou Y, et al. Mapping biological behaviors by application of longer-lived positron emitting radionuclides. *Adv Drug Deliv Rev.* In Press; doi: 10.1016/j.addr.2012.10.012. [PMID 23123291].
 2. Deri MA, et al. PET imaging with ⁸⁹Zr: from radiochemistry to the clinic. *Nucl Med Biol.* 2013 Jan;40(1):3-14. [PMID 22998840].
 3. Vosjan MJ, et al. Conjugation and radiolabeling of monoclonal antibodies with zirconium-89 for PET imaging using the bifunctional chelate p-isothiocyanatobenzyl-desferrioxamine. *Nat Protoc.* 2010 Apr;5(4):739-43. [PMID 20360768].
 4. Nayak TK, et al. PET and MRI of metastatic peritoneal and pulmonary colorectal cancer in mice with human epidermal growth factor receptor 1-targeted ⁸⁹Zr-labeled panitumumab. *J Nucl Med.* 2012 Jan;53(1):113-20. [PMID 22213822].
 5. Evans MJ, et al. Imaging tumor burden in the brain with ⁸⁹Zr-transferrin. *J Nucl Med.* 2013 Jan;54(1):90-5. [PMID 23236019].
 6. Guerard F, et al. Investigation of Zr(IV) and ⁸⁹Zr(IV) complexation with hydroxamates: progress towards designing a better chelator than desferrioxamine B for immuno-PET imaging. *Chem Commun (Camb).* 2013 Feb 1;49(10):1002-4. [PMID 23250287].
- Intellectual Property:** HHS Reference No. E-111-2013/0—U.S. Provisional

Application No. 61/779,016 filed 13 Mar 2013.

Related Technologies:

- HHS Reference No. E-194-2007/0—U.S. Patent Application No. 12/667,790 filed 05 Jan 2010.
- HHS Reference No. E-226-2006/0—U.S. Patent No. 8,288,530 issued 16 Oct 2012.
- HHS Reference No. E-067-1990/0.

Licensing Contact: Michael A. Shmilovich; 301-435-5019;

shmilovm@mail.nih.gov.

Collaborative Research Opportunity:

The Radioimmune & Inorganic Chemistry Section, ROB, CCR, NCI, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Zirconium-89 chelation technology for ImmunoPET imaging and other applications. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Novel Methods for Generating Retinal Pigment Epithelium Cells From Induced Pluripotent Stem Cells

Description of Technology: High efficiency methods for producing retinal pigment epithelial cells (RPE) from induced pluripotent stem cells (iPSCs) are disclosed. The RPE is a polarized monolayer in the vertebrate eye that separates the neural retina from the choroid, and performs a crucial role in retinal physiology by forming a blood-retinal barrier and closely interacting with photoreceptors to maintain visual function. Many ophthalmic diseases, such as age-related macular degeneration, are associated with a degeneration or deterioration of the RPE. The iPSCs are produced from somatic cells, including retinal pigment epithelial cells, such as fetal RPE. These methods involve producing embryoid bodies from human iPSCs, culturing the embryoid bodies using specific media to induce differentiation into RPE and growing the differentiated RPE cells in a defined media to generate human RPE cells. The investigators also developed methods for detecting RPE cells and authenticating RPE cells; determining agents that can affect the production of RPE cells from an iPSC; and identifying an agent that can increase RPE survival in response to a proteo toxic insult or stress. The novel methods and RPE cells disclosed here can be useful for both pre-clinical and clinical studies involving RPE.

Potential Commercial Applications:

The methods described here can be used to:

- Produce RPE cells for use in screening for novel ocular therapeutics

and for identifying toxic side effects of drugs.

- Produce RPE cells for use in novel cell-based therapies.
- Produce cells to study pathophysiology of RPE.

Competitive Advantages: The methods described here:

- Dramatically increase the efficiency of iPSC differentiation into RPE.
 - Produce superior quality RPE.
 - Produce RPE cells that are fully authenticated.
 - Provide ways to perform high throughput screens with RPE cells.
- Development Stage:**
- Prototype.
 - Early-stage.
 - *In vitro* data available.

Intellectual Property: HHS Reference No. E-251-2012/3—U.S. Provisional Application No. 61/759,988 filed 01 Feb 2013.

Licensing Contact: Suryanarayana (Sury) Vepa; 301-435-5020;

vepas@mail.nih.gov.

Collaborative Research Opportunity:

The National Eye Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize iPSC to RPE differentiation protocol, its clinical, screening, and translational applications. For collaboration opportunities, please contact Alan Hubbs, Ph.D. at *hubbsa@mail.nih.gov.*

Novel Tocopherol and Tocopheryl Quinone Derivatives as Therapeutics for Lysosomal Storage Disorders

Description of Technology: Novel tocopherol derivatives and tocopheryl quinone derivatives useful in the decrease of lysosomal substrate accumulation, the restoration of normal lysosomal size, and the treatment of lysosomal storage disorders (LSDs) are provided. The inventors have discovered that tocopherol and tocopheryl quinone derivatives with side chain modifications (such as terminal tri-halogenated methyl groups) exhibit improved pharmacokinetics, modulation of mitochondrial potential and restoration of some LSDs phenotypes. These molecules by themselves or in combination with Cyclodextrins (CDs) increase intracellular Ca²⁺ and enhance exocytosis. Also, the treatment with these compounds reduced the pathological changes in the ultrastructure of LSD cells as observed using electron microscopy analysis. The inventors also found that there is a synergy between CDs and the new tocopherol analogues when tested on the NPC cells and cells from six other

lysosomal storage diseases including Wolman, Niemann Pick Type A, Farber, TaySachs, MSIIIB and CLN2 (Batten) diseases. These new tocopherol analogues are as good or better than natural occurring tocopherols and tocotrienols in reducing cholesterol accumulation in several LSDs.

Potential Commercial Applications: To develop new therapeutics to treat LSDs.

Competitive Advantages:

- The main advantage of the compounds disclosed here is their improved pharmacokinetics.
- The combination of CD and the novel tocopherol analogues may reduce the dosage of each drug and thereby reduce the potential side effects.

Development Stage:

- Prototype.
- Early-stage.
- Pre-clinical.
- *In vitro* data available.

Inventors: Juan Jose Marugan, Wei Zheng, Jingbo Xiao, and John McKew (NCATS).

Intellectual Property: HHS Reference No. E-148-2012/0—U.S. Provisional Application No. 61/727,296 filed 16 Nov 2012.

Related Technologies:

- HHS Reference No. E-294-2009/0—PCT Application No. PCT/US2011/044590 filed 19 Jul 2011, which published as WO 2012/012473 on 26 Jan 2012.
- HHS Reference No. E-050-2012/0—US Provisional Application No. 61/679,668 filed 12 Aug 2012.

Licensing Contact: Suryanarayana (Sury) Vepa; 301-435-5020; vepas@mail.nih.gov.

Collaborative Research Opportunities: The National Center for Advancing Translational Sciences (NCATS) is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Novel Tocopherol and Tocopheryl Quinone Derivatives as Therapeutics for Lysosomal Storage Disorders. For collaboration opportunities, please contact the NCATS Technology Development Coordinator at NCATSPartnerships@mail.nih.gov.

Dated: April 23, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013-09902 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

April 23, 2013.

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301-496-7057; fax: 301-402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Device for Non-Surgical Tricuspid Valve Annuloplasty

Description of Technology: This is a non-surgical tricuspid annuloplasty to treat functional tricuspid valve regurgitation, meaning regurgitation with intact valve leaflets. The device is delivered using novel catheter techniques into the pericardial space and positioned along the atrioventricular groove. A compression member is positioned along the tricuspid annular free wall and tension applied through a variably-applied tension element. In the best embodiment, the compression member has an M shaped portion with at least two inflection points between the segments of difference curvatures.

Potential Commercial Applications:

- Valvular heart disease.
- Tricuspid valve annuloplasty.

Competitive Advantages:

- Non-surgical catheter treatment of valve disease.
 - Tricuspid valve.
- Development Stage:**
- Prototype.
 - Pre-clinical.
 - *In vitro* data available.

- *In vivo* data available (animal).

Inventors: Robert Lederman, Kanishka Ratnayaka, Toby Rogers (NHLBI).

Intellectual Property: HHS Reference No. E-027-2013—US Provisional Patent Application 61/785,652 filed 14 Mar 2013.

Related Technologies: HHS Reference Nos. E-112-2010; E-108-2010; E-165-2008; E-249-2006/0,1,2.

Licensing Contact: Michael A. Shmilovich, Esq., CLP; 301-435-5019; shmilovm@mail.nih.gov.

Collaborative Research Opportunity: The NHLBI is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize technologies for functional tricuspid valve regurgitation. For collaboration opportunities, please contact Peg Koelble at koelblep@nhlbi.nih.gov.

Urine-Based Diagnostic Assay for the Early Detection of Cancer

Description of Technology: NIH scientists have identified a panel of metabolite biomarkers capable of predicting the onset of cancer with an accuracy approaching 100%. Concerted changes in the levels of select amino acid, nucleic acid and methylation metabolites in the urine of mice strongly correlated with tumor formation and reflected the progressive derangement in their underlying biochemical pathways. Researchers have developed high-throughput screening methodology to quantify the levels of these metabolites in biological samples for the purposes of assessing cancer risk, determining disease prognosis and monitoring response to therapy. While applicable to many cancers, use of this technology for the detection of colorectal cancer represents a first-in-class diagnostic for this particular disease.

Despite therapeutic advances, colorectal cancer remains a significant clinical burden in terms of morbidity and mortality. Early detection is a key predictor of treatment outcome; however, current diagnostic methods are unsuitable for widespread implementation. The ability to analyze noninvasively obtained patient samples in a high-throughput manner suggests that this technology is well positioned to serve as a population-level screening tool for the early detection of many cancers, including, colorectal.

Potential Commercial Applications:

- A diagnostic screen for the detection of colorectal and other cancers.
- Assay to monitor response to therapy and disease recurrence.

Competitive Advantages:

- Non-invasive sample collection (e.g., urine specimen).

- Metabolite profiling can be performed on an ELISA platform.

- High predictive accuracy.

Development Stage:

- Pre-clinical.

- In vivo data available (animal).

Inventors: Soumen K. Manna, Kristopher W. Krausz, Frank J. Gonzalez (NCI).

Intellectual Property: HHS Reference No. E-020-2013/0—US Application No. 61/755,891 filed 23 Jan 2013.

Licensing Contact: Sabarni Chatterjee, Ph.D., MBA; 301-435-5587; chatterjeesa@mail.nih.gov.

Collaborative Research Opportunity: The National Cancer Institute, Laboratory of Metabolism, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize a non-invasive assay for the detection of colorectal cancer. For collaboration opportunities, please contact John D. Hewes, Ph.D. at hewesj@mail.nih.gov.

User-Friendly, Powerful Software for Analyzing ChIP-Seq Data

Description of Technology: The present invention provides a user-friendly software, called PAPST (Peak Assignment and Profile Search Tool for ChIP-Seq), for bench scientists to work with ChIP-Seq data in seconds, allowing the scientists to screen genes against multiple genomic features with ease and efficiency previously not realized. Furthermore, PAPST may be used to identify genes of special significance in a wide variety of biological and biomedical fields, which could lead the discovery of disease-associated genes and the development of therapeutic methods for human diseases. Lastly, this powerful, easy-to-use software does not require any special computation expertise.

Potential Commercial Applications:

- Genomic analysis.
- Drug target identification.

Competitive Advantages:

- Easy to use.
- Fast.
- Either a stand-alone software or as an add-on to existing commercial software.

Development Stage:

- Prototyped.
- Pilot.

Inventors: Paul W. Bible (NIAMS), Hong-Wei Sun (NIAMS), Yuka Kanno (NIAMS), Lai Wei (NEI).

Publications:

1. Yang XP, et al. Opposing regulation of the locus encoding IL-17 through direct, reciprocal actions of STAT3 and

STAT5. *Nat Immunol.* 2011

Mar;12(3):247-54. [PMID 21278738]

2. Yamane A, et al. Deep-sequencing identification of the genomic targets of the cytidine deaminase AID and its cofactor RPA in B lymphocytes. *Nat Immunol.* 2011 Jan;12(1):62-9. [PMID 21113164]

3. Ghoreschi K, et al. Generation of pathogenic T(H)17 cells in the absence of TGF-beta signalling. *Nature.* 2010 Oct 21;467(7318):967-71. [PMID 20962846]

Intellectual Property: HHS Reference No. E-008-2012/0—Research Tool.

Patent protection is not being pursued for this technology.

Licensing Contact: Michael A. Shmilovich, Esq., CLP; 301-435-5019; shmilovm@mail.nih.gov.

Collaborative Research Opportunity: The Biodata Mining & Discovery Section of NIAMS is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize PAPST (Peak Assignment and Profile Search Tool for ChIP-Seq). For collaboration opportunities, please contact Hong-Wei Sun at 301-496-0016 or sunh1@mail.nih.gov.

Antimalarial Inhibitors That Target the Plasmodial Surface Anion Channel (PSAC) Protein and Development of the PSAC Protein as Vaccine Targets

Description of Technology: There are two related technologies, the first being small molecule inhibitors of the malarial plasmodial surface anion channel (PSAC) and the second being the PSAC protein itself as a vaccine candidate. The PSAC protein is produced by the malaria parasite within host erythrocytes and is crucial for mediating nutrient uptake. In vitro data show that the PSAC inhibitors are able to inhibit growth of malaria parasites, have high specificity, and low toxicity. Portions of the PSAC protein are found on the outer surface of infected host erythrocytes and the protein was recently shown to be encoded by the clag3 gene. This discovery opens the possibility of developing the PSAC protein as a potential vaccine candidate against malaria.

Potential Commercial Applications:

- Antimalarial drugs.
- Malaria vaccine.

Competitive Advantages:

- Novel target against malaria.
- Small molecule inhibitors of PSAC inhibit malarial parasite growth, have low toxicity, and high specificity.
- PSAC protein is exposed on the surface of the infected host erythrocytes, making it an attractive vaccine candidate.

Development Stage:

- Early-stage.
- Pre-clinical.
- In vitro data available.

Inventor: Sanjay Desai (NIAID).

Publications:

1. Pillai AD, et al. Solute restriction reveals an essential role for clag3-associated channels in malaria parasite nutrient acquisition. *Mol Pharmacol.* 2012 Dec;82(6):1104-14. [PMID 22949525]

2. Desai SA. Ion and nutrient uptake by malaria parasite-infected erythrocytes. *Cell Microbiol.* 2012 Jul;14(7):1003-9. [PMID 22432505]

3. Nguitragool W, et al. Malaria parasite clag3 genes determine channel-mediated nutrient uptake by infected red blood cells. *Cell.* 2011 May 27;145(5):665-77. [PMID 21620134]

4. Pillai AD, et al. A cell-based high-throughput screen validates the plasmodial surface anion channel as an antimalarial target. *Mol Pharmacol.* 2010 May;77(5):724-33. [PMID 20101003]

Intellectual Property: HHS Reference No. E-145-2011/0—International PCT Patent Application No. PCT/US12/33072 filed 11 Apr 2012.

Related Technology: HHS Reference No. E-202-2008/0—Patent family filed in the U.S., Europe, Brazil, India, and China.

Licensing Contact: Kevin W. Chang, Ph.D.; 301-435-5018; changke@mail.nih.gov.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Antimalarial Inhibitors that Target the Plasmodial Surface Anion Channel (PSAC) Protein. For collaboration opportunities, please contact Dana Hsu at dhsu@niaid.nih.gov or 301-451-3521.

Dated: April 23, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013-09901 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Start-Up Exclusive License: The Development of Diazeniumdiolate Derivatives for Cancer Treatment and Prevention in Humans

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of a start-up exclusive patent license to practice the inventions embodied in U.S. Provisional Patent Application No. 60/026,816, entitled "O²-Aryl Substituted Diazeniumdiolates", filed September 27, 1996, now abandoned (HHS Ref. No. E-093-1996/0-US-01); U.S. Provisional Patent Application No. 60/045,917, entitled "O²-Aryl Substituted Diazeniumdiolates and Use Thereof", filed May 7, 1997, now abandoned (HHS Ref. No. E-093-1996/1-US-01); U.S. Provisional Patent Application No. 60/051,696, entitled "O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates", filed July 3, 1997, now abandoned (HHS Ref. No. E-093-1996/2-US-01); PCT Patent Application No. PCT/US1997/017267, entitled "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates", filed September 26, 1997, now abandoned (HHS Ref. No. E-093-1996/3-PCT-01); European Patent No. 0929538, entitled "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates", issued on November 24, 2004 [HHS Ref. No. E-093-1996/3-EP-02], which is validated in Great Britain [E-093-1996/3-GB-09], Germany [E-093-1996/3-DE-10], France [E-093-1996/3-FR-11], Ireland [E-093-1996/3-IE-12], Italy [E-093-1996/3-IT-13], Switzerland [E-093-1996/3-CH-14] and Belgium [E-093-1996/3-BE-15]; Australian Patent No. 733590, entitled "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates", issued on August 30, 2001 [HHS Ref. No. E-093-

1996/3-AU-03]; Canadian Patent No. 2266908, "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates," issued on July 20, 2010 [HHS Ref. No. E-093-1996/3-CA-04]; Japanese Patent No. 4285775, "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates," issued on April 3, 1999 [HHS Ref. No. E-093-1996/3-JP-05]; U.S. Patent No. 6,610,660, entitled "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates," issued on August 26, 2003 [HHS Ref. No. E-093-1996/3-US-06]; U.S. Patent No. 6,911,433, entitled "O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates," issued on June 28, 2005 [HHS Ref. No. E-093-1996/3-US-07]; European Patent Application No. 04009529.1, entitled "O²-Arylated or O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates," filed on April 22, 2004 [E-093-1996/3-EP-08]; U.S. Patent No. 7,081,524, entitled "O²-Substituted 1-[(2-Carboxylato)Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates," issued on July 25, 2006 [HHS Ref. No. E-093-1996/3-US-16]; Japanese Patent No. 5015903, entitled "O²-Substituted 1-[(2-Carboxylato)Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates and Compositions Thereof," issued on June 15, 2012 [HHS Ref. No. E-093-1996/3-JP-17]; Canadian Patent Application No. 2,705,474, entitled "O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates," filed on May 28, 2010 [E-093-1996/3-CA-18]; and European Patent Application No. 10010885.1, entitled "O²-Substituted 1-[(2-Carboxylato)Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates," filed on September 24, 2012 [E-093-1996/3-EP-19], developed by Dr. Larry K. Keefer, Dr. Joseph E. Saavedra, *et al.* The prospective exclusive license territory may be "worldwide", and the field of use may be limited to: "use of O²-Arylated, O²-Glycosylated 1-Substituted Diazen-1-IUM-1,2-Diolates, and O²-Substituted 1-[(2-Carboxylato) Pyrrolidin-1-YL] Diazen-1-IUM-1,2-Diolates for cancer treatment and prevention in humans." to JSK Therapeutics, Inc. ("JSKT"), a company incorporated under the laws of the State of Delaware having an office in at least Salt Lake City, Utah, U.S.A. The patent

rights in these inventions have been assigned to the United States of America.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before May 13, 2013 will be considered.

ADDRESSES: Requests for copies of the patent application, patents, inquiries, comments, and other materials relating to the contemplated start-up exclusive license should be directed to: Charlene A. Sydnor, Ph.D., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Telephone: (301) 435-4689; Facsimile: (301) 402-0220; Email: sydnorc@mail.nih.gov. A signed confidentiality nondisclosure agreement will be required to receive copies of any patent applications or patents that have not been published or issued by the United States Patent and Trademark Office or the World Intellectual Property Organization.

SUPPLEMENTARY INFORMATION: This technology concerns a new series of diazeniumdiolate derivatives that are stable in neutral to acidic environments and generate nitric oxide in basic or nucleophilic environments. These synthesized derivatives are potentially suited to the delivery of nitric oxide to basic or nucleophilic compartments within the body. They may be useful for inactivating proteins to prevent detoxification of chemotherapeutic agents or disruption of proteins active in tumor formation, infection, or regulatory activities. The compounds are stable in an aqueous environment but can be activated by enzymatic action to release nitric oxide that is believed to be useful in treating fulminant liver failure, respiratory problems, impotence, and a variety of cardiovascular/hematologic disorders. The diazeniumdiolates have also been derivatized by their incorporation into polymers. These compounds may allow for site specific delivery of nitric oxide. Overall, these compounds appear to be applicable toward the wide variety of processes involving nitric oxide.

The patents and patent applications for this technology contain claims that cover a family of diazeniumdiolate compounds, including: (1) O²-substituted diazeniumdiolates; (2) O²-glycosylated diazeniumdiolates; and (3) O²-substituted 1-[(2-carboxylato)pyrrolidin-1-yl] diazeniumdiolates. Also covered are uses of these compounds as: (1) A treatment for a biological disorder, including angina, acute myocardial infarction, congestive heart failure,

hypertension, and metastasis: (2) A treatment for cancer; and (3) A treatment for an infectious agent, including a virus or parasite.

The prospective start-up exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective start-up exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 23, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013-09900 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892-4878, 301-451-2405, henriquv@nidcr.nih.gov.

Nome of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; MH19 DSR Member SEP 2013/10.

Date: May 30, 2013.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Marilyn Moore-Hoon, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, 6701 Democracy Blvd., Rm. 676, Bethesda, MD 20892-4878, 301-594-4861, moooremar@nidcr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 22, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09906 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Rm 3134, Bethesda, MD 20892-7616, 301-435-2766, rathored@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 22, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09907 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: May 21, 2013.

Open: 8:30 a.m. to 1:00 p.m.

Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31C, 6th Floor, 101 Center Drive, Bethesda, MD 20892.

Closed: 1:30 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Nome of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Design and Development of Novel Dental Composite Restorative Systems Review Panel.

Date: May 23-24, 2013.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Nome of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; "Clinical Trials Units for NIAID Network" (Meeting 2).

Date: May 22, 2013.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, 6th Floor, 101 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, National Institute of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nidcr.nih.gov/about>, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 22, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09904 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF DENTAL & CRANIOFACIAL RESEARCH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Nome of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

Date: May 28-30, 2013.

Time: May 28, 2013, 7:00 p.m. to 9:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Time: May 29, 2013, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, 30 Center Drive, Bethesda, MD 20892.

Time: May 30, 2013, 8:00 a.m. to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, 30 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

Information is also available on the Institute's/Center's home page: <http://www.nidcr.nih.gov/about/CouncilCommittees.asp>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 22, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09905 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

SUMMARY: This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The NTP BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. The meeting is open to the public and preregistration is requested for both public attendance and comment. Information about the meeting and registration is available at <http://ntp.niehs.nih.gov/go/165>.

DATES: Meeting: June 25, 2013, beginning at 8:30 a.m. Eastern Daylight Time and continuing until adjournment.

Written Public Comments Submissions: Deadline is June 11, 2013.

Preregistration for Meeting and/or Oral Comments: Deadline is June 18, 2013.

ADDRESSES: Meeting Location: Rodbell Auditorium, Rall Building, NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The preliminary agenda, registration and other meeting materials are at <http://ntp.niehs.nih.gov/go/165>. It is not necessary to preregister for the meeting to view the webcast.

Webcast: A link to access the meeting webcast will be available on the meeting Web page.

FOR FURTHER INFORMATION CONTACT: Dr. Lori White, Designated Federal Officer for the BSC, Office of Liaison, Policy and Review, Division of NTP, NIEHS, P.O. Box 12233, K2-03, Research Triangle Park, NC 27709. Phone: 919-541-9834, Fax: 919-541-0295, Email: whitel@niehs.nih.gov. Hand Deliver/Courier address: 530 Davis Drive, Room K2136, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION:

Meeting and Registration: This meeting is open to the public with time scheduled for oral public comments; attendance is limited only by the space available. The BSC will provide input to the NTP on programmatic activities and issues. A preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting Web site (<http://ntp.niehs.nih.gov/go/165>) or may be requested in hardcopy from the Designated Federal Officer for the BSC.

Following the meeting, summary minutes will be prepared and made available on the BSC meeting Web site. Individuals who plan to attend and/or provide comments are encouraged to preregister online at the BSC meeting Web site (<http://ntp.niehs.nih.gov/go/165>) by June 18, 2013, to facilitate planning for the meeting. Individuals interested in the meeting are encouraged to access this Web site to stay abreast of the most current information regarding the meeting. Visitor and security information for those attending in person is available at niehs.nih.gov/about/visiting/index.cfm. Individuals with disabilities who need accommodation to participate in this event should contact Dr. Lori White at phone: (919) 541-9834 or email: whitel@niehs.nih.gov. TTY users should contact the Federal TTY Relay Service at 800-877-8339. Requests should be made at least five business days in advance of the event.

Request for Comments: Written comments submitted in response to this notice should be received by June 11,

2013. Comments will be posted on the BSC meeting Web site and persons submitting them will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting written comments should include their name, affiliation (if applicable), phone, email, and sponsoring organization (if any) with the document.

Time will be allotted during the meeting for the public to present oral comments to the BSC on the agenda topics. In addition to in-person oral comments at the meeting at the NIEHS, public comments can be presented by teleconference line. There will be 50 lines for this call; availability will be on a first-come, first-served basis. The available lines will be open from 8:30 a.m. until adjournment, although public comments will be received only during the formal public comment periods, which are indicated on the preliminary agenda. Each organization is allowed one time slot per agenda topic. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes at the discretion of the BSC chair. Persons wishing to present oral comments are encouraged to pre-register on the NTP meeting Web site, indicate whether they will present comments in-person or via the teleconference line, and list the topic(s) on which they plan to comment. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Registration for oral comments will also be available on the meeting day, although time allowed for presentation by these registrants may be less than that for pre-registered speakers and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked to send a copy of their statement or PowerPoint slides to the Designated Federal Officer by June 18, 2013. Written statements can supplement and may expand upon the oral presentation. If registering on-site and reading from written text, please bring 40 copies of the statement for distribution to the BSC and NTP staff and to supplement the record.

Background Information on the NTP BSC: The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its

members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets biannually. The authority for the NTP BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended. The NTP BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: April 18, 2013.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2013-09910 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Biomedical Imaging and Bioengineering, including consideration of personal qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Biomedical Imaging And Bioengineering.

Date: June 2-4, 2013.

Time: 7:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Lawton Chiles International House, Bethesda, MD 20892.

Contact Person: Richard D. Leapman, Intramural Scientific Director, National Institute of Biomedical Imaging And Bioengineering, Bethesda, MD 20892, 301-496-2599, leapmanr@mail.nih.gov.

Dated: April 22, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09903 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Re-Review of K99-R00.

Date: May 7, 2013.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call).

Contact Person: JoAnn McConnell, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-5324, mcconnej@ninds.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 23, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09899 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NeuroNEXT Special Emphasis Panel.

Date: May 3, 2013.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-435-6033, rajarams@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 23, 2013.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013-09908 Filed 4-25-13; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5681-N-17]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402-3970; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense.

Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Brenda Carignan, Department of Agriculture, Reporters Building, 300 7th Street, SW., Room 337, Washington, DC 20024, (202) 401-0787; *GSA:* Mr. Flavio Peres, General Services Administration,

Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501-0084; *Interior*: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1801 Pennsylvania Ave., NW., 4th Floor, Washington, DC 20006: (202) 254-5522; *Navy*: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374; (202)685-9426; (This is not toll-free numbers).

Dated: April 18, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 04/26/2013

Suitable/Available Properties

Building

California

Tract 104-02

Joshua Tree Nat'l Park

Twenty-nine CA 92277

Landholding Agency: Interior

Property Number: 61201320001

Status: Unutilized

Comments: off-site removal only; 160 sf.; storage; deteriorated; extensive repairs needed; rodent feces throughout; secured area; contact Interior for accessibility/removal requirements

Hawaii

Building 1227

Marine Corps Base

Kaneohe HI 96863

Landholding Agency: Navy

Property Number: 77201320001

Status: Excess

Comments: off-site removal only; 768 sf.; grease rack; 12+ months vacant; poor conditions; secured area; contact Navy for info. on accessibility/removal reqs.

Texas

Building 48

2881 F&B Rd.

College Station TX

Landholding Agency: Agriculture

Property Number: 15201320001

Status: Excess

Comments: 1,344 sf; double-wide trailer; 24 months vacant; floors and wall deteriorated

Land

New York

AEI Radio Communication

Link Repeater Site

Houck Mountain Rd.

Walton NY 11430

Landholding Agency: GSA

Property Number: 54201320001

Status: Excess

GSA Number: NY-0976-AA

Comments: 9.5 acres; majority of property is undeveloped forest land

Unsuitable Properties

Building

Arizona

Building 1535—Credit Union W.

N. 138th Ave.

Glendale AZ 85309

Landholding Agency: Air Force

Property Number: 18201320001

Status: Excess

Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising nat'l security

Reasons: Secured Area

[FR Doc. 2013-09592 Filed 4-25-13; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5698-N-01]

Notice of Intent To Close 16 Field Offices

AGENCY: Office of Field Policy and Management, HUD.

ACTION: Notice.

SUMMARY: This notice advises the public that HUD intends to close the following 16 field offices: Camden, NJ; Syracuse, NY; Orlando, FL; Tampa, FL; Springfield, IL; Cincinnati, OH; Flint, MI; Grand Rapids, MI; Shreveport, LA; Dallas, TX; Lubbock, TX; Tucson, AZ; Fresno, CA; Sacramento, CA; San Diego, CA; and Spokane, WA. HUD is providing this notice in accordance with the 42 U.S.C. 3535.

FOR FURTHER INFORMATION CONTACT: Honor Garcia-Tomchick, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7108, Washington, DC 20410; *mhonor.garcia-tomchick@hud.gov*, telephone number, 202-708-2426; TTY number for the hearing- and speech-impaired 202-708-2565 (these telephone numbers are not toll-free).

SUPPLEMENTARY INFORMATION: In accordance with the Presidential Memorandum 2010-07—Disposing of Unneeded Federal Real Estate (75 FR 33987, June 16, 2010), HUD is publishing this notice to provide notice of its intent to close 16 small field offices. The memorandum directs executive departments and agencies to accelerate efforts in identifying and eliminating excess properties. Agency actions are to include making better use of real property assets as measured by utilization and occupancy rates; eliminating lease arrangements that are not cost effective; pursuing consolidation opportunities within and across agencies; and increasing occupancy rates in current facilities through innovative approaches to space

management and alternative workplace arrangements. Agencies are also directed to accelerate efforts to identify cost cutting measures to reduce operating costs.

Based upon Section 7(p) of the Housing and Urban Development Act (42 U.S.C. 3535p), a plan for the reorganization of any regional, area, insuring, or other field office of the Department of Housing and Urban Development may take effect only upon the expiration of 90 days after publication in the **Federal Register** with a cost-benefit analysis of the plan for each affected office. Such cost-benefit analysis shall include, but not be limited to—(1) An estimate of cost savings supported by background information detailing the source and substantiating the amount of the savings; (2) an estimate of the additional cost which will result from the reorganization; (3) a study of the impact on the local economy; and (4) an estimate of the effect of the reorganization on the availability, accessibility, and quality of services provided for recipients of those services, where any of the above factors cannot be quantified, the Secretary shall provide a statement on the nature and extent of those factors in the cost-benefit analysis.

Cost Benefit Analysis

A. Background

HUD's current field structure, consisting of 80 regional and field offices covering 50 states, the District of Columbia, Guam, and Puerto Rico, is built on the structure of the former Federal Housing Administration (FHA), which had insuring offices throughout the country. As the agency evolved into a cabinet department (1968) its program portfolio grew and staffing levels rose to more than 18,000 in 1973. As a result of legislative action HUD's program portfolio has continued to increase in size, complexity and scope, while its staffing has gradually been reduced to approximately 9,300.

HUD's existing field office structure is decades old. Advances in technology have made it possible and more cost effective to manage our workload in a more centralized fashion. Additionally, the standardization of processes in some of our largest programs (Multifamily Housing, along with troubled Public and Indian Housing workload, enforcement activity, and centralized administrative work) has also led to a diminished need for staffing in each current location. Closing these small field offices will allow HUD to realign staff resources to

best support program delivery, and will achieve operational savings.

The reduction in the number of field offices helps will save money while still ensuring that HUD can effectively respond rapidly to the ever evolving mission and the budget challenges of today and tomorrow. Leveraging technology has allowed HUD to substantially reduce its footprint and costs while not significantly affecting the delivery of its services.

B. Description of Proposed Changes

Sixteen (16) small field offices will be closed, affecting approximately 120 of HUD's 9,300 employees. This action will allow the Department to align staff resources to more effectively support program operations and reduce operational cost, while maintaining effective program delivery to the affected jurisdictions. The offices to be closed are: Camden, NJ; Syracuse, NY; Orlando, FL; Tampa, FL; Springfield, IL; Cincinnati, OH; Flint, MI; Grand Rapids, MI; Shreveport, LA; Dallas, TX; Lubbock, TX; Tucson, AZ; Fresno, CA; Sacramento, CA; San Diego, CA; and Spokane, WA. Employees who work in the aforementioned 16 field offices will have the option to either take a buyout or continue their HUD careers in other locations through directed reassignments with relocation entitlements.

The proposed changes are expected to produce significant administrative savings and will result in increased occupancy rates in other existing facilities, thus making more efficient use of real property assets as measured by utilization and occupancy rates.

(1) Estimate of Cost Savings

The closure of the 16 field offices will eliminate the cost office space leases and administrative costs, including transit, mail, copiers, telephones, security, all support services, including IT maintenance, totaling \$3.5 million annually. The \$2.7 million lease cost for all 16 offices is based upon HUD's occupancy agreement with General Services Administration (GSA). The \$800,000 administrative cost for all 16 offices is based upon the Fiscal Year 2012 expenses.

It is difficult to project the number of employees who will take advantage of the buyout, choose to relocate, or resign because these are individual decisions. However, it is estimated that 50–75 percent of the affected employees will take the buyout while 25–50 percent may opt to relocate. The total savings will range from \$11 million to \$14.9 million annually, beginning 2014. The savings will include lease and

administrative costs as well as salary and benefit costs from the 50–75 percent of affected employees who may take advantage of the buyout.

(2) Estimate of the Additional Cost

Implementation costs are expected in closing the offices, thus the projected total annual savings, which ranges from \$11 million to \$14.9 million, will be gained beginning in 2014 and every year thereafter.

a. One Time Costs

i. Early lease termination cost (\$108,000–\$211,000). The early lease termination cost range is based on GSA's ability to find a replacement lessee for the office space.

ii. Buyout cost (approximately \$2.3 million–\$3.4 million). It is estimated that 50–75 percent of the employees in the 16 field offices will take the buyout. The anticipated total cost includes the buyout and estimated terminal leave costs.

iii. Personnel relocation cost (approximately \$2.2 million–\$4.3 million). It is estimated between 25–50 percent in the 16 field offices will opt to continue their HUD careers in other locations via directed reassignments, with relocation entitlements.

iv. Severance or unemployment compensation costs (\$0). No severance costs are associated with this initiative since no termination of staff is expected.

v. Office closure costs (\$1.3 million). The estimated office closure costs include tenant improvement costs, project cancellation costs, physical property removal and restoration costs, shipment of files, disconnecting telecom, uninstalling security systems, and rent due at closure.

vi. Space alteration costs (\$61,000–\$122,000). Space alteration cost is estimated at \$2,000 per employee. Cost range is based upon estimated number of employees who will relocate.

b. Recurring Costs

Program delivery to the affected jurisdiction is already managed by program staff in other HUD field offices. Minimal additional travel costs will be incurred by limited staff travel to the affected jurisdictions to ensure ongoing coordination of program delivery and customer service.

(3) Study of the Impact on the Local Economy

Any impact on the local economies in terms of housing, schools, public services, taxes, employment and traffic congestion will be minimal. HUD staff within each state, and Puerto Rico and Washington, DC, will work with clients

in the affected office closure areas to ensure uninterrupted, quality service is provided going forward. The realignment of personnel and office closures should not disrupt the service delivery currently provided to the communities.

(4) Estimate of the Effect of the Reorganization

HUD products and services provided to the communities in the affected jurisdictions are currently managed remotely from larger HUD offices, and this will continue to be the case.

Following the closure of these small offices, HUD will retain one or more field offices in each state:

a. Camden, NJ field office—HUD will retain the field office in Newark, NJ.

b. Syracuse, NY field office—HUD will retain the Buffalo and Albany field offices, as well as the regional office in New York City.

c. Orlando, FL and Tampa, FL field offices—HUD will retain the field offices in Jacksonville and Miami, FL.

d. Springfield, IL field office—HUD will retain the regional office in Chicago, IL.

e. Cincinnati, OH field office—HUD will retain the field offices in Cleveland and Columbus, OH.

f. Flint, MI and Grand Rapids, MI field offices—HUD will retain the field office in Detroit, MI.

g. Shreveport, LA field office—HUD will retain the field office in New Orleans, LA.

h. Dallas, TX and Lubbock, TX field offices—HUD will retain the field offices in Houston and San Antonio, as well as the regional office in Fort Worth, TX.

i. Tucson, AZ field office—HUD will retain the field office in Phoenix, AZ.

j. Sacramento, San Diego, and Fresno field offices—HUD will retain the field offices in Los Angeles and Santa Ana, as well as the regional office in San Francisco, CA.

k. Spokane, WA field office—HUD will retain the regional office in Seattle, WA.

Dated: April 17, 2013.

Patricia A. Hoban-Moore,

Assistant Deputy Secretary,

[FR Doc. 2013-09799 Filed 4-25-13; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR**Office of the Secretary**

[Docket No. ONRR-2012-0003; DS63600000 DR2PS0000.PX8000 134D0102R2]

Notice of Request for Nominees for the U.S. Extractive Industries Transparency Initiative (USEITI) Advisory Committee

AGENCY: Policy, Management and Budget, Interior.

ACTION: Notice of request for nominees.

SUMMARY: The U.S. Department of the Interior (Interior) is seeking nominations for individuals to be considered as Committee members and/or alternates to serve on the U.S. Extractive Industries Transparency Initiative (USEITI) Advisory Committee. This notice solicits nominees from: (1) the Industry sector as a result of a vacancy created by the recent resignation of a previously-appointed Industry sector member; and (2) from all three sectors: Government, Civil Society, and Industry, so that the Department can create a roster of eligible, qualified candidates to facilitate the appointment process should future vacancies occur. Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Committee and permit the Department of the Interior to contact a potential member.

Parties are strongly encouraged to work with and within stakeholder sectors (including industry, civil society, and government sectors as defined by the EITI process) to jointly consider and submit nominations that, overall, reflect the diversity and breadth of their sector. Nominees are strongly encouraged to include supporting letters from constituents, trade associations, alliances, and/or other organizations that indicate the support by a meaningful constituency for the nominee.

DATES: Submit nominations to the Committee by May 24, 2013.

ADDRESSES: You may submit nominations to the Committee by any of the following methods.

- Mail or hand-carry nominations to Ms. Shirley Conway; Department of the Interior; 1849 C Street NW., MS 4211, Room 4217; Washington, DC 20240.
- Email nominations to USEITI@ios.doi.gov.

FOR FURTHER INFORMATION CONTACT:

Shirley Conway at (202) 513-0598; fax (202) 513-0682; email Shirley.Conway@onrr.gov; or via mail at: Department of the Interior; 1849 C Street NW.; MS 4211, Room 4217; Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior (Interior) established the U.S. Extractive Industries Transparency Initiative (USEITI) Advisory Committee (Committee) on July 26, 2012. The Committee serves as the initial USEITI Multi-Stakeholder Group and provides advice to the Secretary of the Interior (Secretary) on the design and implementation of the initiative.

The Committee was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), and with the concurrence of the General Services Administration.

The Committee:

- Serves as the initial Multi-Stakeholder Group (MSG) to oversee the U.S. implementation of the Extractive Industries Transparency Initiative (EITI), a global standard for governments to publicly disclose revenues received from oil, gas, and mining assets belonging to the government, with parallel public disclosure by companies of payments to the government (e.g. royalties, rents, bonuses, taxes, or other payments).

- Develops and recommends to the Secretary a fully-costed work plan, containing measurable targets and a timetable for implementation, and incorporating an assessment of capacity constraints. This plan shall be developed in consultation with key EITI stakeholders and published upon completion.

- Provides opportunities for collaboration and consultation among stakeholders.

- Advises the Secretary and posts for consideration by other stakeholders proposals for conducting long-term oversight and other activities necessary to achieve EITI candidate and compliant status.

Members of the Committee will include individuals representing each of the following stakeholder sectors:

1. Industry, including non-Federal representatives from the extractive industry, including oil, gas, and mining companies and industry-related trade associations.
2. Civil society, including organizations with an interest in extractive industries, transparency, and government oversight; members of the public; and public and/or private investors.

3. Government, including Federal, State, local, and Tribal governments, and individual Indian mineral owners.

In addition to honoring the EITI principle of self-selection within the stakeholder sectors described above, the following criteria will be considered in making final selections:

(1) Understanding of and commitment to the EITI process

(2) Ability to collaborate and operate in a multi-stakeholder setting

(3) Access to and support of a relevant stakeholder constituency and authority to make decisions on its behalf

(4) Basic understanding of the extractive industry and/or revenue collection, or willingness to be educated on such matters

(5) Ability to represent U.S. based constituents, organizations, and institutions, or companies with significant operations in the U.S.

No individual who is currently registered as a Federal lobbyist is eligible to serve as a member of the Committee.

The Committee will meet quarterly or at the request of the Designated Federal Officer. Non-Federal members of the Committee will serve without compensation. However, we may pay the travel and per diem expenses of Committee members, if appropriate, under the Federal Travel Regulations.

To learn more about USEITI please visit the official Web site at www.USEITI.gov.

Dated: April 22, 2013.

Rhea Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2013-09927 Filed 4-25-13; 8:45 am]

BILLING CODE 4310-T2-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R7-ES-2013-N066; FXFR13370700000-134-FF07Camm00]

Endangered and Threatened Wildlife and Plants; Announcement of Active 5-Year Status Review of the Southwest Alaska Distinct Population Segment of the Northern Sea Otter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Announcement of active review; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service, are announcing an active 5-year status review under the Endangered Species Act of 1973, as amended (Act), of the southwest Alaska Distinct Population Segment (DPS) of

the northern sea otter (*Enhydra lutris kenyoni*). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information that has become available since the last review for the species.

DATES: To ensure consideration, we are requesting submission of new information no later than June 25, 2013. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Please submit your information in writing by any one of the following methods:

- *U.S. mail:* Deborah Pierce Williams, Chief, Marine Mammals Management, U.S. Fish and Wildlife Service, attention: Northern Sea Otter 5-year Review, 1011 E. Tudor Road, Anchorage, AK 99503;
- *Hand-delivery:* U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503;
- *Fax:* 907-786-3816; or
- *Email:* FW7_Sea_Otter_5yr@fws.gov.

For more about submitting information, see "Request for Information" in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Frances Mann, Sea Otter Program Lead, Marine Mammals Management, U.S. Fish and Wildlife Service, by telephone at 907-786-3668, or at the above address, fax number, or email address. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct a 5-year review?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review each listed species' status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species that are under active review.

For additional information about 5-year reviews, refer to our factsheet at <http://www.fws.gov/endangered/what-we-do/recovery-overview.html>.

What information do we consider in our review?

A 5-year review considers all new information available at the time of the

review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be used to evaluate the ongoing recovery programs for the species.

Species Under Review

This notice announces our active review of the southwest Alaska Distinct Population Segment (DPS) of the northern sea otter, which is currently listed as Threatened under the Endangered Species Act. The final listing rule for this DPS of the northern sea otter was published on August 9, 2005 (70 FR 46366). A draft recovery plan for this DPS of the northern sea otter was completed in August 2010 and is available at <http://alaska.fws.gov/fisheries/mmm/seaotters/recovery.htm>.

Request for Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See "What Information Do We Consider in Our Review?" for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Alaska Region of the Service has lead responsibility is available at <http://alaska.fws.gov/fisheries/endangered/reviews.htm>.

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 19, 2013.

Geoffrey L. Haskett,

Regional Director, Alaska Region.

[FR Doc. 2013-09884 Filed 4-25-13; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R3-ES-2013-N094;
FXES1113030000F3-234-FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: We must receive any written comments on or before May 28, 2013.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Lisa Mandell, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437-1458; or by electronic mail to permitsR3ES@fws.gov.

FOR FURTHER INFORMATION CONTACT: Lisa Mandell, (612) 713-5343.

SUPPLEMENTARY INFORMATION:**Background**

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR part 17. Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES**.

Permit Applications

Permit Application Number: TE03450B.
Applicant: Erin L. Basinger, Cloverdale, IN.

The applicant requests a permit to take (capture and release) Indiana bats (*Myotis sodalis*), Gray bats (*Myotis grisescens*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*) and Ozark big-eared bats (*Corynorhinus townsendii ingens*) throughout the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE06845A.
Applicant: Bernardin, Lochmueller, and Associates, Inc., Evansville, IN.

The applicant requests an amendment to their permit to take (capture and release) Indiana bats and gray bats. The requested amendment is to increase the geographic area where the permittee may work to include Kentucky and Georgia. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE38860A.
Applicant: Jason M. Garvon, Lake Superior State University, Sault Ste. Marie, MI.

The applicant requests a permit renewal to take (harass) Piping Plover (*Charadrius melodus*) in the Upper Peninsula of Michigan. Activities are proposed for the conservation and recovery of the species in the wild.

Permit Application Number: TE11035A.
Applicant: Robert J. Vande Kopple, University of Michigan, Pellston, MI.

The applicant requests a permit renewal to take (capture and release) the

Hungerford's crawling water beetle (*Brychius hungerfordi*) throughout the species' range in Michigan and Wisconsin. Proposed activities are for the recovery and enhancement of propagation and survival of the species in the wild.

Permit Application Number: TE03452B.
Applicant: Michigan Nature Association, Williamston, MI.

The applicant requests a permit to take (harass, harm, kill) Mitchell's satyr butterflies (*Neonympha mitchellii mitchellii*) at the Association's Butternut Creek Nature Sanctuary, Berrien County, Michigan. Proposed activities are for the enhancement of survival of the species in the wild through habitat management and population monitoring.

Permit Application Number: TE48835A.
Applicant: Applied Science and Technology, Inc., Brighton, MI.

The applicant requests a permit amendment to take (capture and release) Snuffbox mussels (*Epioblasma triquetra*) and to increase the geographic scope of the permit to include waters throughout Michigan and Ohio. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE03494B.
Applicant: GAI Consultants, Inc., Erlanger, KY.

The applicant requests a permit to take (capture and release) Indiana bats, gray bats, Virginia big-eared bats, and Ozark big-eared bats throughout the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE03495B.
Applicant: Kristina R. Hammond, Terre Haute, IN.

The applicant requests a permit to take (capture and release) Indiana bats throughout the States of the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Proposed activities are for the recovery and

enhancement of survival of the species in the wild.

Permit Application Number: TE235639.
Applicant: Davey Resource Group, Kent, OH.

The applicant requests a permit amendment to take (capture and release) Indiana bats. The requested amendment would increase the geographic area in which the permittee may work to include the State of Missouri. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE03499B.
Applicant: Ecological Survey and Design, LLC, Temperance, MI.

The applicant requests a permit to take (capture and release) Snuffbox mussels within the State of Ohio. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE03501B.
Applicant: Mississippi Entomological Museum, Mississippi State University, Mississippi State, MS.

The applicant requests a permit to take (collect) Mitchell's satyr butterflies in the States of Michigan and Indiana. Proposed activities are to conduct scientific research in the interest of species recovery.

Permit Application Number: TE03502B.
Applicant: California Ridge Wind Energy LLC, Chicago, IL.

The applicant requests a permit to take (harm, harass, kill) Indiana bats in Champaign and Vermillion Counties, Illinois. Proposed activities includes a two year scientific research study of acoustic deterrents, wind turbine operational experiments, and fatality surveys at the California Ridge Wind Energy Project. Proposed activities are aimed at conservation of the species through reduction of impacts at wind energy facilities.

Public Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying

information from public review, we cannot guarantee that we will be able to do so.

Dated: April 22, 2013.

Lynn M. Lewis,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2013-09880 Filed 4-25-13; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00530 L13300000.EP0000 241A; 13-08807; MO# 4500048244; TAS: 14X1109]

Notice of Availability of the Final Environmental Impact Statement and Record of Decision for the Proposed Sloan Hills Competitive Mineral Material Sales, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) and a Record of Decision (ROD) for the Proposed Sloan Hills Mineral Material Sales, Clark County, Nevada, and by this notice is announcing their availability.

DATES: The BLM will not act on a final decision on the proposal for a minimum of 30 days of the date that the Environmental Protection Agency publishes its notice in the *Federal Register*.

ADDRESSES: Copies of the Final EIS and ROD are available for public inspection at the following locations in Nevada:

- BLM Nevada State Office, 1340 Financial Boulevard, Reno;
- BLM Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas;
- Paseo Verde Library, 280 South Green Valley Parkway, Henderson;
- James I Gibson Library, 100 West Lake Mead Parkway, Henderson; and
- Enterprise Library, 25 East Shelbourne Avenue, Las Vegas.

Interested persons may also review the Final EIS and ROD at <http://www.blm.gov/nv/st/en/fo/lvfo.html> or request a printed copy or a compact disc from the BLM Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130, phone: 702-515-5000, or email to: sloanhillseis@blm.gov.

FOR FURTHER INFORMATION CONTACT: Shonna Dooman, Las Vegas Field Office

Assistant Field Manager, telephone: 702-515-5174; address Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130; or email: sloanhillseis@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: After environmental analysis, consideration of public comments, and application of pertinent Federal laws, it is the decision of the BLM to not authorize the competitive sale of mineral materials in the Sloan Hills area in southern Las Vegas Valley, Nevada. The selected No Action Alternative reflects the BLM's intent to continue the current management of public lands within the Sloan Hills. The BLM prepared a Final EIS and ROD to fulfill responsibilities under the Act of July 31, 1947, as amended (30 U.S.C. 601 *et seq.*), commonly referred to as the Materials Act, and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*). The purpose of this analysis was for the BLM to respond to applications from two mining companies (CEMEX and Service Rock Products Corporation) to mine and process limestone and dolomite minerals in the Sloan Hills area of southern Nevada. Two settlement agreements obligate the BLM to process the mineral material sales applications submitted by CEMEX and Service Rock Products Corporation. The BLM's decision to select the No Action Alternative is in conformance with the Las Vegas Resource Management Plan/Final Environmental Impact Statement, approved on October 5, 1998. The BLM's decision is consistent with the Materials Act and the Federal Land Policy and Management Act.

Alternatives analyzed in the Final EIS include: Alternative 1, at 640 acres, includes the sale of mineral materials in the North Site and the South Site to two mining companies that would operate independently and results in a single open pit mine; Alternative 2, at 320 acres, includes the sale of mineral materials in the North Site only; Alternative 3, at 320 acres, includes the sale of mineral materials in the South Site only; Alternative 4, at 640 acres, includes the sale of mineral materials in both the North Site and the South Site to a single mining company and

Alternative 5, the No Action Alternative.

On August 5, 2011, a Notice of Availability for the Draft EIS for this project was published in the *Federal Register* (76 FR 47607). The BLM held three public meetings and accepted public comments for 120 days through email, fax, mail, and public meetings. A total of 82 comments from individuals and 26 comments from governmental entities were received. Additionally, the BLM received one petition signed by 3,420 individuals. The majority of the comments received addressed impacts on air quality, water use, noise and vibration, visual resources, transportation and traffic, socioeconomics, and special management areas. Cooperating agencies in the development of the EIS include: Las Vegas Valley Water District, Nevada Department of Wildlife, Clark County Department of Air Quality, Clark County Department of Aviation, and City of Henderson.

Comments received from the public on the Draft EIS and internal BLM review were considered and incorporated as appropriate into the Final EIS following the standards of 40 CFR 1503.4(c).

Filing an Appeal:

The decision by the BLM to select the No Action Alternative as the agency's Preferred Alternative is appealable subject to 43 CFR part 4, subpart E—Special Rules Applicable to Public Land Hearings and Appeals, and 43 CFR 3601.80. Any party adversely affected by this decision may appeal within the 30-day timeframe by filing an appeal with the BLM Las Vegas Field Manager, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130, or fax: 702-515-5023. A copy of the notice of appeal, and statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento, CA 95826, no later than 15 days after filing documents with the Las Vegas Field Manager.

To file a petition for stay of the ROD pursuant to 43 CFR 4.21 while an appeal is pending before the Interior Board of Land Appeals (IBLA), the petition for stay must accompany the Notice of Appeal (see 43 CFR 4.21; 43 CFR 3601.80). A petition for stay must show sufficient justification based on the standards listed in 43 CFR 4.21(b). If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be

served on the IBLA at the same time it is filed with the Las Vegas Field Manager. Persons interested in filing an appeal are encouraged to consult the cited Federal regulations for additional appeal requirements.

Authority: 40 CFR 1506.6 and 1506.10.

Robert B. Ross, Jr.,

Las Vegas Field Manager.

[FR Doc. 2013-09662 Filed 4-25-13; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[LLWY920000/51010000.ER0000/
LVRWK09K0990/241A; WYW-174598; IDI-
35849]

Notice of Availability of the Final Environmental Impact Statement for the Gateway West 230/345/500-kV Transmission Line Project in Idaho and Wyoming and Proposed Land Use Plan Amendments

AGENCY: Bureau of Land Management, Interior; Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Department of the Interior Bureau of Land Management (BLM) and the United States Department of Agriculture Forest Service (Forest Service) have prepared the Gateway West Transmission Line Project Final Environmental Impact Statement (EIS) and proposed Land Use Plan Amendments, and by this notice are announcing its availability.

DATES: BLM planning regulations state that any person who meets the conditions as described in the regulations (43 CFR 1610.5-2) may protest the BLM's proposed land use plan Amendment. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency (EPA) publishes its notice of availability of this Final EIS in the **Federal Register**. The BLM and Forest Service are also requesting comments on the Final EIS. In order to be considered, written comments on the Final EIS must be received within 60 days after the EPA publishes its notice of availability in the **Federal Register**. The Forest Service appeal process will be initiated with the

publication of the Record of Decision (ROD). Any additional public meetings or other public involvement activities for the Gateway West Transmission Line Project will be announced to the public by the BLM at least 15 days in advance through news releases, Web site announcements, or mailings.

ADDRESSES: Copies of the Final EIS have been sent to Federal, State, and local governments, and public libraries in the Project area, and to interested parties that previously requested a copy. The Final EIS and supporting documents will be available electronically on the following Web site: http://www.wy.blm.gov/nepa/cfdocs/gateway_west/. Copies of the Final EIS are available for public inspection during normal business hours at BLM and Forest Service office locations listed in the **SUPPLEMENTARY INFORMATION** section below.

Written comments on the Final EIS may be submitted by the following methods:

- **Web site:** http://www.wy.blm.gov/nepa/cfdocs/gateway_west/.
- **Email:**

Gateway West_WYMail@blm.gov.

- **Mail:** Bureau of Land Management, Gateway West Project, P.O. Box 20879, Cheyenne, WY 82003.

- **Courier or Hand Deliver:** Bureau of Land Management, Gateway West Project, 5353 Yellowstone Road, Cheyenne, WY 82009.

All protests must be in writing and mailed to one of the following addresses:

Regular Mail: BLM Director (210),
Attention: Brenda Williams, P.O. Box
71383, Washington, DC 20024-1383.

Overnight Mail: BLM Director (210),
Attention: Brenda Williams, 20 M
Street SE., Room 2134LM,
Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Walt George, Project Manager, Bureau of Land Management, Wyoming State Office, P.O. Box 20879, Cheyenne, WY 82003, or by telephone at 307-775-6116. Any persons wishing to be added to a mailing list of interested parties may write or call the Project Manager at this address or phone number. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In May 2007, the Proponents (Idaho Power and

Rocky Mountain Power) submitted a ROW application to the BLM requesting authorization to construct, operate, maintain, and decommission electric transmission lines on public lands. The application was revised in October 2007, August 2008, May 2009, January 2010, and February 2012 to reflect changes to the proposed Project. The purpose and need for the EIS is for the BLM and Forest Service to respond to the Proponents' ROW application for the Gateway West Transmission Project. Each agency will decide whether to grant, grant with modification, or deny the application.

The Gateway West Transmission Project with a capacity of 1,500 MW is planned from Glenrock, Wyoming to the Hemingway Substation, approximately 20 miles southwest of Boise, Idaho. The Project is approximately 1,000 miles long and composed of nine 500 kV segments and one 230 kV segment. The BLM is the lead Federal agency. Approximately 475 miles cross Federal lands, 75 miles cross State-owned lands, and 450 miles cross private lands.

The Proponents' objective for the Project is to improve the reliability and efficiency of both utilities' systems and address congestion problems with the western electrical grid. The Project is needed to meet projected load growth in the Proponents' Service Areas. The Project would also tap the developing renewable energy market, especially wind energy, in Idaho and Wyoming and would aid in delivering that energy throughout the region.

Project Scoping: On May 16, 2008, the BLM published in the **Federal Register** (73 FR 28425) its Notice of Intent to prepare an EIS pursuant to the National Environmental Policy Act (NEPA) (40 CFR 1501.7). The BLM is the lead Federal agency for the NEPA analysis process and preparation of the EIS. Cooperating agencies include the Forest Service, National Park Service, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, and U.S. Army Corps of Engineers; the States of Idaho and Wyoming; Idaho Army National Guard; Cassia, Power, and Twin Falls Counties, Idaho; Lincoln, Sweetwater, and Carbon Counties, Wyoming; the Medicine Bow and Saratoga-Encampment-Rawlins Conservation Districts in Wyoming; and the city of Kuna in Idaho.

To allow the public an opportunity to review the proposal and Project information, the BLM held public meetings in June 2008 in: Twin Falls, Murphy, Pocatello, Boise, and Montpelier, Idaho; and Casper, Rawlins, Rock Springs, and Kemmerer, Wyoming. Issues and potential impacts to specific resources were identified during

scoping and the course of the NEPA process.

The following Project issues were identified in the scoping process and are addressed in the EIS analysis:

- Siting on private lands versus public lands;
- Land use conflicts and consistency with land use plans;
- Electric grid reliability and separation distances of transmission lines;
- Effects on wildlife habitat, plants, and animals including threatened, endangered, and sensitive species (especially sage-grouse);
- Effects to visual resources and existing viewsheds;
- Effects to National Scenic and Historic Trails and their resources, qualities, values, and associated settings, and the primary use or uses;
- Effects to Native American traditional cultural properties and respected places;
- Effects to paleontological resources in southwest Wyoming;
- Avoiding sensitive areas such as National Monuments, National Conservation Areas, Wildlife Refuges, Areas of Critical Environmental Concern (ACECs), and State Parks;
- Effects to soils and water from surface-disturbing activities;
- Effect of the Project on local and regional socioeconomic conditions; and
- Management of invasive plant species and ensuring effective reclamation.

The Draft EIS: On July 29, 2011, the BLM and the Forest Service published in the **Federal Register** (76 FR 45609) their Notice of Availability (NOA) of the Draft EIS (EIS). The EPA's NOA published on the same day (76 FR 45555), which triggered a 90-day public comment period. To allow the public an opportunity to review and comment on the Draft EIS, the BLM held public meetings in September and October of 2011 in: Boise, Kuna, Mountain Home, Melba, Murphy, Twin Falls, Burley, Almo, American Falls, Pocatello, Fort Hall, and Montpelier, Idaho; Jackpot, Nevada; and Douglas, Rawlins, Rock Springs, and Kemmerer, Wyoming. Additional public meetings were held in February 2012 in Boise, Idaho, and Cheyenne, Wyoming, and a 30-day comment period was held in July 2012 to gather public comments on the sage-grouse impact analysis.

The BLM received over 2,600 comments, contained in 375 submissions, during the Draft EIS comment period. All comments are addressed in the Final EIS. In response to comments on the Draft EIS, the

Proponents made changes to their proposal. These changes include:

- Dropped Segment #1E from the proposal;
- Realigned proposed routes in Wyoming to conform to the Governor's utility corridors through sage-grouse core areas (involves Segments #2 and 4);
- Eliminated one of the two circuits and associated tower and construction alternatives proposed for Segments #2-4;
- Eliminated the Creston and Bridger Substations;
- Adjusted to the construction timeline; and
- Made various alignment changes in all Segments. These changes range from less than 100 feet to several miles.

In consultation among the BLM, Cooperating Agencies, the Proponents, and local land owners, the following changes were made to alternatives analyzed in the Draft EIS:

- Alternative #5D was adjusted to avoid springs and a recreation area near the East Fork of Rock Creek in Idaho;
- Alternative #7I was shortened and routed west of Goose Creek in Cassia County, Idaho and re-labeled Alternative #7K. Alternatives #7H, #7J, and the portions of Alternative #7I not overlapping with Alternative #7K were dropped from further consideration;
- Design components of Alternatives #8D and #9D/F/G/H, near the Idaho National Guard Orchard Training Area, were modified to meet safety concerns for aircraft using the range;
- Alternative #9D/G was rerouted to reduce impacts to the Cove Non-motorized Vehicle Area; and
- Alternative #9E was rerouted to avoid preliminary priority sage-grouse habitat and a new subdivision near Murphy, Idaho.

The routes analyzed in the Final EIS reflect these revisions. The Final EIS analyzes the environmental consequences of the No Action alternative, the proposed action, 36 route alternatives, and land use plan amendments.

Preferred Alternative: In accordance with Department of the Interior regulations (43 CFR 46.425) the BLM has identified and analyzed its preferred route for each segment in the Final EIS. The BLM's preferred routes are:

Segment 1W: Revised Proposed 1W(a) and 1W(c) Routes.

Segment 2: Revised Proposed Route.

Segment 3: Proposed Route, including route 3A (a 345-kV connector line between substations).

Segment 4: Revised Proposed Route.

Segment 5: Proposed Route with the following variations: Alternatives 5B and 5E.

Segment 6: The proposal to upgrade the line voltage from 345-kV to 500-kV.

Segment 7: Proposed Route with the following variations: Alternatives 7B, 7C, 7D, and 7G. The Proposed Route in the East Hills and Alternative 7G will be micro-sited to avoid Preliminary Priority Sage-grouse Habitat (PPH).

Segment 8: Proposed Route with the following variation: Alternative 8B.

Segment 9: Revised Proposed Route with the following variation: Alternative 9E, revised to avoid PPH and the town of Murphy, Idaho.

Segment 10: Proposed Route.

The Forest Service's preferred route in the Medicine Bow-Routt (Segment 1W) is the Proposed Route. Its preferred route in the Caribou-Targhee National Forest (Segment #4) is the Proposed Route plus Alternative #4G. The Final EIS also identifies the route(s) preferred by cooperating agencies, where applicable.

BLM Land Use Plan Amendments and Protest Procedures: The BLM planning regulations (43 CFR 1610.5-3) require authorized uses of public lands to conform to approved land use plans.

The BLM is proposing 18 land use plan amendments where the BLM preferred routes for the Project are not in conformance with the existing land use plans.

All proposed plan amendments comply with applicable Federal laws and regulations and apply only to Federal lands and mineral estate administered by the BLM.

Green River Resource Management Plan (RMP): One amendment for visual resource management.

Kemmerer RMP: Four amendments for visual resource management, National Historic Trails (the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails), and the Rock Creek/Tunp area.

Twin Falls Management Framework Plan (MFP): Two amendments for visual resource management and to allow a linear facility outside of existing corridors.

Jarbidge RMP: Six amendments for visual resource management, paleontological sites, the Oregon National Historic Trail, to adjust management objectives in an ACEC, and to allow a linear facility outside of existing corridors.

Morley Nelson Snake River Birds of Prey National Conservation Area RMP: One amendment to allow a linear facility outside of existing corridors.

Bennett Hills/Timmerman Hills MFP: Two amendments for visual resource management and archeological sites.

Kuna MFP: Two amendments for a historic site and to designate a new utility corridor.

Pursuant to BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for this Project and has an interest which is or may be adversely affected by the planning decisions may protest approval of the planning decisions within 30 days from date the EPA publishes its Notice of Availability in the **Federal Register**. Complete instructions for filing a protest with the Director of the BLM regarding any of these proposed land use plan amendments may be found in the "Dear Reader" Letter of the Gateway West Final EIS and at 43 CFR 1610.5-2.

Email and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the email or faxed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of the BLM protest coordinator at 202-245-0028, and emails to Brenda_Hudgens-Willjams@blm.gov.

All protests, including the follow-up letter to emails or faxes, must be in writing and mailed to one of the addresses listed in the **ADDRESSES** section of this notice.

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Forest Service Land Use Plan Amendments and the Appeal Process: The following land use plan amendments are proposed by the Forest Service in order for the Preferred Route crossing National Forest Lands to conform to the respective Forest Plans:

Medicine Bow Forest Plan: Amendments for management of visual resources, goshawk and amphibian habitat, and recreation.

Caribou Forest Plan: Amendments to designate a new utility corridor, goshawk habitat, snag/nesting habitat, scenery, and recreation.

There is no provision in Forest Service regulations to protest land use

planning decisions. Following the Final EIS comment period, the Forest Service will issue a separate ROD for activities under its jurisdiction. Copies of the ROD will be mailed to interested parties on the Gateway West Transmission Project mailing list. Notice of this decision will be published in local newspapers and the respective papers of record. The ROD will have an appeal period before the decision becomes effective. The Forest Service ROD will contain the appropriate instructions for appeal.

The BLM Decision on the Project: Based on the environmental analysis in the Final EIS, the BLM Wyoming State Director will decide whether to grant, grant with modifications, or deny the Proposed Action, an Action Alternative, or any portion thereof on Public Lands and, if the Project is approved, how to approve all or a portion of this Project. This decision will be documented in the ROD and may include a phased or bifurcated decision on the Project.

A phased or bifurcated decision could be chosen to give additional time for further input from the various Federal, State, and local permitting agencies on one or more Project segments. Analysis in the Final EIS covers the entire Project, and Project-wide effects have been disclosed. The BLM is considering several factors, including the proposed construction schedule, other authorizing entities' preferred routes, environmental effects of analyzed routes, and opportunities to reach complementary siting decisions with other authorizing entities in making a decision on whether or not to authorize the entire Project on public land or if only a portion of the Project should be authorized at this time.

If the BLM pursues a phased or bifurcated decision, the initial decision would be made for a portion of the Project that has demonstrated independent utility. Rationale for a phased decision would be included in an initial ROD.

For the portion of the proposal not approved in the initial ROD, the BLM would initiate siting discussions with cooperating agencies and stakeholders. At the conclusion of those discussions, the BLM would determine whether additional environmental analysis is required and prepare further environmental documentation, as needed. The public would be afforded an opportunity to review and comment on any potential supplemental environmental review document. The BLM would respond to public comments and provide its rationale on a decision for the second segment with independent utility in a second ROD.

National Historic Preservation Act Conformance and Native American Consultation: The BLM will utilize and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3). In coordination with consulting parties, the BLM has prepared and is in the process of finalizing a Programmatic Agreement pursuant to the requirements of 36 CFR 800.14(b)(1). Ongoing Native American Tribal consultations will continue to be conducted in accordance with policy, and Tribal concerns, including impacts on Indian trust assets, will be given due consideration. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this Project, are invited to participate.

Copies of the Final EIS are available for public inspection during normal business hours at the following locations:

- Bureau of Land Management, Wyoming State Office. Public Room, 5353 Yellowstone Road, Cheyenne, WY 82009;
- Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, WY 82604;
- Bureau of Land Management, Rawlins Field Office, 1300 North Third Street, Rawlins, WY 82301;
- Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, WY 82901;
- Bureau of Land Management, Kemmerer Field Office, 312 Highway 189 North, Kemmerer, WY 83101;
- Bureau of Land Management, Idaho State Office, Public Room, 1387 South Vinnell Way, Boise, ID 83709;
- Bureau of Land Management, Pocatello Field Office, 4350 Cliffs Drive, Pocatello, ID 83204;
- Bureau of Land Management, Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, ID 83401;
- Bureau of Land Management, Burley Field Office, 15 East 200 South, Burley, ID 83318;
- Bureau of Land Management, Twin Falls District Office, 2536 Kimberly Road, Twin Falls, ID 83301;
- Bureau of Land Management, Shoshone Field Office, 400 West F Street, Shoshone, ID 83325;
- Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, ID 83705;
- Bureau of Land Management, Owyhee Field Office, 20 First Avenue West, Marsing, ID 83639;
- U.S. Department of Agriculture, Medicine Bow-Routt National Forest,

2468 Jackson Street, Laramie, WY 82070;

- U.S. Department of Agriculture, Medicine Bow-Routt National Forest, Douglas Ranger District, 2250 East Richards Street, Douglas, WY 82633;
- U.S. Department of Agriculture, Caribou-Targhee National Forest, Montpelier Ranger District, 322 North 4th Street, Montpelier, ID 83254; and
- U.S. Department of Agriculture, Sawtooth National Forest, Minidoka Ranger District, 3650 Overland Avenue, Burley, ID 83318.

A limited number of copies of the document will be available as supplies last. To request a copy, contact Walt George, Project Manager, BLM Wyoming State Office, P.O. Box 20879, Cheyenne, WY 82003.

Donald A. Simpson,
Wyoming State Director,

Brent L. Larson,
Forest Supervisor, Caribou-Targhee National Forest.

[FR Doc. 2013-09664 Filed 4-25-13; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTCO2000-L14300000.ET0000; MTM 102716]

Public Land Order No. 7813; Withdrawal Modification and Transfer of Administrative Jurisdiction; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially modifies Public Land Order No. 1843 by decreasing it by 5.16 acres of land located within the Custer National Forest. This land was originally withdrawn on behalf of the U.S. Forest Service for the Fort Howes Administrative Site. This order returns administrative jurisdiction of this 5.16 acres to the Bureau of Land Management for the construction, operation, and protection of a wildland fire suppression facility. The Bureau of Land Management will be the primary agency with responsibility and liability for the uses and activities on the land.

DATES: *Effective Date:* April 26, 2013.

FOR FURTHER INFORMATION CONTACT: Pam Wall, Bureau of Land Management, Miles City Field Office, 406-233-2846, pwall@blm.gov or Deborah Sorg, Bureau of Land Management, Montana State Office at 406-896-5045, dsorg@blm.gov. Persons who use a telecommunications

device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact either of the above individuals. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with either of the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The wildland fire suppression facility occupies land within the U.S. Forest Service Fort Howes Administrative Site withdrawal in the Custer National Forest. The Bureau of Land Management will have primary responsibility and liability for the uses and activities on the land.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 1843 (24 FR 3729 (1959)), which withdrew 1,929.63 acres of public lands in the Custer National Forest and reserved them for use of the U.S. Forest Service, Department of Agriculture, as administrative sites, recreation areas, public service sites, and other public purposes, is hereby partially modified to return administrative jurisdiction of 5.16 acres from the U.S. Forest Service to the Bureau of Land Management for the following described land:

Principal Meridian, Montana

T. 6 S., R. 45 E., section 24, and T. 6 S., R. 46 E., section 19, being more particularly described as follows:

Commencing at the E $\frac{1}{4}$ section corner of section 24, T. 6 S., R. 45 E., Principal Meridian Montana; thence S. 18°50'00" E., 317.36 feet to a $\frac{1}{8}$ in. rebar with a plastic cap at the point of beginning; thence N. 76°54'06" W., 405.51 feet to a $\frac{1}{8}$ in. rebar with a plastic cap; thence N. 41°06'39" W., 128.12 feet to a $\frac{1}{8}$ in. rebar with a plastic cap; thence N. 6°31'31" E., 56.77 feet to a $\frac{1}{8}$ in. rebar with a plastic cap; thence N. 28°24'35" E., 138.99 feet to a $\frac{1}{8}$ in. rebar with a plastic cap; thence N. 48°56'30" E., 326.99 feet to a $\frac{1}{8}$ in. rebar with a plastic cap; thence S. 76°44'47" E., 263.17 feet to a $\frac{1}{8}$ in. rebar with a plastic cap; thence S. 10°26'26" W., 530.30 feet to the point of beginning.

The area described contains 5.16 acres in Powder River County.

The land will continue to be withdrawn from all forms of appropriation under the public land laws, including the United States mining laws, but not from leasing under the mineral leasing laws. The Bureau of Land Management will be the primary agency with responsibility and liability for the uses and activities on the land.

Dated: April 15, 2013.

Rhea S. Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2013-09924 Filed 4-25-13; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-12813;
PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before April 6, 2013. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by May 13, 2013. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 10, 2013.

Alexandra Lord,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

CONNECTICUT

Middlesex County

Bushnell—Dickinson House, 170 Old Post Rd., Old Saybrook, 13000289

DISTRICT OF COLUMBIA

District of Columbia

Capital Traction Company Car Barn, 4615 14th St. NW., Washington, 13000290

GEORGIA**Clarke County**

Oconee Hill Cemetery, 297 Cemetery St., Athens, 13000291

Dodge County

Dodge County Jail, 5100 Courthouse Cir., Eastman, 13000292

IDAHO**Latah County**

Bohman, Ole, House, 114 N. Main St., Troy, 13000293

ILLINOIS**Cook County**

West Loop—LaSalle Street Historic District, Roughly bounded by Wacker Dr., Wells, Van Buren & Clark Sts., Chicago, 13000294

McDonough County

Macomb Courthouse Square historic District, Roughly bounded by E. & W. Washington, S. McArthur, E. Calhoun & S. Campbell Sts., Macomb, 13000295

IOWA**Mills County**

Glenwood Archeological District, (Archeological Resources of the Central Plains Tradition in the Loess Hills Region of Iowa MPS) Address Restricted, Glenwood, 13000296

Washington County

Washington Downtown Historic District, (Iowa's Main Street Commercial Architecture MPS) 11 blks. of Iowa & Marion Aves., Washington, Main & 2nd Sts., Washington, 13000297

LOUISIANA**St. James Parish**

Our Lady of Peace Catholic Church, 13281 LA 644, Vacherie, 13000299

MISSISSIPPI**Chickasaw County**

Houston Historic District, Depot, Monroe, Madison & Pontotoc Sts., Houston, 13000300

Hinds County

Calvary Baptist Church, 1300 W. Capitol St., Jackson, 13000301

Jackson County

Gautier Beachfront Historic District, Roughly bounded by Pascagoula Bay, Graveline Rd. & S. branch of Bayou Pierre, Gautier, 13000302

Krebsville Historic District (Boundary Increase), (Pascagoula MPS) Roughly bounded by Lake, Cedar, Pine & Market Sts., Laurel & Denny Aves., Pascagoula, 13000303

NEW YORK**Clinton County**

Lyon Street School, Jct. of Rock & Lyons Rds., Peru, 13000304

Erie County

Buffalo Zoo Entrance Court, Parkside Ave. & Amherst St., Buffalo, 13000305

Hager, E.M. & Sons Company, Building, 141 Elm St., Buffalo, 13000306

Monroe County

South Wedge Historic District, 20–98 Alexander, 20–123 Ashland, 39–336 Averill, 14–89 Bond, 38–149 Comfort, 1–396 Gregory, 59–279 Hamilton Sts., Rochester, 13000307

Montgomery County

Hurricane Stock Farm, NY 30, Amsterdam, 13000308

New York County

Fire Hook and Ladder Company No. 14, 120 E. 125th St., New York, 13000309

Warren County

Delaware and Hudson Passenger Station, 57 Beach Rd., Lake George, 13000310

OREGON**Marion County**

Hobson—Gehlen General Merchandise Store, (Downtown Area of Stayton MPS) 189 N. 2nd Ave., Stayton, 13000311

Wheeler County

Fossil Public School, 404 Main St., Fossil, 13000312

TEXAS**Wood County**

Mineola Downtown Historic District, Roughly bounded by ½ blk. W. of Line St., Kilpatrick St., ½ blk. E. of Newsom St., Commerce St. & Mineola RR Depot Mineola, 13000288

WISCONSIN**Iowa County**

Pulaski Presbyterian Church Complex, 6757 Cty. Rd. P, Pulaski, 13000313

La Crosse County

Oehler Mill Complex, W5539 & W5565 Cty. Rd. MM, Shelby, 13000314

A request for removal has been made for the following resource:

TEXAS**Fayette County**

Mulberry Creek Bridge, 2.5 mi. SW of Schulenburg on Old Praha Rd. Schulenburg, 75001976

[FR Doc. 2013-09859 Filed 4-25-13; 8:45 am]

BILLING CODE 4312-51-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-745]

Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof; Commission Decision Finding No Violation of Section 337 as to U.S. Patent No. 6,246,862; Termination of Investigation With a Finding of No Violation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found no violation of 337 of the Tariff Act of 1930 in the above-captioned investigation with respect to U.S. Patent No. 6.246.862 ("the '862 patent"). The investigation is terminated with a finding of no violation.

FOR FURTHER INFORMATION CONTACT:

Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 8, 2010, based on a complaint filed by Motorola Mobility, Inc. of Libertyville, Illinois ("Motorola"). 75 FR 68619-68620 (Nov. 8, 2010). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communication devices, portable music and data processing devices, computers and components thereof by reason of

infringement of certain claims of U.S. Patent Nos. 6,272,333 ("the '333 patent"); 6,246,697 ("the '697 patent"); and 5,636,223 ("the '223 patent"), the '862 patent, U.S. Patent No. 5,359,317 ("the '317 patent"), and U.S. Patent No. 7,751,826 ("the '826 patent"). The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Apple Inc. of Cupertino, California ("Apple") as respondent. The Office of Unfair Import Investigation ("OUII") was named as a participating party, however, on July 29, 2011, OUII withdrew from further participation in the investigation. See Commission Investigative Staff's Notice of Nonparticipation (July 29, 2011). The Commission later partially terminated the investigation as to the '317 patent and the '826 patent. Notice (June 28, 2011); Notice (Jan 27, 2012).

On April 24, 2012, the presiding administrative law judge ("ALJ") issued his final initial determination ("Final ID"), finding a violation of section 337 as to the '697 patent and no violation of section 337 as to the '223 patent, the '333 patent, and the '862 patent. On May 9, 2012, the ALJ issued a recommended determination on remedy and bonding.

On June 25, 2012, the Commission determined to review the Final ID in part. 77 FR 38826-38829 (June 29, 2012). On August 24, 2012, the Commission found no violation with respect to the '333 patent, the '697 patent, and the '223 patent. 77 FR 52759-52761 (Aug. 30, 2012). The Commission remanded the investigation to the ALJ with respect to the '862 patent upon reversing his finding that the patent is invalid as indefinite. *Id.*; see Order (Aug. 24, 2012). Specifically, the Commission instructed the ALJ to make findings regarding infringement, validity, and domestic industry concerning the '862 patent. The Commission's Order instructed the ALJ to set a new target as necessary to accommodate the remand proceedings. On October 1, 2012, the ALJ issued Order No. 36, setting the target date for completion of the remand proceedings as April 22, 2013. Order No. 36 (Oct. 1, 2012). On October 18, 2012, the Commission determined not to review the ID setting the new target date. Notice (Oct. 18, 2012).

On December 18, 2012, the ALJ issued his final initial determination on remand ("Remand ID"), finding no violation of section 337 with respect to the '862 patent. In particular, the ALJ found that the relevant accused products infringe claim 1 of the '862 patent literally and under the doctrine

of equivalents, but that claim 1 is invalid as anticipated by U.S. Patent No. 6,052,464 to Harris ("Harris '464"). The ALJ further found that claim 1 is not invalid for obviousness in light of Harris '464 in combination with the knowledge of one of ordinary skill in the art or in combination with U.S. Patent No. 5,894,298 to Hoeksma ("Hoeksma '298"). The ALJ also found that Motorola has satisfied the economic and technical prongs of the domestic industry requirement with respect to the '862 patent.

On January 7, 2013, Motorola petitioned for review of the Remand ID's construction of the limitation "a touch sensitive input device" of claim 1 of the '862 patent and the Remand ID's finding that claim 1 of the '862 patent is invalid as anticipated by Harris '464. Also on January 7, 2013, Apple filed a contingent petition for review of the Remand ID's findings that the relevant accused products infringe claim 1 of the '862 patent literally and under the doctrine of equivalents.

On February 19, 2013, the Commission determined to review the Remand ID in part. 78 FR 12785-12786 (Feb. 25, 2013). Specifically, the Commission determined to review the Remand ID's construction of the limitation "touch sensitive input device" in claim 1 of the '862 patent. The Commission also determined to review the Remand ID's finding that the accused products literally infringe claim 1. The Commission further determined to review the Remand ID's finding that claim 1 of the '862 patent is anticipated and its finding that claim 1 was not shown to be obvious. The Commission determined not to review the remaining issues in the Remand ID and adopted those findings. In connection with the question of whether claim 1 of the '862 patent is obvious, the Commission posed the following question to the parties:

Does the evidence in the record support a finding that claim 1 of the '862 patent is obvious in view of Harris '464 in combination with the knowledge of one of ordinary skill in the art or in combination with Hoeksma '298 where the evidence demonstrates that the existence of portable communication devices using "touch sensitive input devices," including touch screens, were known in the art prior to the filing of the application leading to the '862 patent and is disclosed in Hoeksma '298? In discussing this issue, please refer to the teachings of the references, the knowledge of one of ordinary skill in the art at the time of filing of the '862 patent application, and the evidence in the record regarding the motivation to combine Harris '464 with the knowledge of one of ordinary skill in the art or with Hoeksma '298. Also, please address

whether there are any secondary considerations that would prevent a finding of obviousness.

78 FR 12786.

On March 8, 2013, Motorola and Apple filed initial submissions in response to the Commission's Notice of Review. On March 15, 2013, Motorola filed a response to Apple's opening brief. Also on March 15, 2013, Apple filed a response to Motorola's opening brief.

Having examined the record of this investigation, including the ALJ's Remand ID and the parties' submissions, the Commission has determined to terminate the investigation with a finding of no violation of section 337 with respect to the '862 patent. Specifically, the Commission construes the claim limitation "touch sensitive input device" in claim 1 of the '862 patent in accordance with its plain and ordinary meaning, which does not include any device that is actuated by physical force, such as a conventional pushbutton keypad. The Commission affirms the Remand ID's finding that the accused products literally infringe claim 1 of the '862 patent based on the finding that communication of the input signal is actually disabled when the proximity sensor is triggered in the accused products, but vacates and does not reach the Remand ID's finding that communication of the input signal is effectively disabled at the lower sampling rate.

The Commission reverses the Remand ID's finding that Harris '464 anticipates claim 1 of the '862 patent. The Commission further finds that Apple has shown by clear and convincing evidence that claim 1 of the '862 patent is obvious in view of Harris '464 in combination with the knowledge of one of ordinary skill in the art and in view of Harris '464 in combination with Hoeksma '298.

The investigation is terminated. A Commission Opinion will issue shortly.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.45, .49 of the Commission's Rules of Practice and Procedure (19 CFR 210.45, .49).

Issued: April 22, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013-09845 Filed 4-25-13; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April 22, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Wisconsin in the lawsuit entitled *United States, et al. v. Wisconsin Power and Light, et al.*, Case No. 13-cv-266 (W.D. Wis.). The Sierra Club is a co-plaintiff in the case.

In this civil enforcement action under the federal Clean Air Act ("Act"), the United States alleges that Wisconsin Power and Light, Inc. ("WPL"), Wisconsin Public Service Corporation ("WPSC"), Madison Gas and Electric ("MGE"), and Wisconsin Electric Power Company ("We Energies") (collectively "Defendants"), failed to comply with certain requirements of the Act intended to protect air quality at three Wisconsin power plants: The Columbia Generating Station located near Portage in Columbia County, Wisconsin; the Edgewater Generating Station located near Sheboygan in Sheboygan County, Wisconsin; and the Nelson Dewey Generating Station located near Cassville in Grant County. WPL is the operator and co-owner of the power plants; the remaining defendants are current or former co-owners. The Complaint seeks injunctive relief and civil penalties for violations of the Act's Prevention of Significant Deterioration ("PSD") provisions, 42 U.S.C. 7470-92, and the Act's Title V permit provisions ("Title V"), 42 U.S.C. 7661a-7666f, and related state and federal implementing regulations at the three coal-fired power plants. Specifically, the Complaint alleges that the Defendants modified various units at the Columbia, Edgewater, and Nelson Dewey plants under the PSD program, and that the Defendants thereafter operated the plants, as modified, without complying with Best Available Control Technology ("BACT") requirements for sulfur dioxide ("SO₂"), nitrogen oxides ("NO_x"), and/or particular matter ("PM").

The Complaint further alleges that WPL failed to submit a complete application for Title V operating permits for the Columbia, Edgewater, and Nelson Dewey Generating Stations and identify all applicable requirements, accurately certify compliance with such requirements, and include a compliance plan for all applicable requirements for which each source was not in compliance (including the requirement to meet BACT pursuant to a

determination under the PSD program). Similarly, the Complaint alleges that WPL failed to obtain proper or adequate Title V operating permits for the three plants that contained emission limitations for SO₂, NO_x, and/or PM that met BACT. Finally, the Complaint alleges that WPL thereafter operated the three power plants without meeting such emission limitations and without having a valid operating permit that required compliance with such limitations or that contained a compliance plan for all applicable requirements for which the source was not in compliance.

The proposed Consent Decree would resolve violations for certain provisions of the Act through December 31, 2018, and would require the Defendants to reduce harmful SO₂, NO_x, and PM emissions, at the three power plants. The emission reductions would be achieved through emission control requirements and limitations specified by the proposed consent decree, including installation and operation of pollution controls; retirement, refueling, or repowering of certain generating units; and annual emission caps at the power plants. The Defendants will also spend \$8.5 million to fund environmental mitigation projects that will further reduce emissions and benefit communities adversely affected by the pollution from the three plants, and pay a civil penalty of \$2.45 million.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. Wisconsin Power and Light, et al.*, Case No. 13-cv-266 (W.D. Wis.), D.J. Ref. No. 90-5-2-1-09878. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail ..	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. The Justice Department will provide a paper copy of the proposed Consent Decree upon

written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$34.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013-09909 Filed 4-25-13; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On April 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States and the State of Washington v. King County, Washington*, Civil Action No. 2:13-cv-00677.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act ("CWA"), 33 U.S.C. 1251 *et seq.*, in connection with King County, Washington ("County") operation of its wastewater treatment and collection system in King County and surrounding areas. The proposed consent decree requires the County to construct and implement a series of storage tanks or pipes and treatment facilities, as set forth in its approved Long Term Control Plan, by no later than December 31, 2030, and a system-wide operation program plan to maximize the treatment and storage of wet weather flow. The County will also pay a total of \$400,000.00 in civil penalties: \$200,000 to the United States and \$200,000 to the State of Washington.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. King County, Washington*, D.J. Ref. No. 90-5-1-1-10030. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$18.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013-09897 Filed 4-25-13; 8:45 am]
BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On April 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States and the State of Washington v. City of Seattle, Washington*, Civil Action No. 2:13-cv-00678.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act ("CWA"), 33 U.S.C. 1251 *et seq.*, in connection with the City of Seattle,

Washington ("City") operation of its sewer system in the Seattle area. The proposed consent decree requires the City to implement extensive injunctive relief to expand and rehabilitate both its combined sewer system and its separated sewer system to reduce or eliminate unlawful overflows of sewage into the Puget Sound, Lake Washington, Union Lake, and various lakes, bays, and streams in the Seattle area, as well as unpermitted discharges to residential basements and from manholes or other discharge points within the City's sewer system. The City will also pay a total of \$350,000.00 in civil penalties: \$175,000 to the United States and \$175,000 to the State of Washington.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. City of Seattle, Washington*, D.J. Ref. No. 90-5-1-1-10066. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$18.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013-09896 Filed 4-25-13; 8:45 am]
BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Resource Conservation and Recovery Act

On April 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of the Virgin Islands in the lawsuit entitled *United States v. Government of the Virgin Islands, et al.*, Civil Action No. 3:10-cv-48.

In this action the United States seeks, among other things, injunctive relief and civil penalties for the failure by Joseph and Zulma Hodge to remove used tires from their property adjacent to the Bovoni Landfill on St. Thomas in compliance with a U.S. Environmental Protection Agency administrative order issued under the Resource Conservation and Recovery Act. The proposed Consent Decree provides for the Hodges to remove and dispose of off-site used tires remaining on their property and to pay a civil penalty of \$100,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Government of the Virgin Islands, et al.*, D.J. Ref. No. 90-5-2-1-08776. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$5.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Brian G. Donohue,

*Acting Assistant Section Chief,
Environmental Enforcement Section,
Environment and Natural Resources Division.*

[FR Doc. 2013-09846 Filed 4-25-13; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—OPENSAT Foundation

Notice is hereby given that, on March 27, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), OpenSAF Foundation ("OpenSAF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Wind River, Alameda, CA; Rancore Technologies (P) Ltd, Ghansoli, Navi Mumbai, INDIA; IPInfusion, Sunnyvale, CA; and MontaVista Software LLC, Santa Clara, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenSAF intends to file additional written notifications disclosing all changes in membership.

On April 8, 2008, OpenSAF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 16, 2008 (73 FR 28508).

The last notification was filed with the Department on March 30, 2012. A

notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 20, 2012 (77 FR 23754).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013-09823 Filed 4-25-13; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on April 2, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), TeleManagement Forum ("The Forum") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following parties have been added as members to this venture: Salzburg AG, Salzburg, AUSTRIA; Mascom Wireless (MTN Botswana), Gabarone, BOTSWANA; AsGa Sistemas, Paulinia, BRAZIL; INATEL—Instituto Nacional de Telecomunicacoes, Santa Rita do Sapucaí, BRAZIL; OSX Telecomunicacoes SA (Visent), Brasília, BRAZIL; Push Science, Toronto, CANADA; MULTICOM d.o.o., Zagreb, CROATIA; University of Split, Faculty of Electrical Engineering, Mechanical Engineering & Naval Architecture, Split, CROATIA; Projeca Oy, Helsinki, FINLAND; HGT Telekom, Reillanne, FRANCE; MindTree, Paris, FRANCE; ASTELLIA, Vern Sur Seiche, FRANCE; e.discom Telekommunikation GmbH, Potsdam, GERMANY; e. Services Africa Limited, Accra, GHANA; Cognity Consulting, Maroussi, GREECE; Bispro Consulting, Jakarta, INDONESIA; University of Indonesia, Depok, INDONESIA; Axiata Management Services Sdn Bhd, KL Sentral, MALAYSIA; ING Bank N.V., Amsterdam, NETHERLANDS; Ultrafast Fibre Limited, Hamilton, NEW ZEALAND; Nexio, Warsaw, POLAND; TV-7, Seversk, RUSSIA; Wellink, Moscow, RUSSIA; Corporate Solutions Co., Riyadh, SAUDI ARABIA; Ibis instruments, Belgrade, SERBIA; Hitachi Data Systems, Singapore, SINGAPORE; Tempest IT services a. s., Bratislava, SLOVAK REPUBLIC; Luminet Group

South Africa, Centurion, SOUTH AFRICA; University of Cape Town, Western Cape, SOUTH AFRICA; CellC, Johannesburg, SOUTH AFRICA; Tilgin IPRG AB, Kista, SWEDEN; hybris AG, Rotkreuz, SWITZERLAND; JSC UKRTELECOM, Kyiv, UKRAINE; S.S.C. FZE, Dubai, UNITED ARAB EMIRATES; Birmingham City University, Birmingham, UNITED KINGDOM; Coraltree Systems Ltd, Fareham, UNITED KINGDOM; EnStratus Networks (UK) Limited, Edinburgh, UNITED KINGDOM; Kitka Ltd, London, UNITED KINGDOM; KJM Consulting, Chesham, UNITED KINGDOM; NW Consulting, Billerica, UNITED KINGDOM; Sytel Reply Ltd UK, London, UNITED KINGDOM; Cignium Technologies, Fort Lee, NJ; Cyber Squared, Arlington, VA; Edge Technologies, Fairfax, VA; JustOne Database, Inc., Guilford, CT; Mediacom Communications Corp., Middletown, NY; Mformation Software Technologies, Edison, NJ; Orchestral Networks, Atherton, CA; Ranck Consulting, Chevy Chase, MD; SundaySky, New York, NY; Talksum, Inc., San Francisco, CA; Viasat, Inc., Carlsbad, CA; and Canoe Ventures, Englewood, CO.

The following members have changed their names: China Comservice Software Technology Co., Ltd. to China Communication Service Application and Solution Technology CO. Ltd, Beijing, PEOPLE'S REPUBLIC OF CHINA; Hello Axiata Company Ltd. to Latelz Co. Ltd. (Smart), Khan Chamkarmon, CAMBODIA; UPC Broadband Operations b.v. to Liberty Global Services B.V., Schiphol Rijk, NETHERLANDS; Astro Malaysia Holdings Berhad to MEASAT Broadcast Network Systems Sdn Bhd (MBNS—Astro), Bukit Jalil, MALAYSIA; Novice Software Solutions to Sagacity Softwares Private Limited, Wajre, Pune, INDIA; and Vivo S.A. to Telefonica Brasil S.A., Morumbi, BRAZIL.

The following members have withdrawn as parties to this venture: Telecom Development Comany Afghanistan.Ltd—ROSHAN, Kabul, AFGHANISTAN; Indigo Telecom (Aust) Pty Ltd, Brisbane, AUSTRALIA; Bahrain Telecommunications Company (Batelco), Manama, BAHRAIN; SWIFT, La Hulpe, BELGIUM; Fixed Telefonica Brazil, Sao Paulo, BRAZIL; TradeMerit, Ottawa, CANADA; WATCH4NET SOLUTIONS INC, Montreal, CANADA; Sykora Data Center, Ostrava, CZECH REPUBLIC; NORDUnet A/S, Kastrop, DENMARK; Corporacion Nacional de Telecomunicaciones CNT EP, Quito, ECUADOR; Aito Technologies, Espoo, FINLAND; Gridit, Salo, FINLAND; IPANEMA TECHNOLOGIES, Fontenay

aux Roses, FRANCE; Qosmos, Paris, FRANCE; VEDICIS, Paris, FRANCE; Consultancy & Systems Engineering (c & se), Herrsching a. Ammersee, GERMANY; IPTEGO, Berlin, GERMANY; VOIPFUTURE, Hamburg, GERMANY; University of Patras—Department of Electrical and Computer Engineering, Patras, GREECE; SAS, Pune, INDIA; Sistema Shyam TeleServices Ltd., Gurgaon, INDIA; Eircom Ltd, Dublin, IRELAND; Meteor Mobile Communications, Dublin, IRELAND; Shabakkat, Kuwait City, KUWAIT; Spurs and Galileo Limited, Ojodu, NIGERIA; Outbox Sp z.o.o., Warsaw, POLAND; Critical Software, SA, Coimbra, PORTUGAL; Tvingo Telecom, Vladikavkaz, RUSSIA; CABLEUROPA S.A.U. (ONO), Madrid, SPAIN; Com Hem AB, Stockholm, SWEDEN; IFS, Linkoping, SWEDEN; PJSC Telecominvest, Kiev, UKRAINE; 6PM Management Consultancy (UK) Ltd., London, UNITED KINGDOM; Neural Technologies, Petersfield, UNITED KINGDOM; OpenCloud, Cambridge, UNITED KINGDOM; University of Warwick—School of Engineering, Coventry, UNITED KINGDOM; Aricent, East Brunswick, NJ; Credit Suisse, New York, NY; DSET Corporation, Norcross, GA; Errigal Inc, San Francisco, CA; Fault Tolerant Designs, Inc, Jamaica Plain, MA; GridMiddleWare Spectra, New York, NY; IneoQuest Technologies, Inc, Mansfield, MA; McAfee, Santa Clara, CA; Syniverse Technologies, LLC, Tampa, FL; Telchemy Incorporated, Duluth, GA; Telcoco, Broomfield, CO; tw telecom, Littleton, CO; and Ultimate Software, Weston, FL.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, The Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on January 22, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 22, 2013 (78 FR 12356).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013-09822 Filed 4-25-13; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Concrete Reinforcing Steel Institute

Notice is hereby given that, on March 29, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Concrete Reinforcing Steel Institute ("CRSI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is Concrete Reinforcing Steel Institute, Schaumburg, IL. The nature and scope of CRSI's standards development activities are developing and maintaining consensus standards for design, detailing, fabrication, placement, and construction of assemblies consisting of steel reinforcement and associated products used in concrete and masonry construction.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013-09821 Filed 4-25-13; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8299]

60-Day Notice of Proposed Information Collection: Nonimmigrant Treaty Trader/Investor Application

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public

comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 25, 2013.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to www.Regulations.gov. You can search for the document by entering "Public Notice 8299" in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.

- *Email:*

PRA_BurdenComments@state.gov.

- *Mail:* Chief, Legislation and Regulations Division, Visa Services—DS-156E, 2401 E. Street NW., Washington DC 20520-30106.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents to Sydney Taylor, Visa Services, U.S. Department of State, 2401 E. Street NW., L-603, Washington, DC 20522, who may be reached at

PRA_BurdenComments@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Nonimmigrant Treaty Trader/Investor Application.

- *OMB Control Number:* OMB-1405-0101.

- *Type of Request:* Extension of a Currently Approved Collection.

- *Originating Office:* CA/VO/L/R.

- *Form Number:* DS-156E.

- *Respondents:* Nonimmigrant Treaty Trader/Investors.

- *Estimated Number of Respondents:* 17,000.

- *Estimated Number of Responses:* 17,000.

- *Average Time per Response:* 4 hours.

- *Total Estimated Burden Time:* 68,000.

- *Frequency:* Once per respondent.

- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the

validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Section 101(a)(15)(E) of the Immigration and Nationality Act (INA) provides for the nonimmigrant classification of a national of a country with which the United States maintains an appropriate treaty of commerce and navigation who is coming to the United States to: (i) Carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country; or (ii) develop and direct the operations of an enterprise in which the national has invested, or is actively in the process of investing. Form DS-156E is completed by foreign nationals seeking nonimmigrant treaty trader/investor visas to the United States. The Department will use the DS-156E to elicit information necessary to determine a foreign national's visa eligibility.

Methodology

After completing Form DS-160, Online Nonimmigrant Visa Application online (or, if the DS-160 is unavailable, DS-156, Nonimmigrant Visa Application), applicants would fill out the DS-156E online, print the form, and submit it in person or via mail.

Dated: April 17, 2013.

Donald L. Heflin,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2013-09960 Filed 4-25-13; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF STATE

[Public Notice 8296]

60-Day Notice of Proposed Information Collection: U.S. Passport Renewal Application for Eligible Individuals

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 25, 2013.

ADDRESSES: You may submit comments by any of the following methods:

- **Web:** Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to www.Regulations.gov. You can search for the document by entering "Public Notice 8296" in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- **Email:** PPTFormsOfficer@state.gov.
- **Mail:** PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Avenue NW., Room 3030, Washington, DC 20037.
- **Fax:** (202) 663-2410.
- **Hand Delivery or Courier:** PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Avenue NW., Room 3030, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Avenue NW., Room 3030, Washington, DC 20037, who may be reached on (202) 663-2457 or at PPTFormsOfficer@state.gov.

SUPPLEMENTARY INFORMATION:

- **Title of Information Collection:** U.S. Passport Renewal Application For Eligible Individuals.
- **OMB Control Number:** 1405-0020.
- **Type of Request:** Revision of a Currently Approved Collection.
- **Originating Office:** Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, Program Coordination Division (CA/PPT/S/PMO/PC).
- **Form Number:** DS-82.
- **Respondents:** Individuals or Households.

- **Estimated Number of Respondents:** 4,215,761.

- **Estimated Number of Responses:** 4,215,761.

- **Average Time per Response:** 40 minutes/0.66 hour.

- **Total Estimated Burden Time:** 2,782,402.

- **Frequency:** On occasion.

- **Obligation to Respond:** Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The information collected on the DS-82 is used to facilitate the issuance of passports to U.S. citizens and nationals. The primary purpose of soliciting the information is to establish citizenship, identity, and entitlement to the issuance of the U.S. passport or related service, and to properly administer and enforce the laws pertaining to the issuance thereof.

The DS-82 solicits data necessary for Passport Services to issue a United States passport (book and/or card format) in the exercise of authorities granted to the Secretary of State in 22 United States Code (U.S.C.) Section 211a et seq. and Executive Order (EO) 11295 (August 5, 1966) for the issuance of passports to U.S. nationals.

The issuance of U.S. passports requires the determination of identity, nationality, and entitlement, with reference to the provisions of Title III of the Immigration and Nationality Act (INA) (8 U.S.C. sections 1401-1504), the 14th Amendment to the Constitution of the United States, other applicable treaties and laws and implementing regulations at 22 CFR part 50 and 51. The specific regulations pertaining to

the Application for a U.S. Passport by Mail are at 22 CFR 51.20 and 51.21.

Methodology

Passport Services collects information from U.S. citizens and non-citizen nationals who complete and submit the Application for a U.S. Passport by Mail. Passport applicants can either download the DS-82 from the internet or obtain one from an Acceptance Facility/Passport Agency. The form must be completed, signed, and submitted along with the applicant's previous U.S. passport.

U.S. citizens overseas may download the DS-82 from the Internet or obtain one from the nearest U.S. Embassy or Consulate. As noted on the form, U.S. citizens overseas (except Canada) must apply for their passport at the nearest U.S. Embassy or Consulate in accordance with instructions on the Embassy/Consulate Web site.

Additional Information

In addition to general format changes, the following content changes have been made to the form:

- Page 1, Instructions: Under the heading, "Can I Use This Form?", the following new statement and "yes" and "no" checkboxes were added:

"My U.S. passport has not been limited from the normal ten year validity period due to passport damage/mutilation, multiple passport thefts/losses, or non-compliance with 22 CFR 51.41. (Please refer to the back pages of your U.S. passport book for endorsement information.)"

- Page 1, Instructions: In the third section that begins "U.S. PASSPORTS, EITHER IN BOOK OR CARD FORMAT, ARE ISSUED * * *", the following statement was added at the end of this section:

"PLEASE NOTE: YOUR NEW PASSPORT WILL HAVE A DIFFERENT PASSPORT NUMBER THAN YOUR PREVIOUS PASSPORT."

- Page 2, Instructions: In sentence 2), "A Marriage Certificate * * *" the word "certified" has been added before "Marriage". Also, parentheses and the words "(Photocopies are not accepted)" have been added at the end of the sentence.

- Page 2, Instructions: Under "Where Do I Mail This Application?", the following change has occurred:

"Note Regarding Mailing Addresses:", in the third sentence, the telephone number and words "at 1-877-487-2778 or visit travel.state.gov" have been added at the end of the sentence.

- Page 3, Instructions: At the bottom of the page, a new section was added with the heading:

"Special Notice to U.S. Passport Card Applicants Only".

The section text follows:

"The maximum number of letters provided for your given name (first and middle) on the U.S. passport card is 24 characters. The 24 characters may be shortened due to printing restrictions. If both your given names are more than 24 characters, you must shorten one of your given names you list on item 1 of this form.

- Page 1, Form: For Line Item 8, the following changes have occurred:

Mailing Address, Line 1: Replaced "Street/RFD#, P.O. Box, or URB" with "(Street/RFD#, URB, or P.O. Box, Apt/Unit, In Care Of or Attn (e.g., In Care Of—Jane Doe, Apt # 100))".

Mailing Address, Address Line 2: Replaced "Clearly label Apartment, Company, Suite, Unit, Building, Floor, In Care Of or Attention if applicable. (e.g., In Care Of—Jane Doe, Apt # 100)" with "(If applicable)".

- In the photograph box, the words "Submit a recent color photograph" have been replaced with "Attach a color photograph taken within the last six months".

- Under Line Item 11, "Please submit a certified copy of your marriage * * *", the language has been revised to now read "Please submit a certified copy. (Photocopies are not accepted!)"

- In the section at the bottom of the page "For Issuing Office Only", the letters "BK" were added between "PPT C/R" and "PPT S/R" to now read "PPT BK C/R" and "PPT BK S/R".

- In the section at the bottom of the page "For Issuing Office Only", two additional "checkboxes" and the words "PPT CD C/R" and "PPT CD S/R" were added after "PPT BK S/R".

- Page 2, Form: For Line Item 20, the following changes have occurred:

The words "Date of Trip" have been replaced with "Departure Date".

The words "Duration of Trip" have been replaced with "Return Date".

The Department estimates that these changes will not result in an increase in the current burden time of 40 minutes.

Dated: April 16, 2013.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2013-09953 Filed 4-25-13; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF STATE

[Public Notice 8295]

60-Day Notice of Proposed Information Collection: Application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 25, 2013.

ADDRESSES: You may submit comments by any of the following methods:

- Web:** Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to www.Regulations.gov. You can search for the document by entering "Public Notice 8295" in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- Email:** PPTFormsOfficer@state.gov.
- Mail:** PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Avenue NW., Room 3030, Washington, DC 20037.
- Fax:** (202) 663-2410.
- Hand Delivery or Courier:** PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Avenue NW., Room 3030, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Avenue NW., Room 3030, Washington, DC 20037 who may be reached on (202) 663-2457 or at PPTFormsOfficer@state.gov.

SUPPLEMENTARY INFORMATION:

- Title of Information Collection:** Application for a U.S. Passport: Name

Change, Data Correction, and Limited Passport Book Replacement.

- *OMB Control Number:* 1405-0160.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, Program Coordination Division (CA/PPT/PMO/PC).

- *Form Number:* DS-5504.
- *Respondents:* Individuals or Households.
- *Estimated Number of Respondents:* 114,637 respondents per year.
- *Estimated Number of Responses:* 114,637 responses per year.
- *Average Time per Response:* 30 minutes or 0.5 hour.
- *Total Estimated Burden Time:* 57,319 hours per year.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Under 22 United States Code (U.S.C.) Section 211a et seq. and Executive Order 11295 (August 5, 1966), the Secretary of State has authority to issue U.S. passports to U.S. citizens and non-citizen nationals. When the bearer of a valid U.S. passport applies for a new passport book and/or passport card with corrected personal data or when the bearer of a limited validity passport applies for a fully-valid replacement passport, the Department must confirm the applicant's identity and eligibility to receive passport services before the Department can issue the corrected or replacement passport to the applicant. Form DS-5504 requests information that

is necessary to determine whether the applicant is eligible to receive this service in accordance with the requirements of Title III of the Immigration and Nationality Act (INA) (U.S.C. sections 1402-1504), the regulations at 22 CFR parts 50 and 51, and other applicable treaties and laws.

Methodology

Passport Services collects information from U.S. citizens and non-citizen nationals when they complete and submit the Application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement. Passport applicants can either download the DS-5504 from the Internet or obtain one from an Acceptance Facility/Passport Agency. The form must be completed, signed, and submitted along with the applicant's valid U.S. passport and supporting documents for corrective action.

Additional Information

In addition to general format changes, the following content changes have been made to the form:

- *Page 3 Instructions*—At the bottom of the page, a new section was added with the heading: "Special Notice to U.S. Passport Card Applicants Only". The section text follows: "The maximum number of letters provided for your given name (first and middle) on the U.S. passport card is 24 characters. The 24 characters may be shortened due to printing restrictions. If both your given names are more than 24 characters, you must shorten one of your given names you list on item 1 of this form".
- *Page 1 Form*—In the photograph box, the words "Submit a recent color photograph" have been replaced with "Attach a color photograph taken within the last six months".
- *Page 1 Form*—In the first signature block, "Applicant's Signature—age 16 and older", the word "Legal" has been added before "Signature".
- *Page 1 Form*—The second signature block "Parent's/Legal Guardian's Signature" has been revised to now read "Mother/Father/Parent/Legal Guardian's Signature (if identifying minor)".
- *Page 2 Form*—Line Item 19, Travel Plans: The words "Date of Trip" have been replaced with "Departure Date", and the words "Duration of Trip" have been replaced with "Return Date".
- *Page 2 Form*—Under the Yes and No blocks in the last section, the statement:

"If yes, please submit evidence of your United States citizenship and/or

evidence of your identity." has been replaced by: "If yes, please submit evidence of your United States citizenship (such as a government birth certificate) and/or evidence of your identity (such as a driver's license or a state issued identification (ID) card)."

The Department estimates that these changes will not result in an increase in the current burden time of 30 minutes.

Dated: April 26, 2013.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2013-09964 Filed 4-25-13; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF STATE

[Public Notice 8298]

U.S. Department of State Advisory Committee on Private International Law (ACPIL)—Online Dispute Resolution (ODR) Study Group

The Office of the Assistant Legal Adviser for Private International Law, Department of State, hereby gives notice that the ACPIL ODR Study Group will hold a public meeting. The ACPIL ODR Study Group will meet to discuss the next session of the UNCITRAL ODR Working Group, scheduled for May 20-24 in New York. This is not a meeting of the full Advisory Committee.

The UNCITRAL ODR Working Group is charged with the development of legal instruments for resolving both business to business and business to consumer cross-border electronic commerce disputes. The Working Group is in the process of developing generic ODR procedural rules for resolution of cross-border electronic commerce disputes, along with separate legal instruments that may take the form of annexes on guidelines and minimum requirements for online dispute resolution providers and arbitrators, substantive legal principles for resolving disputes, and a cross-border enforcement mechanism. One of the key issues that the working group is addressing is the identification of security issues relating to use of the ODR Rules, including measures to address the risk of fraud involving consumers who participate.

For the reports of the first five sessions of the UNCITRAL ODR Working Group—December 13-17, 2010, in Vienna (A/CN.9/716); May 23-27, 2011, in New York (A/CN.9/721); Nov. 14-18, 2011, in Vienna (A/CN.9/739); May 21-25, 2012, in New York (A/CN.9/744); and November 5-9, 2012, in Vienna (A/CN.9/762)—please follow the

following link: http://www.uncitral.org/uncitral/commission/working_groups/3Online_Dispute_Resolution.html. Documents relating to the upcoming session of the Working Group are available on the same link.

Time and Place: The meeting of the ACPIL ODR Study Group will take place on Wednesday, May 8, 2013 from 10:00 a.m. to 1:00 p.m. EDT at 2430 E Street NW., South Building (SA 4) (Navy Hill), Room 240. Participants should arrive at Navy Hill before 9:45 a.m. for visitor screening. Participants will be met at the Navy Hill gate at 23rd and D Streets NW., and will be escorted to the South Building. Persons arriving later will need to make arrangements for entry using the contact information provided below. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room.

Access to Navy Hill is strictly controlled. For pre-clearance purposes, those planning to attend in person are requested to email at PII@state.gov or phone Tricia Smeltzer (202-776-8423) or Niesha Toms (202-776-8420) and provide your full name, address, date of birth, citizenship, driver's license or passport number, affiliation, and email address. This will greatly facilitate entry.

A member of the public needing reasonable accommodation should advise Ms. Smeltzer or Ms. Toms not later than May 3. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please contact Ms. Smeltzer or Ms. Toms to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS-D) database. Please see the Security Records System of Records Notice (State-36) at <http://www.state.gov/documents/organization/103419.pdf> for additional information.

Dated: April 15, 2013.

Michael Dennis,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. 2013-09958 Filed 4-25-13; 8:45 am]

BILLING CODE 7410-08-P

DEPARTMENT OF STATE

[Public Notice 8297]

State Department Advisory Committee on Private International Law; Closed Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App § 10(a), the Department of State announces a meeting of the full Advisory Committee on International Law (ACPIL) to take place on May 13, 2013, at the Department of State, Washington, DC.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App § 10(d), and 5 U.S.C. 552b(c)(9)(B), it has been determined that this ACPIL meeting will be closed to the public because the ACPIL will be discussing matters the public disclosure of which would be likely to significantly frustrate Department negotiations in an upcoming international forum.

For more information, contact Tricia Smeltzer at 202-776-8423 or smeltzertk@state.gov, or Niesha Toms at 202-776-8420, tomsnn@state.gov.

Dated: April 1, 2013.

Keith Loken,

Assistant Legal Adviser, Private International Law.

[FR Doc. 2013-09955 Filed 4-25-13; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice 8300]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 2:00 p.m. to 4:00 p.m. on Tuesday, May 14, 2013, in Room 1105 of the Harry S. Truman Building at the U.S. Department of State, 2201 C Street NW., Washington, DC. The meeting will be hosted by the Assistant Secretary of State for Economic and Business Affairs Jose W. Fernandez and Committee Chair Ted Kassinger. The ACIEP serves the U.S. Government in a solely advisory capacity, and provides advice concerning issues and challenges in international economic policy. The

meeting will examine trade and investment issues, including the Trans-Pacific Partnership. Subcommittee reports will be provided by the Investment Subcommittee, the Sanctions Subcommittee, the Subcommittee on Women in International Economic Policy, and the Stakeholder Advisory Board on the U.S. National Contact Point for the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises.

This meeting is open to public participation, though seating is limited. Entry to the building is controlled; to obtain pre-clearance for entry, members of the public planning to attend should provide, by Thursday, May 9, their name, professional affiliation, valid government-issued ID number (i.e., U.S. Government ID [agency], U.S. military ID [branch], passport [country], or drivers license [state]), date of birth, and citizenship, to *Ronelle Jackson by fax (202) 647-5936, email (jacksonRS@state.gov), or telephone (202) 647-9204*. All persons wishing to attend the meeting must use the 23rd Street entrance of the State Department. Because of escorting requirements, non-Government attendees should plan to arrive 15 minutes before the meeting begins. Requests for reasonable accommodation should be made to Ronelle Jackson before Thursday, May 9. Requests made after that date will be considered, but might not be possible to fulfill.

Personal data is requested pursuant to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS-D) database. Please see the Security Records System of Records Notice (State-36) at <http://www.state.gov/documents/organization/103419.pdf> for additional information.

For additional information, contact Gregory Maggio, Office of Economic Policy Analysis and Public Diplomacy, Bureau of Economic and Business Affairs, at (202) 647-2231 or MaggioGF@mailto:@state.gov.

Dated: April 22, 2013.

Laura Kirkconnell Director,

Office of Economic Policy Analysis and Public Diplomacy.

[FR Doc. 2013-09962 Filed 4-25-13; 8:45 am]

BILLING CODE 4710-07-P

SUSQUEHANNA RIVER BASIN COMMISSION**Public Hearing**

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on May 23, 2013, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 20, 2013, which will be noticed separately. The Commission will also hear testimony on amending its Regulatory Program Fee Schedule. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and other items. The deadline for the submission of written comments is June 3, 2013.

DATES: The public hearing will convene on May 23, 2013, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is June 3, 2013.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbc.net/wrp. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF.

Opportunity To Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project listed below. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's Web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed

below may also be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102-2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before June 3, 2013, to be considered.

SUPPLEMENTARY INFORMATION: The public hearing will cover amendment to its Regulatory Program Fee Schedule. Each June before the start of the next fiscal year on July 1, the Commission considers amendments to fee schedules. The public hearing will also cover the following projects:

Project Scheduled for Rescission Action

1. Project Sponsor and Facility: Chevron Appalachia, LLC (Chest Creek), Chest Township, Clearfield County, Pa. (Docket No. 20100603).

Projects Scheduled for Action

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Clearfield Creek), Boggs Township, Clearfield County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20081202).

2. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.500 mgd (peak day).

3. Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

5. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for groundwater withdrawal of up to 0.720 mgd (30-day average) from Well 1.

6. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for groundwater withdrawal of up to 0.720 mgd (30-day average) from Well 2.

7. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for groundwater

withdrawal of up to 0.720 mgd (30-day average) from Well 3.

8. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for consumptive water use of up to 0.283 mgd (peak day).

9. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Application for groundwater withdrawal of up to 0.073 mgd (30-day average) from Well 5.

10. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Application for groundwater withdrawal of up to 0.043 mgd (30-day average) from Well 6.

11. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Application for groundwater withdrawal of up to 0.064 mgd (30-day average) from Well 7.

12. Project Sponsor and Facility: Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, Pa. Application for surface water withdrawal of up to 0.467 mgd (peak day).

13. Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

14. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for consumptive water use of up to 0.900 mgd (peak day).

15. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20100311).

16. Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga County, Pa. Application for groundwater withdrawal of up to 0.079 mgd (30-day average) from Well 3, and authorization for interconnection with Mansfield University as a supplemental source.

17. Project Sponsor and Facility: Martinsburg Municipal Authority, North Woodbury Township, Blair County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from Wineland Well RW-1.

18. Project Sponsor and Facility: Navitus, LLC (North Spring, Logan Branch Watershed), Spring Township, Centre County, Pa. Application for surface water withdrawal of up to 1.440 mgd (peak day).

19. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, New Morgan Borough, Berks County, Pa. Application for groundwater withdrawal of up to 0.007 mgd (30-day average) from Well SW-4.

20. Project Sponsor: New Oxford Municipal Authority. Project Facility: Oxen Country Meadows, Oxford Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Oxen Country Meadows (OCM) Well 1.

21. Project Sponsor and Facility: Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Modification to project features of the surface water withdrawal approval (Docket No. 20100905).

22. Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20121223).

23. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 41 (Docket No. 19820501).

24. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 43 (Docket No. 19820501).

25. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.720 mgd (30-day average) from Well 53 (Docket No. 19820501).

26. Project Sponsor: SWEPI LP (Tioga River), Richmond Township, Tioga County, Pa. Application for renewal of surface water withdrawal with modification to increase by an additional 0.843 mgd (peak day), for a total of 0.950 mgd (peak day) (Docket No. 20090612).

27. Project Sponsor and Facility: WPX Energy Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application

for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20090303).

28. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Hopewell Township, York County, Pa. Modification to metering requirements of the groundwater withdrawal approval (Docket No. 20121226).

Authority: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806-808.

Dated: April 19, 2013.

Paul O. Swartz,

Executive Director.

[FR Doc. 2013-09887 Filed 4-25-13; 8:45 am]

BILLING CODE 7040-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT-OST-2013-XXXX]

Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments Under the Consolidated and Further Continuing Appropriations Act, 2013

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice of Funding Availability.

SUMMARY: This notice announces the availability of funding and requests proposals for the Department of Transportation's National Infrastructure Investments. This notice is addressed to organizations that are interested in applying and provides guidance on selection criteria and application requirements for the National Infrastructure Investments.

Title VIII of The Further Continuing Appropriations Act, 2013 (Division F of the Consolidated and Further Continuing Appropriations Act, 2013, Public Law 113-6, March 26, 2013) ("FY 2013 Appropriations Act") appropriated \$473.847 million to be awarded by the Department of Transportation ("DOT") for National Infrastructure Investments. DOT will continue to refer to the program as "TIGER Discretionary Grants," as this is the title with which most stakeholders are familiar. As with previous rounds of TIGER, funds for the FY 2013 TIGER program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region.

Through this notice, DOT is soliciting applications for TIGER Discretionary Grants. In the event that this solicitation does not result in the award and

obligation of all available funds, DOT may decide to publish an additional solicitation(s) or provide additional funds to selected projects.

DATES: You must submit final applications through Grants.gov by June 3, 2013, at 5:00 p.m. EDT (the "Application Deadline"). The Grants.gov "Apply" function will open on April 29, 2013, allowing applicants to submit final applications. You are strongly encouraged to submit applications in advance of the deadline.

ADDRESSES: You must submit applications electronically through Grants.gov. Only applications received electronically through Grants.gov will be deemed properly filed. Instructions for submitting applications through Grants.gov can be found on the TIGER Web site (www.dot.gov/TIGER).

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice please contact the TIGER Discretionary Grant program staff via email at TIGERGrants@dot.gov, or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's Web site at www.dot.gov/TIGER. Applicants are encouraged to contact DOT directly rather than rely on third parties to prepare application materials or otherwise receive information about TIGER Discretionary Grants.

SUPPLEMENTARY INFORMATION: This notice is substantially similar to the final notice published for the FY 2012 TIGER Discretionary Grant program in the *Federal Register* on January 31, 2012. However, there are a few significant differences:

1. Given the date of enactment of the final year-long FY 2013 Appropriations Act, the statutory timeframe for DOT to obligate funds under this round of TIGER Discretionary Grants is the shortest of all of the rounds to date. In order to meet this deadline, your application must demonstrate that the project can meet all local, State, and federal requirements by June 30, 2014, in order for DOT to obligate funding in advance of September 30, 2014. Each application must include a detailed statement of work, detailed project schedule, and detailed project budget. Due to the short timeframe for obligation, project readiness and the risk of delays will be treated as primary selection criteria in DOT's evaluation process. You must identify risks and mitigation strategies in your project narratives. If your application is submitted without a sufficiently

detailed statement of work, project schedule, and project budget it will not be selected for a TIGER award.

2. Selection criteria have been modified to make applications easier to prepare and review. Among other things, short-term economic impacts of projects, including their impact on employment, are now included in the primary criterion of economic competitiveness.

3. You do not need to submit a pre-application, as was required in recent rounds of TIGER. As this is the fifth round of TIGER and the basic structure has been consistent throughout the rounds, DOT has decided to eliminate the pre-application from the application process for this round of TIGER. Further, the short obligation deadline means that DOT needs to receive and evaluate applications and move TIGER funding quickly. Moving straight to the application will help accomplish this.

4. The notice has been shortened in comparison to the notices for prior rounds of TIGER Discretionary Grants, and the Appendices that provide additional information on Benefit-Cost Analysis, Applying through Grants.gov, and Project Readiness are posted at www.dot.gov/TIGER, along with recordings of previous webinars DOT has hosted on the TIGER program and answers to frequently asked questions. You should visit www.dot.gov/TIGER for access to supplemental guidance and additional important information.

5. Applications that identify project co-applicants or project partners in addition to a lead applicant must be signed by each co-applicant or partner organization or include letters of support.

Other than the differences above, and minor edits for clarification and those made to conform the notice to the statutory circumstances of this round of TIGER Discretionary Grants funding, there have been no material changes made to the notice. *Each section of this notice contains information and instructions relevant to the application process for these TIGER Discretionary Grants, and you should read this notice in its entirety so that you have the information you need to submit eligible and competitive applications.*

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I. Background

The Transportation Investment Generating Economic Recovery or "TIGER Discretionary Grants" program was first created in the Recovery Act of 2009. Through the Recovery Act and subsequent three appropriations acts, Congress provided DOT with funding for four rounds of competitive grants totaling just over \$3 billion for capital investments in surface transportation infrastructure. See DOT's Web site at www.dot.gov/TIGER for further background on the disbursement of past rounds of TIGER Discretionary Grants.

FY 2013 TIGER Discretionary Grants

The FY 2013 Appropriations Act appropriated \$473.847 million to be awarded by DOT for the TIGER Discretionary Grants program. Like previous rounds, the FY 2013 TIGER Discretionary Grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region. Larger projects of national or regional significance which DOT determines demonstrate achievement of several of the strategic goals, as well as the project readiness criterion, could be considered for grants larger than those typically awarded in recent rounds of TIGER. The FY 2013 Appropriations Act allows for a small portion of the \$473.847 million to be used for oversight of grants.

"Eligible Applicants" for TIGER Discretionary Grants are State, local, and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), other political subdivisions of State or local governments, and multi-State or multi-jurisdictional groups applying through a single lead applicant (for multi-jurisdictional groups, each member of the group, including the lead applicant, must be an otherwise Eligible Applicant as defined in this paragraph).

To ensure applicants receive the most accurate information possible, you must contact DOT directly, rather than through intermediaries, to get answers to questions, set up briefings on the TIGER Discretionary Grants selection and award process, or receive other assistance. Assistance can be obtained by contacting the TIGER Discretionary Grant program staff via email at TIGERGrants@dot.gov, or by calling Howard Hill at 202-366-0301.

Projects that are eligible for TIGER Discretionary Grants ("Eligible Projects") include, but are not limited

to: (1) Highway or bridge projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; and (4) marine port infrastructure investments. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, United States Code, apply to all projects receiving funds, and apply to all parts of the project, whether funded with TIGER Discretionary Grant funds, other federal funds, or non-federal funds. This description of Eligible Projects is identical to the description of eligible projects under earlier rounds of the TIGER Discretionary Grant program.¹

As was the case in earlier rounds of the TIGER Discretionary Grant program, Eligible Projects do not include research, demonstration, or pilot projects that do not result in publically accessible surface transportation infrastructure. To be funded, projects or elements of a project must have independent utility, which means that the project provides transportation benefits and is ready for its intended use upon completion of project construction.

Each applicant may submit no more than three applications. You should focus on applications that are most likely to align well with DOT's selection criteria. While applications may include requests to fund more than one project, you may not bundle together unrelated projects in the same application for purposes of avoiding the three application limit that applies to each applicant. Please note that the three application limit applies only to applications where the applicant is the lead applicant, and there is no limit on applications for which an applicant can be listed as a partnering agency. If you submit more than three applications as the lead applicant, only the first three received will be considered.

The FY 2013 Appropriations Act specifies that TIGER Discretionary

¹ Consistent with the FY 2013 Appropriations Act, DOT will apply the following principles in determining whether a project is eligible as a capital investment in surface transportation: (1) Surface transportation facilities generally include roads, highways and bridges, marine ports, freight and passenger railroads, transit systems, and projects that connect transportation facilities to other modes of transportation; and (2) surface transportation facilities also include any highway or bridge project eligible under title 23, U.S.C., or public transportation project eligible under chapter 53 of title 49, U.S.C. Please note that the Department may use a TIGER Discretionary Grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for TIGER Discretionary Grants to pay for the surface transportation components of these projects.

Grants may be not less than \$10 million (except in rural areas) and not greater than \$200 million. For projects located in rural areas (as defined in Section V (*Projects in Rural Areas*)), the minimum TIGER Discretionary Grant size is \$1 million.

DOT reserves the right to award funds for a part of the project included in an application, if a part of the project has independent utility and aligns well with the selection criteria specified in this notice. You are encouraged to provide information in your application as to how or whether your project can be segmented (e.g., by providing details on project phases) to assist DOT in its selections.

Pursuant to the FY 2013 Appropriations Act, no more than 25 percent of the funds made available for TIGER Discretionary Grants (or \$118.75 million) may be awarded to projects in a single State.

The FY 2013 Appropriations Act directs that not less than \$120 million of the funds provided for TIGER Discretionary Grants be used for projects located in rural areas. Further, DOT will take measures to ensure an equitable geographic distribution of grant funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes.

For projects receiving a TIGER Discretionary Grant, federal funds (including the TIGER Discretionary Grant and any other federal discretionary or formula funds) may be used for up to 80 percent of the costs of the project. DOT may increase the federal share above 80 percent only for projects located in rural areas, in which case DOT may fund up to 100 percent of the costs of a project. However, priority must be given to projects that use TIGER Discretionary Grant funds to complete an overall financing package, and both urban and rural projects can increase their competitiveness for purposes of the TIGER program by demonstrating significant non-federal financial contributions. In the first four rounds, on average, projects awarded funding attracted more than 4 additional non-federal dollars for every TIGER grant dollar. DOT will consider any non-federal funds, whether such funds are contributed by the public sector (State or local) or the private sector, as a local match for the purposes of this program. Due to special statutory treatment, funds from the Federal Tribal Transportation Program (formerly known as Indian Reservation Roads) will also be considered as a local match for purposes of this program. However, DOT cannot consider any funds already

expended towards the matching requirement or any funds being used to meet the match requirement for other federal grants. Also, while "matching" funds may be provided by a State DOT or transit agency, DOT will not consider those funds to be matching funds if the source of those funds is ultimately a federal program.

The FY 2013 Appropriations Act requires that TIGER funds are only available for DOT to obligate through September 30, 2014. The limited amount of time for which the funds will be made available means that DOT, when evaluating applications, must focus on whether or not a project is ready to proceed with obligation of grant funds within the limited time provided. Under the FY 2013 Appropriations Act, TIGER funding expires automatically after the deadline of September 30, 2014, if DOT does not obligate these funds. This deadline is provided in law and waivers cannot be granted under any circumstances.

The FY 2013 Appropriations Act allows for an amount not to exceed \$165.8 million of the \$473.847 million to be used to pay the subsidy and administrative costs for a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) program, if it would further the purposes of the TIGER Discretionary Grant program. Whether seeking TIFIA support or not, you should show where you have leveraged both existing and new sources of funding through both traditional and innovative means and demonstrate how the TIGER assistance would serve to complete the project's financing package and allow for expedited project completion.

Recipients of TIGER Discretionary Grants in prior rounds may apply for funding to support additional phases of a project awarded funds in earlier rounds of this program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has been able to meet estimated project schedules and budget, including the ability to realize the benefits expected for the project.

The FY 2013 Appropriations Act provides that the Secretary of Transportation may retain up to \$20 million of the \$473.847 million to fund the award and oversight of TIGER Discretionary Grants. Portions of the \$20 million may be transferred for these purposes to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Federal Maritime Administration.

The purpose of this notice is to solicit applications for TIGER Discretionary Grants. This is a final notice.

Tiger Discretionary Grants

II. Selection Criteria and Guidance on Application of Selection Criteria

This section specifies the criteria that DOT will use to evaluate applications for TIGER Discretionary Grants. The criteria incorporate the statutory eligibility requirements for this program, which are specified in this notice as relevant.

TIGER Discretionary Grants will be awarded based on the selection criteria as outlined below. There are two categories of selection criteria, "Primary Selection Criteria" and "Secondary Selection Criteria," the significance of which are detailed below.

A. Primary Selection Criteria

DOT will give priority to projects that are ready to proceed quickly and have a significant impact on desirable long-term outcomes for the Nation, a metropolitan area, or a region. Applications that do not demonstrate a likelihood of significant long-term benefits in this criterion will not proceed in the evaluation process. The first five primary selection criteria are based on the priorities included in DOT's Strategic Plan for FY 2012–FY 2016. DOT is elevating project readiness as a primary selection criterion for this round of TIGER Discretionary Grants due to the legislatively-mandated timeline for obligation of TIGER Discretionary Grant funds. For more detail on DOT's long-term priorities, please refer to the Strategic Plan, which can be found at: http://www.dot.gov/sites/dot.dev/files/docs/990_355_DOT_StrategicPlan_508lowres.pdf. The long-term outcomes and readiness criteria that will be given priority are:

1. *State of Good Repair*: Improving the condition of existing transportation facilities and systems, with particular emphasis on projects that minimize life-cycle costs and improve resiliency. DOT will assess whether and to what extent (i) The project is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair and address vulnerabilities; (ii) if left unimproved, the poor condition of the asset will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth; (iii) the project is appropriately capitalized up front and uses asset management approaches that optimize its long-term cost structure; and (iv) the extent to which a

sustainable source of revenue is available for long-term operations and maintenance of the project.

2. Economic Competitiveness: Contributing to the economic competitiveness of the United States over the medium- to long-term by improving the national transportation system while creating and preserving jobs. DOT will assess whether the project will (i) Improve long-term efficiency, reliability or cost-competitiveness in the movement of workers or goods, with a particular focus on projects that have a significant effect on reducing the costs of transporting export cargoes; (ii) increase the economic productivity of land, capital or labor at or between specific locations, particularly in Economically Distressed Areas; or (iii) result in job creation and practicable opportunities, particularly for low-income workers or for people in Economically Distressed Areas, and practicable opportunities for small businesses and disadvantaged business enterprises, including veteran-owned small businesses and service disabled veteran-owned small businesses.²

3. Livability: Increasing transportation choices and access to transportation services for people in communities across the United States. DOT will consider whether the project furthers

²The Executive Office of the President, Council of Economic Advisers, (CEA), issued a memorandum in May 2009 on "Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009." That memorandum provides a simple rule for estimating job-years created by government spending, which is that \$92,000 of government spending creates one job-year (or 10,870 job-years per billion dollars of spending). More recently, in September 2011, based on further analysis both of actual job-creation experience from transportation projects under the Recovery Act and on further macroeconomic analysis, the CEA determined that a job-year is created by every \$76,923 in transportation infrastructure spending (or 13,000 job-years per billion dollars of transportation infrastructure spending). This figure can now be used in place of the earlier \$92,000/job-year estimate. Applicants can use this estimate as an appropriate indicator of direct, indirect and induced job-years created by TIGER Discretionary Grant spending, but are encouraged to supplement or modify this estimate to the extent they can demonstrate that such modifications are justified. However, since this guidance makes job creation purely a function of the level of expenditure, applicants should also demonstrate how quickly jobs will be created under the proposed project. Projects that generate a given number of jobs more quickly will have a more favorable impact on economic recovery. A quarter-by-quarter projection of the number of direct job-hours expected to be created by the project is useful in assessing the impacts of a project on economic recovery. Furthermore, applicants should be aware that certain types of expenditures are less likely to align well with the Job Creation & Near-Term Economic Activity criterion. These types of expenditures include, among other things, engineering or design work and purchasing existing facilities or right-of-way.

the six livability principles developed by DOT with the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) as part of the Partnership for Sustainable Communities.³ DOT will give particular consideration to the first principle, which prioritizes the creation of affordable and convenient transportation choices,⁴ particularly for economically disadvantaged populations, non-drivers, senior citizens, and persons with disabilities. Further, DOT will prioritize projects developed in coordination with land-use planning and economic development decisions, including through programs like TIGER II Planning Grants, the Department of Housing and Urban Development's Regional Planning Grants, or the Environmental Protection Agency's Brownfield Area-Wide Planning Pilot Program as well as technical assistance programs focused on livability or economic development planning.

4. Environmental Sustainability: Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions and benefitting the environment. DOT will assess the project's ability to (i) Reduce energy use, air or water pollution; (ii) avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; or (iii) provide environmental benefits, such as brownfield redevelopment, wetlands creation or improved habitat connectivity. Applicants are encouraged to provide quantitative information that demonstrates the existence of substantial existing transportation-related costs related to energy consumption and adverse environmental effects and evidence of the extent to which the project will reduce or mitigate those costs.

5. Safety: Improving the safety of U.S. transportation facilities and systems. DOT will assess the project's ability to reduce the number, rate, and consequences of surface transportation-related crashes, serious injuries, and fatalities among drivers and/or non-drivers in the United States or in the affected metropolitan area or region, and/or the project's contribution to the elimination of highway/rail grade crossings, the protection of pipelines, or

the prevention of unintended releases of hazardous materials.

6. Project Readiness: For projects that receive funding in this round of TIGER, DOT is required to obligate funds to those projects by September 30, 2014, or the funding will expire. Priority will be given to projects that can meet all local, State, and federal requirements by June 30, 2014. This is a shorter period of time for obligation of funds than the comparable period for any prior round of TIGER, and is therefore a primary concern to DOT that will be treated as such during the evaluation and selection process. DOT will assess whether a project is ready to proceed rapidly upon receipt of a TIGER Discretionary Grant (see *Additional Information on Project Readiness Guidelines* located at www.dot.gov/TIGER for further details), as evidenced by:

(a) *Technical Feasibility:* The technical feasibility of the project should be demonstrated by engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the TIGER application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. *Applicants must include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.*

(b) *Financial Feasibility:* The viability and completeness of the project's financing package (assuming the availability of the requested TIGER Discretionary Grant funds), including evidence of stable and reliable capital and (as appropriate) operating fund commitments including specific sources of funds sufficient to cover estimated costs; the availability of contingency reserves should planned capital or operating revenue sources not materialize; evidence of the financial condition of the project sponsor; and evidence of the grant recipient's ability to manage grants. *Applicants must include a detailed project budget in this section of their application containing a detailed breakdown of how the funds will be spent that provides estimates—both dollar amount and percentage of cost—of how much each activity would cost e.g. preparation, grading, asphalt, etc. If the project will be completed in individual segments or phases, a budget for each individual segment or phase must be included. Budget spending categories must be broken down between TIGER, other federal, and non-federal sources and should identify how*

³The six livability principles are listed fully at <http://www.dot.gov/affairs/2009/dot8009.htm>.

⁴In full, this principle reads: "Provide more transportation choices. Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nations' dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health."

each funding source will share in each activity.

(c) *Project Schedule:* You must include a detailed project schedule that includes all major project milestones such as start and completion of environmental reviews and approvals, design, right-of-way acquisition, approval of PS&E, procurement, and construction in this section of their application with sufficient information detail to demonstrate that:

(i) All necessary pre-construction activities will be complete to allow for any potential grant funding awarded to be *obligated no later than June 30, 2014*, to give DOT reasonable assurance that the TIGER Discretionary Grant funds will likely to be obligated sufficiently in advance of the September 30, 2014, statutory deadline, and that any unexpected delays will not put TIGER Discretionary Grant funds at risk of expiring before they are obligated;

(ii) The project can begin construction quickly upon receipt of a TIGER Discretionary Grant, and that the grant funds will be spent steadily and expeditiously once construction starts;⁵ and

(iii) Any applicant that is applying for a TIGER Discretionary Grant and does not own all of the property or right-of-way required to complete the project should provide evidence that the property and/or right-of-way acquisition can and will be completed expeditiously.

(d) *Assessment of Project Risks and Mitigation Strategies:* You should identify the material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake in order to mitigate those risks. In past rounds of TIGER Discretionary Grants, certain projects have been affected by procurement delays, environmental uncertainties, and increases in real estate acquisition costs. You must assess the greatest risks to your projects and identify how those risks will be mitigated by the project parties.

Applicants, to the extent they are unfamiliar with the federal transportation program, should contact DOT's field offices for information on what steps are pre-requisite to the obligation of federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying federal requirements. Contacts for the Federal Highway Administration Division

⁵ The schedule should show how many direct, on-project jobs are expected to be created or sustained during each calendar quarter after the project is underway.

offices—which are located in all 50 States, Washington, DC, and Puerto Rico—can be found at <http://www.fhwa.dot.gov/about/field.cfm>. Contacts for the ten Federal Transit Administration regional offices can be found at <http://www.fta.dot.gov/12926.html>.

B. Secondary Selection Criteria

1. *Innovation:* Use of innovative strategies to pursue the long-term outcomes outlined above. DOT will assess the extent to which the project uses innovative technology (such as, intelligent transportation systems, dynamic pricing, value capture, rail wayside or on-board energy recovery, smart cards, active traffic management, or radio frequency identification) to pursue one or more of the long-term outcomes outlined above and/or to significantly enhance the operational performance of the transportation system. DOT will also assess the extent to which the project incorporates innovations in transportation funding and finance, leverages both existing and new sources of funding through both traditional and innovative means, and demonstrates how the TIGER grant would serve to complete the project's financing package and allow for expedited project completion. Further, DOT will consider the extent to which the project utilizes innovative practices in contracting, project delivery, congestion management, safety management, asset management, or long-term operations and maintenance. Projects integrating creative uses of technology to improve capacity or performance as part of an overall project to construct or replace traditional transportation facilities have been competitive in previous rounds, and DOT expects projects which intelligently use technology and other innovations to continue to be competitive.

2. *Partnership:* Demonstrating strong collaboration among a broad range of participants, integration of transportation with other public service efforts, and/or projects that are the product of a robust planning process.

(a) *Jurisdictional & Stakeholder Collaboration:* Projects that involve multiple partners in project development and funding, such as State and local governments, other public entities, and/or private or nonprofit entities. DOT will also assess the extent to which the project application demonstrates collaboration among neighboring or regional jurisdictions to achieve national, regional or metropolitan benefits. Multiple States or jurisdictions may submit a joint

application and must identify a lead applicant as the primary point of contact. Joint applications must include a description of the roles and responsibilities of each project party and must be signed by, or include letters of support from, each project party.

(b) *Disciplinary Integration:* Projects supported, financially or otherwise, by non-transportation public agencies that are pursuing similar and/or related objectives. For example, DOT will consider transportation projects that are coordinated with economic development, housing, water infrastructure and land use plans and policies, particularly those that employ evidence-based, cross-sector strategies to revitalize targeted areas and foster private capital investment in disinvested communities; similarly, DOT will consider transportation projects that encourage energy efficiency or improve the environment and are supported by relevant public agencies with energy or environmental missions. Projects that grow out of a robust planning process—such as those conducted with DOT's various planning programs and initiatives, the Department of Housing and Urban Development's Regional Planning Grants and Choice Neighborhood Planning Grants, or the Environmental Protection Agency's Brownfield Area-Wide Planning Pilot Program as well as technical assistance programs focused on livability or economic development planning—will also be given priority.

C. Additional Guidance on Evaluation

1. Project Costs and Benefits

Applicants for TIGER Discretionary Grants are generally required to identify, quantify, and compare expected benefits and costs, subject to the following qualifications:⁶

Applicants will be expected to prepare an analysis of benefits and costs. However, DOT understands that the detail of analysis that should be expected (for items such as surveys, travel demand forecasts, market forecasts, and statistical analyses) is less for smaller projects than for larger projects. The level of sophistication of the benefit-cost analysis (BCA) should be commensurate to the size of the overall project and the amount of grant funds requested in the application. In other words, larger projects should have more/better data elements than smaller

⁶ DOT has a responsibility under Executive Order 12893, Principles for Federal Infrastructure Investments, 59 FR 4233, to base infrastructure investments on systematic analysis of expected benefits and costs, including both quantitative and qualitative measures.

projects. However, even small projects should provide subjective estimates of benefits and should still quantify costs, and applicants should provide whatever evidence they have available to lend credence to their subjective estimates. Estimates of benefits should be presented in monetary terms whenever possible. If a monetary estimate is not possible, then at least a quantitative estimate (in physical, non-monetary terms, such as crash rates, ridership estimates, emissions levels, etc.) should be provided.

The lack of a useful analysis of expected project benefits and costs may be the basis for not selecting a project for award of a TIGER Discretionary Grant. If it is clear to DOT that the total benefits of a project are not reasonably likely to justify the project's costs, DOT will not award a TIGER Discretionary Grant to the project.

Detailed guidance for the preparation of benefit-cost analyses is provided in *Guide to Preparing Benefit-Cost Analyses for TIGER Grants* (at www.dot.gov/TIGER). Benefits should be presented, whenever possible, in a tabular form showing benefits and costs in each year for the useful life of the project. Benefits and costs should both be discounted to the year 2013, and present discounted values of both the stream of benefits and the stream of costs should be calculated. If the project has multiple parts, each of which has independent utility, the benefits and costs of each part should be estimated and presented separately. The results of the benefit-cost analysis should be summarized in the Project Narrative section of the application itself, but the details may be presented in an attachment to the application if the full analysis cannot be included within the page limit for the project narrative.

Based on feedback over the last four rounds of TIGER, DOT recognizes that the benefit-cost analysis can be particularly burdensome on Tribal governments. Therefore, consistent with the preceding paragraph, the Department is providing flexibility to Tribal governments for the purposes of this Notice. At their discretion, Tribal applicants may elect to provide raw data to support the need for a project (such as crash rates, ridership estimates, and the number of people who will benefit from the project). These data will then be used to allow DOT economists to make the best estimates they can develop (given the data provided) of benefits and costs. Examples of BCAs by successful Tribal applicants are also available online.

2. Other Environmental Reviews and Approvals

(a) *National Environmental Policy Act*: An application for a TIGER Discretionary Grant must detail whether the project will significantly impact the natural, social and/or economic environment. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all federal, State, and local requirements and completion of the National Environmental Policy Act ("NEPA") process. You should submit the information listed below with your application:

(i) Information about the NEPA status of the project. If the NEPA process is completed, an applicant must indicate the date of, and provide a Web site link or other reference to, the final Categorical Exclusion, Finding of No Significant Impact or Record of Decision. If the NEPA process is underway but not complete, the application must detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion. You must provide a Web site link or other reference to copies of any NEPA documents prepared.

(ii) Information on reviews by other agencies. An application for a TIGER Discretionary Grant must indicate whether the proposed project requires reviews or approval actions by other agencies, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and/or demonstrate compliance with any other applicable other federal, State, or local requirements.

(iii) Environmental studies or other documents—preferably by way of a Web site link—that describe in detail known project impacts, and possible mitigation for those impacts.

(iv) A description of discussions with the appropriate DOT modal administration field office regarding compliance with NEPA and other applicable environmental reviews and approvals.

(b) *Legislative Approvals*: Receipt of all necessary legislative approvals (for example, legislative authority to charge user fees or set toll rates), and evidence of support from State and local elected officials. Support from all relevant State and local officials is not required; however, you should demonstrate that

there are no significant legislative barriers to timely completion, and that the project is broadly supported.

(c) *State and Local Planning*: The planning requirements of the operating administration administering the TIGER project will apply.⁷ Where required by an operating administration, you should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents, has been or will be included. If the project is not included in the relevant planning documents at the time the application is submitted, you should submit a certification from the appropriate planning agency that actions are underway to include the project in the relevant planning document. DOT reserves the right to revoke any award of TIGER

Discretionary Grant funds and to award such funds to another project to the extent either that awarded funds cannot be timely expended and/or that construction does not begin in accordance with the anticipated project schedule. DOT will consider on a case-by-case basis how much time after selection for award of a TIGER Discretionary Grant each project has before funds must be obligated (consistent with law) and construction started, through an executed grant agreement between the selected applicant and the modal administration administering the grant. This deadline will be specified for each TIGER Discretionary Grant in the project-specific grant agreements signed by the grant recipients and will be based on critical path items identified by

⁷ All regionally significant projects requiring an action by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) must be in the metropolitan transportation plan, transportation improvement program (TIP) and Statewide transportation improvement program (STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a TIGER Discretionary Grant until it is included in such plans. Projects not currently included in these plans can be amended in to the plans by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans in order to receive a TIGER Discretionary Grant. Freight and passenger rail projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008, consistent with the exemption for high speed and intercity passenger rail projects under the Recovery Act. However, applicants seeking funding for freight and passenger rail projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals.

applicants in response to items (i) through (iv) above.

III. Evaluation of Applications and Eligibility

A. Evaluation Process

TIGER Discretionary Grant applications will be evaluated in accordance with the evaluation process discussed below.

DOT will establish application evaluation teams to review each application that is received by DOT prior to the Application Deadline. These evaluation teams will be organized and led by the Office of the Secretary of Transportation and will include members from each of the relevant modal administrations in DOT with the most experience and/or expertise in the relevant project areas (the "Relevant Modal Administrations") and, in some cases, staff from other federal agencies with relevant expertise, including freight, resiliency, livability, environmental review, and permitting. The evaluation teams will be responsible for evaluating all of the projects and making recommendations to the Secretary.

DOT will not assign specific numerical scores to projects based on the selection criteria outlined above in Section II (*Selection Criteria and Guidance on Application of Selection Criteria*). Rather, ratings of "highly recommended," "recommended," "acceptable," or "not recommended" will be assigned to projects. DOT will award TIGER Discretionary Grants to projects that are well-aligned with one or more of the selection criteria. In addition, DOT will consider whether a project has a negative effect on any of the selection criteria, and any such negative effect may reduce the likelihood that the project will receive a TIGER Discretionary Grant. To the extent the initial evaluation process does not sufficiently differentiate among highly rated projects, DOT will use a similar rating process to re-assess the projects and identify those that should be most highly rated.

DOT will give more weight to the Primary Selection Criteria than to the two Secondary Selection Criteria. DOT does not consider any of the first five Primary Selection Criteria, which are the DOT Strategic Goals, to be more important than the others. DOT reserves the right to select projects that will lead to the best overall promotion of these goals, which may result in variance in the numbers of projects well-aligned with each goal. Failure to demonstrate the sixth primary selection criterion, Project Readiness, will make it less

likely that your otherwise well-performing application will be selected.

Upon completion of this rating process DOT will analyze the preliminary list and determine whether the ratings are consistent with the distributional requirements of the FY 2013 Appropriations Act, including an equitable geographic distribution of grant funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes. If necessary, DOT will adjust the list of recommended projects to satisfy the statutory distributional requirements while remaining as consistent as possible with the ratings. The Secretary of Transportation will make the final project selections.

B. Evaluation of Eligibility

To be selected for a TIGER Discretionary Grant, a project must be an Eligible Project, the applicant must be an Eligible Applicant, and all other threshold eligibility requirements must be met, including commitment of matching funds. DOT may consider one or more components of a large project to be an Eligible Project, but only to the extent that the components have independent utility, meaning the components themselves, not the project of which they are a part, are Eligible Projects and satisfy the selection criteria identified above in Section II (*Selection Criteria and Guidance on Application of Selection Criteria*). For these projects, the benefits described in an application must be related to the components of the project for which funding is requested, not the full project of which they are a part. DOT will not fund individual phases of a project if the benefits of completing only these phases would not align well with the selection criteria specified in this Notice because the overall project would still be incomplete.

IV. Grant Administration

DOT expects that each TIGER Discretionary Grant will be administered by one of the Relevant Modal Administrations, pursuant to a grant agreement between the TIGER Discretionary Grant recipient and the Relevant Modal Administration. Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements such as those required for DOT's other highway, transit, rail, and maritime port grant programs will be incorporated into the TIGER grant agreements, where appropriate. Under the TIGER Discretionary Grant program, the Secretary delegates such responsibilities

to the appropriate operating administration. Applicable federal laws, rules and regulations of the Relevant Modal Administration administering the project will apply to projects that receive TIGER Discretionary Grants.

V. Projects in Rural Areas

The FY 2013 Appropriations Act directs that not less than \$120 million of the funds provided for TIGER Discretionary Grants are to be used for projects in rural areas. For purposes of this notice, DOT is defining "rural area" as any area not in an Urbanized Area, as such term is defined by the Census Bureau,⁸ and will consider a project to be in a rural area if all or the majority of a project (determined by geographic location(s) where majority of project money is to be spent) is located in a rural area. Therefore, if all or the majority of a project is located in a rural area, such a project is eligible to apply for less than \$10 million, but at least \$1 million in TIGER Discretionary Grant funds, and up to 100% of the project's costs may be paid for with federal funds. To the extent more than a *de minimis* portion of a project is located in an Urbanized Area, you should identify the estimated percentage of project costs that will be spent in Urbanized Areas and the estimated percentage that will be spent in rural areas.

VI. Applications

A. Submitting Applications

Applicants must submit a complete application package through Grants.gov by the Application Deadline, which is June 3, 2013, at 5:00 p.m. EDT. Grants.gov "Apply" function will open on April 29, 2013, allowing applicants to submit applications. You are encouraged to submit applications in advance of the Application Deadline, but applications will not be evaluated, and selections for awards will not be made, until after the Application Deadline.

Applications must be submitted through Grants.gov. To apply for funding through Grants.gov, you must be properly registered. Complete instructions on how to register and submit applications can be found at www.grants.gov. Please be aware that the registration process usually takes 2-4 weeks and must be completed before an application can be submitted. If

⁸ For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Web site. Urban Clusters (UCs) will be considered rural areas for purposes of the TIGER Discretionary Grant program.

interested parties experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Support Hotline at 1-800-518-4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. EDT. Additional information on applying through Grants.gov is available in *Information about Applying for Federal Grants through Grants.gov* at www.dot.gov/TIGER.

B. Contents of Applications

You must include all of the information requested below in your application. DOT reserves the right to ask any applicant to supplement data in its application, but expects applications to be complete upon submission. To the extent practical, you should provide data and evidence of project merits in a form that is publicly available or verifiable.

1. Standard Form 424, Application for Federal Assistance

Please see www07.grants.gov/assets/SF424Instructions.pdf for instructions on how to complete the SF 424, which is part of the standard Grants.gov submission. Additional clarifying guidance and FAQs to assist you in completing the SF 424 will be available at www.dot.gov/TIGER by April 29, 2013, when the "Apply" function within Grants.gov opens to accept applications under this notice.

2. Project Narrative (Attachment to SF-424)

The project narrative must respond to the application requirements outlined below. DOT recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font, such as Times New Roman, with 1-inch margins).

Your application must include information required for DOT to assess each of the criteria specified in Section II (*Selection Criteria and Guidance on Application of Selection Criteria*). You must demonstrate the responsiveness of a project to any pertinent selection criteria with the most relevant information that you can provide, regardless of whether such information has been specifically requested, or identified, in this notice. You should provide concrete evidence of the feasibility of achieving project milestones, and of financial capacity and commitment in order to support project readiness. DOT will consider for the extent to which a TIGER Discretionary Grant will help to complete an overall funding package, so you should clearly demonstrate the

extent to which the project cannot be readily and efficiently completed without a TIGER Discretionary Grant, and the extent to which other sources of federal, State, or local funding may or may not be readily available for the project. Any such information shall be considered part of the application, not supplemental, for purposes of the application size limits identified below in Part C (*Length of Applications*). Information provided pursuant to this paragraph must be quantified, to the extent possible, to describe the project's benefits to the Nation, a metropolitan area, or a region. Information provided pursuant to this paragraph should include projections for both the build and no-build scenarios for the project for a point in time at least 20 years beyond the project's completion date or the lifespan of the project, whichever is closer to the present.

All applications should include a detailed description of the proposed project and geospatial data for the project, including a map of the project's location and its connections to existing transportation infrastructure. Applications should also include a description of how the project addresses the needs of an urban and/or rural area. Applications should clearly describe the transportation challenges that the project aims to address, and how the project will address these challenges. Descriptions should include relevant data, such as passenger or freight volumes, congestion levels, infrastructure condition, and safety experience.

DOT recommends that the project narrative adhere to the following basic outline, and in addition to a detailed Statement of work, detailed project schedule, and detailed project budget, you should include a table of contents, maps, and graphics that make the information easier to review:

I. Project Description (including information on the expected users of the project, a description of the transportation challenges that the project aims to address, and how the project will address these challenges);

II. Project Parties (information about the grant recipient and other project parties);

III. Grant Funds and Sources/Uses of Project Funds (information about the amount of grant funding requested, availability/commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with TIGER Discretionary Grant funds, and the identity and percentage shares of all parties providing funds for the project, including any other pending or past

federal funding requests for the project as well as federal funds already provided under other programs and required match for those funds);

IV. Selection Criteria (information about how the project aligns with each of the primary and secondary selection criteria and a description of the results of the benefit-cost analysis):

- a. Long-Term Outcomes
 - i. State of Good Repair
 - ii. Economic Competitiveness
 - iii. Livability
 - iv. Sustainability
 - v. Safety
 - vi. Project Readiness
- b. Innovation
- c. Partnership
- d. Results of Benefit-Cost Analysis

V. Planning Approvals, NEPA and other environmental reviews/approvals, (including information about permitting, legislative approvals, State and local planning, and project partnership and implementation agreements); and

VI. Federal Wage Rate Certification (an application must include a certification, signed by the applicant, stating that it will comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code (federal wage rate requirements), as required by the FY 2013 Continuing Appropriations Act).

The purpose of this recommended format is to ensure that applications clearly address the program requirements and make critical information readily apparent.

C. Length of Applications

The project narrative may not exceed 30 pages in length. Documentation supporting the assertions made in the narrative portion may also be provided, but should be limited to relevant information. If possible, Web site links to supporting documentation (including a more detailed discussion of the benefit-cost analysis) should be provided rather than copies of these materials. Spreadsheets supporting the benefit-cost analysis should be original Excel spreadsheets, not PDFs of those spreadsheets. At your discretion, relevant materials provided previously to a Relevant Modal Administration in support of an application to a different DOT discretionary program (for example, New Starts or TIFIA) may be referenced and described as unchanged. To the extent referenced, this information need not be resubmitted for the TIGER Discretionary Grant application (although provision of a Web site link would facilitate DOT's consideration of the information). DOT

recommends use of appropriately descriptive file names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. Cover pages, tables of contents, and the federal wage rate certification do not count towards the 30-page limit for the narrative portion of the application. Otherwise, the only substantive portions of the application that should exceed the 30-page limit are any supporting documents (including a more detailed discussion of the benefit-cost analysis) provided to support assertions or conclusions made in the 30-page narrative section.

D. Contact Information

Contact information for a direct employee of the lead applicant organization is required as part of the SF-424. DOT will use this information to inform parties of DOT's decision regarding the selection of projects, as well as to contact parties in the event that DOT needs additional information about an application. Contact information for a contractor, agent, or consultant of the lead applicant organization is insufficient for DOT's purposes.

E. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, you should do the following: (1) Note on the front cover that the submission "Contains Confidential Business Information (CBI);" (2) mark each affected page "CBI;" and (3) highlight or otherwise denote the CBI portions. DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request for the information, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

VII. Performance Measurement

Each applicant selected for TIGER Discretionary Grant funding will be required to work with DOT on the development and implementation of a plan to collect information and report

on the project's performance with respect to the relevant long-term outcomes that are expected to be achieved through construction of the project. Each recipient of a TIGER Discretionary Grant will, in accordance with its grant agreement, report on specified performance indicators for its project. Performance indicators will be negotiated for each project, and will consider the individual project's stated goals as well as resource constraints of applicants. Performance indicators will not include formal goals or targets, but will include baseline measures as well as post-project outputs for an agreed upon timeline, and will inform the TIGER Discretionary Grant program in working towards best practices, programmatic performance measures, and future decision making guidelines.

VIII. Questions and Clarifications

For further information concerning this notice please contact the TIGER Discretionary Grant program staff via email at TIGERGrants@dot.gov, or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. DOT will regularly post answers to these questions and other important clarifications on DOT's Web site at www.dot.gov/TIGER.

Issued on: April 22, 2013.

Ray LaHood,
Secretary.

[FR Doc. 2013-09889 Filed 4-25-13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Proposed Presque Isle Bypass in Aroostook County, Maine

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed Aroostook County Transportation Study Tier II Presque Isle Bypass FEIS located in the Town of Presque Isle, Aroostook County, Maine. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the

Federal agency actions on the highway project will be barred unless the claim is filed on or before September 23, 2013. If this date falls on a Saturday, Sunday, or legal holiday, parties are advised to file their claim no later than the business day preceding this date. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Todd D. Jorgensen, Division Administrator, Federal Highway Administration, Edmund S. Muskie Federal Building, 40 Western Avenue, Room 614, Augusta, ME 04330, Telephone (207) 512-4911; or Russell D. Charette, Project Manager, Maine Department of Transportation, Child Street, 16 State House Station, Augusta, ME 04333-0016, Telephone (207) 624-3238.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Maine: Aroostook County Transportation Study Tier II Presque Isle Bypass Final Environmental Impact Statement (FEIS), a proposed new controlled access highway extending northeast from U.S. Route 1 immediately north of Cambridge Road in Westfield, Maine, continuing north for 7.3 miles, crossing the Aroostook River, and reconnecting to Route 1 immediately south of Brewer Road in Presque Isle, Maine. The total length of the proposed Presque Isle Bypass is 9.8 miles, of which 0.6 miles is in Westfield, Maine. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the FEIS for the project, approved on January 22, 2013, in the FHWA Record of Decision (ROD) issued on April 15, 2013, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Maine Department of Transportation at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.maine.gov/mdot> or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-

4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act, [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Section 6(f) of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460]; Farmland Protection Policy Act [7 U.S.C. 4201–4209].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 et seq.]; Bald and Golden Eagle Protection Act of 1940 [16 U.S.C. 668–668c].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

7. Executive Orders; E.O. 11990 Protection of Wetlands; E.O. 11988 Protection of Floodplains; E.O. 12898 Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1), as amended by Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112–141, § 1308, 126 Stat. 405 (2012).

Issued on: April 15, 2013.

Todd D. Jorgensen,

Division Administrator, Augusta, ME.

[FR Doc. 2013–09776 Filed 4–25–13; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0017]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption from the diabetes mellitus requirement; request for comments.

SUMMARY: FMCSA announces receipt of applications from 23 individuals for exemption from the prohibition against

persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 28, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0017 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- **Hand Delivery:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- **Fax:** 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published

in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 23 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Willie J. Brock

Mr. Brock, 55, has had ITDM since 1991. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brock understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brock meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class E operator's license from Missouri.

Kenneth L. Bunn

Mr. Bunn, 52, has had ITDM since 2002. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bunn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bunn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable non-proliferative diabetic retinopathy. He holds a Class D operator's license from Ohio.

Robert S. Fow

Mr. Fow, 52, has had ITDM since 2011. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fow meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Arkansas.

Kevin J. Fuller

Mr. Fuller, 33, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fuller understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fuller meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Eliazar M. Gonzalez

Mr. Gonzalez, 58, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the

assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gonzalez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gonzalez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

John M. Hawk

Mr. Hawk, 69, has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hawk understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hawk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Minnesota.

Michael J. Makwinski

Mr. Makwinski, 32, has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Makwinski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Makwinski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Jersey.

Ralph W. Middaugh

Mr. Middaugh, 70, has had ITDM since 2010. His endocrinologist

examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Middaugh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Middaugh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Michael J. Moynihan

Mr. Moynihan, 43, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moynihan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moynihan meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Juan F. Ortega

Mr. Ortega, 51, has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ortega understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ortega meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Virginia.

Fernand L. Poulin

Mr. Poulin, 50, has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Poulin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Poulin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

James A. Pruitt

Mr. Pruitt, 62, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pruitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pruitt meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Tony E. Pullen

Mr. Pullen, 56, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pullen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pullen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that

he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Michael M. Sanchez

Mr. Sanchez, 49, has had ITDM since 2008. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sanchez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sanchez meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Mexico.

Nathaniel Scales, Jr.

Mr. Scales, 66, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Scales understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scales meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Delaware.

Ronald L. Schmidt

Mr. Schmidt, 77, has had ITDM since 2010. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schmidt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmidt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012

and certified that he diabetic retinopathy. He holds a Class B CDL from Illinois.

Michael Schrock, III

Mr. Schrock, 27, has had ITDM since 1993. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schrock understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schrock meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Tennessee.

Jimmy W. Scroggins

Mr. Scroggins, 42, has had ITDM since approximately 2003. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Scroggins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scroggins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

Leonard R. Smith

Mr. Smith, 55, has had ITDM since 2010. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington.

Mark A. Stromberg

Mr. Stromberg, 56, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stromberg understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stromberg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Minnesota.

Daniel J. Wagner

Mr. Wagner, 26, has had ITDM since 1998. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wagner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wagner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from Texas.

Andrew J. White

Mr. White, 22, has had ITDM since 2004. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. White understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. White meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from Iowa.

Michael D. Ziegler

Mr. Ziegler, 33, has had ITDM since 2007. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ziegler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ziegler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he has stable proliferative diabetic retinopathy. He holds a Class C operator's license from Pennsylvania.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441)¹. The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

¹ Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 USC. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: April 18, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013-09916 Filed 4-25-13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0027]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 32 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before May 28, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2013-0027 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." FMCSA can renew exemptions at the end of each 2-year period. The 32 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Deneris G. Allen

Mr. Allen, age 48, has had refractive amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2012, his optometrist noted, "Upon further examination, it has been determined that Mr. Allen's vision is adequate to safely operate commercial vehicles without prescription glasses." Mr. Allen reported that he has driven tractor-trailer combinations for 11 years, accumulating 605,000 miles. He holds a Class A Commercial Driver's License (CDL) from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Terry L. Baker

Mr. Baker, 60, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/100. Following an examination in 2012, his optometrist noted, "Based upon my findings and medical expertise, I A. Badillo hereby certify Terry Baker to be visually able to safely operate a commercial motor vehicle." Mr. Baker reported that he has driven straight trucks for 4 years, accumulating 300,000 miles, and tractor-trailer combinations for 2 months, accumulating 1,500 miles. He holds a Class DMA CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Rocky B. Bentz

Mr. Bentz, 31, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left

eye, 20/400. Following an examination in 2012, his optometrist noted, "It is my medical opinion that despite not being 20/40 or better in his left eye, Mr. Bentz is still perfectly capable of operating his commercial vehicle safety, which he has done for a number of years." Mr. Bentz reported that he has driven straight trucks for 6 years, accumulating 66,000 miles. He holds an operator's license from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ryan L. Brown

Mr. Brown, 39, has had Coat's disease in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2012, his ophthalmologist noted, "We have examined Ryan Brown since 1984 and he was most recently examined on October 23, 2012, and I feel that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Brown reported that he has driven straight trucks for 18 years, accumulating 112,320 miles. He holds an operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Juan R. Cano

Mr. Cano, 37, has had esotropia in his right eye since birth. The best corrected visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "Mr. Cano presents with esotropia since birth [sic]. Visual acuity is stable and has [sic] sufficient vision to perform driving tasks [sic] to operate a commercial vehicle." Mr. Cano reported that he has driven straight trucks for 7 years, accumulating 700,000 miles, and tractor-trailer combinations for 7 years, accumulating 700,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John Cole

Mr. Cole, 56, has had idiopathic amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, "It is my medical opinion that John Cole does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Cole reported that he has driven straight trucks for 25 years, accumulating 1.2 million miles,

and tractor-trailer combinations for 20 years, accumulating 80,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth Crider

Mr. Crider, 47, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/100. Following an examination in 2012, his ophthalmologist noted, "In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle." Mr. Crider reported that he has driven straight trucks for 12 years, accumulating 428,400 miles. He holds an operator's license from Kentucky. His driving record for the last 3 years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

Jon R. Gunschel

Mr. Gunschel, 58, has had complete loss of vision in his left eye since 1979. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his ophthalmologist noted, "I consider Mr. Gunschel to have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gunschel reported that he has driven straight trucks for 20 years, accumulating 4,000 miles. He holds an operator's license from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dean Hawley

Mr. Hawley, 46, has had complete loss of vision in his left eye due to a traumatic incident in 1989. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his optometrist noted, "It is my professional opinion that Mr. Hawley's vision is sufficient to perform the driving tasks necessary to operate a commercial vehicle." Mr. Hawley reported that he has driven straight trucks for 29 years, accumulating 580,000 miles, and tractor-trailer combinations for 20 years, accumulating 400,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Clarence Jones

Mr. Jones, 62, has had amblyopia in his right eye since childhood. The best

corrected visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "It is my opinion that Mr. Jones has sufficient visual acuity and visual fields to operate a commercial motor vehicle." Mr. Jones reported that he has driven straight trucks for 40 years, accumulating 2.3 million miles, and tractor-trailer combinations for 22 years, accumulating 429,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Cody A. Keys

Mr. Keys, 51, has had epiretinal membrane in his right eye since 1989. The best corrected visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "The results from the comprehensive eye exam indicate that Mr. Keys has necessary vision for commercial driving." Mr. Keys reported that he has driven straight trucks for 12 years, accumulating 120,000 miles. He holds an operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eddie M. Kimble

Mr. Kimble, 51, has had vascular blockage in the optic nerve in his left eye since 2003. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2012, his ophthalmologist noted, "Mr. Kimble has poor vision in the left eye caused by a vascular blockage in the optic nerve * * In my opin [sic], he can safely drive a commercial vehicle." Mr. Kimble reported that he has driven straight trucks for 12 years, accumulating 187,200 miles. He holds an operator's license from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Darrell W. Knorr

Mr. Knorr, 71, has had a prosthetic left eye since 1983. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his optometrist noted, "In my medical opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Knorr reported that he has driven straight trucks for 50 years,

accumulating 25,000 miles, and tractor-trailer combinations for 25 years, accumulating 300,000. He holds Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brandon S. Langston

Mr. Langston, 31, has had deprivation amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, "Mr. Langston appears to have the visual ability to operate a commercial vehicle." Mr. Langston reported that he has driven straight trucks for 8 years, accumulating 32,000 miles, and tractor-trailer combinations for 11 years, accumulating 385,000 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph C. Lee

Mr. Lee, 38, has had a ruptured globe in his left eye since 2002. The best corrected visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2012, his ophthalmologist noted, "His visual deficiency is stable. He is able to recognize the colors of traffic control signal [sic] and perform the driving task required to operate commercial vehicle [sic]." Mr. Lee reported that he has driven straight trucks for 5 years, accumulating 1.1 million miles, and tractor-trailer combinations for 15 years, accumulating 2.1 million miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he was following too closely.

Anthony Luciano

Mr. Luciano, 56, has had a cataract in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15, and in his left eye, hand motion. Following an examination in 2012, his ophthalmologist noted, "In my medical opinion Mr. Luciano has sufficient vision to operate a commercial vehicle." Mr. Luciano reported that he has driven straight trucks for 35 years, accumulating 350,000 miles. He holds a Class B CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Todd Marcino

Mr. Marcino, 44, has central scotoma in his left eye since birth. The best corrected visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2012, his ophthalmologist noted, "Feel patients congenital defect LE is stable. Feel should be able to operate commercial vehicle given normal vision right eye." Mr. Marcino reported that he has driven straight trucks for 3 years, accumulating 12,480 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David McKinney

Mr. McKinney, 48, has had a prosthetic right eye since 1986. The best corrected visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "In my opinion, since this has been a life long deficiency, David has made good adaptations and his vision should be sufficient to operate cars and commercial trucks." Mr. McKinney reported that he has driven straight trucks for 14 years, accumulating 1.4 million miles, and tractor-trailer combinations for 10 years, accumulating 1 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roger Myers

Mr. Myers, 58, has had a prosthetic right eye since childhood. The best corrected visual acuity in his right eye is no light perception, and in his left eye, 20/25. Following an examination in 2013, his optometrist noted, "It is my opinion that Mr. Myers has the required vision to safely operate a commercial vehicle." Mr. Myers reported that he has driven straight trucks for 10 years, accumulating 100,000 miles, and tractor-trailer combinations for 6 months, accumulating 1,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Frank L. O'Rourke

Mr. O'Rourke, 57, has had a prosthetic left eye since 2009. The best corrected visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2013, his optometrist noted, "I believe Mr. O'Rourke has sufficient vision and visual field to perform the driving tasks required to operate a commercial

vehicle." Mr. O'Rourke reported that he has driven straight trucks for 30 years, accumulating 300,000 miles, and tractor-trailer combinations for 30 years, accumulating 3 million miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Scott Oeder

Mr. Oeder, 50, has had a retinal scar in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "He does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Oeder reported that he has driven straight trucks for 8 years, accumulating 140,000 miles, and tractor-trailer combinations for 10 years, accumulating 500,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James A. Parker

Mr. Parker, 48, has had a macular hole in his left eye since 1993. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2012, his optometrist noted, "It is my opinion that James Parker has sufficient vision to operate a commercial vehicle." Mr. Parker reported that he has driven straight trucks for 12 years, accumulating 684,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Curtis L. Pattengale

Mr. Pattengale, 31, has had complete loss of vision in his left eye since 1991. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his optometrist noted, "It is my opinion that Mr. Pattengale has sufficient vision to continue as a CDL driver. He will of course need to continue use of the external rear view mirrors as he has been trained."

Mr. Pattengale reported that he has driven straight trucks for 7 years, accumulating 54,600 miles. He holds a chauffeur's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gonzalo Pena

Mr. Pena, 40, has had a prosthetic right eye since childhood. The best corrected visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2012, his optometrist noted, "I am confident that the quality of the left eye is appropriate for commercial truck driving requirements." Mr. Pena reported that he has driven tractor-trailer combinations for 6 years, accumulating 330,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven R. Peters

Mr. Peters, 59, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2013, his optometrist noted, "In my opinion, Steven has sufficient vision to perform his driving task in a commercial vehicle." Mr. Peters reported that he has driven straight trucks for 30 years, accumulating 450,000 miles, and tractor-trailer combinations for 30 years, accumulating 450,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Larry F. Reber

Mr. Reber, 72, has had complete loss of vision in his right eye since childhood. The best corrected visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, "I would certify, in my medical opinion, that he has sufficient vision to perform the driving task of operating a commercial vehicle which he has been doing for the past 20 years." Mr. Reber reported that he has driven straight trucks for 50 years, accumulating 650,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

Hoyt V. Smith

Mr. Smith, 33, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15, and in his left eye, 20/150. Following an examination in 2013, his optometrist noted, "He has been dealing with the lazy left eye since childhood, and mainly uses his right eye when viewing centrally. In my opinion, I see no valid reason why Mr. Smith cannot

continue to use a commercial vehicle to help grow and sustain his business." Mr. Smith reported that he has driven straight trucks for 7 years, accumulating 136,500 miles. He holds an operator's license from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward Swaggerty, Jr.

Mr. Swaggerty, 47, has had a retinal detachment in his right eye since 1993. The best corrected visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, "In my opinion, he has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Swaggerty reported that he has driven straight trucks for 29 years, accumulating 1.5 million miles, and tractor-trailer combinations for 20 years, accumulating 1.1 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James L. Tinsley, Jr.

Mr. Tinsley, 54, has had traumatic glaucoma in his right eye since childhood. The best corrected visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2012, his ophthalmologist noted, "In my medical opinion, he does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Tinsley reported that he has driven straight trucks for 20 years, accumulating 800,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Nicholas Turpin

Mr. Turpin, 56, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2013, his optometrist noted, "In my opinion, Mr. Turpin has sufficient vision to perform the driving tasks required to operate a commercial vehicle with both eyes." Mr. Turpin reported that he has driven tractor-trailer combinations for 24 years, accumulating 1 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas Ward

Mr. Ward, 66, has had a central retinal vein occlusion in his right eye since 2000. The best corrected visual acuity in his right eye is 20/200, and in his left eye, 20/30. Following an examination in 2012, his ophthalmologist noted, "He is otherwise qualified to operate a commercial vehicle under 49 CFR 391.41(b)(1-13), and in my medical opinion [sic] given the stability and duration of his unilateral vision loss, he should be able to drive safely." Mr. Ward reported that he has driven tractor-trailer combinations for 45 years, accumulating 3.6 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows one crash for which he was not cited, and three convictions for moving violations in a CMV; he exceeded the speed limit by 6-10 mph, operated an unsafe vehicle, and exceeded the speed limit by 13 mph.

Marcus R. Watkins

Mr. Watkins, 50, has had a retinal detachment in his left eye since 1998. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his ophthalmologist noted, "He has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Watkins reported that he has driven straight trucks for 6 years, accumulating 156,000 miles. He holds an operator's license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business May 28, 2013. Comments will be available for examination in the docket at the location listed under the ADDRESSES section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: April 12, 2013.

Larry W. Minor,

Associate Administration for Policy.

[FR Doc. 2013-09912 Filed 4-25-13; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0050]

National Emergency Medical Services Advisory Council (NEMSAC); Notice of Federal Advisory Committee Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice—National Emergency Medical Services Advisory Council.

SUMMARY: The NHTSA announces a meeting of NEMSAC to be held in the Metropolitan Washington, DC, area. This notice announces the date, time, and location of the meeting, which will be open to the public, as well as opportunities for public input to the NEMSAC. The purpose of NEMSAC, a nationally recognized council of emergency medical services representatives and consumers, is to advise and consult with DOT and the Federal Interagency Committee on EMS (FICEMS) on matters relating to emergency medical services (EMS). **DATES:** The meeting will be held on May 16, 2013, from 8 a.m. to 5:30 p.m. EDT, and on May 17, 2013, from 8 a.m. to 12 p.m. EDT. A public comment period will take place on May 16, 2013 between 3 p.m. and 3:30 p.m. EDT and May 17, 2013 between 10 a.m. and 10:15 a.m. EDT. Written comments from the public must be received no later than May 10, 2013.

ADDRESSES: The meeting will be held at the Performance Institute on the third floor of 901 New York Avenue NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT:

Drew Dawson, Director, U.S. Department of Transportation, Office of Emergency Medical Services, 1200 New Jersey Avenue SE., NTI-140, Washington, DC 20590, telephone number 202-366-9966; email Drew.Dawson@dot.gov.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App.). The NEMSAC is authorized under Section 31108 of the Moving Ahead with Progress in the 21st Century Act of

2012. The NEMSAC will meet on Thursday and Friday, May 16–17, 2013, at the Performance Institute on the third floor of 901 New York Avenue NW., Washington, DC 20001.

Tentative Agenda of National EMS Advisory Council Meeting, May 16–17, 2013

The tentative agenda includes the following:

Thursday, May 16, 2013 (8 a.m. to 5:30 p.m. EDT)

- (1) Election of Chair and Vice-Chair
- (2) Opening Remarks
- (3) Disclosure of Conflicts of Interests by Members
- (4) Presentation of the New NEMSAC Charter
- (5) Reports from Federal Liaisons from the Departments of Transportation, Homeland Security, and Health & Human Services
- (6) Presentation, Discussion and Possible Adoption of Reports and Recommendations from NEMSAC Workgroups
 - a. Advisory on Leadership Developmental Planning in EMS
 - b. NEMSAC Values and Priorities
 - c. Compiling Evidence to Discuss the EMS Education Agenda for the Future
 - d. Improving Internal NEMSAC Processes
 - e. Updates on NHTSA Emerging Issues in EMS White Papers
- (7) Public Comment Period (3 p.m. to 3:30 p.m. EDT)
- (8) Workgroup Breakout Sessions (3:30 p.m.–5:30 p.m. EDT)

Friday, May 17, 2013 (8 a.m. to 12 p.m. EDT)

- (1) Unfinished Business/Continued Discussion from Previous Day
- (2) Public Comment Period (10 a.m. to 10:15 a.m. EDT)
- (3) Next Steps and Adjourn

On Thursday, May 16, 2013, from 3:30 p.m. to 5:30 p.m. EDT, the NEMSAC workgroups will meet in breakout sessions at the same location. These sessions are open for public attendance, but their agendas do not accommodate public comment.

Registration Information

This meeting will be open to the public; however, pre-registration is requested. Individuals wishing to attend must register online at <http://events.SignUp4.com/NEMSACMay2013> no later than May 10, 2013. There will not be a teleconference option for this meeting.

Public Comment

Members of the public are encouraged to comment directly to the NEMSAC. Those who wish to make comments on Thursday, May 16, 2013, between 3 p.m. and 3:30 p.m. EDT or Friday, May 17, 2013 between 10 a.m. and 10:15 a.m. EDT are requested to register in advance. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 5 minutes. Written comments from members of the public will be distributed to NEMSAC members at the meeting and should reach the NHTSA Office of EMS no later than May 10, 2013. Written comments may be submitted by either one of the following methods: (1) You may submit comments by email: nemsac@dot.gov or (2) you may submit comments by fax: (202) 366-7149.

Special Request for Comment on the EMS Education Agenda for the Future

The NEMSAC has also requested public comment on a draft document outlining their views on the future of the EMS Education Agenda. The draft document and more information on the request for input can be found at <http://ems.gov/NEMSAC-PublicInputRequest2013.htm>. Comments must be submitted to nemsac@dot.gov by May 10, 2013.

A final agenda as well as meeting materials will be available to the public online through www.EMS.gov on or before May 13, 2013.

Issued on: April 23, 2013.

Jeffrey P. Michael,

Associate Administrator for Research and Program Development.

[FR Doc. 2013-09921 Filed 4-25-13; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35734]

Hilco SP Rail, LLC—Acquisition and Operation Exemption—RG Steel Railroad Holding, LLC

Hilco SP Rail, LLC (Hilco), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from RG Steel Railroad Holding, LLC, and operate as a common carrier over an approximately 12-mile line of railroad in Sparrows Point, Baltimore County, Md. (the Line). Hilco states that the operator of the Line will be MCM Rail Services LLC (MCM),¹ and that

¹ MCM filed a notice of exemption for operating authority over the Line on March 20, 2013, in MCM

MCM will interchange traffic with CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NSR). Hilco also states that there are no mileposts on the Line. According to Hilco, the sale of railroad assets was pursuant to an Asset Purchase Agreement (APA) dated August 7, 2012, which was authorized and approved by United States Bankruptcy Judge Kevin J. Carey on August 21, 2012, and which closed on September 14, 2012.² Hilco also states there are no interchange commitments in the agreement between MCM and Hilco, and that there will be no interchange agreements in the interchange agreement between Hilco and MCM and CSXT or between Hilco and MCM and NSR.

Hilco states that it expects to consummate the proposed transaction on or after May 12, 2013. The earliest this transaction may be consummated is May 12, 2013, the effective date of the exemption (30 days after the exemption was filed).

Hilco certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than May 3, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35734, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In

Rail Services LLC, d/b/o Baltimore Industrial Railroad—Operation Exemption—HRE Sparrows Point LLC, Docket No. FD 35725. Because MCM already had a petition for exemption for operating authority over the Line pending before the Board in MCM Rail Services LLC—Petition for Retroactive Exemption—in Sparrows Point, Md., Docket No. FD 35707, MCM's notice was held in abeyance by decision served April 5, 2013. MCM has since filed a motion to withdraw its petition for exemption. That motion is currently pending before the Board.

² Hilco recognizes that it should have sought Board approval sooner and requests that the Board confirm that it will not pursue an enforcement action against Hilco. The full Board has, in the past, confirmed that it will not pursue enforcement action where failure to file for Board licensing authority was inadvertent and no harm resulted. See, e.g., *New Brunswick Ry.—Continuance in Control Exemption—Me. N. Ry.*, FD 35520 *et al.*, slip op. at 3-4 & n.2 (STB served Sept. 26, 2011). However, such a confirmation would require evaluation by, and decision of, the entire Board, and is not appropriate for the abbreviated context of a notice of exemption proceeding.

addition, a copy of each pleading must be served on Louis E. Gitomer, Law Offices of Louis E. Gitomer LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: April 22, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2013-09882 Filed 4-25-13; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 23, 2013.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

DATES: Comments should be received on or before May 28, 2013 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.GOV and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927-5331, email at PRA@treasury.gov, or the entire information collection request maybe found at www.reginfo.gov.

Internal Revenue Service (IRS)

OMB Number: 1545-0047.

Type of Review: Revision of a currently approved collection.

Title: Return of Organization Exempt From Income Tax Under Section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation).

Form: 990 and associated schedules.

Abstract: Form 990 is needed to determine that IRC section 501(a) tax-

exempt organizations fulfill the operating conditions within the limitations of their tax exemption. Form 990 is used by tax-exempt organizations, nonexempt charitable trusts, and section 527 political organizations to provide the IRS with the information required by section 6033.

Affected Public: Private Sector: Not-for-profits institutions.

Estimated Annual Burden Hours: 24,945,619.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013-09891 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Proposed Information Collection; Comment Request: Survey of Minority Owned Institutions

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning a continuing information collection titled, "Survey of Minority Owned Institutions."

DATES: Comments must be submitted on or before June 25, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0236, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For

security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You may request additional information by contacting: Johnny Vilela or Mary H. Gottlieb, (202) 649-5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Title: Survey of Minority Owned Institutions.

OMB Control No.: 1557-0236.

Type of Review: Regular review.

Description: The OCC is committed to assessing its efforts to provide supervisory support, technical assistance, education, and other outreach to the minority-owned institutions under its supervision. To perform this assessment, it is necessary to obtain, from the individual institutions, feedback on the effectiveness of OCC's current efforts in these areas and suggestions on how the OCC might enhance or augment its supervision and technical assistance going forward. The OCC has used the information gathered to assess the needs of minority-owned institutions as well as its efforts to meet those needs. The OCC has also used the information to focus and enhance its supervisory, technical assistance, education and other outreach activities with respect to minority-owned institutions.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents:

55.

Estimated Number of Responses:

55.

Estimated Annual Burden: 110

hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 19, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013-09863 Filed 4-25-13; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995.

Under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) (PRA), Federal agencies are required to publish notice in the *Federal Register* concerning each proposed collection of information, including each proposed extension of an existing collection of information.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comments concerning the currently approved

Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program information collection. The Minimum Security Devices and Procedures and Bank Secrecy Act Compliance Program portion of the information collection is being extended without change. The OCC is proposing to extend, with revision, the interagency suspicious activity report (SAR-DI) portion of the collection and is inviting comments on this revision.

As the Bank Secrecy Act (BSA) administrator, the Financial Crimes Enforcement Network (FinCEN) in the U.S. Department of Treasury is changing from a system originally designed for collecting industry-specific paper forms to a modernized information technology environment centered on electronic reporting. Based on financial institution type, depository institutions, broker-dealers in securities, futures commission merchants and introducing brokers in commodities, insurance companies, mutual funds, money services businesses, and casinos file reports on four separate forms. FinCEN's new approach is to have one electronically filed interactive BSA SAR that will be used by all filing institutions to report suspicious activity as of April 1, 2013.

There are no proposed changes to the suspicious activity report regulation. National banks and federal savings associations supervised by the OCC will continue to follow the regulation, interagency guidance, and filing instructions to determine when a report should be filed and what information should be included in the report.

The interactive BSA SAR has several new data fields and introduces data fields from the SARs of other industries. On March 29, 2012, FinCEN released guidance titled, "Filing FinCEN's New Currency Transaction Report and Suspicious Activity Report" (FIN-2012-G002). The guidance notes that FinCEN is making available additional and more specific data elements (that is, characterizations of suspicious activity and types of financial services) as a more efficient way to bring information about suspicious activity to the attention of FinCEN and law enforcement. The guidance clarified the addition of new and expanded data elements does not create an expectation that financial institutions will revise internal programs, or develop new programs, to capture information that reflects the expanded data elements. Data elements designated as "critical fields (questions for which an answer must be provided) in the BSA SAR are

identified by the asterisk preceding the data element number.

The OCC is also announcing that the proposed collection of information has been submitted to OMB for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted by May 28, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0180, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557-0231, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: oir submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: You can request additional information from or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, Clearance Officers, (202) 649-5490, Legislative and Regulatory Activities Division (1557-0231), Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, the OCC has submitted the following proposed collection of information to OMB for review and clearance.

Title: Minimum Security Devices and Procedures, Reports of Suspicious

Activities, and Bank Secrecy Act Compliance program.

OMB Control No.: 1557-0180.

Form Numbers: 8010-1/8010-9.

In 1985, the bank supervisory agencies (Agencies),¹ issued procedures to be used by banks and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement and banking supervisory agencies. Beginning in 1994, the Agencies and FinCEN redesigned the reporting process and developed the suspicious activity report, which became effective in April 1996. The report is authorized by the following regulations: 31 CFR 103.18 (FinCEN); 12 CFR 21.11 and 12 CFR 163.180 (OCC); 12 CFR 208.62(c), 211.5(k), 211.24(f), and 225.4(f) (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The regulations were issued under the authority contained in the following statutes: 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1463, 1464, 1818, 1881-84, 3401-22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 248(a)(1), 625, 1818, 1844(c), 3105(c)(2) and 3106(a) (Board); 12 U.S.C. 1818-1820 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

Prior to the suspicious activity report effective date of April 1996, the OCC, the other agencies, and FinCEN each issued new and nearly identical rules mandating the use of the interagency SAR-DI for reporting suspicious activities. In separate actions, FinCEN also enacted regulations requiring other types of financial institutions, such as brokers or dealers in securities and futures, money services businesses (money transmitters, issuers and sellers of money orders and travelers' checks, check cashers, and dealers in foreign exchange), casinos and card clubs, and insurance companies to file reports on suspicious activities.

In January 2003, check boxes were added to Part III of the SAR-DI to note terrorist financing and identity theft as suspicious activities and the safe harbor language in the instructions was updated to reflect changes made by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. In 2006, the SAR-DI form was revised to support a new joint filing initiative aimed at reducing the total number of duplicate reports filed for a single suspicious transaction. On May 1, 2007, FinCEN published a **Federal Register** notice (72

FR 23891)² announcing the delayed implementation of these revisions, which ultimately were never implemented.

On October 15, 2010, FinCEN issued a 60-day notice titled "Proposed Collection; Comment Request; Bank Secrecy Act Suspicious Activity Report Database Proposed Data Fields." The notice sought input on technical matters as FinCEN transitions from a system originally designed for collecting paper forms to a modernized information technology environment for electronic reporting. Thereafter, a notice was issued on May 6, 2011 by the Treasury Department's Office of Information Management advising the public of a new collection by FinCEN and stating that FinCEN was submitting the BSA SAR comments to OMB for review. The notice stated, "FinCEN is fielding a new system of record to support the collection and dissemination of BSA data to law enforcement and other regulatory agencies. The BSA SAR is a new dynamic information collection tool that will serve as the principle [sic] collection instrument to be used by financial institutions to record and report suspicious activity." On July 15, 2011, FinCEN received final approval of the BSA-SAR³ from the Office of Management and Budget, which concluded FinCEN's October 15, 2010, request for comment.

On May 11, 2012, the OCC published a final **Federal Register** notice (77 FR 27858) announcing the extension for three years, without revision, of the "Reports of Suspicious Activities" data collection. OCC renewal was necessary because the current SAR-DI form is expiring and will continue to be accepted by FinCEN until March 31, 2013. The OCC is now seeking industry comment on the interactive BSA SAR that will be used to report suspicious activity as of April 1, 2013. Comments will be summarized and/or included in the request for Office of Management and Budget approval.

Proposed Revisions

The revised BSA SAR would integrate four institution-specific SARs into one universal data collection. The previous five parts of the SAR-DI remain with changes to their titles and placement in order of completion.

The proposed BSA-SAR is described below by form part. Fields from other industry SARs that may be new to depository institutions as well as

specific data fields that are new to all types of industry filers have been identified. In the description provided below, questions for which answers must be provided (referred to as "critical fields") are identified with the * symbol in front of the data element number.

Type of Filing

Field 1 is the Type of Filing and requires the filer to designate the category that best describes the filing from a set of choices:

*1. Check all that apply—a. Initial report; b. Correct/amend prior report; c. Continuing activity report; d. Joint report; e. Prior report document control/file number if 1b or 1c are checked.

On the current SAR-DI there is only one choice in data field 1 for those reports that corrected a prior report.

Part I: Subject Information

Part I is titled "Subject Information" and it requires the filer to provide information for each subject involved in the suspicious activity. Subject Information is titled "Suspect Information" on the current SAR-DI. As with the current SAR-DI, multiple subjects may be included in Part I.

Each of the critical fields (*) in this part has a new check box that may be used if the information is unknown. If that box is checked, the filer would not need to enter any information in that field.

In Part I, with the exception of the check box to indicate if the requested information is unknown, these data fields remain the same, with no additions or changes from the SAR-DI:

- *3. Individual's last name or entity's legal name—a. (check if) unknown
- *4. First name—a. (check if) unknown
- *5. Middle initial (middle name for electronic filers)
- *7. Occupation or type of business
- *8. Address—a. (check if) unknown
- *9. City—a. (check if) unknown
- *10. State—a. (check if) unknown
- *11. ZIP/Postal Code—a. (check if) unknown
- *12. Country Code—a. (check if) unknown
- *13. TIN—a. (check if) unknown
- *16. Date of birth mm/dd/yyyy—a. (check if) unknown

Listed below are the remaining data fields in Part I that would be considered new data fields or data fields that would be modified.

2. Check—a. If entity; b. If all critical (*) subject information is unavailable (If 2b is checked this part may be left blank)

5a. Gender—b. (Check if) Male; c. (Check if) Female; d. (Check if) Unknown

¹ The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

² http://www.fincen.gov/statutes_regs/frn/pdf/sar_fr_notice.pdf.

³ http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201104-1506-002.

6. Alternate name, e.g. AKA for an Individual or DBA for an Entity

7a. NAICS Code (North American Industry Classification system code that corresponds to 7)

14. TIN type (* if 13 is completed)—
a. EIN; b. SSN-ITIN; c. Foreign

*15. Form of identification for subject—a. (check if) unknown (or not obtained); b. (check if) Driver's license/state ID; c. (check if) Passport; d. (check if) Alien registration; e. Number; f. Issuing state; g. Issuing country; z. (check if) Other

17. Phone number type—a. (check if) Home; b. (check if) Work; c. (check if) Mobile; d. (check if) Fax

18. Phone number—a. Extension (if any)

19. Email address (if available).

19a. Web site (URL) address (if available).

20. Corroborative statement to filer?—
a. (check if) Yes; b. (check if) No (This was Admission/Confession on the SAR-DI).

21. Relationship of the subject to the filing institution (check all that apply)—

a. Institution TIN; b. Accountant; c. Agent; d. Appraiser; e. Attorney; f. Borrower; g. Customer; h. Director; i. Employee; j. No relationship to institution; k. Officer; l. Owner or Controlling Shareholder; z. Other.

22. If item 21h, 21i, 21j, or 21k is checked, indicate status of relationship—a. (check if) Relationship continues; b. (check if) Terminated; c. (check if) Suspended/barred; d. (check if) Resigned.

23. Action date if 22 b, c, or d is checked.

*24. Financial Institution EIN and account number(s) affected that are related to subject, if any—a. (check if) No known account involved; b. (check if) Non-US Financial Institution; c. TIN; d. Account number; e. (check if) Closed;

25. Subject's role in suspicious activity (if applicable); a. (check if) Purchaser/Sender; b. (check if) Payee/Receiver; c. (check if) Both a and b.

Part II—Suspicious Activity Information

Part II, "Suspicious Activity Information," would require the filer to describe the suspicious activity that occurred.

Part II items would cover all filer institution types so all filers would see field options that may not pertain to their report (such as casino activities). Filers would only be required to complete those items that apply to their institution and pertain to the report being filed.

In Part II, with the exception of the "unknown check box" these data fields

would remain the same as the current SAR-DI:

*27. Date or date range of suspicious activity for this report—a. From: mm/dd/yyyy; b. To: mm/dd/yyyy.

The remaining data fields in this Part, specifically the characterizations of suspicious activity, would be modified and expanded when compared to the current SAR-DI. There are now 10 general categories and each category would be further broken down to specific types of suspicious activity.

*26. Amount involved in this report—
a. (check if) Amount unknown; b. (check if) No amount involved.

28. Cumulative amount only if box 1c (continuing activity report) is checked.

29. Structuring—a. Alters transaction to avoid BSA recordkeeping requirement; b. Alters transactions to avoid CTR requirement; c. Customer cancels transaction to avoid BSA reporting and recordkeeping requirements; d. Multiple transactions below BSA recordkeeping threshold; e. Multiple transactions below CTR threshold; f. Suspicious inquiry by customer regarding BSA reporting or recordkeeping requirements; z. Other (specify type of suspicious activity in space provided).

30. Terrorist Financing—a. Known or suspected terrorist/terrorist organization; z. Other (specify type of suspicious activity in space provided).

31. Fraud (Type)—a. ACH; b. Business loan; c. Check; d. Consumer loan; e. Credit/Debit card; f. Healthcare; g. Mail; h. Mass-marketing; i. Pyramid scheme; j. Wire; z. Other (specify type of suspicious activity in space provided).

32. Casinos—a. Inquiry about end of business day; b. Minimal gaming with large transactions; c. Suspicious intracash transfers; d. Suspicious use of counter checks or markers; z. Other (specify type of suspicious activity in space provided).

33. Money laundering—a. Exchanges small bills for large bills or vice versa; b. Suspicion concerning the physical condition of funds; c. Suspicion concerning the source of funds; d. Suspicious designation of beneficiaries, assignees or joint owners; e. Suspicious EFT/wire transfers; f. Suspicious exchange of currencies; g. Suspicious receipt of government payments/benefits; h. Suspicious use of multiple accounts; i. Suspicious use of noncash monetary instruments; j. Suspicious use of third-party transactors (straw-man); k. Trade Based Money Laundering/Black Market Peso Exchange; l. Transaction out of pattern for customer(s); z. Other (specify type of suspicious activity in space provided).

34. Identification/Documentation—a. Changes spelling or arrangement of name; b. Multiple individuals with same or similar identities; c. Provided questionable or false documentation; d. Refused or avoided request for documentation; e. Single individual with multiple identities; z. Other.

35. Other suspicious activities—a. Account takeover; b. Bribery or gratuity; c. Counterfeit instruments; d. Elder financial exploitation; e. Embezzlement/theft/disappearance of funds; f. Forgeries; g. Identity theft; h. Little or no concern for product performance penalties, fees, or tax consequences; i. Misuse of "free look"/cooling off/right of rescission; j. Misuse of position or self-dealing; k. Suspected public/private corruption (domestic); l. Suspected public/private corruption (foreign); m. Suspicious use of informal value transfer system; n. Suspicious use of multiple transaction locations; o. Transaction with no apparent economic, business, or lawful purpose; p. Two or more individuals working together; q. Unauthorized electronic intrusion; r. Unlicensed or unregistered MSB; z. Other (specify type of suspicious activity in space provided).

36. Insurance—a. Excessive insurance; b. Excessive or unusual cash borrowing against policy/annuity; c. Proceeds sent to or received unrelated third party; d. Suspicious life settlement sales insurance (e.g. STOLI's, Viaticals); e. Suspicious termination of policy or contract; f. Unclear or no insurable interest; z. Other (specify type of suspicious activity in space provided).

37. Securities/Futures/Options—a. Insider trading; b. Market manipulation/wash trading; c. Misappropriation; d. Unauthorized pooling; z. Other (specify type of suspicious activity in space provided).

38. Mortgage fraud—a. Appraisal fraud; b. Foreclosure fraud; c. Loan modification fraud; d. Reverse mortgage fraud; z. Other.

39. Were any of the following instrument/product type(s) involved in the suspicious activity? Check all that apply: a. Bonds/Notes; b. Commercial mortgage; c. Commercial paper; d. Credit card; e. Debit card; f. Forex transactions; g. Futures/Options on futures; h. Hedge fund; i. Home equity loan; j. Home equity line of credit; k. Insurance/Annuity products; l. Mutual fund; m. Options on securities; n. Penny stocks/Microcap securities; o. Prepaid access; p. Residential mortgage; q. Security futures products; r. Stocks; s. Swap, hybrid or other derivative; z. Other (specify type in space provided).

40. Were any of the following instrument type(s)/payment

mechanism(s) involved in the suspicious activity? Check all that apply—a. Bank/Cashier's check; b. Foreign currency; c. Funds transfer; d. Gaming instruments; e. Government payment; f. Money orders; g. Personal/Business check; h. Travelers check; i. U.S. Currency; z. Other (specify type in space provided).

41. Commodity type (if applicable).

42. Product/Instrument description (if needed).

43. Market where traded (list of codes will be provided—dropdown menu for electronic filers).

44. IP Address (if available) (multiple entries allowed for electronic filers).

45. CUSIP number (multiple entries allowed for electronic filers).

46. CUSIP number (multiple entries allowed for electronic filers).

Part III—Information About Financial Institution Where Activity Occurred

Part III information would be about the financial institution(s) where the suspicious activity occurred. A separate Part III record would be completed on each financial institution involved in the suspicious activity. The data fields in Part III would be modified and expanded when compared to the current SAR—DI.

*47. Type of financial institution (check only one)—a. Casino/Card club; b. Depository institution; c. Insurance company; d. MSB; e. Securities/Futures; z. Other (specify type of institution in space provided).

*48. Primary Federal Regulator—A = Commodities Futures Trading Commission (CFTC); B = Federal Reserve Board (FRB); C = Federal Deposit Insurance Corporation (FDIC); D = Internal Revenue Service (IRS); E = National Credit Union Administration (NCUA); F = Office of the Comptroller of the Currency (OCC); G = Securities and Exchange Commission (SEC); Z = Not Applicable.

49. If item 47a is checked indicate type (Check only one)—a. State licensed casino; b. Tribal authorized casino; c. Card club; d. Other (specify).

50. If item 47e is checked, indicate type of Securities and Futures institution or individual where activity occurred—check box(es) for functions that apply to this report—a. Clearing broker—securities; b. Futures Commission Merchant; c. Holding company; d. Introducing broker—commodities; e. Introducing broker—securities; f. Investment Advisor; g. Investment company; h. Retail foreign exchange dealer; i. Subsidiary of financial/bank holding company; z. Other (specify type of institution or individual in space provided).

51. Financial institution identification number (Check one box to indicate type)—a. (check if) CRD number; b. (check if) IARD number; c. (check if) NFA number; d. (check if) RSSD number; e. (check if) SEC number; f. Identification number.

52. Financial institution's role in transaction (if applicable)—a. (check if) Selling location; b. (check if) Paying location; (check if) Both a & b.

*53. Legal name of financial institution—a. (check if) unknown.

54. Alternate name, e.g., AKA—individual or trade name, DBA—entity.

*55. TIN—a. (check if) unknown.

56. TIN type (* if 55 is completed)—

a. EIN; b. SSN—ITIN; c. Foreign.

*57. Address—a. (check if) unknown.

*58. City—a. (check if) unknown.

59. State.

*60. ZIP/Postal Code—a. (check if) unknown.

*61. Country.

62. Internal control/file number.

63. Loss to financial institution (if applicable).

64. Branch's role in transaction (if applicable)—a. (check if) Selling location; b. (check if) Paying location; c. (check if) Both a and b.

*65. Address of branch or office where activity occurred—a. (if no branch activity involved, check box a).

66. RSSD number (of the branch).

67. City.

68. State.

69. ZIP/Postal Code.

70. Country (2 letter code—list provided).

Part IV—Filing Institution Contact Information

Part IV information would be about the lead financial institution or holding company that is filing the BSA SAR. There would be only one Part IV record for each filing. Part IV would take fields previously contained in Part I, Part III, and Part IV on the SAR—DI as well as added new fields.

*78. Primary Federal Regulator—A = Commodities Futures Trading Commission (CFTC); B = Federal Reserve Board (FRB); C = Federal Deposit Insurance Corporation (FDIC); D = Internal Revenue Service (IRS); E = National Credit Union Administration (NCUA); F = Office of the Comptroller of the Currency (OCC); G = Securities and Exchange Commission (SEC); Z = Not Applicable.

*79. Filer name (Holding company, lead financial institution).

*80. TIN.

*81. TIN type—a. EIN; b. SSN/ITIN; c. Foreign.

*82. Type of financial institution (check only one)—a. Casino/Card club;

b. Depository institution; c. Insurance company; d. MSB; e. Securities/Futures; z. Other (specify type of institution in space provided).

83. Type of Securities and Futures institution or individual filing this report—check box(es) for function(s) that apply to this report—a. Clearing broker—securities; b. CPO/CTA; c. Futures Commission Merchant; d. Holding company; e. Introducing broker—commodities; f. Introducing broker—securities; g. Investment Adviser; h. Investment company; i. Retail foreign exchange dealer; j. SRO Futures; k. SRO Securities; l. Subsidiary of financial/bank holding company; z. Other (specify type of institution or individual in space provided).

84. Filing institution identification number (Check one box to indicate type)—a. (check if) CRD number; b. (check if) IARD number; c. (check if) NFA number; d. (check if) RSSD number; e. (check if) SEC number; f. Identification number.

*85. Address.

*86. City.

87. State.

*88. ZIP/Postal Code.

*89. Country.

90. Alternate name, e.g., AKA—individual or trade name, DBA—entity.

91. Internal control/file number.

92. LE contact agency.

93. LE contact name.

94. LE contact phone number—a.

Extension (if any).

95. LE contact date.

*96. Designated contact office.

*97. Designated contact office phone number including area code—a.

Extension (if any).

*98. Date filed.

Part V—Suspicious Activity Information Explanation/Description

Part V would require the filer to provide a chronological and complete narrative account of the activity, including what is unusual, irregular, or suspicious about the activity. In the BSA—SAR this part would be a text file that is limited to 17,000 characters (approximately six pages). Institutions may, but are not required to, attach an MS Excel-compatible file (no larger than 1 MB) providing details in tabular form of transactions subject to the suspicious activity discussed in the text file.

In the **Federal Register** of February 8, 2013 (78 FR 9452), the OCC published a 60-day notice soliciting comments concerning this information collection. The OCC received no comments.

Type of Review: Regular.

Affected Public: Business, for-profit institutions, and non-profit

Estimated Number of Respondents:

1,869.

Estimated Total Annual Responses: 386,883.

Estimated Burden per Response: 2.5 hours (includes 1.5 hours burden per response and one hour recordkeeping).

Estimated Total Annual Burden: 967,207.5 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid Office of Management and Budget control number. Records required to be retained under the Bank Secrecy Act and these regulations issued by the Banking Supervisory Agencies must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology as well as other relevant aspects of the information collection request.

Dated: April 19, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013-09865 Filed 4-25-13; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review; Consumer Protections for Depository Institution Sales of Insurance

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995.

Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, "Consumer Protections for Depository Institution Sales of Insurance." The OCC is also giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by May 28, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0220, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700. Upon arrival, visitors

will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557-0220, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: oir_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649-5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Title: Consumer Protections for Depository Institution Sales of Insurance.

OMB Control No.: 1557-0220.

Type of Review: Extension, without revision, of a currently approved collection.

Description: This information collection requires national banks, Federal savings associations, and other covered persons involved in insurance

sales, as defined in 12 CFR 14.20(f) and 136.20, to make two separate disclosures to consumers. Under 12 CFR 14.40 and 136.40, a national bank, Federal savings association, or other covered person must prepare and provide, orally and in writing: (1) certain insurance disclosures to consumers before the completion of the initial sale of an insurance product or annuity to the consumer; and (2) certain credit disclosures at the time of the consumer's application for the extension of credit (if insurance products or annuities are sold, solicited, advertised, or offered in connection with an extension of credit).

Affected Public: Businesses or other for-profit.

Estimated Burden: The OCC estimates the burden of this collection of information as follows:

Estimated Number of Respondents: 812.

Estimated Number of Responses: 812.

Total Estimated Burden Hours: 4,060 hours.

Comments: The OCC issued a 60-day **Federal Register** notice on February 15, 2013. 78 FR 11274. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of the services necessary to provide the required information.

Dated: April 19, 2013.

Michele Meyer,
Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013-09861 Filed 4-25-13; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review: Funding and Liquidity Risk Management

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995.

Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, "Funding and Liquidity Risk Management." The OCC is also giving notice that the collection has been sent to OMB for review.

DATES: Comments must be received by May 28, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0244, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700. Upon arrival, visitors will be required to present valid

government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557-0244, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: oir_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the information collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649-5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E-218, Mailstop 9W-11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Title of Information Collection: Funding and Liquidity Risk Management.

OMB Control No.: 1557-0244.

Type of Review: Extension, without revision, of a currently approved collection.

Description: The Interagency Policy Statement on Funding and Liquidity Risk Management¹ (Policy Statement)

¹ 75 FR 13656 (March 22, 2010).

summarizes the principles of sound liquidity risk management that the agencies have issued in the past² and, where appropriate, harmonizes these principles with the international statement issued by the Basel Committee on Banking Supervision titled "Principles for Sound Liquidity Risk Management and Supervision."³ The Policy Statement emphasizes supervisory expectations for all depository institutions including banks, savings associations, and credit unions.

Section 14 of the Policy Statement provides that financial institutions should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Significant business activities should be evaluated for liquidity risk exposure as well as profitability. More complex and sophisticated financial institutions should incorporate liquidity costs, benefits, and risks in the internal product pricing, performance measurement, and new product approval process for all material business lines, products, and activities. Incorporating the cost of liquidity into these functions should align the risk-taking incentives of individual business lines with the liquidity risk exposure their activities create for the institution as a whole. The quantification and attribution of liquidity risks should be explicit and transparent at the line management level, and should include consideration of how liquidity would be affected under stressed conditions.

Section 20 of the Policy Statement requires that liquidity risk reports provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the institution to changes in market conditions, its own financial performance, and other important risk

factors. Institutions also should report on the use of and availability of government support, such as lending and guarantee programs, and implications on liquidity positions, particularly since these programs are generally temporary or reserved as a source for contingent funding.

Affected Public: Businesses or other for-profit.

Estimated Burden:

The OCC estimates the burden of this collection of information on national banks and Federal savings associations as follows:

Estimated Number of Respondents: 1,833 total (13 large (over \$100 billion in assets), 47 mid-size (\$10–\$100 billion), 1,773 small (less than \$10 billion).

Estimated Burden under Section 14: 360 hours per large respondent, 120 hours per mid-size respondent, and 40 hours per small respondent.

Estimated Burden under Section 20: 2 hours per month.

Total Estimated Burden Hours: 125,232 hours.

Comments: The OCC issued a 60-day Federal Register notice on February 15, 2013. 78 FR 11273. No comments were received. Comments continue to be solicited on:

(a) Whether the information collections are necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of the services necessary to provide the required information.

Dated: April 19, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013-09862 Filed 4-25-13; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Proposed Information Collection; Comment Request; Interagency Guidance on Asset Securitization Activities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and Request for Comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995.

Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, "Interagency Guidance on Asset Securitization Activities."

DATES: Comments must be submitted on or before June 25, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0217, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in

² For national banks and Federal savings associations, see the *Comptroller's Handbook on Liquidity*. For state member banks and bank holding companies, see the Federal Reserve's *Commercial Bank Examination Manual* (section 4020), *Bank Holding Company Supervision Manual* (section 4010), and *Trading and Capital Markets Activities Manual* (section 2030). For state non-member banks, see the FDIC's *Revised Examination Guidance for Liquidity and Funds Management* (Trans. No. 2002-01) (Nov. 19, 2001), and Financial Institution Letter 84-2008, *Liquidity Risk Management* (August 2008). For Federally insured credit unions, see Letter to Credit Unions No. 02-CU-05, Examination Program Liquidity Questionnaire (March 2002). Also see Basel Committee on Banking Supervision, "Principles for Sound Liquidity Risk Management and Supervision" (September 2008).

³ Basel Committee on Banking Supervision, "Principles for Sound Liquidity Risk Management and Supervision," September 2008. See www.bis.org/publ/bcbst144.htm. Federally insured credit unions are not directly referenced in the principles issued by the Basel Committee.

order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You may request additional information of the collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649-5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the *Federal Register* concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Interagency Guidance on Asset Securitization Activities

OMB Control No.: 1557-0217

Type of Review: Extension, with revision, of a currently approved collection.

Description: This information collection applies to institutions engaged in asset securitization activities and provides that any institution engaged in these activities should maintain a written asset securitization policy, document fair value of retained interests, and maintain a management information system to monitor asset securitization activities. Institution management uses the information collected to ensure the safe and sound operation of the institution's asset securitization activities. The OCC uses the information to evaluate the quality of an institution's risk management practices.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 33 national banks; 15 Federal savings associations.

Estimated Burden per Respondent: 16.2.

Estimated Annual Burden: 778 hours.

Frequency of Response: On occasion.

The Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 19, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2013-09864 Filed 4-25-13; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Form 8833

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8833, Treaty-Based Return Position

Disclosure Under Section 6114 or 7701(b).

DATES: Written comments should be received on or before June 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 927-9368, or through the Internet at Kerry.Dennis@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).

OMB Number: 1545-1354.

Form Number: 8833.

Abstract: Form 8833 is used by taxpayers that are required by section 6114 to disclose a treaty-based return position to disclose that position. The form may also be used to make the treaty-based position disclosure required by regulations section 301.7701(b)-7(b) for "dual resident" taxpayers.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Number of Respondents: 4,100.

Estimated Time per Respondent: 6 hours, 16 minutes.

Estimated Total Annual Burden Hours: 25,740.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 1, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2013-09840 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning, Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form.

DATES: Written comments should be received on or before June 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Kerry Dennis, at (202) 927-9368, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at Kerry.Dennis@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form.

OMB Number: 1545-0786.

Regulation Project Number: TD 8110.

Abstract: Sections 165(j) and 1287(a) of the Internal Revenue Code provide that persons holding registration-required obligations in bearer form are subject to certain penalties. These sections also provide that certain persons may be exempted from these penalties if they comply with reporting requirements with respect to ownership, transfers, and payments on the obligations. The reporting requirements in this regulation are necessary to ensure that persons holding registration-required obligations in bearer form properly report interest income and gain on disposition of the obligations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 750,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 39,742.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 15, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2013-09841 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning electronic tip reports.

DATES: Written comments should be received on or before June 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Katherine Dean at Internal Revenue Service, room 6242, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3186, or through the internet at Katherine.b.dean@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Electronic Tip Reports.

OMB Number: 1545-1603.

Regulation Project Number: REG-104691-97.

Abstract: The regulations provide rules authorizing employers to establish electronic systems for use by their tipped employees in reporting tips to their employer. The information will be used by employers to determine the amount of income tax and FICA tax to withhold from the tipped employee's wages.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 300,000.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 600,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2013.

Yvette Lawrence,

OMB Reports Clearance Officer.

[FR Doc. 2013-09837 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8612

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this

opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8612, Return of Excise Tax on Undistributed Income of Real Estate Investment Trusts.

DATES: Written comments should be received on or before June 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Katherine Dean at Internal Revenue Service, room 6242, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3186, or through the internet at Katherine.b.dean@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Return of Excise Tax on Undistributed Income of Real Estate Investment Trusts.

OMB Number: 1545-1013.

Form Number: Form 8612.

Abstract: Form 8612 is used by real estate investment trusts to compute and pay the excise tax on undistributed income imposed under section 4981 of the Internal Revenue Code. The IRS uses the information to verify that the correct amount of tax has been reported.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time per Respondent: 9 hours, 48 minutes.

Estimated Total Annual Burden Hours: 196.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will

be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2013-09838 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning the qualification of trustee or like fiduciary in bankruptcy.

DATES: Written comments should be received on or before June 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Katherine Dean at Internal Revenue Service, room 6242, 1111 Constitution Avenue NW., Washington,

DC 20224, or at (202) 622-3186.
Katherine.b.dean@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Qualification of Trustee or Like Fiduciary in Bankruptcy.

OMB Number: 1545-0773.

Regulation Project Number: TD 8172.

Abstract: Internal Revenue Code section 6036 requires that receivers, trustees in bankruptcy, assignees for the benefit of creditors, or other like fiduciaries, and all executors shall notify the district director within 10 days of appointment. This regulation provides that the notice shall include the name and location of the Court and when possible, the date, time, and place of any hearing, meeting or other scheduled action. The regulation also eliminates the notice requirement under section 6036 for bankruptcy trustees, debtors in possession and other fiduciaries in a bankruptcy proceeding.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2013-09839 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2012-25

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2012-25, Average Area Purchase Price Safe Harbors and Nationwide Purchase Prices under section 143.

DATES: Written comments should be received on or before June 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Katherine Dean at Internal Revenue Service, Room 6242, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3186, or through the Internet at Katherine.b.dean@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Average Area Purchase Price Safe Harbors and Nationwide Purchase Prices under section 143.

OMB Number: 1545-1877.

Revenue Procedure Number: Revenue Procedure 2012-25.

Abstract: Revenue Procedure 2012-25 provides issuers of qualified mortgage

bonds, as defined in section 143(a) of the Internal Revenue Code, and issuers of mortgage credit certificates, as defined in section 25(c), with (1) nationwide average purchase prices for residences located in the United States, and (2) average area purchase price safe harbors for residences located in statistical areas in each state, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, the Virgin Islands, and Guam.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local and tribal governments.

Estimated Number of Recordkeepers: 60.

Estimated Time per Recordkeeper: 15 minutes.

Estimated Total Annual Burden Hours: 15.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 15, 2013.

Yvette Lawrence,

OMB Reports Clearance Officer.

[FR Doc. 2013-09843 Filed 4-25-13; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

United States Mint

**Pricing for the 2013 American Eagle
West Point Two-Coin Silver Set**

AGENCY: United States Mint, Department
of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is
announcing the price of the 2013
American Eagle West Point Two-Coin

Silver Set. The coin set will be offered
for sale at a price of \$139.95.

FOR FURTHER INFORMATION CONTACT:

Marc Landry, Acting Associate Director
for Sales and Marketing; United States
Mint; 801 9th Street NW., Washington,
DC 20220; or call 202-354-7500.

Authority: 31 U.S.C. 5111, 5112 & 9701.

Dated: April 19, 2013.

Richard A. Peterson,

Acting Director, United States Mint.

[FR Doc. 2013-09875 Filed 4-25-13; 8:45 am]

BILLING CODE P



FEDERAL REGISTER

Vol. 78

Friday,

No. 81

April 26, 2013

Part II

Department of Transportation

National Highway Traffic Safety Administration

Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices; Notice

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2010-0053]

Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of Federal guidelines.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) is concerned about the effects of distraction on motor vehicle safety due to drivers' use of electronic devices. Consequently, NHTSA is issuing nonbinding, voluntary Driver Distraction Guidelines (NHTSA Guidelines) to promote safety by discouraging the introduction of excessively distracting devices in vehicles.

This notice announces the issuance of the final version of the first phase of the NHTSA Guidelines. This first phase applies to original equipment (OE) in-vehicle electronic devices used by the driver to perform secondary tasks (communications, entertainment, information gathering, navigation tasks, etc. are considered secondary tasks) through visual-manual means (i.e., the driver looks at a device, manipulates a device-related control with his or her hand, and/or watches for visual feedback).

The NHTSA Guidelines list certain secondary tasks believed by the agency to interfere inherently with a driver's ability to safely control the vehicle. The NHTSA Guidelines recommend that in-vehicle devices be designed so that they cannot be used by the driver to perform these inherently distracting secondary tasks while driving. For all other visual-manual secondary tasks, the NHTSA Guidelines specify a test method for measuring eye glance behavior during those tasks. Eye glance metrics are compared to acceptance criteria to evaluate whether a task interferes too much with driver attention, rendering it unsuitable for a driver to perform while driving. If a task does not meet the acceptance criteria, the NHTSA Guidelines recommend that the task be made inaccessible for performance by the driver while driving. In addition, the NHTSA Guidelines contain several recommendations to limit and reduce the potential for distraction associated with the use of OE in-vehicle electronic devices.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Dr. W. Riley Garrott, Vehicle Research and Test Center, phone: (937) 666-3312, facsimile: (937) 666-3590. Dr. Garrott's mailing address is: National Highway Traffic Safety Administration, Vehicle Research and Test Center, P.O. Box B-37, East Liberty, OH 43319.

SUPPLEMENTARY INFORMATION: This final version of the first phase of the NHTSA Guidelines does not have the force and effect of law and is not a regulation. These Guidelines will not be published in the Code of Federal Regulations but will be posted on NHTSA's Web site, www.nhtsa.gov, and on DOT's distracted driving Web site Distraction.gov.

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I. Executive Summary

A. The Problem of Driver Distraction and Related Research

The term “driver distraction,” as used in these guidelines, refers to a specific type of inattention that occurs when drivers divert their attention away from the driving task to focus on another activity. In general, distractions derive from a variety of sources including electronic devices, such as navigation systems and cell phones, as well as conventional distractions such as sights or events external to the vehicle, interacting with passengers, and eating. These distracting tasks can affect drivers in different ways, and can be categorized into the following types:

- Visual distraction: Tasks that require the driver to look away from the roadway to visually obtain information.
- Manual distraction: Tasks that require the driver to take a hand off the steering wheel and manipulate a device.
- Cognitive distraction: Tasks that require the driver to avert their mental attention away from the driving task.

Tasks can involve one, two, or all three of these distraction types.

The impact of distraction on driving is determined from multiple criteria: the type and level of distraction, the frequency and duration of task performance, and the degree of demand associated with a task. Even if performing a task results in a low level of distraction, a driver who engages in it frequently, or for long durations, may increase the crash risk to a level comparable to that of a more difficult task performed less often.

NHTSA is concerned about the effects of driver distraction on motor vehicle safety. Crash data show that 17 percent (an estimated 899,000) of all police-reported crashes involved some type of driver distraction in 2010. Of those

899,000 crashes, distraction by a device or control integral to the vehicle was reported in 26,000 crashes (3% of the distraction-related police-reported crashes).

For a number of years, NHTSA has been conducting research to better understand how driver distraction impacts driving performance and safety. This research has involved original equipment (OE) and portable devices, various task types, and both visual-manual and auditory-vocal tasks (i.e., tasks that use voice inputs and provide auditory feedback). Additionally, both NHTSA and the Federal Motor Carrier Safety Administration (FMCSA) have sponsored analyses focused on distracted driving using data from naturalistic driving studies performed by the Virginia Tech Transportation Institute (VTI).

The automobile industry and academic researchers in Europe, Japan, and the United States have all conducted valuable research that has increased the available knowledge regarding driver distraction and its effects on safety. The results of this work are summarized in various sets of guidelines that minimize the potential for driver distraction during visual-manual interactions while driving. NHTSA has drawn heavily upon these existing guidelines in the development of its visual-manual Driver Distraction Guidelines for OE in-vehicle devices.

B. NHTSA's Driver Distraction Program

In June 2012, NHTSA released a “Blueprint for Ending Distracted Driving”¹ summarizing steps that NHTSA intends to take to eliminate crashes attributable to driver distraction. This document was an update of the “Overview of the National Highway Traffic Safety Administration's Driver Distraction Program”² which was released in April 2010.

One of the steps called for in both of these documents is the development of nonbinding, voluntary guidelines for minimizing the distraction potential of in-vehicle and portable devices. These guidelines will be developed in three phases. The first phase will cover visual-manual interfaces of electronic devices installed in vehicles as original equipment. The second phase will include visual-manual interfaces of

¹ “Blueprint for Ending Distracted Driving,” DOT HS 811 629, June 2012. Accessed at: <http://www.distraction.gov/download/campaign-materials/8747-811629-060712-v5-Opt1-Web-tag.pdf>.

² “Overview of the National Highway Traffic Safety Administration's Driver Distraction Program,” DOT HS 811 299, April 2010. Accessed at http://www.nhtsa.gov/staticfiles/nti/distracted_driving/pdf/811299.pdf.

portable and aftermarket devices. The third phase will expand these guidelines to include auditory-vocal interfaces.

C. The Visual-Manual NHTSA Guidelines for In-Vehicle Electronic Devices

This notice announces the issuance of the Phase 1 NHTSA Driver Distraction Guidelines. The first phase covers OE in-vehicle electronic devices that are operated by the driver through visual-manual means (i.e., the driver looks at a device, manipulates a device-related control with his or her hand, and/or watches for visual feedback from the device).

To facilitate the development of these guidelines, NHTSA studied the various existing guidelines relating to driver distraction prevention and reduction and found the "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems" developed by the Alliance of Automobile Manufacturers (Alliance Guidelines³) to be the most complete and up-to-date. The Alliance Guidelines provided valuable input in current NHTSA efforts to address driver distraction issues. Although NHTSA drew heavily on that input in developing the NHTSA Guidelines, the agency identified a number of aspects that could be improved upon in order to further enhance driving safety, enhance guideline usability, improve implementation consistency, and incorporate the latest driver distraction research findings.

NHTSA issued an Initial Notice⁴ proposing these Guidelines and soliciting comments on them that was published on February 24, 2012.

Since light vehicles comprise the vast majority of the vehicle fleet, NHTSA focused its distraction research on this type of vehicle, instead of heavy trucks, medium trucks, motorcoaches, or motorcycles. Therefore, the NHTSA Guidelines are only applicable to light vehicles, i.e., passenger cars, multipurpose passenger vehicles, and trucks and buses with a Gross Vehicle Weight Rating (GVWR) of not more than 10,000 pounds. However, the NHTSA Guidelines do not cover vehicles used

for emergency purposes (e.g., law enforcement). While much of what NHTSA has learned about light vehicle driver distraction undoubtedly applies to vehicle types other than light vehicles, additional work would be necessary to assess whether all aspects of the NHTSA Guidelines could be applicable to those vehicle types.

The NHTSA Guidelines are based upon a number of fundamental principles. These principles include:

- The driver's eyes should usually be looking at the road ahead,
- The driver should be able to keep at least one hand on the steering wheel while performing a secondary task (both driving-related and non-driving related),
- The distraction induced by any secondary task performed while driving should not exceed that associated with a baseline reference task (manual radio tuning),
- Any task performed by a driver should be interruptible at any time,
- The driver, not the system/device, should control the pace of task interactions, and
- Displays should be easy for the driver to see and content presented should be easily discernible.

The NHTSA Guidelines include several approaches to limit potential driver distraction associated with visual-manual tasks.

The NHTSA Guidelines list certain secondary tasks believed by the agency to interfere inherently with a driver's ability to safely control the vehicle. These include activities that are discouraged by public policy and, in some instances, prohibited by Federal regulation and State law (e.g., entering or displaying text messages), activities identified in industry driver distraction guidelines which NHTSA agrees are likely to distract drivers significantly (e.g., displaying video or automatically scrolling text), and activities that are extremely likely to be distracting due to their very purpose of attracting visual attention but whose obvious potential for distraction cannot be measured using a task timing system because the activity could continue indefinitely (displaying video or certain images). The NHTSA Guidelines refer to these activities as "per se lock outs." The NHTSA Guidelines recommend that in-vehicle devices be designed so that they cannot be used by the driver to perform these inherently distracting activities while driving. The list of activities considered to inherently interfere with a driver's ability to safely operate the vehicle include:

- Displaying video not related to driving;

- displaying certain graphical or photographic images;
- displaying automatically scrolling text;
- manual text entry for the purpose of text-based messaging, other communication, or internet browsing; and
- displaying text for reading from books, periodical publications, Web page content, social media content, text-based advertising and marketing, or text-based messages.

These recommendations are not intended to prevent the display of images related to driving such as simple, two-dimensional map displays for the purpose of navigation and images for the purpose of aiding a driver in viewing blind areas around a vehicle, as long as they are displayed in a safe manner. These recommendations are also not intended to prevent the display of internationally standardized symbols and icons, Trademark™ and Registered® symbols (such as company logos), or images intended to aid a driver in making a selection in the context of a non-driving-related task, provided that the images extinguish automatically upon completion of the task.

For all other visual-manual secondary tasks, the NHTSA Guidelines specify two test methods for measuring the impact of performing a task on driving safety and time-based acceptance criteria for assessing whether a task interferes too much with driver attention to be suitable for performance while driving. If a task does not meet the acceptance criteria, the NHTSA Guidelines recommend that OE in-vehicle devices be designed so that the task cannot be performed by the driver while driving. Both of these test methods focus on the amount of visual attention necessary to complete a task because existing research on visual-manual distraction establishes a link between visual attention (eyes off the road) and crash risk.⁵ Although NHTSA considered other distraction metrics and alternative protocols for assessing visual-manual distraction and discussed these in the Initial Notice (e.g., driving performance metrics like lane keeping) none of these other metrics has an established link to crash risk, and, accordingly, NHTSA has not included the alternative test methods in these Guidelines.

The first recommended test method measures the amount of time that the

³ Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems," June 26, 2006 version, Alliance of Automobile Manufacturers, Washington, DC.

⁴ Notice of Proposed Federal Guidelines, Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices, 77 FR 11200 (Feb. 24, 2012).

⁵ Klauer, S.G., Dingus, T.A., Neale, V.L., Sudweeks, J.D., and Ramsey, D.J., "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data," DOT HS 810 594, April 2006.

driver's eyes are drawn away from the roadway during the performance of the task. The NHTSA Guidelines recommend that devices be designed so that tasks can be completed by the driver while driving with glances away from the roadway of 2 seconds or less and a cumulative time spent glancing away from the roadway of 12 seconds or less. The second test method uses a visual occlusion technique to ensure that a driver can complete a task in a series of 1.5-second glances with a cumulative time of not more than 12 seconds.

In addition to identifying inherently distracting tasks and providing a means to measure and evaluate the level of distraction associated with other secondary tasks, the NHTSA Guidelines contain other recommendations for in-vehicle devices designed to limit and reduce their potential for distraction. Examples include a recommendation that performance of visual-manual tasks should not require the use of more than one hand, a recommendation that each device's active display be located as close as practicable to the driver's forward line of sight, and a recommendation of a maximum downward viewing angle to the geometric center of each display.

The NHTSA Guidelines cover any OE electronic device that the driver can easily see and/or reach, even if intended for use solely by passengers. However, the NHTSA Guidelines do not cover any device that is located fully behind the front seat of the vehicle or any front-seat device that cannot readily be reached or seen by the driver.

NHTSA has opted to pursue nonbinding, voluntary guidelines rather than a mandatory Federal Motor Vehicle Safety Standard (FMVSS). NHTSA explained in the Initial Notice that voluntary guidelines are appropriate at this time because of the need for additional research on distraction and its effects on driving and because of the rapid pace of technology changes in the area of in-vehicle electronic devices. The agency also noted concerns with the sufficiency of existing data to estimate the benefits of an in-vehicle electronic device regulation and that driver distraction testing involves drivers with inherent individual differences. These individual differences present new challenges to NHTSA in terms of developing repeatable, objective test procedures to determine conformance. After carefully considering all of the comments, NHTSA continues to believe that voluntary guidelines are the appropriate action to take at this time in order to

reduce the potential for driver distraction.

Since these voluntary NHTSA Guidelines are not a FMVSS, NHTSA's normal enforcement procedures are not applicable. As part of its continuing research effort on distracted driving, NHTSA does intend to monitor manufacturers' voluntary adoption of these NHTSA Guidelines.

Major Differences Between the Proposed and Final Phase 1 NHTSA Guidelines

NHTSA received comments from a total of 83 entities in response to its Initial Notice proposing Phase 1 of its Driver Distraction Guidelines. In response to the comments received, NHTSA has made numerous changes, both substantive and editorial, to its Guidelines. The more substantial changes include:

- Clarification that the NHTSA Guidelines apply both to some driving-related secondary tasks and to all non-driving-related secondary tasks performed using an original equipment electronic system or device.
- The NHTSA Guidelines are not applicable to any vehicle that is manufactured primarily for one of the following uses: ambulance, firefighting, law enforcement, military, or other emergency uses.
- Numerous changes have been made to the recommended per se lock outs.

The character-based limit for manual text entry has been replaced by a recommendation against any amount of manual text entry by the driver for the purpose of text-based messaging, other communication, or internet browsing.

The character-based limit for displaying text to be read has been replaced by a recommendation against displaying any amount of text for reading from books, periodical publications, Web page content, social media content, text-based advertising and marketing, or text-based messages. The display of limited amounts of other types of text during a testable task is acceptable with the maximum amount of text that should be displayed during a single task determined by the task acceptance tests.

The statement is explicitly made that the display of dynamic and static maps and/or location information in a two-dimensional format, with or without perspective, for the purpose of providing navigational information or driving directions when requested by the driver is acceptable. However, the display of informational detail not critical to navigation, such as photorealistic images, satellite images,

or three-dimensional images is not recommended.

The language for the per se lock out of display of graphical and photographic images has been revised to permit images displayed for the purpose of aiding a driver to efficiently make a selection in the context of a non-driving-related task if the image automatically extinguishes from the display upon completion of the task.

A recommendation has been added that the display of visual images of the area directly behind a vehicle intended to aid a driver in performing a maneuver in which the vehicle's transmission is in reverse gear (including hitching a trailer) is acceptable, subject to certain conditions.

- A recommendation has been added that every electronic device not essential to the driving task or the safe operation of the vehicle should provide a means by which the device can be turned off or otherwise disabled.
- Task acceptance tests except for Eye Glance Measurement Using a Driving Simulator and Occlusion Testing have been removed from the Guidelines.
- The method for determining the maximum display downward angle has been amended to allow any of the following versions of SAE J941 to be used to determine the driver's eye point: SAE J941 (June 1992), SAE J941 (June 1997), SAE J941 (September 2002), SAE J941 (October 2008), or SAE J941 (March 2010).
- Several definitions have been added and numerous ones modified to improve the clarity of the Guidelines.
- The device response time recommendation has been modified to better match the Alliance Guidelines' recommendation.
- Numerous changes to the driving simulator recommendations and recommended driving simulator scenario used for one of the task acceptance test protocols were made in response to comments.
- In response to comments and NHTSA's recent research indicating that the relationship between the total eyes off road time (TEORT) to complete a task and the total shutter open time (TSOT) to complete a task using the visual occlusion technique is near 1:1, the acceptance criteria have been amended. The TSOT criterion has been changed from 9 seconds to 12 seconds so that it is consistent with the 12-second TEORT criterion.
- The recommendations for acceptance test participant selection criteria have been revised to reflect that participants need only drive a minimum of 3,000 miles per year and do not

necessarily need to be comfortable communicating via text messages.

In response to comments, NHTSA has also addressed issues raised by commenters including:

- NHTSA intends to issue its Phase 2 Driver Distraction Guidelines as soon as feasible. The Phase 2 Guidelines will be based on general principles similar to those upon which these Phase 1 Guidelines are based. These principles are:
 - The driver's eyes should usually be looking at the road ahead,
 - The driver should be able to keep at least one hand on the steering wheel,
 - Any task performed by driving should be interruptible at any time,
 - The driver should control the human-machine interface and not vice versa, and
 - Displays should be easy for the driver to see.

Until such time as the Phase 2 Guidelines are issued, the agency recommends that developers and manufacturers of portable and aftermarket devices consider these principles as they design and update their products. NHTSA further encourages these developers and manufacturers to adopt any recommendations in the Phase 1 Guidelines that they believe are feasible and appropriate for their devices. However, NHTSA understands that implementation of some recommendations may require development of a means to distinguish whether the driver or front-seat passenger is performing a task.

- NHTSA intends to issue Driver Distraction Guidelines (Phase 3) for auditory-vocal human-machine interfaces as soon as possible after the necessary research has been completed.
- NHTSA will also continue to collect information on driver distraction and to conduct research, and NHTSA's Guidelines will be updated as needed in response to new information. NHTSA will also clarify the meaning of its Guidelines in response to questions that are asked through the issuance of Guideline Interpretation letters and has described the procedure for obtaining these letters.
- Since these voluntary proposed NHTSA Guidelines are not a FMVSS, NHTSA's normal enforcement procedures are not applicable. NHTSA Vehicle Safety Research will perform future monitoring to assess which vehicle make/models conform to these Phase 1 Guidelines.

- NHTSA believes that it is feasible for manufacturers to make the necessary changes to implement these Guidelines for existing vehicle models that undergo major revisions beginning three or more years from today's date. This three-year time frame is an increase from the two-year time frame stated in the Initial Notice because the agency recognizes that instrument panel and console design changes occur early in the revision cycle and these systems may already have been designed for vehicles undergoing revisions in two years. Likewise, NHTSA believes it should be feasible for new vehicle models entering the market in three or more years (again, an increase from the two or more years stated in the Initial Notice) from today's date to meet the NHTSA Guidelines. For existing vehicle models that do not undergo major revisions, NHTSA is not suggesting that the recommendations of these Guidelines would be met.

NHTSA expects the main effect from these Guidelines to be better-designed OE in-vehicle electronic device human-machine interfaces that do not create an unreasonable level of driver distraction when used by a driver to perform visual-manual secondary tasks. While voluntary and nonbinding, the NHTSA Guidelines are meant to discourage the introduction of both inherently distracting secondary tasks and tasks that do not meet the acceptance criteria when tested using the test methods contained in the Guidelines.

II. Background

A. Acronyms Used in Document

AAM Alliance of Automobile Manufacturers
 Alliance Alliance of Automobile Manufacturers
 BM Benchmark
 CAMP Crash Avoidance Metrics Partnership
 CD Compact Disc
 CDS Crashworthiness Data System
 CU Consumers Union
 DFD Dynamic Following and Detection
 DFT Driver Focus-Telematics
 DRL Daytime Running Lights
 DOT Department of Transportation
 DS-BM Driving Test Protocol
 DS-FC Driving Test Protocol with Fixed Acceptance Criteria
 DVI Driver-Vehicle Interface
 DWM Driver Workload Metric
 EGDS Eye Glance Testing Using a Driving Simulator
 EO Executive Order
 EORT Eyes-Off-Road Time
 FARS Fatality Analysis Reporting System
 FMCSA Federal Motor Carrier Safety Administration

FMCSR Federal Motor Carrier Safety Regulation
 FMVSS Federal Motor Vehicle Safety Standard
 FR Federal Register
 GES General Estimates System (NASS-GES)
 GVWR Gross Vehicle Weight Rating
 HMI Human-Machine Interface
 HVAC Heating, Ventilation, and Air Conditioning
 ISO International Organization for Standardization
 JAMA Japanese Automobile Manufacturers Association
 KLM Keystroke, Level Model
 LCT Lane Change Test
 MAP-21 Motor Vehicle and Highway Safety Improvement Act of 2012
 MEMA Motor & Equipment Manufacturers Association
 MGD Mean Glance Duration
 mph Miles per hour
 NADS National Advanced Driving Simulator
 NAFA National Association of Fleet Administrators
 NASS National Automotive Sampling System
 NCAP New Car Assessment Program
 NHTSA National Highway Traffic Safety Administration
 NMVCCS National Motor Vehicle Crash Causation Survey
 NSC National Safety Council
 NTSB National Transportation Safety Board
 NTTAA National Technology Transfer and Advancement Act
 OE Original Equipment
 OEM Original Equipment Manufacturer
 PAD Portable or Aftermarket Device
 PDT Peripheral Detection Task
 SAE Society of Automotive Engineers
 SHRP2 Strategic Highway Research Program 2
 SUV Sport Utility Vehicle
 TEORT Total Eyes-Off-Road Time
 TGT Total Glance Time to Task
 TLC Time to Line Crossing
 TSOT Total Shutter Open Time
 VRTC Vehicle Research and Test Center
 VTI Swedish National Road and Transport Institute
 VTTI Virginia Tech Transportation Institute

B. The Driver Distraction Safety Problem

The term "driver distraction," as used in this notice, is a specific type of inattention that occurs when drivers divert their attention away from the driving task to focus on another activity. These distractions can come from electronic devices, such as navigation systems and cell phones, more conventional activities such as sights or events external to the vehicle, interacting with passengers, and/or eating. These distracting tasks can affect drivers in different ways, and can be categorized into the following types:

- Visual distraction: Tasks that require the driver to look away from the roadway to visually obtain information;
- Manual distraction: Tasks that require the driver to take one or both

hands off the steering wheel to manipulate a control, device, or other non-driving-related item;

- Cognitive distraction: Tasks that require the driver to avert their mental attention away from the driving task. Tasks can involve one, two, or all three of these distraction types.

The impact of distraction on driving is determined from multiple criteria; the type and level of distraction, the frequency and duration of task performance, and the degree of demand associated with a task. Even if performing a task results in a low level of distraction, a driver who engages in it frequently, or for long durations, may increase the crash risk to a level comparable to that of a more difficult task performed less often.

Hundreds of studies have been conducted on the topic of driver distraction over the past several decades, starting as early as the 1960s. The recent edited book by Regan, Lee, and Young (2009)⁶ provides a

comprehensive treatment of the range of issues relating to distraction, including theoretical foundations, crash risk, effects on driver performance, exposure, measurement methods, and mitigation strategies. A sample of these papers may be found at www.distraction.gov. NHTSA recognizes this large body of research and the important contributions it makes to better understanding the impacts of distraction on crash risk and driving performance. However, because NHTSA is an agency driven first and foremost by the goal of reducing the frequency and severity of crashes, the agency's focus has been on research and test procedures that measure aspects of driver performance that have the strongest connection to crash risk. Accordingly, the research noted below provides a brief overview of the distraction safety problem as manifested in crashes and the relationship between distraction and crash risk.

NHTSA data on distracted driving-related crashes and the resulting numbers of injured people and fatalities is derived from the Fatality Analysis Reporting System (FARS)⁷ and the National Automotive Sampling System (NASS) General Estimates System (GES).⁸

The most recent data available, 2010 data, show that 899,000 motor vehicle crashes involved a report of a distracted driver (17 percent of all police-reported crashes: fatal, injury-only, and property-damage-only). As seen in Table 1, the percentage of all police-reported crashes that involve distraction has remained consistent over the past five years. On average, these distraction-related crashes lead to thousands of fatalities (3,092 fatalities or 9.4 percent of those killed in 2010) and injuries to over 400,000 people each year (approximately 17 percent of annual injuries).

TABLE 1—POLICE REPORTED CRASHES AND CRASHES INVOLVING DISTRACTION, 2006–2010 (GES)

Year	Number of Police-Reported Crashes	Police-Reported Crashes Involving a Distracted Driver	Police-Reported Crashes Involving a Distracted Driver Using an Integrated Control/Device*	Police-Reported Crashes Involving a Distracted Driver Using an Electronic Device*
2006	5,964,000	1,019,000 (17%)	18,000 (2%)	24,000 (2%)
2007	6,016,000	1,001,000 (17%)	23,000 (2%)	48,000 (5%)
2008	5,801,000	967,000 (17%)	21,000 (2%)	48,000 (5%)
2009	5,498,000	957,000 (17%)	22,000 (2%)	46,000 (5%)
2010	5,409,000	899,000 (17%)	26,000 (3%)	47,000 (5%)

* The categories for Integrated Control/Device and Electronic Device are not mutually exclusive. Therefore the data *cannot* be added or combined in any manner.

Of the 899,000 distraction-related crashes, 26,000 (3%) specifically stated that the driver was distracted while adjusting or using an integrated device/control. From a different viewpoint, of those 899,000 crashes, 47,000 (5%) specifically stated that the driver was distracted by a cell phone (no differentiation between portable and integrated cell phones). It should be noted that these two classifications are not mutually exclusive, as a driver distracted by the integrated device/control may have also been on the phone at the time of the crash and thus the crash may appear in both categories. While all electronic devices are of interest, the current coding of the crash data does not differentiate between

electronic devices other than cell phones.

Identification of specific driver activities and behaviors that serve as the distraction has presented challenges, both within NHTSA's data collection and on police accident reports. Therefore, a large portion of the crashes that are reported to involve distraction do not have a specific behavior or activity listed; rather they specify *other distraction* or *distraction unknown*. One could reasonably assume that some portion of those crashes involve a portable, aftermarket, or original equipment electronic device. This would increase the numbers and percentages of distraction-related crashes involving integrated controls/

devices or electronic devices (columns four and five of Table 1).

1. Estimation of Distraction Crash Risk Via Naturalistic Driving Studies

One approach to estimating the driving risks due to various types of distraction is naturalistic driving studies. As noted earlier, NHTSA's focus in developing these visual-manual guidelines has been on data and measures that most closely link to crash risk. Naturalistic data collection is currently the best method available for determining the crash risks associated with distracted driving because it combines two key data sources for estimating crash risk: Crash data and direct observation of drivers to link

⁶ Regan, M.A., Lee, J.D., & Young, K. (Eds.), *Driver distraction: Theory, effects, and mitigation*, Boca Raton, FL: CRC Press (2009).

⁷ FARS is a census of all fatal crashes that occur on the roadways of the United States of America.

It contains data on all fatal crashes occurring in all 50 states as well as the District of Columbia and Puerto Rico.

⁸ NASS GES contains data from a nationally-representative sample of police-reported crashes. It

contains data on police-reported crashes of all levels of severity, including those that result in fatalities, injuries, or only property damage. National numbers of crashes calculated from NASS GES are estimates.

actual behaviors to consequent crashes and near-crashes. No other method can establish the direct association of distracting behaviors while driving under real-world, non-contrived conditions and crash risk. In naturalistic driving studies, drivers are observed in their natural environment, and, therefore, they are free to drive where they wish. Unlike commanded task testing (e.g., simulator and test-track studies), in which an experimenter instructs a test participant when to perform a task, test participants perform tasks at will in naturalistic studies. Test participants volunteer to drive a vehicle, their own or one provided to them, fitted with unobtrusive data recording instrumentation to record their driving behavior. Drivers can be observed in this manner for long periods of time, only limited by the amount of data storage available in the data recording system and the capacity of the researchers to handle the potentially large volumes of data collected. Naturalistic driving research is labor intensive to conduct. It is also lengthy in duration if crash or near-crash events are of interest, since these events are relatively rare.

For light vehicles, the NHTSA-sponsored 100-Car Naturalistic Driving Study,^{9 10 11 12 13} performed by the Virginia Tech Transportation Institute (VTTI), provided information about the effects of performing various types of secondary tasks on crash/near crash risks. Secondary tasks include communication, entertainment, informational, passenger interaction, navigation, and reaching (e.g., for an object) tasks (along with many others). For the 100-Car Study, VTTI collected naturalistic driving data for 100 vehicles from January 2003 through July 2004. Each participant's vehicle was equipped

with a data acquisition system including five small video cameras and sensors to measure numerous vehicle state and kinematic variables at each instant of time. The vehicles were then driven by their owners during their normal daily activities for 12 to 13 months while data were recorded. No special instructions were given to drivers as to when or where to drive and no experimenter was present in the vehicle during the driving. All of this resulted in a large data set of naturalistic driving data that contains information on 241 drivers (100 primary drivers who performed most of the driving and 141 secondary drivers who drove the instrumented vehicles for shorter periods of time) driving for almost 43,000 hours and traveling approximately 2 million miles.

Data from the 100-Car Study provides the best information currently available about the risks associated with performing a variety of secondary tasks while driving light vehicles (vehicles under 10,000 pounds GVWR). While this was a large, difficult, and expensive study to perform, it was small from an epidemiological viewpoint (100 primary drivers, 15 police-reported, and 82 total crashes, including minor collisions). Drivers from only one small portion of the country, the Northern Virginia-Washington, DC, metro area, were represented.

The 100-Car Study was deliberately designed to maximize the number of crash and near-crash events through the selection of participants with higher than average crash or near-crash risk exposure.¹⁴ This was accomplished by selecting a larger sample of drivers below the age of 25 and by including a sample that drove more than the average number of miles.

Due to the rapid pace of technological change, some devices (e.g., smart phones) and secondary tasks of great current interest (e.g., text messaging) were not addressed by 100-Car Study data because they were not widely in use at the time.

Subsequent to the 100-Car Study, the Federal Motor Carrier Safety Administration (FMCSA) sponsored an analysis of naturalistic driving data¹⁵ to examine the effects of driver distraction on safety for commercial motor vehicles (three or more axle trucks, tractors-semitrailers (including tankers), transit buses, and motor coaches). This analysis

used data collected during two commercial motor vehicle naturalistic driving studies. Since the data analyzed was collected during two studies, this study will, hereinafter, be referred to as the "Two Study FMCSA Analyses."

The Two Study FMCSA Analyses combined and analyzed data from two large-scale commercial motor vehicle naturalistic driving studies: the Drowsy Driver Warning System Field Operational Test¹⁶ and the Naturalistic Truck Driving Study.¹⁷ The combined database contains naturalistic driving data for 203 commercial motor vehicle drivers, 7 trucking fleets, 16 fleet locations, and approximately 3 million miles of continuously-collected kinematic and video data collected over a period of three years (May 2004 through May 2007). This data set was filtered using kinematic data thresholds, along with video review and validation, to find safety-critical events (defined in this report as crashes, near-crashes, crash-relevant conflicts, and unintentional lane deviations). There were a total of 4,452 safety-critical events in the database: 21 crashes, 197 near-crashes, 3,019 crash-relevant conflicts, and 1,215 unintentional lane deviations. In addition, 19,888 time segments of baseline driving data were randomly selected for analysis.

One major source of differences in the results obtained from analyses of the 100-Car Study with those obtained from the Two Study FMCSA Analyses is the different time frames in which their data collections were performed. The 100-Car Naturalistic Driving Study data collection was from January 2003 through July 2004. The Drowsy Driver Warning System Field Operational Test collected data from May 2004 through September 2005 and the Naturalistic Truck Driving Study collected data from November 2005 through May 2007. Due to the rapid changes occurring in consumer electronics, the specific types of electronic device related distraction observed across studies, while similar, were not identical. For example, while the Two Study FMCSA Analyses found a high safety critical event risk due to

⁹ Neale, V. L., Dingus, T. A., Klauer, S.G., Sudweeks, J., and Goodman, M., "An Overview of the 100-Car Naturalistic Study and Findings," ESV Paper 05-0400, June 2005.

¹⁰ Dingus, T. A., Klauer, S.G., Neale, V. L., Petersen, A., Lee, S. E., Sudweeks, J., Perez, M. A., Hankey, J., Ramsey, D., Gupta, S., Bucher, C., Doerzaph, Z. R., Jermeland, J., and Knippling, R.R., "The 100-Car Naturalistic Driving Study, Phase II—Results of the 100-Car Field Experiment," DOT HS 810 593, April 2006.

¹¹ Klauer, S.G., Dingus, T.A., Neale, V.L., Sudweeks, J.D., and Ramsey, D.J., "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data," DOT HS 810 594, April 2006.

¹² Guo, F., Klauer, S.G., McGill, M.T., and Dingus, T.A., "Task 3—Evaluating the Relationship Between Near-Crashes and Crashes: Can Near-Crashes Serve as a Surrogate Safety Metric for Crashes?" DOT HS 811 382, September 2010.

¹³ Klauer, S.G., Guo, F., Sudweeks, J.D., and Dingus, T.A., "An Analysis of Driver Inattention Using a Case-Crossover Approach On 100-Car Data: Final Report," DOT HS 811 334, May 2010.

¹⁴ Neale, V.L., Dingus, T.A., Klauer, S.G., Sudweeks, J., and Goodman, M., "An Overview of the 100-Car Naturalistic Study and Findings," ESV Paper 05-0400, June 2005.

¹⁵ Olson, R.L., Hanowski, R.J., Hickman, J.S., and Bocanegra, J., "Driver Distraction in Commercial Vehicle Operations," FMCSA-RRR-09-042, September 2009.

¹⁶ Hanowski, R.J., Blanco, M., Nakata, A., Hickman, J.S., Schaudt, W.A., Fumero, M.C., Olson, R.L., Jermeland, J., Greening, M., Holbrook, G.T., Knippling, R.R., and Madison, P., "The Drowsy Driver Warning System Field Operational Test, Data Collection Methods," DOT HS 811 035, September 2008.

¹⁷ Blanco, M., Hickman, J.S., Olson, R.L., Bocanegra, J.L., Hanowski, R.J., Nakata, A., Greening, M., Madison, P., Holbrook, G.T., and Bowman, D., "Investigating Critical Incidents, Driver Restart Period, Sleep Quantity, and Crash Countermeasures in Commercial Vehicle Operations Using Naturalistic Data Collection," in press, 2008.

drivers engaging in text messaging, there was no text messaging observed during the 100-Car Study. This is because the widespread popularity of text messaging did not occur until after the 100-Car Study data collection was completed.

Other sources of differences between the results obtained from analyses of the 100-Car Study and those obtained from the Two Study FMCSA Analyses are that one of the heavy truck studies (the Drowsy Driver Warning System Field Operational Test) covered sample situations likely to produce drowsiness

(e.g., long nighttime drives in uneventful conditions). In addition, both truck studies involved work situations.

2. Summary of Naturalistic Driving Study Distraction Risk Analyses

Figure 1 gives a graphical representation of some of the secondary task risk odds ratios determined from the 100-Car Study and the Two Study FMCSA Analyses. In this figure, a risk odds ratio of 1.00 (shown as "1" in the figure) equates to the risks associated

with typical undistracted driving. Risk odds ratios above 1.00 indicate secondary tasks that increase driving risks while risk odds ratios below 1.00 indicate protective effects (i.e., performing these secondary tasks makes a crash or near-crash event less likely to occur than driving and not performing any secondary task.) This figure provides a quick, visual summary of the risks associated with performing a variety of secondary tasks while driving both light and heavy vehicles.

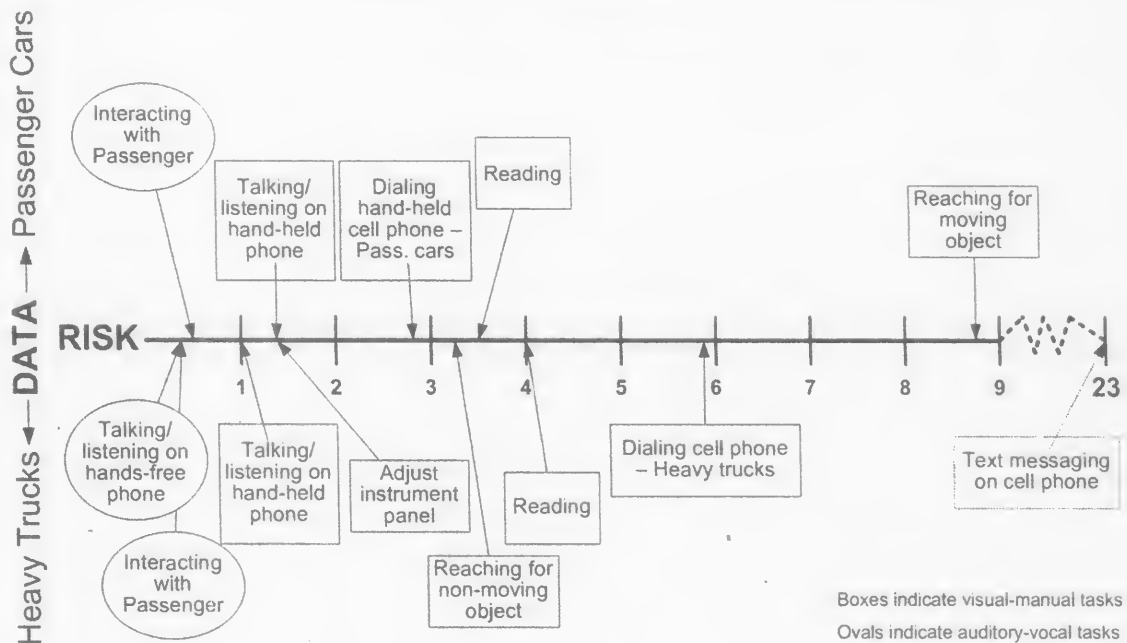


Figure 1: Risk Odds Ratios Determined by the 100-Car Study Analyses and Two Study FMCSA Analyses

The various naturalistic data study analyses established several important points about driver distraction which are directly relevant to the NHTSA Guidelines for reducing driver distraction due to device interface design:

- Secondary task performance is common while driving. They were observed during the majority (54%) of the randomly selected baseline time segments analyzed during the 100-Car Study analyses. Some secondary task performance involves the use of electronic devices; these secondary tasks are the primary focus of this document.

- Secondary task performance while driving has a broad range of risk odds ratios associated with different secondary tasks. The observed risk odds ratios range from 23.2, indicating a very large increase in crash/near-crash risk to 0.4 indicating a large protective effect. Again, a risk ratio of 1.0 means that a secondary task has the same risk as average driving; a risk ratio of 23.2 means that risk associated with performance of this secondary task is increased by 2,220 percent compared to average driving. Any value less than 1.0 indicates a situation with less risk than average driving, indicating a protective effect; a risk ratio of 0.4 means that risk

associated with performance of this secondary task is reduced by 60 percent compared to average driving. This indicates that it may be possible to improve at least some secondary tasks with high risk odds ratios (i.e., risky tasks) so as to make them substantially safer to perform. The logical place to reduce crash/near-crash risk odds ratios for these secondary tasks is through improvements to their driver interface.

- Naturalistic driving research shows that the secondary tasks with the highest risk odds ratios have primarily visual-manual interactions with a relatively small cognitive component. While, every secondary task results in some cognitive load, some tasks that

may not require a lot of thought, such as Reaching for a Moving Object, are towards the right side of Figure 1. The secondary tasks "Interacting with Passenger" and "Talking/Listening on Hands-Free Phone" create a low visual-manual load for the driver. Both of these secondary tasks have risk odds ratios that are statistically significantly less than 1.00 (at the 95 percent confidence level). These two secondary tasks appear to have protective effects.

Since primarily visual-manual secondary tasks have the highest risk odds ratios, and because measurement of cognitive distraction needs further research, the NHTSA Guidelines will initially only apply to the visual-manual aspects of devices' driver interfaces. Phase 3 of these NHTSA Guidelines will cover the auditory-vocal portions of device interfaces.

- Long (greater than 2.0 seconds) glances by the driver away from the forward road scene are correlated with increased crash/near-crash risk. When drivers glance away from the forward roadway for greater than 2.0 seconds out of a 6-second period, their risk of an unsafe event substantially increases relative to the baseline.

NHTSA's Comprehensive Response to Driver Distraction

NHTSA's safety mission is to "save lives, prevent injuries, and reduce economic costs due to road traffic crashes." One focus of this mission is to prevent road traffic crashes for which driver distraction is a contributing factor.¹⁸

In June 2012, NHTSA released a "Blueprint for Ending Distracted Driving."¹⁹ This is an update of the "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program,"²⁰ which was released in April 2010. These two documents summarize NHTSA's planned steps to "help in its long-term goal of eliminating a specific category of crashes—those attributable to driver distraction."²¹ NHTSA's work to eliminate driver distraction-related crashes consists of four main initiatives:

1. Improve the understanding of the extent and nature of the distraction problem. This includes improving the quality of data NHTSA collects about distraction-related crashes and improving analysis techniques.

2. Reduce the driver workload associated with performing tasks using original equipment, aftermarket, and portable in-vehicle electronic devices by working to limit the visual, manual, and cognitive demand associated with secondary tasks performed using these devices. Better device interfaces will minimize the time and effort involved in a driver performing a task using the device. Minimizing the workload associated with performing secondary tasks with a device will permit drivers to maximize the attention they focus toward the primary task of driving.

3. Keep drivers safe through the introduction of crash avoidance technologies. These include the use of crash warning systems to re-focus the attention of distracted drivers as well as vehicle-initiated (i.e., automatic) braking and steering to prevent or mitigate distracted driver crashes. Research^{22 23 24 25} on how to best warn distracted drivers in crash imminent situations is also supporting this initiative. NHTSA is also performing a large amount of research on forward collision avoidance and mitigation technologies such as Forward Collision Warning, Collision Imminent Braking, and Dynamic Brake Assist.

4. Educate drivers about the risks and consequences of distracted driving. This includes targeted media messages, drafting and publishing sample text-messaging laws for consideration and possible use by the states, and publishing guidance for a ban on text messaging by Federal government employees while driving.

This notice is part of NHTSA's effort to address the second of these initiatives, reducing driver workload by working to limit the visual and manual demand associated with in-vehicle

electronic device interface designs. As discussed in NHTSA's Driver Distraction Program, NHTSA's intent is to "develop voluntary guidelines for minimizing the distraction potential of in-vehicle and portable devices."²⁶ The current notice contains voluntary NHTSA Guidelines only for OE in-vehicle electronic devices; portable and aftermarket electronic devices will be addressed by Phase 2 of the NHTSA Guidelines.

Drivers perform primary tasks to directly control the vehicle (e.g., turning the steering wheel, pressing on the accelerator and throttle pedal, and others). Primary tasks include all vehicle control tasks necessary for safe driving.

Drivers may also perform secondary tasks. Secondary tasks are performed for purposes other than direct control of the vehicle (e.g., communications, entertainment, informational, and navigation tasks among others).

Drivers may perform secondary tasks using an in-vehicle electronic device. If they do, they interact with the electronic device through its driver interface. These interfaces can be designed to accommodate interactions that are visual-manual (visual display and manual controls), auditory-vocal, or a combination of the two. Some devices may allow a driver to perform a task through either manual control manipulation with visual feedback, or through voice command with auditory feedback to the driver.

For the purposes of this document, a driver's interactions with device interfaces are described by two functional categories based on the mode of interaction: visual-manual and auditory-vocal. Visual-manual interactions involve the driver looking at a device, making inputs to the device by hand (e.g., pressing a button, rotating a knob), and/or the device providing visual feedback being provided to the driver. Auditory-vocal interactions involve the driver controlling the device functions through voice commands and receiving auditory feedback from the device. A single interface may accommodate both visual-manual and auditory-vocal interactions.

These voluntary NHTSA Guidelines apply to in-vehicle OE electronic device tasks performed by the driver through visual-manual means. The goal of these Guidelines is to discourage the implementation of tasks performed using in-vehicle electronic devices

²² Lerner, N., Jenness, J., Robinson, E., Brown, T., Baldwin, C., and Llaneras, R., "Crash Warning Interface Metrics: Final Report," DOT HS 811 470a, August, 2011.

²³ Robinson, E., Lerner, N., Jenness, J., Singer, J., Huey, R., Baldwin, C., Kidd, D., Roberts, D., and Monk, C., "Crash Warning Interface Metrics: Task 3 Final Report: Empirical Studies of Effects of DVI Variability" DOT HS 811 470b, August, 2011.

²⁴ Robinson, E., Lerner, N., Jenness, J., Singer, J., Huey, R., Baldwin, C., Kidd, D., Roberts, D., and Monk, C., "Crash Warning Interface Metrics: Task 3 Report Appendices" DOT HS 811 470c, August, 2011.

²⁵ Forkenbrock, G., Snyder, A., Heitz, M., Hoover, R.L., O'Harra, B., Vasko, S., and Smith, L., "A Test Track Protocol for Assessing Forward Collision Warning Driver-Vehicle Interface Effectiveness," DOT HS 811 501, July 2011.

²⁶ "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program," DOT HS 811 299, April 2010. Available at http://www.nhtsa.gov/staticfiles/nti/distracted_driving/pdf/811299.pdf, P. 21.

¹⁸ Information on NHTSA's efforts to address this problem can be found at <http://www.distraction.gov/>.

¹⁹ "Blueprint for Ending Distracted Driving," DOT HS 811 629, June 2012. Accessed at: <http://www.distraction.gov/download/campaign-materials/8747-811629-060712-v5-Opt1-Web-tag.pdf>.

²⁰ "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program," DOT HS 811 299, April 2010. Accessed at http://www.nhtsa.gov/staticfiles/nti/distracted_driving/pdf/811299.pdf.

²¹ Ibid.

unless the tasks and driver interfaces are designed to minimize driver workload when performing the tasks while driving. These Guidelines specify criteria and acceptance test protocols for assessing whether a secondary task performed using an in-vehicle electronic device may be suitable for performance while driving, due to its minimal impact on driving performance and, therefore, safety. These Guidelines also identify secondary tasks that interfere with a driver's ability to safely control the vehicle and to categorize those tasks as being unsuitable for performance by the driver while driving.

III. The February 2012 Proposed NHTSA Guidelines and Comments

A. The Initial Notice Proposing the NHTSA Guidelines

On February 24, 2012, NHTSA published in the **Federal Register**²⁷ an Initial Notice proposing the first phase of its voluntary Driver Distraction Guidelines. The first phase covers electronic devices installed in vehicles as original equipment (OE) that are operated by the driver through visual-manual means (i.e., the driver looks at a device, manipulates a device-related control with his or her hand, and/or watches for visual feedback). Because the driver distraction crash statistics discussed above showed that the types of secondary tasks correlated with the highest crash/near crash risk odds ratios primarily had visual-manual means of interaction, this first phase of guidelines focuses on visual-manual interfaces.

The goal of the Phase 1 NHTSA Guidelines is to limit potential driver distraction associated with secondary visual-manual tasks (e.g., information, navigation, communications, and entertainment) performed using OE electronic devices. In drafting the proposed NHTSA Guidelines, the agency excluded primary driving controls and displays (e.g., instrument gauges, or telltales) from the scope of the proposed NHTSA Guidelines because operating these systems is part of the primary driving task. However, NHTSA does believe that controls and displays for primary driving tasks should be designed for efficient performance of tasks and to minimize distraction. Likewise, the agency excluded collision warning or vehicle control systems designed to aid the driver in controlling the vehicle and avoiding crashes. These systems are meant to capture the driver's attention.

Finally, the agency excluded heating-ventilation-air conditioning (HVAC) adjustment tasks performed through dedicated HVAC controls from the scope of the proposed NHTSA Guidelines, but notes that efficient design of such controls and displays is recommended to minimize distraction.

In developing its proposed guidelines, NHTSA studied various existing guidelines relating to driver distraction prevention and reduction and found the "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems" developed by the Alliance of Automobile Manufacturers (Alliance Guidelines²⁸) to be the most complete and up-to-date. The Alliance Guidelines provided valuable input in current NHTSA efforts to address driver distraction issues. While NHTSA drew heavily on that input in developing the proposed NHTSA Guidelines, it incorporated a number of changes to further enhance driving safety, enhance guideline usability, improve implementation consistency, and incorporate the latest driver distraction research findings.

NHTSA focused its distraction research on light vehicles because they comprise the vast majority of the vehicle fleet, instead of heavy trucks, medium trucks, motorcoaches, or motorcycles. On this basis, the agency proposed to limit the NHTSA Guidelines to light vehicles, i.e., all passenger cars, multipurpose passenger vehicles, and trucks and buses with a Gross Vehicle Weight Rating (GVWR) of not more than 10,000 pounds. While much of what NHTSA has learned about light vehicle driver distraction may apply to other vehicle types, additional research is necessary to assess whether all aspects of the NHTSA Guidelines apply to those vehicle types.

The proposed NHTSA Guidelines were based upon a limited number of fundamental principles. These principles include:

- The driver's eyes should usually be looking at the road ahead,
- The driver should be able to keep at least one hand on the steering wheel while performing a secondary task (both driving-related and non-driving related),
- The distraction induced by any secondary task performed while driving should not exceed that associated with

a baseline reference task (manual radio tuning).

- Any task performed by a driver should be interruptible at any time.
- The driver should control the pace of task interactions, not the system/device, and
- Displays should be easy for the driver to see and content presented should be easily discernible.

The proposed NHTSA Guidelines listed certain secondary tasks believed by the agency to interfere inherently with a driver's ability to safely control the vehicle. The proposed NHTSA Guidelines referred to these as tasks as "per se lock outs." The proposed NHTSA Guidelines recommended that in-vehicle devices be designed so that they could not be used by the driver to perform such tasks while driving. The list of tasks considered to inherently interfere with a driver's ability to safely operate the vehicle included: displaying images or video not related to driving; displaying automatically scrolling text; manual text entry of more than six button or key presses during a single task; or reading more than 30 characters of text (not counting punctuation marks) during a single task. The proposed NHTSA Guidelines specified that these recommendations were intended to prevent the driver from engaging in tasks such as watching video footage, visual-manual text messaging, visual-manual internet browsing, or visual-manual social media browsing while driving. These recommendations were not intended to prevent the safe display of images related to driving, such as images depicting the blind area behind a vehicle.

For all other secondary visual-manual tasks, the proposed NHTSA Guidelines recommended multiple task acceptance test methods that could be used for measuring the impact of performing a task on driving safety. Acceptance criteria were proposed to assess whether a task interferes too much with driver attention to be suitable for performance while driving. If a task does not meet the acceptance criteria, the proposed NHTSA Guidelines recommended that OE in-vehicle devices be designed so that the task could not be performed by the driver while driving.

The proposed Guidelines included two test methods preferred by NHTSA for use in assessing whether a task interferes too much with driver attention. One method measured the amount of time that the driver's eyes are drawn away from the roadway during the performance of the task. Research shows that the driver looking away from the roadway is correlated with an increased risk of a crash or near-crash.

²⁷ "Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices, Notice of Proposed Federal Guidelines." 77 FR 11200 (February 24, 2012).

²⁸ Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems." June 26, 2006 version, Alliance of Automobile Manufacturers, Washington, DC.

The proposed NHTSA Guidelines recommended that devices be designed so that tasks could be completed by the driver while driving with: A mean eye glance duration away from the roadway of 2 seconds or less; 85 percent of eye glance durations away from the roadway being 2 seconds or less; and a cumulative time spent glancing away from the roadway of 12 seconds or less. The second proposed test method used a visual occlusion technique to ensure that a driver could complete a task in a series of 1.5-second glances with a cumulative time spent glancing away from the roadway of not more than 9 seconds.

In addition to identifying substantially distracting tasks and providing a means for measuring and evaluating the level of distraction associated with other visual-manual secondary tasks, the proposed NHTSA Guidelines contained other interface recommendations for in-vehicle electronic devices to minimize their potential for distraction. For example, the proposed NHTSA Guidelines recommended that all device functions designed to be performed by the driver through visual-manual means should require no more than one of the driver's hands to operate. Another example was the recommendation that each device's active display should be located as close as practicable to the driver's forward line of sight and included a specific recommendation for the maximum downward viewing angle to the geometric center of each display.

The agency proposed that the NHTSA Guidelines would cover any OE electronic device that the driver could easily see and/or reach (even if intended for use solely by passengers). However, the agency proposed to limit the applicability of the NHTSA Guidelines by excluding any device located fully behind the front seat of the vehicle or any front-seat device that cannot reasonably be reached or seen by the driver.

NHTSA stated in the Initial Notice that it had opted to pursue nonbinding, voluntary guidelines rather than a mandatory Federal Motor Vehicle Safety Standard (FMVSS). NHTSA explained that voluntary guidelines are appropriate at this time because additional research is needed on distraction and its effect on driving and because of the rapid pace of technology changes in the area of in-vehicle electronic devices. The agency also noted concerns with the sufficiency of existing data to estimate the benefits of an in-vehicle electronic device regulation and that driver distraction testing involves drivers with inherent

individual differences. These individual differences present new challenges to NHTSA in terms of developing repeatable, objective test procedures to determine conformance.

In the Initial Notice, NHTSA sought comment on how to revise the proposed NHTSA Guidelines to improve motor vehicle safety. Because these Guidelines are voluntary and nonbinding, they will not require action of any kind, and for that reason they will not confer benefits or impose costs. Nonetheless, and as part of its continuing research efforts, NHTSA sought comments on the potential benefits and costs that would result from voluntary conformance with the draft Guidelines.

Much of the remainder of this notice analyzes and responds to comments that NHTSA received on the Initial Notice. The following subsection gives an overall summary of the comments that were received. The next section of this notice contains a detailed, issue-by-issue analysis and response to the comments on the Initial Notice.

Summary of Comments on the Proposed NHTSA Guidelines

NHTSA received comments from a total of 83 entities in response to its Initial Notice proposing Phase 1 of its Driver Distraction Guidelines. These comments came from government entities, industry associations, automotive and equipment manufacturers, consumer and safety advocacy organizations, university and research organizations, and individuals. A number of entities submitted more than one set of comments.

Government entities providing comments were:

- The National Transportation Safety Board (NTSB), and
- The Texas Department of Transportation.

Industry associations submitting comments were:

- The Alliance of Automobile Manufacturers (Alliance),
- American Insurance Association,
- Connected Vehicle Trade Association,
- The German Association of the Automotive Industry,
- Global Automakers, and
- The Motor & Equipment Manufacturers Association (MEMA).

Vehicle manufacturers submitting comments were:

- American Honda Motor Co., Inc.,
- BMW of North America, LLC,
- Chrysler Group LLC,
- Ford Motor Company,
- General Motors LLC (GM),
- Hyundai Motor Group,
- Mercedes-Benz USA, LLC,

- Nissan North America, Inc.,
- Toyota Motor North America, Inc.,
- Volkswagen Group of America,
- Volvo Car Corporation, and
- Volvo Group.

Aftermarket product manufacturers were:

- Applikompt Applied Computer Technologies Inc.,
- Agero, Inc.,
- Garmin International, Inc.,
- Global Mobile Alert Corporation,
- Gracenote,
- Lindsey Research Services,
- Monotype Imaging Inc.,
- Nuance Communications, and
- Realtime Technologies, Inc.

Organizations submitting comments were:

- The AAA,
- Advocates for Highway and Auto Safety,
- Center for Auto Safety,
- Consumers Union,
- Distracted Driving Safety Alliance,
- Focus Driven Advocates for Cell Free Driving,
- Highway Safety and Technology,
- Insurance Institute for Highway Safety (IIHS),
- The International Organization for Standardization (ISO),
- The NAFA Fleet Management Association, and
- The National Safety Council.

University or Research Organizations commenting were:

- The Institute of Ergonomics (Germany),
- The National Advanced Driving Simulator (NADS) of the University of Iowa,
- The Swedish National Road and Transport Research Institute (VTI), and
- Wayne State University.

In addition, 39 individuals commented on the proposed Guidelines.

Comments were grouped into the 12 general areas listed below. The comments for nine general areas were further subdivided into individual issues. This resulted in a total of the following 51 individual issues:

- General Issues
 - NHTSA Should Issue a FMVSS Instead of Guidelines
 - The Alliance Guidelines Adequately Address Distraction
 - Suggestions to Wait for Better Data or Additional Research to be Completed
 - Suggestions for Using Voluntary Consensus Standards as a Basis for Developing NHTSA's Guidelines
 - NHTSA Should Publish the Phase 2 Guidelines Applicable to Portable and Aftermarket Devices as Soon as Possible
 - NHTSA Should Develop the Phase 3 Guidelines to Address Cognitive Distraction and Voice Interfaces as Soon as Possible

- NHTSA's Intentions for Future Updating of its Guidelines
 - Concerns about NHTSA's Apparent Reliance on Limited Amount of Research in Developing NHTSA's Guidelines
 - Concerns that Updating Vehicle Models To Meet the NHTSA Guidelines will be Expensive
 - Concerns About the NHTSA Guidelines Preventing "911" Emergency Calls
 - Concerns About the NHTSA Guidelines Preventing Passenger Use of Electronic Devices
 - Comments on Daytime Running Lights as a Major Cause of Driver Distraction
 - Issues Specific to the NHTSA Guidelines Stated Purpose
 - Concern That Failure to Meet the NHTSA Guidelines Could Result in Enforcement Action
 - NHTSA's Monitoring of Vehicles' Conformance to its Guidelines
 - Questions on Whether Automakers have to Perform Testing as Described in the NHTSA Guidelines?
 - Lead Time for the NHTSA Guidelines
 - Issues Relating to the Scope of the NHTSA Guidelines
 - Inclusion of Conventional Electronic Devices and Heating, Ventilation, and Air Conditioning in Scope of the NHTSA Guidelines
 - Confusion About Limiting Scope of NHTSA Guidelines to Non-Driving Activities
 - Suggestions to Expand Scope of the NHTSA Guidelines to Cover Medium and Heavy Trucks and Buses
 - Request That Scope of the NHTSA Guidelines Exclude Emergency Response Vehicles
 - Request That Scope of the NHTSA Guidelines Not Include Displays Required by Other Government Bodies
 - Definition of Driving and Lock Out Conditions
 - Automatic Transmission Vehicles—In Park Versus At or Above 5 mph
 - Definition of Driving for Manual Transmission Vehicles
 - Comments About Per Se Lock Out of Devices, Functions, and/or Tasks
 - The NHTSA Guidelines Should Not Recommend Per Se Lock Outs of Devices, Functions, and/or Tasks
 - Per Se Lock Out Relating to Reading
 - Per Se Lock Out of Manual Text Entry
 - Per Se Lock Out of Static Graphical and Photographic Images
 - Per Se Lock Out of Displaying Video Images—Dynamic Maps
 - Per Se Lock Out of Displaying Video—Trailer Hitching
- Per Se Lock Out of Automatically Scrolling Lists and Text
 - Requests for Clarification on the Acceptability of Technology That Allows the Driver and Passenger To See Different Content from Same Visual Display
 - Task Acceptance Test Protocol Issues
 - Suggestions for Other Acceptance Test Protocols
 - Concerns About the Use of Radio Tuning as Reference Task
 - NHTSA Has Not Shown That Tasks With TEORTs Longer Than 12 Seconds are Less Safe
 - Suggestions for More Stringent Task Acceptance Criteria
 - Concerns Expressed About Long Eye Glances
 - Eye Glance Measurement Issues
 - Occlusion Acceptance Test Criteria Issues
 - Suggestions to Include Effects of Workload Managers in Task Acceptance Criteria
 - Definition of Goal, Dependent Task, and Subtask
 - Driving Simulator Issues
 - Driving Simulator Specifications
 - Suggestions to Improve the Driving Scenario
 - Test Participant Issues
 - Test Participant Demographics
 - Test Participant Impartiality
 - Other Test Participant Qualifications
 - Test Participant Instructions, Training, and Practice
 - Device Response Time
- Recommendations
 - Downward Viewing Angle Issues
 - Miscellaneous Issues
 - Concerns About Recommendation That Drivers Should Have One Free Hand
 - Concerns About Device Sound Level Control Recommendations
 - Suggestion That the NHTSA Guidelines Should Recommend That All Devices can be Disabled
- The concerns and suggestions raised by commenters for all of these issues have been addressed in the following portions of this notice.

IV. Analysis of Proposal Comments by Issues

A. General Issues

1. NHTSA Should Issue a FMVSS Instead of Guidelines

a. Summary of Comments

Numerous comments focused on NHTSA's decision to promulgate voluntary guidelines rather than a regulation or to take no action at all. Voluntary guidelines were supported by

motor vehicle manufacturers and suppliers; regulations were supported by safety advocacy groups; and the preference for no action was supported by multiple individuals.

Support for promulgating voluntary guidelines was indicated by the majority of commenters. The following quote from the Motor & Equipment Manufacturers Association (MEMA) comments illustrates the position of those supporting voluntary guidelines:

MEMA agrees with the NHTSA approach to propose non-binding, voluntary guidelines—as opposed to regulations—because of the expedited technology growth in this sector as well as the need and desire for more research and data.²⁹

Support for promulgating a Federal Motor Vehicle Safety Standard (FMVSS) on driver distraction was indicated by: Advocates for Highway and Auto Safety (Advocates), Center for Auto Safety, and Focus Driven Advocates for Cell Free Driving.

Detailed comments responding to points made by NHTSA rationalizing the appropriateness of voluntary guidelines were submitted by Advocates. In response to NHTSA's point that this is an area in which learning continues, and at this time, continued research is both necessary and important, Advocates said:

Advocates concurs that continued research and learning is always necessary with any regulation and new technology, both prior to and after implementation, to ensure that the regulation meets the needs of the motoring public and safety. However, convincing and compelling research has already been conducted on the subject of distracted driving. The research, cited in this and other related notices regarding distractions due to electronic devices in motor vehicles, shows that distracted driving has an increased association with visual distractions that divert driver vision from the road, manual distractions that reduce the physical ability of drivers to control the vehicle, and cognitive distractions that reduce attention and mental focus to the driving task.³⁰ By their very nature these types of distractions interfere with or reduce the ability of the driver to operate a vehicle safely and warrant regulation.³¹

²⁹ Comments received from the Motor & Equipment Manufacturers Association, pp. 1–2. Accessed at www.regulations.gov. Docket NHTSA–2010–0053, Document Number 0091.

³⁰ Federal Motor Carrier Safety Administration Final Rule. Limiting the Use of Wireless Communication Devices, 75 FR 59118, 59120–121 (Sept. 27, 2010) (“In work involving equipment such as vehicles, one distraction classification system includes three categories: visual (taking one's eyes off the road), physical (taking one's hands off the wheel), and cognitive (thinking about something other than the road/driving).”)

³¹ Comments received from the Advocates for Highway and Auto Safety, p. 6. Accessed at

In response to NHTSA's point that technology is changing rapidly and a static rule put in place at this time may face unforeseen problems and issues as new technologies are developed and introduced, Advocates said:

Technology is constantly changing, in every aspect of safety, but that cannot be used as an excuse to avoid establishing minimum levels of safe operation for motor vehicles. The fact that future technological advances are likely should not prevent the need for minimum safety requirements. NHTSA has clearly identified the problem as distraction from the driving task, a safety problem that is independent of the specific distracting technology. While future technologies may involve different levels of driver distraction, the problem of driver focus being diverted from the task of operating a motor vehicle safely remains a constant. It makes no sense to avoid regulating current technologies that are overly distracting because future developments may present additional technological distractions. Assuming that the NHTSA guidelines embody the proper limitations on secondary tasks, they could apply to future as well as current technologies. Moreover, establishing regulations that prohibit the installation of new devices unless research clearly indicates that the device does not impair a driver's ability to operate a motor vehicle safely would apply equally to all new electronic devices regardless of technology.³²

In response to NHTSA's point that available data are not sufficient at this time to permit accurate estimation of the benefits and costs of a mandatory rule in this area, Advocates said:

Finally, the agency cites the limitation of data to accurately estimate the benefits and costs of a mandatory rule in this area. However, the agency indicates that "17 percent (an estimated 899,000) of all police reported crashes involved some type of driver distraction in 2010. Of those 899,000 crashes, distraction by a device/control integral to the vehicle was reported in 26,000 crashes (3% of the distraction-related police reported crashes)." By that account, a police-reported distracted driving crash occurs every 20 minutes involving a device/control integral to the vehicle. Furthermore, this is likely a conservative estimate of distraction-related collisions given the current difficulties in identifying distraction as a cause in crashes, the ability of law enforcement to discern distraction from in-vehicle devices for inclusion on police accident reports and the recording capability of current crash databases. * * * [G]iven the significant volume of crashes already recognized as linked to distraction, time spent waiting for new data amounts to unacceptable delay while people are needlessly injured or killed in these very preventable collisions.³³

www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0069.

³² Ibid, p. 7.

³³ Ibid, p. 8.

Advocates further commented that the organization did not believe that significant effort would be required to arrive at an estimate of benefits.

Support for the "take no action at all on driver distraction" position on driver distraction was indicated by multiple individual commenters. Typical of this position is the following quote from a comment from an individual:

I understand the need for regulations and appreciate that our government is trying to keep us safer, however, I also resent that our government has invaded every aspect of our lives to a ridiculous degree. This proposal, Docket No. NHTSA-2010-0053 Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices is another example of taking things too far. Immediate communications in today's society has become a necessity and instead of proposing doing away with or placing severe restrictions on everyone, place harsher sentences for people who cause accidents due to distracted driving. GPS navigation is a plus for those who are directionally challenged or those who have to make deliveries to locations to which they are unfamiliar. The many should not be restricted because of the few.³⁴

b. NHTSA's Response

NHTSA declines to take no action to mitigate driver distraction, as suggested by some commenters. As discussed both earlier in this notice, and in the Initial Notice, NHTSA's crash data show that 17 percent (an estimated 899,000) of all police-reported crashes in 2010 involved some type of driver distraction. These distraction-related crashes lead, on the average, to thousands of fatalities (3,092 fatalities or 9.4 percent of those killed in 2010) and over 400,000 injured people each year (approximately 17 percent of annual injuries). This large number of fatalities, injuries, and crashes motivates NHTSA to take appropriate action to reduce these numbers.

In response to the comments that NHTSA should issue a regulation instead of voluntary guidelines, NHTSA explained in the Initial Notice that voluntary guidelines are appropriate at this time because of the need for additional research on distraction and its effect on driving and because of the rapid pace of technology changes in the area of in-vehicle electronic devices. The agency also noted concerns with the sufficiency of existing data to estimate the benefits of an in-vehicle electronic device regulation and that driver distraction testing involves drivers with inherent individual differences. These individual

differences present new challenges to NHTSA in terms of developing repeatable, objective test procedures to determine conformance. After carefully considering all of the comments, NHTSA continues to believe that voluntary guidelines are the appropriate action to take at this time to reduce the potential for driver distraction.

The commenters who supported regulation instead of guidelines appear to have based their concerns on the premise that manufacturers will ignore the NHTSA Guidelines and that the Guidelines will have a limited effect, if any, on distracted driving. However, many vehicle manufacturers have already indicated their commitment to mitigate distracted driving and have shown great interest in the NHTSA Guidelines, providing detailed comments and participating in the technical workshop and public meetings held by the agency on this subject. Based on this interest, NHTSA strongly believes that many manufacturers will choose to design visual-manual, in-vehicle device interfaces to conform to the NHTSA Guidelines, and that, while voluntary, the NHTSA Guidelines will have the effect of reducing the potential for driver distraction from these devices. The agency plans to monitor industry conformance to the Guidelines, which will aid in evaluating the Guidelines' effectiveness.

In considering Advocates' comments opposing the agency's stated reasons for adopting voluntary guidelines instead of regulations at this time, NHTSA agrees that the issues identified by the agency in the Initial Notice do not necessarily prevent the agency from issuing a regulation. However, if the agency were to pursue a regulatory approach, these issues would be a concern, and in light of the strong likelihood that manufacturers will choose to conform to the NHTSA Guidelines, NHTSA believes that voluntary guidelines are the appropriate action to take at this time to reduce driver distraction.

NHTSA emphasizes that the issuance of voluntary guidelines at this time does not represent a decision to never issue regulations in this area. NHTSA will continue to conduct and review research on distracted driving and collect relevant data. The agency will also monitor conformance with the NHTSA Guidelines through testing of production vehicles. As NHTSA gathers more information on distracted driving, the agency may decide, at some future time, that regulation in this area is warranted.

³⁴ Comments received from Michael S. Dale. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0006.

2. The Alliance Guidelines Adequately Address Distraction

a. Summary of Comments

Comments were received from BMW Group, General Motors, and Mercedes-Benz USA, LLC, recommending that NHTSA should adopt the current voluntary Alliance Guidelines without modification. BMW's comments were the most detailed on this issue. BMW stated:

The Notice states that NHTSA has been monitoring and conducting research of the implementation of the Alliance Guidelines, and found "(1) Manufacturers have different interpretations of the guidelines themselves, leading to different implementations, (2) newer techniques exist to evaluate these interfaces than existed nearly a decade ago, (3) the guidelines have not kept pace with technology, and (4) more recent data compiled from naturalistic driving studies implies that more stringent criteria are needed."

BMW would like to submit the following comments to each of the above NHTSA findings:

(1) NHTSA's communication with manufacturers on how they implement the guidelines and what tools are being used was limited. Differences in the results may also be the result of differences in the HMI design of each manufacturer.

* * * * *

(2) The proposed methods in the Federal Guidelines do not differ in terms of being new from what the Alliance Guidelines propose. The Federal Guidelines include measurements of glance behavior, as well as driving performance compared to an accepted reference task, and an occlusion method. The main difference among both sets of guidelines is that NHTSA has set unfounded more stringent performance criteria than the Alliance and eliminated performance testing in terms of driving behavior.

(3) NHTSA has not stated which particular new technology is not covered by the scope of the Alliance Guidelines. In fact, the Alliance guidelines actually refer to "new" information and communication technology and devices with visual and manual/visual interfaces.

(4) NHTSA only provides results for light weight vehicles from the 100-Car study. However, in this study no "new" technology besides nomadic devices was installed in the vehicles. In addition, NHTSA does not provide any real world safety data that shows the need for the Alliance criteria to be updated. NHTSA did however provide data from a study with professional truck drivers that should not be compared to normal drivers and light weight vehicles.

* * * * *

* * * BMW believes it is easier for vehicle manufacturers to agree to modifying current guidelines based on new emerging technologies, than for the Agency to go through Federal notices, commenting

periods, etc., to modify the Federal Guidelines.³⁵

On the other hand, Dr. Richard A. Young of the Wayne State University School of Medicine commented that the NHTSA Guidelines represent a potential opportunity to make much-needed updates to the Alliance Guidelines.³⁶

b. NHTSA's Response

After carefully reviewing all of the comments received on this point, NHTSA continues to believe that it should issue its own voluntary driver distraction guidelines that improve upon the Alliance Guidelines. Although the agency agrees with BMW that the NHTSA Guidelines adopt many of the same approaches contained in the Alliance Guidelines, the NHTSA Guidelines improve upon the Alliance Guidelines in a number of ways, and NHTSA believes that these improvements support the agency's decision to draft its own Guidelines.

First, NHTSA believes that distraction guidelines should be applicable to all communications, entertainment, information, and navigation devices installed in vehicles as original equipment. Although the Alliance Guidelines apply to new technology, as commented on by BMW, the Alliance Guidelines explicitly state that they are not intended to apply to common electronic devices referred to as "conventional information or communications systems," such as radios, CD players, cassette players, and MP3 players. However, even these conventional systems can potentially distract drivers and present a safety risk,³⁷ and, as in-vehicle systems continue to offer more functionality, the interfaces for these conventional systems could become more complex and potentially more distracting in the future. Accordingly, NHTSA believes that it is important to establish guidelines that are applicable to tasks associated with these systems.

Additionally, new guidelines are needed so as to incorporate the latest driver distraction research into the guidelines. There has been much research on driver distraction in the nearly seven years since the Alliance Guidelines were last updated. This research includes controlled human factors studies, naturalistic study

³⁵ Comments received from BMW Group, p. 4. Accessed at www.regulations.gov. Docket No. NHTSA-2010-0053, Document Number 0094.

³⁶ Comments of Dr. Richard A. Young, Docket No. NHTSA-2010-0053-0106.

³⁷ For example, the 100-car study indicated that operating a CD player as a risk odds ratio of 2.25. Again, a risk ratio of 1.0 means that a secondary task has the same risk as average driving.

analyses, and crash statistics studies examining the real world effects of distraction on safety. NHTSA believes that it is valuable to incorporate the results of this recent research into guidelines that serve to reduce or prevent driver distraction.

In particular, some of the more recent research suggests improvements that can be made to certain aspects of the Alliance Guidelines. For example, for the eye glance test protocol, the Alliance Guidelines use radio tuning as a reference task to establish the maximum recommended threshold for the total eyes off road time (TEORT) to complete a task. NHTSA believes that the Alliance Guidelines make a strong case for basing the maximum amount of distraction associated with a task on the level of distraction induced by performing a "reference task." We also agree that manual radio tuning is an appropriate reference task.

The Alliance Guidelines acceptance criterion for TEORT is 20 seconds, based on the organization's estimate of the 85th percentile TEORT for radio tuning. However, as described in the Initial Notice and in Section IV.F, NHTSA's recent research results suggested that the 85th percentile TEORT associated with radio tuning is 12 seconds rather than 20 seconds. Moreover, NHTSA's review of the Alliance's basis for the 20-second value revealed several statistical problems, described below in Section IV.F.2. Examining the data used by the Alliance, NHTSA used three methods to estimate the 85th percentile TEORT for radio tuning and the average of the three TEORT values was 12.33 seconds. Although NHTSA supports the reference-task approach used in the Alliance Guidelines, this research and analysis undermines the 20-second TEORT threshold in the Alliance Guidelines and indicates a need for more up-to-date driver distraction guidelines. Based on this research and confirmed by the agency's analysis of the data relied on in the Alliance Guidelines, the NHTSA Guidelines include a 12-second TEORT threshold.

NHTSA also used more recent research in designing the recommended test protocols. This research provided information regarding the robustness of eye glance metrics and protocol aspects such as sample size and its effect on the statistical validity of test results. A discussion of this research, completed from 2007 to 2011, is summarized in the Initial Notice.³⁸

NHTSA believes that Federal driver distraction guidelines are also necessary

³⁸ 77 FR 11207-11211.

in order to avoid potential safety risks not addressed by the Alliance Guidelines and to ensure that guidelines promoted by NHTSA are consistent with other Federal actions regarding distraction. For example, although the Alliance Guidelines list a few general categories of information that should always be inaccessible to the driver while driving (e.g., video, automatically-scrolling text), most activities are permitted if they meet the acceptance criteria. NHTSA believes that certain additional activities, including those that are discouraged by public policy and, in some instances, prohibited by Federal regulation and State law (e.g., entering or displaying text messages), should always be inaccessible to the driver while driving.

Another example relates to when excessively distracting tasks are accessible. The Alliance Guidelines recommend locking out tasks that do not meet the Alliance Guidelines while driving and define "driving" as when the vehicle speed is 5 mph or greater. Thus, excessively distracting tasks can be performed when the vehicle is moving slowly or stopped in traffic. However, as described in detail in Section IV.D below, NHTSA is concerned about the safety risk associated with allowing excessively distracting tasks to be performed by while a vehicle is in motion or in traffic and notes that the relevant Federal statute, regulations, and Executive Order related to texting while driving define "driving" to include the operation of a vehicle while temporarily stopped because of traffic, a traffic light or stop sign or other momentary delays. Accordingly, NHTSA has defined *driving* to include all situations in which the vehicle's engine or motor is operating unless the vehicle is in Park or, for manual transmission vehicles, an equivalent condition.

NHTSA has also identified some aspects of the current Alliance Guidelines that are loosely specified and believes it is necessary to provide well-specified test criteria in order to have a standardized test for measuring the impact of secondary task performance and determining whether the task is acceptable for performance while driving. Otherwise, implementation of the guidance may be inconsistent because of varying interpretations in the industry. In particular, a clear definition of a "task" must be asserted to specify the series of driver actions needed to perform a secondary task that should be assessed for conformance to guidelines criteria. While the definition of a task used in the Alliance Guidelines is short and

conceptually clear,³⁹ it can be difficult to determine whether a certain activity should be considered one task or several. This is particularly challenging to do for devices and tasks that have not yet been developed. The Alliance Guidelines also provide little information about test participant characteristics and do not indicate how many participants should be tested.

Accordingly, NHTSA is specifying a recommended test procedure that is straight-forward, clearly defined, and well-substantiated to aid the voluntary adoption of its NHTSA Guidelines. Minimizing the opportunity for variability in carrying out the test procedure will ensure that manufacturers will be able to easily and consistently implement the NHTSA Guidelines across their light vehicle fleets.

Finally, in response to BMW's final point that "it is easier for *vehicle manufacturers to agree into [sic] modifying current guidelines based on new emerging technologies, than for the Agency to go through Federal notices, commenting periods, etc., to modify the Federal Guidelines,*"⁴⁰ (emphasis added by NHTSA), the agency notes that it is not just the vehicle manufacturers who are concerned about the effect of driver distraction on motor vehicle safety. In response to the Initial Notice, NHTSA received many comments from individual members of the general public, consumer advocacy organizations (e.g., Advocates for Highway and Auto Safety, Consumers Union) and other Government agencies (National Transportation Safety Board) all of whom were concerned about the contents of these guidelines. The input of all stakeholders, not just vehicle manufacturers, should be considered in taking action to reduce driver distraction. The advantage of issuing Federal guidelines is that by providing public notice and facilitating participation from various stakeholders through a public comment period, more information from different sources can be considered and evaluated as part of developing and updating the guidelines.

³⁹The Alliance Guidelines define a task as "a sequence of control operations (i.e., a specific method) leading to a goal at which the driver will normally persist until the goal is reached. Example: Obtaining guidance by entering a street address using the scrolling list method until route guidance is initiated."

⁴⁰Ibid.

3. Suggestions To Wait for Better Data or Additional Research To Be Completed

a. Summary of Comments

Comments were received from Agero, BMW Group, General Motors, Global Automakers, the National Safety Council, Toyota Motor North America, Inc., VDA, the German Association of the Automotive Industry, and Volkswagen Group of America recommending that NHTSA should delay issuance of its Guidelines (or, if NHTSA decided to issue its own guidelines now, make them identical to the current voluntary Alliance Guidelines on an interim basis) until better driver distraction data becomes available. One commonly mentioned upcoming source of better driver distraction data is that coming from the second Strategic Highway Research Program (SHRP2).

Performance of the SHRP2 program was authorized by Congress in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-59, signed by President George W. Bush on August 10, 2005) to address some of the most pressing needs related to the nation's highway system. It is managed by the Transportation Research Board on behalf of the National Research Council. One of the four research focus areas of SHRP2 is the Safety area. The goal of the Safety area is to:

Prevent or reduce the severity of highway crashes by understanding driver behavior. The Safety area is conducting the largest ever naturalistic driving study to better understand the interaction among various factors involved in highway crashes—driver, vehicle, and infrastructure—so that better safety countermeasures can be developed and applied to save lives.⁴¹

SHRP2's naturalistic data collection is currently in progress. This data collection is projected to be completed and the data is estimated to become available for analysis beginning in April 2014.

Volkswagen Group of America was typical of the commenters advocating that NHTSA wait until SHRP2 results become available before issuing its own guidelines. Quoting from the Volkswagen comments:

Volkswagen urges the agency to reconsider the current proposal. The agency should await the results of the ongoing Strategic Highway Research Program 2 (SHRP2). The SHRP2 naturalistic driving study was in large part motivated by the need to gain a better

⁴¹Information taken from the SHRP2 Web site. Accessed on July 5, 2012 at <http://www.trb.org/StrategicHighwayResearchProgram2SHRP2/General.aspx>.

understanding of driver distraction under conditions of real-world driving (as opposed to under experimental conditions). The comprehensive monitoring data collected under SHRP2 will provide evidence gathered under normal driving conditions by a wide range of drivers, the data from whom will show when and how they engage in secondary tasks while driving, including what happens when things go wrong. Given that more recent human factors studies have shown that the relationship between relative crash risk and simple eye glance metrics such as eyes-off-road time may be more complicated than first assumed, we believe that the data expected from SHRP2 will be essential to understanding whether or to what extent eye glance measures can be used to accurately assess distraction risk, or whether other performance-based measures are necessary for this purpose. We recommend that the Agency await the results of the SHRP2 project, and engage with the industry and academia in conducting peer-reviewed studies to support improved test methods and metrics.⁴²

In their comments, the National Safety Council discussed what they perceive as the limitations of naturalistic driving data for determining the adequacy of countermeasures for limiting and reducing driver distraction associated with the use of in-vehicle electronic devices while driving. Quoting from the National Safety Council comments:

Over-reliance on a single study design. The decision to release guidelines in three phases, rolled out over many years, with the first phase addressing visual-manual use of electronic devices, is based on the findings of only three studies. Each of these studies has significant limitations. NSC believes that Federal guidelines with the potential to influence the safety of vehicles should be based on a much broader range of research.

Naturalistic driving studies have been described by those involved with this research as the "gold standard" in traffic safety research. Certainly there are some driver distraction insights that can be uniquely gained by this study design; for example, in-vehicle cameras record crash factors that otherwise may never be captured. However, the National Safety Council believes it is inappropriate to rely so heavily on only one study design with a limited number of participants and crashes. NSC does not believe there is any single gold standard study design. There simply is no perfect study design for an issue as complex as traffic safety. All study designs—including naturalistic studies—have strengths and limitations.

The best approach is to base decision-making on the findings of numerous studies of different designs, conducted by varying research institutions. If there is a convergence of similar findings from studies

of varying designs, conducted by different researchers with different participant populations, NSC believes that convergence of findings deserves careful attention.⁴³

b. NHTSA's Response

After carefully reviewing all of the comments received in response to the Initial Notice, NHTSA continues to believe that it should issue its voluntary Driver Distraction Guidelines immediately with this notice based on its current research base. However, NHTSA emphasizes that the agency remains open to amending the NHTSA Guidelines in the future in response to the results of SHRP2.

NHTSA has been sponsoring outside research and performing in-house research on driver distraction for approximately 20 years. In addition, during this time NHTSA has reviewed much of the research performed by academia, the motor vehicle industry, other Government agencies, and other organizations. Although the NSC is correct that there is no one gold standard study design or approach, there is in fact currently no better method for establishing crash risk for distracting behaviors than naturalistic driving studies. Experimental studies conducted with simulators and test-tracks are excellent for observing how distracting behaviors can affect driver performance measures such as reaction times to critical events, lane keeping performance, headway maintenance, and visual attention, but they cannot estimate crash risk. In addition, experimental methods do not capture the critical element of when drivers choose to engage in distracting behaviors. Naturalistic driving studies measure distracting behaviors *as drivers actually choose to engage in them in their normal driving conditions and patterns*, and they establish the crash risk associated with those distracting behaviors. Dozens of experimental studies (see Regan, Lee, and Young, 2009) have demonstrated key distraction effects like slower reaction times, but researchers can only estimate the impact of those effects on the potential for crash consequences. Although naturalistic driving studies cannot measure precise driving performance decrements like experimental studies can, naturalistic driving studies are able to determine whether the behaviors associated with those performance decrements actually lead to elevated crash risk. Accordingly, NHTSA feels strongly that the referenced naturalistic driving studies

provide sufficient justification for pursuing the selected test method and thresholds.

NHTSA eagerly awaits results from SHRP2, which should materialize in the next two to three years, the agency's own naturalistic cell phone data collection, and other in-progress or planned research. However, the agency notes SHRP2 is a far-reaching naturalistic driving study that was designed to address a variety of issues related to nation's highway system, including the high toll taken by highway deaths and injuries, aging infrastructure that must be rehabilitated with minimum disruption to users, and congestion stemming both from inadequate physical capacity and from events that reduce the effective capacity of a highway facility. Although distraction is an important topic for SHRP2 data, it is not one of the primary motivations for the program as suggested by Volkswagen. NHTSA strongly believes that the data gained from completed naturalistic driving studies and other research into visual attention measures is sufficient and provides a reasonable basis to proceed with the immediate issuance of Phase 1 of the voluntary NHTSA Guidelines.

A major reason compelling NHTSA to release Driver Distraction Guidelines now is that they are based on a number of fundamental principles related to driver distraction that are unlikely to be contradicted by future research. These principles are:

- The driver's eyes should usually be looking at the road ahead.
- The driver should be able to keep at least one hand on the steering wheel while performing a secondary task (both driving-related and non-driving related).
- The distraction induced by any secondary task performed while driving should not exceed that associated with a baseline reference task (manual radio tuning).
- Any task performed by a driver should be interruptible at any time.
- The driver should control the pace of task interactions, not the system/device, and
- Displays should be easy for the driver to see and content presented should be easily discernible.

Results from future research could cause NHTSA to consider changing some of the details of its Guidelines; however, modification of any of these basic principles is unlikely.

SHRP2's naturalistic data collection is projected to be completed and the data become available for analysis in March 2014. Allowing a reasonable amount of time to evaluate the results and draft guidelines based on those results,

⁴² Comments received from Volkswagen Group of America, Inc., p. 7. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0101.

⁴³ Comments received from the National Safety Council, pp. 2-3. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0085.

awaiting the results from SHRP2 could result in approximately a three-year delay versus issuing NHTSA's Phase 1 Guidelines immediately.

There are practical consequences to delaying the issuance of the NHTSA Guidelines. As discussed above, the most recent crash data available, 2010 data, show that 899,000 motor vehicle crashes involved a report of a distracted driver. These distraction-related crashes lead, on the average, to thousands of fatalities (3,092 fatalities) and over 400,000 injured people each year. NHTSA believes that the voluntary Guidelines are an important step towards reducing the number of these crashes and resulting fatalities, and, therefore, there is a need to issue them as soon as possible.

In summary, NHTSA believes that it has sufficient information to issue good Driver Distraction Guidelines immediately that will reduce the driver distraction safety problem. With the greater flexibility afforded by voluntary guidelines, NHTSA expects that it will be able to rapidly modify its Guidelines should SHRP2 results indicate ways in which to make the NHTSA Guidelines more effective.

4. Suggestions for Using Voluntary Consensus Standards as a Basis for Developing NHTSA's Guidelines

a. Summary of Comments

Comments were received from Dr. Paul Green and American Honda Motor Company drawing NHTSA's attention to two SAE recommended practices, SAE J2364 and J2365. Both commenters disagree with NHTSA's statement in the Initial Notice that:

The agency is not aware of any applicable voluntary consensus standards that are appropriate for driver distraction stemming from driver interactions with in-vehicle electronic devices.

Dr. Green's comments go on to state:

The NHTSA guidelines are based on the Alliance of Automobile Manufacturers (AAM) guidelines, which are an elaboration of the European Statement of Principles. The process by which the Statement of Principles was developed is not well known, but what matters most is that the AAM is not a recognized standards development organization. Their standards were not developed in meetings the public could attend, there were no well-advertised calls for public comment, and other requirements for recognized standards development organization were not followed.⁴⁴

Comments were also received from American Honda Motor Company and

the International Organization for Standardization (ISO) drawing NHTSA's attention to a variety of international standards for assessing driver distraction. Mentioned were: ISO 15007:2002, "Road Vehicles—Measurement of Driver Visual Behavior with Respect to Transport Information and Control Systems," ISO 16673:2007 "Road vehicles—Ergonomic Aspects of Transport Information and Control Systems—Occlusion Method to Assess Visual Demand due to the use of In-Vehicle Systems," and ISO 26022:2010, "Road vehicles—Ergonomic Aspects of Transport Information and Control Systems—Simulated Lane Change Test to Assess In-Vehicle Secondary Task Demand." The ISO also pointed out that, since NHTSA is interested in detection response tasks testing, a new ISO standard, WD 17488, "Road vehicles—Transport Information and Control Systems—Detection Response Task," is under development and encourages NHTSA to participate in a joint development approach.⁴⁵

b. NHTSA's Response

Three of the above mentioned recommended practices/international standards were not discussed in the Initial Notice. A short description of each is given followed by NHTSA's thoughts about that recommended practice/international standard.

SAE Recommended Practice J2364, "Navigation and Route Guidance Function Accessibility While Driving Rationale," establishes two alternative testing procedures for determining which navigation and route guidance functions should be accessible to the driver while the vehicle is in motion. (This recommended practice could be generalized to devices other than route navigation systems). The two testing procedures are a static completion time method and an interrupted vision (occlusion) method. Compliance criterion values are 15 seconds for the static completion time method (15-second rule) and 20 seconds Total Shutter Open Time (TSOT) for the occlusion method.

NHTSA performed research on the diagnostic properties of the static completion time test method during the late 1990's.⁴⁶ Ten participants, aged 55 to 69 years, completed 15 tasks,

including navigation system destination entry, radio tuning, manual phone dialing, and adjusting the Heating, Ventilation, and Air Conditioning (HVAC) controls in a test vehicle. Correlations between static task completion times and task completion times while driving were relatively low. The results were interpreted to mean that static measurement of task completion time was not sufficient for determining whether a task was so distracting that it should not be performed while driving. Based on these results, NHTSA looked to other metrics and methods for use in assessing secondary task distraction in subsequent research.

NHTSA does agree with the occlusion test method albeit with a different TSOT criterion than recommended by SAE J2364. For the procedural details of occlusion testing, NHTSA prefers ISO 16673:2007 which is an international voluntary consensus standard.

SAE Recommended Practice J2365, "Calculation of the Time to Complete In-Vehicle Navigation and Route Guidance Tasks," establishes a process for estimating the static completion time required to perform a task by decomposing the task into a series of goals, sub-goals, and actions and then assigning a static completion time estimate for each action. Static completion time estimates are provided in an appendix to the document.

There are two reasons NHTSA chose not to use SAE J2365 in the NHTSA Guidelines:

- It is a method for estimating static completion times for performing a task. As such, it is useful during the design of a device. However, NHTSA's monitoring of conformance to its Driver Distraction Guidelines will be based on the testing of actual, production vehicles and devices and not on estimates of driver performance while performing a task.
- As discussed earlier, the results of past NHTSA static task completion time research were interpreted to mean that static measurement of task completion time was not sufficient to determine whether a task was sufficiently distracting that it should not be performed while driving.

For these reasons, NHTSA declines to adopt the suggestion that the agency use SAE J2365 in its Guidelines.

NHTSA has long been aware of ISO 15007:2002. Part 1 of this standard contains eye glance measurement definitions while Part 2 discusses eye glance measurement methodological issues. This standard does not specify a particular methodology for eye glance

⁴⁵ Comments received from ISO, p. 1. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0087.

⁴⁶ Tijerina, L., Parmer, E., and Goodman, M.J., "Driver Workload Assessment of Route Guidance System Destination Entry While Driving: A Test Track Study," Proceedings of the 5th ITS World Congress, Berlin, Germany: VERTIS (CD-ROM), 1998.

⁴⁴ Comments received from Dr. Paul Green, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0052.

measurement and is broad enough to cover many different methodologies.

The NHTSA Guidelines are consistent with ISO 15007:2002 with several minor exceptions. The NHTSA Guidelines also provide additional detail about the methods for determining eye glances and ways to ensure accuracy beyond ISO 15007:2002. Specifically, the NHTSA Guidelines permit verification through either manual reduction of eye glance data (researchers determining glance times from video footage) or eye tracker data (glance times and eye glance location measured by a device).

When manual reduction of eye glance data has been required, transition times (time between two eye glance fixations) are combined with dwell times (the time fixated on a particular point) to define glance duration, as specified by ISO 15007:2002.

When data from an eye tracker is used, the glance time is defined as the time away from the forward roadway view. Transition time away from the forward view is combined with the dwell time while the driver is looking at the secondary task interface, which is consistent with the ISO specification; however transition time back to the forward roadway view is not combined with the subsequent time spent looking forward. This deviation is due to the fact that while a fixed boundary is used to define the road center when analyzing the eye tracker data, a comparable boundary defining the secondary task interface is not used. This is because eye tracker precision deteriorates as the driver moves his or her head away from the forward view. Boundaries near secondary task interfaces are prone to error. Thus, NHTSA has defined its eye glance metric (TEORT) in terms of time away from the forward view to maximize precision. The agency has compared the times obtained with eye tracker and manual reduction of the same data and have concluded that differences between these approaches are negligible.

NHTSA's test procedures are generally consistent with the specifications of ISO 15007:2002, again with minor exceptions. In particular, agency testing has not involved categorization of drivers by visual ability or driving experience. Rather, NHTSA's test protocols have required only that participants have a valid driver's license, thus assuming a basic level of visual acuity, and that they drive a minimum number of miles each year. Procedures for data collection, reduction, and presentation have been consistent with ISO 15007:2002.

ISO 26022:2010 describes a dynamic dual-task method that quantitatively measures human performance degradation on a primary driving-like task while a secondary task is being performed (Lane Change Test). The result is an estimate of secondary task demand.

NHTSA performed research on the diagnostic properties of the Lane Change Test (LCT) method during 2006.⁴⁷ Twenty-six participants, aged 25 to 50 years, performed the LCT in a driving simulator while performing selected secondary tasks. The LCT uses a single metric that is driving performance related. Results from this testing found that the LCT's metric was less sensitive to differences between secondary tasks than those from the Dynamic Following and Detection (DFD) test protocol. The multiple metrics associated with the DFD protocol were better able to capture the multidimensional aspects of distraction. The Peripheral Detection Task (PDT) component of the DFD was thought to be a more sensitive detection task than the detection task component used in LCT, due to the higher frequency of stimulus presentations. As a result, subsequent NHTSA research focused on the DFD test protocol.

NHTSA agrees that the Alliance Guidelines are not voluntary consensus-based international or United States standards. In the Initial Notice, they were referred to as "industry-developed standards." However, despite these facts, NHTSA continues to believe that they are a better basis for development of the NHTSA Driver Distraction Guidelines than the voluntary consensus standard cited by the commenters.

Finally, NHTSA has considerable interest in detection-response task testing and believes that it may offer considerable promise for acceptance testing for auditory-vocal human-machine interfaces. While NHTSA is just getting started on this research, we will consider participating with ISO in a joint development approach and international standard.

5. Publish NHTSA's Driver Distraction Guidelines to Portable and Aftermarket Devices as Soon as Possible

a. Summary of Comments

Numerous commenters encouraged NHTSA to quickly develop and publish its Driver Distraction Guidelines for non-OE electronic devices (referred to as

portable or aftermarket devices or PAD elsewhere in this document) in light vehicles. Some commenters indicated that they would prefer that NHTSA implement the guidelines for PAD simultaneously with the guidelines for OE electronic devices.

Commenters voiced concern that by having NHTSA's Driver Distraction Guidelines only cover OE electronic devices, consumers would shift from OE electronic devices to the less-restricted (but possibly also less safe) PADs. Many commenters addressed this issue; quotes from some typical comments are below. From the comment submitted by the Alliance:

Consumers have numerous connectivity options, particularly via portable electronic devices. They will quickly migrate to alternate, and potentially more distracting and less safe, means of staying connected if the use of in-vehicle or "integrated" options is overly curtailed.

In this regard, it has become increasingly clear to Alliance members that guidelines for portable electronic devices need to be developed in parallel with those for integrated systems and released as a single, common set of comprehensive guideline for visual-manual interfaces.⁴⁸

From the comments received from Toyota:

Recommend that NHTSA consider the unintended consequences of substantially reducing the functionality of in-vehicle electronic devices when drivers can easily switch to handheld devices which are not designed specifically for use while driving.⁴⁹

Finally, from the comments received from Consumers Union:

In addition, although the current set of Guidelines is not intended to address portable devices, Consumers Union also hopes NHTSA will clarify that the Guidelines do encompass controls integral to the car that are meant to control portable devices. An example is the ability to integrate portable music player or cell phone control through the vehicle's controls. We also encourage NHTSA to take up consideration of the Guidelines for portable devices as soon as possible. As more and more portable technologies—tablets being just the latest—become available for incorporation into passenger vehicles, the need for NHTSA to address the safety issues inherent therein is pressing.⁵⁰

⁴⁸ Comments received from the Alliance of Automobile Manufacturers, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

⁴⁹ Comments received from Toyota Motor North America, Inc., p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0092.

⁵⁰ Comments received from the Consumers Union, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0063.

⁴⁷ Ranney, T.A., Baldwin, G.H.S., Vasko, S.M., and Mazzae, E.N., "Measuring Distraction Potential of Operating In-Vehicle Devices," DOT HS 811 231, December 2009.

b. NHTSA's Response

NHTSA intends to publish the NHTSA Guidelines for light vehicles to cover PADs as soon as feasible. This was originally stated in the April 2010 "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program,"⁵¹ (NHTSA's Distraction Plan) which summarized steps that NHTSA intended to take to reduce crashes attributable to driver distraction and it remains NHTSA's intention.

As described in NHTSA's Distraction Plan, NHTSA is developing its Driver Distraction Guidelines for light vehicles in three phases. The first phase consists of these Guidelines for visual-manual interfaces of OE electronic devices in vehicles. The second phase will address visual-manual interfaces of PADs. The third phase will address auditory-vocal interfaces for both OE electronic devices and PADs. The commenters advocated for NHTSA to move rapidly ahead with Phase 2 of its guidelines, and many of them want the Phase 2 Guidelines to be released at the same time as the Phase 1 Guidelines.

Issuing the Phase 2 Guidelines at this time is not a feasible option. NHTSA is currently gathering information and developing the draft Initial Notice for the Phase 2 NHTSA Guidelines. Completion of this work is necessary before the Phase 2 Guidelines can be issued. While this work is being performed, NHTSA will have the opportunity to work with both the PAD and vehicle manufacturing communities to discover the best ways to implement our recommendations for PADs.

There are additional, PAD-specific, issues that NHTSA is considering addressing in the Phase 2 Guidelines. Some of these include:

- The issue of linking or pairing PADs and in-vehicle systems and how to encourage use of the in-vehicle human machine interface (HMI) rather than the PAD HMI.
- The issue of ensuring PAD-use is unimpaired for passengers.
- The issue of PAD positioning within a motor vehicle. A PAD could potentially obstruct a driver's vision or ability to safely operate the vehicle.
- The issue of PAD mounting within a motor vehicle. A PAD could potentially act as a projectile that may injure vehicle occupants in the event of sudden severe maneuvering or a crash.

The agency also declines to delay the Phase 1 Guidelines until the Phase 2

Guidelines are ready to be issued. As described below in Section IV.B.4, it is envisioned that automakers will likely choose to incorporate the NHTSA guidelines during their normal vehicle redesign schedule. Since this is typically every 3–5 years, it is expected that most, if not all, vehicle models will not have completed a redesign before the Phase 2 Guidelines are published. Given this, there should be minimal impact given the slight time gap between the Phase 1 and Phase 2 Guidelines and the fact that the same principles will guide both the Phase 1 and Phase-2 Guidelines.

Although some commenters expressed concern that by having NHTSA's Guidelines only cover OE electronic devices, consumers would shift from OE electronic devices to the less-restricted (but possibly also less safe) PAD devices, this concern is based on the assumption that safer in-vehicle systems will not be sufficiently functional to attract drivers away from use of hand-held devices and would somehow have the opposite effect. On the contrary, vehicle manufacturers are rapidly expanding the voice-command and hands-free, eyes-free capabilities of their in-vehicle systems. These systems (designed to at least meet the Alliance Guidelines) are engineered (and would remain so if designed in conformance with NHTSA's Phase 1 Guidelines) to encourage the handheld users to pair those devices with the vehicle's displays and controls. Having done so, NHTSA sees no evidence that drivers would un-pair the devices from the vehicle system simply to obtain marginally increased functionality in very limited situations. For example, an in-vehicle system that permits hands-free voice messaging has convenience advantages over a hand-held device, such as the use of more accessible controls and enhanced auditory clarity. As a result, the agency thinks that there would be little incentive for a driver to revert to the hand-held simply to perform a locked-out function such as texting. Therefore, should manufacturers choose to conform to the NHTSA guidelines, the agency thinks the more likely outcome is that drivers will pair their hand-helds to the vehicle systems during all driving situations, with a net benefit for safety.

Accordingly, NHTSA believes that automotive safety can best be maximized by proceeding with Phase 1 of its Driver Distraction Guidelines (covering OE electronic devices in light vehicles) at this time.

NHTSA intends to issue its Phase 2 Driver Distraction Guidelines as soon as feasible. The Phase 2 Guidelines will be

based on general principles similar to those upon which these Phase 1 Guidelines are based. These principles are:

- The driver's eyes should usually be looking at the road ahead,
- The driver should be able to keep at least one hand on the steering wheel,
- Any task performed by driving should be interruptible at any time,
- The driver should control the human-machine interface and not vice versa, and
- Displays should be easy for the driver to see.

Until the Phase 2 Guidelines are issued, the agency recommends that developers and manufacturers of portable and aftermarket devices consider these principles as they design and update their products. NHTSA further encourages these developers and manufacturers to adopt any recommendations in the Phase 1 Guidelines that they believe are feasible and appropriate for their devices.

6. Develop NHTSA's Guidelines To Address Cognitive Distraction and Voice Interfaces as Soon as Possible

a. Summary of Comments

Numerous commenters discussed the role of cognitive distraction and the need for guidelines that cover voice-activated technologies. Many commenters urged NHTSA to move swiftly toward the development of guidelines to cover these technologies. The National Safety Council (NSC) commented on the lack of recognition of the potential impact of cognitive distraction. Specifically:

The choice to focus on the three naturalistic studies, rather than considering the body of research that examined cognitive distraction of cell phone use, has led to a lack of discussion about the potential impact of cognitive distraction for the first phases of the guidelines.⁵²

On the relation between voice-based interfaces and cognitive distraction NSC offered the following:

NSC is concerned about the continued advance of voice-activated in-vehicle technology without Federal guidelines in place, and without testing for cognitive impact by researchers independent of the auto industry. Once technology is introduced to the vehicle fleet and consumers are influenced to use it, it will become very difficult to change behaviors and the vehicle environment.⁵³

The National Transportation Safety Board (NTSB) also expressed concern

⁵¹ "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program," DOT HS 811 299, April 2010. Available at http://www.nhtsa.gov/staticfiles/nti/distraction_driving/pdf/811299.pdf.

⁵² Comments received from the National Safety Council, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0085.

⁵³ *Ibid.*, p. 5.

about the under emphasis on cognitive distraction. Specifically,

The NTSB is concerned that the NHTSA Driver Distraction Program is based on the assumption that the primary risk associated with in-vehicle PED [Portable Electronic Device; these comments use "in-vehicle PED" to refer to both OE devices and PADs] use by drivers is visual-manual interaction. It is essential to understand the cognitive demands associated with secondary tasks, particularly auditory-vocal communication tasks, in the context of in-vehicle information and communication devices.

As evidenced by the work of panelists attending the recent NTSB forum on countermeasures to distraction, numerous studies have shown that driver distraction occurs during both handheld and hands-free cell phone conversations. NHTSA acknowledges that there is a large amount of research on the topic of driver distraction, yet the guidelines appear to focus on naturalistic driving studies.

Particularly, this notice refers to naturalistic driving research that reports that, engaging in hands-free phone conversations while driving is safe and provides a protective effect. This finding, from the commercial vehicle naturalistic study, is but one piece of an overall body of research and should be considered within the context of its limitations. Although naturalistic studies provide extremely strong evidence for distraction involving driver behaviors such as visual or manual activities, naturalistic studies, given their dependence on video data, cannot fully assess the cognitive demands associated with hands-free secondary tasks.

The measurement of cognitive distraction that does not result in drivers taking their eyes off the road is essential. Both driver performance and brain activity should be assessed to better understand cognitive load. The NTSB findings from its investigation of the 2004 Alexandria, Virginia, motorcoach accident involving the driver's use of a hands-free cell phone are consistent with research showing that drivers conversing on a cell phone—whether handheld or hands-free—are cognitively distracted from the driving task.⁵⁴

Accordingly, the NTSB encouraged NHTSA to minimize the delay between the phases to avoid the " * * * reliance on voice-based in-vehicle systems with flawed designs that may increase the cognitive distraction of drivers." ⁵⁵

Closely tied to concerns about cognitive distraction are concerns that voice recognition based controls may cause a substantial degree of cognitive distraction. The following quote from the comment submitted by Consumers Union discusses this concern:

One possible consequence of these Guidelines is that many functions will move

⁵⁴ Comments received from the National Transportation Safety Board, pp. 4–5. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0066.

⁵⁵ *Ibid.*

from visual-manual control to voice recognition control. While this technology is proven to reduce eyes-off-road time, it does have some shortcomings. Systems have varying capabilities of recognizing voice commands, especially when the speaker has an accent. In addition, constant audio updates to a driver can pose their own distraction problems.

While we understand that voice controls will be addressed in a later Notice, we are concerned that manufacturers will begin to implement voice recognition technologies that are not currently covered by any NHTSA Guidelines. This is especially concerning given current driver demand for text messaging and social media capability, both of which are prohibited by the Guidelines. If manufacturers incorporate voice-controlled text messaging and social media capabilities in their vehicles instead of visual-manual controls, drivers could end up experiencing a constant and continuous audio stream of updated information while driving—a substitute that could be very cognitively distracting. Consumers Union therefore urges NHTSA to issue its Guidelines for voice operated controls as quickly as possible, and to address the shortcomings of this particular technology, so that the distractions do not simply shift from visual-manual to audio feeds.⁵⁶

Other commenters encouraged NHTSA to consider the impact of voice-based interfaces in mitigating the distraction effects of visual-manual interfaces. General Motors (GM) offered the following comment:

The guidelines should also recognize that voice-based interactions can provide a key mechanism for drivers to interact with systems in ways that support the operation and control of the vehicle. Voice interaction can be a method to reduce both mean glance times and total eyes-off-road time.⁵⁷

GM recommended that:

NHTSA immediately begin incorporating voice principles into its distraction guidelines for both handheld/portable and in-vehicle integrated electronic devices resulting in a fully integrated total package.⁵⁸

Agero Inc. was one of a number of organizations that encouraged NHTSA to adopt a comprehensive and holistic approach to the development of guidelines, based on their observation that, " * * * embedded and nomadic in-vehicle human machine interfaces (HMI)—visual, manual, interactive voice, speech recognition, haptic and gesture display technologies—have

⁵⁶ Comments received from the Consumers Union, p. 4. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0063.

⁵⁷ Comments received from General Motors, p. 2. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0103.

⁵⁸ *Ibid.*

already begun to converge," ⁵⁹ and that " * * * natural-language speech systems present real potential to mitigate driver distraction." ⁶⁰

b. NHTSA's Response

NHTSA generally shares these commenters' concerns. We agree that the issues associated with cognitive distraction and voice recognition-based interactions need to be resolved to maximize motor vehicle safety. However, these are challenging issues which NHTSA believes must be carefully researched to provide a basis for guidelines.

The general issue of cognitive distraction is as much an issue of driver behavior as it is of OE/PAD device design. Cognitive distraction is difficult to quantify because it occurs in many different driving situations and is highly individualized. While drivers can be cognitively distracted while talking on a cell phone, they can also be cognitively distracted by a passenger or even just by themselves when not using an electronic device (e.g., "lost in thought"). Drivers can be engaged in light conversation (little to no cognitive distraction) or deeply engaged in discussion or debate (highly cognitively distracting) either on a cell phone or with a passenger. Drivers participating in a casual conversation on a cell phone (or to a passenger), are likely to be minimally, if at all, cognitively distracted.

NHTSA is currently working to address driver behavior by supporting state laws which prohibit certain distracting activities while driving (e.g., texting and hand-held cell phone bans), driver education, and other driver and passenger behavior modification efforts to influence safe driving choices.

NHTSA believes that well designed human-machine interfaces may help to mitigate cognitive distraction. Complicated device interfaces can clearly induce driver distraction during use. NHTSA's Phase 1 Driver Distraction Guidelines will promote less distracting visual-manual device interfaces. However, the agency shares commenters' concerns about cognitive distraction due to driver use of auditory-vocal interfaces. As noted above in the Consumers Union comments:

If manufacturers incorporate voice-controlled text messaging and social media capabilities in their vehicles instead of visual-manual controls, drivers could end up experiencing a constant and continuous

⁵⁹ Comments received from Agero Inc., p. 3. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0090.

⁶⁰ *Ibid.*, p. 6.

audio stream of updated information while driving—a substitute that could be very cognitively distracting.⁶¹

Unfortunately, recognizing the distraction potential of auditory-vocal interfaces is not the same as knowing how to prevent this issue from becoming a problem. NHTSA currently has research under way on this topic and more research is planned, which will be used as a basis for guidelines covering auditory-vocal interfaces.

NHTSA currently has two studies in progress on auditory-vocal device interfaces. One study is a naturalistic examination of cell phone usage with special emphasis on examining cognitive distraction during phone calls. The other study is performing a literature review of past cognitive distraction/auditory-vocal device interface research, preparing a database of a portion of existing devices that have auditory-vocal device interfaces, and developing additional topics (beyond those listed below) for which research should be conducted before the NHTSA Guidelines can be extended to cover auditory-vocal device interfaces.

Our principal planned research foci for upcoming NHTSA auditory-vocal device interfaces are:

- What is a suitable acceptance test for auditory-vocal device interfaces? Based on NHTSA's interpretation of current research, it appears that a detection response paradigm combined with eye glance measurement is likely to work. However, there is a multiplicity of detection response test methods in the literature; NHTSA needs to determine the best one for its purposes.

- What are suitable acceptance criteria for auditory-vocal device interfaces? Once NHTSA has selected its final detection response/eye glance measurement test, the agency needs to determine the values associated with typical driver performance of its reference task (manual radio tuning).

- Is a test of voice recognition accuracy needed? Past testing indicates that an inadequate voice recognition engine can both frustrate and highly distract drivers. However, market pressure may be adequate to force companies into using a sufficiently good voice recognition engine that neither frustrates nor distracts drivers.

- Is guidance from NHTSA on the menu structure of auditory-vocal device interfaces needed? NHTSA is aware that poor menu structures can greatly increase distraction during use of auditory-vocal device interfaces. However, having a suitable acceptance

test protocol and criteria may be adequate to prevent this from becoming a problem.

NHTSA's planned auditory-vocal device interface research will take some time to perform. This is why extension of the NHTSA Guidelines to cover auditory-vocal device interfaces was delayed in NHTSA's Driver Distraction Program⁶² until the third phase of guidelines development.

7. NHTSA's Intentions for Future Updating of Its Guidelines

a. Summary of Comments

Some commenters asked about NHTSA's intentions for future updating of the NHTSA Guidelines. Global Automakers outlined their vision for an ongoing process in the following comments:

Guidelines should be a dynamic, ongoing process, rather than an endpoint as in the typical rulemaking process where a final rule is issued.⁶³

* * * we believe a collaborative industry-government effort provides the most constructive approach going forward. Through such an approach NHTSA benefits from the latest industry knowledge and experiences, while allowing automakers to participate in developing the guidelines we are asked to adopt. * * * industry should take a greater role in the ongoing process, since the manufacturers are on the front line of developing new technologies and are directly affected by any failure of the Guidelines to keep abreast of recent developments.⁶⁴

Finally, Global Automakers offered the following pledge of continued involvement:

It is our members' intention to continue their efforts to address driver distraction and maintain communication with the agency on this matter well beyond the comment period deadline.⁶⁵

American Honda Motor Co., Inc. (Honda) provided a similar vision for ongoing refinement of the Guidelines as new empirical results become available. They refer to the human factors principles that yielded metrics for occlusion and the radio tuning reference task as a point of departure:

We ask that NHTSA work with industry experts to peer review these and other technical aspects of the guidelines to avoid implementing overly restrictive guidelines that will require a quick reaction by the automakers to adhere to the guidelines in

their current form, but may evolve to be less restrictive as additional testing and new technologies demonstrate the suitability of less severe guidelines in the future.⁶⁶

Honda also suggested a more formal approach for ongoing work, which would first involve holding one or more workshops to identify and address unresolved questions about the proposed Guidelines:

After NHTSA issues the final guidelines, Honda requests that NHTSA conduct a technical workshop or perhaps a series of workshops until the remaining questions about the guidelines are resolved. Past technical workshops have been beneficial in assuring a common understanding of guidelines and have helped promote consistent practices among test labs, automakers, and suppliers.⁶⁷

The second part of the approach proposed by Honda involves assessing the effectiveness of the guidelines when they have been fully implemented:

Honda recommends that these guidelines include periodic measurement of the effectiveness of the guidelines to assure that they are achieving the intended results.⁶⁸

Agero, Inc. also advocated a more holistic process organized around an agency-industry coalition, which would forge a stronger connection between the technical content of the guidelines and its precursors:

One of the first goals of this coalition would be to reach a consensus on the current knowledge gaps and a subsequent research roadmap, followed by a systematic, collaborative, multi-industry process that will arrive at revised guidelines based upon the previous work of the Alliance [of] Automobile Manufacturers and the Society of Automotive Engineers' Voice User Interface Working Group.⁶⁹

A working group framework will enable a more dynamic and thorough investigation, broaden participation, promote cross-industry consensus, and allow sufficient time to complete critical research and scope potential technology and driver education advancements.⁷⁰

b. NHTSA's Response

NHTSA agrees with commenters that the NHTSA Guidelines should be kept up-to-date through a dynamic, ongoing process. The issuance with this notice of the Phase 1 NHTSA Guidelines, while

⁶¹ Comments received from the Consumers Union, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0063.

⁶² "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program," DOT HS 811 299, April 2010. Available at http://www.nhtsa.gov/stotifiles/nti/distracted_driving/pdf/811299.pdf.

⁶³ Comments received from Global Automakers, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

⁶⁴ *Ibid.*, pp. 2-3.

⁶⁵ *Ibid.*, p. 2.

⁶⁶ Comments received from American Honda Motor Co., Inc., p. 7. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0119.

⁶⁷ *Ibid.*, p. 8.

⁶⁸ *Ibid.*, p. 4.

⁶⁹ Comments received from Agero, Inc., p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0090.

⁷⁰ *Ibid.*, p. 8.

significant, is only a step in the process of the development of NHTSA's Guidelines. NHTSA intends to take multiple future actions to keep the NHTSA Guidelines up-to-date.

In its April 2010 "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program,"⁷¹ (NHTSA's Distraction Plan), NHTSA publically committed itself to issuing two more phases of its Driver Distraction Guidelines. Phase 2 will provide recommendations for portable and aftermarket device. Phase 3 will provide recommendations for auditory-vocal interfaces.

In addition to issuing Guideline notices, NHTSA intends to keep its Guidelines up-to-date through the issuance of Guideline Interpretation letters. These will be similar to Federal Motor Vehicle Safety Standards (FMVSS) interpretation letters. All Guideline Interpretation letters will be posted to an appropriate place on NHTSA's Web site so as to be available to all interested parties.

Procedures for requesting an interpretation of the NHTSA Guidelines have been added to the Guidelines.

NHTSA is interested in working with all interested parties to keep the NHTSA Guidelines up-to-date and, to the extent possible, to coordinate future efforts and research. In accordance with commenters' suggestion, we may hold another technical workshop on the Phase 1 Guidelines. To ensure that technical workshops are open to all interested parties, any technical workshop will be announced in advance in the *Federal Register*.

NHTSA continues to be open to meeting with interested parties that have Guidelines-related concerns or issues that they wish to discuss with us.

Finally, NHTSA will keep open a Driver Distraction Guideline docket for the foreseeable future. However, in accordance with normal NHTSA practice, a new docket number will generally be assigned with each notice announcing updates to the Guidelines. Submissions to the docket are an effective means of transmitting concerns to NHTSA.

8. Reliance on Limited Amount of Research in Developing NHTSA's Guidelines

a. Summary of Comments

Some commenters expressed concern about the reliance on a limited amount

of research in developing NHTSA's Guidelines. Two commenters questioned the lack of breadth in the supporting materials cited. The following comment was provided by Dr. Paul Green:

* * * the paucity of citations of other relevant research suggests a narrow view of relevant data, especially given the DOT-supported research is only [a] small fraction of the research * * * on driver distraction.⁷²

He provided a number of sources that he thought should be cited, including several NHTSA studies. According to Dr. Green, the consequence of this narrow focus is likely to be the following:

The docket identifies a long-term goal of having these guidelines become an international standard. However if there are no citations of relevant research from Europe and Japan (there may be 1 citation), then acceptance of the NHTSA Guidelines outside of the U.S. becomes difficult.⁷³

The National Safety Council (NSC) also refers to the narrow range of research cited to support the proposed guidelines:

The decision to release guidelines in three phases, rolled out over many years, with the first phase addressing visual-manual use of electronic devices, is based on the findings of only three studies. Each of these studies has significant limitations. NSC believes that Federal guidelines with the potential to influence the safety of vehicles should be based on a much broader range of research.⁷⁴

There is no discussion of why the preponderance of non-automobile industry-funded research, and research beyond the NHTSA and FMCSA studies with VTTL, were not drawn upon for these guidelines. It is important to provide an explanation of the reasons for ignoring such a wide body of driver distraction research. There should also be an explanation regarding why the guidelines are based only upon USDOT-funded research without review of the vast body of other research.⁷⁵

Toyota Motor North America noted the following limitation of one of the main studies cited by NHTSA:

* * * the 100-Car Study was completed in 2005 and does not include the in-vehicle technologies that are prevalent in our vehicles today.⁷⁶

⁷² Comments received from Dr. Paul Green, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0052.

⁷³ Ibid, p. 4.

⁷⁴ Comments received from The National Safety Council, p. 1. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 085.

⁷⁵ Ibid, p. 2.

⁷⁶ Comments received from Toyota Motor North America, Inc., p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 092.

The NSC provided the following comments to describe the effect of this problem:

* * * guideline decision making is therefore based on a very small number of crashes and a very limited population observed in these studies, as acknowledged by NHTSA in the guidelines document * * * Thus, crash risk estimates produced by these studies are derived from an extremely small sample of crashes and are clearly not representative. NSC questions whether these crash risk estimates should be accepted to the degree they are, and whether they should form the basis of Federal decision-making.⁷⁷

b. NHTSA's Response

NHTSA is aware of the vast amount of driver distraction literature beyond the papers and reports referenced in the preamble of the Initial Notice. The Initial Notice preamble was not intended to serve as a comprehensive driver distraction literature review. The research mentioned in the preamble was that necessary to understand the underlying basis for NHTSA's proposed Driver Distraction Guidelines.

Relative to the concerns raised by the NSC and Toyota, NHTSA agrees that the 100-Car Study collected data on a very small number of crashes and a very limited population of drivers. Since data collection for this study was completed in 2005, it was unable to collect data of several in-vehicle technologies prevalent in our vehicles today (e.g., text messaging). However, the 100-Car Study data does provide what NHTSA believes to be the best available estimates of the crash risk of various driver distraction risks for light vehicles that we have today. As discussed earlier in this notice, NHTSA does not want to wait to issue its Phase 1 Guidelines until data from the second Strategic Highway Research Program (SHRP2) naturalistic data collection becomes available.

NHTSA believes that it has sufficient information to issue Driver Distraction Guidelines immediately that will reduce the driver distraction safety problem. Therefore, NHTSA is proceeding to issue its voluntary driver distraction guidelines immediately with this notice based upon its current research base.

9. Concerns That Updating Vehicle Models to Meet the NHTSA Guidelines Will Be Expensive

a. Summary of Comments

Two automakers (Toyota and Chrysler) disagreed with NHTSA's conclusion about the expected effects of

⁷⁷ Comments received from The National Safety Council, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 085.

⁷¹ "Overview of the National Highway Traffic Safety Administration's Driver Distraction Program," DOT HS 811 299, April 2010. Available at http://www.nhtsa.gov/staticfiles/nti/distracted_driving/pdf/811299.pdf.

the Guidelines. The following comment from Toyota Motor North America, Inc. summarizes this concern.

In the notice, NHTSA states that the proposed guidelines would require minor changes to in-vehicle electronic devices; however Toyota's analysis indicates that the majority of our in-vehicle electronic devices will not meet these Guidelines.⁷⁸

Referring to the same statements in the guidelines proposal, Chrysler Group LLC provided the following comment:

Chrysler conducted an in-depth assessment of the guideline's testing protocols which included user testing of both the eye glance and occlusion methods per NHTSA's proposed guidelines. Based on this assessment using actual participants, Chrysler disagrees with NHTSA's above mentioned conclusion.⁷⁹

It is likely that most of Chrysler's current in-vehicle systems will require changes to meet the new guidelines requiring significant development costs * * *⁸⁰

b. NHTSA's Response

NHTSA emphasizes that its Driver Distraction Guidelines are voluntary and nonbinding and are neither a Federal Motor Vehicle Safety Standard (FMVSS) nor regulation. As such, automobile manufacturers are not required to adhere to these recommendations (although NHTSA certainly hopes they will do so) or incur costs as a result. In implementing the recommendations of these Guidelines, manufacturers are free to do so in the most cost effective manner.

Additionally, all members of the Alliance have committed themselves to producing vehicles that meet the Alliance Guidelines. Most of the recommendations in the Alliance Guidelines are carried over into the NHTSA Guidelines unchanged. However, the NHTSA Guidelines are more stringent than the Alliance Guidelines in two major areas:

- NHTSA has added three per se look outs: "displaying images," "manual text entry," and "displaying text to be read."
- NHTSA is not including Alliance Principle 2.1 Alternative B, an alternative protocol for evaluating distraction, in our list of recommended acceptance test protocols.
- NHTSA has increased the stringency of the eye glance-related acceptance test criteria to correct a statistics error made during development of the Alliance Guidelines.

⁷⁸ Comments received from Toyota Motor North America, Inc., p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 092.

⁷⁹ Comments received from Chrysler Group LLC, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 095.

⁸⁰ *Ibid.*, p. 9.

(This is discussed in detail later in this notice.) For the Eye Glance Measurement on a Driving Simulator acceptance test protocol, the maximum acceptable total eyes-off-road time (TEORT) has been reduced from 20 seconds to 12 seconds and a second criterion limiting long eye glances away from the road has been added. For the Occlusion acceptance test protocol, the Total Shutter Open Time (TSOT) has been reduced from 15 seconds to 12 seconds. Therefore, tasks that meet the Alliance Guidelines Principle 2.1 Alternative A acceptance criteria (based on eye glances) may not meet the acceptance criteria contained in the NHTSA Guidelines.

Despite these more stringent aspects, NHTSA believes that vehicles currently meeting the Alliance Guidelines should meet or be close to meeting all of the recommendations of the NHTSA Guidelines. However, we do understand that the differences and increased stringency of the NHTSA Guidelines may lead some manufacturers to engage in additional design work. As discussed below in Section IV.B.4, NHTSA believes that manufacturers choosing to implement these NHTSA Guidelines for existing vehicle models would likely make any needed changes to meet these Guidelines when a vehicle model undergoes a major revision, thus minimizing the need to redesign existing designs and allow incorporation of any necessary research and/or conformance testing into the normal vehicle production cycle. Accordingly, we do not expect manufacturers to incur significant additional redesign costs to conform to the NHTSA Guidelines because any necessary changes would be made during the normal vehicle production cycle.

Based on comments from vehicle manufacturers, we believe that a substantial portion of the industry's concerns about the costs of meeting the NHTSA Driver Distraction Guidelines are based either on parts of the Guidelines where NHTSA did not clearly express what it recommended or on industry misunderstandings of what NHTSA meant. NHTSA has worked to improve the clarity of the NHTSA Driver Distraction Guidelines being issued with this notice.

10. Concerns About the NHTSA Guidelines Preventing "911" Emergency Calls

a. Summary of Comments

Several individual commenters expressed concern that the recommendations of the NHTSA

Guidelines might prevent drivers from making emergency phone calls to "911" while driving.

b. NHTSA's Response

The recommendations of the Phase 1 NHTSA Guidelines should have no impact on the driver's ability to place an emergency call to "911" while driving.

Based on the recommended definition of "task" contained in the NHTSA Guidelines, making an emergency call to "911" comprises the following three tasks:

- Activating/opening a phone (the Phase 1 Guidelines only cover one that is built-in to the vehicle), dialing "911," and pressing the "Send" or "Talk" button. NHTSA research⁸¹ has found that drivers can activate/open a phone, dial up to seven digits, and press the "Send" or "Talk" button before exceeding the task acceptance criteria of the NHTSA Guidelines. Since dialing "911" only requires three digits to be dialed, this task can be accomplished by drivers while driving under these Guideline recommendations.

- Talking and listening to the "911" Emergency Operator. This is not covered by the NHTSA Guidelines.

- Hanging up the phone. Again, NHTSA research has found that this task can be accomplished by drivers while driving under these Guideline recommendations.

Since each of the tasks that comprise making an emergency call to "911" is, according to the NHTSA Guidelines, acceptable for performance by drivers while driving, the Guidelines should have no impact on the driver's ability to perform this task while driving.

11. Concerns About the NHTSA Guidelines Preventing Passenger Use of Electronic Devices

a. Summary of Comments

Numerous individual commenters expressed concern that the recommendations of the NHTSA Guidelines might prevent passengers from using electronic devices to perform tasks such as destination entry into a route navigation system while the vehicle is being driven.

b. NHTSA's Response

NHTSA believes that manufacturers can follow these Guidelines for visual-manual in-vehicle tasks without

⁸¹ Ranney, T.A., Baldwin, G.H.S., Mazzae, E.N., Martin, J., and Smith, L.A., "Driver Behavior During Visual-Manual Secondary Task Performance: Occlusion Method Versus Simulated Driving," NHTSA Technical Report (in press), accessible at <http://www.regulations.gov/#!documentDetail;D=NHTSA-2010-0053-0077>, April 2012.

impacting front seat passengers. Quoting from the NHTSA Guidelines:

These guidelines are appropriate for devices that can reasonably be reached and seen by a driver even if they are intended for use solely by front seat passengers.

Based on this recommendation, vehicle designers will have to use care in the positioning and implementation of OE electronic devices that are intended for use by front seat passengers to avoid impacting what the passenger can or cannot do.

NHTSA encourages automakers to find solutions to meet the recommendations of the NHTSA Guidelines while allowing passengers to make full use of in-vehicle electronic devices while the vehicle is being driven.

NHTSA believes that technology exists to help companies conform fully with the NHTSA Guidelines without impacting electronic device use by front seat passengers. For example, NHTSA is aware of center stack displays that are visible to a passenger but not to a driver. This sort of technological innovation should make it possible for just passengers, but not drivers, to use electronic devices.

For passengers seated behind the front seat of a vehicle, these guidelines should have no impact. None of the recommendations of the NHTSA Guidelines apply to electronic devices that are located solely behind the front seats of the vehicle.

12. Daytime Running Lights Are Major Cause of Driver Distraction

a. Summary of Comments

Twenty private citizens commented that daytime running lights (DRLs) are a major cause of driver distraction that should be addressed. Concerns were expressed that they draw unnecessary attention to vehicles, that they blind drivers, and that they make it harder to see approaching motorcycles.

b. NHTSA's Response

The NHTSA Driver Distraction Guidelines do not cover headlights. Instead the guidelines focus on the use by drivers of OE in-vehicle devices with visual-manual interfaces while driving and reducing distraction from these devices.

Issues Specific to the NHTSA Guidelines Stated Purpose

1. Concern That Failure to Meet the NHTSA Guidelines Could Result in Enforcement Action

a. Summary of Comments

Global Automakers and multiple automobile manufacturers requested

clarification of the relationship between the NHTSA Guidelines and the basis for an enforcement action possibly leading to a safety recall and/or civil penalties. Quoting from the Global Automakers comments:

A discrepancy between the Guidelines and the performance of some in-vehicle device should not form the basis for an enforcement case. However, while stating that the degree to which in-vehicle devices meet the specified criteria would not be assessed in the context of a formal compliance program, the agency is not clear in regard to whether it believes that a failure to meet some aspect of the Guidelines could be a factor in determining whether a device presents an unreasonable risk to safety warranting a recall. It is beyond question that the Guidelines are not a FMVSS subject to enforcement through civil penalties and recall authority. Nor is such a discrepancy by itself evidence of the existence of a safety-related defect.⁸²

b. NHTSA's Response

The National Traffic and Motor Vehicle Safety Act (Safety Act)⁸³ prescribes several enforcement mechanisms, including, but not limited to, notice and remedy (together, these are parts of a recall) provisions and civil penalties. Specifically, the Safety Act authorizes NHTSA to order the recall of motor vehicles and motor vehicle equipment that do not comply with an applicable FMVSS or that contain a safety-related defect.⁸⁴ Manufacturers are required to remedy the noncompliance or defect without charge when the vehicle or equipment is presented for remedy.⁸⁵ Civil penalties are available for violations of specified sections of Chapter 301 and the regulations prescribed thereunder, including the recall and remedy provisions.⁸⁶

NHTSA's driver distraction recommendations are being issued as Guidelines and not as a FMVSS and as such, non-adherence to the Guidelines would not result in enforcement action in the same way as noncompliance with a FMVSS would. Regardless of whether NHTSA issues Guidelines, it is possible that an in-vehicle electronic device could create an unreasonable risk to safety, either when functioning as intended or when malfunctioning. The Safety Act requires a recall where a defect in a vehicle or equipment creates an unreasonable risk to safety. Although

case law provides some guidance as to what constitutes unreasonable risk, each possible safety defect requires separate analysis. For example, it is conceivable, although unlikely, that the device could malfunction in such a way as to interfere with safety-critical electronic control systems in the vehicle. Were that to occur with sufficient frequency and severity so as to constitute an unreasonable risk to safety, the device's adherence to these Guidelines would not be relevant to the determination of unreasonable risk. Moreover, if NHTSA wanted to show that a device created an unreasonable risk, the agency would need to demonstrate the existence of a defect with evidence other than mere non-adherence with the Guidelines. We agree with Global Automakers' comment to the effect that non-adherence does not constitute "by itself evidence of the existence of a safety-related defect."

2. NHTSA's Monitoring of Vehicles' Conformance to Its Guidelines

a. Summary of Comments

Several commenters addressed the question of whether NHTSA should monitor vehicles' conformance to the guidelines and whether the results of such monitoring should be made public.

Professor Richard A. Young provided the following comments:

Once their test procedures and criteria are validated, NHTSA should assess conformance of the in-scope products of automakers and suppliers with the NHTSA Guidelines. One way is to test products, either internally at NHTSA or through contractors, and assign safety ratings such as is done now with NCAP [New Car Assessment Program].⁸⁷

As to the dissemination of results, Professor Young provided the following comment:

NHTSA should make public the results of that monitoring by public posting of test results, along with other safety ratings such as NCAP.⁸⁸

Similar suggestions about NCAP were also made by other commenters. It was pointed out that the NCAP information that is made available for each vehicle make/model includes a number of icons indicating whether that make/model has electronic stability control, forward collision warning, and/or lane departure warning. Commenters suggested that a make/model also receive a suitable icon if NHTSA's testing indicated that it

⁸² Comments received from Global Automakers. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0099.

⁸³ National Traffic and Motor Vehicle Safety Act (49 U.S.C. Chapter 301, "Safety Act").

⁸⁴ 49 U.S.C. 30118; 30120, 30121.

⁸⁵ 49 U.S.C. 30120.

⁸⁶ 49 U.S.C. 30165.

⁸⁷ Comments received from Professor Richard A. Young, Attachment 1 p. 16. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0106.

⁸⁸ *Ibid.*, p. 18.

conforms to all of the recommendations of the NHTSA Guidelines.

Chrysler Group LLC (Chrysler) provided a different view in its comments about NHTSA's proposal to monitor adoption of the proposed guidelines:

Chrysler opposes NHTSA's suggestions regarding the monitoring of adoption of its proposed guidelines. Chrysler, along with members of the Alliance of Automobile Manufacturers, has been voluntarily adhering to the Alliance's distracted driving guidelines for more than a decade without outside monitoring.⁸⁹

Chrysler also expressed concern about the proposal to conduct "spot check" testing in the following comment:

Chrysler is concerned with any comparisons NHTSA might make through "spot check" testing. The conclusions that could be made regarding whether a particular device creates an unreasonable risk to the driving public are subjective due to the nature of NHTSA's proposed test methodologies.⁹⁰

On the question of reporting of results, Chrysler had the following comment:

* * * if NHTSA were to make public any results, Chrysler's recommendation is that monitoring and reporting is conducted industry-wide, across the fleet of all makes and models so that any publication of results would not favor any single automaker.⁹¹

b. NHTSA's Response

NHTSA's Vehicle Safety Research intends to perform future monitoring to assess conformance to our Driver Distraction Guidelines. While the details of this monitoring have yet to be worked out, we do plan to test actual production vehicles, either internally by NHTSA or through outside contractors. Vehicles will be selected for such monitoring so that they cover a large portion of all makes and models sold. NHTSA will also consider the suggestions regarding publication of the monitoring results once this program is in place.

3. Do automakers have to perform testing as described in the NHTSA Guidelines?

a. Summary of Comments

Several commenters raised questions about how strictly manufacturers would be required to adhere to the test protocols outlined in the proposed guidelines. The Alliance expressed concern about whether the wording of

the guidelines outlined a process that differed from previous NHTSA initiatives. They provided the following comment:

It is well understood by our members that NHTSA issues compliance test procedures to document exactly how the agency intends to test compliance to standards and regulations. As part of the self-certification process, vehicle manufacturers are free to assure compliance using engineering judgment and/or internal test procedures that the manufacturer has confidence will result in vehicle performance that meets or exceeds the requirements of the subject standard. It is the Alliance's understanding that the test procedures contained in the distraction guideline proposal apply similarly. This understanding was confirmed by agency statements made at the March 23, 2012, NHTSA technical workshop.⁹²

Individual automakers approached this issue more directly, requesting that NHTSA explicitly allow methods that they have used in the past. GM described a method that differs from the methods described in the proposed guidelines. Their focus was on the requirement to use 24 participants broken into four age groups, which they describe as "overly prescriptive."⁹³ They described their practice in the following comment:

GM's practice for evaluating tasks related to in-vehicle electronics requires that at least 85% of the test sample complete the task with a mean glance time less than two seconds and a total eyes-off road time under 20 seconds. GM concentrates on a worst-case age group: 45 to 65 years old. * * * findings based on this age group are generally more conservative.⁹⁴

Central to their method is the use of smaller sample sizes:

In cases when the test sample is fewer than 24, a sufficient percentage of the test sample must pass validation criteria so that Type 1 errors are no more common than if a 24 person sample was used.⁹⁵

Based on the foregoing, GM offered the following recommendation:

GM believes this method allows flexibility and expediency, while maintaining the 85% threshold limit established in the Alliance Guidelines. Therefore, GM recommends the proposed guideline adopt the 85% threshold limit in the Alliance Guidelines, and not adopt the specific sample requirements.⁹⁶

⁹² Comments received from Alliance of Automobile Manufacturers, Technical Appendix p. 21. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

⁹³ Comments received from General Motors LLC, Attachment, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0103.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

b. NHTSA's Response

The Alliance's understanding of NHTSA's intended treatment of the acceptance test protocols contained in the NHTSA Guidelines is accurate. NHTSA issued these acceptance test protocols to document exactly how the agency intends to test for conformance to the NHTSA Guidelines.

Unlike FMVSS, manufacturers do not have to certify that their vehicles meet these Guidelines. While NHTSA encourages manufacturers to adhere to these Guidelines, they are voluntary. Manufacturers choosing to conform to the NHTSA Guidelines are free to use whatever methods they choose to ensure vehicle performance that meets or exceeds the recommendations of the NHTSA Guidelines.

As discussed earlier, NHTSA's Vehicle Safety Research intends to perform monitoring to find out which vehicle make/models conform to our Driver Distraction Guidelines. Such monitoring testing by NHTSA or its contractors will strictly adhere to the test procedures set forth in the NHTSA Guidelines. However, this only sets forth how NHTSA tests for conformance to these Guidelines; manufacturers are free to use any test procedures that they wish.

4. Lead Time for the NHTSA Guidelines

a. Summary of Comments

Organizations had differing opinions about how long it would take to incorporate changes to in-vehicle systems to ensure adherence to the proposed Guidelines. The following comment was provided by Chrysler Group LLC (Chrysler):

Chrysler has assessed how these changes could be incorporated into existing timing plans at the vehicle level as well as the sub-system and component level. Product timing at each of these levels is distinct and coordination between them must be achieved in order to execute change of the magnitude suggested by NHTSA's proposed guidelines.⁹⁷

Chrysler does not believe the two year lead time suggested in NHTSA's proposed guidelines is realistic. It is possible that it may take a decade to phase in all elements of the guidelines throughout the fleet.⁹⁸

The Consumers Union provided a different perspective:

* * * many of the proposals outlined in the Guidelines would only require the redesign of already-existing software. Manufacturers make regular changes to software, without having to alter the

⁹⁷ Comments received from Chrysler Group LLC, p. 10. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0095.

⁹⁸ *Ibid.*, p. 10.

⁸⁹ Comments received from Chrysler Group LLC, p. 11. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0095.

⁹⁰ *Ibid.*, p. 11.

⁹¹ *Ibid.*, p. 12.

hardware of the vehicle. Software re-designs can even be applied as software updates to vehicles that have already been sold. Consumers Union therefore urges auto manufacturers to implement these Guidelines as soon as possible, and not to expect the changes to be put off for as long as five years.⁹⁹

b. NHTSA's Response

NHTSA wants to make it absolutely clear that since its Driver Distraction Guidelines are voluntary and nonbinding, they do not have a "lead time" in the same way that a FMVSS or other regulation has a lead time. Vehicle manufacturers are not required to meet the NHTSA Guidelines.

All members of the Alliance have committed themselves to producing vehicles that meet the Alliance Guidelines. Most of the recommendations in the Alliance Guidelines are carried over into the NHTSA Guidelines unchanged. However, the NHTSA Guidelines are more stringent than the Alliance Guidelines in three major areas:

- We have added three per se lock outs: "displaying images," "manual text entry," and "displaying text to be read."
- We are not including Alliance Principle 2.1 Alternative B, an alternative protocol for evaluating distraction, in our list of recommended acceptance test protocols.
- We have increased the stringency of the eye glance-related acceptance test criteria. For the Eye Glance Measurement on a Driving Simulator acceptance test protocol, the maximum acceptable total eye-off-road time (TEORT) has been reduced from 20 seconds to 12 seconds and a second criterion limiting long eye glances away from the road has been added. For the Occlusion acceptance test protocol, the Total Shutter Open Time (TSOT) has been reduced from 15 seconds to 12 seconds.

NHTSA believes that vehicles that meet the Alliance Guidelines would either meet or be close to meeting all of the recommendations of the NHTSA Guidelines; however, we do understand that this increased stringency of the NHTSA Guidelines may require additional work to ensure conformance. While Consumers Union may be correct that the vast majority of vehicle and device changes needed to meet the recommendations of the NHTSA Guidelines are simply software changes, some substantial vehicle and device changes may be needed in a few areas due to the increased stringency of the

NHTSA Guidelines relative to the Alliance Guidelines. NHTSA does recognize that such redesigns take substantial time.

NHTSA believes that manufacturers choosing to implement these Guidelines for existing vehicle models would likely make any needed changes to meet these Guidelines when a vehicle model undergoes a major revision. This should minimize need to redesign existing models and would allow incorporation of any necessary research and/or conformance testing into the normal vehicle production cycle.

Typically, major revisions occur on about a five-year cycle for passenger cars and less frequently for light trucks. NHTSA believes that it should be feasible for manufacturers to make the necessary changes implementing these guidelines for existing vehicle models that undergo major revisions after approximately three or more years after the issuance of this notice instituting the NHTSA Guidelines (i.e., model year 2017 or later). This three-year time frame is an increase from the two-year time frame stated in the Initial Notice. NHTSA's estimate has changed after considering the comments received about the increased stringency of the NHTSA Guidelines relative to the Alliance Guidelines.

Likewise, NHTSA believes that Guideline conformance should be feasible for new vehicle models that come onto the market three or more years after the issuance of this notice instituting the NHTSA Guidelines (i.e., model year 2017 or later). For existing vehicle models that do not undergo major revisions, NHTSA is not suggesting a time frame by which the recommendations of these Guidelines could be met.

C. Issues Relating to the NHTSA Guidelines Scope

1. Inclusion of Conventional Electronic Devices and Heating, Ventilation, and Air Conditioning in Scope of the NHTSA Guidelines

a. Summary of Comments

Multiple commenters questioned the addition of conventional electronic devices to the scope of NHTSA Guidelines and stated that the inclusion of these devices is not supported by crash data.

The Alliance Guidelines do not apply to conventional information or communications systems. They list conventional information and communications systems as:

AM Radio
FM Radio
Satellite Radio

Cassette
CD
MPS
RDS

Vehicle Information Center¹⁰⁰

Unlike the Alliance Guidelines, the NHTSA Guidelines are applicable to the above listed conventional information and communications systems.

The comment submitted by the Alliance stated the following about the safety of conventional information and communications systems:

Historically, driver manipulation of common in-vehicle systems has been an infrequent factor in traffic crashes. Analysis of US crash statistics in the early 1990s, prior to the widespread introduction of OEM integrated telematics systems, revealed a very low occurrence of crashes recorded with driver manipulation of integrated displays/controls. Approximately 5% of the sources of diverted attention/workload studied by Wierwille and Tijerina (1995) were associated with the conventional types of integrated displays/controls contemplated by the expanded scope proposed in the Visual-Manual NHTSA Guidelines.¹⁰¹

Conversely, the Consumers Union comments agreed with NHTSA including conventional electronic devices in the scope of the NHTSA Guidelines and further extending them to cover heating, ventilation, and air conditioning (HVAC) controls. Quoting from the Consumers Union comments:

However, we are concerned that some functions which NHTSA classifies as part of the primary driving task (and thus exempts from these Guidelines) could also be significant sources of needless distraction for drivers. For example, many modern vehicle designs incorporate heating, ventilation and air conditioning (HVAC) controls into their on-screen or controller based systems. This incorporation increases the complexity of these controls, since the driver must interact with the screen and select various options in order to enable heating and cooling functions, rather than simply using knobs or push-buttons. According to Consumer Reports' findings on the distractions posed by various in-car controls, published in the October 2011 issue of the magazine, even some allegedly simpler functions that we tested, such as manual radio tuning, are now so complicated that they may not meet the proposed Guidelines.¹⁰²

As a result, Consumers Union encourages NHTSA not to completely exempt HVAC controls from these Guidelines. These heating and cooling tasks could become just

¹⁰⁰ P. 11, *ibid.*

¹⁰¹ Comments received from the Alliance of Automobile Manufacturers, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

¹⁰² See, "Controls Gone Wild," available at: <http://www.consumerreports.org/cro/magazinearchive/2011/october/cars/the-connected-car/controls-gone-wild/index.htm>.

⁹⁹ Comments received from Consumers Union, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0063.

as distracting as operating a navigation system or an entertainment system.¹⁰³

Additionally, commenters requested that NHTSA make two clarifications to the Scope section of its Guidelines:

- To explicitly state in the Scope section that these Guidelines are applicable only to the visual-manual aspects of electronic device human-machine interfaces, and
- To clarify that these Guidelines do apply to controls integral to the vehicle that are meant to control portable and/or aftermarket devices.

b. NHTSA's Response

NHTSA believes that the fact that some devices and systems have been present in motor vehicles for approximately 80 years does not imply that it is reasonable for them to be designed with interfaces that excessively distract drivers. Therefore, we have retained conventional (as listed in the Alliance Guidelines) information and communications systems in the scope of electronic devices for which the NHTSA Guidelines are applicable for the reasons discussed below.

NHTSA does not believe that there is any inherent difference in the distraction potential of new devices compared to those that have been present in motor vehicles for many years. For both types of systems, a poorly designed human-machine interface could distract the driver more than is compatible with safe driving. Both types of electronic devices should have well designed human-machine interfaces to minimize driver distraction and promote safe driving.

Additionally, past research has identified a number of crashes that are believed to involve driver distraction due to use of conventional communications and information systems.

A 1996 study by Wang, Knippling, and Goodman¹⁰⁴ analyzed data collected during 1995 by the National Automotive Sampling System Crashworthiness Data System (NASS CDS).¹⁰⁵ This analysis

found that distraction due to drivers' use of a radio, cassette player, or CD player was present in 2.1 percent of all crashes.

A more recent study by Singh¹⁰⁶ analyzed data from NHTSA's National Motor Vehicle Crash Causation Survey (NMVCCS)¹⁰⁷ to estimate the incidence of crashes due to radios and CD players (cassette players in vehicles are a disappearing technology). This analysis found that distraction due to drivers' use of a radio or CD player was present in 1.2 percent of all crashes.

While NHTSA agrees with the Alliance that these percentages of crashes are well below five percent of the total crashes, that does not mean that NHTSA is not concerned about them.

Recent NHTSA research¹⁰⁸ has found substantial differences in Total Eyes-Off-Road Time (TEORT) for drivers performing radio tuning tasks using the radios of different production vehicles. During radio tuning testing using five production vehicles, some using button tuning and others using knob tuning, a range of 85th percentile TEORTs (one of the acceptance criteria in the NHTSA Guidelines) varying from 8.0 to 15.8 seconds were observed. NHTSA wishes to encourage the use of driver interfaces for electronic devices, whether they are used by conventional communications and information systems or by newer telematics systems that keep the driver's eyes on the road ahead as much as possible.

Finally, NHTSA is concerned that the driver interfaces of conventional electronic devices can, with modern electronics, be made far more distracting than they have been in the past. NHTSA does not believe that, for example, a future in-vehicle radio should show video clips as it plays music and be

whether a driver was distracted and the cause of that distraction (if present).

¹⁰⁶ P. 5, Singh, S., "Distraction Driving and Driver, Roadway, and Environmental Factors." DOT HS 811 380, September 2010.

¹⁰⁷ NMVCCS is NHTSA's most recent, nationally representative, detailed survey of the causes of light motor vehicle crashes. For NMVCCS driver (including distraction- and inattention-related information), vehicle, and environment data were collected during a three-year period (January 2005 to December 2007). A total of 6,949 crashes met the specified criteria for inclusion in NMVCCS. Due to specific requirements that must be met by crashes for inclusion in NMVCCS, the NMVCCS data differs from other crash databases such as NASS-CDS or NASS-GES.

¹⁰⁸ Perez, M., Owens, J., Viita, D., Angell, L., Ranney, T.A., Baldwin, G.H.S., Parmer, E., Martin, J., Garrott, W.R., and Mazzae, E.N., "Summary of Radio Tuning Effects on Visual and Driving Performance Measures—Simulator and Test Track Studies." NHTSA Technical Report in press. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0076, April 2012.

considered in conformance with the NHTSA Guidelines simply because a radio is a conventional electronic device.

Drivers' performance of aspects of the primary driving task (e.g., using the steering wheel to maneuver the vehicle, applying the throttle and brake pedals) is considered to be inherently non-distracting since distraction is defined as the diversion of a driver's attention from activities performed as part of the safe operation and control of a vehicle to a competing activity. Furthermore, NHTSA assumes that dedicated controls and displays for conventional primary driving tasks are designed to promote efficient task performance and, other than perhaps during an initial period when a driver is acclimating to a newly acquired vehicle, drivers' performance of driving-related tasks using conventional system controls and displays is unlikely to involve an unreasonable degree of distraction. However, NHTSA notes that drivers' use of primary driving controls and displays that are poorly designed or located may result in degradations in driving performance similar to that which results from a driver's performance of secondary tasks.

With regard to the suggestion from Consumers Union that HVAC controls and displays should be added to the scope of the NHTSA Guidelines, NHTSA agrees that HVAC-related tasks should meet all of the recommendations of the NHTSA Guidelines. NHTSA did not propose in the Initial Notice that dedicated HVAC controls and displays be within the scope of the Guidelines because some HVAC-related features are critical to the safe operation and control of the vehicle. For example, the FMVSS include requirements for "Windshield defrosting and defogging systems" (FMVSS No. 103) and "Windshield wiping and washing systems" (FMVSS No. 104) to ensure that the driver has a clear view of the roadway. Additionally, although not HVAC-related, another system essential to the safe operation and control of the vehicle and required by FMVSS is headlamps (FMVSS No. 108, "Lamps, reflective devices, and associated equipment"), which also aid the driver in seeing the roadway. A driver's use of such required systems is considered to be part of the "primary driving task" because, in certain environmental conditions, the absence of such systems would make driving less safe and in some cases impossible. As such, the controls and displays associated with these required systems should not be locked out for use by the driver at any time, even if related tasks do not meet the task acceptance criteria.

¹⁰³ Comments received from Consumers Union, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0063.

¹⁰⁴ Wang, J.S., Knippling, R.R., and Goodman, M.J., "The Role of Driver Inattention in Crashes: New Statistics from the 1995 Crashworthiness Data System," 40th Annual proceedings, Association for the Advancement of Automotive Medicine, Vancouver, British Columbia, Canada, October 1996.

¹⁰⁵ NASS CDS, like NASS GES, contains data from a nationally-representative sample of police-reported crashes. It contains data on police-reported crashes of all levels of severity, including those that result in fatalities, injuries, or only property damage. National numbers of crashes calculated from NASS CDS are estimates. Unlike NASS GES, in 1995 NASS CDS had a variable that indicated

Given the importance of the availability of these FMVSS-required systems, NHTSA is continuing to exclude from the scope of the Guidelines HVAC-related systems that are required by FMVSS.

However, NHTSA has reconsidered its position on HVAC-related tasks not associated with a vehicle system or equipment required by a FMVSS and is including such tasks within the scope of the NHTSA Guidelines. Although NHTSA is not aware of any past research identifying crashes caused by driver distraction due to a driver's adjustment of traditionally-designed HVAC controls, the agency is concerned that the advent of multi-function display interfaces that permit interaction with multiple vehicle functions, including some non-required HVAC functions, may involve a greater degree of driver distraction. Specifically, NHTSA is concerned that these new interfaces can require more steps to accomplish HVAC and other tasks than a standard, dedicated control. Given this concern, NHTSA has reconsidered its position and has decided to include within the scope of the NHTSA Guidelines HVAC system adjustment tasks that are not associated with a vehicle system or equipment required by a FMVSS. NHTSA believes that providing redundant means of accomplishing secondary tasks via both dedicated controls and a multi-function display interface does not provide any added benefit to the driver if the redundant task performance means (i.e., a multi-function display) is less efficient than the original means.

Finally, NHTSA has made the two requested clarifications:

- We have explicitly stated in the Scope section that these Guidelines are applicable only to the visual-manual aspects of electronic device human-machine interfaces, and
- Added statements that these Guidelines do apply to controls integral to the vehicle that are meant to control portable and/or aftermarket devices.

2. Confusion About Limiting Scope of NHTSA Guidelines to Non-Driving Activities

a. Summary of Comments

The proposed version of the NHTSA Guidelines Scope section began with the sentence:

These guidelines are appropriate for driver interfaces of original equipment electronic devices for performing non-driving activities that are built into a vehicle when it is manufactured.

Multiple commenters complained that this sentence was confusing and

misleading since it incorrectly indicated that such clearly driving-related tasks as route navigation were not within the scope of the NHTSA Guidelines while later portions of the Guidelines clearly indicated that they were in scope. Quoting from the comment submitted by the Alliance on this topic:

In addition the agency offers no definition for the term "non-driving-related" or why this distinction is important to managing driver distraction. The Alliance Guidelines do not make such a distinction because "driving related" tasks, available to the driver while driving, can also lead to undesirable levels of driver workload if not properly designed. * * * Moreover, NHTSA has somehow included navigation under the proposed definition of "non-driving-related" tasks/devices even though route finding and direction following are basic and vital parts of the driving task.¹⁰⁹

b. NHTSA's Response

NHTSA agrees with the commenters that the proposed version of the NHTSA Guidelines Scope section began with a confusing and misleading sentence. As commenters pointed out, NHTSA definitely wishes to include some driving-related tasks (i.e., route finding and direction following among others) in the scope of its Guidelines.

In response to this comment, NHTSA has done four things:

1. Added a definition of Driving-Related Task to the NHTSA Guidelines Definitions section. *Driving-Related Task* means either: (1) Any activity performed by a driver as part of the safe operation and control of the vehicle, (2) any activity performed by a driver that relates to use of a vehicle system required by Federal or State law or regulation, or (3) any other activity performed by a driver that aids the driver in performing the driving task but is not essential to the safe operation or control of the vehicle (e.g., navigation, cruise control). The first two types of driving-related task are not covered by the Guidelines. The third type of driving-related task includes secondary tasks related to driving that are covered by the Guidelines.

2. Added a definition of Non-Driving-Related Task to the Guidelines Definitions section. *Non-Driving-Related Task* means any activity performed by a driver other than those related to the driving task.

3. Extensively revised the Guidelines Scope section to make it clear that the Guidelines are applicable to all non-driving-related tasks utilizing electronic

devices as well as for electronic devices used for performing some driving-related tasks.

4. Added a table to the Guidelines Scope section listing for which driving-related tasks the Guidelines are applicable.

3. Suggestions To Expand Scope of the NHTSA Guidelines To Cover Medium and Heavy Trucks and Buses

a. Summary of Comments

In their comments, the National Transportation Safety Board (NTSB) provided detailed narrative descriptions of several severe distraction-related crashes that they investigated. Among these were crashes involving a heavy truck driver and a motorcoach driver, both of whom were distracted by cell phone tasks at the time of their respective crashes. Based in part on severity of these outcomes, the NTSB provided the following comment recommending the inclusion of larger size vehicles in the scope of these Guidelines:

* * * the proposed guidelines are limited to passenger cars, multipurpose passenger vehicles and trucks and buses with a gross vehicle weight rating of not more than 10,000 pounds. However, considering the significance of large commercial vehicles in overall crash and fatality rates, and given the increasing availability and use of electronic logs, global positioning system[s], and other potentially distracting systems in these vehicles, the NTSB encourages NHTSA, with the Federal Motor Carrier Safety Administration, to monitor the introduction of in-vehicle technology and aftermarket technology into medium trucks, heavy trucks, and buses, including motorcoaches, and to conduct research as appropriate.¹¹⁰

b. NHTSA's Response

The human-machine interfaces of medium vehicles (those with a GVWR from 10,001 through 26,000 pounds) and heavy vehicles (those with a GVWR of 26,001 pounds or greater) differ from those of light vehicles (i.e., vehicles other than motorcycles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less) in many ways. Medium and heavy vehicles (hereinafter just heavy vehicles) typically have more and different driver controls and displays. Heavy vehicles are typically driven for commercial purposes and may be equipped with dispatching systems or other systems or devices not found in privately-owned light vehicles. Heavy vehicle drivers are frequently seated higher above the road than is the case

¹⁰⁹Comments received from the Alliance of Automobile Manufacturers. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

¹¹⁰Comments received from The National Transportation Safety Board, p. 6. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0066.

for light vehicle drivers, affecting device downward viewing angle recommendations. While the fundamental principles (the driver's eyes should usually be looking at the road ahead, etc.) that underlie NHTSA's Guidelines apply to heavy vehicles just as they do to light vehicles, the details of guideline implementation needs to be different for heavy vehicles. For example, the display downward viewing angle recommendations may need to be modified.

Except for naturalistic data analyses sponsored by the Federal Motor Carrier Safety Administration (FMCSA),¹¹¹ the research that has resulted in the NHTSA Guidelines involved only light vehicles. NHTSA has many Federal Motor Vehicle Safety Standards (FMVSS) that apply to heavy vehicles. In performing the research needed to develop existing heavy vehicle FMVSS, NHTSA has learned that not all research findings for light vehicles carry over to heavy vehicles. Therefore, research would be needed to determine which research findings will carry over from light vehicles to heavy vehicles.

While NHTSA believes that addressing driver distraction in heavy vehicles is important, research needs to be performed before distraction-related recommendations for heavy vehicles can be made. Nothing precludes heavy vehicle manufacturers from following the principles and Guidelines set out in this document should they find them useful.

4. Request That Scope of the NHTSA Guidelines Exclude Emergency Response Vehicles

a. Summary of Comments

During a meeting with members of NHTSA's staff,¹¹² the National Association of Fleet Administrators (NAFA) commented that the recommendations of the NHTSA Guidelines should not apply to law enforcement vehicles. NAFA's written comments¹¹³ provided extensive commentary to support their recommendation that the Guidelines should not apply to certain government fleet and emergency service vehicles,

including law enforcement, fire and rescue, utility service, and medical response vehicles, such as ambulances. They provided the following rationale to support their recommendations:

The Guidelines do not reflect the systems and procedures utilized by law enforcement agencies.¹¹⁴

The per se lockout requirements of the Guidelines will impede the mission of these vehicles and their drivers. The safety of the officer and the public necessitate that the in-vehicle electronic devices be operational when the vehicle is moving. For example, in police operations, the officer often has to enter GPS coordinates while the vehicle is in motion.¹¹⁵

They assert that the ability to perform the following activities when a law-enforcement vehicle is moving is essential: (1) Visual-manual text messaging; (2) visual-manual internet browsing; (3) visual-manual social media browsing; (4) visual-manual navigation system destination entry by address; and (5) visual-manual 10-digit phone dialing.

To facilitate these requirements, they make three specific recommendations:

The Guidelines should explicitly provide that, in the case of government vehicles and emergency service vehicles, the vehicle manufacturer program into the vehicle's Electronic Control Module the ability to override the per se lock out functions. Essentially, this would make the vehicle "think" that it is parked.¹¹⁶

The Guidelines should permit the override function to be enabled upon the request of a government agency, law enforcement, fire and rescue, medical services agency, or utility company by providing an access code to enable/disable this feature.¹¹⁷

When the vehicle is decommissioned and offered for sale, the agency should be required to restore the vehicle to factory standards.¹¹⁸

NAFA offered additional support for their recommendations:

This approach enables the vehicle manufacturers to engineer a single system to meet the requirements of the Guidelines, thus not impeding vehicle production schedules, while also meeting the needs of those fleets where integrated, added or hand-held electronic devices are fundamental to the work requirement of the vehicle and its driver: Whether a police officer on patrol; fire personnel responding to a fire; or a state transportation representative monitoring road conditions.¹¹⁹

Chrysler made a similar suggestion in their commentary:

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid. p. 2.

¹¹⁷ Ibid. p. 2.

¹¹⁸ Ibid. p. 2.

¹¹⁹ Ibid. p. 2.

With respect to special-purpose vehicles such as those used for Police vehicles and Ambulance up-fits, Chrysler asks that NHTSA expressly exempt such vehicles from the proposed guidelines. Such exemptions are common but not universal in various state laws.¹²⁰

b. NHTSA's Response

NHTSA generally agrees with these comments. In order to respond quickly to emergencies, law enforcement, fire, and medical response personnel may need to perform tasks that might normally be locked out under the NHTSA Guidelines. The agency believes that emergency responders' effectiveness is unlikely to be jeopardized by allowing emergency response drivers to perform certain job-related tasks. As first responders, police and emergency personnel are acutely aware of the hazards of distracted driving. Additionally, many emergency responders receive additional training in driving beyond that required to acquire a driver's license and also receive training in the use of the equipment in the emergency response vehicle. NHTSA believes that this additional training and awareness may mitigate any distraction risk presented by exempting emergency response vehicles from the task lock out provisions of these Guidelines.

NHTSA does not agree with the suggestion that the NHTSA Guidelines should not apply to service vehicles. We do not believe that the response time needs of utility service vehicles are as time critical as those of the other emergency service vehicles listed in the NAFA comment. Therefore, we have not excluded utility services vehicles from the scope of the NHTSA Guidelines.

Although not requested by the commenters, NHTSA also believes that its Driver Distraction Guidelines should not apply to vehicles that are built primarily for the military or for other emergency uses as prescribed by regulation by the Secretary of Transportation. NHTSA's Driver Distraction Guidelines have been appropriately changed to exclude these vehicles from the scope of these Guidelines.

5. Request That Scope of the NHTSA Guidelines Not Include Displays Required by Other Government Bodies

a. Summary of Comments

American Honda Motor Company (Honda) requested that emissions controls and fuel economy information

¹²⁰ Comments received from Chrysler Group LLC, p. 7. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0095.

¹¹¹ Olson, R.L., Hanowski, R.J., Hickman, J.S., and Bocanegra, J., "Driver Distraction in Commercial Vehicle Operations," FMCSA-RRR-09-042, September 2009.

¹¹² This meeting is documented in the memorandum "Docket Submission Documenting Ex Parte Meeting with the National Association of Fleet Administrators," accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0080.

¹¹³ Comments received from National Association of Fleet Administrators. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0110.

not be included within the scope to the NHTSA Guidelines. Quoting from Honda's comment:

Certain emission information, such as the check engine malfunction indicator light, is required by the United States Environmental Protection Agency and the California Air Resources Board, and is specified within FMVSS 101. Supplemental information for this and other malfunction indicators can be immediately beneficial to drivers by informing them of the severity and urgency of the condition that caused the light to illuminate and helping drivers make informed decisions about the appropriate actions and timing of their responses. This type of information may be provided through a vehicle information center, and restriction of this information should be carefully considered.¹²¹

b. NHTSA's Response

NHTSA wishes to point out that simply because the display of certain types of information is covered by the NHTSA Guidelines does not mean that this information cannot be displayed to the driver. For covered types of information, the display of the information should not distract the driver, in accordance with these Guidelines. Such information can be displayed through a vehicle information center or multi-function display, malfunction indicators, or other types of displays.

The NHTSA Guidelines already exempted from their scope any electronic device that has a control and/or display specified by a Federal Motor Vehicle Safety Standard (FMVSS). However, a motor vehicle control and/or display could also be mandated by other United States Government agencies (such as the Environmental Protection Agency). We do not want there to be any possibility that the NHTSA Guidelines conflict with the mandates of these other government organizations. Therefore, we have expanded the exclusion for controls and/or displays covered by a FMVSS. The NHTSA Guidelines now exclude from their scope controls and/or displays specified by standards from any U.S. government organization.

D. Definition of Driving and Lock Out Conditions

1. For Automatic Transmission Vehicles—In Park Versus At or Above 5 mph

a. Summary of Comments

Multiple commenters including the Alliance, Global Automakers, and

¹²¹ Comments received from American Honda Company, p. 3. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0112.

multiple individual motor vehicle manufacturers suggested that NHTSA change its definition of driving¹²² so that a driver is considered to be driving a vehicle whenever the vehicle speed exceeds 5 mph but not when the vehicle is stationary or moving at less than 5 mph. The proposed NHTSA Guidelines defined driving, for automatic transmission vehicles, as being anytime the vehicle's engine was "On" unless the vehicle's transmission was in "Park."

The commenter-suggested change would make the definition of *driving* in the NHTSA Guidelines consistent with the definition of *driving* contained in the Alliance Guidelines. The reasons for this suggestion were essentially the same for all commenters. Two relevant quotes from the Alliance comments explain the commenters' rationale:

The Alliance believes that this [definition] is unnecessarily restrictive and will lead to widespread customer dissatisfaction with the (non)functionality of embedded information, communications, and entertainment (hereafter, telematics) systems. Resultant customer frustration with in-vehicle telematics systems will likely lead to a strong propensity by drivers to instead opt for the use of portable devices. Far from improving driving safety and reducing distracted driving, this would have the opposite effect, since use of portable devices while driving requires both more eyes off-road time, and more manual interaction with the device.¹²³

Naturalistic data confirms that drivers self-regulate secondary task engagement, frequently waiting until driving demands (and associated crash risk) are low before engaging in secondary tasks. One of the most frequent and lowest demand/risk conditions is idling in traffic, whether at signalized intersections or when in stop-and-go traffic. Many drivers will use such short intervals of stationary operation to undertake secondary tasks that might otherwise be too demanding to perform while driving. Locking out in-vehicle telematics functions during these brief periods of stationary vehicle operation will forestall such responsible device use behaviors by drivers, and will likely lead to compensatory behaviors that are worse for driving safety. Such unsafe behaviors may include use of paper maps or portable devices, placement of the vehicle in "Park" while in an active driving lane, or pulling over to the road shoulder of an active roadway in order to use the device.¹²⁴

A quote from Ford Motor Company further discusses their concerns:

Additionally, Sayer, Devonshire, and Flanagan's (2007) analysis of secondary task

¹²² Underlined terms are defined in Section IV. Definitions of the NHTSA Driver Distraction Guidelines.

¹²³ Comments received from the Alliance of Automobile Manufacturers, p. 21. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0104.

¹²⁴ P. 22, *ibid.*

behavior during the Road Departure Collision Warning (RDCW) field operational test found that drivers appear to selectively engage in secondary tasks according to driving conditions. When drivers can freely choose, they elect to engage in secondary tasks when their driving skills are least needed. Most recently, Funkhouser and Sayer (2012) analyzed almost 1000 hours of naturalistic driving data and discovered that drivers frequently manage risk by initiating visual-manual cellphone tasks while the vehicle is stopped (but not in PARK). NHTSA's approach would eliminate opportunities for drivers to engage in this type of safety-positive behavior, and may result in more drivers choosing to use a hand-held device rather than the safer built-in vehicle interfaces.¹²⁵

In its comments, the Alliance also asserted that the NHTSA Guidelines' definition of *driving* does not need to be compatible with those contained in Executive Order (EO) 13513, Federal Leadership on Reducing Text Messaging While Driving (issued on October 1, 2009) and in Federal Motor Carrier Safety Regulation (FMCSR) 49 CFR § 392.80, Prohibition Against Texting (issued September 27, 2010) since these are focused on portable, not OE, devices. The following quote from the Alliance comments presents their argument:

However, this prohibition on texting while driving is aimed at use of devices carried into the vehicle, rather than at in-vehicle devices provided as original equipment (OE) by vehicle manufacturers:

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using *electronic equipment supplied by the Government while driving.* [emphasis added by the Alliance]

In-vehicle OE devices are integrated with the vehicle operating data bus, and can therefore be designed to automatically disable telematics functions deemed to be incompatible with driving. The Alliance Driver Focus-Telematics.

(DFT) Guidelines specify that such functions should be automatically disabled when the vehicle is operated at speeds above 5 mph. This threshold speed is based on the capability of wheel speed sensors to detect and measure vehicle speed. Because the device interface will cease to function within one second of normal operation (i.e., less than a single "safe" glance interval) it effectively addresses the concern that drivers

¹²⁵ Comments received from Ford Motor Company, p. 5. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0097.

may attempt to continue with a locked-out task after resuming travel in traffic.”¹²⁶

b. NHTSA's Response

Adopting this suggestion would change the conditions for which tasks would be locked out. Since lock out is only recommended by the NHTSA Guidelines for certain electronic devices and/or tasks while driving, the suggested change would mean that lock out would apply only when the speed of the vehicle exceeds 5 mph. Multiple reasons were offered for this suggestion; however none were sufficiently compelling to NHTSA to justify revising the conditions for lock out of tasks. The reasons for this decision are discussed below.

Regarding the Alliance's concern that NHTSA's proposed definition of driving may lead to increased portable device use, the agency notes that Phase 2 of NHTSA's Guidelines will help manage the use of portable devices through recommendations designed to decrease the distracting potential of these devices.

NHTSA is not convinced that drivers performing otherwise locked out tasks while stopped in traffic or at a traffic light is safe. We are concerned that a definition based on lock out of tasks only for vehicle speeds above 5 mph could result in distracted drivers inadvertently allowing their vehicles to roll forward at very low speed and possibly strike pedestrians, pedalcyclists, etc. Furthermore, the agency is concerned that drivers not paying attention to the roadway while stopped and performing a normally locked out task then switching back suddenly when traffic starts moving or the traffic light turns green creates an increased risk of a crash or, at a crosswalk, of hitting a pedestrian.

In the Initial Notice, NHTSA discussed how the definition of driving was similar to the definitions of driving contained in FMCSR 49 CFR 392.80, and Executive Order (EO) 13513. Since the publication of the Initial Notice, the Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-114, 126 Stat. 405 (July 6, 2012), has been signed into law. This statute contains a similar definition of driving to that contained in the Initial Notice, FMCSR 49 CFR 392.80, and EO 13513.

Section 31105 of MAP-21 authorizes a distracted driving grant program for states that have enacted and are enforcing laws that prohibit texting

while driving or youth cell phone use while driving. MAP-21 defines driving for the purposes of this program as:

Operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and * * * [Driving] does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

The FMCSR 49 CFR 392.80, Prohibition Against Texting definition is:

Driving means operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. *Driving* does not include operating a commercial motor vehicle with or without the motor running when the driver moved the vehicle to the side of, or off, a highway, as defined in 49 CFR § 390.5, and halted in a location where the vehicle can safely remain stationary.¹²⁷

The EO 13513 definition is:

Driving means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.¹²⁸

NHTSA recognizes that it may not be easy to implement the above definitions using vehicle technology. For example, it could be very difficult to determine if a vehicle has been “pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.”¹²⁹ Therefore, as explained in the initial notice, the agency has modified the Guidelines' definition of *driving* from that contained in MAP-21, FMCSR 392.80, and EO 13513 to make it easier to implement. For a vehicle equipped with a transmission with a “Park” position, it has been changed to be whenever the vehicle's means of propulsion (engine and/or motor) is activated unless the vehicle's transmission is in “Park.” From a technical point of view, this should make it easier for vehicle

manufacturers to determine whether a driver is *driving* a vehicle since, in order to meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) Number 114, the manufacturers of vehicles equipped with transmissions with a “Park” position have to be able to determine when the transmission is in “Park.”

NHTSA agrees with the Alliance that EO 13513 and FMCSR 392.80 are both focused on portable, not integrated, electronic devices, but we do not agree with the Alliance that the extension of these documents to integrated electronic devices would change their definition of driving. There is nothing in the EO 13513 and FMCSR 392.80 definitions of driving that depends upon whether an electronic device is brought into the vehicle or is integrated into the vehicle.

Therefore, for the purposes of the Distraction Guidelines, NHTSA is using a definition of driving that is compatible with that contained in MAP-21, FMCSR 392.80, and EO 13513. The differences between the MAP-21, FMCSR 392.80, and EO 13513 definitions and the NHTSA definition are intended to make this definition easier for vehicle manufacturers to implement.

2. Definition of Driving for Manual Transmission Vehicles

a. Summary of Comments

In addition to the previously discussed comments about the definition of *driving* that are applicable to all vehicles, multiple commenters stated that there are technical barriers to implementing the definition of driving for manual transmission vehicles that was proposed in the Initial Notice version of the NHTSA Guidelines.

In the Initial Notice, NHTSA proposed to define driving for manual transmission vehicles as any condition in which the vehicle's engine is “On” unless the vehicle's transmission is in “Neutral” and the parking brake is “On.” However, commenters pointed out that manual transmission vehicles are frequently not equipped with a sensor that detects when the transmission is in “Neutral.” The addition of such a sensor would require the addition of added hardware to the vehicle and require significant resources.

This comment was made by the Alliance and multiple individual motor vehicle manufacturers.

b. NHTSA's Response

NHTSA does not believe that the addition of hardware to the vehicle or the expenditure of significant resources is necessary to implement its proposed

¹²⁶ Comments received from the Alliance of Automobile Manufacturers, p. 22. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

¹²⁷ FMCSR § 392.90, Prohibition against texting, accessed from <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=392.80>, issued September 27, 2010.

¹²⁸ Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009, accessed from http://www.whitehouse.gov/the_press_office/Executive-Order-Federal-Leadership-on-Reducing-Text-Messaging-while-Driving/.

¹²⁹ Ibid.

definition of driving for manual transmission vehicles.

Even without the presence of a sensor that detects when the transmission is in "Neutral," manufacturers can still infer when the vehicle is in "Neutral." Manufacturers do know the rotational speed of both the engine and the driven wheels. Dividing the rotational speed of the engine by that of the driven wheels, manufacturers can determine a current effective overall gear ratio for the transmission/vehicle. If this value does not equal, allowing for production and measurement tolerances, one of the overall gear ratios of the transmission/vehicle, the manufacturer can reasonably infer that the vehicle's transmission is in "Neutral." NHTSA is amending the guidelines to make clear that such inference is acceptable for the purposes of the NHTSA Guidelines.

It is possible for a vehicle equipped with manual transmission to travel at a significant speed while in Neutral even though the vehicle's parking brake is "On." This situation could occur, for example, while coasting down a long steep hill if the vehicle's parking brake was only lightly applied. To ensure that inferring that the vehicle's transmission is in "Neutral" while the vehicle's parking brake "On" does not result in unreasonable decisions as to whether a vehicle is driving, NHTSA has added an additional condition that should be met: for a manual transmission vehicle not to be considered driving, the vehicle's speed should be less than 5 mph.

The revised definition of driving is:

Driving means whenever the vehicle's means of propulsion (engine and/or motor) is activated unless one of the following conditions is met:

- For a vehicle equipped with a transmission with a "Park" position—The vehicle's transmission is in the "Park" position.
- For a vehicle equipped with a transmission without a "Park" position—All three of the following conditions are met:
 - The vehicle's parking brake is engaged, and
 - The vehicle's transmission is known (via direct measurement with a sensor) or inferred (by calculating that the rotational speed of the engine divided by the rotational speed of the driven wheels does not equal, allowing for production and measurement tolerances, one of the overall gear ratios of the transmission/vehicle) to be in the neutral position, and
 - The vehicle's speed is less than 5 mph.

E. Per Se Lock Out Issues

1. The NHTSA Guidelines Should Not Recommend Per Se Lock Outs of Devices, Functions, and/or Tasks

a. Summary of Comments

Vehicle manufacturers were generally against the inclusion of per se lock outs in NHTSA's Guidelines. Mercedes-Benz commented that the concept of per se lock outs is fundamentally unsound and "does not follow the agency's own criteria to make data driven decisions." Ford and Chrysler specifically recommended elimination of the per se lock out of tasks. The German Association of Automotive Industry, MEMA, the Alliance, and vehicle manufacturers including Chrysler, Ford, General Motors, Honda, Hyundai, Mercedes-Benz, Nissan, and Volkswagen recommended that NHTSA's guidelines should rely on a data-driven, performance-based approach. The Alliance commented that "decisions to limit or lock out the availability of specific features and functions to the driver should only be made based on performance data tied to real world crash risk—not by name or belief." Ford specifically commented that "Per Se lockouts in general, and the specific one for 'text messaging' should be eliminated because appropriate lockouts will result from the existing criteria in the Alliance Guideline, such as limits on glance length and the total-eyes-off-road-time." General Motors stated in regard to the per se lock outs, "The specificity of these requirements is very limiting and not necessary."

NAFA supported the per se lock out of tasks as included in NHTSA's proposed guidelines, with the exception that they strongly preferred "having lockout apply when the vehicle is stopped but transmission is still engaged."

Multiple vehicle manufacturers, most notably Ford, indicated that the per se lock outs, as written, were insufficiently clear and overly broad and therefore, difficult to implement.

Both BMW and Toyota commented that NHTSA's inclusion of per se lock out of certain tasks is an inappropriate interpretation of the Alliance Guidelines.

Both MEMA and Nissan indicated in their comments concern that per se lock out of tasks may hinder future innovation. MEMA commented that while lock out of some tasks "may be suitable in some cases (such as, restricting video entertainment visible to the driver)," others, if retained, "could negatively impact future technology development and constrain

innovation of feature functions and applications." Nissan stated that "per se lockouts should be determined carefully and scientifically so that the guidelines do not prevent future technological improvements or advances." Nissan commented that per se lock outs should be reserved for tasks which are difficult to define or those tasks that cannot be evaluated using the prescribed performance tests.

Nissan recommended removing Section V.5.h of the proposed NHTSA Guidelines, which states:

V.5.h The per se lock outs listed above are intended to specifically prohibit a driver from performing the following while driving:

- Watching video footage,
 - Visual-manual text messaging,
 - Visual-manual internet browsing,
- and
- Visual-manual social media browsing.

Two commenters recommended that NHTSA eliminate the per se lock out for certain tasks. Ford requested that text messaging, internet browsing, and social media browsing not be subject to per se lock out. Toyota requested that internet and social media browsing not be subject to per se lock out.

b. NHTSA's Response

NHTSA's proposed Visual-Manual Driver Distraction Guidelines included a list of specific in-vehicle device tasks that NHTSA considers "unsafe for performance by the driver while driving." These include activities that are extremely likely to be distracting due to their very purpose of attracting visual attention but whose obvious potential for distraction cannot be measured using a task timing system because the activity could continue indefinitely (displaying video or certain images), activities that are discouraged by public policy and, in some instances, prohibited by Federal regulation and State law (e.g., entering or displaying text messages), and activities identified in industry driver distraction guidelines which NHTSA agrees are likely to distract drivers significantly (e.g., displaying video or automatically scrolling text).

Tasks such as displaying video and displaying text to be read are likely to distract drivers but may not be testable due to being unbounded or because they vary in magnitude. As a result, asserting a specific task start or end point would be somewhat arbitrary, rendering them not "testable." Therefore, a data-driven approach using acceptance testing as a basis for determining whether to lock out these tasks does not appear to be feasible. A data-driven approach using

crash data is also not currently feasible given the very limited amount of data collected to date for these new electronic distractions.

While Nissan commented that per se lock outs "should be reserved for tasks which are difficult to define or those that cannot be evaluated using the prescribed tests," NHTSA believes that some testable tasks are also inappropriate for performance while driving, including activities that are discouraged by public policy and activities that are generally accepted as lock outs in industry guidelines which NHTSA agrees are likely to distract the driver significantly. Both BMW and Toyota commented that NHTSA's inclusion of per se lock out of certain tasks is an inappropriate interpretation of the Alliance Guidelines. NHTSA notes that several of the tasks that the agency has indicated should be locked out (e.g., displaying video, automatically-scrolling text) are also those that the Alliance Guidelines indicate "should be disabled while the vehicle is in motion or should be only presented in such a way that the driver cannot see it while the vehicle is in motion," and NHTSA agrees that these tasks for lock out are tasks that are likely to be significantly distracting.

Regarding recommendations that NHTSA eliminate the per se lock out of text messaging, internet browsing, and social media browsing, the agency initially notes that these activities were

not included in the proposal as tasks subject to per se lock out. Rather, as stated in the Initial Notice, the agency intended that these activities would be inaccessible to the driver while driving as a result of the per se lock outs of manual text entry and displaying text to be read. Eliminating text messaging, internet browsing, and social media browsing while driving has been a focus of the Department of Transportation's efforts to end distracted driving, and these activities are also prohibited by many State anti-texting laws and the Executive Order titled "Federal Leadership on Reducing Text Messaging While Driving." Although, as discussed below, NHTSA is amending the per se lock outs of manual text entry and displaying text to be read, the agency intends that these per se lock outs effectively render the activities of visual-manual text messaging, internet browsing, and social media browsing inaccessible to the driver while driving.

NHTSA emphasizes that the agency remains open to amending the NHTSA Guidelines, including the per se lock outs, in the future in response to new information.

In response to the comments on individual per se lock outs, NHTSA has revised the list of per se lock outs, clarified the descriptions of the per se lock outs, and added definitions as needed.

2. Per Se Lock Out Relating to Displaying Text to be Read

a. Summary of Comments

Multiple commenters stated that NHTSA misunderstood the recommended limit for the maximum amount of text to be displayed to the driver at one time that is contained in the Japan Automobile Manufacturers Association Guidelines for In-vehicle Display Systems—Version 3.0 (referred to as the "JAMA Guidelines").¹³⁰ Quoting from a typical comment, that submitted by the Alliance:

JAMA 30 Character Limits Were Inappropriately Applied to English Characters

The agency states that it based "the 30 character limit in the NHTSA Guidelines on the amount of text that may be read comes from the JAMA Guidelines." However, the JAMA guidelines are referring to Japanese language symbols (Kanji) and not English language Roman characters. The Alliance recommends that systems be evaluated with performance criteria and that NHTSA eliminate the potentially redundant and overly restrictive concept of character limits.¹³¹

The Alliance also pointed out that the number of English language Roman characters corresponding to 30 Kanji characters may vary considerably:

30 Japanese symbols can have a widely varying amount of corresponding English text as shown below.

Example for traffic information message:

急カーブ速度注意、この先上り坂、速度注意、左から合流車に注意

30 characters in Japanese, 93 characters in English translation:

Speed attention Sharp curve, Speed attention Upslope ahead, Caution traffic merging from left

Example for news story:

温室効果ガス排出抑制に向け石油石炭税率を上乗せする環境税導入

30 characters in Japanese, 133 characters in English translation:

The introduction of a new environmental tax which contains the increased tax rate of oil and coal to reduce greenhouse effect gases.

However, as these examples show, the number of English language Roman characters corresponding to 30 Kanji characters greatly exceeds 30.¹³²

The Alliance comments also state:

A recent driving simulator study conducted by Hoffman et al. (2005) provides glance data that can be used for engineering purposes. This study found that a display

¹³⁰Japan Automobile Manufacturers Association, "Guideline for In-Vehicle Display Systems, Version 3.0," Japan Automobile Manufacturers Association, Tokyo, Japan, August 2004.

with 4 lines totaling 170 characters could be read in 11 seconds. Mean single glance time did not exceed 1.14 seconds, which is below the 2.0-second criterion set by the Alliance guidelines and adopted by the NHTSA guidelines. The CAMP DWM project sponsored by NHTSA found a similar result for an occlusion study with a similar experimental design. Both studies result in approximately 15.4 characters per second.

Based on these studies, the number of characters that a person can read per second is approximately 15 in a driving environment. However, it is important to put this into context; drivers do not typically read each letter in a sentence; rather, they

¹³¹Comments received from the Alliance of Automobile Manufacturers, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

extract meaning from the words presented (Campbell, Carney, & Kantowitz, 1998). Indeed, people can skim up to 700 words per minute and an 8th grade reading level is approximately 200 words per minute (Crowder, 1982). In other words, the number of characters in a message is a proxy for the actual amount of information in the message.¹³³

The Alliance recommends that systems be evaluated with performance criteria and that NHTSA eliminate the potentially redundant and overly restrictive concept of character limits.¹³⁴

¹³²Ibid, p. 11.

¹³³Ibid, p. 12.

¹³⁴Ibid, p. 2.

During the March 23, 2012 Technical Workshop on NHTSA's proposed Driver Distraction Guidelines, Mr. James Foley of Toyota showed a slide picturing a contemporary radio display showing several lines of text indicating satellite

radio station program information (See Figure 2 below). He then asked:

How do we apply the 30-character limit to this display? If it means a whole display can only contain 30 characters, if you look at just the six preset buttons, each preset button has

five characters. So once we have the presets presented to the user, we can't give them any other information about what the radio is doing. If you pick any one element within this display, you quickly exceed a 30-character limit * * *¹³⁵

Where should the 30 character limit be applied to this display?



Figure 2: Drawing of Slide Presented by Toyota at NHTSA Technical Workshop¹³⁶

Mr. Foley then pointed out that the information conveyed by this display is easily grasped and that drivers do not have to read each individual letter to understand what is being transmitted by this display.

Honda commented that research has shown that native English speakers achieve higher levels of comprehension and lower levels of critical confusion when most information is presented in text form, as opposed to symbols or icons.

b. NHTSA's Response

As stated in the Initial Notice, the JAMA Guidelines were the source of NHTSA's proposed 30-character limit for the maximum amount of text that should be read in one task. The JAMA Guidelines discuss the maximum amount of text that should be displayed to a driver at one time in two places.

Quoting from the main portion of the JAMA Guidelines:

The number of letters (e.g., characters, kana, alphabets) displayed at a time shall not exceed 31, provided that a number such as "120" or a unit such as "km/h" is deemed to be a single letter irrespective of the number of digits. Punctuation marks are not included in the count of letters.¹³⁷

Limits on the number of characters to be displayed to the driver, along with the reasons for the limits selected, are also discussed in the Appendix to the JAMA Guidelines:

The display of 31 or more letters at a time is also prohibited while the vehicle is in motion, for the following reasons:

a. The results of a test conducted in 1992 suggested that 30 is the maximum number of letters that drivers can read without feeling rushed.

b. The maximum number of letters contained in the level-1 dynamic information

display is 30 per screen. To harmonize communication between level-1 FM multiplex broadcast and in-vehicle display systems it is necessary to set the maximum number of letters on in-vehicle display system screen at 30.

The letters are counted as follows according to the Guideline:

a. A number such as "120" or a unit such as "km/h" is deemed to be a single letter irrespective of the number of digits.

b. Punctuation marks are not included in the count of letters.¹³⁸

The JAMA Guidelines seem to imply that their 30 character recommendation applies to both Japanese characters and English language Roman characters ("number of letters (e.g., characters, kana, alphabets) displayed"). However, NHTSA agrees that changes should be made to our per se lock out relating to reading.

In response to comments opposing the use of a 30-character limit for reading by

¹³⁵ Transcript of the Technical Workshop—March 23, 2012, p. 52. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0054.

¹³⁶ Materials presented at the Technical Workshop—March 23, 2012, p. 39. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0045.

¹³⁷ Japan Automobile Manufacturers Association, "Guideline for In-Vehicle Display Systems, Version 3.0," Japan Automobile Manufacturers Association, Tokyo, Japan, August 2004, p. 7.

¹³⁸ *Ibid.*, p. 13.

a driver as part of a non-driving-related task, NHTSA considered its options. NHTSA is not aware of another existing source of data on which to base a character limit for non-driving-related task reading by a driver. The per se lock out of all possible non-driving-related reading tasks is not reasonable, since this would impact existing displayed information such as the time of day and radio station identifiers.

While commenters suggested that instead of the 30-character limit NHTSA should recommend that tasks involving reading should be subject to the acceptance test protocol, that suggestion would not be easy to implement. For example, the definition of a "testable" task states that a "typical or average length input should be used." Therefore, for reading to be considered a testable task, the average magnitude of possible reading associated with foreseeable non-driving-related tasks would need to be known. However, the average length of reading could differ greatly depending on the nature of the non-driving-related task. As a result, specifying how to test all possible reading-related tasks was not considered to be a reasonable option.

NHTSA believes that a per se lock out is necessary to address our concerns about non-driving-related tasks involving reading. NHTSA's concern primarily relates to non-driving-related tasks involving reading that could be considered to fall into the categories of either visually-perceived entertainment or communications not essential to safe driving. These activities interfere with a driver's ability to safely control a vehicle in that they encourage the driver to look away from the road in order to continue reading. These are also the types of activities that are difficult to classify as a testable task.

Based on the above-noted issues and consideration of submitted comments, in this notice NHTSA is revising our per se lock out of reading displayed text. The revised recommendation addresses certain types of textual information that is not related to driving, rather than specifying an allowable number of characters that may be read. The specific revised per se lock out language is as follows:

Displaying Text to Be Read. The visual presentation, within view of a driver properly restrained by a seat belt, of the following types of non-driving-related task textual information:

- Books
- Periodical publications (including newspapers, magazines, articles)
- Web page content
- Social media content

- Text-based advertising and marketing
- Text-based messages (see definition) and correspondence (not including standard, preset message menu content displayed in the context of a task that meets acceptance test criteria)

However, the visual presentation of limited amounts of other types of text during a testable task is acceptable. The maximum amount of text that should be visually presented during a single testable task should be determined by the task acceptance tests contained in these Guidelines.

This per se lock out is limited to text in the listed categories and is not intended to apply to text related to the safe operation of the vehicle, including text intended to notify the driver of an emergency situation that presents a safety risk to vehicle occupants, such as extreme weather.

In addition, this version of the NHTSA Guidelines incorporates the legibility criteria contained in ISO Standard 15008,¹³⁹ which provides:

minimum specifications for the image quality and legibility of displays containing dynamic (changeable) visual information presented to the driver of a road vehicle by on-board transport information and control systems (TICS) used while the vehicle is in motion. These specifications are intended to be independent of display technologies * * *

Incorporation of ISO 15008 criteria serves to ensure that text is presented with sufficient character size to allow easy reading by a driver with 20/20 or better vision and restrained by a seat belt.

In response to Toyota's question about what text should be included in a reading task; NHTSA believes that only the text relevant to the particular task being performed should be considered part of the task. Nearby text unrelated to the task being performed should not be included as part of the text that is read for a particular task. Control and display labels should generally not be considered text that is read during a task that involves the use of a labeled control or display.

3. Per Se Lock Out of Manual Text Entry

a. Summary of Comments

Comments from several parties expressed opposition to the proposed per se lock out of manual text entry greater than six button presses. These commenters included the Alliance, Global Automakers, BMW, Ford,

¹³⁹ Road vehicles—Ergonomic aspects of transport information and control systems—Specifications and compliance procedures for in-vehicle visual presentation. First edition, 2003-03-15

General Motors, Mercedes-Benz, Toyota, and Volvo. Global Automakers, Ford, Mercedes-Benz, Toyota, and Volvo specifically recommended that tasks involving manual text entry be subject to the acceptance test rather than a per se lock out. The Alliance specifically commented that the "Per se lock out of a specific number of button presses is inappropriate since 'button presses' can encompass many different interface technologies/designs that do not have the same levels of visual/manual distraction potential." General Motors recommended that text entry based tasks be subject to an acceptance test involving the Alliance acceptance criteria of 20-second eyes-off-road-time and 2-second mean glance duration.

Multiple commenters requested clarification on this per se lock out of manual text entry greater than six button presses. Chrysler asked whether the manual text entry limit applies to text or phone number inputs, but not to other task related button presses. The Alliance and Mercedes-Benz asked whether this task per se lock out covered push-button type interfaces or other types also, and whether the restriction was intended to apply only to manual text entry as part of an overall "task" or to button presses required for an entire task. Mercedes-Benz commented that the exclusion of tasks requiring more than 6 button presses, including 10-digit phone dialing, is too stringent and unnecessary or inappropriate if the task passes the acceptance test. BMW commented that NHTSA's proposed lock out of manual text entry greater than six button presses was not justified and ignores the concept of interruptibility.

MEMA asked for clarification of whether "the utilization of an in-vehicle touch-pad sensor that reads finger-drawn letters and numbers would be considered restricted under the per se lockouts" and whether the technology would "fall under the agency's limits on button presses?"

b. NHTSA's Response

NHTSA wishes to clarify that the per se lock out of manual text entry contained in the Initial Notice encompasses input of both alphabetical and numeric characters entered individually, in the context of performing any non-driving-related task or part thereof, except numeric phone dialing which is subject to the acceptance test protocol. This provides compatibility with the treatment of phone dialing outlined in the Federal Motor Carrier Safety Regulation (FMCSR) 49 CFR 392.80, Prohibition

Against Texting (issued September 27, 2010).

The lock out does not apply to manual input actions by the driver for a purpose other than the entry of individual alphanumeric characters. For example, pressing a radio preset button would not be covered by this per se lock out.

With regard to what types of visual-manual interfaces may be covered by this per se lock out, NHTSA clarifies that it applies to manual text entry regardless of the type of visual-manual interface involved. Interface types affected would include those for which a driver would use his or her hand or a part thereof to input individual characters to a system in the context of performing a non-driving task. Examples of such interface types include, but are not limited to, those accepting inputs via hard button, soft (e.g., capacitive) button, touch screen, finger-drawn characters, and gestures.

NHTSA disagrees with BMW that the proposed per se lock out of manual text entry ignores the concept of interruptibility because there was no time limit for how long the driver could take to perform those six inputs. NHTSA recommended a limit on the amount of manual text entry because of concerns that manual text entry while driving affects safety (see Figure 1).

The intent of NHTSA's per se lock outs of manual text entry greater than six button presses and of reading more than 30 characters was to effectively prevent drivers from engaging in visual-manual tasks such as text-based messaging, internet browsing, and social media browsing while driving. The DOT believes that preventing drivers from engaging in text-based messaging or communications while driving is important for safety. Text-entry and reading are highly visual tasks that are likely to hinder a driver's safe maneuvering of the vehicle. As noted by the Alliance, no data were presented in the proposal to support the assertion that single button presses take 2 seconds to perform.

The language for the per se lock out of manual text entry has been revised to specifically recommend against the following:

Manual Text Entry. Manual text entry by the driver for the purpose of text-based messaging, other communication, or internet browsing.

4. Per Se Lock Out of Graphical and Photographic Images

a. Summary of Comments

Multiple commenters were opposed to the per se lock out of static graphical

and photographic images. The Alliance, Ford, Honda, Toyota, and Volvo recommended that it be eliminated from NHTSA's Visual-Manual Driver Distraction Guidelines. Agero, BMW, and Toyota stated that NHTSA does not provide justification substantiating this recommended per se lock out. Global Automakers, Agero, Ford, and Nissan recommended that instead of a per se lock out, graphical and photographic image presentation should be subject to the acceptance test protocols. BMW commented that NHTSA did not sufficiently distinguish between driving-related images and non-driving-related images in the proposed Guidelines.

Global Automakers and Honda advocated for NHTSA's Guidelines to follow Alliance Guidelines Principle 2.2, which states:

Where appropriate, internationally agreed upon standards or recognized industry practice relating to legibility, icons, symbols, words, acronyms, or abbreviations should be used. Where no standards exist, relevant design guidelines or empirical data should be used.

Chrysler requested clarification that the lock out of photorealistic images is not intended to apply to icons or logos. Similarly, the Alliance commented that:

* * * the prohibition to display an image not related to driving appears to be too narrow in its definition and they believe would prohibit display of company logos, navigation screen images such as McDonald's arches, Starbucks' logo, Gasoline logos like Shell.

The Alliance, Garmin, Honda, Mercedes-Benz, and Nissan indicated that such images may improve comprehension and response times relative to text and should be permitted. MEMA commented that visual images generally should be less distracting than text.

Nissan stated that some images can provide functionality similar to an icon, to help discern information without reading (like album art versus a title) and requested that some static images be allowed if they meet acceptance criteria. Nissan stated that they specifically believe that some items "support a driver's ability to search for information, recognize system status, and identify goals and could be considered as providing the functionality of an icon" (e.g., album cover art, photo of person's face to identify a contact, photos of landmarks to support navigation functions).

Honda's comment included their own research data that they interpret as indicating that the display of static images such as album cover art did not

significantly affect driving performance and met the Alliance Guidelines' Principle 2.1 criteria. Honda conducted a simulator-based study examining the eye glance behavior, lane position, and headway exhibited by 20 test participants while performing an album art recognition task. Drivers were shown a small album art image (that they were unfamiliar with) for 20 seconds and then asked to select the correct image from a set of 4 images. Honda's data showed that the 85th percentile of single glance duration was 1.73 seconds. Results showed no statistically significant effect of the album art task on time headway or average right side margin. Based on those data, Honda recommended that static images not related to driving (e.g., family photographs) should not be prohibited.

Honda also commented that research has shown that native English speakers achieve higher levels of comprehension and lower levels of critical confusion when most information is presented in text form, as opposed to symbols or icons.

b. NHTSA's Response

In response to commenters' requests for clarification of this recommendation, Guideline language relating to the display of static, visual non-driving-related images has been improved for clarity. NHTSA believes the language improvements will address some of the concerns related to this recommendation. In addition, a definition of non-driving-related graphical or photographic images¹⁴⁰ has been added to these Guidelines. For the purposes of these Guidelines, such images are defined as any graphical or photographic image that does not qualify as "video" and that is associated with a *non-driving-related task*. This notice clarifies driving-related tasks to include interactions with vehicle information centers, multi-function displays, emissions controls, fuel economy information displays, trip odometers, and route navigation systems. NHTSA has removed the word "static" from the per se lock out of graphical and photographic images and added the word "non-video" to the definition to clarify that non-video images that move or scroll are also not recommended.

NHTSA agrees with the suggestion by Global Automakers and Honda to follow Alliance Principle 2.2, which recommends the use of "internationally agreed upon standards or recognized

¹⁴⁰ Underlined terms are defined in Section IV. Definitions of the NHTSA Driver Distraction Guidelines.

industry practice relating to legibility, icons, symbols, words, acronyms, or abbreviations." NHTSA further suggests that in addition to internationally standardized symbols and icons, simple, well-known Trademark™ and Registered® symbols, such as company logos, may in some cases be useful in presenting information to a driver and are not encompassed by the per se lock out. Along these lines, company logos presented statically are also acceptable for display. The newly added definition of non-driving-related graphical or photographic images clarifies these symbols and icons as being acceptable by stating that "Internationally standardized symbols and icons, as well as simple Trademark™ and Registered® symbols, are not considered graphical or photographic images.

NHTSA carefully reviewed submitted comments favoring presentation of visual images and found many of them to focus on the possible benefits afforded by such images in aiding a driver making a selection in the context of a task performed using an in-vehicle electronic device. Most notable is Nissan's suggestion that for some tasks, presentation of a visual image may "support a driver's ability to search for information" and Honda's description of research showing that an album art recognition task can meet the Alliance Guidelines 2-second maximum individual glance length criterion and 20-seconds total eyes-off-road-time criterion while having no significant impact on time headway or lane position maintenance.

NHTSA to date has not performed research addressing the issue of non-video, visual images or the impact of album art display on a secondary task involving music selection and appreciates Honda's submission of research data. We believe that Honda's research would have been more informative if a treatment condition involving a text description of music selections and no album art had been included. That may have helped to demonstrate how album art is superior to traditional text display of music selections. The album art task could have also been more relevant if the driver were prompted using words to search for a particular album or song, instead of matching album art images. Finally, while the results show no significant effect of Honda's album art task on time headway or lane position, the lack of an effect does not indicate that the album art task is associated with the same level of driving performance as that observed in a baseline condition (i.e., no secondary task).

NHTSA believes it is plausible that for certain tasks the display of a related static image may aid the driver in selecting an option that meets his or her task goal. However, NHTSA remains concerned that a driver unfamiliar with those images, or particularly fond of those images, may perform a selection task less efficiently when a static image is displayed or may choose to glance at the image frequently and for unsafe durations of time.

In general, NHTSA is concerned that non-driving-related graphical and photographic images not essential to the driving task could distract the driver by unnecessarily drawing his or her eyes away from the roadway, thereby increasing crash risk. Past analyses of naturalistic data have shown that a driver's glances away from the forward roadway of up to 2.0 seconds in duration have no statistically significant effect on the risk of a crash or near-crash event occurring. However, eyes-off-road times of greater than 2.0 seconds have been shown to increase risk at a statistically significant level. The risk of a crash or near-crash event increases rapidly as eyes-off-road time increases above 2.0 seconds.¹⁴¹ NHTSA is concerned that unnecessary graphical and photographic images within view of the driver will increase the frequency and duration of a driver's eyes being averted from the forward roadway. NHTSA believes that an increase in visual entertainment for a driver is not worth a potential decrease in safety. Having said that, some images may be useful to drivers and NHTSA does not intend for the NHTSA Guidelines to hinder use of these helpful images.

After careful review of comments and submitted information, NHTSA has weighed the possible advantages and disadvantages of presenting such images and believes that an intermediate position between the original proposal and blanket allowance of such images is reasonable. To balance the potential advantages with the disadvantages with which NHTSA is concerned, the per se lock out has been revised in this notice to permit non-video images to be displayed during certain non-driving tasks to aid the driver in searching for an item of interest as long as the image is automatically extinguished upon completion of the selection task. Removing the task-related image upon completion of the task ensures that the image is not available to visually distract the driver.

¹⁴¹ Klauer, S.G., Dingus, T.A., Neale, V.L., Sudweeks, J.D., and Ramsey, D.J., "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data," DOT HS 810 594, April 2006.

NHTSA has also replaced the proposed language regarding quasi-static and static maps with language clarifying that while the display of maps is acceptable under these Guidelines, maps that are displayed should only contain informational detail not critical to navigation and not have unnecessary complexity (i.e., photorealistic images, satellite images, or three-dimensional images are not recommended) that may cause too much distraction. This language better conveys NHTSA's original intentions regarding the display of maps: That the amount of time it takes the driver to extract information from the map should be minimized.

The specific revised Guideline language from Section V.F is as follows:

Displaying Images. Displaying (or permitting the display of) non-video graphical or photographic images.

Exceptions:

a. Displaying driving-related images including maps (assuming the presentation of this information conforms to all other recommendations of these Guidelines). However, the display of map informational detail not critical to navigation, such as photorealistic images, satellite images, or three-dimensional images is not recommended.

b. Static graphical and photographic images displayed for the purpose of aiding a driver to efficiently make a selection in the context of a non-driving-related task (e.g., music) is acceptable if the image automatically extinguishes from the display upon completion of the task. If appropriate, these images may be presented along with short text descriptions that conform to these Guidelines.

c. Internationally standardized symbols and icons, as well as Trademark™ and Registered® symbols, are not considered static graphical or photographic images.

The recommendation for a short text description to accompany the displayed images associated with non-driving-related tasks is in response to Honda's comment that research indicates "that native English speakers achieve higher levels of comprehension and lower levels of critical confusion when most information is presented in text form, as opposed to symbols or icons." Text accompanying static images should meet other criteria recommended in NHTSA's Guidelines.

5. Per Se Lock Out of Displaying Video Images—Dynamic Maps

a. Summary of Comments

In response to proposed Section V.5.b "Dynamic Moving Maps," multiple

commenters opposed the per se lock out including the Alliance, BMW, Ford, GM, Nissan, Toyota, and Volvo. Global Automakers and Nissan advocated for a performance-based approach to determining the acceptability of moving map-related tasks. Multiple commenters, including Chrysler, Honda, and Nissan, asked for clarification regarding whether NHTSA intended this per se lock out to disallow conventional dynamic maps as used in navigation systems that are currently in vehicles.

Mercedes stated:

Dynamic maps: A dynamic map represents "state-of-the-art" for navigation systems and drivers expect a constantly moving map as their vehicle is also moving forward. Dynamic maps are not comparable to moving video imagery. These maps move slowly and smoothly, so the motion does not lead to unwanted attention capture. There is no data driven justification to prohibit the use of dynamic map displays. Dynamic maps should remain available while driving.

Honda requested that NHTSA provide criteria for use in determining the types of three-dimensional images that interfere with a driver's safe operation of the vehicle. Honda did not provide supporting data but indicated that they "believe more realistic and life-like images of roadways and landmarks are more quickly correlated with the forward view, leading to quicker recognition and reduced driver workload."

The Alliance commented that "Photographic overlays provide enhanced details that aid the driver in locating entrances, parking lots or other landmarks."

The Alliance requested the ability to provide drivers with flexible systems with "multiple viewing and display modes with recognition that drivers have different needs, preferences and capabilities for use of map information." The Alliance further stated that "Drivers should be given the choice as to the type and form of driving aid that best suits their needs in a given situation."

b. NHTSA's Response

The Guidelines proposal notice including Section V.5.b did not clearly relate NHTSA's intent with respect to dynamic displays. The purpose of that per se lock out was to deter the introduction of unnecessarily complicated navigation system displays. The per se lock out was based on NHTSA's concern that navigation system enhancements being considered by the industry may lead to substantial unnecessary distraction and reduced safety.

Navigation systems are one of the more complex OE devices available to

the driver to interact with. NHTSA is concerned about the addition of informational detail not critical to navigation and image complexity, such as three-dimensional, photographic, full location scenery, and/or satellite images that could tempt drivers to look at the navigation image more than necessary for route navigation.

NHTSA's preference for a basic, low-complexity map display stem from a December 1995 report¹⁴², "Preliminary Human Factors Design Guidelines for Driver Information Systems," published by the Federal Highway Administration, which outlines research-supported guidelines for navigation system display content. Chapter 7, titled "Navigation Guidelines—Visual Displays," contains recommendations for "presentation modality, turn display format (arrows vs. maps, etc.), turn display content (which information elements are required), labeling of details, and display orientation and placement." Some relevant excerpts from this chapter are summarized as follows:

i. Limit the amount of detail on maps.

Details fall into three categories. They include line graphics (roads, political boundaries, rivers, etc.), landmarks (buildings, etc.), and labels (street names, route numbers, road names, etc.). Line graphics will have a greater effect on response time than will the other factors. According to Stiltz and Yitzhaky, the time (in seconds) required to locate a street on a map with grids is $(0.38n) + 2.1$, where n is the number of roads in the grid (range of 4 to 25). * * *

ii. Required information includes the road being driven, the name of the road for the next turn, the direction, and approximate angle of the next turn, and an indicator of distance to the turn.

These required items concerning the next turn should be shown even if the turn is distant. Additional clarifying information (i.e. landmarks, additional streets) should be limited to items that help drivers prepare for and execute the maneuver.

iii. Views of intersections should be plan (directly overhead) or aerial (as from a low flying airplane), but not perspective (from the driver's eye view).

Response times and errors in making decisions about intersections were examined by Green and Williams, and Williams and Green * * *. Differences between aerial and plan views were small. Response times and errors for both were significantly lower than those for perspective displays. Perspective displays were least preferred.

iv. Provide turn indications using either simple arrow displays or simple maps.

The literature suggests that drivers experience difficulty in reading detailed maps while driving * * *. Turn displays should present the intersection ahead, the direction of the turn, and the distance to it.

¹⁴² Publication No. FHWA-RD-94-087, December 1995.

The Walker, et al. research indicates that showing only a turn arrow can result in reasonable performance * * *

v. Roads on map-like displays should be shown as single, solid lines, not multiple lines to represent each road edge.

This guideline is supported by the work of Green and Williams, and Williams and Green * * *. Participants in experiments made more errors and took longer to make decisions in matching map displays with real-world scenes when the map graphics were outlines.¹⁴³

After considering submitted comments and reviewing the noted research, NHTSA has decided to retain the per se lock out covering map displays, but with improved language:

Map displays. The visual presentation of dynamic map and/or location information in a two-dimensional format, with or without perspective, for the purpose of providing navigational information or driving directions when requested by the driver (assuming the presentation of this information conforms to all other recommendations of these Guidelines). However, the display of informational detail not critical to navigation, such as photorealistic images, satellite images, or three-dimensional images is not recommended.

NHTSA believes that this clarified per se lock out description for dynamics will provide a better understanding of the recommendations and guide map display design.

6. Per Se Lock Out of Watching Video—Trailer Hitching

a. Summary of Comments

Two comments were received with respect to the acceptability of displaying rearview images (i.e., live video images of the area directly behind a backing vehicle). Global Automakers asserted that since the FMVSS that would regulate rearview images is not yet finalized, all rearview image displays should be allowed under the Guidelines until that rulemaking action is complete. Chrysler advocated for the per se lock out relating to video to be revised to permit video images of truck bed and trailer contents, as well as the area behind the vehicle while a driver is attempting to hitch a trailer to his or her vehicle:

Some vehicles (trucks in particular) have a feature that permits customers to display the rear camera images so that they can monitor the status of a tower trailer and hitch or the contents in a pick-up truck bed while in forward motion. Chrysler believes the display of such images will enhance safety by allowing the customer to determine whether the contents of the truck bed are properly stowed or whether the trailer hitch chains are attached. Chrysler recommended that

¹⁴³ Ibid.

NHTSA's guidelines be harmonized with the Alliance's efforts to expand the scope of FMVSS 111 to permit images while in forward motion for the purposes of enhancing safety.

b. NHTSA's Response

NHTSA agrees that referring to a FMVSS that is not yet finalized is not appropriate and has revised the per se lock out in this notice. NHTSA also agrees that a driver can more efficiently hitch a trailer with the aid of a video image showing the area immediately behind his or her vehicle. As such, we have revised the language for the per se lock out of "Displaying Video" and included a limited exception that allows a video image to be presented for the purposes of aiding a driver to perform a hitching or backing maneuver. However, we believe that it is important for safety to ensure that a driver cannot view a rear video image while driving forward outside the context of a hitching or backing maneuver. To address this concern, the revised language includes limits on the display of video. The revised language for the per se lock out of "displaying video" is as follows:

Displaying Video. Displaying (or permitting the display of) *video* including, but not limited to, video-based entertainment and video-based communications including video phoning and videoconferencing.

Exceptions:

a. The display of video images when presented in accordance with the requirements of any FMVSS.

b. The display of a video image of the area directly behind a vehicle for the purpose of aiding a driver performing a maneuver in which the vehicle's transmission is in reverse gear (including parking, trailer hitching), until any of the following conditions occurs:

- i. The vehicle reaches a maximum forward speed of 10 mph;
- ii. After the vehicle has shifted out of reverse, it has traveled a maximum of 10 meters; or
- iii. After the vehicle has shifted out of reverse, a maximum of 10 seconds has elapsed.

The 10-mph limit specified in exception 'i' is based on the likelihood that a driver whose speed has increased to 10 mph has concluded his or her hitching maneuver. Likewise, when a vehicle has traveled forward a distance of 10 meters or more or 10 seconds have elapsed, the driver's intention to hitch a trailer has likely concluded. NHTSA believes that these limits will reasonably accommodate any typical backing or hitching maneuver while

ensuring that drivers cannot view video of the area behind the car while driving forward.

Regarding Chrysler's comments as to the "Alliance's efforts to expand the scope of FMVSS 111," NHTSA is unaware of such activity. However, the Guidelines contain an exception that allows presentation of video required by a FMVSS.

7. Per Se Lock Out of Automatically Scrolling Lists and Text

a. Summary of Comments

Commenters opposed to the per se lock out of automatically scrolling lists included Global Automakers, Mercedes-Benz, and Volvo. For example, Global Automakers stated:

We suggest that the following items should NOT be subject to per se lockouts and should be allowable if the system is able to meet the evaluation criteria:

* * * Continuously scrolling text (for example, the Radio Broadcast Data System (RBDS)/Radio Data System (RDS) has been available for many years and should continue to be allowed).

Mercedes-Benz likewise commented

Short scrolling lists: There should be no "per se" limitation of the length of scrolling lists. There are methods (e.g. search algorithms) which enable drivers to smoothly navigate lists. If a specific scrolling list execution passes performance testing then it should be available for use while driving.

b. NHTSA's Response

The per se lock-out of automatically scrolling text is based on several of the guiding principles of NHTSA's Guidelines including the principle that "the driver's eyes should usually be looking at the road ahead," and the principle that "the driver should control the pace of task interactions, not the system/device." Automatically scrolling text can violate one or both of these principles. Specifically, automatically scrolling text is generally likely to distract the driver and is among the types of visual information that the Alliance Guidelines recommend disabling while driving. Additionally, when used as part of a task (e.g., selecting an item from an automatically scrolling list) automatically scrolling text requires the driver to receive and process information without the ability to control the rate of information display. NHTSA thus rejects commenters' recommendations to not include the per se lock out of automatically scrolling text.

With regard to the specific example of automatically scrolling text referenced by Global Automakers, Radio Broadcast Data System (RBDS)/Radio Data System (RDS), it was not NHTSA's intention to

lock out the display of such information. Rather, NHTSA's Guidelines are meant to encourage the display of such information in ways that are not excessively distracting. NHTSA notes that there are alternative ways of displaying RBDS/RDS data that do not involve automatically scrolling text.

NHTSA is uncertain what Mercedes-Benz was referring to in its comment about list length and "methods that enable drivers to smoothly navigate lists." The per se lockout applies only to automatically scrolling text. There are alternative ways to display lists of varying lengths that do not involve automatically scrolling text.

8. Clarify Acceptability of Technology That Allows the Driver and Passenger To See Different Content From Same Visual Display

a. Summary of Comments

Nissan requested clarification regarding whether NHTSA's proposed per se lock outs of static graphical or photographic images and video apply only to display content visible to a person seated in a normal driving position. Nissan noted that:

emerging technology will make it possible for two viewers to see different content in the same screen depending on their locations and viewing angles.

Nissan also requested that NHTSA clarify the intent of the per se lock out of static images and video by adding the phrase, "which are visible to a driver restrained by a seat belt."

b. NHTSA's Response

Nissan is correct that the intent of the per se lock outs for static graphical or photographic images and video were intended by NHTSA to apply only to images within view of a driver properly restrained by a seat belt. To clarify this, the recommendations against displaying video and images have been revised in the Guidelines to apply only if the video or images are "within view of the driver properly restrained by a seat belt."

F. Task Acceptance Test Protocol Issues

1. Suggestions for Other Acceptance Test Protocols

a. Summary of Comments

Several commenters recommended inclusion of a particular method of testing in the final version of the NHTSA Guidelines. Some suggestions were directed at options as presented in the proposal while others were directed at inclusion of different methods not proposed as test procedures in the Initial Notice. In his comments, Professor Richard A. Young assessed the

various testing options and provided the following conclusion:

A test using fixed criteria that measures glance properties, as well as event detection, in the same test of driver performance while doing a secondary visual-manual task, is therefore the minimum test that I would recommend for final validation of a task.¹⁴⁴

He underscored the importance of including a detection task as part of the test protocol:

* * * any of the NHTSA proposed tests for visual-manual distraction which do not include some sort of peripheral detection task (PDT) as part of the test will not address the attention dimension as it relates to detection and response of on-road events, and are therefore likely to produce false negative errors.¹⁴⁵

Professor Young discussed the *Option DFD-FC: Dynamic Following and Detection Protocol with Fixed Acceptance Criteria* test procedure proposed in the Initial Notice and identified the attributes that he considered essential to a suitable test procedure:

It should minimize both false negative and false positive errors compared to the other tests because it has the most comprehensive set of metrics. The test uses fixed criteria, and does not use the radio tuning test as a benchmark * * * so the relatively poor event detection associated with the radio tuning test need not lead to false negative errors.¹⁴⁶

Two commenters (Mercedes-Benz and the Alliance) requested the inclusion of driving performance-based acceptance test protocols in addition to the eye glance-related driving protocols that NHTSA preferred in the Initial Notice. The following comment was submitted by Mercedes-Benz:

The driver's ability to maintain headway and keep their vehicle within lane boundaries are fundamental elements of safe driving performance. Laboratory eye glance assessment provides a simplified measure to infer such safe driving performance under dynamic conditions. However, if drivers are actually observed reacting to changes in a dynamic driving environment by maintaining headway and keeping within lane boundaries, assessment of eye glance behavior is superfluous. Evaluation of headway variance and lane keeping performance measures provide an accurate and sufficient assessment of driving performance. The proposed addition of eye glance measure to driving performance evaluation is unwarranted.¹⁴⁷

Based on this argument, Mercedes-Benz provided the following recommendation for a test protocol:

Therefore we recommend using the DS-BM (Driving Test Protocol with Benchmark) approach as defined in Alliance Guideline Option 2.1(B) as the driving test verification protocol.¹⁴⁸

Comments from the Alliance were very similar to those provided by Mercedes. They echoed the conclusion that the Alliance Guideline Option 2.1(B) should be included in the final guidelines. They provided the following rationale for this recommendation:

The agency has not provided any research demonstrating how the proposed changes to the driving procedure relate to real world crash risk. Thus, NHTSA should adopt the Alliance Guidelines Option 2.1(b) criteria until a defined safety benefit for different procedures and criteria can be demonstrated and validated through analysis of SHRP-2 naturalistic driving data.¹⁴⁹

As part of their comments, the Alliance requested inclusion of an option focused directly on driving performance:

* * * it should always be an option to directly evaluate the impact of a new information or communication system on driving performance, instead of using the surrogate measure of eye glance behavior.¹⁵⁰

Chrysler provided extensive commentary on both the Eye Glance and Occlusion methods that NHTSA indicated were preferred over the others described in the proposed Guidelines. Chrysler provided the following commentary in support of the Lane Change Test (LCT):

Chrysler supports LCT testing due to participants frequently commenting on the impact that familiarity with a task made on their ability to perform the secondary task well. During LCT testing, participants were more likely to comment on becoming familiar with the driving simulator, while during occlusion testing participants commented on memorizing button locations, screen layout and the steps involved in task completion.¹⁵¹

* * * the LCT method offers clear feedback as to performance. During the Occlusion testing, a participant has no way of knowing if he or she is failing the test. However during the LCT testing people are clearly aware of the extent to which their driving performance is degrading based on their use of the system. In summary, we believe the LCT method most closely represents the driving task which is the very

focus of these guidelines. It is Chrysler's recommendation that LCT testing be included in the final publication of NHTSA's proposed guidelines.¹⁵²

Dr. Paul Green commented that the proposed NHTSA Guidelines' acceptance test protocols do not have enough emphasis on prediction and calculation to determine device interface acceptability. He went on to state:

It is critical that methods to quickly estimate compliance exist, and those methods be recommended and used early in design. Often they do not need to be perfect as many of the interface functions proposed have task times of 30 or 40 s. far in excess of any limit, be it 15 s, 10 s, or 8s. It is a waste of resources to test them if one can be confident they will not pass a guideline test. * * * Keep in mind that contemporary engineering practice is based on calculation and estimation, and tests of mockups are only used as a final check where there is uncertainty.

Given the need for a calculation method, the requirements of PL 104-113, and the research support for it, DOT should include SAE J2365 in its guidelines. Furthermore, given NHTSA's acceptance of occlusion as a test procedure, NHTSA should adopt Pettitt's method, which estimates occlusion task time, as an acceptable calculation procedure as well.¹⁵³

b. NHTSA's Response

NHTSA greatly appreciates the thoughtful comments received regarding the acceptance test protocols that NHTSA will use to assess conformance with these Guidelines. Following careful consideration of comments received, NHTSA has decided to maintain our plan to assess non-driving task conformance with acceptance criteria using the two preferred acceptance test protocols noted in the Initial Notice:

- *Option EGDS: Eye Glance Testing Using a Driving Simulator*, and
- *Option OCC: Occlusion Testing*.

NHTSA reiterates that while these acceptance test protocols are the ones we intend to use to assess task conformance with these Guidelines; other organizations are free to use alternative protocols that they deem suitable for assessing tasks' ability to meet the acceptance criteria.

A detailed explanation of our reasons for limiting the acceptance protocols to the two noted ones follows.

NHTSA's testing experience with *Option EGDS: Eye Glance Testing Using*

¹⁴⁴ Comments received from Professor Richard A. Young, p. 8. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0106.

¹⁴⁵ *Ibid.*, p.7.

¹⁴⁶ *Ibid.*

¹⁴⁷ Comments received from Mercedes-Benz USA, p. 5. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0093.

¹⁴⁸ *Ibid.*, p. 5.

¹⁴⁹ Comments received from The Alliance of Automobile Manufacturers, Technical Appendix, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

¹⁵⁰ *Ibid.*, Technical Appendix, p. 15.

¹⁵¹ Comments received from Chrysler Group, p.4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0095.

¹⁵² *Ibid.*, pp. 4-5.

¹⁵³ Comments received from Dr. Paul Green, p.4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0052.

a *Driving Simulator*,¹⁵⁴ and *Option OCC: Occlusion Testing*¹⁵⁵ has been positive. Both test protocols were practicable, straightforward to run, and produced robust, sensitive, and repeatable data. Although some commenters questioned whether eye glance metrics were sufficient to ensure safe driving, NHTSA believes that the underlying theme of both of these acceptance test protocols—keeping the driver's eyes on the forward road scene as much as possible—is good for motor vehicle safety. A clear relationship between eye glance-related metrics and driving safety exists—a driver's vigilant monitoring of the road and nearby vehicles is essential to safe driving.

Furthermore, as was stated in the Initial Notice, both of these eye glance-related test protocols have a number of advantages. These include:

- Based on analyses of past naturalistic data, we know that looking away from the forward roadway for up to 2.0 seconds has a minimal effect on the risk of a crash or near-crash event occurring. However, eyes-off-road times greater than 2.0 seconds have been shown to increase risk at a statistically significant level. The risk of a crash or near-crash event increases rapidly as eyes-off-road time increases above 2.0 seconds.¹⁵⁶

- An obvious relationship between visual-manual distraction and eye glance measures exists. Visual-manual distraction strongly implies that the driver is looking away from the forward road scene.

- Eyes-off-road time is measureable. Researchers have been working for more than 30 years to develop better techniques for measuring driver eyes-off-road times. A large amount of effort has focused on such topics as the best ways to ensure coding reliability when reducing eye glance video and the development of automated eye trackers.

- Commercially available occlusion goggles allow occlusion testing to be

performed without having to develop new hardware.

- ISO standards exist for both eye glance measurement (ISO 15007-1 and ISO 15007-2) and occlusion testing (ISO 16673). This allows us to take advantage of years of test development effort by the research community.

In summary, proven, robust acceptance test protocols for measuring visual-manual distraction based on eye glance metrics and acceptance criteria are available. While these eye glance-based acceptance test protocols may not be perfect, their widespread adoption would be a major step towards limiting and reducing visual-manual distraction. Therefore, NHTSA believes that acceptance test protocols based on eye glance metrics are most appropriate at this time for assessment of distraction due to visual-manual tasks. However, NHTSA remains open to amending the Guidelines test protocols in the future in response to new information.

Professor Young recommended the inclusion of a peripheral detection task (PDT; more generically a detection-response task or DRT) as part of the task acceptance test protocols necessary to address the attentional dimension as it relates to a driver's detection and response to on-road events. He did not advocate for the replacement of NHTSA's preferred task acceptance test options (*Option EGDS: Eye Glance Testing Using a Driving Simulator* and *Option OCC: Occlusion Testing*) with a PDT-based test but recommended supplementing these options with the addition of a PDT-based test.

NHTSA believes that inclusion of a DRT/PDT-based test would be premature at this time. To date, there has been some lack of consensus amongst researchers (U.S. and foreign) regarding the meaning, appropriate use, and preferred implementation type of the DRT/PDT. However, the International Organization for Standardization (ISO) has made significant progress in this area and is currently nearing consensus on a draft standard outlining the use of a detection-response task for assessing selective attention in driving. We believe that this draft standard will greatly inform our consideration of incorporating a DRT as part of an acceptance test protocol for the NHTSA Guidelines in the future, though additional research would be required to develop appropriate criteria for task acceptance.

Several commenters advocated for inclusion of acceptance test protocols based on driving performance measures (e.g., lane exceedances and headway variability). The Initial Notice contained

two of these protocols, both of which were based on the Alliance 2.1 Alternative B test protocol, (referred to in the Initial Notice as *Option DS-BM: Driving Test Protocol with Benchmark* and *Option DS-FC: Driving Test Protocol with Fixed Acceptance Criteria*).

NHTSA is not including this protocol in the Phase 1 Guidelines because the performance measures evaluated by these protocols to assess visual-manual distraction (i.e., lane exceedances and headway variability) do not have an established link to crash risk, whereas the visual attention-based measures selected by NHTSA do have an established link to crash risk. Additionally, although the Alliance 2.1 Alternative B test protocol produces results similar to the EGDS protocol, the Alliance 2.1 Alternative B test protocol is more complex and requires a larger number of participants.

Specifically, the benchmark task requirement in the Alliance 2.1 Alternative B test protocol adds considerable complexity (i.e., development of benchmark task for each test, additional test trials). In contrast, the EGDS and OCC protocols use fixed task acceptance criteria that do not require the use of a benchmark task, resulting in fewer test trials that need to be run to assess a vehicle's conformance. Additionally, although NHTSA's research using the Alliance 2.1 Alternative B test protocol¹⁵⁷ found that this test protocol produced essentially the same results as did the EGDS protocol, more test participants were required for the results to attain adequate statistical power than were needed for the EGDS protocol (24 test participants is adequate for EGDS protocol). NHTSA's research showed that 60 or more test participants needed to be tested to obtain similar statistical power using the Alliance 2.1 Alternative B test protocol. One of the reasons for the need for a larger sample size when using the Alliance 2.1 Alternative B test protocol is its use of lane exceedances as a measure of driving performance. Lane exceedances are low frequency events, particularly during straight line driving, and secondary tasks can be performed with no lane exceedances. Conversely, lane exceedances may happen when the driver is not performing a secondary task. The relative rarity of lane exceedances means that a large amount of testing has

¹⁵⁴ Some of NHTSA's experience using the *Option EGDS: Eye Glance Testing Using a Driving Simulator* test protocol is documented in Ranney, T.A., Baldwin, G.H.S., Parmer, E., Martin, J., and Mazzae, E. N., "Distraction Effects of Manual Number and Text Entry While Driving," DOT HS 811 510, August 2011.

¹⁵⁵ NHTSA's experience using the *Option OCC: Occlusion Testing* test protocol is documented in Ranney, T.A., Baldwin, G.H.S., Smith, L.A., Martin, J., and Mazzae, E. N., "Driver Behavior During Visual-Manual Secondary Task Performance: Occlusion Method Versus Simulated Driving," DOT HS number not yet available, April 2012, accessible at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0077.

¹⁵⁶ Klauer, S.G., Dingus, T.A., Neale, V.L., Sudweeks, J.D., and Ramsey, D.J., "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data," DOT HS 810 594, April 2006.

¹⁵⁷ Ranney, T.A., Baldwin, G.H.S., Parmer, E., Martin, J., and Mazzae, E. N., "Distraction Effects of In-Vehicle Tasks Requiring Number and Text Entry Using Auto Alliance's Principle 2.1B Verification Procedure," DOT HS 811 571, February 2012.

to be performed to observe a statistically stable number of these events.

Therefore, an additional reason why NHTSA did not retain either of the Alliance 2.1 Alternative B test protocol-based acceptance test options in these Guidelines is because eye glance based acceptance test protocols provide statistically significant results with the fewest number of test participants.

Chrysler advocated for the inclusion of an acceptance test protocol based on the European Lane Change Test (LCT) specified in ISO 26022:2010¹⁵⁸ that was not proposed as an option in the Initial Notice. This ISO standard describes a testing method that quantitatively measures human performance degradation on a primary driving-like task while a secondary task is being performed. The result is an estimate of secondary task demand. While not proposed, NHTSA had performed limited research on the diagnostic properties of the LCT method during 2006.¹⁵⁹ Twenty-six participants, aged 25 to 50 years, performed the LCT in a driving simulator while performing selected secondary tasks. Results from this testing found that the LCT's metrics were sensitive to differences between secondary tasks. However, the data were insufficient to suggest whether the Lane Change Test approach was superior, or equivalent, to NHTSA's selected test approaches. Additionally, as stated throughout the notice, NHTSA's strategy for the Phase 1 Guidelines for visual-manual distraction has been to focus on test methods that measure visual attention and eye glances rather than driving performance because the strongest crash risk data is associated with visual attention. Therefore, NHTSA is not including in the Guidelines an LCT-based acceptance test at this time.

Dr. Green commented that he thought the NHTSA Guidelines acceptance test protocols should emphasize prediction and calculation to estimate which tasks would meet the acceptance criteria prior to the completion of device interface design (for example, by the use of SAE J2365). While NHTSA supports designers using such tools early in the design process, this is not NHTSA's focus. NHTSA generally tests vehicles and equipment (including electronic devices) after they have been fully designed, placed into production, and

are being sold to the general public. Pre-production vehicles or systems are generally not available for testing by NHTSA. It is up to individual companies, industry organizations, or human factors organizations to develop appropriate prediction and calculation methods and to develop appropriate tools to assist device designers who design devices that conform to the NHTSA Guidelines.

2. Concerns About the Use of Radio Tuning as Reference Task

a. Summary of Comments

The NHTSA Guidelines propose using manual radio tuning as a benchmark task to represent a level of distraction considered reasonable for a driver to experience while driving. Several comments were critical of the proposed benchmark task.

The Alliance and multiple vehicle manufacturers provided comments in support of their recommendation to retain the use of the older radio-tuning task that was defined in the Alliance Guidelines. Their position is summarized in the following excerpts from the Alliance comments:

The point of selecting a 1980s radio-tuning task as a "socially-acceptable" benchmark task was to prescribe a common, routine task that had remained more-or-less constant for many decades prior to the "digital age." Tuning an analog radio requires a user to manually adjust to a particular frequency, based on sound quality feedback. In contrast, modern digital radios "auto-tune" to each successive radio station frequency with each activation of the tuning control (usually a push-button control).¹⁶⁰

The Alliance therefore recommends that the benchmark radio tuning task be specified as it is in the Alliance DFT guidelines, namely as an analog radio tuning task using a circa-1980s radio.¹⁶¹

The implications of the differences between using newer versus older radios to establish benchmark levels according to the Alliance is revealed in the following Alliance comments:

* * * manual tuning of an older analog style radio requires more manual and visual effort than does tuning newer digital radios.¹⁶²

* * * the use of contemporary radios to conduct the benchmarking studies calls into question the validity of the data, both in the case of the two studies conducted by NHTSA and VTTI used to derive the more stringent visual dwell criteria (12 seconds TEORT or 9 seconds TSOT), and in the case of using radio tuning as a benchmark task for

determining acceptability of a task under test. In the former case, at least some of the difference found by NHTSA and VTTI between the Alliance's visual dwell criteria of 20 seconds TGT or 15 second TSOT and NHTSA's lower equivalent values is attributable to the use of newer radios that are easier to tune.¹⁶³

The Alliance offered to work with NHTSA to improve the Alliance Guidelines' specifications of the 1980s-era radio or to develop a different standardized test apparatus:

We note that NHTSA does not take issue with the use of a circa-1980s radio, but rather with the lack of sufficient specificity provided in the description of the test apparatus provided in the Alliance guidelines. * * * This is a concern that could be easily addressed by developing a standardized test apparatus representative of a circa-1980s analog radio and specifying its use.¹⁶⁴

Referring to the way in which data from a number of vehicles with different radios was used by NHTSA to establish benchmark parameter values; Professor Young offered the following comments:

The wide range of different types of interfaces used in the radios tested by NHTSA compound the problem of coming up with a benchmark value for radio tuning.¹⁶⁵

Professor Richard A. Young suggested that the use of radio tuning as a benchmark task is inappropriate because "radio tuning variability [is] too high."¹⁶⁶ Professor Young also pointed out that the associated distributions of eye glance durations during manual radio tuning contain some glances longer than 2.0 seconds in duration. According to him, glances longer than 2.0 seconds have recently been identified in several new analyses of 100-Car naturalistic data as having higher risk ratios than the eyes-off-road time metric traditionally used to compute risk ratios. The essence of the problem perceived by Professor Young is revealed in the following comments:

* * * the radio tuning reference task * * * has a long single glance duration * * *, which may contribute to crash causation.¹⁶⁷

* * * the long maximum single glance that tends to be associated with radio tuning at least some of the time in some subjects * * * may not be "benign" for event detection and response.¹⁶⁸

¹⁶³ Ibid, p. 19.

¹⁶⁴ Comments received from the Alliance of Automobile Manufacturers, Technical Appendix, p. 19. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid, Attachment 4, p. 12.

¹⁶⁷ Ibid, p. 7.

¹⁶⁸ Ibid, p. 8.

¹⁵⁸ ISO 26022, "Road vehicles—Ergonomic aspects of transport information and control systems—Simulated lane change test to assess in-vehicle demand," issued September 2010.

¹⁵⁹ Ranney, T.A., Baldwin, G.H.S., Vasko, S.M., and Mazzae, E.N., "Measuring Distraction Potential of Operating In-Vehicle Devices," DOT HS 811 231, December 2009.

¹⁶⁰ Comments received from the Alliance of Automobile Manufacturers, Technical Appendix, p. 16. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

¹⁶¹ Ibid.

¹⁶² Ibid.

The implication of the recent findings is suggested in the following comment from Professor Young:

* * * when the radio tuning task was selected for use as a reference task by the Alliance, it was before the finding that there is an attentional element to driver performance for visual-manual tasks that goes beyond what is reflected in eyes-off-road time or mean single glance duration metrics.¹⁶⁹

Tests using a radio benchmark (DS-BM, DFD-BM) should be removed from the list of recommended tests because the radio tuning reference task is associated with poor attentional processes (poor event detection and long maximum single glance).¹⁷⁰

b. NHTSA's Response

NHTSA carefully reviewed comments critical of NHTSA's proposal to use manual radio tuning as a benchmark for acceptance testing. Comments focused on the choice of radio tuning as a benchmark task as well as the vehicles used in research performed by NHTSA to develop eye glance criteria associated with the proposed manual radio tuning benchmark task.

As discussed in the Initial Notice, NHTSA's decision to use the radio tuning benchmark task to determine an acceptable TEORT threshold is based upon the fundamental idea that secondary tasks should not be performed while driving if they are more distracting than performing a reference task, specifically radio tuning. NHTSA took this concept from the Alliance Guidelines. The following excerpt from the Alliance Guidelines explains their justification for using manual radio tuning as the reference task:

The criteria for alternative A [basing task acceptability for performance while driving upon eye glance metrics] are defined by means of a "reference task" approach to acceptability. In this approach, reference tasks that reflect typical in-vehicle device interactions or current practice are used as a benchmark. In particular, the 85th percentile of driving performance effects associated with manually tuning a radio is chosen as a first key criterion. This is because manual radio tuning has a long history in the research literature and its impacts on driver eye glance behavior, vehicle control, and object-and-event detection are reasonably well understood. More specifically, radio tuning:

- is a distraction source that exists in the crash record (see Stutts, et al, 2001; Wang, Knippling, and Goodman, 1999; Wierwille and Tijerina, 1998) and so has established safety-relevance (see Table 1);

- is a typical in-vehicle device interaction; and

- represents the high end of conventional in-vehicle systems in terms of technological complexity as well as in terms of impacts on driver performance;

- it represents a plausible benchmark of driver distraction potential beyond which new systems, functions, and features should not go;

- the radio is a device that is most likely to be supplanted or augmented by new technology in terms of functions and services. News, weather, traffic advisories, entertainment (music, stories), and advertisements currently broadcast in audio to the general public via the radio will be tailored to the individual driver's needs and interests by emerging technology.

- the 85th percentile response characteristics or capability represent a common design standard in traffic engineering.¹⁷¹

NHTSA agrees with this approach to establishing a recommended threshold for total eyes off road time to complete a task. NHTSA also adopted the Alliance's technique of using the 85th percentile of driver eye glance measures while performing manual radio tuning as a way to set acceptance criteria for testing to determine if a task is unreasonably distracting. In addition to the 85th percentile being a common design standard in traffic engineering, use of the 85th percentile ensures that a task can be performed with acceptable levels of distraction by the vast majority of drivers.

As explained in NHTSA's Initial Notice and subsequent technical correction,¹⁷² to obtain data about driver performance during manual radio tuning, NHTSA performed two studies, one with testing performed by NHTSA¹⁷³ and one with testing performed by VTTI.¹⁷⁴ The first study tested 90 test participants performing

¹⁷¹ Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions With Advanced In-Vehicle Information and Communication Systems," p. 40, June 26, 2006 version, Alliance of Automobile Manufacturers, Washington, DC.

¹⁷² 77 FR 11227-11229; U.S. DOT/NHTSA—Technical Correction to 77 FR 11200, February 24, 2012, Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices, Notice of Proposed Federal Guidelines, posted 05/09/2012, accessible at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0079.

¹⁷³ Ranney, T.A., Baldwin, G.H.S., Farmer, E., Martin, J., and Mazzae, E.N., "Distraction Effects of Number and Text Entry Using the Alliance of Automotive Manufacturers' Principle 2.1B Verification Procedure," NHTSA Technical Report number DOT HS 811 571, November 2011.

¹⁷⁴ Garrott, W.R., Perez, M., Baldwin, G.H.S., Ranney, T.A., Mazzae, E.N., Owens, J., Viita, D., Angell, L., Farmer, E., and Martin, J., "Summary of Radio Tuning Effects on Visual and Driving Performance Measures—Simulator and Test Track Studies," Docket NHTSA-2010-0053, Document 0076, April 2012.

541 instances of manual radio tuning in a 2010 Toyota Prius (trim level V) connected to VRTC's fixed-base driving simulator. Each test participant was instructed to follow a lead vehicle moving at a varying rate of speed and to perform the manual radio tuning reference task when prompted. Data from the first trial for each participant were analyzed separately because the first trial was typically associated with the longest TEORT. The 85th percentile total eyes-off-road time (TEORT) based on the first radio tuning trial by each test participant was 11.97 seconds. The 85th percentile TEORT value for all radio tuning trials was 11.10 seconds.

The second study had two testing phases. During Phase I, test participants drove each of four vehicles on the VTTI Smart Road while following a lead vehicle traveling at a constant speed of 45 mph, similar to the driving scenario used in the NHTSA driving simulator study discussed above. During Phase II, test participants drove each of two vehicles on the VTTI Smart Road while following a lead vehicle traveling during one lap at a constant speed of 45 mph and during another lap at a variable speed. A total of 43 participants between the ages of 45 and 65 took part in this study. This participant sample was composed of two separate participant groups, as data collection occurred in two phases as noted above. Data for a total of 218 manual radio tuning trials were obtained and analyzed. The 85th percentile TEORT for all of the VTTI radio tuning data was 12.1 seconds.

Based on the 85th percentile TEORT values from the two studies, NHTSA proposed, and is now adopting, a TEORT acceptance threshold of 12 seconds.

Regarding comments suggesting that NHTSA did not use the Alliance Guidelines' manual radio tuning task when the agency conducted its own research, NHTSA believes that we used the Alliance-specified task. Multiple reasons support this position, as explained below.

First, consider the actual radio tuning apparatus. The Alliance Guidelines contain a description of the apparatus to be used for manual radio tuning including minimum specifications for the radio's controls, display, and positioning in the vehicle.¹⁷⁵ They clearly indicate that either a simulated radio or an actual production radio may be used. The apparatus specifications conclude with the statement "If a real radio is used, it should provide a reasonable approximation to these

¹⁶⁹ Comments received from Richard A. Young, Attachment 2, p. 13. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0106.

¹⁷⁰ Ibid, Attachment 2, p. 26.

¹⁷⁵ Ibid, pp. 46-49.

features."¹⁷⁶ This statement appears to indicate that the authors of the Alliance Guidelines do not anticipate that the precise details of the radio tested should have a substantial effect on test results. As summarized in the Initial Notice, NHTSA's 2/12 criteria was developed in part based on research performed using five different vehicles and their original-equipment, production radios that met the apparatus specifications contained in the Alliance Guidelines. These vehicles included:

- 2005 Mercedes Benz R350
- 2006 Cadillac STS with premium infotainment system
- 2006 Infiniti M35
- 2010 Chevrolet Impala
- 2010 Toyota Prius with premium infotainment system

Second, commenters expressed concerns that the manual radio tuning task used by NHTSA to obtain the data that formed the basis of the proposed eye glance criteria differs from the manual radio tuning task used as a reference task in the Alliance Guidelines. For the NHTSA radio tuning testing, each of these five vehicles' radios was tested using the Alliance Guidelines' procedure for manual radio tuning with no deviations.¹⁷⁷

Third, commenters suggested that radio designs might have changed so as to make radio tuning using 2005 through 2010 model radios less distracting than it had been using 1980s radios. They further suggested that this accounted for the difference between the Alliance Guideline's task acceptance criteria of 2 seconds maximum single eye glance length—20 seconds maximum TEORT for a single task (referred to as the 2/20 criteria) and the NHTSA Guideline's 2/12 criteria. NHTSA does not believe that the selection of more modern radios is responsible for the difference between the Alliance and NHTSA acceptance criteria. This is shown by the similarities between the Dingus/Rockwell data (used as the basis for the Alliance Guidelines criteria) which was collected during the 1980's and the more recently-collected NHTSA data.

The Alliance 2.1 Alternative A test protocol determines task acceptability for performance while driving based on the 2/20 eye glance metric criteria. The Alliance 2.1 Alternative A test protocol's acceptance criteria were developed in earlier Alliance research involving the performance of the manual radio tuning reference task. Actual performance of the manual radio tuning task (as opposed to use of related

criteria) described in the Alliance Guidelines technically applies only to Alliance 2.1 Alternative B testing (which examines vehicle-control-related driving performance metrics). NHTSA used the manual radio tuning task specified by the Alliance Guidelines to collect the data that led to NHTSA's 2/12 eye glance metric criteria. The Alliance intended their 2/20 task acceptance criteria to be 85th percentile values for single glance duration to the radio and TGT, respectively, for performance of the manual radio tuning reference task. They developed estimates of these 85th percentile values by analyzing data collected during two 1980s driving studies involving manual radio tuning: A 1987 study performed by Dingus¹⁷⁸ and a 1988 study performed by Rockwell.¹⁷⁹

The discrepancy between NHTSA's Total Eyes Off Road Time (TEORT) and the Total Glance Time (TGT) used in the Alliance Guidelines (i.e., 12.0 seconds vs. 20.0 seconds) is rooted in how each group derived its respective value. NHTSA's research determined 85th percentile TEORT by directly measuring participant visual attention to the road ahead, which allowed direct calculation of TEORT. In contrast, the Alliance used data from studies that did not directly measure TEORT or TGT, and, therefore, it relied on a calculated estimate of TGT determined by multiplying the 85th percentile individual glance duration and the 85th percentile number of glances. Upon examining the differences between NHTSA's TEORT (12.0 seconds) and the Alliance's TGT (20.0 seconds), NHTSA identified a flaw in how the Alliance calculated its estimated TGT. This flaw is discussed in detail below. Basically, multiplying the 85th percentile glance duration by the 85th percentile number of glances overestimates TGT for three reasons. First, these two values are not independent. Multiplying non-independent numbers is inappropriate because the resulting value is confounded. For example, it is plausible that drivers who used longer eye glances during radio tuning took fewer glances. Second, statistically, to estimate the 85th percentile of a product of two numbers, the 50th percentile of one value times the 85th percentile of the

other value should be used (multiplying the two 85th percentiles together yields an estimate of the 97.75th percentile). Third, manual radio tuning requires multiple eye glances. From the NHTSA data, the 85th percentile number of eye glances was 17. The probability of 17 glances all being above the 85th percentile duration is infinitesimal. When NHTSA adjusted for these flaws, the results closely matched NHTSA's 12.0 second TEORT value. NHTSA believes the outcomes of its own research and the corrected calculations of the Alliance's numbers are converging evidence that the 12.0 second TEORT value has a strong empirical basis.

As noted above, the Dingus and Rockwell data used by the Alliance did not allow direct computation of TGT. Rather, the Alliance used an aggregate distribution of radio tuning glance durations from Rockwell to determine the 85th percentile glance duration (1.9 seconds per glance which was rounded up to 2.0 seconds per glance). The mean and standard deviation of the number of driver eye glances to the radio during the task were obtained from the Dingus study and were used to create estimates of the 85th percentile number of glances required for manual radio tuning (9.4 glances which was rounded up to 10.0 glances). These two values were multiplied together resulting in the 20-second TGT criterion contained in the Alliance Guidelines.

NHTSA reviewed the Alliance's analyses and has found what we believe are statistical problems that led to the Alliance's 20-second TGT criterion.¹⁸⁰ Three specific problems with the analysis are:

- If the 85th percentile length for one glance is 2.0 seconds, then the 85th percentile length for ten glances is not 20.0 seconds but instead less than 20.0 seconds.
- The 85th percentile length for one glance cannot be multiplied by the 85th percentile number of glances to obtain an 85th percentile TGT.
- Eye glance lengths and number of eye glances are not statistically independent. It is entirely plausible that drivers who used longer eye glances during radio tuning took fewer glances.

The logic above denotes how multiplying the non-independent 85th percentile glance duration by the 85th percentile number of glances results in

¹⁷⁸ Dingus, T.A., *Attentional Demand Evaluation for an Automobile Moving-Map Navigation System*, unpublished doctoral dissertation, Virginia Polytechnic Institute and State University, Blacksburg, VA, 1987.

¹⁷⁹ Rockwell, T.H., "Spare Visual Capacity in Driving Revisited: New Empirical Results for an Old Idea," in A. G. Gale et al (editors), *Vision in Vehicles II* (pp. 317-324), Amsterdam: Elsevier, 1988.

¹⁸⁰ Ranney, T.A., Baldwin, G.H.S., Smith, L.A., Martin, J. & Mazzae, E.N. *Driver Behavior During Visual-Manual Secondary Task Performance: Occlusion Method Versus Simulated Driving*, Appendix A. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0077.

¹⁷⁶ *Ibid.*, p. 47.

¹⁷⁷ *Ibid.*, pp. 47-48.

an overestimate of TGT. This is the flaw in the Alliance's calculations identified by NHTSA. While it is not possible to calculate a precisely correct 85th percentile TEORT with the information in these studies because eye glance durations and number of eye glances are not statistically independent, NHTSA analyzed the Dingus and Rockwell data to approximate their 85th percentile TGT in an effort to correct for the flaw in the Alliance's analysis. The 85th percentile TGT can be estimated in a variety of ways.

1. Multiply the mean glance duration determined in the Dingus study (1.10 seconds per glance) times the 85th percentile number of glances for radio tuning from the Dingus study (9.4 glances). This yields an estimated 85th percentile TGT of 10.34 seconds.

2. Multiply the mean glance duration determined in the Rockwell study (1.44 seconds per glance) by the 85th percentile number of glances from the Dingus study (9.4 glances). This yields an estimated 85th percentile TGT of 13.54 seconds.

3. Multiply the 85th percentile glance duration determined in the Rockwell study (1.90 seconds per glance) by the mean number of glances from the Dingus study (6.9 glances). This gives an estimated 85th percentile TGT of 13.11 seconds.

Unfortunately, information is not available to permit calculation of a fourth estimate, that given by the 85th percentile glance duration determined in the Dingus study times the mean number of glances for radio tuning from the Dingus study.

It is impossible to know which of these three estimated 85th percentile TGT values provides the best estimate. A reasonable way to proceed is to average the three values which gives NHTSA's best estimate of the 85th percentile TEORT from the Dingus and Rockwell data of 12.33 seconds.

Rounding NHTSA's best estimate of the 85th percentile TGT from the Dingus and Rockwell data of 12.33 seconds to the nearest 1.5 seconds gives a TGT acceptance criterion of 12 seconds. This is identical to the maximum TEORT acceptance criterion of 12 seconds that NHTSA developed based on manual radio tuning data from its own research, which measured TEORT directly and therefore avoided the problem of multiplying non-independent glance duration and number. (Rounding to the nearest 1.5-second increment in the TEORT value provides compatibility with occlusion testing, since for a TSOT to TEORT ratio of 1:1, each 1.5-second unoccluded period corresponds to 1.5

seconds of driving simulator eyes-off-road time.)

Even if the rounded 85th percentile TEORT value from the Dingus and Rockwell data was not identical to the rounded 85th percentile TEORT value from recent NHTSA testing, NHTSA would still be inclined to base its guidance on more recent data. The recent NHTSA testing had the following advantages:

- More vehicles/radios tested,
- More test participants involved,
- More modern radio designs evaluated, and
- It better allows for recent improvements in driver skills due to more frequent driver usage of electronic devices.

Based on the above discussion, NHTSA believes the specified manual radio tuning task and related acceptance criteria proposed in the NHTSA Guidelines are reasonable and valid. We believe that the difference between the Alliance Guideline's 2/20 task acceptance criteria and the NHTSA Guideline's 2/12 criteria is solely due to a statistical error made during development of the Alliance Guideline's 2/20 criteria. While we appreciate the Alliance's offer to work with NHTSA to improve the Alliance Guidelines' specifications of the 1980s-era radio or to develop a different standardized test apparatus, we think that such an effort is unnecessary because we are already using the exact same apparatus and procedure.

NHTSA disagrees with the comment that radio tuning is inappropriate for use as a benchmark task because it is too variable and its associated distributions of eye glance durations contain some glances longer than 2.0 seconds in duration. As stated in the Initial Notice, NHTSA wanted a reference task with a long history of being societally acceptable for drivers to perform while driving. While it is true that manual radio tuning has vehicle-to-vehicle variability, this is why we tested five vehicles' radios to determine our task acceptance criteria. We have also included task acceptance criteria specifically aimed at preventing too many long eye glances from being made during any acceptable task (our criteria that, for 21 out of 24 test participants, the mean eye glance duration must be less than or equal to 2.0 seconds long plus 85 percent of eye glances must be less than or equal to 2.0 seconds long).

3. NHTSA Has Not Shown That Tasks With TEORT Values Longer Than 12 Seconds are Less Safe

a. Summary of Comments

Manufacturers were consistently opposed to the adoption of the proposed 12-second Total Eyes-Off-Road Time (TEORT) criterion value, which is more stringent than the value contained in the Alliance Guidelines. Manufacturers provided several different reasons to support their position.

One set of arguments asserted that NHTSA should demonstrate a safety need and/or benefit to justify the stricter criterion. The following comment was submitted by Toyota:

Toyota believes NHTSA should continue its practice of demonstrating a defined safety benefit to new regulations and guidelines. There needs to be evidence of a safety benefit with the change from the current Alliance guideline criterion of 20 seconds to the NHTSA proposal of 12 seconds. Proposing a 40% reduction in the criterion does not seem to be appropriate and should wait until more empirical evidence of a benefit is ascertained, possibly through naturalistic driving studies.¹⁸¹

Ford encouraged NHTSA to use naturalistic data to support any such proposed change:

Ford firmly believes all guidelines must be based on the most complete and current data, with special emphasis on real-world crash data and naturalistic driving studies. We find that neither the crash problem size potentially attributable to integrated in-vehicle systems nor the latest naturalistic driving data support the stringency levels contained in the proposed NHTSA guidelines, particularly the reduction in the total-eyes-off-road time (and associated occlusion metric) that a permitted task can require.¹⁸²

Volkswagen noted a lack of customer complaint data supporting the need for a more stringent criterion:

Current crash and customer complaint data do not support the need for expanding the scope and stringency of the existing voluntary industry distraction guidelines [commonly referred to as the Alliance Driver Focus-Telematics (DFT) Guidelines] for in-vehicle telematics systems with visual-manual interfaces, such as proposed by NHTSA in the subject draft guidelines.¹⁸³

A second set of reasons for opposing the adoption of the proposed 12-second

¹⁸¹ Comments received from Toyota Motor North America, Inc. Attachment, p. 6. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0092.

¹⁸² Comments received from Ford Motor Company, Technical Appendix, p. 13. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0097.

¹⁸³ Comments received from Volkswagen Group of America, Inc., Attachment, p. 1. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0101.

TEORT criterion value was based on not understanding how the 12-second value was determined. For example, the following comments were received from Toyota Motor North America, Inc.:

Due to the lack of supporting data or detailed reports, we are uncertain how the 12-second value was calculated.¹⁸⁴

General Motors made the same argument in the following comment:

The rationale for reducing the 20 second limit to 12 seconds is unclear and appears to be relatively unsupported.¹⁸⁵

A third set of arguments questioned the nature of the relationship between TEORT and poor driving/crash risk. Dr. Paul Green commented:

Given the relationship is unstated; one could assume it is linear. However, some early research by Wierwille and the research of Godthelp concerning TLC and occlusion leads one to a power function, with the power being greater than 1. There is a need for more and more compelling evidence to support the maximum time off the road and the effect of single long glances.¹⁸⁶

Another reason given repeatedly to support the recommendation to abandon the adoption of a more stringent TEORT criterion value is based on the results of two recent studies that reanalyzed video data from the 100-car naturalistic study. In the following comment, the Alliance argues that the assertions on which NHTSA based the new criterion values may no longer be valid:

In contradiction of NHTSA's statement, two very recent and independently conducted in-depth analyses of the 100-Car naturalistic driving data suggest that it is the last single glance that is significantly associated with increased odds of crash and near-crash involvement (Liang, 2009; Victor and Dozza, 2011). Reasonable arguments can be mustered to explain both why TEORT should not matter and why it must matter. Because of the ambiguous nature of these findings, further understanding of the interaction of eye glance and crash causation based on real-world results is needed. Analysis of the SHRP 2 naturalistic driving data will provide an opportunity to develop this better understanding before more stringent criteria are imposed.¹⁸⁷

¹⁸⁴ Comments received from Toyota Motor North America, Inc. Attachment, pp. 6-7. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0092.

¹⁸⁵ Comments received from General Motors LLC. Attachment, p. 2. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0103.

¹⁸⁶ Comments received from Dr. Paul Green, p. 6. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0052.

¹⁸⁷ Comments received from Alliance, Technical Appendix, p. 13. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0104.

Some commenters suggested elimination of the TEORT criterion entirely, but most recommended that NHTSA adopt the Alliance criterion value of 20 seconds. This comment came from Ford Motor Company:

Accordingly, we recommend that NHTSA adopt the 20 second total eyes off road time, and the corresponding 15 second total shutter open time criteria from the Alliance Guidelines, rather than the 12 and 9 seconds values proposed in the notice.¹⁸⁸

Several commenters questioned NHTSA's proposed use of the 85th percentile radio tuning TEORT for setting the proposed TEORT criterion value. The Alliance made the following comment about using the 85th percentile as a criterion value.

The 'consolidated' 85th percentile of 11.3 [seconds] is a consequence of the mixing of arbitrary sample sizes and arbitrarily selected vehicles. Table 5 presented data from N = 90 participants in a fixed-base driving simulator working with a Toyota Prius radio. Table 7 presented data taken from closed course testing of radio tuning in 9 different passenger cars with samples ranging in size from 20 to 41. The data as aggregated appear to be an arbitrary mixture of trials rather than a representative sample. For example, if only the vehicle that had an 85th percentile of 8.1 s had been used, then 8.1 s would appear to be the 'correct' value. On the other hand if only the vehicle that had an 85th percentile value of 17.6 s had been used, then 17.6 s would appear to be the 'correct' value. Other vehicles and participant samples not tested might produce results even more extreme than either of these two vehicles produced. Thus, a 'consolidated' 85th percentile value could be made to turn out arbitrarily higher or lower simply by changing the mixture. No rationale is provided as to how the varying sample sizes, vehicles, and venues chosen comprise a representative sample of the United States motor vehicle population.¹⁸⁹

Most importantly, NHTSA provides no evidence that vehicles with longer 85th percentile TEORT values are less safe than those vehicles with shorter 85th percentile values, specifically with regard to crashes uniquely attributable to radio tuning or other, similar visual-manual tasks.¹⁹⁰

Dr. Green made the following comment:

* * * the [guidelines] section focuses on the use of the 85th [percentile] as a criteria [sic] because it is used as a criteria for setting speed thresholds. How does that make it an

¹⁸⁸ Comments received from Ford Motor Company, p. 2. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0097.

¹⁸⁹ Comments received from the Alliance, Technical Appendix, p. 14. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0104.

¹⁹⁰ *Ibid.* p. 14.

acceptable criterion here? Why is 85th [percentile] used for speed?¹⁹¹

One commenter expressed concern that the 12-second TEORT criterion was too long. The Advocates for Highway and Auto Safety (Advocates) provided the following comment:

* * * the agency's recommendation that tasks be accessible while driving if they can be performed with 12.0 seconds of "total eyes-off-road time" is too long and will allow features that require too great a diversion of attention from the driving task. A test procedure limit of up to 12.0 seconds permits too many repeated eye glances away from the road and traffic.¹⁹²

Advocates refers to the 8.0 second limit adopted by the Japan Automobile Manufacturers Association (JAMA) Guidelines¹⁹³ in the following comment:

Advocates believes that JAMA is taking a more prudent approach to safety by limiting the complexity of built-in electronics that can be accessed by drivers while operating a motor vehicle. For these reasons, Advocates opposes the proposed NHTSA guidelines to the extent that they would allow non-safety electronic devices and applications that require considerable glances and manipulations to access, select or engage while operating a motor vehicle, and we recommend that a limit of no more than the JAMA specification of 8.0 seconds be adopted by the agency.¹⁹⁴

b. NHTSA's Response

For the reasons described below, NHTSA has decided to retain the 12-second acceptance threshold for TEORT.

NHTSA determined its 12.0-second recommended maximum value for TEORT based upon the fundamental idea that secondary tasks should not be performed while driving if they are more distracting than performing a reference task, specifically manual radio tuning. NHTSA took this concept from the Alliance Guidelines. NHTSA maintains that this is a fundamentally sound approach. As explained earlier in this notice, NHTSA contends that the difference between the Alliance Guideline's 2/20 task acceptance criteria and the NHTSA Guideline's 2/12

¹⁹¹ Comments received from Dr. Paul Green, p. 6. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0052.

¹⁹² Comments received from the Advocates for Highway and Auto Safety, p. 4. Accessed at Docket NHTSA-2010-0053. Document Number 0069.

¹⁹³ Japanese Automobile Manufacturers Association, "Guideline for In-Vehicle Display Systems, Version 3.0." Japanese Automobile Manufacturers Association, Tokyo, Japan, August 2004.

¹⁹⁴ Comments received from the Advocates for Highway and Auto Safety, p. 4. Accessed at www.regulations.gov. Docket NHTSA-2010-0053. Document Number 0069.

criteria is due to a statistics error made during development of the Alliance Guideline's 2/20 criteria. NHTSA believes that the two sets of guidelines would have identical task acceptance criteria, had the Alliance not made this statistics error.

The basis for NHTSA's reducing its maximum recommended TEORT for task acceptability while driving is fully set out in the Initial Notice, this notice, and in a NHTSA technical report about its radio tuning research.¹⁹⁵ It is well supported since the recent NHTSA testing had the following advantages over the testing measuring the data used by the Alliance to establish their TEORT criterion:

- More vehicles/radios tested,
- More test participants involved, and
- Better allows for recent improvements in driver skills due to more frequent driver usage of electronic devices.

The fact that both the testing that measured the data used by the Alliance to establish their TEORT criterion established (when re-analyzed) and the recent NHTSA testing established the exact same TEORT criterion further shows the appropriateness of the value determined.

The vehicles tested during NHTSA's radio tuning testing were selected randomly. We point out that Dingus and Rockwell also used randomly selected vehicles for their testing, but the NHTSA study had advantages that were noted in the previous paragraph. None of the commenters presented data showing what sample of vehicles would have been more representative of U.S. OE radio interfaces or data indicating that a more representative sample would have produced a different TEORT value.

NHTSA does not claim that there is a linear relationship between TEORT and poor driving/crash risk. Nor do we see that it matters whether the relationship is linear or not. NHTSA is firmly convinced that what does matter, and all studies indicate as valid, is that there is a monotonically increasing relationship between TEORT and poor driving/crash risk (i.e., having drivers look away from the forward road scene increases driving risk). Recent analyses of the 100-Car Study data by Victor and

Dozza¹⁹⁶ also found that minimizing the time that drivers look away from the road maximizes safety.

In response to Dr. Green's comment, NHTSA chose the 85th percentile for compatibility with the Alliance Guidelines and because it offers several advantages. We did not want to use the 100th percentile because that would reduce the stability of test results by making our task acceptance criteria highly susceptible to the effects of testing outliers. We could have based our task acceptance criteria upon either mean or median values, but use of the 85th percentile ensures that a task can be performed with acceptable levels of distraction by the vast majority of drivers. Use of the 85th percentile can also reduce the amount of testing needed to determine that a task is unacceptable for performance while driving. If testing begins with the anticipated "worst case" drivers and they have problems meeting the task acceptance criteria, additional testing may well be superfluous.

The Advocates' suggested that NHTSA use the 8.0-second TEORT criterion contained in the JAMA Guidelines rather than 12.0 seconds maximum TEORT contained in the NHTSA Guidelines. The JAMA Guidelines state that when testing to determine task acceptability:

* * * use the *average value* of their operation time to judge compliance with the total gazing time standard. [emphasis added by NHTSA]¹⁹⁷

In other words, for a task to be acceptable for performance while driving, the JAMA Guidelines recommend that the average TEORT be less than or equal to 8.0 seconds while the NHTSA Guidelines recommended that the 85th percentile TEORT be less than or equal to 12.0 seconds. However, for the reasons previously stated above, NHTSA believes that the 85th percentile TEORT is a better threshold criterion than average TEORT. The difference between the mean (approximately 50th percentile for typical eye glance distributions) and the 85th percentile is responsible for much of the apparent difference between the JAMA and NHTSA Guidelines.

NHTSA's manual radio tuning research with a 2010 Toyota Prius found

an 85th percentile TEORT of 11.97 seconds and an average TEORT of 8.80 seconds.¹⁹⁸ While other methods for measuring distraction during performance of a secondary task have been developed (including those used in the JAMA Guidelines), no general consensus exists as to the threshold at which an absolute level of distraction due to a driver performing a task becomes unacceptably high. However, a relative limit can be developed by comparing the distraction level associated with a driver performing an "acceptable" reference task with the distraction level associated with a driver performing new tasks.

Based on NHTSA's testing, NHTSA determined a task acceptability criterion of a maximum of 12.0 seconds for the 85th percentile TEORT. This is slightly less stringent than the task acceptability criterion contained in the JAMA Guidelines, i.e., an average TEORT of 8.0 seconds or less which would correspond to a maximum 85th percentile TEORT of approximately 10.5 seconds.

Unlike the Alliance and NHTSA Guidelines, the JAMA Guidelines only include a TEORT criterion and do not contain any task acceptability criteria related to individual glance time (i.e., a task could be associated with one single glance lasting 8 seconds and still meet the criteria in the JAMA Guidelines). As the agency indicated in both the Initial Notice and this notice, the agency believes that both long eye glances from the forward road scene and longer TEORT have negative effects on driving safety. Accordingly, the agency has included long-eye-glance-based task acceptability criterion in the NHTSA Guidelines (i.e., for at least 21 of 24 test participants, no more than 15 percent (rounded up) of the total number of eye glances away from the forward road scene have durations of greater than 2.0 seconds while performing a task one time), making the NHTSA Guidelines more stringent than the JAMA Guidelines with respect to certain tasks. For example, some tasks that would meet the JAMA Guidelines (e.g., those tasks associated with a single glance lasting 8 seconds) would not meet the acceptance criteria of the NHTSA Guidelines. Given the different approaches taken in the JAMA Guidelines and the NHTSA Guidelines, the agency does not believe it is

¹⁹⁵ Perez, M., Owens, J., Viita, D., Angell, L., Ranney, T.A., Baldwin, G.H.S., Parmer, E., Martin, J., Garrott, W.R., and Mazzae, E.N., "Summary of Radio Tuning Effects on Visual and Driving Performance Measures—Simulator and Test Track Studies," DOT HS number not yet available, April 2012, accessible at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0076.

¹⁹⁶ Victor, Trent; Dozza, Marco: Timing Matters: Visual behaviour and crash risk in the 100-car on-line data. Proceedings of the Driver Distraction and Inattention International Conference, Göteborg, 5-7 September, 2011.

¹⁹⁷ Japanese Automobile Manufacturers Association, "Guideline for In-Vehicle Display Systems, Version 3.0," p. 14, Japanese Automobile Manufacturers Association, Tokyo, Japan, August 2004.

¹⁹⁸ U.S. DOT/NHTSA—Technical Correction to 77 FR 11200, February 24, 2012, Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices, Notice of Proposed Federal Guidelines, posted 05/09/2012, accessible at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0079.

necessarily appropriate to use the TEORT criterion in the JAMA Guidelines, which is meant to be a standalone criterion, as the NHTSA TEORT criterion, which is one of several glance acceptance criteria used to assess distraction potential.

4. Suggestions for More Stringent Task Acceptance Criteria

a. Summary of Comments

Several commenters supported stricter task acceptance criteria. Comments received from Focus Driven criticized the guidelines for allowing any engagement in entertainment tasks.

* * * the suggestion of the "2-12" rule (i.e.: designing infotainment applications that require no more than 2 seconds of visual distraction at a time for various user inputs and not more than 12 seconds of total time to complete a specific function) are themselves recommendations that support distracted driving which is completely counterintuitive to safety.¹⁹⁹

We would never set voluntary guidelines to install devices to enable alcohol impaired driving, so to do the same for the temporary impairment associated with electronics that have nothing to do with the safe operation of a vehicle is a large step in the wrong direction if our intent is to prevent crashes (saving property, injury, and lives.)²⁰⁰

The National Transportation Safety Board (NTSB) also suggested adopting stricter acceptance test criteria:

The proposed guidelines are somewhat stronger than current industry guidelines, but NHTSA should set the safety bar even higher. The NTSB urges NHTSA to go beyond its stated expectation of "interfaces that do not exceed a reasonable level of complexity for visual-manual secondary tasks" and strive for more than "discouraging the introduction of egregiously distracting non-driving tasks performed using integrated devices." Instead, NHTSA should be promoting integrated devices that provide a safety benefit, or that at least do not increase the risk in any measureable way.²⁰¹

b. NHTSA's Response

NTSB and some safety advocacy groups, including Focus Driven, recommended that NHTSA should set a stricter benchmark than the proposed acceptance criteria based on the manual radio tuning task. Comments suggested the criteria be modified to recommend providing drivers access to only integrated devices that provide a safety benefit, or that at least do not increase

driving risk in any measureable way. NHTSA believes that such stricter criteria than were proposed could not be justified for the reasons discussed below.

First, driving is frequently monotonous. Part of the reason why drivers perform distracting tasks is to create sufficient mental stimulation. If drivers are insufficiently stimulated while driving, they may become drowsy with known, negative safety consequences. This effect is indicated by naturalistic driving data. Examining Figure 1, the only tasks that had the same or lower crash/near-crash odds ratios as average driving were interacting with passengers (both for passenger vehicles and heavy trucks) and talking/listening on a hands-free cell phone (only for heavy trucks; there was insufficient hands free cell phone data in the 100-Car Study to generate a meaningful odds ratio for this activity for passenger vehicles). The lower odds ratio for interacting with passengers may be explainable due to the passenger acting, in part, as an extra set of eyes for the driver. The lower odds ratio for talking/listening on a hands-free cell phone for heavy trucks is thought to be due to this activity providing stimulation to the driver and reducing their likelihood of being drowsy.

Second, the performance of some secondary tasks using electronic devices can reduce distraction. An example of this is route navigation. The performance of some secondary tasks with a route navigation system (e.g., destination entry) does increase driving risk. However, if drivers cannot use route navigation systems while driving, they may rely on more distracting alternatives such as memorized directions, paper maps, or written directions while driving. These alternatives create distraction associated with handling paper and looking away from the roadway to look at the paper and are likely to increase cognitive distraction and driver workload²⁰² as the driver concentrates on looking for particular streets or landmarks and not on the driving task.

Devices like route navigation systems may not be safer than "just driving" (i.e., driving while not performing any secondary tasks), but they can be a less distracting option to perform certain

tasks that drivers have to perform. By recommending that the distraction potential of electronic devices be kept below a certain threshold but not locked out altogether, the agency believes that conformance to the NHTSA Guidelines can minimize driver distraction.

For these reasons, NHTSA believes that more stringent Guideline acceptance criteria recommendations may have disadvantages and that limiting secondary tasks that increase driving risk relative to ordinary, average driving in any measureable way would not maximize overall driving safety. Therefore, NHTSA has not adopted this suggestion from commenters for increased stringency.

5. Concerns Expressed About Long Eye Glances

a. Summary of Comments

Many commenters cited the results of two recent studies that reanalyzed video data from the 100-Car naturalistic study. The major finding of these new studies is that when video data from the 5 seconds immediately before an event identified as a crash or near crash are compared with video data from control-group episodes, the crash/near-crash episodes have higher incidence of single long-duration glances than the control-group episodes. While previous analyses have shown a similar relation between Total Eyes-Off-Road Time (TEORT) and crash/near-crash risk, these new analyses show a stronger relation between single glance duration and increased risk of an adverse outcome.

These new findings were cited repeatedly in the docket comments as the basis for various recommendations about the use of glance metrics in the proposed guidelines. Several commenters concluded that TEORT may be less important as a criterion for assessing the distraction potential of tasks performed with integrated in-vehicle systems than had been previously thought and consequently that emphasis should be shifted to metrics that focus on single glance duration. A comment from Agero, Inc. made this point:

Further consideration should be devoted to determining whether longest glance time is a more effective HMI measurement of event detection than total glance time or average glance time.²⁰³

The reference to "event detection" in comments about glance metrics reflects the influence of work done by Professor Richard A. Young, who provided

¹⁹⁹ Comments received from Focus Driven: Advocates for Cell-Free Driving, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0111.

²⁰⁰ *Ibid.*

²⁰¹ Comments received from National Transportation Safety Board (NTSB), p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0066.

²⁰² Srinivasan, K.S. and Jovanis, P.P., "Effect of In-Vehicle Route Guidance Systems of Driver Workload and Choice of Vehicle Speed: Findings from a Driving Simulator Experiment," in *Ergonomics and Safety of Intelligent Driver Interfaces*, edited by Ian Noy, Transport Canada, Ottawa, ON, published by Lawrence Erlbaum Associates, May 1997. Accessed at: http://pubs.its.ucdavis.edu/publication_detail.php?id=560.

²⁰³ Comments received from Agero, Inc., p. 8. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0090.

extensive commentary on the importance of single glance duration. Professor Young presented the results of several analyses to support an argument that went beyond the recommendations presented by the auto manufacturers on this topic. The following excerpts summarize the main components of his argument. In the first excerpt, Professor Young uses the new 100-Car Study findings to argue that long-duration glances are more likely to reflect involvement of attentional processes than shorter-duration glances:

Long single glances may reflect an underlying attentional process in attention shifts. These [new] analyses indicate it is not just the mechanistic aspect of eyes off the road that is the sole problem in missed events or crash causation. The attentional processes underlying long single glances play an independent role in event detection and probably in crash causation as well. It is therefore important to ensure that long single glances are adequately covered by the criteria in the NHTSA (2010) Guidelines.²⁰⁴

Elsewhere, Professor Young attempts further to explain why long single glances may be a concern. He offers the following:

Long single glances may reflect *attention capture*, a prolonged engagement of attention at an in-vehicle location. When there is no subjective cue or external cue to interrupt attention to a secondary task, a glance to the task can linger if processing is not complete. * * * Hence drivers can maintain a long single glance without being aware of it during relatively short, low workload tasks. These long single glances are associated with poor event detection and response, even more so than eyes off-road time or other driver workload metrics.²⁰⁵

Professor Young presents analyses of the Crash Avoidance Metrics Partnership Driver Workload Metrics project data and of Virginia Tech Transportation Institute Smart Road data to demonstrate that event detection metrics provide information independent of the information provided by glance-based metrics (TEORT, number of glances) and driving performance metrics (lane keeping, headway maintenance). He offers the following summary:

Event detection explains about one-third of the variance in driver performance, orthogonal to the variance in driver workload metrics, including eyes-off-road time (EORT), number of glances, lane keeping, speed maintenance, headway or any other conventional driver workload metric.²⁰⁶

On the question of how to incorporate the long-duration glances into an assessment protocol, Professor Young offers the following:

The draft NHTSA (2012) Guidelines have attempted an important advancement over the Alliance Guidelines in this regard, by adding a third glance criterion intending to limit long glances. * * * Unfortunately, a question remains about whether the NHTSA proposed method and criterion is, by itself, adequate to limit long single glances.²⁰⁷

Professor Young presents hypothetical data to create a scenario, demonstrating that the combined effects of the three eye glance criteria proposed by NHTSA (mean glance duration, TEORT, and proportion of long glances) allow for the possibility of single glances as long as 3–6 seconds in duration.

If the criteria above are applied to hypothetical data, it becomes apparent that, in theory, tasks with 7 to 10 average glances of 1 sec each could have one single glance as long as 3–6 sec and still meet NHTSA glance criteria.²⁰⁸

Although the inclusion of a long-glance criterion is positive, Professor Young argues that because of the hypothesized connection between long glances and attention shifts, a separate criterion is needed:

Simply tightening the single glance duration limit to be lower than the 15% criterion is not recommended because it does not address the underlying problem of the attentional shifts that give rise to long single glance durations. Instead, it is recommended that an additional event detection and response test (above and beyond glance measures) is required to evaluate the effect that a device or task has on the underlying attentional processes which contribute to controlling long single glances.²⁰⁹

To summarize, Professor Young is making the following arguments:

1. Long-duration glances are implicated in crash causation.
2. Long-duration glances are more likely to reflect attentional processing than shorter-duration glances.
3. Glance-based metrics do not provide all the information necessary to determine where the driver's attention is directed.
4. Proposed NHTSA criteria still permit occurrence of single long-duration glances.
5. An event-detection metric, which requires responses to targets, provides better information about where a driver's attention is directed than any of the glance-based metrics.

Evidence of Professor Young's influence is evident in comments

received from the Motor & Equipment Manufacturers Association.

He [Professor Young] notes that the longest glance time—not the total glance time or the average glance time—plays a different role in “event detection” and, thus, requires more coverage in the guidelines. * * * MEMA urges the agency to consider event detection in the applicable performance tests.²¹⁰

b. NHTSA's Response

NHTSA shares these commenters' concerns about the negative effects of long eye glances away from the forward road scene on driving safety. Accordingly, NHTSA included a long eye glance-based task acceptability criterion to its Driver Distraction Guidelines not present in the Alliance Guidelines: that, for at least 21 of 24 test participants, no more than 15 percent (rounded up) of the total number of eye glances away from the forward road scene have durations of greater than 2.0 seconds while performing a task one time. Professor Young points out²¹¹ that a task can have one single long glance (in the 3 to 6 second range) and still meet all of NHTSA's task acceptance criteria. This is correct; NHTSA agrees that our current long eye glance criterion does not completely resolve this issue. While we think that it is a step in the right direction, secondary tasks that involve short term levels of high cognitive distraction are not screened out by our current task acceptance criteria.

Some commenters thought that long eye glances away from the forward road scene might have a greater effect on driving safety than does a longer TEORT. NHTSA does not know whether this is the case but suspects that both long eye glances away from the forward road scene and a longer TEORT have negative effects on driving safety. Fortunately, NHTSA does not have to resolve this question since our task acceptance tests can (and do) have multiple acceptance criteria.

6. Eye Glance Measurement Issues

a. Summary of Comments

Two comments were received addressing procedural details of the collection and use of eye glance data for determining the total eyes-off-road time. Comments provided by the Swedish Road and Transport Research Institute (VTI) addressed the precision and

²¹⁰ Comments received from Motor & Equipment Manufacturers Association, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0091.

²¹¹ Comments received from Professor Richard A. Young, Attachment 2, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0106.

²⁰⁴ Comments received from Professor Richard A. Young, Attachment 2, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0106.

²⁰⁵ *Ibid.*, p. 6.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*, p. 4.

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*, p. 12.

repeatability of recording gaze direction, recommending that a well-calibrated eye tracker would be preferable to manual coding of gaze direction from face video:

To ensure sufficient accuracy, precision, and repeatability of an eye tracker, it is not sufficient to use manual coding of gaze direction. A more objective way of doing this is to use a number of fixed gaze targets (for example on the simulation screen) that the driver is instructed to look at. It is then an easy task to measure the deviation between the location of the gaze target and the eye trackers estimate of the drivers gaze. This procedure is commonly used in head mounted eye trackers, and could easily be adopted for remote eye trackers as well. Crisp thresholds for accuracy and precision could then be established instead of the soft boundaries that follow from manual coding.²¹²

The following comment from Volvo was directed at the level of effort required to accomplish manual reduction of video data to obtain glance information required by the guideline metrics:

* * * reduction of eye glance location from full motion video is very time consuming, especially considering the vast number of tests that would need to be conducted if following the recommended test procedures.²¹³

b. NHTSA's Response

While NHTSA shares many of VTI's concerns about the accuracy of manual coding of gaze direction from face video, we also have concerns about eye tracker accuracy. NHTSA has had extensive experience with eye trackers during driver distraction testing performed by its Vehicle Research and Test Center (VRTC) over the last five years. Unfortunately, VRTC's work has found numerous eye tracker accuracy issues. Therefore, NHTSA is not prepared to recommend the use of an eye tracker as the sole method for eye glance data reduction. In VRTC's experience, both methods of eye glance data reduction are resource intensive and have reasonable, but not excellent, accuracy. For this reason, NHTSA has included both eye tracker and manual coding of gaze direction from face video as acceptable methods for eye glance data reduction in its Guidelines.

NHTSA shares many of Volvo's concerns about the resources need to reduce eye glance data either with an

eye tracker or through manual coding of gaze direction from face video. This is one reason that we have included Occlusion testing in NHTSA's list of recommended task acceptance test protocols. In our experience, Occlusion testing provides comparable results but uses fewer resources.

7. Occlusion Acceptance Test Criteria Issues

a. Summary of Comments

Comments were provided about the Occlusion Task Acceptance Test protocol contained in the proposed NHTSA Guidelines. Some comments raised more general concerns about the method, while others addressed the specific criterion value proposed by NHTSA.

Chrysler presented comments that were critical of the occlusion method. After acknowledging some benefits of occlusion, including the fact that no simulator is required, the relatively low effort and cost, and harmonization with the Alliance Guidelines, Chrysler identified several problems with the procedure, which were discovered in their own use of the procedure:

* * * the occlusion apparatus forcibly restricts single glance duration which does not reflect real world conditions. This was noted by the participant's lack of peripheral vision during the occlusion intervals. Because the individual is temporarily blinded when the shutters on the goggles close, there is a tendency for some individuals to lose kinesthetic awareness. The individual's body and hands have tendency to drift while the shutters are closed, something that doesn't normally happen during actual driving. For these reasons, the OCC method has not been and continues to not be preferred by Chrysler.²¹⁴

Volkswagen Group of America (VW) provided detailed comments on the proposed 9-second Total Shutter Open Time (TSOT) criterion value, referring extensively to the results of a report²¹⁵ released by NHTSA in support of the guidelines proposal:

The report found that the 9 second TSOT criterion was too stringent, in that both radio tuning and destination entry did not meet the criterion. The 9 second TSOT criterion was derived from the 12-second TEORT [Total Eyes-Off-Road Time] criterion established based on testing in another study. * * * NHTSA refers to the assumed 3:4 relationship between TSOT and TEORT as

the "75 percent field factor." However, this assumed "field factor" proves to be unsupported by the data in the subject report which finds that both a regression analysis and a comparison of mean values showed that the relationship between TSOT and TEORT was near 1:1. In spite of this contrary finding, and the fact that the Prius radio tuning task did not meet the NHTSA criterion of 9 seconds TSOT, NHTSA nevertheless put forward a final acceptance criteria of 9 seconds for TSOT.²¹⁶

Volkswagen was critical of a re-analysis of TSOT data that was described in the above-mentioned technical report:

* * * the analysis of TSOT data was redone using a subset of the data collected, re-stratified into different age groupings, and discarding the older test subjects. Only after discarding the data from the older subjects was it possible to claim support for the finding that the Prius radio tuning task met the 9-second TSOT criterion, while the destination entry task did not. This type of data manipulation to support a desired result is not consistent with sound scientific or engineering practices. We also note that the contradicted assumption that there is a 3:4 relationship between TSOT and TEORT has yet to be addressed by NHTSA.²¹⁷

Volkswagen also cited the findings of a separate study presenting results of a survey of experts on various issues relating to the guidelines proposal. They cite the following finding from that report:

The experts agree that the 15 seconds total shutter open time was not excessive and seemed a good value to use.²¹⁸

b. NHTSA's Response

Initially, NHTSA shared Chrysler's concerns about occlusion testing. However, based on NHTSA experience using this protocol in its own research and a careful review of the occlusion literature, we think that these concerns are more theoretical than real. Occlusion testing has substantial advantages: no driving simulator is required, relatively low effort is involved in implementing the protocol, the protocol is easy for test participants to comply with, testing cost is lower than other available methods such as driving simulation based methods, and results are repeatable. While NHTSA has learned that many manufacturers currently perform occlusion testing to support their product development research, NHTSA notes that groups who do not prefer the occlusion method are free to use the Eye Glance Measurement

²¹² Comments received from the Swedish Road and Transport Research Institute, pp. 3-4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 056.

²¹³ Comments received from Volvo Car Corporation, p. 5. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 108.

²¹⁴ Comments received from Chrysler Group LLC, p. 5. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0095.

²¹⁵ Ranney, T.A., Baldwin, G.H.S., Smith, L.A., Martin, J., & Mazzae, E.N. Driver Behavior During Visual-Manual Secondary Task Performance: Occlusion Method Versus Simulated Driving. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0077.

²¹⁶ Comments received from Volkswagen Group of America, Attachment, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0101.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*, p. 2.

Using Driving Simulator Testing protocol to assess their products' conformance to the NHTSA Guidelines.

In response to Volkswagen's comments critical of NHTSA's Occlusion Testing acceptability criterion, NHTSA revisited its basis for the specific value proposed. NHTSA agrees with Volkswagen that its 2011 study did not support a 75 percent field factor relating occlusion testing TSOT to TEORT for driving glances. The 2011 NHTSA study showed, both through regression analysis and a comparison of mean values that the relationship between TSOT and TEORT was near 1:1.

In addition to the 2011 NHTSA study, other sources of information consulted in determining the Occlusion Testing criterion included:

- Occlusion testing theory: assumes that every time a driver looks away from the forward roadway (for occlusion testing, each such eye glance is assumed to be 2.0-seconds long), the first approximately 0.50 seconds is spent transitioning the driver's eyes from the roadway to the object being looked at.²¹⁹ As a result, only 1.5 seconds of a 2.0-second eye glance are actually focused on the device being used.

- ISO Standard 16673:2007 specifies an occlusion vision interval (shutter open time) of 1.5 seconds.

- Based on occlusion testing theory that the 1.5-second shutter open time is equivalent to an off-road glance duration of 2.0 seconds, this would give a ratio of 0.75 (i.e., $1.5/2.0 = 0.75$). Applying this ratio to the TSOT/TEORT relationship results in a field factor of 75 percent.

- JAMA Guidelines: These Guidelines specify a maximum TSOT value of 7.5 seconds and a maximum TEORT value of 8 seconds.

- These values give a TSOT/TEORT ratio of 0.8875.

- Hashimoto and Atsumi (2001), cited by the Alliance in explaining their basis for an occlusion TSOT criterion, found that a TEORT value (they refer to as "TGT" or total glance time) of 8 seconds was equivalent to a TSOT value of 7.1 s.

- These values give a TSOT/TEORT ratio of 0.9375.

These sources suggest a TSOT to TEORT ratio ranging from 0.75 to 1. In the proposed NHTSA Guidelines, NHTSA relied on occlusion testing

theory and ISO 16673:(2007) for the 75 percent field factor. Accordingly, NHTSA determined an initial occlusion TSOT criterion of 9 seconds based on the driving glance TEORT criterion of 12 seconds.

Since publication of the proposed NHTSA Guidelines, additional research has found the TSOT/TEORT ratio to be closer to 1.0. In addition to the April 2012 research report cited by Volkswagen, recently completed NHTSA-sponsored research conducted by the University of Washington and University of Wisconsin²²⁰ directly compared secondary tasks using both driving simulator and occlusion protocols and found that use of a 12-second criterion for occlusion TSOT provided task acceptability results that were more consistent with results based on a 12-second TEORT criterion for driving glances. Consistency of the outcomes of these two protocols is important, since the NHTSA Guidelines specify both of these protocols as options for assessing conformance. Given that two research studies now cast doubt on the equivalency of the originally proposed 9-second occlusion TSOT criterion value with the 12-second TEORT for driving glances, NHTSA believes that reconsideration of the TSOT criterion is warranted. Based on the results of the two recent NHTSA research studies, NHTSA believes that a TSOT criterion value of 12 seconds is more appropriate based on the current state of knowledge in this area and anticipates that a 12-second TSOT criterion will be more likely to provide comparable results for task acceptability as compared to outcomes obtained using the Eye Glance Measurement Using Driving Simulator Testing protocol and its associated 12-second TEORT criterion.

Although the TSOT criterion has been amended, we are retaining the 1.5-second unoccluded viewing interval for occlusion testing. Given NHTSA's research showing a 1:1 relationship between TSOT and TEORT, a 1.5-second viewing interval corresponds to 1.5 seconds of driving simulator eyes-off-road time. The 1.5-second viewing interval duration is specified in ISO 16673:2007 and is generally consistent with data showing mean glance durations for radio tuning of between 0.9 and 1.4 seconds. Specifically, the

Dingus²²¹ and Rockwell²²² studies cited in the Alliance Guidelines indicated mean glance durations of 1.10 seconds and 1.44 seconds, respectively. NHTSA's studies indicated radio tuning mean glance durations of 0.92 seconds²²³ and 1.00 second.²²⁴

8. Suggestions To Include Effects of Workload Managers in Task Acceptance Criteria

a. Summary of Comments

Several commenters warned that the NHTSA Guidelines' requirements could discourage the pursuit of new technological solutions to mitigate driver distraction. Dr. Paul A. Green described the impending emergence of workload managers and how the proposed guidelines could stifle development:

* * * the guidelines ignore the fact that what a driver can safely do at any given time depends on the workload of the primary task. On a straight section of an expressway, with no traffic nearby, in daylight, in clear weather, a driver could conceivably do a great deal more safely than the proposed guidelines allow. However, in adverse conditions much less could be advisable. Thus, if the primary task workload is known, information provided by a workload manager, then what the driver can do becomes a set of values for each situation, not a single set of values as they are now. Vehicles with workload managers are currently being sold in Europe, and there is interest in selling them in the U.S. Providing this flexibility, recognizing what drivers can safely do, will make the guidelines more sensible and acceptable to the driving public.²²⁵

Dr. Green continues, presenting his assessment of the implication of failing to build flexibility into the guidelines:

²²¹ Dingus, T.A., Attentional Demand Evaluation for an Automobile Moving-Map Navigation System, unpublished doctoral dissertation, Virginia Polytechnic Institute and State University, Blacksburg, VA, 1987.

²²² Rockwell, T.H., "Spare Visual Capacity in Driving Revisited: New Empirical Results for an Old Idea," in A. C. Gale et al (editors), *Vision in Vehicles II* (pp. 317-324, Amsterdam: Elsevier, 1988).

²²³ Ranney, T.A., Baldwin, G.H.S., Mazzae, E.N., Martin, J., and Smith, L.A., "Driver Behavior During Visual-Manual Secondary Task Performance: Occlusion Method Versus Simulated Driving," NHTSA Technical Report (in press), accessible at <http://www.regulations.gov/#!documentDetail;D=NHTSA-2010-0053-0077>, April 2012.

²²⁴ Perez, M., Owens, J., Viita, D., Angell, L., Ranney, T.A., Baldwin, G.H.S., Parmer, E., Martin, J., Garrott, W.R., and Mazzae, E.N., "Summary of Radio Tuning Effects on Visual and Driving Performance Measures—Simulator and Test Track Studies," NHTSA Technical Report in press. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0076, April 2012.

²²⁵ Comments received from Dr. Paul Green, p. 7. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0052.

²¹⁹ Perez, M., Hulse, M., and Angell, L., "Support for NHTSA Visual-Manual Guidelines: Expert Review of the Visual Occlusion Method and How It Compares to Driver Eye Glance Behavior," p. 12, DOT HS number not yet available, April 2012, accessible at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0075.

²²⁰ Boyle, L., Lee, J., Peng, Y., Ghazizadeh, M., Miller, E., Wu, Y., Huimin, X., and Chrysler, S., Text Reading and Text Input Assessment in Support of the NHTSA Distraction Guidelines: Final Report, DOT HS (number not yet available), October 2012, accessible at www.regulations.gov, Docket NHTSA-2010-0053.

Inflexible guidelines discourage further development [of] workload managers, a potentially lifesaving technology.²²⁶

While not addressing the issue of workload managers directly, the Global Automakers described the same concern more broadly:

* * * it is important to recognize the limitations of the proposed Guidelines as a means of addressing the distraction matter over the coming years, so that the Guidelines do not become an impediment to technological innovation.²²⁷

American Honda Motor Co. offered similar sentiments, referring to the table in the proposal listing tasks for which the proposed guidelines are intended to be applicable:

The restrictions on the items listed in Table 9 may also hamper research and development of other systems that can be beneficial to safety. For example, automakers are beginning to bring the first workload management systems to market, combining crash avoidance systems with driver monitoring systems in a manner that offers the ability to shed in-vehicle tasks while alerting the driver of the need to focus their attention on the road. Future iterations of workload management systems offer the promise of keeping the driver engaged in the act of driving (helping to prevent disengagement that can lead to drowsiness), while keeping the driver in the optimal engagement range on the Yerkes-Dodson curve by discouraging overstimulation to the point of distraction.²²⁸

As suggested by Honda in the previous comment, workload managers can potentially involve integration with other driver support systems. Several comments referred to these systems and made recommendations on how they should be accommodated in the proposed guidelines. Volvo Car Corporation offered the following comment:

Driver state assessment is critical in determining the attention level of the driver and thus, critical to determining the potential to perform further secondary non-driving-related tasks. The development of driver state assessment systems is happening rapidly and these systems in combination with driving control support systems will have an impact in assisting drivers in managing the real-time workload for each instant in time. The potential of these systems for assisting drivers should be reflected in the test procedures by allowing them to be active during the tests.²²⁹

²²⁶ Ibid.

²²⁷ Comments received from Global Automakers, Attachment, p. 1. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

²²⁸ Comments received from American Honda Motor Co., Inc., p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 112.

²²⁹ Comments received from Volvo Car Corporation, p. 5. Accessed at www.regulations.gov,

Honda provided the following comment on driver assist and crash avoidance systems:

* * * automakers and suppliers are continuing to research and develop advanced methods of displays that minimize distraction while satisfying consumer demand for in-vehicle technologies and features. One example of this is the rapid application of various driver assist and crash avoidance technologies. These technologies may offset some risks of driver distraction by monitoring roadways for impending crashes and help focus the driver's attention to an impending risk.²³⁰

b. NHTSA's Response

Unfortunately, workload managers and/or other means for driver state assessment have not yet reached a state of maturity where NHTSA can determine how they should affect task acceptance criteria. NHTSA cannot address workload management systems until research has further progressed.

As explained elsewhere in this notice, NHTSA's Driver Distraction Guidelines will be revised as needed. The issuance with this notice of the Phase 1 NHTSA Guidelines, while significant, is only one step in the process of the development of NHTSA's Guidelines. The issuance of Phases 2 and 3 of the Guidelines covering portable and aftermarket devices, and auditory-vocal human-machine interfaces, respectively, will provide additional guidance. NHTSA also intends to provide Guideline Interpretation letters as needed.

Definition of Goal, Dependent Task, and Subtask

a. Summary of Comments

Several comments requested clarification of the definition of the goal of a task. Nissan North America offered the following comment:

It is unclear how to apply this definition of 'goal' for some types of tasks. It can be easy to define the goal for tasks which have a clear intention, such as destination entry. However, it is difficult to quantify the "driver's intended state" for tasks which may depend on the driver's "mood" or "feelings," such as browsing radio stations or audio inputs for a song the driver likes.²³¹

Nissan asserts that the need for clarification of the definition of a goal

depends on the protocols selected for the final guidelines.

Nissan believes clarification may be necessary depending on the evaluation protocols provided for in the final guidelines. If the final guidelines were limited to a single secondary task evaluation method such as occlusion testing, the proposed definition of 'goal' would need to be adjusted to limit its scope to tasks which can be evaluated using the recommended tests and criteria. Alternatively, a general definition of 'goal' is acceptable if a variety of evaluation methods are provided.²³²

Global Automakers provided the following comment:

In some cases, it is difficult to determine the driver's "goal." Tasks which depend on drivers' clear intention, such as destination entry, are easier to determine. On the other hand, for tasks which depend upon the driver's mood or feelings, such as browsing audio, it can be difficult to determine precisely the driver's goal.²³³

Several comments were posted on the definition of a dependent task. American Honda Motor Co., Inc. provided the following comment:

Honda recommends that the definition and examples of dependent tasks be enhanced to further clarify the distinction between a dependent task and an independent task.²³⁴

Honda cites passages from the proposed Guidelines, which lead them to the following conclusion:

The aforementioned text indicates that dependent tasks are contingent upon antecedent tasks and suggests a subtask could be dependent upon other tasks or subtasks. Therefore, examples in which dependent and independent tasks and subtasks are identified would be helpful.²³⁵

Honda provides the following example, for which they seek clarification:

As an example, we seek clarification on the task of listening to the radio that appears to be comprised of the following:

1. Turning the radio on (an independent subtask).
2. Selecting AM or FM (a dependent subtask), and
3. Selecting the frequency (a dependent subtask).

Further clarification and examples would help us establish our procedures, and help to assure that exercising the guidelines will yield consistent results. To enhance our understanding of the dependent and independent task definitions, additional

²³² Ibid, p. 2.

²³³ Comments received from Global Automakers, Attachment, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

²³⁴ Comments received from American Honda Motor Co., Inc., Attachment, p. 7. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0112.

²³⁵ Ibid, p. 7.

Docket NHTSA-2010-0053, Document Number 108.

²³⁰ Comments received from American Honda Motor Co., Inc., p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 112.

²³¹ Comments received from Nissan North America, Attachment, p. 1. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0096.

examples of each type of task would be helpful, as would descriptions of how these definitions apply within specific sequences of events. Examples should include the amount of time that may pass before a subtask is considered an independent task and a discussion of whether the rate or frequency at which a driver performs a task should be taken into consideration.²³⁶

Nissan cited the definition of a subtask, which appeared in the proposed guidelines and provided the following comment:

This definition may be interpreted differently depending on the task being evaluated and may be difficult to apply consistently. The example NHTSA provided in the preamble of the notice which describes how this definition would apply to entering a street name and street number during destination entry helps clarify this definition, however we request that NHTSA provide additional examples.²³⁷

An almost identical comment was provided by Global Automakers.

b. NHTSA's Response

Due to the large number of possible electronic device-related secondary tasks, and the large number of possible inputs that can be made for many tasks, there are a number of difficult problems in defining such terms as task goals, subtasks, and dependent tasks. To try to make clearer the definitions of these terms, NHTSA has prepared and placed in the Driver Distraction Guidelines docket,²³⁸ a report titled "Explanatory Material About the Definition of a Task Used in NHTSA's Driver Distraction Guidelines, and Task Examples."²³⁹ Persons interested in this issue are encouraged to read this report which contains much information about task-related definitions beyond what could be included in the NHTSA Guidelines (including numerous detailed examples of tasks). Portions of this report have been relied upon in this notice to clarify the definitions of goal, dependent task, and subtask.

In these NHTSA Guidelines, *Goal* is defined as a device state sought by a driver. Goal achievement is defined as achieving a device state that meets the driver's intended state, independent of

the particular device being executed or method of execution.

The above mentioned NHTSA report expands on this with the following:

In the definition of "goal" used in the Phase 1 NHTSA Distraction Guidelines, the state sought by a driver is defined in terms of a "device state." This means the goal is defined in terms of a state that can be observed objectively on the HMI. The individual who has the goal is the "participant in the test." All the participants in a test will be given the goal by a tester (and goals for testable tasks will typically be meaningful ones, which might be performed by real drivers on the devices). More will be said about this later; suffice it to say now that planning prior to testing will identify the "goals" and "tasks" given to participants during testing. An example of a goal that is a "device state" would be "radio on" (as in, "Your goal is to turn the radio on. Please begin now."). This is a state of a device that can be objectively verified, perhaps in several ways, depending on the design. For example, a radio in the "on" state will produce "sound" (if its volume is set to an audible level), it may generate visual messages on the associated display, and its associated control may have an indicator which will identify the state to which it is set.

Goals (unlike sub-goals) typically are hardware-independent, and may be achieved in virtually any vehicle. Their achievement can be verified regardless of the particular method used to achieve the goal. For example, "turn the radio on" is a goal that typically could be achieved in any vehicle equipped with a radio. Also, regardless of whether it is turned on with a push-button, a rotary knob control, or with a voice command, achievement of the goal state (of the radio being "on") can be verified objectively from the state of the device itself.²⁴⁰

In these NHTSA Guidelines, *Dependent Task* is defined as a task that cannot be initiated until another task (the antecedent task) is completed. The task's start state is thus dependent upon the end state of another, antecedent, task.

An antecedent task followed by a dependent task can be distinguished from a task that contains two subtasks by examining the end states of both the antecedent task and the dependent task. For the antecedent task-dependent task case, both tasks will end with the achievement of a driver goal (i.e., two driver goals will be achieved, one for the antecedent task and one for the dependent task). In contrast, for a task composed of two subtasks, only one driver goal will be achieved.

For example, after choosing a restaurant from a navigation system's point-of-interest list (antecedent task), a driver is offered an internet function option of making a reservation at the

restaurant (dependent task). The dependent task of making a reservation can only be initiated following the task of selecting a restaurant from within the navigation system.

The above mentioned NHTSA report contains several examples of dependent tasks (see Examples 2A, 2B, and 2M, as well as 4A.1–A.5.)²⁴¹

In these NHTSA Guidelines, *Subtask* is defined as a sub-sequence of control operations that is part of a larger testable task sequence—and which leads to a sub-goal that represents an intermediate state in the path to the larger goal toward which a driver is working.

Subtasks should not be treated as separate dependent tasks. For example, entering the street name as part of navigation destination entry is not a separate task from entering the street number; rather, these are subtasks of the same task.

The above mentioned NHTSA report expands on this with the following:

* * * subtasks are sub-sequences of activity that represent achievement of only an intermediate step along the path to goal achievement, namely the sequence of activity required to reach a sub-goal. Drivers typically will persist beyond a sub-goal and continue with task activity through to the next sub-goal (and beyond), until the task is completed. And, like sub-goals or tasks, subtasks may be hardware or HMI dependent. They may vary in their details and in their order within a task, depending on the device, its functionality, and/or its HMI. * * * When entering a destination in a navigation system, one system may require entry of the STATE first and another may require its entry last. This is an indication that the subtask sequence of entering the STATE portion of the destination is a subtask within the entire task of entering a destination. The nature and order of the subtasks (done to reach sub-goals) depends upon the particular navigation system being used.²⁴²

In answer to Honda's request for clarification, the task of tuning a radio in preparation for listening to it would be comprised of three subtasks. As Honda states, these would be:

1. Turning the radio on (subtask),
2. Selecting AM or FM (subtask), and
3. Selecting the frequency (subtask).

Subtasks after the initial one during a task frequently depend upon the prior subtasks that comprise a task. NHTSA has not designated these non-initial subtasks as dependent subtasks since we do not think that it helps people understand the task decomposition.

As stated earlier, due to the large number of possible electronic device-related secondary tasks, and the large

²³⁶ Ibid, pp. 7–8.

²³⁷ Comments received from Nissan North America, Attachment, p. 2. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0096.

²³⁸ Docket NHTSA–2010–0053. The docket is accessible at: <http://www.regulations.gov/>.

²³⁹ Angell, L., Perez, M., and Garrott, W.R., "Explanatory Material About the Definition of a Task Used in NHTSA's Driver Distraction Guidelines, and Task Examples," accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0088, posted May 18, 2012. Soon to be released as a NHTSA technical report.

²⁴⁰ Ibid, p. 20.

²⁴¹ Ibid, pp. 78–82, 112–113, and 153–164.

²⁴² Ibid, p. 29.

number of possible inputs that can be made for many tasks, it is difficult to give clear, all-encompassing definitions of such terms as task goals, subtasks, and dependent tasks. NHTSA has tried to make our task-related definitions as clear as we can, but there may well be some situations for which application of these definitions is difficult. Organizations should feel free to bring these specific cases to NHTSA's attention via the previously-mentioned interpretation letter process and NHTSA will try to consistently apply its definitions to these difficult cases.

H. Driving Simulator Issues

1. Driving Simulator Specifications

a. Summary of Comments

Several organizations provided comments requesting clarification about and/or making suggestions for specifications of simulators that can be used for testing under the proposed guidelines. Commenters included auto manufacturers (Volvo and BMW), research organizations (VTI [Swedish Road and Transport Research Institute] and the University of Iowa [National Advanced Driving Simulator and Simulation Center or NADS]), and a simulator development company (Realtime Technologies Inc.).

The NADS provided the following general comments:

There are many different kinds of driving simulators used by the human factors research community today and we feel some additional clarification in the guidelines as to what NHTSA intends to include and exclude in its testing protocols is needed.²⁴³

Volvo provided the following general comment:

Simulator dimensions are dependent on the simulator software, the kind of simulator (fixed or moving base) and the kind of projection screen used (flat or 180 degrees, presumably in a wrap-around configuration). Volvo Cars has modern car simulator test facilities that are suitable for the recommended test procedures; however, it does not meet some specific recommendations when it comes to locations and placements. Thus, we believe that the simulator specifications should be more flexible.²⁴⁴

BMW offered the following general comment:

BMW has a state of the art driving simulator that is used for purposes of testing

any effect of current and new features on the performance of the driver. BMW therefore considers the proposed driving simulator specifications in the Federal Guidelines as suggested minimum criteria.²⁴⁵

In addition to these general comments, specific comments were submitted pertaining to details of the simulator specifications contained in the proposed guidelines. Comments regarding the projection system were prevalent, including the following comments from VTI:

Screen locations ranging from 2.5 m and more from the driver eye point are quite sufficient.²⁴⁶

The resolution of the computer generated image seems to be quite under specified and should also benefit to be calculate using the driver's eye point as references.²⁴⁷

The resolution should be given in dpi, to make the value independent of the screen size.²⁴⁸

On this same topic, the following comments were provided by the NADS group:

As currently specified [the guidelines] would exclude those systems which use computer display monitors rather than projectors. * * * there is no research evidence of which we are aware to support the use of projected imaged over monitor displays. Indeed, in order for these guidelines to be useful in the future, it may be best to avoid any reference to a single display method as the technology in this industry is rapidly changing. In addition to a resolution specification, the guidelines should also include some specification for field-of-view of the display. * * * it is unclear if the intent was to recommend only front-projection single-screen systems to the exclusion of other display technologies.²⁴⁹

Realtime Technologies cited research results supporting the following specific suggestions on this topic:

* * * the minimum screen distance should be 3000 mm rather than 4700 mm.²⁵⁰

Drivers do not get additional accommodation depth cues for distances beyond 2000 mm while convergence depth cues can be used to 10000 mm (Andersen, 2011). The literature states that for comfortable viewing (both accommodation

and convergence) the distance should be at least 3000 mm (Lambooi, IJsselstein, Heynderickx, 2007). Comfortable accommodation distances start at 2000 mm (Andersen, 2011).²⁵¹

The resolution for the simulator should be specified in arc minutes per pixel rather than a particular screen size and resolution. This allows for a variety of screen configurations. The FAA requires their aviation training simulators to have an effective resolution of 3 arc-min/pixel or less (Stoner, Fisher, Mollenhauer, 2011). The simulator described in the guidelines meets this requirement with a value of 1.7 arc-min/pixel. While visual acuity can be as high as 0.5 arc-min/pixel, looming cues are the most important aspect for car following and therefore driver distraction (Andersen, 2011). Plotkin's research (1984) suggests, at a visual update rate of 30 times per second (as specified in the guidelines), the effective resolution where a human can detect any looming cue will be 3.11 arc-min/pixel. Therefore we recommend that the minimum resolution for these tasks be set at 3 arc-min/pixel.²⁵²

Questions about other simulator specifications were raised by NADS:

It is not clear if NHTSA intends to exclude driving simulators which use open cabs, partial cabs, and/or non-automotive seating and dashboard arrangements.²⁵³

Section V12.b included some description of the vehicle controls. This statement could be interpreted to exclude many simulators in use by University and Industry researchers which utilize gaming controls for steering and pedal driver inputs.²⁵⁴

Further information on whether or not force feedback must be present on the steering wheel and pedals is also needed.²⁵⁵

It is not clear if NHTSA's intent was to exclude simulators with motion.²⁵⁶ VTI raised a concern about the driving simulator's vehicle dynamics simulation:

The guidelines lack a description of the vehicle's behavior on the road, i.e. the vehicle dynamics.²⁵⁷

b. NHTSA's Response

NHTSA appreciates the helpful comments that we have received on this issue. In response, we have modified our recommended driving simulator specifications so that task acceptance testing may be performed on a broader variety of driving simulators.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Comments received from the University of Iowa, National Advanced Driving Simulator and Simulation Center, p. 1. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0071.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Comments received from the Swedish National Road Transport Institute (VTI), p. 2. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0056.

²⁴³ Comments received from the University of Iowa, National Advanced Driving Simulator and Simulation Center, p. 1. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0071.

²⁴⁴ Comments received from Volvo Cars, p. 4. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0104.

²⁴⁵ Comments received from BMW Group, p. 6. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0094.

²⁴⁶ Comments received from Swedish National Road Transport Institute (VTI), p. 2. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0056.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

²⁴⁹ Comments received from the University of Iowa, National Advanced Driving Simulator and Simulation Center, p. 1. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0071.

²⁵⁰ Comments received from Realtime Technologies, Inc., p. 1. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0053.

Before explaining the individual changes that we have made in response to comments to the recommended NHTSA driving simulator specifications, it may help to first explain NHTSA's goals for driving simulators.

NHTSA believes task acceptance testing should be performable with very simple, inexpensive, driving simulators. We recognize that not every organization can afford to use the extremely high fidelity National Advanced Driving Simulator or even higher fidelity, moving base, driving simulators. We have deliberately tried to design our task acceptance test so it can be run on a low-end driving simulator. This does not preclude the use of a high-end simulator for task acceptance testing, but merely acknowledges that a low-end simulator is adequate.

While we want testing to be performable with low-end driving simulators, NHTSA thinks that the driving simulators used for task acceptance testing should generate a pattern of eye glances similar to that seen when performing the same secondary task while driving an actual motor vehicle. One of the key consequences of this belief is that the roadway display should be far enough in front of the simulator's driver that visual accommodation must occur when the driver switches her gaze between the device interface and the roadway. In other words, the driver's eyes should be focused approximately at infinity when looking at the roadway and at the correct, much closer, distance when looking at the device display.

Focusing on specific comments, first of all, as BMW suggests, the driving simulator specifications in the NHTSA Guidelines are suggested minimum criteria. We certainly have no problems with better driving simulators than specified in the NHTSA Guidelines but we do not want ones with less fidelity. Similarly, NHTSA's Guideline recommendations are not intended to exclude simulators with motion. Statements have been added to the NHTSA Guidelines clarifying both of these points.

In response to VTI's comment, the NHTSA Guidelines do not contain a description of the vehicle dynamics because we believe the driving scenario being simulated is extremely simple—straight line, constant speed driving. Clearly the simulated vehicle needs to react appropriately if the driver turns the steering wheel, presses the brake pedal, or presses the throttle pedal. However, we do not think that an elaborate vehicle dynamics model is necessary; something along the lines of

a linear three degree of freedom (lateral velocity, longitudinal velocity, and yaw rate) vehicle model should be quite sufficient. Again, if desired, more complex and accurate vehicle dynamics may be used, but they are not necessary. Statements have been added to the NHTSA Guidelines clarifying this point.

In response to the NADS comments, NHTSA does not intend to exclude driving simulators using open or partial cabs. While NHTSA intends to perform its driving simulator based monitoring testing using actual production vehicles and actual copies of the electronic devices being tested, we do not think that every organization wanting to perform Guideline conformance testing has to use such a driving simulator. The important thing is that the driving simulator has a seating and dashboard arrangement similar to an actual production vehicle so that realistic eye glance behavior will occur. We do not think that non-automotive seating and dashboard arrangements are adequate for task acceptance testing.

NHTSA does not think that gaming controls for driver steering will provide an adequate level of realism. We believe an actual vehicle steering wheel mounted in a typical vehicle arrangement is necessary. Otherwise driver hand motions may not be realistic. For similar reasons, we think that force feedback should be present on the driving simulator's steering wheel. However, a linear feel (i.e., the restoring force is directly proportional to the amount of steering) should be adequate.

Gaming style pedal controls are adequate since current task acceptance tests do not use any metrics that will be affected by the movement of the driver's feet. However, we do think that pedal force feedback should be provided to assist the driver in maintaining a constant speed. Again, very simple but realistic pedal force feedback should be adequate.

Statements clarifying all of these points have been added to the NHTSA Guidelines.

NHTSA did not intend to exclude driving simulators using computer display monitors rather than projectors. Similarly, multiple screen visual displays and rear-project display technologies are perfectly acceptable.

As suggested by the commenters, we have modified the NHTSA Guidelines to permit any display technology to be used. NHTSA's goal is to have the driving simulator display full-color, true-perspective, three-dimensional scenes (as viewed by the driver) free from distracting anomalies, such as abrupt changes in scene content, aliasing problems in image processing,

and abrupt changes in illumination, color, or intensity (i.e., no flickering or flashing). NHTSA's Guideline recommendations do not show preference toward one display technology over others.

NHTSA has decided to accept the suggestion offered by NADS and Realtime Technologies that the NHTSA Guidelines should specify the field-of-view of the display. We have set the minimum recommended field-of-view to have a width of 30 degrees. Of course, wider fields-of-view may be used.

NHTSA has also decided to accept the suggestion offered by NADS and Realtime Technologies that the NHTSA Guidelines should specify the resolution for the simulator in arc minutes per pixel rather than a particular screen size and resolution. The supporting research offered by Realtime Technologies^{258, 259, 260} is quite convincing. Therefore, the recommended screen resolution is being set to 3 arc minutes per pixel or better.

NHTSA received recommendations from NADS to reduce driver eye point to screen distance minimum distance from the 4.7 meters originally proposed in the NHTSA Guidelines to either 2.5 meters (NADS) or 3.0 meters (Realtime Technologies). The original 4.7 meter distance was based on nothing more than the driver eye point to screen distance of the NHTSA driving simulator located at NHTSA's Vehicle Research and Test Center and the perception that this distance provides adequate visual accommodation.

To attempt to determine the minimum driver eye point to screen distance in a more scientific manner, depth of field calculations were used.

As previously stated, the roadway display should be far enough in front of the simulator's driver that visual accommodation must occur when the driver switches his gaze between the device interface and the roadway. NHTSA wants the driver's eyes to be focused approximately at infinity when looking at the roadway and at the correct, much closer, distance when looking at the device display. In terms

²⁵⁸ Stoner, H. A., Fisher, D. L., Mollenhauer, M. A., "Simulator and Scenario Factors Influencing Simulator Sickness," in Fisher, D. L., Rizzo, M., Caird, J. K., and Lee, J. D. (Editors). *Handbook of Driving Simulation for Engineering, Medicine, and Psychology*, Boca Raton, FL, CRC Press, 2011.

²⁵⁹ Andersen, G. J., "Sensor and Perceptual Factors in the Design of Driving Simulation Displays," in Fisher, D. L., Rizzo, M., Caird, J. K., and Lee, J. D. (Editors). *Handbook of Driving Simulation for Engineering, Medicine, and Psychology*, Boca Raton, FL, CRC Press, 2011.

²⁶⁰ Plotkin, S., "Multiple Causation," *Automotive Engineering and Litigation*, 1, pp. 215–228, New York, Garland Law Publishing, 1984.

of depth of field, NHTSA translated this into having the "far" edge of the depth of field at infinity.

In order to perform a depth of field calculation, we needed values for the image focal length of the human eye, the lowest f-stop to be used in the calculation, and the permissible circle of confusion. According to "The Physics Factbook"²⁶¹ article on "Focal Length of a Human Eye" a good value for the image focal length of the eye is 22.3 mm. The lowest achievable f-stop is equal to the image focal length divided by the maximum eye pupil size. Human eye pupil size data was obtained from a paper by Winn, Whitaker, Elliot, and Phillips.²⁶² According to this, the maximum eye pupil size is approximately 9 mm giving a minimum f-stop of 2.4 (rounded down to the nearest "standard" f-stop of f-2 for subsequent calculations).

An acceptable value for circle of confusion was obtained from the internet posting "DOF—Demystifying the Confusion."²⁶³ According to this posting, the normal human eye can determine 5 line pairs per millimeter at a distance of 25 cm. Therefore, an acceptable circle of confusion value is 0.2 mm.

Inputting all of this data into a depth of field calculator²⁶⁴ a hyperfocal distance (the distance beyond which all objects can be brought into an acceptable focus) of 1.27 meters was calculated. The minimum driver eye point to screen distance determined in this manner would be 1.27 meters.

NHTSA has decided to round this 1.27 meter value up to 2.0 meters. This takes NHTSA to the same value that, in their comments, Realtime Technologies pointed out had been arrived at by other researchers.²⁶⁵ Based on the preceding analysis, we believe that having a minimum driver eye point to screen distance will provide adequate visual accommodation. This change has been

²⁶¹ "The Physics Factbook," edited by Glen Elert—written by his students, accessed at: <http://hypertextbook.com/facts/2002/JulioKhutoretskoya.shtml> on July 20, 2012.

²⁶² Winn, B., Whitaker, D., Elliot, D.B., and Phillips, N.J., "Factors Affecting Light-Adapted Pupil Size in Normal Human Subjects," *Journal of Investigative Ophthalmology and Visual Science*, March 1994, Vol. 35, No. 3, accessed at: <http://www.iovs.org/content/35/3/1132.full.pdf> on July 20, 2012.

²⁶³ Accessed at: <http://www.rogs-int-inc.com/PhotoTechStuff/DoF/> on July 20, 2012.

²⁶⁴ The one used was called DOFMaster and accessed at: <http://www.dofmaster.com/dofable.html> on July 20, 2012.

²⁶⁵ Andersen, G. J., "Sensor and Perceptual Factors in the Design of Driving Simulation Displays," in Fisher, D. L., Rizzo, M., Caird, J. K., and Lee, J. D. (Editors), *Handbook of Driving Simulation for Engineering, Medicine, and Psychology*, Boca Raton, FL, CRC Press, 2011.

incorporated into the NHTSA Guidelines.

2. Suggestions To Improve the Driving Scenario

a. Summary of Comments

Several comments were directed at the simulator scenario proposed for use in the testing. Specifically, the Swedish Road and Transport Research Institute (VTI) asked:

In general, is the specified scenario difficult enough?²⁶⁶

Are the results generalizable to more complex traffic environments? If not, the test will only show that it is 'safe' to perform the secondary task on straight road segments with one lead vehicle. What happens when the device is used in urban traffic?²⁶⁷

In contrast, several organizations advocated the use of the Alliance driving task. As the basis for this recommendation, Mercedes-Benz provided the following comment:

The Alliance driving task was designed to mimic the relatively benign conditions associated with distraction related crashes based on real world data. NHTSA proposes altering this procedure * * * It is unclear how the proposed changes to the driving procedure relate to real world crash risk.²⁶⁸

Several commenters suggested that data collection should include curved in addition to straight road segments to ensure that steering corrections are required.

Numerous comments pertaining to scenario details were provided. VTI pointed out that the guidelines lack specification of basic geometries, including lane width, road markings, and road surface properties (color, brightness, grain). They also noted that:

* * * objects beside the road will influence the driver's performance in navigating as these also provide sensation about speed and heading as examples.²⁶⁹

Several comments asked for more detailed information about the proposed car-following task, including more detail about the speed of the lead vehicle and its appearance, including size, shape, color, and the way in which it appears in the driving scene.

Additional detail was also requested about the proposed visual detection

²⁶⁶ Comments received from the Swedish National Road Transport Institute (VTI), p. 2. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0056.

²⁶⁷ Ibid.

²⁶⁸ Comments received from Mercedes-Benz USA, LLC, p. 9. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0093.

²⁶⁹ Comments received from the Swedish National Road Transport Institute (VTI), p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0056.

task. The following comment was submitted by the University of Iowa:

Section VI.2.f.i specifies a "filled-in, red circle" but does not specify the surrounding or background visual features. A red circle will be nearly invisible against a dark sky. The guidelines would be improved if this specification was expressed as a minimum and maximum contrast ratio as used by the Federal Highway Administration's Minimum Retroreflectivity Levels for traffic signs (FHWA Docket No. FHWA-2003-15149).²⁷⁰

b. NHTSA's Response

NHTSA has deliberately recommended a very simple driving scenario for the Eye Glance Measurement Using a Driving Simulator acceptance test protocol—straight line, constant speed driving. This does mimic the Alliance Guidelines driving simulator scenario; the Mercedes-Benz comment was made about NHTSA's proposed Dynamic Following and Detection acceptance test options which, as previously discussed, are not being carried forward at this time.

The very simple driving simulator scenario proposed by NHTSA in the Initial Notice was chosen for two reasons:

- Its simplicity should accommodate organizations that only have low fidelity, low cost, driving simulators. Not everyone can afford to use the extremely high fidelity National Advanced Driving Simulator or even higher fidelity, moving base, driving simulators. However, since the acceptance test protocol uses a straight line, constant speed, drive and all of the criteria used to determine task acceptance are based on driver eye glances, we do not believe it is necessary to have a high fidelity driving simulator to perform this testing. A low-fidelity driving simulator is sufficient.

- Since NHTSA has based its acceptance test criteria on test participant performance while performing the reference task (manual radio tuning) while driving this simple scenario, the effects of scenario difficulty level are expected not to matter. If NHTSA were to recommend a more complex scenario, with curving roads and more traffic, it might degrade test participant performance while performing a candidate task. However, it would also degrade test participant performance while performing manual radio tuning, probably by about the same amount. Therefore, tasks that meet the current acceptance test criteria would probably also meet the

²⁷⁰ Comments received from the University of Iowa, p. 2. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0071.

requirements of an acceptance test protocol that used a more complex driving scenario. While NHTSA recognizes that its acceptance test scenario is not typical of urban traffic environments, based on the above logic, we believe the results to be generalizable to more complex traffic environments.

NHTSA also does not think that segments of the simulated road driven during data collection should include curved road segments.²⁷¹ While the inclusion of curved road segments would ensure that driver steering corrections are required during testing, once again any effects are expected to be present during both candidate task acceptance testing and the testing used to determine the acceptance criteria. Therefore, the effects are expected to cancel each other out. Using straight roads during testing has one advantage: it reduces the complexity of the needed driving simulator.

In response to the comments that were received, NHTSA has added recommendations for road environment, road material and color, lane and shoulder widths, and road markings to the Recommended Driving Simulator Scenario subsection of the NHTSA Guidelines. The road markings portion of these recommendations was taken from Section 3A.05, *Widths and Patterns of Longitudinal Pavement Markings* contained in the "California Manual on Uniform Traffic Control Devices for Streets and Highways: Part 3—Markings."²⁷² We have also added additional recommendations about the lead vehicle appearance and that it suddenly appears in the driving scene.

Finally, the request for additional details about the proposed visual detection task is only relevant to NHTSA's proposed Dynamic Following and Detection acceptance test options which, as previously discussed, are not being carried forward at this time.

I. Test Participant Issues

1. Test Participant Demographics

a. Summary of Comments

Comments on this topic referred to the age groupings proposed by NHTSA.

²⁷¹ NHTSA believes that it is a good idea to include curving road segments during non-test portions of the drive that occur between the straight segments of simulated road that are used during testing.

²⁷² "California Manual on Uniform Traffic Control Devices for Streets and Highways: Part 3 (FHWA's MUTCD 2003 Edition, as amended for use in California)—Markings," pp. 3A-2—3A-3, State of California, Business, Transportation and Housing Agency, Department of Transportation, accessed at <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd/CAMUTCD-Part3.pdf> on July 10, 2012.

The following comment from Global Automakers suggested that the sample composition should better reflect the overall distribution of drivers.

Global Automakers does not believe that specific driver populations should be over-weighted or underweighted during subject selection, compared to the distribution of the driving population. For example, while specific age groups may presently use technology at different frequencies, those use patterns may change over time. Therefore, we do not support increased representation of younger drivers (18 through 24 age range) based on anecdotal indications that this group currently uses electronic technology more frequently.²⁷³

Mercedes-Benz expressed concern with the practical difficulties of adhering to the proposed age/gender requirements:

The proposed requirement for 24 participants, even mix of genders and divided in 4 groups with each 6 human subjects in the age range of 18–24, 25–39, 40–54 and 55–75 is extremely aggressive and will make filling the subject pool difficult.²⁷⁴

Mercedes-Benz also suggested that the sample be composed of individuals that reflect the population of drivers most likely to use a technology being tested:

* * * it can be concluded that the applications or functions to be tested should be evaluated by those age groups which are most likely to buy the new features.²⁷⁵

Hyundai provided the following comment:

Hyundai requests NHTSA provide justification for the sample size and demographic requirements. Hyundai proposes the agency change the distribution of the participants based on current research.²⁷⁶

They cited two experimental studies to support the following recommendation:

Hyundai recommends the agency combine the 18–24, and 25–39 age group and distribute the participant age groups into three groups of 8 participants: Young (18–40), Middle (41–64), and Mature (65 and older). The proposed age groups will focus on the performance effect among the age groups where differences have been seen in previous research.²⁷⁷

According to Dr. Paul Green, "The guidelines do not pay adequate

²⁷³ Comments received from Global Automakers, p. 6. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0099.

²⁷⁴ Comments received from Mercedes-Benz, p. 10. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0093.

²⁷⁵ *Ibid.*, p. 10.

²⁷⁶ Comments received from Hyundai Motor Group, p. 2. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0102.

²⁷⁷ *Ibid.*, p. 3.

attention to elderly drivers."²⁷⁸

Although Dr. Green agreed with NHTSA's assertion that older drivers are less frequent users of electronic technology than younger drivers, he adds:

* * * they take far longer to complete tasks and have much greater difficulty with them, in particular the distracting visual-manual tasks that are the topic of this docket. Furthermore, over time, use by older individuals of all sorts of electronic devices is increasing. Therefore, it is recommended that an additional group be added to the sample, drivers ages 65 to 75 and equal in size to the other groups.²⁷⁹

The following comment was received from GM:

GM concentrates on a worst-case age group: 45 to 65 years old. Subjects in this age bracket generally have greater mean glance times and longer total eyes-off-road times than younger subjects. Consequently, findings base on this age group are generally more conservative.²⁸⁰

b. NHTSA's Response

As the above comments indicate, probably the most controversial question about test participant demographics is whether to underweight older drivers in the NHTSA Guidelines sampling plan.

As set forth in the Initial Notice, the NHTSA Guidelines recommended that out of each group of 24 test participants used for testing, there should be:

- Six test participants 18 through 24 years old, inclusive, and
- Six test participants 25 through 39 years old, inclusive, and
- Six test participants 40 through 54 years old, inclusive, and
- Six test participants 55 or more years old.

As stated in the Initial Notice, based on 2009 statistics,²⁸¹ the percentage of licensed drivers aged 18 years or older contained in each of these four groups are:

- 11.4 percent are 18 through 24 years old, inclusive, and
- 26.8 percent are 25 through 39 years old, inclusive, and
- 29.7 percent are 40 through 54 years old, inclusive, and
- 32.1 percent are 55 or more years old.

To have an unweighted sample we would have to have 25 percent of

²⁷⁸ Comments received from Dr. Paul Green, p. 7. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0052.

²⁷⁹ *Ibid.*, p. 7.

²⁸⁰ Comments received from General Motors LLC, Attachment, p. 3. Accessed at www.regulations.gov, Docket NHTSA–2010–0053, Document Number 0103.

²⁸¹ <http://www.fhwa.dot.gov/policyinformation/statistics/2009/dl20.cfm>.

licensed drivers aged 18 years or older contained in each of these four groups. Therefore, NHTSA's sampling method: over represents drivers 18 through 24 years old, inclusive; approximately correctly represents drivers 25 through 39 years old, inclusive; approximately correctly represents drivers 40 through 54 years old, inclusive; and under represents drivers 55 or more years old.

There are two reasons for this. First, drivers in the 18 through 24 age range have a higher rate of fatalities (per 100,000 drivers in that age range²⁸² or per 100 million vehicle miles traveled²⁸³) than drivers that are 25 years of age or older. Second, at least anecdotally, younger drivers are more frequent users of electronic technology than are older drivers. Therefore, NHTSA believes that this age range should be overrepresented in each test participant sample.

The 55 years and older age range is underrepresented in test samples relative to their numbers in the general driving population. While NHTSA considers it important that advanced electronic device tasks be tested using drivers in this age range, as mentioned above, older drivers are less frequent users of electronic technology than younger drivers. Therefore, NHTSA is proposing to underweight this age range with six test participants rather than the eight called for by their numbers in the general driving population.

Clearly there were diverse opinions as to the best sampling method to use. Global Automakers suggested using an unweighted sample. Mercedes-Benz essentially agreed with NHTSA that the sample be composed of individuals that reflect the population of drivers most likely to use a technology being tested, resulting in an over representation of younger test participants. General Motors, Dr. Green, and Hyundai all advocated changing to a sampling plan that would over represent, instead of under represent, older drivers.

NHTSA has worked out what the age ranges would be for a test participant sampling method that equally represented all age groups. Such a sampling method would have:

- Six test participants 18 through 32 years old, inclusive, and
- Six test participants 33 through 44 years old, inclusive, and

- Six test participants 45 through 57 years old, inclusive, and
- Six test participants 58 or more years old.

Clearly there are many other possible test participant sampling methods that are possible by subdividing the licensed driver population in different ways and overweighting or underweighting selected groups.

After careful consideration of the comments received, NHTSA continues to think that the best test participant sampling method for driver distraction testing (although not necessarily for other topics) over represents younger (ages 18 through 24, inclusive) drivers. We continue to believe that the higher crash rates seen for this age group of drivers and their more frequent use of advanced electronic technology justify this over representation. Therefore, we are keeping our proposed test participant age groupings in the NHTSA Guidelines.

In response to Mercedes-Benz's concerns that there will be practical difficulties in adhering to the proposed age/gender requirements, NHTSA's experience shows that the most difficult age range in which to recruit test participants for driver distraction studies is the older age range. However, NHTSA is already underweighting this age range. A number of commenters suggested that we increase the number of older test participants. While NHTSA has rejected doing this, we do not think it appropriate to reduce the number of older test participants to make recruiting easier.

2. Test Participant Impartiality

a. Summary of Comments

Automakers generally advocated the use of company employees for testing. The following comment was provided by Volvo:

Recruiting completely naïve and unbiased test participants, even from the general public can be difficult to arrange in an area near an automotive industry. Considering the vast number of tests that will need to be done, it is not feasible to arrange tests with people from other parts of the country/world.²⁸⁴

Global Automakers agreed with Volvo:

There are categories of employees who are not involved in technology development, such as those working in accounting and other administrative areas. Such employees should be allowed to participate in a pilot study when critical design features cannot be

shared outside the company. This approach would avoid the release of proprietary information and allow for development of critical systems without the concern that new technologies and features might be exposed before product launch. The Guidelines should allow the participants in such tests to be manufacturer employees who are not involved in technology matters.²⁸⁵

Similar concerns were expressed by Hyundai, Mercedes-Benz, and Nissan. However, VTI, based on their research experiences, suggested the opposite: " * * * do not use OEM employees."²⁸⁶

b. NHTSA's Response

To preserve the appearance of test participant impartiality, NHTSA has decided that it will not use automaker employees during its research and/or monitoring testing to determine conformance with the NHTSA Guidelines. While automobile manufacturers do have multiple categories of employees, many of whom are not involved in vehicle systems or component development, NHTSA believes that automaker employees will tend to be generally more knowledgeable about vehicles and their current features than the average member of the public. With this additional knowledge of vehicles and their latest features, the employees may perform better in testing due to this exposure to the automotive industry.

That said, NHTSA is not opposed to manufacturers using their own employees during their own testing. The reasons given above by Global Automakers and Volvo are certainly valid as are those given by other commenters. We believe that manufacturers can obtain valid, impartial results from testing their own employees as long as the employees are unfamiliar with the product being tested. However, NHTSA's testing will not involve automobile manufacturer employees as participants.

3. Other Test Participant Qualifications

a. Summary of Comments

GM felt that the guidelines were generally too restrictive in the specification of test participant qualifications. They submitted the following comment:

[The] inclusion of sampling particulars and other language in the proposal suggests expectation or presumption that OEMs would test systems using the specified

²⁸² National Highway Traffic Safety Administration, "Traffic Safety Facts 2008," NHTSA Technical Report DOT HS 811 170, 2010.

²⁸³ United States Government Accountability Office, "Older Driver Safety, Knowledge Sharing Should Help States Prepare for Increase in Older Driver Population," Report to the Special Committee on Aging of the United States Senate, GAO-07-413, April 2007.

²⁸⁴ Comments received from Volvo Car Corporation, p. 5. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0108.

²⁸⁵ Comments received from Global Automakers, p. 6. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

²⁸⁶ Comments received from the Swedish Road and Transport Research Institute (VTI), p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0056.

sample. GM believes this to be overly prescriptive.²⁸⁷

GM proposed that NHTSA be more flexible about the number of test participants required:

GM's practice for evaluating tasks related to in-vehicle electronics requires that at least 85% of the test sample complete the task with a mean glance time less than two seconds and a total eyes-off road time under 20 seconds. * * * In cases when the test sample is fewer than 24, a sufficient percentage of the test sample must pass validation criteria so that Type I errors are no more common than if a 24 person sample was used. * * * GM believes this method allows flexibility and expediency, while maintaining the 85% threshold limit established in the Alliance Guidelines. Therefore, GM recommends the proposed guideline adopt the 85% threshold limit in the Alliance Guidelines, and not adopt specific sample requirements.²⁸⁸

A comment from Mercedes-Benz addressed the mileage requirement for test participants:

The required mileage of 7,000 miles per year is too high. This requirement limits the potential group of people which are qualified as test participants without adding a necessary benefit. We believe a minimum mileage requirement of 3,000 miles per year is sufficient.²⁸⁹

Mercedes-Benz also questioned the need for prospective participants to be comfortable communicating via text messages:

Regarding subject's comfort level with technology, we find that average subjects are appropriate for evaluating systems such as navigation or phoning based on social media. The requirement for the test participants to be comfortable communicating via text messages is too specific. It's based on the specific tests that NHTSA has performed focusing on text entry with nomadic devices. If NHTSA's intention is to have tech-savvy test participants, then only considering text messaging experience as a criterion is too narrow.²⁹⁰

Researchers from VTI suggested that the guidelines testing should:

Use participants from different social groups and with different education. We [VTI] once ran a study with a group of engineers vs. a random selection of citizens, and secondary task performance was strikingly higher for the engineers.²⁹¹

²⁸⁷ Comments received from General Motors LLC, Attachment, p. 3. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0103.

²⁸⁸ *Ibid.*

²⁸⁹ Comments received from Mercedes-Benz, p. 9. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0093.

²⁹⁰ *Ibid.*

²⁹¹ Comments received from the Swedish Road and Transport Research Institute (VTI), p. 3. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0056.

b. NHTSA's Response

In response to GM's concerns that the guidelines were generally too restrictive in the specification of test participant qualifications, as discussed earlier in this notice, NHTSA plans to perform future monitoring to see what design revisions occur and find out how vehicle makes/models conform to these Phase 1 Driver Distraction Guidelines. Such monitoring testing by NHTSA or its contractors will adhere to the test procedures set forth in the NHTSA Guidelines. However, this only sets forth how NHTSA will test for conformance to these Guidelines; manufacturers are free to use any test procedures that they prefer.

Regarding GM's concerns that the NHTSA Guidelines recommended testing too many test participants, manufacturers are free to assess conformance to NHTSA's voluntary Guidelines through any means they determine is appropriate. If there is a certain test protocol that a manufacturer believes is more effective in assessing conformance with these Guidelines using fewer participants, they are certainly free to use that protocol.

NHTSA has decided to adopt Mercedes-Benz's suggestion about the mileage requirement for test participants. Reducing the required mileage of 7,000 miles per year to 3,000 miles per year will make it easier to recruit test participants while still testing people who drive regularly. Appropriate changes have been made to the NHTSA Guidelines.

After careful consideration, NHTSA has also decided to remove the recommendation that test participants be comfortable communicating via text messages from its Guidelines. This recommendation was originally included in the Guidelines based on NHTSA's testing experience. We occasionally had test participants who were very uncomfortable using any advanced electronic technology. This recommendation was intended to screen out such test participants. However, upon reconsideration, NHTSA thinks that such drivers who are part of the driving population and should not be screened out. The Guidelines recommendation that test participants have experience using a cell phone while driving is sufficient to screen out technology novices or non-users.

Regarding VTI's recommendation to include test participants from different social groups and with different educational backgrounds, for the reasons explained below, NHTSA does not believe there is sufficient empirical data to support the need to add

socioeconomic class and education criteria to the test participant selection criteria in the NHTSA Guidelines. Furthermore, adding such criteria would likely increase the difficulty of test participant recruitment and may require increasing the minimum number of required test participants.

There is no NHTSA-generated data showing different eye glance behavior while performing secondary tasks across different social groups or different education levels. While VTI's concerns are plausible, and the organization indicated that it has supporting experimental data (although none were submitted along with their comments), NHTSA does not believe there is a sufficient basis to warrant balancing of these factors in task acceptance testing performed in association with the NHTSA Guidelines. A test participant's eye glance behavior while performing secondary tasks depends, at least in part, on the psychological and physical capabilities of the test participant. While these are known to change with test participant age (part of the reason why the NHTSA Guidelines recommend testing a broad age range of test participants), little is known about whether these psychological and physical capabilities vary with socioeconomic class or education level. In addition, it is unclear whether the differing secondary task performance between engineers and randomly selected citizens mentioned by VTI was due to factors like socioeconomic status or education level or whether it was due to the engineers' additional experience and expertise with vehicle technologies.

For all of NHTSA's human factors testing, the agency attempts to recruit test participants from a broad range of socioeconomic classes by recruiting test participants through multiple outlets, such as printed newspapers and internet postings. Therefore, any research and/or monitoring testing to determine conformance with the NHTSA Guidelines can be expected to use test participants from different social groups and with different education levels. The agency's goal in the NHTSA Guidelines is to specify suitable, robust test protocols that are not unnecessarily complicated or costly. This includes the participant recruitment aspects of the test protocols. Because there is insufficient data to support adding socioeconomic and education criteria to the NHTSA Guidelines, the agency is refraining from doing so at this time. However, nothing in the NHTSA Guidelines prevents a manufacturer from including additional test participant selection criteria as part of its own test protocols.

4. Test Participant Instructions, Training, and Practice

a. Summary of Comments

VTI questioned the potential effect of the test instruction that the driver's primary responsibility is to drive safely at all times:

With such an instruction, drivers could refrain from executing the secondary task at all, which would render the evaluation impossible. Instead, we suggest that the instructions be that participants should prioritize the secondary task. The performance can then be put in relation to the performance on the secondary task while standing still. Having the participants focus on the secondary task is most likely to have higher external validity, as drivers often feel a high motivation to complete the secondary task at hand. Thus, testing under such circumstances also reflects a "worst-case" scenario, which probably is not uncommon.²⁹²

VTI also provided the following comment about the car-following task instruction:

The driver is instructed to 'keep a constant following distance' to the lead vehicle. Here one should consider to instruct the driver to 'keep a constant time headway' to the lead vehicle, as this is better associated with a 'safe' distance. Keeping a constant time headway will also work when the lead vehicle has a variable speed.²⁹³

b. NHTSA's Response

After careful consideration, NHTSA believes that it is essential that test participants be instructed that the drivers' primary responsibility is to drive safely at all times and therefore is keeping the test participant instructions as they were proposed in the Initial Notice. Since there is no risk of physical injury associated with driving in a simulator, NHTSA is concerned that some test participants may treat it like a video game and drive unsafely and atypically. NHTSA believes that specific driving instructions help prevent this problem (as does having properly trained in-simulator experimenters who take appropriate corrective action if such happens). In NHTSA's entire driving simulator testing, we have never had a test participant refuse to perform a secondary task on the grounds of it being too complicated to perform while driving.

NHTSA prefers the test instruction of "keep a constant following distance to the lead vehicle" to the one of "keep a constant time headway to the lead vehicle" because we believe that the first instruction is easier for participants to understand. Since NHTSA's driving

simulator acceptance test protocol involves only driving at constant speeds, the two instructions have the same practical effect. NHTSA acknowledges that we will need to modify this instruction if we shift to a test where the lead vehicle has a variable speed.

J. Device Response Time Recommendations

a. Summary of Comments

Several commenters addressed the proposed 0.25-second device response time. One commenter asserted that the proposed maximum of 0.25 seconds is too stringent. The following comment was provided by Mercedes-Benz

The proposed maximum response time to a device input of 250 ms is too stringent. While a system response within 250 ms after driver input is likely, there may be certain applications or system functions which respond slightly after 250 ms. Providing an indication that the device is responding (like showing an hour glass) if a system response is expected to occur slightly after 250 ms (e.g. 300–400 ms) is more distracting for the driver because she/he can't even recognize the indication until it disappears again.²⁹⁴

Mercedes-Benz suggested the following alternative:

The requirement provided in Alliance Guidelines Principle 3.5 comprehends this possibility and should be used instead: "The maximum system response time for a system input should not exceed 250 msec. If system response time is expected to exceed 2 seconds, a message should be displayed indicating that the system is responding."²⁹⁵

Two commenters raised concerns about possible adverse effects. The following comment was provided by Global Automakers:

Devices that require a longer response time would necessitate provision of response indicators, which could clutter the display area.²⁹⁶

Nissan North America, Inc. requested clarification of the application of the 0.25 second response time and used the task of programming radio presets as an example. They provided the following comment:

Nissan requests that NHTSA clarify how the 0.25-second response time proposed in Section V.10 applies to driver input actions which by design take longer than 0.25 seconds. For example, the common industry practice for programming radio station presets is to hold down the programmed

button (in excess of 0.25 seconds) until a chime signifies that the button has been successfully programmed."²⁹⁷

The proposal appears to either recommend against this practice or at least require that "clearly perceptible indication" be given to the driver while the driver is pressing and holding the programmed button. Providing additional "clearly perceptible indication" during this action would appear to be redundant and could lead to confusion.²⁹⁸

Nissan also provided the following recommendation:

We request that NHTSA use the 2-second response time recommended in the AAM guidelines to allow such functionality, or clarify how the response time is measured and in what situations it applies."²⁹⁹

Another commenter requested examples of the types of indicators that would be considered acceptable. Global Automakers provided the following comment:

This provision specifies a minimum 0.25-second response time for devices, unless a clearly perceptible indication" is provided that the device is responding. We request that the agency provide examples of what would qualify as "clearly acceptable" indications of device response. We also request that the agency provide a higher minimum response time than 0.25 second.³⁰⁰

b. NHTSA's Response

With this recommendation, NHTSA intended to match the recommendations of the Alliance Guidelines Principle 3.5 and ISO 15005: 2002.³⁰¹ The *Criterion/Criteria* section of Alliance Guidelines Principle 3.5 reads:

Criterion/Criteria:

The maximum system response time for a system input should not exceed 250 msec. If system response time is expected to exceed 2 seconds, a message should be displayed indicating that the system is responding.³⁰²

Following the receipt of these comments, NHTSA again carefully

²⁹⁷ Comments received from Nissan North America, Attachment, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0096.

²⁹⁸ Comments received from Nissan North America, Attachment, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 096.

²⁹⁹ *Ibid.*

³⁰⁰ Comments received from Global Automakers, Inc., Attachment, p. 6. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

³⁰¹ International Standard 15005:2002, "Road Vehicles—Ergonomic Aspects of Transport Information and Control Systems—Dialogue Management Principles and Compliance Procedures."

³⁰² Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems," p. 74, June 26, 2006 version. Alliance of Automobile Manufacturers, Washington, DC.

²⁹² *Ibid.*

²⁹³ *Ibid.*

²⁹⁴ Comments received from Mercedes-Benz USA, LLC, p. 8. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0093.

²⁹⁵ *Ibid.*

²⁹⁶ Comments received from Global Automakers, Inc., Attachment, p. 6. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

reviewed this principle and researched the Alliance's rationale for this criterion. NHTSA learned that the first sentence of the above paragraph means that, as a "best practice," an electronic device should respond to a driver's input within 0.25 seconds. The second sentence means that if the electronic device cannot conform to this "best practice" then after 2.0 seconds the device should provide an indication to the driver that the device is in the process of responding. We have changed the language of the NHTSA Guidelines to reflect our improved understanding of this principle.

In response to Nissan's comment about the common industry practice of programming radio station presets by holding down the programmed button until an auditory chime signifies that the button has been successfully programmed, we have added language to the NHTSA Guidelines indicating that the measurement of device response time should not begin until the driver has completed her input (i.e., for radio preset programming, response time measurement should only begin when the driver releases the button).

In response to Global Automakers' request that NHTSA provide examples of what would qualify as "clearly acceptable" indications of device response, we have decided to add a slightly modified version of the following paragraph from the Alliance Guidelines to the NHTSA Guidelines (in which the word "system" has been changed to "device"):

The *system's* response is clearly perceptible if it is obvious for the driver that a change has occurred in the system and that this change is the consequence of the input. If the change within the system resulting from a given input is not systematically the same but depends on one or more previous steps of the sequence, it would be advisable to provide help (on driver request).³⁰³

Since there may be multiple ways to meet the above recommendation depending upon the precise details of the device interface, NHTSA is unable to provide more precise guidance than that stated above.

K. Downward Viewing Angle Issues

a. Summary of Comments

Numerous comments were received in reference to a discrepancy between the versions of SAE J941, "Motor Vehicle Drivers' Eye Locations," used to determine the driver eye point when calculating the downward display viewing angle. The Alliance Guidelines used the 1997 version of SAE J941 while

the Initial Notice proposed that the NHTSA Guidelines use the 2010 version. The Alliance explained the discrepancy and its possible implications in the following comment:

In the preamble to the [NHTSA Guidelines] proposal, the agency acknowledges that its reference to the latest revision of SAE J941 is different than that referenced in the Alliance guidelines (2010 vs. 1997). Although the Alliance agrees that the differences between the two versions are small, it is possible that some displays that are on the boundary of the permissible zone might not comply with the down angle requirements when measured using the revised (2010) version of the standard. FMVSS requirements (and ISO requirements that reference FMVSS) currently reference the old eyellipse. As a result, OEMs would have to conduct CAD analyses multiple ways at significant cost and no real safety benefit.³⁰⁴

In their comments, Global Automakers made reference to a much earlier version of SAE J941 in their summary of the problem:

The proposed Guidelines use the March 2010 version of SAE Recommended Practice J941 in determining the driver's eye point, for purposes of determining the downward viewing angle to device displays. The agency states that this eye point height is similar to that used in the Alliance guidelines, which relies on the June 1997 version of J941 with 8.4 mm added to that height. For purposes of compliance with safety standards (see, e.g., FMVSS 104 and by reference FMVSS 111), a much earlier version of J941 is specified (November 1965) and remains in use.³⁰⁵

The Global Automakers' recommended solution is:

Since manufacturers' compliance systems are established on the basis of these earlier versions we request that the Guidelines allow determination of the downward viewing angle using any of these versions of J941.³⁰⁶

The Alliance offered the following recommendation for how to deal with the implications of adopting a new eyellipse:

If the Agency wants to migrate to the new eyellipse, then all FMVSS referencing the eyellipse and these guidelines should be revised to allow the use of the new eyellipse, but should not yet require it. Manufacturers would then be able to declare which eyellipse they have used for each vehicle line during some interim period of time, similar to the way the use of the Hybrid III dummy replaced the Hybrid II over a number of years. This will allow manufacturers to

switch to the new eyellipse in an orderly fashion as each vehicle line is redesigned. It will also allow each vehicle design to utilize only one version of the eyellipse, and not require that one be used for certain requirements and the other for different requirements. Since most vehicle lines are redesigned within a five to seven-year cycle, at least seven years should be allowed once the new eyellipse is permitted, before it becomes mandatory.³⁰⁷

Toyota Motor North America, Inc. provided specific detail about another issue it (and other commenters) noticed in regards to the maximum display downward viewing angle equations and proposed a remedy:

The NHTSA Driver Distraction Guidelines correctly utilize the Alliance equations for maximum display downward viewing angle on page 11237, but use slightly different equations on page 11220. Toyota requests NHTSA to correct the equations on page 11220 to match those on page 11237 and the Alliance DF-T Guidelines.³⁰⁸

Toyota is making this request under the assumption that the equations on page 11220 were a misprint, and not intended to adjust the equations to account for the new reference eye point.³⁰⁹

Additionally, Toyota and Ford Motor Company requested:

NHTSA to include notations regarding measurement of eye height to ground in grid coordinates for 2D, and SAE curb ground line coordinates in 3D, per the Alliance DF-T guidelines.³¹⁰

Toyota further suggested that:

* * * considering future display technology that may include large multi-task displays or non-planar display surfaces, Toyota proposes removing the definition for "Active Display Area" and merging it into a new definition for "Display Geometric Center." Display Geometric Center is a point on the active display area that is the intersection of all lines that divide the display into two parts of equal moment. Informally, one could imagine this as the point where the active display area could balance on the point of a needle. The active display area includes only the regions of the display containing in-scope information subject to these guidelines, and excludes portions of the display containing out-of-scope information, unused display surface, and hard switches. For reconfigurable displays, all possible display configurations must meet the downward viewing angle criterion. Non-planar displays shall define geometric center as the point on the display

³⁰⁴ Comments received from the Alliance, Technical Appendix, p. 23. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

³⁰⁵ Comments received from Global Automakers, Attachment, p. 4. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

³⁰⁶ *Ibid.*

³⁰⁷ Comments received from the Alliance, Technical Appendix, p. 23. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0104.

³⁰⁸ Comments received from Toyota Motor North America, Inc., Attachment, p. 13. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0092.

³⁰⁹ *Ibid.*

³¹⁰ *Ibid.*

³⁰³ *Ibid.*, p. 73.

surface nearest the actual display geometric center.³¹¹

On the related topic of obstruction of view, Ford and Toyota recommended that NHTSA add Alliance Guideline's Principle 1.1 to the NHTSA Guidelines:

The Alliance DF-T Principle 1.1 states that the system should be located and fitted in accordance with relevant regulations, standards, and the vehicle and component manufacturers' instructions for installing the systems in vehicles. The guidelines provide a verification method to confirm that the location and fit conform to applicable standards, e.g., SAE, ISO and regulations, e.g., FMVSS, CMVSS, and manufacturer-specific installation instructions.³¹²

We recommend that the NHTSA guidelines adopt the language specified in the Alliance DF-T Guidelines and provide a verification method as a confirmation test.³¹³

b. NHTSA's Response

After careful consideration of all of the various comments received on the issue of which version of SAE J941 should be used by the NHTSA Guidelines, NHTSA has decided to partially adopt Global Automakers' suggestion and allow the use of any one of several versions of SAE J941 which can be used to calculate the driver eye point.

The effects of the version of SAE J941 used on the driver's downward viewing angle when viewing displays are expected to be minimal. Therefore, it is impossible to justify on a safety basis the use of one version of SAE J941 instead of another. Without a safety basis for choosing one version of SAE J941 instead of another, NHTSA examined the research basis for the maximum display downward angle recommendations.

The research that forms the basis for the NHTSA Guidelines maximum display downward angle recommendations is the research that underlies the JAMA Guidelines³¹⁴ recommendations on downward viewing angle. As explained in the Alliance Guidelines:

* * * these criteria are based on a reference point called the Japanese eye point. In order to apply these practices in North America in a way that is consistent with Japanese criteria, it is necessary to establish a corresponding point in terms of North

American practice. In this principle, therefore, the term 'eye point' is the SAE equivalent of the JIS (Japanese Industrial Standard) eye point,³¹⁵ which is the SAE J941³¹⁶ 2D eyellipse side view intersection of XX and ZZ locator (datum) lines. This corresponding point is located 8.4 mm up and 22.9 mm rearward of the mid-eye centroid of the SAE eyellipse.³¹⁷

As indicated in the preceding paragraph, certain offsets are used to determine the JIS eyepoint from the mid-eye centroid of the SAE eyellipse. The Alliance Guidelines provide the offsets when the 1997 version of SAE J941 is used (8.4 mm up and 22.9 mm rearward), but, for the purposes of the NHTSA Guidelines, any version of SAE J941 for which NHTSA knows how to obtain the JIS eye point could be used. Accordingly, NHTSA has examined various versions of SAE J941 and is specifying in the NHTSA Guidelines those versions from which the JIS eye point can be calculated.

The June 1992, September 2002, and October 2008 versions of SAE J941 use the same equations as the June 1997 version to calculate the mid-eye centroid of the SAE eyellipse, and accordingly, the same offset is used to obtain the JIS eye point (8.4 mm up and 22.9 mm rearward). Therefore, all three of these versions of SAE J941 are acceptable for use with the NHTSA Guidelines.

The March 2010 version of SAE J941 is also acceptable for use with the NHTSA Guidelines but with a different offset to obtain the JIS eye point. When using the March 2010 version of SAE J941, the JIS eye point is at the mid-eye centroid of the SAE eyellipse.

NHTSA examined several earlier versions of SAE J941, including the November 1965 version referenced in FMVSS No. 104 and in Global Automakers' comments, but was unable to determine the JIS eye point from the mid-eye centroid of the eyellipse specified in those standards. Accordingly, the agency is not specifying any earlier versions of SAE J941 in the NHTSA Guidelines.

In summary, NHTSA has modified its Guidelines so that any version of SAE J941 from June 1992 or later is acceptable for use. The NHTSA Guidelines specify the offsets used to calculate the JIS eye point for each specific version of SAE J941.

Turning to other issues raised in the above quoted comments, NHTSA acknowledges that the equations in the preamble of the Initial Notice (on Page 11220) were incorrect. The equations in the actual proposed Guidelines, on Page 11237 of the Initial Notice, which are identical to the ones in the Alliance Guidelines, are the correct equations. The version of the Guidelines issued with this notice contains the correct equations.

When commenters requested that NHTSA include notations regarding measurement of eye height to ground in grid coordinates for 2D, and SAE curb ground line coordinates in 3D, we think that they are requesting the addition of figures similar to Figures 1, 2, 5, and 6 in the Alliance Guidelines. These figures are intended to clarify coordinates and measurements used when calculating a display's downward viewing angle. NHTSA intends to add similar figures to its Guidelines in the future.

NHTSA is deferring action on Toyota's suggestion that we remove the definition for "Active Display Area" and merge it into a new definition for "Display Geometric Center." While it may be a viable idea, NHTSA would like to further consider this issue and the potential implications before acting upon it.

Finally, the recommendation by Ford and Toyota that NHTSA add Alliance Guideline's Principle 1.1 to the NHTSA Guidelines will be considered in future Guidelines revisions.

The subsection titled "No Obstruction of View" in the version of the NHTSA Guidelines published with the Initial Notice contained slightly reworded versions of Alliance Guideline's Principles 1.2 and 1.3. We did not include Alliance Guideline's Principle 1.1 in this subsection because it seemed unnecessary.

Alliance Guideline's Principle 1.1 reads:

The system should be located and fitted in accordance with relevant regulations, standards, and the vehicle and component manufacturers' instructions for installing the systems in vehicles.

While NHTSA certainly agrees with the contents of this principle, NHTSA expects and assumes that everything in the design and manufacture of a vehicle is done in accordance with relevant regulations and standards. We also assume that OE electronic devices are installed in vehicles as per the component manufacturers' instructions. Therefore, we do not believe this principle adds anything to Phase 1 of NHTSA's Guidelines. However, NHTSA

³¹¹ Ibid, p. 14.

³¹² Comments received from Ford Motor Company, Appendix p. 9. Accessed at www.regulations.gov. Docket NHTSA-2010-0053, Document Number 0097.

³¹³ Ibid.

³¹⁴ Japanese Automobile Manufacturers Association, "Guideline for In-Vehicle Display Systems, Version 3.0, Annex 1: Display Monitor Location," p. 5, Japanese Automobile Manufacturers Association, Tokyo, Japan, August 2004.

³¹⁵ JIS Eye Point is defined by JIS D0021 and JIS D1702.

³¹⁶ SAE J941 June 1997 revision.

³¹⁷ Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems," p. 16, June 26, 2006 version, Alliance of Automobile Manufacturers, Washington, DC.

will keep this principle in mind when it develops its Guidelines for portable and aftermarket devices (Phase 2 of NHTSA's Driver Distraction Guidelines).

L. Miscellaneous Issues

1. Concerns About Recommendation That Drivers Should Have One Free Hand

a. Summary of Comments

Several organizations made comments on the proposal that when device controls are located on the steering wheel that no task should require simultaneous manual input from both hands. The following comment was provided by Global Automakers:

The proposed Guidelines state that when device controls are located on the steering wheel and both hands are on the steering wheel, no device tasks should require simultaneous manual inputs from both hands. We are concerned that this limitation may block technical progress in developing new functions that have the potential to enhance safety. For example, this requirement would prohibit the use of paddle shifters which in some instances require simultaneous input from both hands to operate. We recommend that the agency include in this provision the exception in Principle 3.1, page 67, Criterion/Criteria 3.1(b) of the Alliance Guidelines for simultaneous manual inputs.³¹⁸

A similar comment was provided by the Hyundai Motor Group:

Hyundai is concerned that simultaneous manual inputs from both hands are not permitted for device controls located on the steering wheel. Hyundai is concerned this recommendation will not allow the use of paddle switches, and could limit future safety innovation. Hyundai recommends that agency reconsider simultaneous manual inputs as a method for device control.³¹⁹

In contrast to these concerns about the potential limiting effect of this provision, Consumers Union provided the following comment in support:

We also support NHTSA's recommendation that all device functions accessed via visual-manual interaction by the driver should be operable by using, at most, one of the driver's hands. In particular, we agree with NHTSA's modification of the Alliance of Automobile Manufacturers guidelines, which would have allowed simultaneous input from both hands for steering wheel device controls, as long as one of the two hands maintains only a single finger input. Controls that require

simultaneous use of both hands can create unsafe driving situations and should not be utilized.³²⁰

b. NHTSA's Response

After careful consideration of the comments received, NHTSA continues to be concerned that tasks requiring the simultaneous use of both hands, even one for which only a single finger input is required from one hand (as per Principle 3.1, page 67, Criterion/Criteria 3.1(b) of the Alliance Guidelines³²¹), will result in an unsafe situation. We continue to think that it overloads the driver's hands and makes them less available (albeit not for very long) in the event that a sudden emergency occurs. Therefore, the NHTSA Guidelines will continue to recommend against driver interfaces that utilize this special case of two-handed control.

Having said the above, we can alleviate Global Automakers and Hyundai's concerns about the use of two hands to operate paddle shifters or paddle switches. Vehicle controls, including paddle shifters or paddle switches, are not within the scope of the NHTSA Guidelines. We have added language to the NHTSA Guidelines to make this point more clearly.

2. Concerns About Device Sound Level Control Recommendations

a. Summary of Comments

Both Ford Motor Company and Toyota Motor North America, Inc. submitted essentially identical comments about the device sound level recommendation contained in the Initial Notice version of the NHTSA Guidelines. Ford's comment is:

The Alliance DF-T [the Alliance Guidelines] principle 2.4 states that the system should not produce uncontrollable sound levels liable to mask warnings from within the vehicle or outside or to cause distraction or irritation. Our understanding is that it was the Agency's intent to use the DF-T principle as written for the NHTSA guidelines; however, the NHTSA guidelines do not offer a verification method crucial to determine consistent application of these guidelines. Also the term "irritation" is too subjective for guidelines or verification.³²²

Ford recommends that the NHTSA guidelines adopt the language specified in

³²⁰ Comments received from the Consumers Union, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0063.

³²¹ Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems," p. 67, June 26, 2006 version, Alliance of Automobile Manufacturers, Washington, DC.

³²² Comments received from Ford Motor Company, p. 9. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0097.

the Alliance DF-T Guidelines, and provide a verification method as a confirmation test. The Alliance DF-T Guidelines verification method for this principle states that system sound level shall demonstrate adjustability down to a fully muted level or demonstrate that there is no significant masking of audible warnings concerning road and vehicle safety.³²³

b. NHTSA's Response

After careful consideration, NHTSA has decided that it agrees with these comments. The word "irritation" is too subjective for use in the NHTSA Guidelines. NHTSA believes that highly irritating sounds are inherently distracting. Therefore, the modified version of this recommendation would screen out highly irritating device sounds.

NHTSA has included in the NHTSA Guidelines information about how to verify that a device conforms to this recommendation. Therefore, we have added (with minor wording changes to improve clarity) portions of the paragraph under *Criterion/Criteria* in Principle 2.4 of the Alliance Guidelines³²⁴ into the NHTSA Guidelines.

3. Suggestion That the NHTSA Guidelines Should Recommend That All Devices can be Disabled

a. Summary of Comments

In their commentary, automakers consistently argued that their customers generally demand that they have the ability to perform an increasing variety of secondary tasks while driving. The National Safety Council (NSC) provided an opposing perspective in the following comments:

Some comments submitted to NHTSA advocate for making it easy for drivers to conduct information-gathering, social media and other communication tasks in their vehicles because there's a belief that consumers demand and expect this. Consumers who know better may demand the opposite. The National Safety Council's employer members who have implemented total cell phone bans when their employees are driving understand the risks of cognitive distraction. There are individuals and organizations that may not want the distraction of in-vehicle systems.³²⁵

Based on the foregoing, the NSC recommended that NHTSA incorporate

³²³ Ibid.

³²⁴ Driver Focus-Telematics Working Group, "Statement of Principles, Criteria and Verification Procedures on Driver-Interactions with Advanced In-Vehicle Information and Communication Systems," p. 63, June 26, 2006 version, Alliance of Automobile Manufacturers, Washington, DC.

³²⁵ Comments received from The National Safety Council, p. 5. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0085.

³¹⁸ Comments received from Global Automakers, Inc., Attachment, p. 6. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0099.

³¹⁹ Comments received from Hyundai Motor Group, p. 3. Accessed at www.regulations.gov, Docket NHTSA-2010-0053, Document Number 0102.

the following additions to the guidelines:

A requirement that vehicle owners be able to turn off all systems not essential to the driving task or the safe operation of the vehicle.³²⁶

An encouragement or requirement for the auto industry to install technologies that prevents cell phones and other electronic devices that are brought into the vehicle from being used by the driver while the vehicle is [in] motion.³²⁷

b. NHTSA's Response

In response to NSC's suggestion, NHTSA has added a recommendation to its Driver Distraction Guidelines that every electronic device not essential to the driving task or the safe operation of the vehicle have a means for turning off or otherwise disabling the device. While the vast majority of electronic devices already have an on/off control or some other means of disablement, NHTSA thinks that all devices providing non-safety-related information should have such a feature.

NHTSA is not prepared at this time to expand this recommendation to one that vehicle owners be able to turn "Off" all electronic devices not essential to the driving task or the safe operation of the vehicle (and driver is not able to turn the devices back on). This idea is not unlike that of Ford Motor Company's MyKey® system. MyKey® allows parents to program their teenage driver's car key with settings that limit the vehicle's speed, prevent safety systems from being disabled, and beginning in 2012 on some vehicles, cause incoming phone calls to be sent automatically to voicemail and incoming text messages to be saved for later reading. While NSC's idea may have merit, NHTSA is not prepared to act on it at this time.

Finally, establishing a requirement to install technologies to prevent cell phones and other technologies from being used by the driver will need further research before NHTSA can consider adding such a recommendation to the NHTSA Guidelines.

V. Statutory Considerations

Under the National Technology Transfer and Advancement Act of 1995

(NTTAA) (Pub. L. 104-113), "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments."

Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as SAE and ISO. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

Pursuant to these requirements, NHTSA, with the help of commenters, has identified a number of voluntary consensus standards related to distracted driving. After careful consideration, the agency is incorporating several of these standards into the test methods contained in the NHTSA Guidelines: ISO International Standard 15008:2003, "Road vehicles—Ergonomic aspects of transport information and control systems—Specifications and compliance procedures for in-vehicle visual presentation"; ISO International Standard 16673:2007(E), "Road Vehicles—Ergonomic Aspects of Transport Information and Control Systems—Occlusion Method to Assess Visual Demand due to the use of In-Vehicle Systems"; and multiple versions of SAE Recommended Practice J941, "Motor Vehicle Drivers' Eye Locations," including SAE J941 (June 1992), SAE J941 (June 1997), SAE J941 (September 2002), SAE J941 (October 2008), and SAE J941 (March 2010). The agency has included an explanation for its decision to use these standards in the discussions on the per se lock out related to reading, the occlusion field factor, and the downward viewing angle recommendations.

The agency considered the possibility of using other voluntary consensus standards cited by commenters. However, we have found these standards to be unsuitable for the NHTSA Guidelines. Our analysis of

these voluntary consensus standards can be found in Section IV.A.4 of this preamble.

Guidelines for Reducing Visual-Manual Driver Distraction during Interactions with Integrated, In-Vehicle, Electronic Devices

I. PURPOSE.

The purpose of these Guidelines is to reduce the number of motor vehicle crashes and the resulting deaths and injuries that occur due to a driver being distracted from the primary driving task while performing secondary tasks involving the use of an in-vehicle electronic device. The Guidelines are presented as an aid to manufacturers in designing in-vehicle devices that do not allow the performance of tasks that negatively impact a driver's ability to safely control his or her vehicle. Vehicle and electronic device manufacturers that choose to adhere to these Guidelines do so voluntarily. Compliance with these Guidelines is not required.

A. Driver Responsibilities.

These Guidelines do not alter the driver's primary responsibility to ensure the safe operation of a vehicle as governed by the state laws under which it is being operated, both while driving and when interacting with in-vehicle electronic devices. This includes following all traffic laws, obeying traffic control devices, and driving in a safe manner under all operating conditions.

B. Protection Against Unreasonable Risks to Safety.

The National Highway Traffic Safety Administration (NHTSA) does not evaluate the safety implications of every new device before it is introduced into vehicles. However, the Safety Act authorizes NHTSA to initiate enforcement action when a motor vehicle or item of motor vehicle equipment, including original equipment in-vehicle electronic devices, contains a safety-related defect. (49 U.S.C. 30118-30121).

II. SCOPE.

These Guidelines are applicable to the human-machine interfaces of electronic devices used for performing all *non-driving-related tasks*³²⁸ as well as for performing some driving-related tasks.

Table 2 contains a non-exhaustive list of the types of non-driving-related tasks and electronic devices to which these Guidelines are applicable.

³²⁶ Ibid, p. 10.

³²⁷ Ibid, p. 10.

³²⁸ Underlined terms are defined in Section IV. Definitions.

TABLE 2—NON-DRIVING-RELATED TASKS/DEVICES TO WHICH THESE GUIDELINES APPLY

Type of task	Task/Device
Communications	Caller Identification Incoming Call Management Initiating and Terminating Phone Calls Conference Phoning Two-Way Radio Communications Paging Address Book Reminders Text-Based Communications Social Media Messaging or Posting
Entertainment	Radio (including but not limited to AM, FM, and Satellite) Pre-recorded Music Players, All Formats Television Video Displays Advertising Internet Browsing News Directory Services
Information	Clock Temperature

These Guidelines are applicable to driving-related tasks that are neither related to the safe operation and control of the vehicle nor involve the use of a system required by law. Examples of driving-related tasks to which these Guidelines are applicable include interacting with vehicle information centers, emissions controls, fuel economy information displays, trip odometers, and route navigation systems. These Guidelines

are not applicable to the following general categories of driving-related tasks, which involve activities performed by the driver as part of the safe operation and control of the vehicle or involve systems required by law:

- Operating the driving controls (steering wheel, throttle pedal, brake pedal, etc.) of the vehicle,
- Any task relating to proper use of a driver safety warning system,

- Using any other electronic device that has a function, control, and/or display specified by either a Federal Motor Vehicle Safety Standard, another United States Government law or regulation, or a state or local Government law or regulation.

A non-exhaustive list of *driving-related task* categories, along with whether these Guidelines apply to each category, is contained in Table 3.

TABLE 3—DRIVING-RELATED TASKS

Categories of driving-related tasks	Guidelines applicable?	
	Yes	No
Manipulating the steering handwheel		X
Applying the brake, throttle, and clutch pedal (if present)		X
Operating the transmission shift lever		X
Operation of paddle shifters on steering wheel		X
Operation of the parking brake		X
Turning headlights on or off		X
Adjustment of instrument panel brightness		X
Turning turn signals on or off		X
Operation of windshield wipers		X
Operation of the horn		X
Locking and/or unlocking doors		X
Operation of moveable windows		X
Adjustment of moveable mirrors		X
Looking at inside and outside rearview mirrors		X
Turning blind spot detector on or off		X
Operation of moveable seats and headrests		X
Operation of seat belts		X
Checking the speedometer, fuel gauge, engine temperature gauge and any other gauges or digital displays presenting information that is necessary for the safe operation of the vehicle		X
Checking telltale and malfunction indicators		X
Turning electronic stability control and/or traction control on or off		X
Adjustment of climate controls not required by a Federal Motor Vehicle Safety Standard (e.g., temperature and fan adjustment)	X	
Operation of cruise control	X	
Performance of a task via multi-function display interface	X	
Resetting trip odometers and/or trip computers	X	
Navigation of the vehicle—Destination entry	X	
Navigation of the vehicle—Route following	X	
Real-Time Traffic Advisory	X	
Trip Computer Information	X	
Observation of vehicle information centers	X	
Observation of emissions controls	X	

TABLE 3—DRIVING-RELATED TASKS—Continued

Categories of driving-related tasks	Guidelines applicable?	
	Yes	No
Observation of fuel economy displays	X
Adjusting vehicle suspension and/or ride	X

A. Guidelines Intended for Human-Machine Interfaces

These Guidelines are applicable primarily to human-machine interfaces of in-vehicle electronic devices intended for use by a driver. They are applicable to a limited extent (see Section VII) to devices intended for use by front seat passengers of a vehicle. They are not applicable to devices that are located solely rearward of the front seat of a vehicle.

B. Only Device Interfaces Covered

These Guidelines are not applicable to any aspect of covered electronic devices other than their interfaces. Specifically, they do not cover a device's electrical characteristics, material properties, or performance.

C. Original Equipment Electronic Devices Covered

These Guidelines are applicable to the human-machine interfaces of original equipment electronic devices (i.e., those built into a vehicle at the time of manufacture). These Guidelines are applicable to such devices even when linked with aftermarket or portable devices, i.e., original equipment devices should control all aftermarket and portable devices linked to them (i.e., electronically connected with some type of data exchange) in accordance with these principles.

D. Aftermarket and Portable Devices Not Covered

These Guidelines are currently not applicable to the human-machine interfaces of electronic devices that are either installed into a vehicle after it is manufactured (aftermarket devices) or are brought into the vehicle on a temporary basis by the driver or passengers (portable devices).

E. Device Tasks Performed Via Auditory-Vocal Means Not Covered

These Guidelines are currently not applicable to the auditory-vocal portions of human-machine interfaces of electronic devices.

F. Intended Vehicle Types

These Guidelines are applicable to passenger cars, multipurpose passenger vehicles, and trucks and buses with a Gross Vehicle Weight Rating (GVWR) of not more than 10,000 pounds. However, these guidelines are not applicable to:

1. Ambulances or combination ambulance-hearses,
2. Firefighting vehicles,
3. Military vehicles,
4. Vehicles manufactured for use by the United States Government or a State or local government for law enforcement, or

5. Vehicles manufactured for other emergency uses as prescribed by regulation by the Secretary of Transportation.

III. STANDARDS INCLUDED BY REFERENCE

The following standards and all of their provisions are used in these Guidelines.

A. International Organization for Standardization (ISO) Standards

ISO 15008:2003, "Road vehicles—Ergonomic aspects of transport information and control systems—Specifications and compliance procedures for in-vehicle visual presentation." March 2003.

ISO 16673:2007(E), "Road vehicles—Ergonomic aspects of transport information and control systems—Occlusion method to assess visual demand due to the use of in-vehicle systems." April 2007.

B. SAE International (SAE) Standards.

SAE Recommended Practice J941, "Motor Vehicle Drivers' Eye Locations." Any of the following versions of SAE J941 are acceptable: SAE J941 (June 1992), SAE J941 (June 1997), SAE J941 (September 2002), SAE J941 (October 2008), or SAE J941 (March 2010).

IV. DEFINITIONS.

A. General Definitions.

1. *Active Display Area* means the portion of a visual display used to present information to the driver in the context of any task that makes use of that display. It excludes unused display surface and any area containing physically-manipulatable controls.

2. *Device* means all components that a driver uses to perform secondary tasks (i.e., tasks other than the primary task of safe operation and control of the vehicle); whether stand-alone or integrated into another device.

3. *Distraction* means the diversion of a driver's attention from activities critical for safe operation and control of a vehicle to a competing activity.

4. *Downward Viewing Angle* means the angle by which a driver has to look down from the horizontal to directly glance at a device's visual display. Both a three-dimensional downward viewing angle and a two-dimensional approximation are used in these Guidelines.

5. *Driver's Field of View* means the forward view acquired directly through the windshield, rear, and side views acquired through the other vehicle windows, as well as the indirect side and rear views provided by the vehicle's mirrors.

6. *Driving* means whenever the vehicle's means of propulsion (engine and/or motor) is

activated unless one of the following conditions is met:

a. For a vehicle equipped with a transmission with a "Park" position—The vehicle's transmission is in the "Park" position.

b. For a vehicle equipped with a transmission without a "Park" position—All three of the following conditions are met:

- i. The vehicle's parking brake is engaged, and
- ii. The vehicle's transmission is known (via direct measurement with a sensor) or inferred (by calculating that the rotational speed of the engine divided by the rotational speed of the driven wheels does not equal, allowing for production and measurement tolerances, one of the overall gear ratios of the transmission/vehicle) to be in the neutral position, and
- iii. The vehicle's speed is less than 5 mph.

7. *Driving-Related Task* means:

- a. Any activity performed by a driver as part of the safe operation and control of the vehicle (not covered by these Guidelines),
- b. Any activity performed by a driver that relates to use of a vehicle system required by Federal or State law or regulation (not covered by these Guidelines), or
- c. Any other activity performed by a driver that aids the driver in performing the driving task but is not essential to the safe operation or control of the vehicle (covered by these Guidelines).

8. *Function* means an individual purpose which the device is designed to fulfill. A device may have one or more functions.

9. *Glance* means a single ocular fixation by a driver. If the eye glance characterization method being used cannot distinguish between different nearby locations of individual fixations, "glance" may also be used to refer to multiple fixations to a single area that are registered as one ocular fixation.

10. *Glance Duration* means the time the gaze moves towards a target (the transition time) and the dwell time (the time fixated on a particular point) on the target. *Glance duration* does not include the transition time away from the target. (This is part of the next glance.)

11. *Graphical or Photographic Image* means any non-video graphical or photographic image. Internationally standardized symbols and icons, as well as Trademark™ and Registered® symbols, are not considered graphical or photographic images.

12. *Interaction* means an input by a driver to a device, either at the driver's initiative or as a response to displayed information. Interactions include control inputs and data inputs (information that a driver sends or receives from the device that is not intended to control the device). Depending on the type of task and the goal, interactions may be

elementary or more complex. For the visual-manual interfaces covered by this version of these Guidelines, interactions are restricted to physical (manual or visual) actions.

13. *Lock Out* means the disabling of one or more functions or features of a device so that the related task cannot be performed by the driver while driving.

14. *Manual Text Entry* means manually inputting individual alphanumeric characters into an electronic device. For the purposes of these Guidelines, digit-based phone dialing is not considered manual text entry.

15. *Nominal Driver Eye Point* means the assumed (for these Guidelines) location of the center of the driver's eyes.

16. *Non-Driving-Related Task* means any activity performed by a driver other than those related to the driving task. A non-exhaustive list of non-driving-related tasks is contained in Table 2. These Guidelines are applicable to all non-driving-related tasks performed using electronic devices.

17. *Per Se Lock Out* means the lock out of a function or feature due to its inherent interference with a driver's ability to operate and control a vehicle safely.

18. *Reading* means the driver's act of perceiving visually presented textual information. *Reading* does not include a driver's perception of auditorily presented text.

19. *Subtend* means, in a geometrical sense, to be opposite to and delimit (an angle or side).

20. *Text-Based Messaging* means manually inputting individual alphanumeric characters into, or reading from, an electronic device for the purpose of present or future communication. This action includes, but is not limited to, the composition or reading of messages transmitted via short message service, email, instant messaging service, internet-based messaging, or social media internet-based applications (including posting). *Text-based messaging* does not include:

a. *Reading*, selecting, or entering a phone number, an extension number, or voice-mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call or using voice commands to initiate or receive a phone call; or

b. Using a device capable of performing fleet management functions (e.g., dispatching services) for a purpose that is not otherwise prohibited by law.

21. *Video* means full-motion visual information presented through electronic means. This includes entertainment, advertising, and other visual content not related to driving that is obtained from pre-recorded images, live images, video games, broadcasts (such as by television or over the internet), and/or closed-circuit television.

B. Task-Related Definitions.

1. *Control Input* means a driver action to the human-machine interface of an electronic device that is intended to affect the state of that device. *Control inputs* may be initiated either by a driver or as a driver's response to displayed information initiated by a device. For the visual-manual interfaces covered by these Guidelines, control inputs are restricted to manual control actions.

2. *Dependent Task* means a task that cannot be initiated until a prior task (the antecedent task) is first completed. The task's start state is thus dependent upon the end state of the antecedent task.

An antecedent task followed by a dependent task can be distinguished from a single task that contains two subtasks by examining the end states of the two tasks or subtasks. For the antecedent task-dependent task case, both tasks' goals can be achieved (i.e., one goal for the antecedent task and one goal for the dependent task). In contrast, for a task composed of two subtasks, only one goal will be achieved.

An example of an antecedent task-dependent task: after choosing a restaurant from a navigation system's point-of-interest list (antecedent task with goal of choosing a restaurant), a driver is offered an internet function option of making a reservation at the restaurant (dependent task with goal of making reservation). Since there are two goals, this is an antecedent task followed by a dependent task. The dependent task of making a reservation can only be initiated following the task of selecting a restaurant from within the navigation system.

An example of multiple subtasks: entering an address into a route navigation system. The driver enters first the state, then the city, then the street, and finally the street number into the navigation system. However, the driver only has one goal for all of these actions: to enter the complete address. The entry of the state, city, street, and street number are all subtasks since they each form a part of achieving this one goal.

3. *End of Data Collection* means the time at which a test participant informs the experimenter they have completed a testable task either by speaking the word, "done" or, by a non-verbal means (such as a button press) indicating the same thing. Test participant eye glances are not examined after the end of data collection. If a test participant eye glance was in progress at the end of data collection, only the portion that occurred before the end of data collection is used. Successful task completion requires that the device is in the desired end state at the end of data collection.

4. *End State for a Testable Task* means the pre-defined device state sought by a test participant to achieve the goal of that testable task.

5. *Error* means that a test participant has made a significant incorrect input when performing a testable task during a test trial. An error has occurred if the test participant has to backtrack during performance of the task or delete already entered inputs. If the device can accommodate an incorrect entry without requiring backtracking and extra inputs beyond those necessary to reach the desired end state of the task, then no error is deemed to have occurred.

6. *Error-Free Trial* means a test trial in which no errors are made by the test participant while completing the task.

7. *Goal* means a device state sought by a driver. Goal achievement is defined as achieving a device state that is the driver's intended state. Goals are frequently independent of the particular device hardware and software being used to execute the task or the method of task execution.

8. *Secondary Task* means any interaction a driver has with an in-vehicle device that is not directly related to the primary task of the safe operation and control of a vehicle. These tasks may relate to driver comfort, convenience, communications, entertainment, information seeking, or navigation.

9. *Start of Data Collection* means the time when the experimenter instructs a test participant to begin a task using a verbal cue, "begin" (or issues a non-verbal command indicating the same thing). Test participant eye glances are examined only after the start of data collection. If a test participant eye glance was in progress at the start of data collection, only use the segment after the start of data collection should occur when the device is at the pre-defined start state for a testable task.

10. *Start State for a Testable Task* means the pre-defined device state from which testing of a testable task always begins. This is frequently the "home" screen, default visual display state, or other default human-machine interface state from which a driver initiates performance of the testable task. For dependent tasks, the start state would be the end state of the previous testable task.

For a testable task for which there is only one point (e.g., screen, visual prompt, step) from which the task can be initiated, that point would correspond to the start state. For a testable task which can be initiated from more than one point, one of these options is selected as the start state. If it can be determined which start state occurs most often during normal driving, testing should commence from that start state. (The desire here is to reduce the amount of testing needed to ensure adherence with these Guidelines. It is generally not necessary to test all possible transitions into a testable task.)

11. *Sub-goal* means an intermediate state on the path to the driver's goal. A sub-goal is often distinguishable from a goal in two ways: (1) it is usually not a state at which a driver would be satisfied stopping; and (2) it may vary in its characteristics and/or sequential order with other sub-goals across hardware/interface functions, and thus is system dependent.

12. *Subtask* means a sub-sequence of control operations that is part of a larger testable task sequence—and which leads to a sub-goal representing an intermediate state in the path to the larger goal toward which a driver is working.

Subtasks should not be treated as separate dependent tasks. For example, entering the street name as part of navigation destination entry is not a separate task from entering the street number; rather, these are subtasks of the same testable task.

Data collection should only be undertaken for all subtasks as a group, which comprises a testable task. Separate data collection for individual subtasks is not appropriate.

13. *Successful Task Completion* means that a test participant has performed a testable task without significant deviations from the correct sequence(s) of inputs (i.e., made an error) and achieved the desired end state. As explained earlier, an error has occurred if the

test participant has to backtrack during performance of the task or delete already entered inputs. If the device can accommodate an incorrect entry without requiring backtracking and extra inputs beyond those necessary to reach the desired end state of the task, then no error is deemed to have occurred.

14. *Testable Task* means a pre-defined sequence of interactions performed using a specific method leading to a goal toward which a driver will normally persist until the goal is reached. A testable task begins with the device at a previously defined start state and proceeds, if successfully completed, until the device attains a previously defined end state. It is called a *testable task* because it is a completely defined *secondary task* that can be tested for adherence with these Guidelines.

C. Task-Related Explanatory Material.

1. *Testable tasks* should be completely defined prior to any testing to determine whether they are suitable to perform while driving under these Guidelines. The task's goal, start state, end state, specific method to be used, and inputs should all be specified.

2. For *testable tasks* with a variety of possible inputs of different lengths (e.g., city names for navigation systems), a typical or average length input should be used. Precise mean values need not be used and there may be some variation in length from input-to-input. For example, for the input of city names into a navigation system, lengths of 9 through 12 letters might be used.

3. For *testable tasks* that involve reading, nearby text unrelated to the task being performed should not be considered part of the text that is to be read during the *testable task*.

4. For the purposes of acceptance testing, text unrelated to the task and the labels of buttons or controls need not be included as part of the text that is read during a *testable task*.

V. DEVICE INTERFACE RECOMMENDATIONS.

Each device's human-machine interface should meet the recommendations specified below.

A. No Obstruction of View.

1. No part of the physical device, when mounted in the manner intended by the manufacturer, should obstruct a driver's view of the roadway.

2. No part of the physical device, when mounted in the manner intended by the manufacturer, should obstruct a driver's view of any vehicle controls or displays required for driving.

B. Easy to See and Reach.

The mounting location for a device should be in a location that is easy to see and/or reach (as appropriate) while driving.

C. Maximum Display Downward Angle.

Each device's display(s) should be mounted in a position where the downward viewing angle, measured at the geometric center of each active display area, is less than at least one of the following two angles:

- The 2D Maximum Downward Angle, or

- The 3D Maximum Downward Angle.

The values of these maximum angles depend upon the location of the nominal driver eye point as follows:

1. Location of the nominal driver eye point.

The method used for calculating the location of the nominal driver eye point varies depending upon which version of SAE Recommended Practice J941 "Motor Vehicle Drivers' Eye Locations" is being used. If the June 1992, June 1997, September 2002, or October 2008 version of SAE J941 is being used, then the nominal driver eye point is located 8.4 mm above and 22.9 mm rearward of the mid-eye centroid of the SAE eyellipse. If the March 2010 version of SAE J941 is being used, then the nominal driver eye point is located at the mid-eye centroid of the SAE eyellipse.

2. The 2D Maximum Downward Angle is equal to 30.00 degrees for a vehicle with the height of the nominal driver eye point less than or equal to 1700 millimeters above the ground.

3. The 2D Maximum Downward Angle is given by the following equation for nominal driver eye point heights greater than 1700 millimeters above the ground:

$$\theta_{2DMax} = 0.01303 h_{Eve} + 15.07$$

where

θ_{2DMax} is the 2D Maximum Downward Angle (in degrees), and

h_{Eve} is the height above the ground of the nominal driver eye point (in millimeters).

4. The 3D Maximum Downward Angle is equal to 28.16 degrees for a vehicle with the height of the nominal driver eye point less than or equal to 1146.2 millimeters above the ground.

5. The 3D Maximum Downward Angle is given by the following equation for nominal driver eye point heights greater than 1146.2 millimeters above the ground:

$$\theta_{2DMax} = 57.2958 \tan^{-1} [0.829722 \tan(0.263021 + 0.000227416 h_{Eve})]$$

where

θ_{2DMax} is the 3D Maximum Downward Angle (in degrees), and

h_{Eve} is the height above the ground of the nominal driver eye point (in millimeters).

6. The downward viewing angle of each display is determined in two ways, two dimensionally (the 2D Downward Viewing Angle) and three dimensionally (the 3D Downward Viewing Angle).

7. Determination of 2D Downward Viewing Angle. Create a fore-and-aft plane (Plane FA) through the nominal driver eye point. Define Point B as the laterally projected (while maintaining the same fore-and aft and vertical coordinates) position of the geometric center of the display of interest onto Plane FA. Generate two lines in Plane FA. Line 1 and Line 2. Line 1 is a horizontal line (i.e., maintaining the same vertical coordinate) going through the nominal driver eye point. Line 2 goes through the nominal driver eye point and Point B. The 2D Downward Viewing Angle is the angle from Line 1 to Line 2.⁴

8. Determination of 3D Downward Viewing Angle. Generate two lines, Line 3 and Line 4. Line 3 is a horizontal line (i.e., maintaining

the same vertical coordinate) going through the nominal driver eye point and a point vertically above, below, or at, the geometric center of the display of interest. Line 4 goes through the nominal driver eye point and the geometric center of the display. The 3D Downward Viewing Angle is the angle from Line 3 to Line 4.

9. Visual displays that present frequently needed and/or important information during the driving task and/or visually-intensive information should have downward viewing angles that are as close as practicable to a driver's forward line of sight. Visual displays that present less frequently needed or less important information should have lower priority, when it comes to locating them to minimize their downward viewing angles, than displays that present frequently needed and/or used information.

D. Lateral Position of Visual Displays.

Visual displays that present information relevant to the driving task and/or visually-intensive information should be laterally positioned as close as practicable to a driver's forward line of sight.

E. Minimum Size of Displayed Textual Information.

Visually presented text should meet the legibility recommendations contained in ISO International Standard 15008:2003, "Road vehicles—Ergonomic aspects of transport information and control systems—Specifications and compliance procedures for in-vehicle visual presentation."

F. Per Se Lock Outs.

The following electronic device tasks are recommended for per se lock out and should always be inaccessible for performance by the driver while driving:

1. Device functions and tasks not intended to be used by a driver while driving.

2. *Manual Text Entry.* Manual text entry by the driver for the purpose of text-based messaging, other communication, or internet browsing.

The following electronic device tasks are recommended for per se lock out and should always be a) inaccessible for performance by the driver while driving and b) inaccessible for performance by a passenger if the related display is within view of the driver properly restrained by a seat belt:

3. Displaying Video. Displaying (or permitting the display of) video including, but not limited to, video-based entertainment and video-based communications including video phoning and videoconferencing.

Exceptions:

a. The display of video images when presented in accordance with the requirements of any FMVSS.

b. The display of a video image of the area directly behind a vehicle for the purpose of aiding a driver performing a maneuver in which the vehicle's transmission is in reverse gear (including parking, trailer hitching), until any of the following conditions occurs:

i. The vehicle reaches a maximum forward speed of 10 mph;

ii. After the vehicle has shifted out of reverse, it has traveled a maximum of 10 meters; or

iii. After the vehicle has shifted out of reverse, a maximum of 10 seconds has elapsed.

c. Map displays. The visual presentation of dynamic map and/or location information in a two-dimensional format, with or without perspective, for the purpose of providing navigational information or driving directions when requested by the driver (assuming the presentation of this information conforms to all other recommendations of these Guidelines). However, the display of informational detail not critical to navigation, such as photorealistic images, satellite images, or three-dimensional images is not recommended.

4. Displaying Images. Displaying (or permitting the display of) non-video graphical or photographic images.

Exceptions:

a. Displaying driving-related images including maps (assuming the presentation of this information conforms to all other recommendations of these Guidelines). However, the display of map informational detail not critical to navigation, such as photorealistic images, satellite images, or three-dimensional images is not recommended.

b. Static graphical and photographic images displayed for the purpose of aiding a driver to efficiently make a selection in the context of a non-driving-related task (e.g., music) is acceptable if the image automatically extinguishes from the display upon completion of the task. If appropriate, these images may be presented along with short text descriptions that conform to these Guidelines.

c. Internationally standardized symbols and icons, as well as Trademark™ and Registered® symbols, are not considered static graphical or photographic images.

5. Automatically Scrolling Text. The display of scrolling (either horizontally or vertically) text that is moving at a pace not controlled by the driver.

6. Displaying Text to Be Read. The visual presentation of the following types of non-driving-related task textual information:

- Books
- Periodical publications (including newspapers, magazines, articles)
- Web page content
- Social media content
- Text-based advertising and marketing
- *Text-based messages* (see definition) and correspondence

However, the visual presentation of limited amounts of other types of text during a testable task is acceptable. The maximum amount of text that should be visually presented during a single testable task is determined by the task acceptance test protocols contained in these Guidelines.

G. Acceptance Test-Based Lock Out of Tasks,

Any non-driving-related task or within-scope (identified as Guidelines Applicable in Table 3 of Section II), driving-related task that diverts a driver's attention from the primary driving task to the point it does not conform with one of the task acceptance methods contained in Section VI, should be locked out while driving.

H. Sound Level.

Devices should not produce sound levels likely to mask warnings either from within or from outside the vehicle, or that cause distraction. The device sound level control should demonstrate its ability to adjust sound levels down to a fully muted level.

I. Single-Handed Operation.

Devices should allow a driver to maintain at least one hand on the vehicle's steering control. All tasks that require manual control inputs (and can be performed with the device while the vehicle is in motion) should be executable by a driver in a way that meets all of the following criteria:

1. When manual device controls are placed in locations other than on the steering control, no more than one hand should be required for manual input to the device at any given time during driving.

2. When device controls are located on the steering wheel and both hands are on the steering wheel, no device tasks should require simultaneous manual inputs from both hands.

3. A driver's reach to the device's controls should allow one hand to remain on the steering control at all times.

4. Reach of the whole hand through steering wheel openings should not be required for operation of any device controls.

J. Interruptibility.

Devices should not require uninterruptible sequences of visual-manual interactions by a driver. A driver should be able to resume an operator-interrupted sequence of visual-manual interactions with a device at the point of interruption or at another logical point in the sequence.

1. Except as stated in Subsection V.J.5, below, no device-initiated loss of partial driver input (either data or command inputs) should occur automatically.

2. Drivers should be able to initiate commands that erase driver inputs.

3. A visual display of previously-entered data or current device state should be provided to remind a driver of where the task was left off.

4. If feasible, necessary, and appropriate, the device should offer to aid a driver in finding the point to resume the input sequence or in determining the next action to be taken. Possible aids include, but are not limited to:

- a. A visually displayed indication of where a driver left off,
- b. A visually displayed indication of input required to complete the task, or
- c. An indication to aid a driver in finding where to resume the task.

5. Devices may revert automatically to a previous or default state without the necessity of further driver input after a device defined time-out period, provided:

- a. It is a low priority device state (one that does not affect safety-related functions or way finding), and
- b. The state being left can be reached again with low driver effort. In this context, low driver effort is defined as either a single driver input or not more than four presses of one button.

6. This subsection is not applicable to device output of dynamically changing data.

The device should control the display of information related to dynamic events that are not within the driver's direct control (e.g., distance to the next turn).

K. Device Response Time.

1. A device's response (e.g., feedback, confirmation) following driver input should be timely and clearly perceptible.

2. As a "best practice," the maximum device response time to a device input should not exceed 0.25 seconds. The measurement of this time should begin starting at the completion of the driver's control input.

3. If a device's response time exceeds 2.00 seconds, a clearly perceptible indication should be given indicating that the device is responding. Again, the measurement of this time should begin starting at the completion of the driver's control input.

4. The device's response is clearly perceptible if it is obvious to the driver that a change has occurred in the device and that this change is the consequence of the input. If this change in the device resulting from an input is not always the same but depends on one or more previous inputs, it would be advisable to offer help (i.e., provide help if requested by the driver).

L. Disablement.

1. Devices providing non-safety-related information should provide a means by which the device can be turned off or otherwise disabled.

2. Devices providing dynamic (i.e., moving) non-safety-related visual information should provide a means by which that information cannot be seen by the driver. A device visually presenting dynamic non-safety-related information should make the information not visible by the driver through at least one of the following mechanisms:

- a. Dimming the displayed information,
- b. Turning off or blanking the displayed information,
- c. Changing the state of the display so that the dynamic, non-safety-related information cannot be seen by a driver while driving, or
- d. Positioning or moving the display so that the dynamic, non-safety-related information cannot be seen while driving.

M. Distinguish Tasks or Functions Not Intended for Use While Driving.

Devices should clearly distinguish between those aspects of a device that are intended for use by a driver while driving, and those aspects (e.g., specific functions, menus, etc.) that are not intended to be used while driving.

N. Device Status.

Information about current status and any detected malfunction within the device that is likely to have an adverse impact on safety should be presented to the driver.

VI. TASK ACCEPTANCE TESTING.

One of the following methods is recommended for task acceptance testing:

- Eye Glance Measurement Using Driving Simulator Testing (described in Subsection VI.E, below), or

- Occlusion Testing (described in Subsection VI.G, below).

A. Test Participant Recommendations.

1. These Test Participant recommendations apply to both Eye Glance Measurement Using Driving Simulator Testing and Occlusion Testing.

2. General Criteria. Each test participant should meet the following general criteria:

- Be in good general health,
- Be an active driver with a valid driver's license,
- Drive a minimum of 3,000 miles per year,
- Have experience using a cell phone while driving,
- Be unfamiliar with the device(s) being tested.

3. Test Participant Impartiality. Test participants should be impartial with regard to the testing. To ensure fairness, test participants should not have any direct interest, financial or otherwise, in whether any of the devices being tested meets or does not meet the acceptance criteria.

a. NHTSA will not use any vehicle manufacturer employees in its Guidelines monitoring testing.

b. NHTSA considers it acceptable for vehicle manufacturers to test their own employees as long as the employees are unfamiliar with the product being tested.

4. Mix of Ages in Each Test Participant Sample. Out of each group of 24 test participants used for testing a particular in-vehicle device task, there should be:

- Six test participants 18 through 24 years old, inclusive,
- Six test participants 25 through 39 years old, inclusive,
- Six test participants 40 through 54 years old, inclusive, and
- Six test participants 55 years old or older.

5. Even Mix of Genders in Each Test Participant Sample. Each sample of 24 test participants used for testing a particular in-vehicle device task, should contain:

- Twelve men and twelve women overall, and
- An equal balance of men and women in each of the age ranges 18 through 24 years old, 25 through 39 years old, 40 through 54 years old, and 55 years old and older.

B. Test Participant Training Recommendations.

Each test participant should be given training as to how to operate the driving simulator or occlusion apparatus and how to perform each of the desired testable tasks using the electronic devices being evaluated.

1. These Test Participant Training recommendations apply to both Eye Glance Measurement Using Driving Simulator Testing and Occlusion Testing.

2. Test instructions should be standardized and be presented either orally or in writing. The display and controls of the interface should be visible during instruction. An instruction may be repeated at the request of a test participant.

3. Test participants should be given specific detailed instructions and practice as to how to perform each testable task of

interest on each device being studied. A test participant should practice a task as many times as needed until they think that they have become comfortable in performing the task.

4. Test participants should practice each testable task on each device of interest first without using the acceptance test apparatus and then using the acceptance test apparatus.

C. Driving Simulator Recommendations.

1. A driving simulator is used for the Eye Glance Measurement Using Driving Simulator Testing option to determine whether driver operation of a device while performing a testable task produces an acceptable level of distraction. At a minimum, the driving simulator used for distraction testing should conform to the following recommendations. However, any driving simulator with better fidelity than recommended below is acceptable for performing task acceptance testing.

2. The driving simulator should be capable of testing using a substantial portion (the entire area that can be reached by a driver) of a full-size vehicle cab. Open cabs, partial cabs, and/or non-production cabs are fine to use for this testing as long as the driving simulator has a seating and dashboard arrangement similar to that of an actual production vehicle so that realistic eye glance behavior and control movements will occur.

3. To set up this portion of a vehicle cab for testing, no modifications should be made to the dashboard or human-machine interface other than:

- The addition of sensors to determine steering wheel angle, brake pedal position, throttle pedal position, driver gaze location, and other desired data.
- The addition of equipment to provide force feedback on the driving simulator's steering wheel, brake pedal, and throttle pedal. Linear feel steering and pedal feels are adequate.
- The addition of equipment to display the forward speed to the driver. This may be accomplished either through use of the vehicle's speedometer or through a separate display. If forward speed is provided to the driver through a separate display, this display may be mounted:
 - On the image display in front of the simulated vehicle, or
 - On or above the dashboard.

4. The driving simulator should use information collected by the steering wheel angle, brake pedal position, and throttle pedal position sensors, along with an appropriate vehicle dynamics simulation, to predict vehicle orientation and position, angular and linear velocities, and angular and linear accelerations. A vehicle dynamics model with three degrees of freedom (lateral velocity, longitudinal velocity, and yaw rate) may be used. If more complex and accurate vehicle dynamics are desired, this is fine but not necessary.

5. The driving simulator should determine eye glance locations in one of two ways:

- Through the use of an eye tracker, or
- By collecting full-motion video data for each test participant's face and, subsequent to testing, a human data reducer determines

from the video data the direction of a test participant's gaze at each instant in time.

Additional details about eye glance characterization are presented below.

6. The driving simulator should generate and display full-color (16 bit minimum color depth), true-perspective, three-dimensional (as viewed by the driver) computer-generated imagery of the forward road scene free from distracting anomalies, such as abrupt changes in scene content, aliasing problems in image processing, and abrupt changes in illumination, color, or intensity (i.e., no flickering or flashing).

7. This computer-generated imagery should be displayed in front of the simulated vehicle. The minimum recommended field-of-view should have a width of at least 30 degrees.

8. The recommended screen resolution should be no greater than 3 arc minutes per pixel.

9. The recommended driver eye point to screen distance should be at least 2.0 meters.

10. The computer generated image should be updated at least 30 times per second.

11. The time lag to calculate the computer generated imagery should not be more than 0.10 second. As a "best practice," lead compensation should be provided to bring the driving simulator display into phase with the driver's perception.

12. The driving simulator should be capable of simulating the driving scenario described below.

D. Recommended Driving Simulator Scenario.

The driving simulator scenario described below is used for the Eye Glance Measurement Using Driving Simulator Testing option.

- The road being simulated should:
 - Traverse generally open, flat terrain with occasional trees or buildings,
 - Be made of asphalt,
 - Be light gray in color,
 - Be undivided, four lanes wide, and have at least 1.0 meter (3.3 feet) of paved shoulders on each side of the traffic lanes.
 - Each lane should be 3.7 meters (12 feet) wide,
 - Have a solid double yellow line down the center of the road,
 - Have solid white lines on the outside edges of the road,
 - Have dashed white lines separating the two lanes that go in the same direction on each side of the road,
 - Be flat (no grade or road crown), and
 - Have a speed limit of 50 mph.
 - Each of the above white and yellow lines on the road should be from approximately 100 mm to approximately 150 mm (4 to 6 inches) wide.
 - For the solid double yellow line, the spacing between the two yellow lines should be from approximately 50 mm to approximately 100 mm (2 to 4 inches) wide.
 - The dashed white lines should each consist of a white/asphalt pattern consisting of approximately a 3 meter (10 foot) white line segment followed by approximately a 9 meter (30 foot) gap of asphalt before the beginning of the next white segment.
 - All test data collection is performed on straight road segments. However, the road

being simulated may, if desired, contain occasional curved segments not in the area used for data collection.

2. The lead vehicle should look like a typical, production, passenger vehicle (automobile or light truck) and be of a color that contrasts with the background.

3. The driving scenario should proceed as follows:

a. The subject vehicle begins motionless in the right lane of the road.

b. Test participant accelerates vehicle up to approximately the speed limit.

c. After approximately 360 meters (1,200 feet) of travel, the lead vehicle, which is initially traveling at the speed limit, suddenly appears in the travel lane in front of the subject vehicle at a distance of approximately 70 meters (220 feet).

d. The subject vehicle then follows the lead vehicle for the remainder of the test. This is defined as the car following portion of the test.

e. During the car following portion of the test, the driver of the subject vehicle should try to maintain a following distance of approximately 70 meters (220 feet).

4. All testing is performed while driving in the right lane of the simulated road.

5. A test participant should begin performing testable tasks as soon as feasible after the start of the car following portion of the test.

6. The speed of the lead vehicle should be a constant 50 mph throughout the car following period of the test.

E. Eye Glance Measurement Using Driving Simulator Test Procedure.

1. Test Device. The electronic device under evaluation should be operational and fitted to a vehicle, driving simulator, or vehicle mock-up in a design which duplicates the intended location of the interface in the vehicle (i.e., the viewing angle and control placement relationships should be maintained).

2. Test Participants. Twenty-four test participants should be enrolled using the previously described (Subsection VI.A) criteria.

3. Each test participant should have the driving simulator's controls and displays explained to him or her, and be shown how to adjust the seat.

4. Each test participant should be given instructions on the driving scenario that he or she is to perform. These should include:

a. That he or she should drive in the right lane, and

b. That, as a driver, his or her primary responsibility is to drive safely at all times.

5. Each test participant should be told to drive at a speed of 50 mph prior to the beginning of car following. Each test participant should be told that, once in car following mode, he or she should try to follow the lead vehicle at as close to the initial following distance (approximately 70 meters or 220 feet) as he or she can manage.

6. Each test participant should be given training and practice as follows:

a. How to perform each testable task on each device of interest with the simulated vehicle parked. This training and practice may also be performed in a separate parked vehicle.

b. How to drive the driving simulator while not performing a testable task.

c. How to perform each testable task on each device of interest while driving the simulated vehicle on the driving simulator.

7. Each test participant should practice each testable task and simulator driving as many times as needed until he or she become comfortable in performing the task and driving the simulator.

8. Different task stimuli (e.g., addresses, phone numbers, etc.) should be used for each instance of testable task performance for a particular test participant. Task stimuli should be provided to a test participant immediately prior to the beginning of each instance of testable task performance.

9. Following the completion of training, each test participant should drive the driving scenario one final time while performing a single instance of the *testable task* being studied (the Data Trial). Eye glance data should be collected during this trial. Data from this performance of the testable task is used to determine whether a task meets the acceptance criteria.

10. Results from individual testable task trials are only removed from analysis if:

- A test participant refuses to complete a trial.

- A test participant says he or she is done with a trial but is not, or

- The experimenter judges that the participant cannot successfully complete a trial.

- The experimenter judges that the participant is not genuinely doing their best to perform the protocol and related tasks as instructed.

When any of the above occurs, it is treated as a task performance error and handled as discussed in Subsection VI.H.

11. There should be a means of determining the exact time of the start and end of each testable task that is performed.

12. Multiple Testable Task Testing. To improve testing efficiency, multiple (different) testable tasks may be performed by the same test participant during one or more drives. There is no limit to the number of testable tasks that may be evaluated by a test participant.

13. Eye Glance Characterization. Eye glances are determined for each test participant's Data Trials using the techniques described below.

14. Acceptance Criteria. A testable task should be locked out from performance by drivers while driving unless the following three criteria are all met:

a. For at least 21 of the 24 test participants, no more than 15 percent (rounded up) of the total number of eye glances away from the forward road scene have durations of greater than 2.0 seconds while performing the testable task one time.

b. For at least 21 of the 24 test participants, the mean duration of all eye glances away from the forward road scene is less than or equal to 2.0 seconds while performing the testable task one time.

c. For at least 21 of the 24 test participants, the sum of the durations of each individual participant's eye glances away from the forward road scene is less than or equal to 12.0 seconds while performing the testable task one time.

F. Eye Glance Characterization.

While driving the simulator and performing the testable task, the duration of each test participant's eye glances away from the forward roadway should be recorded and determined.

1. The duration of an individual glance is determined as the time associated with any eye glances away from the forward roadway. Due to the driving scenario, eye glances to the side of the roadway or to the vehicle's mirrors are expected to be minimal.

2. Eye glance durations should be determined in one of two ways:

a. Through the use of an eye tracker, or

b. By collecting full-motion video data for each test participant's face and, subsequent to testing, a data reducer determines from the video data the direction of a test participant's gaze at each instant in time.

3. Ensuring Eye Tracker Accuracy and Repeatability. If an eye tracker is used, the testing organization should have a procedure for ensuring the accuracy and repeatability of eye glance durations. This will require collecting relatively short segment(s) of full-motion video data and having a data reducer determine from this video data the duration of a test participant's eye glances. The testing organization should also have a written procedure for setting up and calibrating the eye tracker.

4. Ensuring Full-Motion Video Reduction Accuracy and Repeatability. If full-motion video is used, the testing organization should have a procedure for ensuring the accuracy and repeatability of eye glance durations. This will involve having multiple data reducers analyze the same, relatively short segment(s) of full-motion video data and checking that they obtained the same glance durations. The testing organization should also have a written procedure for instructing and training data reducers as to how to determine eye glance durations. To the extent possible, data reducers should not have an interest as to whether a testable task or device being tested meets the acceptance criteria. Data reducers should not be closely involved with the development of a device.

G. Occlusion Testing.

1. Test Apparatus. Intermittent viewing of an electronic device interface can be provided by a variety of means such as commercially-available occlusion goggles, a shutter in front of the interface, or other means.

a. The occlusion apparatus used should be transparent during the viewing interval and opaque during the occlusion interval.

b. The occlusion apparatus should be electronically controlled.

c. During the occlusion interval, neither the electronic device interface displays nor the device controls should be visible to a test participant.

d. During the occlusion interval, operation of the device controls by a test participant should be permitted.

e. The switching process between the viewing interval and the occlusion interval should occur in less than 20 milliseconds and vice versa.

2. Test Device. The electronic device under evaluation should be operational and fitted to

a vehicle, driving simulator, or vehicle mock-up in a design which duplicates the intended location of the interface in the vehicle (i.e., the viewing angle and control placement relationships should be maintained).

3. Test Participants. Twenty-four test participants should be enrolled using the previously described (Subsection VI.A) criteria.

4. Each test participant should be given training and practice as follows:

a. How to perform each testable task on each device of interest without using the occlusion apparatus.

b. How to drive the occlusion apparatus while not performing a testable task.

c. How to perform each testable task on each device of interest while using the occlusion apparatus.

5. Each test participant should practice each testable task and use of the occlusion apparatus as many times as needed until he or she becomes comfortable in performing the task and using the occlusion apparatus.

6. Different task stimuli (e.g., addresses, phone numbers, etc.) should be used for each instance of testable task performance for a particular test participant. Task stimuli should be provided to a test participant immediately prior to the beginning of each instance of testable task performance.

7. Test Procedure. Testing is performed in accordance with ISO International Standard 16673:2007(E), "Road vehicles—Ergonomic aspects of transport information and control systems—Occlusion method to assess visual demand due to the use of in-vehicle systems" with the following exceptions:

a. Where the ISO Standard states that at least 10 participants are to be tested, the NHTSA Guidelines recommend that 24 participants be tested.

b. Where the ISO Standard states that each test participant should be given at least two and up to five practice trials for each testable task, the NHTSA Guidelines recommend that each test participant receive as many practice trials as needed to become comfortable in performing the task.

8. The viewing interval (shutter open time) should be 1.5 seconds followed by a 1.5-second occlusion interval (shutter closed time). The sequence of viewing intervals followed by occlusion intervals should occur automatically without interruption until the task is completed or the trial is terminated.

9. Task stimuli (e.g., addresses, phone numbers, etc.) are provided to a test participant prior to the start of testing. When the task stimuli are given to a test participant, the device should be occluded (i.e., a test participant cannot see the device interface) and it should remain occluded until after testing has begun.

11. Testing starts when a test participant informs the experimenter that he or she is ready to begin the trial. The experimenter then triggers the alternating sequence of viewing intervals followed by occlusion intervals.

12. When a test participant has completed the task, he or she verbally instructs the experimenter that the task has been completed with the word, "done" (or other standardized word). The experimenter stops the occlusion apparatus operation.

13. There should be an automatic means of recording the number of unoccluded intervals a test participant needed to complete the task.

14. Each test participant performs each task being tested five times to determine whether that task meets the acceptance criterion.

15. As per ISO 16673:2007, invalid trials are removed. Note that unoccluded total task time is not determined as part of this test procedure. Therefore, the occluded total task time greater than four times the average unoccluded total task time trial exclusion case in ISO 16673:2007 cannot be used. Individual trials are considered invalid and removed if:

- A test participant refuses to complete a trial,
- A test participant says he or she is done with a trial but is not,
- The experimenter judges that the participant cannot successfully complete a trial,
- The experimenter judges that the participant is not genuinely attempting to perform the protocol and related tasks as instructed, or
- A task performance error is made by the test participant. The handling of task performance errors is discussed in Subsection VI.H.

16. As per ISO 16673:2007, the mean Total Shutter Open Time (TSOT) for each test participant is calculated.

17. Acceptance Criterion. A task should be locked out for performance by drivers while driving unless the mean TSOT calculated above is 12.0 seconds or less for at least 21 of the 24 test participants.

H. Task Performance Errors During Testing.

1. "Error-Free" Performance During Testing. During testing, only data from "error-free" test trials (as defined in section IV.B.5 and IV.B.6) performed by test participants should be used for determining whether a task is suitable for performance while driving.

2. Error means that a test participant has made an incorrect input when performing a requested task during a test trial. An error has occurred if the test participant has to backtrack during performance of the task or delete already entered inputs. If the device can accommodate an incorrect entry without requiring backtracking and extra inputs beyond those necessary to reach the desired end state of the task, then no error is deemed to have occurred.

3. For driving simulator testing, when an error is made, data from that test participant should not be used to determine task acceptability for performance while driving. This data would be retained for the determination as to whether a task was unreasonably difficult. An additional test participant in the correct demographic group should be added. Testing should continue until 24 test participants have completed the task without errors (or until four test participants do not meet the acceptance criteria).

4. For occlusion testing, when an error is made, data from that trial should not be used to compute a test participant's mean TSOT to determine task acceptability for performance

while driving. This data would be retained for the determination as to whether a task was unreasonably difficult. If a test participant makes errors on two or fewer of their five trials, then their average Total Shutter Open Time (TSOT) can still be computed and used to determine task acceptability for performance while driving. If a test participant makes errors on three or more of their five trials, then none of his or her data should be used to determine task acceptability (but all of it retained to determine whether a task was unreasonably difficult). In this situation, an additional test participant in the correct demographic group should be added. Testing should continue until 24 test participants have completed the task with two or less trials with errors (or until four test participants do not meet the acceptance criteria).

5. Unreasonably Difficult Tasks. A record should be kept during testing as to whether one or more errors occurred during each test trial. If errors occur during more than 50 percent of test trials while testing to determine a task's acceptability for performance while driving, then that task is deemed an "unreasonably difficult task" for performance by a driver while driving. Unreasonably difficult tasks are not recommended for performance while driving and should be locked out.

VII. RECOMMENDATIONS FOR PASSENGER OPERATED DEVICES.

These Guidelines primarily are applicable to human-machine interfaces of devices intended for use by a driver. They are applicable to a limited extent to devices intended for use by front seat passengers.

A. Apply if Within Reach or View of Driver.

These Guidelines are applicable to devices that can reasonably be reached and seen by a driver who is properly restrained by a seat belt even if they are intended for use solely by front seat passengers.

B. Not for Rear Seat Devices.

These Guidelines are not applicable to devices that are located solely behind the front seat of the vehicle.

VIII. DRIVER DISTRACTION GUIDELINES INTERPRETATION LETTERS.

NHTSA intends to clarify the meaning of its Guidelines in response to questions that are asked through the issuance of interpretation letters.

A. Guideline Interpretation Letter Procedure.

1. Guidelines interpretation letters will only be issued in response to specific written requests for interpretation of the NHTSA Guidelines.

2. Requests for Guidelines interpretation letters may be submitted to the National Highway Traffic Safety Administration. The mailing address is:

Chief Counsel
National Highway Traffic Safety
Administration
1200 New Jersey Ave., SE.
Washington, DC 20590

3. Responses will be mailed to requestors, published in the docket, and posted in a designated area on the NHTSA Web site.

Issued in Washington, DC, on: April 19, 2013. Under authority delegated in 49 CFR 1.95.

David L. Strickland,
Administrator.

[FR Doc. 2013-09883 Filed 4-23-13; 4:15 pm]

BILLING CODE 4910-59-P



FEDERAL REGISTER

Vol. 78

Friday,

No. 81

April 26, 2013

Part III

Department of State

Office of the Chief of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 2011; Notice

DEPARTMENT OF STATE

[Public Notice 8301]

Office of the Chief of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 2011

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar

year 2011 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute. Also included are gifts received in previous years including one gift in 2007, five gifts in 2008, ten gifts in 2009, and six gifts with unknown dates. These latter gifts are being reported in 2011 as the Office of the Chief of Protocol, Department of State, did not receive the relevant

information to include them in earlier reports.

Publication of this listing in the **Federal Register** is required by Section 7342(f) of Title 5, United States Code, as added by Section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95-105, August 17, 1977, 91 Stat. 865).

Dated: April 14, 2013.

Patrick F. Kennedy,
Under Secretary for Management,
Department of State.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	7" x 11" red and white porcelain vase by Franz with purple and pink flower design across the front. Rec'd—4/1/2009. Est. Value—\$1,000.00. Disposition—National Archives and Records Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	14" x 14" Bauhaus chess set, with a lightly-colored wood board and pieces carved into the shape of their allowed movements on the board, contained in a carrying box with sliding top, designed by Josef Hartwig. Rec'd—6/11/2009. Est. Value—\$554.00. Disposition—National Archives and Records Administration.	Mr. Karl-Michael Danzer, Head of Protocol, the Free State of Thuringia, the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	11" x 20" x 12" wooden display case containing a small sword, the top of the case displays the seal of the State of Qatar and reads, "Fight Against Corruption." Rec'd—1/5/2011. Est. Value—\$350.00. Disposition—Display box is in the White House Gift Office; Handed pursuant to U.S. Secret Service policy.	Ali bin Mohsen bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	14" red and gold colored vase in red presentation box. Rec'd—1/5/2011. Est. Value—\$580.00. Disposition—National Archives and Records Administration.	His Excellency Yang Jiechi, Foreign Minister of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large, black Hermes golf accessory bag including set of lock and key, and extra strap in bottom compartment, presented in cream colored drawstring bag. Rec'd—1/10/2011. Est. Value—\$7,750.00. Disposition—National Archives and Records Administration.	His Excellency Nicolas Sarkozy, President of the French Republic, and Mrs. Carla Bruni-Sarkozy, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Bronze 48" statue of Abraham Lincoln by the artist Yuan Xikun, includes a red leather booklet describing the gift. Rec'd—1/18/2011. Est. Value—\$9,800.00. Disposition—National Archives and Records Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Book, title: "Suriname Discovered," by: Toon Fey. Royal Mint 2000 Millennium 22 carat gold coin that reads "Suriname 100,000 Gulden" on one side, and "Suriname" on the other. Rec'd—2/1/2011. Est. Value—\$1,575.79. Disposition—National Archives and Records Administration.	His Excellency Desi Bouterse, President of the Republic of Suriname, and Mrs. Ingrid Bouterse-Waldring, Spouse of the President of the Republic of Suriname.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Basketball, signed by 2010–2011 Toronto Raptors NBA basketball team, in a 10" x 10" hard-plastic display case, presented in a 14.5" x 22.5" green leather-bound box that has the Prime Minister seal on the top. 23.25" x 18.25" golden-framed 19th Century antique map of North America, surrounded by drawings of North American Indians, beavers, and other images, and drawn by Tallis & Co. Rec'd—2/4/2011. Est. Value—\$1,880.00. Disposition—National Archives and Records Administration.	The Right Honorable Stephen Harper, P.C., M.P., Prime Minister of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	52" x 85" red Afghan rug with blue trim and white tassels. Rec'd—2/22/2011. Est. Value—\$400.00. Disposition—National Archives and Records Administration.	His Excellency Eklil Hakimi, Ambassador of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	13" tall beige clay ceramic vase with black and red designs made by Antonio Veloz, presented in green box with Mexican flag colored ribbons. Paperback Book, title: "Mata Ortiz Ceramics: Artes de Mexico, Numero 45". Rec'd—3/2/2011. Est. Value—\$365.00. Disposition—National Archives and Records Administration.	His Excellency Felipe de Jesús Calderon, President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Green and white 2GB iPod Shuffle. Sherrin Match Australian football. Red, white, and blue Western Bulldogs Australian Football League on a field jersey; Red, white, and blue "U.S. Footy" football jersey with "USA Revolution" on the front and "25" on the back. Handcrafted 2.5" x 4" x 6" Dragonfly silver ash wood trinket box with "Wood Works Gallery" sticker on bottom, presented in brown box with "Australia" sticker on top. Rec'd—3/4/2011. Est. Value—\$478.00. Disposition—National Archives and Records Administration.	The Honorable Julia Gillard MP, Prime Minister of the Commonwealth of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Leather-bound book, title: "Daniel O'Connell: The Man who Discovered Ireland," authored by Professor Patrick Geoghegan. 21.5" x 29.5" black and white photograph of President John F. Kennedy addressing Irish Oireachtas, formatted in white matte board in a black frame. Fred Curtis Crystal presentation bowl with American flags engraved alongside a shamrock above inscription commemorating St. Patrick's Day Shamrock ceremony at White House, presented in black box with "Fred Curtis Crystal" written on sides and on top. Rec'd—3/17/2011. Est. Value—\$3,176.00. Disposition—National Archives and Records Administration.	His Excellency Enda Kenny, T.D., Taoiseach of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	10" diameter wooden globe by Eduardo Eleuterio with a cutout of Brazil. Photo album containing 37 photographs of the President during his visit with President Rousseff of the Federative Republic of Brazil, photo album has a hardcover and a medal that reads "Republica Federativa do Brasil/15 de Nov. de 1889". Rec'd—3/19/2011. Est. Value—\$780.00. Disposition—National Archives and Records Administration.	Her Excellency Dilma Rousseff, President of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	20" x 18" x 5" wooden mask carved into shape of a jaguar head on a 24" x 12" x 5" wooden base with a gold-colored plaque on bottom describing the piece. Rec'd—3/20/2011. Est. Value—\$410.00. Disposition—National Archives and Records Administration.	His Excellency Mauricio Funes, President of the Republic of El Salvador and Mrs. Vanda Pignato, Spouse of the President of the Republic of El Salvador.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Personalized "Penalty" white soccer jersey with one diagonal black stripe and "Electrobras" in blue on the front. Personalized "Olympikus" red and black striped soccer jersey. Personalized "Fluminense" green and red soccer jersey with white collar. Personalized "FILA" black and white striped soccer jersey with black collar with "Neo Quimica Genericos" on the front. Personalized yellow Nike Brazil soccer jersey with one horizontal green stripe across chest. Two DVDs, title: 5x Favela Agora por Nos Mesmos. Two DVDs, title: Orfeu. Book, title: "Memorias de um Sargento de Milicias/Memoirs of a Militia Sergeant." Book, title: "Casa Velha/The Old House," by: Machado de Assis. Paperback book authored by Manuel Antonio de Almeida. Book, title: "A Alma Encantadora Das Ruas/The Enchanting Soul of the Streets," by: Joao do Rio. Two sets of DVDs, title: "Unidade de Policia," distributor: Governo Rio de Janeiro. Rec'd—3/20/2011. Est. Value—\$679.58. Disposition—National Archives and Records Administration.	The Honorable Sergio Cabral, Governor of the State of Rio de Janeiro of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	51" x 40" digital C print photograph, by artist Vik Muniz, titled "Marat (Sebastiao)," depicting a man using arranged items in the style of David's "Death of Marat." Rec'd—3/22/2011. Est. Value—\$40,000.00. Disposition—On loan to museum for public exhibit.	The Honorable Sergio Cabral, Governor of the State of Rio de Janeiro of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	9" diameter Tiffany & Co. Revere Pewter bowl, engraved with "Ban Ki-moon Secretary-General United Nations" on one side and the Secretary's signature and United Nations logo on the other, presented in turquoise cloth bag with "Tiffany & Co" printed on top. Rec'd—3/28/2011. Est. Value—\$400.00. Disposition—National Archives and Records Administration.	His Excellency Ban Ki-moon, Secretary-General of the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Sterling silver water jug and cup in a blue leather presentation box. Rec'd—4/7/2011. Est. Value—\$410.00. Disposition—National Archives and Records Administration.	His Excellency Juan Manuel Santos, President of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	30" circumference gold and silver base with silver statues of two wild goats and a tree with gold clock hanging from it, depicting a desert scene. Rec'd—4/14/2011. Est. Value—\$3,200.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Hamad bin Khalifa al-Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	14-karat gold bird-shaped cufflinks, presented in 3" x 2" x 1.5" blue leather jewelry box. 5" x 9" wood and sterling silver eagle sculpture. Rec'd—4/28/2011. Est. Value—\$705.00. Disposition—National Archives and Records Administration.	His Excellency Ricardo Martinelli Berrocal, President of the Republic of Panama.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	1" x 7" x 9" Porcelain sculpture of Jordanian archway on a black pedestal, presented in dark brown and beige leather-topped box. Rec'd—5/17/2011. Est. Value—\$350.00. Disposition—National Archives and Records Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Red leather-bound book, title: "A Selection of Papers From the Royal Archives 1834–1897," encased in a 19" x 16" x 2" red leather box. Rec'd—5/24/2011. Est. Value—\$2,800.00. Disposition—National Archives and Records Administration.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Lacoste white classic men's polo shirt. Limited-edition "HOPE" fountain pen and Ligne 8 lighter from S.T. Dupont, each in a cherry blossom design, and contained in a 6.5" x 6.5" black box with "G8 France 2011" on the top. Bottle of Christian Drouin Pays d'Auge. S.T. Dupont black and silver fountain pen, presented in a 8.5" x 4.5" black case. Six black glass goblets in a plastic display case and contained in a 30" x 18" red box; 14.35" tall blue-gray glass sculpture of Bucephalus, Alexander the Great's horse. Rec'd—5/25/2011. Est. Value—\$15,083.62. Disposition—National Archives and Records Administration; Perishable goods handled pursuant to US Secret Service policy.	His Excellency Nicolas Sarkozy, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	CD, title: "The Historical Recordings," by Paderewski, enclosed in a brown leather book. Silver Waldmann brand pen from the 17th Meeting of Presidents of Central European States, enclosed in a 3.5" x 8" black leather box. 4.5" x 6" wall plaque of Paderewski, enclosed in a 7.5" x 8" blue box. Five bottles of flavored liquors by Nalewski Staropolskie. Rec'd—5/27/2011. Est. Value—\$715.00. Disposition—National Archives and Records Administration; Perishable goods handled pursuant to U.S. Secret Service policy.	His Excellency Bronislaw Komorowski, President of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	DVD, title: "Best of the Witcher 2: Video Trailers for President Barack Obama," distributor: Atari. Zubrowka Bison Grass Vodka. Book, title: "Blood of Elves," by Andrzej Sapkowski. Book, title: "The Last Wish," by Andrzej Sapkowski. Set of four 2" x 1.5" clear glass liqueur glasses, each has "Zubrowka" engraved in white. 13.5" x 9.75" x 4.5" "Witcher 2" gift box, inside are three golden "Witcher 2" coins, a "Witcher 2" book, "Witcher 2" stickers, "Witcher 2" make your own aircraft. 5.5" x 6.5" x 3" ivory-colored bust of "Witcher 2" character "Gwynbleioo," a DVD box set of "Witcher 2" bonus DVD, Game DVD, and Game Guide. "Witcher 2" playing cards, and 5 wooden die in black sack with "Witcher 2" emblem. 11.75" x 7" x 5" brown leather carrying case with handles and lock. Rec'd—5/28/2011. Est. Value—\$497.08. Disposition—National Archives and Records Administration; Perishable goods handled pursuant to U.S. Secret Service policy.	His Excellency Donald Franciszek Tusk, Prime Minister of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Kramski putter set, includes: 35" HPP 340 putter with two protective club head covers, teal HPT 40 training console, HPS 30 Aim Aid set, book title: "The Kramski Putt Philosophy". Rec'd—6/6/2011. Est. Value—\$1,400.00. Disposition—National Archives and Records Administration.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	14" blue mask sculpture by Daum, on a 10" black and silver stand, enclosed in 34" x 16" x 13" red box. Rec'd—6/9/2011. Est. Value—\$52,695.00. Disposition—National Archives and Records Administration.	His Excellency Ali Bongo Ondimba, President of the Gabonese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	12" x 8" x 6" gold-colored bust of woman, on a 6" x 6" x 2" wooden base. Rec'd—6/14/2011. Est. Value—\$780.00. Disposition—National Archives and Records Administration.	His Excellency Goodluck Ebele Azikiwe Jonathan, President of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book, title: "Genghis Khan and the Making of the Modern World," by Jack Weatherford. 19" tall bronze statue depicting a man riding a horse, on an 8.5" x 4.5" x 1.5" granite pedestal, presented in brown suede bag. Rec'd—6/16/2011. Est. Value—\$440.00. Disposition—Book personally retained; Other items are at National Archives and Records Administration.	His Excellency Tsakhiagiin Elbegdorj, President of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Traditional Chief's robe (Kita), from the Akan People. Rec'd—6/27/2011. Est. Value—\$450.00. Disposition—National Archives and Records Administration.	Council of Traditional Chiefs and Kings of Cote d'Ivoire.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book, title: "L'Italia Unita: 150 anniversario Unita d'Italia." Rec'd—7/1/2011. Est. Value—\$1,000.00. Disposition—National Archives and Records Administration.	His Excellency Giorgio Napolitano, President of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Bamboo bicycle, handmade by the Bambike Company. Rec'd—7/5/2011. Est. Value—\$1,060.00. Disposition—National Archives and Records Administration.	His Excellency Jose L. Cuisia, Jr., and Mrs. Maria Victoria J. Cuisia, Ambassador and Spouse of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	11.5" x 4" traditional Maori weapon with a short broad-bladed club, made of the sacred greenstone, carved by Aden Hoglund, and contained in a 16" x 7" x 3" wooden presentation box. Rec'd—7/22/2011. Est. Value—\$3,200.00. Disposition—National Archives and Records Administration.	The Right Honorable John Key, M.P., Prime Minister of New Zealand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	29" x 8" x 15" ebony wood carving of a mask on four legs. Rec'd—7/29/2011. Est. Value—\$850.00. Disposition—National Archives and Records Administration.	His Excellency Alpha Condé, President of the Republic of Guinea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Crystal golf statuette by Baccarat, depicting a golfer with his iron pitched over his head in the moment before striking a ball. Crystal golf statuette by Baccarat, depicting a golfer with his iron out in front in a follow-through posture. Black Hermes golf travel bag with canvas cover and carrying strap. Rec'd—8/1/2011. Est. Value—\$1,650.00. Disposition—National Archives and Records Administration.	His Excellency Nicolas Sarkozy, President of the French Republic, and Mrs. Carla Bruni-Sarkozy, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Black leather briefcase and a black leather portfolio, both with sterling silver pieces mounted on the leather engraved with "Barack H. Obama." Rec'd—8/1/2011. Est. Value—\$660.00. Disposition—National Archives and Records Administration.	Her Excellency Fatou Danielle Diagne, Ambassador of the Republic of Senegal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	5' x 4' framed black and white photograph of a child looking down and wrapped in an American flag, given to commemorate the 10th Anniversary of the September 11th attacks. Rec'd—9/1/2011. Est. Value—\$650.00. Disposition—National Archives and Records Administration.	His Majesty Mohammed VI, King of the Kingdom of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Waterman Expert II black lacquer ball point pen with gold color trimmings. Black 64GB iPad 2. Rec'd—9/7/2011. Est. Value—\$784.99. Disposition—National Archives and Records Administration.	His Excellency Donald Franciszek Tusk, Prime Minister of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Bronze, three-legged candlestick holder on a 6.25" circular stone base, atop the three legs sits a ring depicting a camel caravan and ram heads. Rec'd—9/21/2011. Est. Value—\$1,245.00. Disposition—National Archives and Records Administration.	His Excellency Nursultan Nazarbayev, President of the Republic of Kazakhstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	35" x 26" oil painting, depicting the Rempart Mountain in the Republic of Mauritius, signed by "Ashley 2011," in a silver frame with an engraved plaque. Rec'd—9/22/2011. Est. Value—\$500.00. Disposition—National Archives and Records Administration.	The Honorable Dr. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	A 7" x 9" plaque congratulating the President on his election in a wooden box. 23" x 11" ebony black rhino. 15" hand-etched bowl with an image of Africa and African animals. Rec'd—9/23/2011. Est. Value—\$865.00. Disposition—National Archives and Records Administration.	His Excellency Salva Kiir Mayardit, President of the Republic of South Sudan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	19" x 12" ornate silver serving tray with mirror inset, in a 20" x 21" x 7.5" blue velvet presentation box. 16" x 5" 6" ornate silver serving dish in a 20" x 21" x 7.5" blue velvet presentation box. Rec'd—9/23/2011. Est. Value—\$1,580.00. Disposition—National Archives and Records Administration.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large Afghan rug in mostly tan, black, brown, and green geometric patterns. Rec'd—9/23/2011. Est. Value—\$1,200.00. Disposition—National Archives and Records Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	100" x 65" handmade traditional woven Tunisian rug, design is geometric and primarily red with black, yellow, white, and blue accents. Rec'd—10/6/2011. Est. Value—\$900.00. Disposition—National Archives and Records Administration.	His Excellency Beji Caid Essebsi, Interim Prime Minister of the Republic of Tunisia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book, title: "The Uncharted Path: An Autobiography" authored by President Lee Myung-bak. 12.5" white porcelain plate, with painted images of the President and First Lady, contained within a 14" x 14" x 6" mahogany box with golden turtle latch and iridescent depictions of birds. 14" x 5.5" 10.5" black lacquer box inlaid with mother of pearl, and box is decorated with iridescent scenes of sailboats, birds, and scenery of the landscape of the Republic of Korea, both contained inside a 15" x 6" x 11.5" blue presentation box. Rec'd—10/13/2011. Est. Value—\$778.00. Disposition—National Archives and Records Administration.	His Excellency Lee Myung-bak and Mrs. Kim Yoon-ok, President and First Lady of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Six pouches of coffee contained in a 14" x 9.5" x 5" wooden box, interior is red velvet and divided into six compartments, each containing a small wicker box, includes a depiction of the American flag with an eagle in the foreground made from precious and semiprecious stones, includes a 9" x 7" frame with a gold plaque. Diamond-shaped cufflinks, made from 10-karat white gold and inset with nine blue sapphires each, presented in a 5.25" x 5.5" x 2.5" wooden box. Rec'd—11/5/2011. Est. Value—\$635.00. Disposition—Box and Jewelry is at National Archives and Records Administration; Perishable goods handled pursuant to US Secret Service policy.	His Excellency Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	72" x 24" gray, blue, and green cashmere scarf, made by 1436 Erdos. Rec'd—11/10/2011. Est. Value—\$412.00. Disposition—National Archives and Records Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	8" x 7" silver octagonal box with floral/leaf design, in glass case inside a yellow box with knob, and includes a pendant of the seal of Brunei Darussalam. Rec'd—11/12/2011. Est. Value—\$1,200.00. Disposition—National Archives and Records Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued
 [Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	5" tall condiment pot and a silver utensil, both made of Chilean silver. Rec'd—11/12/2011. Est. Value—\$725.00. Disposition—National Archives and Records Administration.	His Excellency Sebastián Piñera Echenique, President of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	6" x 6" x 2.25" ornate pewter jewelry box with velvet interior, presented in a 9" x 9" x 4" blue velvet box. Rec'd—11/13/2011. Est. Value—\$525.00. Disposition—National Archives and Records Administration.	His Excellency YAB Dato' Sri Haji Mohd Najib bin Tun Haji Abdul Razak, Prime Minister of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	7" tall Baynihan centerpiece made of cast aluminum in nickel plate with a black granite stone base, portraying men carrying a traditional home. Rec'd—11/14/2011. Est. Value—\$390.00. Disposition—National Archives and Records Administration.	His Excellency Benigno S. Aquino III, President of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	27" brass statue of a woman carrying a water jug on her head and a small child on her back. 25" brass statue of a man wearing a conical hat and carrying a stick over his shoulders that suspends two water jugs, each jug and "rope" is detachable from the statue. Rec'd—11/14/2011. Est. Value—\$840.00. Disposition—National Archives and Records Administration.	His Excellency Seydou Bouda, Ambassador of Burkina Faso.	Non-acceptance would cause embarrassment to donor, and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book, title: "That Deadman Dance" authored by Kim Scott. Book, title: "Truth" authored by Peter Temple. Book, title: "Breath" authored by Tim Winton. 22" x 13" framed collection of historic Australian ANZUS stamps. Custom-made, authentic Akubra Cattleman hat in tanmark brown, made of pure fur felt with dark brown leather trimmings. 17" x 17" framed black-and-white commemorative historical picture of a ship, with plaque commemorating 60th Anniversary of the ANZUS Alliance. Rec'd—11/15/2011. Est. Value—\$511.27. Disposition—National Archives and Records Administration.	The Honorable Julia Gillard MP, Prime Minister of the Commonwealth of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	31.5" x 39" oil painting, title: "The Celebrate" by artist Rene Jimenez, depicting a turkey's face and neck, float-mounted in a red wooden frame. Large, painting made up of nine panels titled "The Day and Night—in the White House" by Rene Jimenez, depicting Thanksgiving at the White House. 60 polychrome prints of the painting "The Day and Night—in the White House," each in a white envelope with a black monochrome image of the U.S. Capitol. Rec'd—11/15/2011. Est. Value—\$13,200.00. Disposition—National Archives and Records Administration.	The Honorable Gabino Cue Monteagudo, Governor of the State of Oaxaca, United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book, title: "The Footprints of Time: Menapak Waktu," by Purnomo Yusgiantoro. Brown, white, and black bag with a black zipper, and a red and white ribbon rosette on front. Book, title: "Iwan Tirta Batik," by Sebuah Lakon. Book, title: "Dhenok: The Semarang Wedding Arts & Culture," by Ineke F. Priyo. Book, title: "The Journey: Batik Pesir from Semarang, Kendal, Demak & Kudu," by Ineke F. Priyo. Iwan Tirta private-collection shawl, men's shirt, with blue, brown, and white Indonesian batik design depicting birds. Rec'd—11/18/2011. Est. Value—\$390.00. Disposition—National Archives and Records Administration.	His Excellency Dr. Purnomo Yusgiantoro, Minister of Defense of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	20" octagonal white marble table top with design of inlaid blue and yellow flowers, and octagonal stand decorated with blue and red flowers. Rec'd—11/18/2011. Est. Value—\$1,375.00. Disposition—National Archives and Records Administration; stand is in White House Gift Office.	His Excellency Manmohan Singh, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Black leather and multi-colored batik-bound padfolio, embossed with "19th ASEAN Summit and Related Summits, Bali—Indonesia, 17–19 November 2011" in gold lettering, accompanied by an ASEAN writing pad, a silver bookmark decorated with a "Bali Dancer," an Indonesia 2011 lapel pin, and a Montblanc pen, all contained in a gold-colored presentation box. ASEAN Summit green batik Leader's shirt in orange, red, black, white, gold, and green. 31" x 23" framed oil portrait of the Chiefs of State who attended the East Asia Summit in Indonesia in November 2011 with the words: "East Asia Summit in Indonesia November 2011." Rec'd—11/22/2011. Est. Value—\$1,945.00. Disposition—National Archives and Records Administration.	His Excellency Dr. H. Susilo Bambang Yudhoyono, President of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	11" x 10" wooden box, lined with green velvet, has "the President" and "Barack Obama" embossed on top of a green name plate, contains a DVD titled, "Formula of Power" with the President's picture on the front of the case. 19.125" x 17.8125" miniature enamel painting of the Moscow Kremlin, enclosed in a copper frame. Rec'd—11/29/2011. Est. Value—\$1,050.00. Disposition—National Archives and Records Administration.	His Excellency Dmitry Medvedev, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	12" x 8" silver tray, engraved with a scene of a palace, labeled "Iraq," and floral and geometric decorative pattern. The tray is sealed under glass in a leather display case, all held in 13" x 9.5" x 2.25" leather box. Rec'd—12/11/2011. Est. Value—\$460.00. Disposition—National Archives and Records Administration.	His Excellency Nouri al-Maliki, Prime Minister of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	15" x 12" black leather "Neo Igor" Louis Vuitton men's business bag with luggage tag attached and embossed with "B.O." Rec'd—12/13/2011. Est. Value—\$2,310.00. Disposition—National Archives and Records Administration.	His Excellency Nicolas Sarkozy, President of the French Republic, and Mrs. Carla Bruni-Sarkozy, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Hand-carved wooden sculpture in blue display box. Rec'd—12/17/2011. Est. Value—\$430.00. Disposition—National Archives and Records Administration.	His Excellency Dr. H. Susilo Bambang Yudhoyono, President of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	24" x 34" elaborate black rug with gold color and floral bead detailing. Rec'd—12/21/2011. Est. Value—\$1,100.00. Disposition—Handled pursuant to US Secret Service policy.	Her Excellency Nirupama Rao, Ambassador of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Blue-glazed porcelain hand figurine with a small bird in a yellow display box. Rec'd—1/18/2011. Est. Value—\$430.00. Disposition—National Archives and Records Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Two 11" sterling silver filing lamps with 10" shades, enclosed in 16" x 12.5" x 12" brown presentation box. Rec'd—2/2/2011. Est. Value—\$1,200.00. Disposition—National Archives and Records Administration.	Her Royal Highness Princess Haya bint Al-Hussein of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	14.5" x 8.5" x 2" green copper Marquette, entitled "Equality Emerging" on gray marble base, enclosed in a 10.5" x 4" x 1.5" wooden box. Rec'd—5/20/2011. *Est. Value—\$365.00. Disposition—National Archives and Records Administration.	His Excellency Eamon Gilmore, T.D., Tánaiste and Minister for Foreign Affairs of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	CD, title: "Black is the Earth," by artist Adele O'Dwyer. Book, title: "Living Under the Hatch," by Barry O'Riley. 34" x 70" flag of Offaly, in green, yellow, pink. Book, title: "Stories from a Sacred Landscape: Croghan Hill to Clonmacnoise," by Caiman O'Brien. 8cm x 8cm x 20cm three dimensional model of High Cross at Burrow, enclosed in black presentation box. Book, title: "Offaly History and Societies," edited by William Nolan and Timothy P. O'Neil. 18-karat Sterling silver pendant and two necklaces, in green presentation box. Pen and ink artist's depiction titled, "Church of Ireland at Templehorry, Welcome President Obama," in a 46.5" x 34.5" black frame. Rec'd—5/23/2011. Est. Value—\$1,799.00. Disposition—National Archives and Records Administration.	Mr. Pat Gallagher, Offaly County Manager of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	15 piece "Sun & Moon" china set, Traditional Arts, Ltd., in white with gold leaf accents, includes 9" x 9" x 5.5" tea pot with top, 5" x 4" x 3.5" creamer, 4.5" x 4" x 4" sugar cup with top, six 3.5" x 2.5" x 2.5" tea cups and six 5.25" saucers, all enclosed in blue 15" x 15" x 10" presentation box; 11" x 15" framed photograph of the Prince of Wales and Duchess of Cornwall with their signatures on white matting, and enclosed in green presentation box marked "Ettinger London." Rec'd—5/24/2011. Est. Value—\$685.00. Disposition—National Archives and Records Administration.	His Royal Highness The Prince of Wales.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	48" x 70" tapestry with eagle and American flag design made by The Rug Company and enclosed in a canvas bag with teal and orange designs. Rec'd—5/24/2011. Est. Value—\$1,400.00. Disposition—National Archives and Records Administration.	The Right Honorable David Cameron, MP, Prime Minister of the United Kingdom of Great Britain and Northern Ireland and Mrs. Samantha Cameron.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	10.2" x 7.1" Hermes orange cotton canvas travel case. 36" x 60" Hermes cotton terry cloth beach towel, printed with umbrellas and towels beach scene. 7.5" handmade Forge de Laguiole letter opener with wooden handle in 9" brown leather case. Both are enclosed in a 14" x 2.5" x 1.5" black presentation box with Forge de Laguiole printed in white. It is a special G8 edition with "G8 France 2011, Nouveau Monde, Nouvelles Idees" and shape of the Eiffel Tower engraved. Box of chocolates. Rec'd—5/25/2011. Est. Value—\$1,994.24. Disposition—National Archives and Records Administration; Perishable goods handled pursuant to U.S. Secret Service policy.	His Excellency Nicolas Sarkozy and Mrs. Carla Bruni-Sarkozy, President and First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	3" gold coin, "Deauville" embossed with scene of the ocean and an umbrella on the front and "Barack Obama" engraved with several scenes of Deauville on the back, enclosed in 3.5" x 3.5" presentation box with a clear plastic display stand. 36" x 36" Hermes silk Deauville scarf, with design of a scene of horse race in gray, blue, and brown. Rec'd—5/26/2011. Est. Value—\$470.00. Disposition—National Archives and Records Administration.	The Honorable Philippe Augier, Mayor of Deauville of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	9.5" x 12" signed and framed photo of Her Majesty and His Royal Highness. Rec'd—6/7/2011. Est. Value—\$485.00. Disposition—National Archives and Records Administration.	Her Majesty Queen Margrethe II, Queen of Denmark and His Royal Highness Prince Henrik of Denmark.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Book, title: "The Secret History of the Mongol Queens," by Jack Weatherford. Three Mongolian cashmere sweaters in pink and green, and purple and brown pattern; 16" x 27.5" framed artwork of the First Lady's name in Mongolian calligraphy. Large Gobi Mongolian oatmeal-colored cashmere shawl. Rec'd—6/16/2011. Est. Value—\$790.00. Disposition—National Archives and Records Administration.	His Excellency Tsakhiagiin Elbegdorj and Mrs. Khajidsuren Bolormaa. President and First Lady of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	9" decanter, made of Czech glass, in a 7" x 10" red presentation box. Rec'd—7/6/2011. Est. Value—\$615.00. Disposition—National Archives and Records Administration.	The Honorable Petr Gandalovic, Ambassador of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Reusable grocery/tote bag, orange with a large white dandelion on the side; Book and CD, title: "G20," by Laurence Jenkell. Book, title: "±5 Metres: Sos Editions Oceans," by Joe Bunni. Book, title: "Around the World," by Laurence Jenkell. 11" x 7.5" x 3" black leather folding toiletry bag, made by Lancel. 200 Euro souvenir "G20" coin, in a blue protected sleeve, and housed inside a small blue packet with "Monnaie de Paris" written in gold on the outside. Silver watch with black wristband made by B.R.M. 8" x 5" x 1" brown leather woman's wallet with embroidery on the sides made by Lancel. His and hers white, belted Dior bathrobes with "Dior" embroidered on the breast pocket. 8" x 13" x 18" black leather "Gra-Valise Petit Voyage" suitcase made by Lancel; 7" x 12" x 16" brown and orange leather purse with embroidery on the side made by Lancel; 7.5" x 11.5" black leather clutch purse made by Christian Dior. 17" tall Plexiglas sculpture, entitled "Wrapping Flag Candy USA," depicting an upright "Tootsie Roll" with an American flag patterned wrapper, on a 6" x 6.75" x 0.75" clear Plexiglass base, accompanied by a certificate of authenticity. Box of Duroc Danner chocolates. Perfumes from the town of Grasse. Chateau d'Estoublon olive oil. Men's Dior hygiene products. Rec'd—11/2/2011. Est. Value—\$6,191.00. Disposition—National Archives and Records Administration.	His Excellency Nicolas Sarkozy and Mrs. Carla Bruni-Sarkozy, President and First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Special edition book, title: "The Colors of Harmony: A Photography Journey" by Ani Yudhoyono. Two silver sculptures of birds mounted on a maroon velvet stand. One bird is 7" tall and 4" long and the other bird is 4.5" tall and 6" long. Piece is encased in a 15.25" x 3.5" x 8.5" glass case and housed in a 17.25" x 5.25" x 10.75" orange decorative canvas box. Red hand embroidered batik scarf with a multi-color floral design. Rec'd—11/12/2011. Est. Value—\$970.00. Disposition—National Archives and Records Administration.	His Excellency Dr. H. Susilo Bambang Yudhoyono, President of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Two volume set about the diary of Frida Kahlo, printed by the Bank of Mexico. This volume is a limited edition of 3000 for three Mexican art museums. Volume One: "Transcriptions," bound in ¼ leather, is a Spanish language transcription. Volume Two: "Poems," bound in full embossed blue leather, is a 92-page full-color facsimile of one of Kahlo's diaries. Rec'd—12/14/2011. Est. Value—\$1,844.54. Disposition—National Archives and Records Administration.	His Excellency Arturo Sarukhan, Ambassador of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and the First Lady Michelle Obama.	Wooden candle holder comprised of two spheres on top of one another with white designs containing candle in center; Wooden candle holder comprised of three rectangular figures on top of one another with white designs. Rec'd—12/20/2011. Est. Value—\$2,200.00. Disposition—National Archives and Records Administration.	His Royal Highness King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Two 6.5" x 14" Baccarat "Our Fire" clear full-headed crystal table lamps on silver pedestals with silver and crystal lampshades in red presentation box, inscribed with "Baccarat" on the top. Rec'd—1/10/2011. Est. Value—\$5,500.00. Disposition—National Archives and Records Administration.	Mrs. Carla Bruni-Sarkozy, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Silver, handmade "Plum Blossom" brooch designed by Teng Fei, presented in a wooden box with brooch design on front. Rec'd—1/18/2011. Est. Value—\$1,400.00. Disposition—National Archives and Records Administration.	His Excellency Hu Jintao and Mrs. Liu Yongqing, President and First Lady of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	17.5" green, pink, and red-beaded necklace with silver-colored leaf pendants. Matching silver-colored flower earrings with pink and green beads. Two piece vase includes a 12" tall base with ceramic base and black flowers painted on tan background, and a 5.5" tall, round vase top with black floral pattern painted on tan background. Rec'd—3/2/2011. Est. Value—\$380.00. Disposition—National Archives and Records Administration.	Mrs. Margarita Zavala Gomez del Campo, First Lady of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady Michelle Obama	Personalized, red and black stripe "Regatas di Flamengo" women's jersey by Olympikus. Personalized white, silver, and black "Electrobras" women's soccer jersey by Penalty. Personalized yellow and green women's CBF Brazil soccer jersey by Nike. Silver necklace with silver medallion by designer Francesca Romana Diana. Personalized, crimson and green "Unimed Brazil" women's soccer jersey by Adidas. Personalized black and white striped "Bozzano" women's soccer jersey. by Fila. Rec'd—3/18/2011. Est. Value—\$874.60. Disposition—National Archives and Records Administration.	The Honorable Sergio Cabral, Governor of the State of Rio de Janeiro of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	3" x 5" metal cross, attached to rectangular wooden base with Renca town emblem and plaque commemorating the First Lady's visit on the front, presented in blue velvet box. Silver-colored bracelet with blue and green charms, presented in square, blue velvet box. 10" silver-colored necklace with blue stones, presented in rectangular blue velvet box. Rec'd—3/19/2011. Est. Value—\$870.00. Disposition—National Archives and Records Administration.	The Honorable Vicky Barahona Kunstmann, Mayor of Renca of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	16" x 72" Alpaca "Ocatavio Pizarro" scarf, in off-white with small black sequin pattern, and black jewels sewn in two rows, presented in 10.5" x 28.25" black leather box. Silver necklace with 19 cone-shaped pendants and matching silver earrings, presented in 2" x 8.5" x 1" blue box. Rec'd—3/21/2011. Est. Value—\$670.00. Disposition—National Archives and Records Administration.	Mrs. Cecilia Morel Montes, First Lady of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	8.5" x 10" silk bag, purple with pink, red, and green floral pattern. 34" x 33" cotton scarf, red with pink, blue, yellow, and green pattern. 65" x 26" cotton scarf in green, red and black cotton scarf with black fringe. Set of earrings, ring, and necklace made of silver and turquoise. Rec'd—4/12/2011. Est. Value—\$388.00. Disposition—National Archives and Records Administration.	Mrs. Maria Bashir, Chief Prosecutor of Herat Province of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady Michelle Obama	Three Coffret soaps, 100G, by Frederic Malle. Jurassic flower candle by Frederic Malle. Cologne Bigarade by Frederic Malle, 250ml. Rec'd—5/25/2011. Est. Value—\$435.00. Disposition—Handled pursuant to U.S. Secret Service policy.	Mrs. Carla Bruni-Sarkozy, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	2" brooch with gold leaves and coral flowers in red leather jewel box by Bentley & Skinner, presented in black gift box. 10" x 12" oak box with Her Majesty's emblem on the front and chocolates, tea, and orange sticks from Demarquette Fine Chocolates inside. Oak box contained in a white box from Charbonnel et Walker. Porcelain floral arrangement from Bronte Floral Collection, enclosed in a 16" x 10" red box. Rec'd—5/25/2011. Est. Value—\$1,660.00. Disposition—Brooch is on Official Display/Use; Box is at National Archives and Records Administration; Perishable goods handled pursuant to US Secret Service policy.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Book, title: "Berlin: Art and Architecture," published by Ullmann Publishing. Six 7.5" hand-blown wine glasses with amber flowers and amber stem. Six bottles of German wine. Rec'd—6/6/2011. Est. Value—\$1,331.99. Disposition—National Archives and Records Administration; Perishable goods handled pursuant to U.S. Secret Service policy.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	34" x 29.5" wooden-framed embroidery piece on white textile, depicting two people, one with a smoking pipe. 18" x 18" platter and set of four 4.5" x 5.5" matching bowls, all are green with yellow, red, and blue highlights, and blue and black trim. All pieces are enclosed in 16" x 16" x 5.5" green box. 12" x 9" x 6" golden bust of South African woman wearing gray headdress in 14" x 11" x 6" black presentation box; Matching, hand-blown 8" x 5.5" display bowl and 10.5" x 8" stem vase, with swirl pattern in green, brown, purple, and gray, both enclosed in a 19.5" x 12.5" x 7.5" green presentation box. Rec'd—6/21/2011. Est. Value—\$2,400.00. Disposition—National Archives and Records Administration.	Mrs. Nompumelelo Ntuli-Zuma, First Lady of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

(Report of tangible gifts furnished by The White House)

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First Lady Michelle Obama	Ten pieces of six yards of cloth made by Vlisco in Holland, of various designs and colors. Rec'd—8/11/2011. Est. Value—\$820.00. Disposition—National Archives and Records Administration.	His Excellency Dr. Boni Yayi, President of the Republic of Benin.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Painting of a red roofed building on a tropical shore with a woman and small child in the foreground, in an 11.5" x 9.5" gold frame. Pair of Swarovski crystal swans, in a 7.75" x 7.75" x 3.75" blue cardboard presentation box. Rec'd—9/20/2011. Est. Value—\$390.00. Disposition—National Archives and Records Administration.	The Honorable Dr. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	8" x 5.5" x 4" black wood jewelry box with four embroidered panels, the background of the panels is purple silk, and the embroidery depicts birds and landscapes. 11" x 14.5" x 7" Korean, black lacquer jewelry box with mother of pearl inlay that depicts landscapes and birds, and has bureau-style doors with turtle-shaped doorknobs on the front and a drawer below, with an inner compartment that has three smaller drawers on the left and a section for hanging necklaces on the right. An assortment of Vidi Vici make-up. Rec'd—10/12/2011. Est. Value—\$725.00. Disposition—National Archives and Records Administration; Perishable goods handled pursuant to U.S. Secret Service policy.	His Excellency Lee Myung-bak and Mrs. Kim Yoon-ok, President and First Lady of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Blue crystal brooch with small crystal pieces in a circular shape. Moser crystal decanter and six crystal glasses with gold rim, in pattern called "Splendid." Rec'd—10/27/2011. Est. Value—\$1,872.00. Disposition—National Archives and Records Administration.	His Excellency Petr Necas, Prime Minister of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Approximately 72" x 24" gray, red, and black cashmere scarf made by 1436 Erdos. Rec'd—11/10/2011. Est. Value—\$412.00. Disposition—National Archives and Records Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Franz brand "Island Beauty" sculpted porcelain vase with hibiscus flower design sculpted porcelain vase in red with a flower wrapped around the exterior. Rec'd—11/10/2011. Est. Value—\$590.00. Disposition—National Archives and Records Administration.	Dr. Lien Chan, Honorary Chairman of the Kuomintang.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

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First Lady Michelle Obama	Four 18" x 18" Batik pillow cases in a brown, yellow, and black design. 20" x 90" decorative Batik table runner in brown, yellow, and black with four tassels hanging from the corners. Batik bag in brown with a black and white design. Rec'd—11/11/2011. Est. Value—\$410.00. Disposition—National Archives and Records Administration.	His Excellency Dr. H. Susilo Bambang Yudhoyono, President of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	80" x 15" gray scarf with floral embroidery. Brown velvet handbag with orange floral embroidery. Rec'd—11/12/2011. Est. Value—\$640.00. Disposition—National Archives and Records Administration.	His Excellency Truong Tan Sang, President of the Socialist Republic of Vietnam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Book, title: "Pathways to Independence: Story of Official & Family Life in Papua New Guinea from 1951—1975," by Rachel Cleland. Bird of Paradise gold pendant, ornately crafted and inset with various stones. Rec'd—11/13/2011. Est. Value—\$575.00. Disposition—National Archives and Records Administration.	The Honorable Peter O'Neill, Prime Minister of Papua New Guinea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Set of seven Bonpoint Paris perfume, skincare lotion, and soap products presented in a rectangular zip up white box that says Bonpoint on the inside flap. Rec'd—1/10/2011. Est. Value—\$401.00. Disposition—Handled pursuant to US Secret Service policy.	His Excellency Nicolas Sarkozy and Mrs. Carla Bruni-Sarkozy, President and First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	One silver Links Sweetie Bracelet with an "M" charm, enclosed in a black velvet bag and inside a cream colored box. One silver Links Sweetie Bracelet with an "S" charm, enclosed in a black velvet bag and inside a cream colored box. 13" bone-shaped chew toy with United Kingdom flag. Rec'd—5/24/2011. Est. Value—\$589.18. Disposition—National Archives and Records Administration.	The Right Honorable David Cameron, MP, Prime Minister of the United Kingdom of Great Britain and Northern Ireland and Mrs. Samantha Cameron.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	36" x 94" purple batik with blue fringe, and a silver, green, orange, red, and blue pattern. 36" x 94" pink batik with white fringe and a silver, purple, blue, green, and orange pattern; Two books, title: "The Discerning Voice of the First Lady Rosmah" contained in cardboard book sleeves. Rec'd—11/13/2011. Est. Value—\$715.00. Disposition—National Archives and Records Administration.	His Excellency YAB Dato' Sri Haji Mohd Najib bin Tun Haji Abdul Razak, Prime Minister of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family Children	Toy brown kangaroo stuffed animal with a baby kangaroo in its pouch. Gray, white, and black Koala Bear stuffed animal. DVD, title: "Red Dog." EMU boots in chestnut color and Paddington HI style. EMU boots in chocolate color and Paddington HI style. Rec'd—11/15/2011. Est. Value—\$388.00. Disposition—National Archives and Records Administration.	The Honorable Julia Gillard MP, Prime Minister of the Commonwealth of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Pink outfit from Bonpoint Paris clothing store. Green outfit from Bonpoint Paris clothing store. Rec'd—1/10/2011. Est. Value—\$360.85. Disposition—National Archives and Records Administration.	Mrs. Carla Bruni-Sarkozy, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Personalized red, white, and green striped Adidas soccer jersey with "Unimed" on front. Personalized yellow and green Nike Brazil national soccer team jersey. Personalized white, black, and blue "Penalty" soccer jersey with "Electrobras" on front. Personalized "Olympikus" red and black striped soccer jersey. Personalized black and white striped "Fila" soccer jersey. 3" x 5" black and white spiral notebook with photo of the face of "Cristo Redentor." Yellow coffee mug with "Rio de Janeiro" and beach and heart designs across it. Star-shaped yellow bag clip with "Rio de Janeiro" on front. "I [heart] Rio" miniature pen. Rec'd—3/18/2011. Est. Value—\$682.70. Disposition—National Archives and Records Administration.	The Honorable Sergio Cabral, Governor of the State of Rio de Janeiro of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Two 6" x 4.5" x 2" wooden jewelry box with lily flower and hummingbird design on top, presented in charcoal grey box with gold-colored Brazil seal sticker on top. Rec'd—3/19/2011. Est. Value—\$470.00. Disposition—National Archives and Records Administration.	Her Excellency Dilma Rousseff, President of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family Children	Personalized red and green Adidas soccer jersey with white collar and "Unimed" on front. Yellow Nike soccer jersey with one horizontal green stripe along on front. Personalized white Penalty soccer jersey with one diagonal black stripe and "Electrobras" in blue on front. Personalized "Fila" black and white striped soccer jersey, and "Neo Quimica Gerenericos" on front. Personalized black and red striped "Olympikus" soccer jersey. 3.25" x 4.5" black notebook with black and white image of Copacabana Beach on front cover. Yellow mug with cartoon image of Rio de Janeiro, Brazil and "Rio de Janeiro" written in black on front and back. 5" plastic pen with liquid and glitter. "I [heart] Rio." 2.5" yellow plastic clip magnet with cartoon image of Rio de Janeiro and "Rio de Janeiro" written in black on top center. Rec'd—3/20/2011. Est. Value—\$685.58. Disposition—National Archives and Records Administration.	The Honorable Sergio Cabral, Governor of the State of Rio de Janeiro of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Book, title: "At the Gateways of the Day (1924): Tales and Legends of Hawaii, Vol. 1," 1st Edition by Padraic Colum, enclosed in green and yellow paisley cardboard sleeve. 1.75" Sterling silver History of Ireland brooch depicting Ireland through the ages, enclosed in 2.5" x 2.25" x 1" black box. 36" wooden hurling stick with black electrical tape near top and bottom. 20mm diameter Sterling silver History of Ireland cufflinks depicting Ireland through the ages, enclosed in 4" x 3" x 1" black box. Rec'd—5/23/2011. Est. Value—\$553.95. Disposition—National Archives and Records Administration.	His Excellency Enda Kenny, T.D., Taoiseach of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family Children	Adidas Blue Storm Kids' swimming goggles. Adidas mini soccer ball in white and blue. Adidas mini soccer ball in white and red. Adidas t-shirt in black with Adidas written in pink. Adidas Aquazilla clear goggles. Adidas t-shirt in black with multicolor dots. Two white journals with the Adidas logo on front. Adidas hooded windbreaker jacket in black, pink, and white. Two red Active Towels with "Adidas" printed in white. Adidas white hooded zip-up jacket. Two gold Adicolor Hold all bags with "Adidas" written in black. Rec'd—6/6/2011. Est. Value—\$557.00. Disposition—National Archives and Records Administration.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government
First Family Children	Two Trisha-brand silver necklaces with circle and nested diamond. Rec'd—10/12/2011. Est. Value—\$660.00. Disposition—National Archives and Records Administration.	His Excellency Lee Myung-bak and Mrs. Kim Yoon-ok, President and First Lady of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Avery, Heidi.	Cartier automatic steel Ballon Bleu medium model women's watch. Rec'd—1/2/2011. Est. Value—\$5,100.00. Location—Pending Transfer to the General Services Administration.	Ali Bin Mohsen Fetais Al Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Avery, Heidi.	5.9" x 11.4" x 5.5" cowhide leather Louis Vuitton "Icare" bag with golden brass pieces, presented in peach colored cloth cover with "Louis Vuitton" on front in brown lettering. Rec'd—2/17/2011. Est. Value—\$365.00. Location—Pending transfer to General Services Administration.	His Excellency Sheikh Abdullah bin Khalid Al Thani, Minister of Interior of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Brennan, John.	5½" circular decorative metal dish with floral designs. Rec'd—12/13/2011. Est. Value—\$380.00. Location—Pending Transfer to the General Services Administration.	Under Secretary Hakan Fidan, Director of the Turkish National Intelligence Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Daley, Bill.	9" x 13" signed photograph of Her Majesty in a black leather frame. 9" x 13" signed photograph of His Royal Highness in a black leather frame. Rec'd—5/24/2011. Est. Value—\$5,000.00. Location—Pending Transfer to the General Services Administration.	Her Majesty Queen Elizabeth II Queen of United Kingdom of Great Britain and Northern Ireland and His Royal Highness Prince Phillip, Duke of Edinburgh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Donilon, Thomas.	13.5" x 10.5" signed photograph of Her Majesty and His Royal Highness in a black leather frame. Rec'd—5/24/2011. Est. Value—\$3,600.00. Location—Pending Transfer to the General Services Administration.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland and His Royal Highness Prince Phillip, Duke of Edinburgh.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member. Donilon, Thomas.	10" silver replica hookah, enclosed in blue felt box. Rec'd—7/27/2011. Est. Value—\$425.00. Location—Pending Transfer to the General Services Administration.	His Excellency Major General Morad Mowafy, Director of the Egyptian General Intelligence Service.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Donilon, Thomas.	22.5" x 16" limited edition copy of "Dwelling in the Fuchun Mountains," originally painted by Huang Gongwang in the 14th century. Rec'd—11/12/2011. Est. Value—\$1,100.00. Location—Pending Transfer to the General Services Administration.	His Excellency Dai Bingguo, State Councilor of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Donilon, Thomas.	6" x 3" Silver bowl that resembles a flower. Rec'd—12/13/2011. Est. Value—\$440.00. Location—Pending Transfer to the General Services Administration.	Under Secretary Hakan Fidan, Director of the Turkish National Intelligence Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Froman, Michael.	13.5" x 10.5" signed photograph of Her Majesty and His Royal Highness in a black leather frame. Rec'd—5/24/2011. Est. Value—\$3,600.00. Location—Pending Transfer to the General Services Administration.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland and His Royal Highness Prince Phillip, Duke of Edinburgh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jarrett, Valerie.	13.5" x 10.5" signed photograph of Her Majesty and His Royal Highness in a black leather frame. Rec'd—5/24/2011. Est. Value—\$3,600.00. Location—Pending Transfer to the General Services Administration.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland and His Royal Highness Prince Phillip, Duke of Edinburgh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jensen, Robert.	Stainless steel Swiss Military wrist watch by Chrono, contained in a 4.5" x 5.5" x 2.5" green box. Rec'd—6/8/2011. Est. Value—\$750.00. Location—Pending Transfer to the General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. McDonough, Denis.	Traditionally etched gold tea kettle that is approximately 11.5" tall. Two small gold teacups, approximately 1" tall. Gift presented in a 15.5" x 10.5" x 6" red wooden box with a gold seal on the cover. Rec'd—6/1/2011. Est. Value—\$850.00. Location—Pending Transfer to the General Services Administration.	His Excellency Islam Karimov, President of the Republic of Uzbekistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. McDonough, Denis.	Circular green glass relief sculpture of a Chinese-style dragon made by Tittot, glass is approximately 4" in diameter and 1.75" thick. Rec'd—12/2/2011. Est. Value—\$485.00. Location—Pending Transfer to the General Services Administration.	Hu Wei-jen, NSC Secretary General of the Taiwan National Security Council of Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. McFaul, Michael.	45" x 82" wool rug with hands/paws/dots. 40" x 22" tapestry in autumnal colors, made of wool with 22" bamboo sticks on each end. Rec'd—5/15/2011. Est. Value—\$1,380.00. Location—Pending Transfer to the General Services Administration.	His Excellency Ruslan Kazakbaev, Minister of Foreign Affairs of the Kyrgyz Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member. McFaul, Michael.	Lacquered folding chess/checkers board with backgammon, filled with carved wood pieces. The board is dark wood, roughly a square, but with decorative rounded edges, closed by brass clasps. Rec'd—12/21/2011. Est. Value—\$420.00. Location—Pending Transfer to the General Services Administration.	Her Excellency Roza Otunbayeva, President of the Kyrgyz Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Mosteller, Brian.	Stainless steel Swiss Military wristwatch by Chrono, contained in a 4.5" x 5.5" x 2.5" green box. Rec'd—6/8/2011. Est. Value—\$750.00. Location—Pending Transfer to the General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Newton, Julia.	Necklace of red and white stone beads with a silver chain and medallion in the middle, contained in a 7.5" x 7.5" x 2.5" yellow and red. Rec'd—6/7/2011. Est. Value—\$1,260.00. Location—Pending Transfer to the General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Phee, Molly.	11" x 7" leather-bound, handmade silver platter with ornate design in a 13.5" x 9.5" leather presentation box, held in a black zippered case. Rec'd—7/20/2011. Est. Value—\$390.00. Location—Pending Transfer to the General Services Administration.	His Excellency Usama Al-Nujaifi, Speaker of Iraqi Parliament.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Plouffe, David.	13.5" x 10.5" signed photograph of Her Majesty and His Royal Highness in a black leather frame. Rec'd—5/24/2011. Est. Value—\$3,600.00. Location—Pending Transfer to the General Services Administration.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland and His Royal Highness Prince Phillip, Duke of Edinburgh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Russel, Danny.	Red silk tie by Hermes. Brooch by the Gana Art Gallery composed of a turquoise stone, silver-plated leaves, and small purple and orange stones. Rec'd—11/1/2011. Est. Value—\$575.00. Location—Pending Transfer to the General Services Administration.	His Excellency Han Duck-soo, Ambassador of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Sherwood-Randall, Elizabeth.	13.5" x 10.5" signed photograph of Her Majesty and His Royal Highness in a black leather frame. Rec'd—5/24/2011. Est. Value—\$3,600.00. Location—Pending Transfer to the General Services Administration.	Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland and His Royal Highness Prince Phillip, Duke of Edinburgh.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT

[Report of tangible gifts furnished by The White House—Office of the Vice President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large embroidered handwoven rug with floral design inside 3 borders. Rec'd—1/12/2011. Est. Value—\$450.00. Disposition—National Archives and Records Administration.	His Excellency Yousuf Raza Gilani, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Orange and gold over black background "Khokhloma" Swan punch bowl with 7 small cups. Rec'd—3/9/2011. Est. Value—\$440.00. Location—National Archives and Records Administration.	His Excellency Vladimir Putin, Prime Minister of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	11.5" x 6.75" multicolored wool rug showing a scenery of pink, red, orange and blue flowers and green leaves. Rec'd—3/11/2011. Est. Value—\$425.00. Location—National Archives and Records Administration.	His Excellency Vladimir Filat, Prime Minister of the Republic of Moldova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Framed painting of a river and two chapels on the countryside of Pe Malul Nistrului Moldova, painted by I.A. Leu. Rec'd—3/11/2011. Est. Value—\$550.00. Disposition—National Archives and Records Administration.	His Excellency Marian Lupu, Acting President of the Republic of Moldova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large gray ceramic vase 38½" height by 1" in diameter. The vase is comprised of 2 sections: a double-headed urn shaped upper section; the lower section is a round base with a dedication tag adhered to base. Rec'd—3/15/2011. Est. Value—\$440.00. Disposition—National Archives and Records Administration.	His Excellency Vladimir Filat, Prime Minister of the Republic of Moldova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Set of three matching decorative clay water pots by South African artist Themba Nala. Rec'd—3/29/2011. Est. Value—\$1,150.00. Disposition—National Archives and Records Administration.	The Honorable Kgalema Motlanthe, Deputy President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Three Star Order medal and a book titled "State Decorations of Latvia" accompanied by a certificate with a wax seal. Rec'd—4/1/2011. Est. Value—\$780.00. Disposition—National Archives and Records Administration.	His Excellency Valdis Zatlers, President of the Republic of Latvia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Red box bearing the seal of Qatar containing a silver and gold statue of 3 camels on a marble base. The gift was presented in a sand-colored bag bearing the seal of Qatar. Rec'd—4/13/2011. Est. Value—\$2,200.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Hamad bin Khalifa Al-Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House—Office of the Vice President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large painted plate with American flag design in center and the Vice President's portrait painted on top of the flag on the face of the plate. Rec'd—5/5/2011. Est. Value—\$1,200.00. Disposition—Permission to Retain for Official Use Only.	The Honorable Namik Tan, Ambassador of Turkey to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Leather-bound (brown and rather large) Italian encyclopedia, titled "L' Italia Unita" by istituto della enciclopedia italiana fondata da giovanni treccani roma. Rec'd—6/1/2011. Est. Value—\$550.00. Disposition—National Archives and Records Administration.	His Excellency Giorgio Napolitano, President of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	3 Sutter's International Red Series, 2011 edition volumes of "Who's Who in Italy: Celebrating the 150th Anniversary of the Unification of Italy". Rec'd—6/2/2011. Est. Value—\$350.00. Disposition—National Archives and Records Administration.	Ambassador Stefano Ronca, Chief of the Diplomatic Protocol of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Blue box, labeled "E. Marinella Napoli" with sticker "per Silvio Berlusconi," containing 6 men's neckties. Rec'd—6/2/2011. Est. Value—\$540.00. Disposition—National Archives and Records Administration.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large blue fabric box containing a 3-piece Venetian glass set and a book titled "I vertri di Archimede Seguso dal 1950 al 1959". Rec'd—6/8/2011. Est. Value—\$4,800.00. Disposition—National Archives and Records Administration.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Leather-bound handmade silver platter with scene of an Iraqi gate and palm trees in a leather presentation box. Rec'd—6/22/2011. Est. Value—\$350.00. Disposition—National Archives and Records Administration.	His Excellency Usama Al-Nujaifi, Speaker of the Iraqi Parliament.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	White porcelain rabbit with red eyes and a red bow around the neck, sitting upright, presented on a brown wooden stand. Rec'd—8/19/2011. Est. Value—\$365.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Xi Jinping, Vice President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large silk 40" x 60" painting of 6 running horses presented in a wooden display box. Rec'd—8/21/2011. Est. Value—\$3,500.00. Disposition—National Archives and Records Administration.	His Excellency Xi Jinping, Vice President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT—Continued

[Report of tangible gifts furnished by The White House—Office of the Vice President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Silver-framed original calligraphy painting by Sichuan University President. Rec'd—8/21/2011. Est. Value—\$1,600.00. Disposition—National Archives and Records Administration.	Mr. Xie Heping, President of Sichuan University.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Jill Biden, Second Lady of the United States.	"Palekh" wooden lacquer box with oval lid, depicting a family in a bedroom setting. Rec'd—3/10/2011. Est. Value—\$445.00. Disposition—National Archives and Records Administration.	Gennadiy Sukhikh, Director of the Research Center for Obstetrics, Gynecology and Perinatology, Ministry of Healthcare and Social Development of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Kathleen Biden, The Vice President's Daughter-in-law.	Set of two 10" tall Van Saint Lambert crystal candlestick holders, engraved with a symbol of the Belgian monarchy. Gift was in a navy blue presentation box stamped in gold bearing the symbol of the Belgian monarchy. Rec'd—6/28/2011. Est. Value—\$380.00. Disposition—Permission to Retain for Official Use Only.	His Royal Highness Prince Philippe, Duke of Brabant and the Crown Prince of the Kingdom of Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Kathleen Biden, The Vice President's Daughter-in-law, and family.	Silk picture (framed) of bird and lotus flower (meaning "harmony"), with reverse image and children's picture book titled "A Dream of Red Mansions" presented in a pink floral presentation box. Rec'd—8/21/2011. Est. Value—\$670.00. Disposition—National Archives and Records Administration (Book Pending Transfer to National Archives and Records Administration).	His Excellency Xi Jinping, Vice President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jon Wolfsthal, Special Advisor to the Vice President for Non-proliferation.	TRAVEL: Lodging, meals, ground transportation and conference fee provided within the United Kingdom in connection with official attendance at "Challenges of the Nuclear Non-proliferation Regime" conference and delivery of speech on U.S. nuclear nonproliferation policy. Rec'd—12/12–14/2011. Est. Value—\$3,500.00. Disposition—National Archives and Records Administration.	Government of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE

[Report of tangible gifts furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Large silver bowl with palm tree design. Rec'd—1/11/2011. Est. Value—\$3,400.00. Location—Pending Transfer to General Services Administration.	His Majesty Sultan Qaboos bin Said al Said, Sultan of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued
[Report of tangible gifts furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Silver jewelry set consisting of a necklace, earrings, ring, and bracelet with round design. Rec'd—1/11/2011. Est. Value—\$685.00. Location—Pending Transfer to General Services Administration.	His Excellency, Yusuf bin Alwai bin Abdullah, Minister Responsible for Foreign Affairs of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Four silver jeweled rings and silver jambiya brooch. One silver ring, two silver earrings, and silver bracelet. Rec'd—1/11/2011. Est. Value—\$1,490.00. Location—Pending Transfer to General Services Administration.	His Excellency Ali Abdullah Saleh, President of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	"Heavenly Blessing" tite, glazed ceramic sphere with ying/yang supported on four dragon legs over square base. Rec'd—1/19/2011. Est. Value—\$1,800.00. Location—Pending Transfer to General Services Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Three strand necklace with pearls and sterling silver accents by Majorca Joyas. Rec'd—1/24/2011. Est. Value—\$380.00. Location—Pending Transfer to General Services Administration.	Her Excellency Trinidad Jimenez, Minister of Foreign Affairs and Cooperation of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	White porcelain vase with red accent. Three pamphlets titled: "The Chinese People's Association for Friendship with Foreign Countries." Scroll (in red box). Rec'd—2/25/2011. Est. Value—\$485.00. Location—Pending Transfer to General Services Administration.	Zhou Qiang, Secretary of Hunan of the Provincial Committee of the Communist Party of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Gold and silver brooch with blue lapis stone and pearl accents. Rec'd—3/8/2011. Est. Value—\$385.00. Location—Pending Transfer to General Services Administration.	Her Excellency Roza Otunbayeva, President of the Kyrgyz Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Silver bird with black "berries" on green stone base. Rec'd—3/17/2011. Est. Value—\$480.00. Location—Pending Transfer to General Services Administration.	His Excellency Foued M'bazza, Interim President of the Republic of Tunisia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large portrait of Secretary Clinton in gold frame. Rec'd—4/12/2011. Est. Value—\$1,900.00. Location—Pending Transfer to General Services Administration.	Madame Liu Yandong, State Councilor of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	White scarf with red roses. Black silk scarf (red/green with black stripes). Jewelry set with lapis lazuli panels. Rec'd—4/12/2011. Est. Value—\$470.00. Disposition—Pending Transfer to General Services Administration.	Mrs. Maria Bashir, Chief Prosecutor of Herat Province of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Clock on gold camel statue. Rec'd—4/19/2011. Est. Value—\$ 2,200.00. Location—Pending Transfer to General Services Administration.	His Highness Sheikh Hamad bin Khalifa Al-Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued
[Report of tangible gifts furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Sterling silver coffee pot with floral and geometric designs in red presentation box. Rec'd—4/28/2011. Est. Value—\$560.00. Location—Pending Transfer to General Services Administration.	His Excellency Yusuf bin Alawi bin Abdullah, Minister Responsible for Foreign Affairs of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Scarf with bird and flowers. Tablecloth with four leaf clover design. Rec'd—4/29/2011. Est. Value—\$570.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Nguyen Quoc Cuong, Ambassador-Designate of the Socialist Republic of Vietnam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Miao Silver Dragon necklace mounted frame and 22 pendants in the image of a butterfly, Buddha, bell, and leaf. Rec'd—5/8/2011. Est. Value—\$440.00. Location—Pending Transfer to General Services Administration.	His Excellency Dai Bingguo, State Councilor of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Painting of red mountain scene. Rec'd—5/19/2011. Est. Value—\$650.00. Disposition—Purchased for Personal Retention.	His Excellency Eduard Nalbandian, Foreign Minister of the Republic of Armenia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Pair of framed, signed portraits of Her Majesty and His Royal Highness. Small sterling silver trinket box with Royal insignia in gold on lid by William and Son. Box of chocolates by Charbonvel and Walker. Rec'd—5/24/2011. Est. Value—\$4,020.00. Location—Pending Transfer to General Services Administration.	Her Majesty Queen Elizabeth II of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Hermes silk scarf. Rec'd—5/25/2011. Est. Value—\$385.00. Location—Pending Transfer to General Services Administration.	His Excellency Alain Juppé, Minister of Foreign and European Affairs of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Jasper flower pot brooch in lacquer brooch box. Rec'd—5/25/2011. Est. Value—\$430.00. Location—Pending Transfer to General Services Administration.	His Excellency Kim Sung-hwan, Minister of Foreign Affairs and Trade of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	CD Collection of Symphony, Orchestra Music (68 CDs and 4 DVDs). Framed Newspaper Article from Secretary Clinton's trip to Germany. Rec'd—6/6/2011. Est. Value—\$914.00. Location—Pending Transfer to General Services Administration.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Navy blue quilted calfskin Dior handbag. Rec'd—6/6/2011. Est. Value—\$2,400.00. Location—Pending Transfer to General Services Administration.	His Excellency Alain Juppé, Minister of Foreign and European Affairs of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	130 cm x 80 cm painting "Ntano" by Othiniel Kanjonja. 96cm x 50 cm painting "Drum Beaters" by John Chiponda. Local Zambian coffees and teas. Rec'd—6/10/2011. Est. Value—\$2,140.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Rupiah Bwezani Banda, President of the Republic of Zambia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued
[Report of tangible gifts furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Painting of clouds or lava flowing in reds and blues. Rec'd—6/14/2011. Est. Value—\$425.00. Location—Pending Transfer to General Services Administration.	Jean Ping, Chairperson for the Commission of the African Union.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large painting of Mongolian landscape in black lacquer frame with gold plaque. Rec'd—6/18/2011. Est. Value—\$550.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Tsakhiagiin Elbegdorj, President of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Leather-bound silver platter with an ornate design and desert scene in a leather presentation box. Rec'd—6/24/2011. Est. Value—\$530.00. Location—Pending Transfer to General Services Administration.	His Excellency Usama Al-Nujaifi, Speaker of the Iraqi Parliament.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Painting of bearded man in blue coat. Rec'd—6/30/2011. Est. Value—\$680.00. Location—Pending Transfer to General Services Administration.	Her Excellency Atifete Jahjaga, President of the Republic of Kosovo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Small, black lacquered box (oval) with hand-painted city-scape designs. Rec'd—7/12/2011. Est. Value—\$680.00. Location—Pending Transfer to General Services Administration.	His Excellency Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large glass metal container with lid. Rec'd—7/15/2011. Est. Value—\$440.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Tall blue glass vase. Rec'd—7/16/2011. Est. Value—\$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Abdullah Gul, President of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large book of photos. Photo album. Five OIC newsletters. Rec'd—7/16/2011. Est. Value—\$1,250.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Ekmeleddin Ihsanli, Secretary General of the Organization of the Islamic Conference.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Peacock statue. Rec'd—7/19/2011. Est. Value—\$390.00. Location—Pending Transfer to General Services Administration.	His Excellency Manmohan Singh, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Leather portfolio with DVD, pamphlets, brochures, postcards, and a notebook. Batik shirt. Painting. Rec'd—7/23/2011. Est. Value—\$415.00. Location—Pending Transfer to General Services Administration.	His Excellency Dr. R.M. Marty Natalegawa, Minister of Foreign Affairs of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Magenta and green silk shawl with pink and green floral embroidery on one end. Fromone sculptured porcelain tea set in bluebird design, containing a teapot, 4 cups/saucers/spoons, a sugar jar/creamer/and tray set. Rec'd—7/25/2011. Est. Value—\$1,470.00. Location—Pending Transfer to General Services Administration.	His Excellency Dai Bingguo, State Councilor of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued
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The Honorable Hillary Clinton, Secretary of State of the United States.	A celapas-traditional ornamental container made of silver and embossed with Bruneian traditional motive, lined with blue velvet and presented in a red and gold presentation box. Rec'd—8/5/2011. Est. Value—\$1,100.00. Location—Pending Transfer to General Services Administration.	His Excellency Pehin Orang Kaya Pekerma Dewa Dato Seri Setia Lim Jock Seng, Second Minister of Foreign Affairs and Trade of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	African painting with wood frame and 2 sets of tablecloths with napkins and cloth bread bowl. Rec'd—8/11/2011. Est. Value—\$465.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Dr. Boni Yayi, President of the Republic of Benin.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Red and gold glass vessel by Topesco Glass Studio. Rec'd—9/13/2011. Est. Value—\$585.00. Location—Pending Transfer to General Services Administration.	His Excellency Teodor Baconshi, Minister of Foreign Affairs of Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Swarovski crystal rose bud on stem with 3 leaves. Painting of town scene signed "R. Gunnoo 2011" with gold-painted wooden frame. Rec'd—9/19/2011. Est. Value—\$390.00. Location—Pending Transfer to General Services Administration.	The Honorable Dr. Navinchandra Ramgoolam, GCSK, FRCP and Mrs. Veena Ramgoolam, Prime Minister and Spouse of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Traditional Emirati dress. Rec'd—9/23/2011. Est. Value—\$360.00. Location—Pending Transfer to General Services Administration.	Her Highness Sheikha Fatima bint Mubarak Al Ketbi, Chairperson of the Family Development Foundation of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Hermes scarf in autumn colors with mosaic design. Rec'd—9/25/2011. Est. Value—\$485.00. Location—Pending Transfer to General Services Administration.	His Excellency Najib Mikati, Prime Minister of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Traditional sky blue and beige scarf. Landscape painting in a gold frame. Blue table runner. Rec'd—9/29/2011. Est. Value—\$595.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Elyor Ganiev, Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Uzbekistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Statue of a falcon (approx 18" high) with decorative jewels on a marble pedestal. Rec'd—9/29/2011. Est. Value—\$2,300.00. Disposition—Pending Transfer to General Services Administration.	His Highness Sheikh Nasser Mohammed Al Ahmed Al-Sabah, Prime Minister of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Commemorative yellow gold coin and silk scarf. Rec'd—10/19/2011. Est. Value—\$7,425.00. Disposition—Pending Transfer to General Services Administration.	His Majesty Sultan Qaboos bin Said al Said, Sultan of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued
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The Honorable Hillary Clinton, Secretary of State of the United States.	Portrait of Secretary Clinton in traditional Tajik painting and frame. Traditional Tajik coat vest, shoes, and hat for women. Traditional Tajik silver necklace and earrings. Tajik embroidered hand-craft wall tapestry. Traditional Tajik dress with embroidery. Traditional Tajik silk dress. Rec'd—10/22/2011. Est. Value—\$2,850.00. Location—Pending Transfer to General Services Administration.	His Excellency Emomali Rahmon, President of the Republic of Tajikistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Small decorative table (hand-painted and lacquered) and a brass tea set. Rec'd—10/26/2011. Est. Value—\$1,500.00. Location—Pending Transfer to General Services Administration.	His Excellency Islam Karimov, President of the Republic of Uzbekistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Strand of white pearls with information booklet and information disc. Rec'd—10/27/2011. Est. Value—\$3,200.00. Disposition—Pending Transfer to General Services Administration.	Madame Chen Zhili, President of All-China Women's Federation and Vice Chairperson of the Standing Committee of the National People's Congress.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Jewelry box inlaid with pearl. Rec'd—11/10/2011. Est. Value—\$460.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Koichiro Gamba, Foreign Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	15" Ginkgo motif porcelain vase. Rec'd—11/12/2011. Est. Value—\$465.00. Location—Pending Transfer to General Services Administration.	Dr. Lien Chan, Leader's Representative of Chinese Taipei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Amber-colored traditional crystal ladle-shaped object with round crystal stark. Rec'd—11/13/2011. Est. Value—\$440.00. Location—Pending Transfer to General Services Administration.	Donald Tsang, Chief Executive of the Hong Kong Special Administrative Region.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Silver vase with jade stones. Jade bracelet. Rec'd—12/1/2011. Est. Value—\$350.00. Disposition—Permission to Retain for Official Use Only.	His Excellency U Thein Sein, President of the Union of Burma.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Brooch with a pink marbled stone inlaid in gold. Off-white felt wall hanging tapestry with intricate floral cut-out design. Brown and red felt rug. Rec'd—Unknown. Est. Value—\$1,560.00. Location—Pending Transfer to General Services Administration.	Her Excellency Roza Otunbayeva, President of the Kyrgyz Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Emerald and diamond necklace. Rec'd—Unknown. Est. Value—\$7,834.00. Disposition—Pending Transfer to General Service Administration.	Mrs. Thandiwe Banda, First Lady of the Republic of Zambia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Deputy Secretary of State.	Cologne by Amouage in a wooden gift box. Rec'd—11/10/2011. Est. Value—\$410.00. Location—Pending Transfer to General Services Administration.	His Excellency Dr. Salem al Ismaili, Chief Executive Office of the Public Authority for Investment Promotion and Export Development of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued
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The Honorable William J. Burns, Deputy Secretary of State.	Eterna watch with royal crest watch face. Book, title: "Curahan Kasih". Rec'd—Unknown. Est. Value—\$510.00. Location—Pending Transfer to General Services Administration.	His Royal Highness Prince Haji Al-Muhtadee Billah ibni His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, Crown Prince of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Under Secretary of State for Political Affairs.	Silver and black Algerian dagger in a leather gift case. Rec'd—Unknown. Est. Value—\$385.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Abdelaziz Bouteflika, President of Algeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Thomas Nides, Deputy Secretary of State.	Leather-bound silver platter with an ornate design and desert scene in a leather presentation box. Rec'd—6/24/2011. Est. Value—\$530.00. Location—Pending Transfer to General Services Administration.	His Excellency Usama Al-Nujaifi, Speaker of the Iraqi Parliament.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Thomas Nides, Deputy Secretary of State.	Hand-made rug with traditional Iraqi man making prayer beads. Hand-made rug with a traditional Iraqi woman making good on two stones. Rec'd—7/8/2011. Est. Value—\$660.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Dr. Sami Ra'ouf Al-Araji, Chairman of the National Investment Commission of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James B. Steinburg, Deputy Secretary of State.	Jeweled ornamental plate. Rec'd—1/3/2011. Est. Value—\$650.00. Location—Pending Transfer to General Services Administration.	Under Secretary Hakan Fidan, Director of the Turkish National Intelligence Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert D. Hormats, Under Secretary for Economics, Energy, and Agricultural Affairs.	iPad with adapter power cord. Rec'd—5/32/2011. Est. Value—\$499.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Maria Otero, Under Secretary for Democracy and Global Affairs.	Rug with navy blue base and neutral colored floral designs. Rec'd—11/2/2011. Est. Value—\$400.00. Location—Pending Transfer to General Services Administration.	His Excellency Imtiaz Kazi, Secretary of the Ministry of Water and Power of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Wendy R. Sherman, Under Secretary for Political Affairs.	6" plate with floral trim, inscribed with donor's name and title with stand. Handmade 18" pearl necklace and earring set in oval box with jeweled top. Rec'd—11/4/2011. Est. Value—\$405.00. Location—Pending Transfer to General Services Administration.	Major General (Retd) Tarique Ahmed Siddique, Defense and Security Adviser to the Honorable Prime Minister of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Ann Stock, Assistant Secretary.	Gold plated eagles. Rec'd—7/13/2011. Est. Value—\$380.00. Location—Pending Transfer to General Services Administration.	Her Excellency Hafsa Al Ulama, Ambassador of the United Arab Emirates Women's Football Committee.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Dr. Arturo Valenzuela, Assistant Secretary.	Engraved silver glass. Engraved silver spoon. Rec'd—4/7/2011. Est. Value—\$460.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Dr. Luis Federico Franco Gomez, Vice President of Paraguay.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Capricia Penavic Marshall, Chief of Protocol.	Wooden ship with cloth sails and stand. Rec'd—9/9/2011. Est. Value—\$360.00. Location—Permission to Retain for Official Use Only.	His Excellency Somduth Soboron, Ambassador to the United States from the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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The Honorable Capricia Penavic Marshall, Chief of Protocol.	3.4 oz Lola Marc Jacobs perfume. Box of Godiva chocolates. Swarovski crystal Chinese zodiac tiger. Rec'd—12/12/2011. Est. Value—\$388.00. Location—Pending Transfer to General Services Administration.	His Excellency Ali Aujali, Ambassador of the Embassy of Libya.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Capricia Penavic Marshall, Chief of Protocol.	Mont Blanc pen with roller ball refill. Note from Ambassador. Rec'd—12/21/2011. Est. Value—\$480.00. Location—Pending Transfer to General Services Administration.	His Excellency Samir Sumaidaie, Former Ambassador to the United States from the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable R. Stephen Beecroft, U.S. Ambassador to the Hashemite Kingdom of Jordan.	Small gold coin with image of His Majesty King Abdullah II, the insignia of the Hashemite Kingdom of Jordan on the reverse side. Small silver coin with image of His Majesty King Abdullah II, the insignia of the Hashemite Kingdom of Jordan on the reverse side. Rec'd—5/26/2011. Est. Value—\$996.00. Location—Pending Transfer to General Services Administration.	Central Bank of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Daniel Benjamin, U.S. Ambassador-at-Large.	Arabian sword with sheath and case. Rec'd—2/14/2011. Est. Value—\$1,450.00. Location—Pending Transfer to General Services Administration.	Ali bin Mohsen bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eleni Tsakopoulos Kounalakis, U.S. Ambassador to Hungary.	Framed artwork made of marzipan, with representation of Hungarian lace patterns on blue background. Rec'd—2/16/2011. Est. Value—\$4,000.00. Disposition—Permission to Retain for Official Use Only.	Dr. László Habis, Mayor of the City of Eger of Hungary.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph LeBaron and Elinor LeBaron, U.S. Ambassador to the State of Qatar and Spouse.	Germani diamond men's watch. Germani diamond women's watch. Technoluxury men's watch. Rec'd—5/23/2011. Est. Value—\$37,000.00. Location—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hugo Llorens, U.S. Ambassador to Republic of Honduras.	Silver tray inscribed to Ambassador Llorens. Rec'd—6/20/2011. Est. Value—\$390.00. Location—Pending Transfer to General Services Administration.	Honduras Diplomatic Corps	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Richard Olson, U.S. Ambassador to the United Arab Emirates.	Longines watch (evidenze) L26424. Rec'd—3/29/2011. Est. Value—\$2,200.00. Location—Pending Transfer to General Services Administration.	Mr. Hussein Abas Lootah, Dubai Economic Council of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Clark Randt, U.S. Ambassador to the People's Republic of China.	5 scarves in different colors. Rec'd—Unknown. Est. Value—\$800.00. Location—Pending Transfer to General Services Administration.	Government of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Richard J. Schmierer, U.S. Ambassador to the Sultanate of Oman.	Silver traditional Omani khanjar knife with plastic handle and leather back inside inscribed wooden box. Rec'd—12/1/2011. Est. Value—\$1,000.00. Location—Pending Transfer to General Services Administration.	Royal Air Force of Oman	Non-acceptance would cause embarrassment to donor and U.S. Government.

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The Honorable Mary Burce Warlick, U.S. Ambassador to the Republic of Serbia.	Framed painting in Serbian naïve style by Serbian painter Sara Stojkov. Rec'd—5/7/2011. Est. Value—\$5,600.00. Disposition—Permission to Retain for Official Use Only.	Colonel Goran Dragovic, Commander of the Counter Terrorist Unit of Serbia in the Ministry of Interior of the Republic of Serbia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Beatrice Weliers, U.S. Ambassador to the Republic of Trinidad and Tobago.	Gold necklace and earring set. Rec'd—12/19/2011. Est. Value—\$890.00. Location—Pending Transfer to General Services Administration.	The Honorable Kamla Persad-Bissessar, S.C., Prime Minister of the Republic of Trinidad and Tobago.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Susan Ziadeh, U.S. Ambassador to the State of Qatar.	100 Riyal, 92% gold coin, 17 grams. Rec'd—10/18/2011. Est. Value—\$866.00. Location—Pending Transfer to General Services Administration.	Abdulla Bin Saud Al-Thani, Governor of the Qatar Central Bank.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Susan Ziadeh, U.S. Ambassador to the State of Qatar.	Concord men's watch. Concord women's watch. Rec'd—10/18/2011. Est. Value—\$1,125.00. Location—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Carlos Pascual, Special Envoy for International Energy Affairs.	Wool and silk rug. Wool and silk rug. Silver bowl. Rec'd—9/14/2011. Est. Value—\$1,533.00. Location—Recipient Wishes to Purchase.	Ministry of Water and Power of the Government of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Gladys Boluda, Assistant Chief of Protocol.	Swarovski angelfish figurine, Jonquil Moroda. Rec'd—12/8/2011. Est. Value—\$440.00. Location—Pending Transfer to General Services Administration.	His Excellency Ali Aujali, Ambassador of the Embassy of Libya.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Susannah Cooper, Economic Counselor.	Mont Blanc 38302 StarWalker ballpoint pen. Rec'd—6/20/2011. Est. Value—\$950.00. Location—Pending Transfer to General Services Administration.	His Excellency Mohammed Saif Al Suwaidi, Direct General of the Abu Dhabi Fund for Development.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Marina Ereci, Spouse of the U.S. Ambassador to the Kingdom of Bahrain.	Gold necklace, rings, earrings, bracelet. Rec'd—1/13/2011. Est. Value—\$4,650.00. Location—Pending Transfer to General Services Administration.	Sheikha Sabeeka Al Kahlifa, Spouse of the King of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Cvaleria Fowler, Deputy Chief of Mission at the Embassy of Colombo, Sri Lanka.	Silver jewel box with semi-precious stones. Rec'd—Unknown. Est. Value—\$486.00. Disposition—Permission to Retain for Official Use Only.	Gamini Senarath, Chief of Staff to the President of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Alison Kiehle Friedman, Senior Coordinator for Public Engagement.	iPad 64 GB 3G with iPad case. Rec'd—3/8/2011. Est. Value—\$698.00. Location—Recipient Wishes to Purchase.	Lieutenant General Sheikh Saif Bin Zayed Al Nahyan, Minister of the Interior and Deputy Prime Minister of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Gil Kerlikowske, Director of the White House Office of the National Drug Control Policy.	Rug with brown, burgundy, yellow, green, cream, pale blue, featuring leaf shapes making up a diamond pattern, and surrounded by several rectangular borders around the perimeter of the rug. Rec'd—3/25/2011. Est. Value—\$1,000.00. Location—Pending Transfer to General Services Administration.	Head of the Delegation for the 2011 Commission on Narcotic Drugs from the Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Kimburlan Lovz, Protocol Officer.	Silver Raymond watch with crown on the face. Rec'd—9/1/2011. Est. Value—\$780.00. Location—Pending Transfer to General Services Administration.	Khalil Atieh, Protocol Officer of the Royal Hashemite Court of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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[Report of tangible gifts furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Mirembe Nantongo, Deputy Chief of Missions.	Box set containing JBR diamond watch, perfume, Pierre Cardin bracelet, and two pens. Rec'd—9/8/2011. Est. Value—\$4,200.00. Location—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Asel Roberts, Protocol Officer	Women's silver watch with black leather band. Rec'd—4/28/2011. Est. Value—\$430.00. Location—Pending Transfer to General Services Administration.	His Highness Sheikh Hamad bin Khalifa Al-Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Julie Sawyer, Kuwait Desk Officer.	Scarf. Rec'd—7/6/2011. Est. Value—\$375.00. Location—Pending Transfer to General Services Administration.	His Excellency Sheikh Salem Al-Sabah, Ambassador of Kuwait to the U.S.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. John Shep, Program Officer	Pierre Cardin watch. Rec'd—10/18/2011. Est. Value—\$490.00. Location—Pending Transfer to General Services Administration.	Colonel Oglá Al Zboûn, Commander of the Royal Guards of the Royal Hashemite Court of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sangeeta Shields, Spouse of the U.S. Ambassador to Brunei.	Earring set and ring with sapphires and diamonds. Rec'd—5/10/2011. Est. Value—\$2,800.00. Location—Pending Purchase from General Services Administration.	Her Majesty Paduk a Seri Baginda Raja Isteri Pengiran Anak Hajjah Saleha, Queen of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sangeeta Shields, Spouse of the U.S. Ambassador to Brunei.	Louis Vuitton handbag. Rec'd—8/10/2011. Est. Value—\$2,000.00. Location—Pending Transfer to General Services Administration.	Her Majesty Paduka Seri Baginda Raja Isteri Pengiran Anak Hajjah Saleha, Queen of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael Stukel, FBI Special Agent.	Marco Valentino watch. Rec'd—4/17/2011. Est. Value—\$385.00. Location—Pending Transfer to General Services Administration.	Kuwait State Security	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE
[Report of tangible gifts furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Michael Donley, Secretary of United States Air Force.	36" x 60" light brown Afghan rug. 31" x 96" multicolor Afghan rug. Rec'd—9/4/2011. Est. Value—\$1,100.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Abdul Rahim Wardak, Defense Minister of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

[Report of tangible gifts furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Michael Donley, Secretary of United States Air Force.	Perfume-Al-Jazeera Paris Turquoise, Watch, JBR, Silver and Black Colored with Black band, Boxed Set—JBR Ladies Watch, copper colored with Black Leather Band, JBR Perfume, Pierre Cardin Copper Colored Pen, Pierre Cardin Silver Colored Cell Phone, Boxed Set—JBR Men's Watch with Black Ring and Black Leather Band. JBR Ladies Watch with Silver Ring and Black Leather band, JBR Silver and Black Pen, Pierre Cardin, Conino Lamborghini Wallet, Black, Samsonite X'ion Luggage Bag, Black, Guess Wallet, Black, Perfume-Al-Jazeera Paris Ruby, Perfume-Shalimar Parfum Initial, Perfume-Aqua Eau Parfum Signature. Rec'd—9/8/2011. Est. Value—\$8,120.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Norton Schwartz, Chief of Staff of the United States Air Force.	5' x 8' Moroccan rug. Rec'd—11/27/2009. Est. Value—\$1,900.00. Location—Currently on display at the Air House, Washington, DC.	Major General Ahmed Boutaleb, Chief of Staff Moroccan Air Force of the Kingdom of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Norton Schwartz, Chief of Staff of the United States Air Force.	Rajput Warrior Dagger Picture with wood frame, White Stone Marble Plate, Framed Tile Artwork in Green Frame, Indian Woman Picture with wood and metal, Swan Silver Candy Dish frame, Wood Plaque, Framed Photo, Indian Woman Picture with wood and metal frame. Rec'd—2/4/2011. Est. Value—\$420.00. Disposition—Pending Transfer to General Services Administration.	Air Chief Marshal N.A.K. Browne, New Delhi India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Gary L. North, Commander, United States Central Command Air Forces (USCENTAF/CC), Shaw Air Force Base, South Carolina.	Black Predator Titanium Special Ops Watch with solid titanium watch case and band. Rec'd—5/1/2008. Est. Value—\$550.00. Disposition—Pending Transfer to General Services Administration.	His Royal Highness Prince LTG Faisal bin Al Hussein, Special Assistant to the Chairman of the Joint Chiefs of Staff of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Special Agent Brent D. Heckel, Air Force Office of Special Investigations, 24th Expeditionary Field Investigative Squadron, Protective Services Division, Al Udeid Air Base Qatar.	Glamour Geneve Sports Watch. Rec'd—11/1/2011. Est. Value—\$420.00. Disposition—Pending Transfer to General Services Administration.	Dr Mohammed bin Saleh Al-Sada, Chief Executive Officer/Director of the Ras Laffan Industrial City and Qatar Petroleum, Doha, Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General David L. Goldfein, United States Air Forces Central Command, Al Udeid Air Base, Qatar.	Momodesign Watch Set. Rec'd—9/8/2011. Est. Value—\$700.00. Disposition—Pending Transfer to General Services Administration.	Major General Ali Al-Sulaiti, Deputy Commander of the Qatar Emiri Air Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued
 [Report of tangible gifts furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General David L. Goldfein, United States Air Forces Central Command, Al Udeid Air Base, Qatar.	Delsey 20" suitcase, MadlyKenzo Parfum, Masari Parfum, Bottle Eau De Toilette Man, Concord Saratoga Steel Men's Watch, Concord Saratoga Ladies Watch, MCM Women's Wallet, Helveco Men's Wallet, Daniel Hechter Tie, Aigner Tie. Rec'd—10/5/2011. Est. Value—\$2,155.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General David L. Goldfein, United States Air Forces Central Command, Al Udeid Air Base, Qatar.	Longines His and Hers Watches, Samsonite 20" Suitcase, Attimo Eau de Toilette, Romance Parfum, Corneliani Tie, Pal Zileri Men's Silk Tie, Helveco Men's Wallet, Masari Parfum, Equiss Women's Wallet. Rec'd—11/25/2011. Est. Value—\$10,271.99. Disposition—Pending Transfer to General Services Administration.	Major General Ali Al-Sulaiti, Deputy Commander of the Qatar Emiri Air Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Bernard E. Mater, Vice Commander, 438th Air Expeditionary Wing, Kabul, Afghanistan.	Intense Euphoria Men's Cologne by Calvin Klein, 22 Karat gold link chain with cubic zirconium stone, 3' x 5' silk carpet. Rec'd—1/26/2011. Est. Value—\$1,175.00. Disposition—Pending Transfer to General Services Administration.	Major General Abdul Raziq Sherzai, Commander of the 738th AEW of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Colonel Sean Routier, Commander, 21st Fighter Squadron, Luke Air Force Base, Arizona.	Tittot (a particular brand of Chinese glass art) colored crystal display piece entitled "Smiles of Victory". Rec'd—7/7/2011. Est. Value—\$1,000.00. Disposition—Currently on display at the 21st Fighter Squadron, Luke AFB, Arizona.	Legislator Ming-Shing Lii, Member of the Taiwan Legislative Yuan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Jerry D. Harris, Commander, 56th Fighter Wing, Luke Air Force Base, Arizona.	Tittot (a particular brand of Chinese glass art) colored crystal display piece entitled "Smiles of Victory". Rec'd—7/7/2011. Est. Value—\$1,000.00. Disposition—Currently on display at the 56th Fighter Wing, Luke AFB.	Legislator Ming-Shing Lii, Member of the Taiwan Legislative Yuan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

[Report of tangible gifts furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General Gilmary M. Hostage, III, United States Air Forces Central Command Commander, Al Udeid Air Base, Qatar.	Watch, Clerq Women's Watch with Purple face Surrounded by Jewels with Leather Band, Watch, Clerq Men's Watch with Clear Face with Silver Dial with Embossed Wristband; Clerq Women's CXX Scuba Chronograph Watch with white diamonds, Gio Monaco Leather and animal skin wallet, Lioliche by Givana—Cologne for Men (100 ml), 5 bottles of hand-blended perfume, Santal Cologne by Creed (4 oz), Dynastie Eau de Parfum (100 ml), Mont Blanc Starisma Dilla Long Wallet, Clerq Men's Icon 8 Skeleton Silver Dial Watch with crocodile wristband. Rec'd—5/20/2011. Est. Value—\$14,463.44. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Gilmary M. Hostage, III, United States Air Forces Central Command Commander, Al Udeid Air Base, Qatar.	Watch, Silver Colored Concord Men's with Silver Colored Band, Boxed Set-2 Dunhill Silver colored Watches with leather band, Dunhill Silver colored Cufflinks, Dunhill Silver Rollerball Pen, Watch, Silver Colored Concord Landis's with Silver Colored Band. Rec'd—8/2/2011. Est. Value—\$7,500.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Gilmary M. Hostage, III, United States Air Forces Central Command Commander, Al Udeid Air Base, Qatar.	Eminent 20" suitcase, Joseph H. Clissold Super 160's Wool Fabric, 3.4 oz Montale Black Musk Eau De Parfum, 3.4 oz Dirty English EDT cologne by Juicy Couture, 3.3 oz Turquoise Eau De Parfum, 3.4 oz Ambar EDT spray by Jesus del Pozo, Pal Zileri Men's Silk Tie, Equus/Paris Hilton Women's Wallet, Helvéco Croc Embossed Men's Leather Wallet, Concord Mariner Steel Men's Watch, Concord Saratoga Steel Mini Ladies Watch, Dunhill Silver Cufflinks, Dunhill Wheel Watch, Dunhill Sentryman Diamond Patter Rollerball Pen, Dunhill Men's Steel Watch. Rec'd—8/3/2011. Est. Value—\$10,287.13. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces and General Hosni Mubarak, Qatar Chief of Air Staff, Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jerry Marlow, SES, Assistant to Secretary of the United States Air Force.	Boxed Set-Silver CYMA Watch with Metal band, Silver JBR Pen, Silver JBR Cufflinks, Black Leather JBR Wallet all in Wood Box. Rec'd—9/8/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

[Report of tangible gifts furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Brigadier General Peggy Poore, Military Assistant to Secretary of the United States Air Force.	Boxed Set- JBR Ladies Watch, copper colored with Black Leather Band, JBR Perfume, Pierre Cardin Copper Colored Pen, Pierre Cardin Silver Colored Cell Phone. Rec'd—9/8/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Scott Hansen, 321st Air Expeditionary Wing Commander and Director, Iraq Training and Advisory Mission—Air Force, Baghdad, Iraq.	Watch, Baum and Mercier Mens Silver Colored Watch with Brown Leather Band, Watch, Baum and Mercier Ladies Silver Colored Watch with Metal Band. Rec'd—12/21/2011. Est. Value—\$3,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Bin-Ali Al Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY

[Report of tangible gifts furnished by the Department of the Army]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Colonel Michael F. Pappal, Brigade Commander, 1/1 Advise and Assist Task Force, United States Division-North, COS Warrior, Iraq.	30" x 48" Qom Persian silk rug. Rec'd—6/28/2011. Est. Value—\$1,500.00. Disposition—Retain for Official Display.	His Excellency Sheikh Jarrar Mustafa Ali, Minister of Peshmerga Affairs of the Kurdistan Regional Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Michael F. Pappal, Brigade Commander, 1/1 Advise and Assist Task Force.	30" x 48" Qom Persian silk rug. Rec'd—9/18/2011. Est. Value—\$1,500.00. Disposition—Retain for Official Display.	His Excellency Sheikh Jarrar Mustafa Ali, Minister of Peshmerga Affairs of the Kurdistan Regional Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Michael Ferriter, Deputy Commanding General.	39" x 57" rug. Rec'd—1/11/2011. Est. Value—\$500.00. Disposition—Retain for Official Display.	His Excellency Sheikh Jarrar Mustafa Ali, Minister of Peshmerga Affairs of the Kurdistan Regional Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel John A. Peeler, 2D Brigade Combat Team (Advise and Assist) 1st Cavalry Division, Brigade Commander.	Persian Silk Rug. Rec'd—10/28/2009. Est. Value—\$1,500.00. Disposition—Retain for Official Display.	His Excellency Sheikh Jarrar Mustafa Ali, Minister of Peshmerga Affairs of the Kurdistan Regional Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Colonel Michael Tedesco, Division Special Troops Battalion Commander, 4th Infantry Division.	Bust of Saddam Hussein—bronze with black finish; Bust of Saddam Hussein—white marble and chipped nose; Brass Dish—Painted likeness of Saddam Hussein. Rec'd—8/20/2011. Est. Value—\$526.85 Disposition—Retain for Official Use.	Staff Brigadier General Ali Mohammed Hassan, Dean of the Iraqi Air Force Academy of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Jeffrey A. Sinclair, Deputy Commanding General, Regional Command-South, 82nd Airborne Division, Kandahar Airfield, Afghanistan.	3' x 53' Oriental Wool Rug. Rec'd—10/27/2011. Est. Value—\$600.00. Disposition—Retain for Official Display.	Major General Abdul Raziq Sherzai, Commander of the 738th AEW of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General James L. Huggins Jr., Commander, Regional Command-South, 82nd Airborne Division, Kandahar Airfield, Afghanistan.	73' x 103' Oriental Wool Rug. Rec'd—10/27/2011. Est. Value—\$1,200.00. Disposition—Retain for Official Display.	Major General Abdul Raziq Sherzai, Commander of the 738th AEW of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued
[Report of tangible gifts furnished by the Department of the Army]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Major General David G. Perkins, Commanding General, United States Division 96 North, COB Speicher, Iraq.	71' x 50' Persian Rug. Rec'd—10/10/2011. Est. Value—\$1,900.00. Disposition—Retain for Official Display.	Barham Ahmed Salih Qasim, Former Prime Minister of the Kurdistan Regional Government.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Bernard S. Champoux, Commanding General, 25th ID & USD-Center, Iraq.	Bohemia crystal Czech vase, 10.5" tall, gold pattern, hand decorated with flower design; crystal decanter with stopper, 12.53' tall, gold hand, decorated with flower design plus six accompanying glasses; crystal wine pitcher, 12' tall, gold pattern plus six accompanying champagne glasses; Italian super 120's grey, classic two button suit, with four detail buttons on sleeve and cuff. Rec'd—10/31/2011. Est. Value—\$759.00. Disposition—Retain for Official Display and Pending Transfer to General Services Administration.	Staff Major General Tariq Hashem, Iraqi Army Operations Center of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Bernard S. Champoux, Commanding General, 25th ID & USD-Center, Iraq.	2' x 4' silk rug with fringe, handmade and in good condition. Rec'd—11/21/2011. Est. Value—\$1,700.00. Disposition—Retain for Official Display.	His Excellency Dr. Saleh, al-Mutlaq, Deputy Prime Minister of Services of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Jeffrey S. Buchanan, Director, J9, US Forces—Iraq.	Silk rug, 3' x 5' in red, gold, and blue. Rec'd—1/12/2009. Est. Value—\$500.00. Disposition—Retain for Official Display at HSC, 25th STB, Command Group, Building 580, Schofield Barracks, HI 96857.	Staff Major General Ayad Abd al Wadud Fuad, Iraqi Army Rusafa Operations Center of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Stainless-steel Orient Chronograph Sapphire men's watch. Rec'd—5/3/2011. Est. Value—\$385.00. Disposition—Pending Transfer to General Services Administration.	Iraqi Government Official, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Maxine C. Girard, Commander, Area Support Group-Qatar, Camp As Sayliyah, Qatar.	Cyma Ladies New Signature Watch; JRB Perfume (50 ml/1.7 fl oz); Pierre Cardin Open Heart and Star Cell Phone Accessory; Wood Gift Box; Pierre Cardin Pens. Rec'd—12/3/2011. Est. Value—\$2,205.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Colonel Brian Cole, Sr., Deputy Commander—Area Support Group-Kuwait.	Watch, Michele CSX, silver color. Rec'd—1/28/2011. Est. Value—\$550.00. Disposition—Pending Transfer to General Services Administration.	Sheikha Sabah Al Naser Al-Sabah, Spouse of Minister of Defense for Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major Adil Elnour, Deputy Director for Host Nation Affairs—Area Support Group-Kuwait.	Watch, MW CSX Traveler. Rec'd—1/28/2011. Est. Value—\$750.00. Disposition—Pending Transfer to General Services Administration.	Sheikha Sabah Al Naser Al-Sabah, Spouse of Minister of Defense for Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Esvelia Baez, Protocol Officer, Area Support Group-Qatar, Camp As Sayliyah, Qatar.	JBR Watch, stainless steel. Rec'd—9/22/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued
 [Report of tangible gifts furnished by the Department of the Army]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Command Sergeant Major Charles A. Holliday, Command Sergeant Major, Area Support Group-Qatar.	Geo Vani watch, GOB501-D, all stainless steel, Swiss-made. Rec'd—9/22/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Wayne C. Grieme, Jr., Commander, Area Support Group-Qatar.	JBR Watch, GL SS W81.644Q1, all stainless steel, Swiss made, water resistant 3 ATM, black leather watch band. Rec'd—9/22/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Michael T. Harrison, Sr., Commanding General US Army Japan and I Corps (FWD).	Mikimoto Pearl Tie Pin; Mikimoto Pearl Brooch. Rec'd—7/8/2011. Est. Value—\$704.00. Disposition—Purchased by Recipient.	General Yoshifumi Hibako, Chief of Staff of the Ground Staff Office of the Japanese Ground Self Defense Force (JGSDF) of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	Hand Crafted Decorative pottery "Seed Pot". Rec'd—1/19/2011. Est. Value—\$650.00. Disposition—Transferred to General Services Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	One Large glass sculpture by Molinari. Rec'd—4/4/2011. Est. Value—\$350.00. Disposition—Transferred to General Services Administration.	His Excellency Fernando Pimentel, Minister of Development, Industry and Foreign Trade of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	Model of high pressure turbine jet engine blade. Rec'd—5/18/2011. Est. Value—\$650.00. Disposition—Transferred to General Services Administration.	Pratt and Whitney/Shanghai Aircraft Engine Maintenance Co., China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	Miniature toy model of EN-V concept vehicle. Rec'd—5/18/2011. Est. Value—\$750.00. Disposition—Transferred to General Services Administration.	SAIC-GM/EXPO 2010 Shanghai, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	Amber-colored and glazed Lie Li glass vessel. Vessel, Base height 8' "Rising". Rec'd—5/18/2011. Est. Value—\$4,500.00. Disposition—Transferred to General Services Administration.	Harley Seyedin, President, American Chamber of Commerce, Shanghai, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	Book, title: "Niemeyer". Rec'd—5/18/2011. Est. Value—\$350.00. Disposition—Transferred to General Services Administration.	Her Excellency Dilma Rousseff, President of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of the Department of Commerce.	Large Landscape Portrait. Rec'd—8/10/2011. Est. Value—\$550.00. Disposition—Transferred to General Services Administration.	His Excellency Tsakhiagiin Elbergdorj, President of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Suresh Kumar, Assistant Secretary of International Trade Administration.	Aluminum Box with fishing rod and reel. Rec'd—10/26/2011. Est. Value—\$400.00. Disposition—Transferred to General Services Administration.	Shaanxi Youser Group, Xi'an Sha'anxi Province, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Kang B Lee, Electronics Engineer.	TRAVEL: Airfare, registration fee, and lodging for the Third International Conference on Measuring Technology and Mechatronics Automation and to visit the Shanghai University of Engineering and Science. Rec'd—1/4/2011. Est. Value—\$2,800.00.	International Conference on Measuring Technology and Mechatronics Automation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Jack Douglas, Research Chemist.	TRAVEL: Airfare, meals, lodging to present an invited talk at the Indo-U.S. Meeting/Workshop on Self-Assembled Fibrillar Gels. Rec'd—1/5/2011. Est. Value—\$3,486.34.	Professor Uday Maitra, Department of Organic Chemistry, Indan Institute of Science, Bangalore, India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. James Porto, Physicist	TRAVEL: Lodging, meals, incidental expenses, and taxis—provided in order to present an invited talk, "Quantum Information: from Foundations to Applications" and meet with University staff. Rec'd—1/8/2011. Est. Value—\$761.04.	Silke Froemmig, Universitat Hamburg, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Carelyn Campbell, Metallurgist	TRAVEL: Airfare provided in order to present a lecture in a research workshop entitled, "Multiscale Simulation of Heterogeneous Materials and Coupling Thermodynamic Models". Rec'd—1/10/2011. Est. Value—\$1,632.00.	Department of Metallurgy and Materials Engineering, Leuven, Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Adam Jacoff, Mechanical Engineer.	TRAVEL: Airfare and miscellaneous expenses provided in order to attend the Test Method Experiments and Kisoi Award Ceremony. Rec'd—1/12/2011. Est. Value—\$4,100.64.	Tohoku University, Sendai, Japan	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Willie E May, Director for Laboratory Programs.	TRAVEL: Airfare, per diem, lodging provided in order to participate in the on-site peer review of Health Science's Chemical Metrology in the areas of inorganic and Organic Analysis. Rec'd—1/17/2011. Est. Value—\$11,472.00.	Kee Tong Kool, Health Sciences Authority, Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Robert D Shull, NIST Fellow ...	TRAVEL: Airfare and ground transportation provided in order to participate and evaluate a proposal on the National Research Network High Performance Bulk Nanostructure Materials. Rec'd—1/20/2011. Est. Value—\$1,417.30.	Austrian Science Fund, Sensengasse, Austria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Charles W Clark, NIST Fellow	TRAVEL: Lodging, meals, local transportation, and miscellaneous expenses provided in order to present a briefing on joint U.S.-Singapore work in the field of quantum technologies. Rec'd—1/26/2011. Est. Value—\$6,002.79.	National University of Singapore, Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued
[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. James A Liddle, Group Leader	TRAVEL: Conference registration fee provided in order to present an invited talk and meet with world experts to discuss nanoscale science and technology at the AMN-5 Fifth International Conference on Advance Materials and Nanotechnology. Rec'd—2/7/2011. Est. Value—\$674.19.	University of Canterbury, Christchurch, New Zealand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. David Nesbitt, NIST Fellow	TRAVEL: Airfare, lodging, meals, and ground transportation provided in order to attend the NSRRC's annual Science Advisor's Committee meeting and serve as an advisor. Rec'd—2/12/2011. Est. Value—\$2,800.00.	National Synchrotron Radiation Research Center, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Steven Cundiff, Physicist	TRAVEL: Airfare, Lodging, and partial meal expenses provided in order to serve as a committee member on two students' thesis exams and collaborate with two professors. Rec'd—2/16/2011. Est. Value—\$2,308.49.	Ecole Polytechnique Federal de Lausanne, Lausanne, Switzerland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Magdalena Navarro, International Affairs Officer.	TRAVEL: Conference registration fee, lodging, and airfare provided to present an invited talk to the Spanish fire protection community on the topics of "Collecting Charleston, SC Furniture Store Fire," and "NIST Structural Fire Engineering Laboratory". Rec'd—2/23/2011. Est. Value—\$1,476.61.	Asociacion de Profesionales de Ingenieria de Proteccion contra Incendios (APICI), Madrid, Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Gleen Solomon, Physicist	TRAVEL: Airfare and lodging provided in order to attend the German Physical Society Annual meeting and present an invited talk entitled, "Two-photon Interference from Separate Quantum Dots". Rec'd—3/13/2011. Est. Value—\$1,272.24.	Deutsche Physikalische Gesellschaft School, Badhonnef, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
William C Barker, Associate Director and Chief Cyber Security Advisor.	TRAVEL: Lodging provided in order to present an invited talk "U.S. Perspective" at the World Cyber Security Technology Research Summit. Rec'd—3/16/2011. Est. Value—\$501.00.	Centre for Secure Information Technologies, Queen's University, Belfast, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. James K Thompson, Physicist	TRAVEL: Airfare, ground transportation, registration fee, meals, POV mileage, tolls, and parking provided in order to serve as a member of a review panel of Euro QUASAR and attend the Frontiers in Matter Optics Conference. Rec'd—3/26/2011. Est. Value—\$2,952.91.	European Science Foundation, Cedex, France.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Steven Cundiff, Physicist	TRAVEL: Airfare, registration fees, meals, and lodging provided in order to serve as a review panel member of Euro QUASAR and attend the Frontiers in Matter Optics Conference. Rec'd—3/20/2011. Est. Value—\$2,952.91.	European Science Foundation, Cedex, France.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Ian Spielman, Physicist	TRAVEL: Attend the Deutsche Physikalische Gesellschaft School on new advances in quantum gases and present an invited talk on "Artificial Magnetic Fields". Rec'd—3/28/2011. Est. Value—\$1,881.96.	Deutsche Physikalische Gesellschaft School, Badhonnef, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. William Rippey, Electronics Engineer.	TRAVEL: Airfare and lodging in order to attend the Metro meet 2011 Conference and give a presentation on the QIF standards effort to publicize it, survey state of commercial dimensional metrology technology and standards in Europe, and encourage collaboration. Rec'd—3/28/2011. Est. Value—\$955.59.	Innovalia Association, Bilbao, Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Juan Ye, NIST Fellow	TRAVEL: Airfare, lodging, meals, and local transportation provided in order to present an invited talk at the IFRAF-Fermix Workshop. Rec'd—3/28/2011. Est. Value—\$2,365.00.	Laboratoire Kaster Brossel, Ecole Normale Superieure, Paris, France.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Marcus Cicerone, Project Leader.	TRAVEL: Airfare, lodging, meals, taxi, and local transportation provided in order to serve as an expert panel member for evaluation of EU-wide CARS cooperative grant program and for talk entitled "Broadband CARS Microscopy: Label-Free Chemical Imaging for Biology". Rec'd—4/17/2011. Est. Value—\$2,396.93.	European Cooperation in Science and Technology, Brussels, Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Angela Hight-Walker, Research Chemist.	TRAVEL: Airfare, lodging, meals, and ground transportation provided in order to participate and present an invited talk, "Physicochemical Characterization of Engineered Nanoparticles: The measurands that influence Nano Environmental Health and Safety" at the KRISS Workshop on Environment, Health, and Safety in Nano-materials. Rec'd—4/28/2011. Est. Value—\$2,025.00.	Korea Research Institute of Standards and Science, Deajeon, Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Thomas Crowley, Physicist	TRAVEL: Airfare, lodging, and meals provided in order to discuss the Korean Research Institute of Standards and Science's work on microwave power measurements including plans for a calorimeter with 2.4 mm connectors and future technical collaborations. Rec'd—5/8/2011. Est. Value—\$2,573.84.	Korea Research Institute of Standards and Science, Deajeon, Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Dietrich Leibfried, Physicist	TRAVEL: Lodging and miscellaneous expenses provided in order to present an invited talk, "Towards Scalable Quantum Information Processing and Quantum Simulation with Trapped Ions". Rec'd—5/10/2011. Est. Value—\$313.48.	McGill University, Montreal, Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued
 [Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Dietrich Leibfried, Physicist	TRAVEL: Lodging and miscellaneous expenses provided in order to present an invited talk, "Towards Scalable Quantum Information Processing and Quantum Simulation with Trapped Ions". Rec'd—5/10/2011. Est. Value—\$313.48.	Universite' de Sherbrooke, Sherbrook, Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Eric Cornell, NIST Fellow	TRAVEL: Airfare, meals, ground transportation, lodging, and internet expenses provided in order to present an invited talk at the Griffin Fest of the University of Toronto Department of Physics. Rec'd—5/12/2011. Est. Value—\$1,502.99.	University of Toronto, Department of Physics, Toronto, Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
David Nesbitt, NIST Fellow	TRAVEL: Airfare, lodging, meals incidental expenses, internet expenses, rental car, fuel, and public transportation provided in order to present an invited lecture for the Queen's University Department of Chemistry 2011 Frost Event. Rec'd—5/12/2011. Est. Value—\$1,230.84.	Queen's University Department of Chemistry, Kingston, Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Marcus Cicerone, Project Leader.	TRAVEL: Airfare provided in order to present an invited talk about recent progress in programmatic focus area of CARS microscopy entitled "Broadband CARS Microscopy: Label-Free Chemical Imaging for Biology". Rec'd—5/22/2011. Est. Value—\$1,025.00.	University of Twente, Enschede, The Netherlands.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jack Douglas, NIST Fellow	TRAVEL: Lodging provided in order to visit the Theoretical Chemistry Sector at Cambridge University. Rec'd—5/31/2011. Est. Value—\$300.00.	University of Chemical Laboratories, Cambridge, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Bradley Moore, Program Manager.	TRAVEL: Airfare, lodging, and ground transportation provided in order to serve as a member of the Asian Pacific Laboratory Accreditation Cooperation Peer Evaluation Team. Rec'd—6/3/2011. Est. Value—\$2,747.56.	Electromagnetic Compatibility and Telecommunications Laboratory Accreditions Center, Tokyo, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Dan Neumann, Physicist	TRAVEL: Airfare and lodging provided in order to attend and participate in the KENS-SAC KEK Neutron Science Advisory Committee meeting. Rec'd—6/7/2011. Est. Value—\$3,543.04.	Institute of Materials Structure Science High Energy Accelerator Research Organization, Ibaraki, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. David Newell, Research Physicist.	TRAVEL: Airfare and lodging provided in order to present an invited talk, "The 2010 Adjustment of the Fundamental Constants and the New SI" at the seminar "Astrophysics, Clocks, and Fundamental Constants" in Physikzentrum Bad Honnef, Germany. Rec'd—6/26/2011. Est. Value—\$1,854.63.	Wilhelm und Else Hereaus-Stiftung, Hanau, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Bruce Miller, Physicist	TRAVEL: Lodging provided in order to attend the LaTeXML (computer program) Workshop in Bremen, Germany. Rec'd—7/3/2011. Est. Value—\$467.87.	Jacobs University, Bremen, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Gregory Linteris, Mechanical Engineer.	TRAVEL: Airfare, public transportation, foreign country exit fees, internet charges, parking, POV mileage, baggage fees, lodging, meals, incidental expenses, and miscellaneous expenses provided in order to make technical presentation and attend the BASF Flame Retardancy Symposium of 2011. Rec'd—7/4/2011. Est. Value—\$2,867.70.	BASF, The Chemical Company, Ludwigshafen, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Ulf Griesman, Scientist	TRAVEL: Airfare, lodging, meals, ground transportation, and incidental expenses provided in order to participate in collaborative research with Australian Centre for Precision Optics. Rec'd—7/22/2011. Est. Value—\$2,623.74.	Commonwealth Science and Industrial Research, Advanced Engineering Components Theme in the Future Manufacturing Flagship, Lindfield, Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Robert McMichael, Physicist	TRAVEL: Lodging and meals provided in order to attend the "Magnonics: From Fundamentals to Applications 2nd International Workshop". Rec'd—8/7/2011. Est. Value—\$705.00.	Universidade Federal de Pernambuco, Recife, Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Joseph Stroschio, Physicist	TRAVEL: Lodging—provided in order to attend and present an invited plenary lecture, "Development of Ultra-Low Temperature Scanning Probe Microscopy Techniques and Their Application to Graphene Research" at the 26th International Conference on Low Temperature Physics in Beijing, China. Rec'd—8/10/2011. Est. Value—\$770.00.	International Union of Pure and Applied Physics, Institute of Physics, London, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Kang B Lee, Electronics Engineer.	TRAVEL: Airfare, ground transportation, registration fee, meals, and lodging provided to the traveler in order to attend the 2011 International Conference on Electronic Measurement and Instruments. Will present an invited talk on smart sensors and networks in distributed systems. Rec'd—8/13/2011. Est. Value—\$3,871.07.	International Conference on Electronic Measurement and Instruments 2011 Committee, Chengdu, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Peter Mohr, Physicist	TRAVEL: Airfare, lodging, registration fee, meals, and incidental expenses provided in order to attend the annual Ringberg Seminar and present an invited talk entitled, "The New Data Fundamental Constants and the New SI". Rec'd—8/27/2011. Est. Value—\$1,314.14.	Max-Planck Institut für Quantenoptik, Munich, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued
[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. John B Schlager, Scientist	TRAVEL: Airfare, lodging, meals, incidental expenses, baggage fees, parking, tolls, mileage, local transportation, and internet expenses provided in order to attend the Chitose International Forum and present a talk. Will also visit Sophia University in Tokyo. Rec'd—8/27/2011. Est. Value—\$2,183.23.	Chitose Institute of Science and Technology, Hokkaido, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Konrad Lehnert, Physicist	TRAVEL: Registration fee, lodging, airfare, and local transit provided in order to present a talk, "Generating Entanglement Among Microwave Photons" at the Quantum Information Processing and Communication 2011 Conference. Rec'd—9/4/2011. Est. Value—\$3,147.35.	ETH Zurich, Switzerland	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. David Nesbitt, NIST Fellow	TRAVEL: Registration fee, lodging, meals, and partial airfare provided in order to serve as a plenary speaker at the 2011 Conference on Molecular Energy Transfer. Rec'd—9/12/2011. Est. Value—\$1,540.30.	Journal of Physical Chemistry/ Chemical Physics, Royal Society of Chemistry, London, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. William Phillips, Physicist	TRAVEL: Lodging and meals provided in order to give an invited presentation at the Future Science Leadership Seminar. Rec'd—9/12/2011. Est. Value—\$1,470.74.	Oxford University, Oxford, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Jeffrey Fagan, Chemical Engineer.	TRAVEL: Airfare, lodging, and meals provided in order to present a talk on "Carbon Nanotube Fluorescence: the Effects of Local Environment". Rec'd—9/13/2011. Est. Value—\$1,054.74.	University of Strathclyde, Glasgow, Scotland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Jack Douglas, Research Chemist.	TRAVEL: Airfare, lodging, meals, provided in order to present an invited talk on "Influence of nanoparticles on Fragility and Collective Particle Motion in Polymer Glass Formation". Rec'd—9/17/2011. Est. Value—\$3,016.15.	Dalhousie University, St. John's, Newfoundland, Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Dietrich Leibfried, Physicist	TRAVEL: Airfare provided in order to attend the International Conference on Quantum, Atomic, Molecular, and Plasma Physics and present an invited talk, "Quantum Information Processing and Time-Keeping using Trapped Ions". Rec'd—9/19/2011. Est. Value—\$1,221.94.	University of Oxford, Oxford, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jeffrey T Fong, Physicist	TRAVEL: Lodging and local transportation provided in order to deliver lecture entitled "Design of Experiments and Advanced Techniques of Uncertainty Quantification for Life Estimation and Extensions of Full-Scale New and Aging Structures". Rec'd—9/22/2011. Est. Value—\$520.00.	State University of Campinas, Department of Mechanical Design, Cidade Universitaria, Sao Paulo, Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Jeffrey T Fong, Physicist	TRAVEL: Lodging and local transportation provided in order to deliver lecture entitled "Design of Experiments and Advanced Techniques of Uncertainty Quantification for Life Estimation and Extensions of Full-Scale New and Aging Structures." Will also give two talks "NIST Research on Uncertainty Quantification in computational modeling for materials Science and Engineering" and "A Tutorial on a Statistical Analysis Software Package named DATAPLOT". Rec'd—9/24/2011. Est. Value—\$1,400.00.	Federal University of Rio Grande do Norte, Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Nathan R Newbury	TRAVEL: Airfare, lodging, ground transportation provided in order to attend the symposium on "A Revolution in Spectroscopy by the Optical Frequency Comb" and present an invited talk, "High Accuracy Broadband Spectroscopy with Dual Frequency Combs". Rec'd—9/24/2011. Est. Value—\$2,844.00.	National Metrology Institute of Japan and National Institute of Advanced Industrial Science and Technology, Tokyo, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Joseph Stroschio, Physicist	TRAVEL: Airfare, lodging, ground transportation provided in order to attend and present an invited talk "High Resolution Scanning Tunneling Spectroscopy of Graphene" at the International Workshop on Graphene Nanostructures. Rec'd—9/26/2011. Est. Value—\$2,565.14.	German Science Foundation, Bonn, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Yi-hua Tang, Research Physicist.	TRAVEL: Airfare, lodging, meals, provided in order to attend the Metrology 2011 Conference as a member of the International Technical Committee and give an invited talk. Will also perform a JVS direct comparison between NIST and INMETRO. Rec'd—9/27/2011. Est. Value—\$4,122.00.	INMETRO, Xerem, Duque de Caziias, Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Willie E May, Director of Laboratory Programs.	TRAVEL: Lodging provided in order to attend CIPM Meetings (The International Committee for Weights and Measures) and CGPM Meetings (General Conference on Weights and Measures). Rec'd—10/10/2011. Est. Value—\$3,300.00.	Michael Kuehne, Directory, Bureau International des Poids et Mesures, Sèvres, France.	Non-acceptance would cause embarrassment to donor and U.S. Government.
David Nesbitt, NIST Fellow	TRAVEL: Airfare, ground transportation, lodging, partial meals provided in order to attend the Physical Chemistry Chemical Physics Meeting. Rec'd—10/14/2011. Est. Value—\$1,895.94.	Journal of Physical Chemistry/ Chemical Physics, Royal Society of Chemistry, London, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. William Ratcliff, Physicist	TRAVEL: Airfare, lodging, meals, and ground transportation provided in order to present an invited talk. Rec'd—10/19/2011. Est. Value—\$800.00.	Dimitri Argyriou, European Spallation Source, Lund, Sweden.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Dietrich Leibfried	TRAVEL: Airfare and lodging provided in order to present invited talks. Rec'd—10/20/2011. Est. Value—\$3,296.44.	University of Vienna, Wien, Austria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Boualem Hammouda, Macromolecular Microstructural Scientist.	TRAVEL: Lodging provided in order to conduct research. Rec'd—10/21/2011. Est. Value—\$2,500.00.	Annie Brulet, Laboratoire Leon Brillouin, Cedex, France.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. John E Kitching, Group Leader and Physicist.	TRAVEL: Airfare, lodging, and miscellaneous expenses provided in order to attend the Frontiers Meeting. Rec'd—10/23/2011. Est. Value—\$12,169.21.	Wellcome Trust, London, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
David Nesbitt, NIST Fellow	TRAVEL: Airfare, lodging, meals, provided in order to attend the Centenary Celebrations of the Fritz-Haber-Institut. Rec'd—10/24/2011. Est. Value—\$2,506.40.	Fritz-Haber-Institut der Max-Planck-Gesellschaft, Berlin, Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rene Peralta, Computer Scientist	TRAVEL: Airfare, lodging, partial meals expenses provided in order to present an invited lecture at the Department of Mathematics and Computer Science. Rec'd—10/25/2011. Est. Value—\$2,152.00.	Joan Boyar, University of Southern Denmark, Odense, Denmark.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Donna F Dodson, Chief—Computer Security Division.	TRAVEL: Airfare, lodging, and meals provided in order to attend and deliver the keynote address at the Information-Technology Promotion Agency Forum 2011. Rec'd—10/26/2011. Est. Value—\$2,871.00.	Information-Technology Promotion Agency, Tokyo, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Charles W Clark, NIST Fellow	TRAVEL: Airfare, lodging, meals, provided in order to serve as the Chair of the Advisory Board for the Centre for Anti-Matter Studies and give invited talks. Rec'd—10/31/2011. Est. Value—\$4,380.00.	Australian Research Council Center of Excellence for Antimatter-Matter Studies, Australian National University, Canberra, Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Daniel S Hussey, Physicist	TRAVEL: Lodging and meals, provided in order to attend the annual 14th Annual Chinese-American Kavil Frontiers of Science Symposium. Rec'd—11/2/2011. Est. Value—\$1,490.00.	Chinese Academy of Sciences, Bureau of International Cooperation, Beijing, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Wen-li Wu, NIST Fellow	TRAVEL: Airfare and registration fee provided in order to present an invited talk at the International IRTG Symposium. Rec'd—11/8/2011. Est. Value—\$1,300.00.	National Research Foundation of Korea, Daejeon, Korea and the Korean Federation of Science and Technology Societies, Seoul, Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Timothy Grance, Computer Scientist.	TRAVEL: Airfare, lodging, incidental and misc. expenses and meals, provided in order to give keynote address. Rec'd—12/4/2011. Est. Value—\$10,300.00.	Hong Xiang, PhD, Chongqing, University, Chongqing, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Willie E May, Director of Laboratory Programs.	TRAVEL: Air Fare, lodging, and ground transportation provided in order to attend Asia Pacific Legal Metrology Forum and provide keynote address. Rec'd—12/12/2011. Est. Value—\$7,200.00.	Yu Yadong, Chairperson of the Asia Pacific Metrology Programme, Vice Director, National Institute of Metrology, Beijing, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued

[Report of tangible gifts and travel furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Jun Ye, NIST Fellow	TRAVEL: Lodging, meals, and local transportation provided in order to visit the Beijing University School of Physics. Rec'd—12/21/2011. Est. Value—\$700.00.	Beijing University Department of Physics, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Shujuan Cao, Commercial Specialist.	TRAVEL: Lead a CRECC Delegation to attend the IBS Show and attend meetings with US Firms. Rec'd—1/10/2011. Est. Value—\$3,490.00.	China Real Estate Chamber of Commerce.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rosemary Gallant, Principal Commercial Officer.	TRAVEL: Participate in the 8th clinical laboratory provider and blood transfusion equipment Expo. Rec'd—3/9/2011. Est. Value—\$391.00.	National Association of Health Industry and Enterprise Management.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Aiqun Peng, Commercial Specialist	TRAVEL: Deliver presentation at Jiangxi Provincial foreign government loan seminar. Rec'd—4/26/2011. Est. Value—\$588.00.	Jiangxi Development and Reform Commission.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gregory M Wong, Principal Commercial Officer.	TRAVEL: Courtesy to Guangxi on 4/18–21/2011. Rec'd—4/8/2011. Est. Value—\$462.00.	Foreign Affairs Office of GuanXi, China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gregory M Wong, Principal Commercial Officer.	TRAVEL: Attend the 2011 Nanning International Fashion Expo on 6/16–18/2011. Rec'd—6/10/2011. Est. Value—\$470.00.	2011 Nanning International Fashion Expo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gregory M Wong, Principal Commercial Officer.	TRAVEL: Attend Hainan International golf industry Expo and Summit on 12/1–4/2011. Rec'd—11/18/2011. Est. Value—\$372.00.	China Council for the Promotion of International Trade Hainan Sub-Council.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jay Briggs, Commercial Officer	TRAVEL: Attend the Grand Investment Tour in GuangXi on 11/29–12/2/2011. Rec'd—11/20/2011. Est. Value—\$1,490.00.	Investment Promotion of Ministry of Department of Commerce of GuangXi.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Boris Popovski, Commercial Specialist.	TRAVEL: Delegation of Senior Srbijagas officials to Washington DC for meetings with EXIM Bank, American Petroleum Institute, GE Energy and other US companies. Rec'd—12/10–21/2011. Est. Value—\$6,700.00.	Srbijagas (State-Owned gas company), Serbia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Henley Jones, Deputy Senior Commercial Officers.	TRAVEL: Keynote speakers at USA Day in Barcelona. Rec'd—6/15–16/2011. Est. Value—\$470.00.	Barcelona Chamber of Commerce	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Ryan Mulholland, International Trade Specialist.	TRAVEL: Discuss policy developments to promote renewable energy and ways to better cooperate with European Partners on deployment (EUVP). Rec'd—11/17–27/2011. Est. Value—\$1,490.00.	EU Visitors Program (EUVP)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY
[Report of tangible gifts furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Gold and Silver Incense Burner in a Green Leather case. Rec'd—1/30/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Gold Tea set with three gold rimmed porcelain cups. Rec'd—1/30/2011. Est. Value—\$700.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Gold incense burner in a green leather box. Rec'd—1/30/2011. Est. Value—\$800.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Gold plated MP7 automatic rifle in a decorative black leather case. Rec'd—1/31/2011. Est. Value—\$4,500.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Silver palm tree in a green leather case. Rec'd—2/1/2011. Est. Value—\$700.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Large Decorative Chess set. Rec'd—2/1/2011. Est. Value—\$800.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Antique dagger in a sheath. Rec'd—2/2/2011. Est. Value—\$700.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Small decorative prayer rug. Rec'd—2/2/2011. Est. Value—\$450.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Large blue and gold vase in a velvet case. Rec'd—2/3/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Large red, yellow, gold and blue silk carpet. Rec'd—2/4/2011. Est. Value—\$800.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Set of antique dueling pistols. Rec'd—5/23/2011. Est. Value—\$7,000.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Gold plated and enamel model of a Horned Orxy and a Palm tree by a palace. Rec'd—10/3/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
 (Report of tangible gifts furnished by the Central Intelligence Agency)

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Annual edition 2005 Mont Blanc gold pen with the Director's name engraved on top. Rec'd—10/13/2011. Est. Value—\$3,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Asfour crystal and gold-plated model of a horse drawn chariot. Rec'd—10/22/2011. Est. Value—\$700.00. Disposition—On display in the Director's office.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Silver Falcon statue in a large presentation box. Rec'd—10/26/2011. Est. Value—\$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Asfour facet-cut and iridescent glass five-light candelabrum. Rec'd—10/26/2011. Est. Value—\$700.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Gold plated sculpture of a falcon and a plum tree on marble base. Rec'd—10/26/2011. Est. Value—\$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Terracotta miniature sculpture of the "Madain Salah" in a wood frame. Rec'd—10/26/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Silver dagger in a brown presentation box with a plexiglass front. Rec'd—10/28/2011. Est. Value—\$2,500.00. Disposition—On display in Director's office.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Framed golden mask replica framed in a black felt box. Rec'd—11/3/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Floral colored red, white, blue and gold vase. Rec'd—12/1/2011. Est. Value—\$400.00. Disposition—On display in the Director's office.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Silver metal replica of a dagger mounted in a wood presentation shadow box. Rec'd—12/13/2011. Est. Value—\$500.00. Disposition—On display in Director's office.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Turquoise wood naive-farm hinged incense box with brass mounted fital, hinges, and lock. Rec'd—12/14/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
[Report of tangible gifts furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Silver metal scabbard dagger, 20th Century, in a fitted hinged top presentation case. Rec'd—12/14/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Revolving desk clock with a gilt metal shaking hands and golden spinning coin on top. Rec'd—12/19/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Blue and white polychrome enamled presentation clock. Rec'd—12/20/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Petraeus, Director of the Central Intelligence Agency.	Silver and gold soldier on a horse on a marble base. Rec'd—12/23/2011. Est. Value—\$1,000.00. Disposition—On display in the director's office.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Gilt silvered model of a palm tree on a marble base. Rec'd—3/3/2011. Est. Value—\$700.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Gold inlaid cut-glass model of a gate. Rec'd—3/3/2011. Est. Value—\$700.00. Disposition—On display in the Deputy Director's office.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Chrome and steel dress sword in a burgundy leather scabbard. Rec'd—3/6/2011. Est. Value—\$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Antique rifle made of walnut and steel. Rec'd—3/6/2011. Est. Value—\$750.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	4' x 3' silk rug multi-colored with a red background. Rec'd—4/4/2011. Est. Value—\$8,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Gold plated Fort with palm trees. Rec'd—5/18/2011. Est. Value—\$1,200.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Painted river landscape with sailboats. Rec'd—6/29/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of tangible gifts furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Michael J. Morell, Deputy Director	Silver jewelry set consisting of a necklace, bracelet, and earring. Rec'd—7/28/2011. Est. Value—\$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Round silver plate with moon and star design. Rec'd—8/18/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	6' x 4' rug with a gold background and diagonal diamond shape rows. Rec'd—9/4/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Silver hookah/Shish pipe. Rec'd—9/21/2011. Est. Value—\$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Pair of multi-colored glass candlesticks. Rec'd—11/7/2011. Est. Value—\$400.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Nocturnal Winter landscape with cottage and star; painting. Rec'd—11/8/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Burlwood and satinwood hinged-top chess set. Rec'd—12/5/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	Silver curved dagger and scabbard. Rec'd—12/13/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael J. Morell, Deputy Director	6' x 4' rug with an emerald green background. Rec'd—12/15/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Ebel Sports watch. Rec'd—12/4/2007. Est. Value—\$900.00. Disposition—Destroyed.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Breitling Watch. Rec'd—11/4/2009. Est. Value—\$3,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Men's Baume and Merler Wrist watch with a black leather strap. Rec'd—1/31/2011. Est. Value—\$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
[Report of tangible gifts furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Lady's Bartheley Wrist watch with two rows of diamonds surrounding the face. Rec'd—1/31/2011. Est. Value—\$8,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Men's Tag Heuer wrist watch with a black leather strap. Rec'd—1/31/2011. Est. Value—\$5,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Lady's Baume and Mercier wrist watch with silver bracelet. Rec'd—1/31/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Men's Balmain Wrist watch with black leather strap. Rec'd—1/31/2011. Est. Value—\$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Silver plated decorative image in a blue velvet with and easel stand. Rec'd—2/1/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Silver plated decorative image in a blue velvet with and easel stand. Rec'd—2/1/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Silver plated decorative image in a blue velvet with and easel stand. Rec'd—2/1/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	A DIOR Stylos silver pen, a crystal teapot, a crystal paperweight, and a plastic paperweight. Rec'd—3/9/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Box of four silver coins, Peace Park Series. Rec'd—3/25/2011. Est. Value—\$476.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	3' x 5' silk rug. Rec'd—4/4/2011. Est. Value—\$3,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Omega Speedmosre professional wristwatch. Rec'd—4/9/2011. Est. Value—\$3,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
 [Report of tangible gifts furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Breitling Colt Chrono Sport watch with a black face and a black rubber wrist band. Rec'd—6/6/2011. Est. Value—\$800.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Ebel watch, Lady's Ebel watch, and 2 Apple iPads. Rec'd—6/12/2011. Est. Value—\$5,400.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Movado watch. Rec'd—9/25/2011. Est. Value—\$1,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Rolex watch, submariner model. Rec'd—10/10/2011. Est. Value—\$5,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE MAYOR
 [Report of tangible gifts furnished by the Office of the Mayor]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Vincent C. Gray, Mayor, Washington, DC.	Tall vase, gold tinted with painted flowers. Rec'd—10/3/2011. Est. Value—\$800.00. Disposition—Retain for Official Use.	The Honorable Melih Gokcek, Mayor of Ankara of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: U.S. EUROPEAN COMMAND
 [Report of tangible gifts furnished by U.S. European Command]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Admiral James G. Stavridis, Commander, U.S. European Command.	36" x 24" oil painting on canvas. Rec'd—7/18/2011. Est. Value—\$600.00. Disposition—SHAPE Headquarters for Official Use.	Colonel General Hryhorii Pedchenko, Chief of Defense of the Government of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
 [Report of travel furnished by the National Aeronautics and Space Administration]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Jeerapong Wongchote	All expense paid participation in the Thai-American Young Leadership Program sponsored by RTCG and TASC. Airfare, lodging, meals, and local transportation. Rec'd—9/16/25/2011. Est. Value—\$2,218.38.	Royal Thai Consulate General (RTCG) and Thai Association of Southern California (TASC).	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE

[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Statue/Vessel: Cast bronze with black coating, having flaring square rim over 4 standing rams. Rec'd—1/10/2011. Est. Value—\$585.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Liang Guanglie, Minister of National Defense of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Boat Statue/Bone Dragon boat, including 3 tiers of people standing on balcony/bridge. Rec'd—1/12/2011. Est. Value—\$845.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Xu Caihou, Vice Chairman of the Central Military Commission of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Silver Wine Goblets. Rec'd—3/22/2011. Est. Value—\$520.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Anatoliy Serdyukov, Minister of Defense of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Egyptian bronze statue/clock, designed as dial with Roman numerals on top of head of kneeling female. Rec'd—3/24/2011. Est. Value—\$430.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Field Marshal Mohamed Hussein Tantawi, Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Portrait/painting, acrylic on canvas, depicting 4 females including child on left standing behind seated woman with hand raised to her chin; Silver palm tree with 4 groups of goldtone fruited branches. Rec'd—4/7/2011. Est. Value—\$1,445.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Jalal Talabani, President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Kurdish Rug/polished cotton, depicting 2 hooked hexagonal guls in pink, red, turquoise, black, green on white field; Wall clock, quartz movement behind round 7" metal plate. Rec'd—4/8/2011. Est. Value—\$375.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Masoud Barzani, President of the Kurdistan Region of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Marble Box, Box, rectangular, inside of polished black stone, outside clad in polished blue/gray/black stone panels. Rec'd—3/12/2011. Est. Value—\$385.00. Disposition—Pending Transfer to General Services Administration.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Golden Camel Clock, polished brasstone ridged frame finial over octagonal brasstone case quartz clock. Rec'd—4/21/2011. Est. Value—\$2,200.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Sheikh Hamad bin Khalifa Al-Thani, Amir of State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Davidoff Piramides cigars (10); Andrea's Cigars (25). Rec'd—5/6/2011. Est. Value—\$403.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Mariano Francisco Saynez Mendoza, Secretary of the Navy of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Book: The Military Balance 2011. Rec'd—6/3/2011 Est. Value—\$480.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Director-General John Chipman, Chief Executive of the International Institute for Strategic Studies of the United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Rug, wool pile, hand woven, field displaying 11 rows of 8 retangles. Rec'd—6/5/2011. Est. Value—\$1,000.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Becky Gates, Spouse of Secretary of Defense of the United States.	Pendant on neck chain, yellow gold, stamped in Arabic as 18K gold, the pendant shaped as inverted "u" with chased repousse scene of kneeling winged figure. Rec'd—3/24/2011. Est. Value—\$820.00. Disposition—Pending Transfer to General Services Administration.	Her Excellency Mrs. Wagida Tantawi, Spouse of the Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Secretary of Defense of the United States.	CD—Amadeus; Montblanc Ballpoint Pen. Rec'd—6/6/2011. Est. Value—\$394.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Yousef Al Otaiba, Ambassador of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Secretary of Defense of the United States.	Blue Lapis Bowl. Rec'd—7/9/2011. Est. Value—\$540.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Secretary of Defense of the United States.	Daggar, polished steel blade, secured in ivory-colored molded plastic handle; Romanian Plaque; Mantle clock, 19th century, cast metal depicting helmeted female holding spear sitting on plinth. Rec'd—9/13/2011. Est. Value—\$885.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gabriel Oprea, Minister of National Defense of Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Secretary of Defense of the United States.	Crystal horse and chariot sculpture. Rec'd—10/4/2011. Est. Value—\$465.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Field Marshal Mohamed Hussein Tantawi, Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Secretary of Defense of the United States.	Keris—antique knife in padded batik box. Rec'd—10/23/2011. Est. Value—\$470.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Dr. Purnomo Yudiantoro, Minister of Defense of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Two Piece Wooden Candle Holder with Glass Case. Rec'd—1/1/2011. Est. Value—\$680.00. Disposition—Pending Transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein and Her Majesty Queen Rania Al Abdullah, King and Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	ASFOUR Crystal Ramsiss/Wheel Art object, horse-drawn chariot composed of clear cut crystal and brass. Rec'd—1/28/2011. Est. Value—\$550.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff of the Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Hennessy Paradis Rare Cognac with Case. Rec'd—2/17/2011. Est. Value—\$635.00. Disposition—Pending Transfer to General Services Administration.	Admiral Edouard Guillaud, Chief of Staff of the Armed Forces of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Picture Frame/Map, French, 18th century, printed by Mondhare, depicting battle of Yorktown, Virginia. Rec'd—2/18/2011. Est. Value—\$625.00. Disposition—Pending Transfer to General Services Administration.	Admiral Edouard Guillaud, Chief of Staff of the Armed Forces of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Officer Briefing Pack With Mini Accessories (x2). Rec'd—2/21/2011. Est. Value—\$580.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Opaïd Muhammad Abdullah Al Kabi, Under Secretary of Defence of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Hand Falcon Plaque WITH Case. Rec'd—2/23/2011. Est. Value—\$485.00. Disposition—Transferred to General Services Administration.	Major General Hamed Bin Ali Al-Attiyah, Chief of Staff Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Artwork, comprised of framed print of Kuwaiti postage stamps fronted by goldtone 2-masted sailing ship ("boom"); Key Pad Case with iPad; Jacob and Co Watch Set with Case. Rec'd—2/24/2011. Est. Value—\$29,450.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Keepsake box within a box, rectangular coffer shape having hinged lid with flat top over beveled edges. Rec'd—5/1/2011. Est. Value—\$450.00. Disposition—Pending Transfer to General Services Administration.	Unknown Donor from Romania	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Crystal Ball Of Admiral Mullen. Rec'd—5/17/2011. Est. Value—\$420.00. Disposition—Transferred to General Services Administration.	His Excellency General Chen Bingde, People's Liberation Army Chief of the General Staff of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Pearl Necklace Set. Rec'd—5/17/2011. Est. Value—\$1,740.00. Disposition—Transferred to General Services Administration.	Mrs. Chen, Spouse of General Chen Bingde, Chief of Defense of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Queen Nefertiti head gold necklace. Rec'd—6/8/2011. Est. Value—\$840.00. Disposition—Transferred to General Services Administration.	His Excellency Field Marshal Mohammed Hussein Tantawi, Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Silver Candle Stick Holder; Statue, gold and glass chariot with warrior, by Linea Argenti, cast white resin; Silver Bowl, Footed bowl, silver, stamped in Arabic as 900 grade (indicating 90% silver), having applied molded piercecut scrollwork rim band. Rec'd—6/8/2011. Est. Value—\$1,455.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff of The Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Painting/print, limited edition #1150, titled "Cowboy", depicting human face in blue/brown, plus 2 green leaves dangling from neckline in molded goldtone frame. Rec'd—6/8/2011. Est. Value—\$385.00. Disposition—Transferred to General Services Administration.	His Excellency Air Marshal Fahad Al, Chief of Staff of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Ankh gold necklace. Rec'd—6/8/2011. Est. Value—\$1,280.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Field Marshal Mohammed Hussein Tantawi, Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Large Framed Painting, depicting 4 horses grazing amid trees in foreground, blue/white water in midplane, light green mountain in background. Rec'd—6/16/2011. Est. Value—\$450.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Tsakhiagiin Elbegdorj, President of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Statue, by Linea Argenti, cast white resin, covered in silver and goldtone. Rec'd—6/17/2011. Est. Value—\$385.00. Disposition—Transferred to General Services Administration.	His Excellency Air Marshal Fahad Al, Chief of Staff of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Men's Watch, silvertone face with black Roman numerals, pair of gold confronting long-tailed pheasants over 5-petal chrysanthemum; Women's Watch, silvertone face with black Roman numerals, pair of gold confronting long-tailed pheasants over 5-petal chrysanthemum. Rec'd—7/1/2011. Est. Value—\$550.00. Disposition—Transferred to General Services Administration.	His Excellency Kim Kwan-jin, Minister of Defense of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Statue, horse with Japanese rider, handpainted cast metal depicting Samurai warrior. Rec'd—7/15/2011. Est. Value—\$440.00. Disposition—Transferred to General Services Administration.	General Ryoichi Oriki, Chief of Joint Staff Office of the Japanese Self Defense Force of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
 [Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Desk Set, made of malachite, black marble, and bronze; a combination stationary stand with inset quartz clock. Rec'd—7/21/2011. Est. Value—\$970.00. Disposition—Pending Transfer to General Services Administration.	Unknown	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Silver Vase with glass/wooden case and carrying bag. Rec'd—8/2/2011. Est. Value—\$465.00. Disposition—Transferred to General Services Administration.	His Excellency General Zebari Babakir, Chief of Staff of the Iraqi Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Glass Decanter with emblem by Val Saint Lambert, clear crystal. Rec'd—9/17/2011. Est. Value—\$665.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General August Van Daele, Chief of General Staff of the Kingdom of Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Canvas picture frame with case of white castle with orange/brown roofs; Wine—bottle of Cabernet Sauvignon 1993. Rec'd—9/30/2011. Est. Value—\$483.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Stefan Danila, Chief of Defense of Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Plaque, wood rectangle with high polish fronted by plastic ruby-color ribbon crescent; Knight Statue with engraved case, cold cast bronze. Rec'd—9/30/2011. Est. Value—\$505.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gabriel Oprea, Minister of National Defense of Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Large Sword/saber, curved steel blade engraved. Rec'd—9/30/2011. Est. Value—\$780.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Nikolai Makarov, Chief of General Staff of the Armed Forces of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Large Sword with cover, cutlass, antique, steel blade. Rec'd—9/30/2011. Est. Value—\$780.00. Disposition—Pending Transfer to General Services Administration.	Admiral Edouard Guillaud, Chief of Staff of the Armed Forces of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen, Chairman of the Joints Chiefs of Staff of the United States.	Engraved horse statue with box case. Rec'd—10/3/2011. Est. Value—\$385.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Major General Aloiz Steiner, Chief of Defense of the Republic of Slovenia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff of the United States.	Silverware Set. Rec'd—10/11/2011. Est. Value—\$950.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Jean Kahwagi, Commander-in-Chief of the Lebanese Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff of the United States.	Plaque, shield shape with incorporated foot, pressboard faux painted as wood; Tie & Tie Clip marked "India Navy"; Book, "India for a Billion Reasons"; Wooden Statue/carving, stained black depicting barebreasted female wearing necklaces; Kalamkari Robe/Dress, handpainted or block-printed cotton of red/green flowers. Rec'd—10/17/2011. Est. Value—\$535.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Devendra Kumar Joshi, Chief of Naval Staff for the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff of the United States.	Bag/clutch with red/yello orange rosettes; Scarf, of same design above in silk; Pen, ballpoint, limited edition. Rec'd—11/17/2011. Est. Value—\$415.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Guillermo Galvan Galvan, Secretary of National Defense of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Lynn III, Deputy Secretary of Defense of the United States.	Wooden Candle Holder, one holder round, beveled top and bottom, top inlaid with mother-of-pearl disks. Rec'd—1/3/2011. Est. Value—\$680.00. Disposition—Pending Transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein and Her Majesty Queen Rania Al Abdullah, King and Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Alexander Vershbow, Assistant Secretary of Defense for International Security Affairs of the United States.	Silver bowl with sides detailed with floral repousee in velvet gift case. Rec'd—2/11/2011. Est. Value—\$390.00. Disposition—Pending Transfer to General Services Administration.	His Excellency M. Vecdi Gonul, Minister of National Defense of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Captain John DeNobile, Special Assistant to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$650.00. Disposition—Pending Transfer to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Captain John Kirby, Special Assistant for Public Affairs to the Chairman Joint Chiefs of Staff of the United States.	Jacob and Co Watch Set with Case. Rec'd—2/24/2011. Est. Value—\$28,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Colonel James Baker, Director of Commander's Action Group for the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Captain John Wade, Deputy Executive Assistant to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Colonel David Haight, Deputy Director for Pakistan-Afghanistan Coordination Cell for Joint Staff of the United State.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Colonel John Trumpfeller, Director Arab Division for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
 [Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Donna Miles, Media Relations Analyst for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Douglass Woods, Communication Technician for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Tigmo, Security Chief to the Chairman and Vice Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Jared Sorenson, Special Assistant to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kevin McMillian, Technical Sergeant for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kevin O'Neal, Special Assistant to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Lieutenant Colonel David Womack, Political-Military Planner for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Major Judy Yoder, Aide-De-Camp for the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mark Lovell, Analyst for Army Central Criminal Investigation Command for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Master Sergeant David Washburn, Communication Technician for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Master Sergeant William Patrick, Executive Travel Communicator for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mathieu Rabechault, Media Relations Analyst for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable MC1 Chad McNeeley, Photographer of the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Paul Broner, Analyst for Army Central Criminal Investigation Command for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert Colin, Analyst for Army Central Criminal Investigation Command for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert Trowbridge, Security Analyst for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Sarah Chayes, Special Assistant to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Sean Sweeney, Communication Analyst to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Sergeant First Class Brad Davis, Assistant to the Chairman Joint Chiefs of Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Shane Nisbet, Security Analyst for Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Sonya Zimmerle, Analyst for Army Central Criminal Investigation Command for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Technical Sergeant Robert Gorham, Executive Travel Communicator for the Joint Staff of the United States.	Baume and Mercier Watch with Case. Rec'd—2/24/2011. Est. Value—\$1,600.00. Disposition—Transferred to General Services Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph Skinner, Senior Taiwan Director for the Office of the Secretary of Defense Policy of the United States.	Model jet fighter in gray, marked "F-5 53623" on tail and "5130" on side, mounted within glass display case. Rec'd—3/17/2011. Est. Value—\$390.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Major General Kao Hua-Chu, Defense Minister of Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Michele Flournoy, Under Secretary of Defense for Policy of the United States.	Afghanistan Pink Payal Bottom Dupatta Clothing; Beige Table Cloth and Napkin Set; Afghan Rug, wool pile, hand woven, field displaying 11 rows of 8 rectangles each, alternating in 4 different patterns of flowers/leaves; Prayer rug depicting archway in white outline topped by 3 arcaded buildings against red/tan/burgundy. Rec'd—4/12/2011. Est. Value—\$860.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph McMillan, Principal Deputy Assistant Secretary of Defense for International Security Affairs of the United States.	Statue, Equestrian metal (damaged tail) mounted on marble base; Book—Marrakesh; Book—Arabesques. Rec'd—4/29/2011. Est. Value—\$1,368.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Abdelaziz Bennani, Inspector General of the Royal Moroccan Armed Forces of the Kingdom of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David S. Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia in the Office of the Assistant Secretary of Defense for Asian and Pacific Security Affairs of the United States.	2 Blue Lapis Metal boxes; 2 Table cloths with matching napkins. Rec'd—5/8/2011. Est. Value—\$375.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General James E. Cartwright, Vice Chairman of the Joint Chiefs of Staff of the United States.	Dale of Norway Sweater. Rec'd—5/12/2011. Est. Value—\$465.00. Disposition—Pending Transfer to General Services Administration.	Vice Admiral Jan Eirik Finseth, Deputy Chief of Defense and Head of Defense Staff of the Norwegian Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Grace D. Jacoby, Spouse of Lieutenant General Charles H. Jacoby Jr., Director of Strategic Plans and Policy for the Joint Staff of the United States.	Dale of Norway Sweater. Rec'd—5/12/2011. Est. Value—\$365.00. Disposition—Pending Transfer to General Services Administration.	Vice Admiral Jan Eirik Finseth, Deputy Chief of Defense and Head of Defense Staff of the Norwegian Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General James E. Cartwright, Vice Chairman of the Joint Chiefs of Staff of the United States.	Tumbler Set/2 crystal glasses; Ceramic Serving Bowl with Floral Lid. Rec'd—5/16/2011. Est. Value—\$470.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Aslan Guner, Chief of Defense of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Brigadier General John W. Charlton, Deputy Director Politico-Military Affairs (Middle East) for the Joint Staff of the United States.	Black box with the hinged lid of photographic reproduction brown marble; Wristwatch, Murex # ISC673, with silvertone rectangular white face; Ballpoint pen, having black lower shaft, polished silvertone upper; Black leather wallet having 2 long and 6 short interior pockets/slots; Pair of cufflinks, each a silvertone rectangle. Rec'd—5/17/2011. Est. Value—\$1,510.00. Disposition—Pending Transfer to General Services Administration.	General Abdullah Juma'an, General Coordinator of the Qatar Armed Forces and Chief of International Relations.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
 [Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Major General James M. Holmes, Assistant Deputy Chief of Staff for Operations, Plans and Requirements for the Joint Staff of the United States.	Black polished wood box, with the hinged lid of photographic reproduction brown marble; Wristwatch by JBR, #GLSSB0539D80C 1, having hexagonal black face with white numerals; Wallet, black leather #30626 including flip tab on left with 4 pockets; Ballpoint pen, having black lower shaft, polished silvertone upper; Chain Chard/Charm, cell phone fob, polished silvertone. Rec'd—5/18/2011. Est. Value—\$1,035.00. Disposition—Pending Transfer to General Services Administration.	Major General Abdullah Juma'an, General Coordinator of the Qatar Armed Forces and Chief of International Relations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Major General James M. Holmes, Assistant Deputy Chief of Staff for Operations, Plans and Requirements for the Joint Staff of the United States.	Hexagonal Wooden plaque, with incorporated hinged foot fronted by clear plastic hexagon; Artwork, hollow brass roundel depicting ship with 2 lateen sails and red/white/green/black enamel flag at stern over bird head. Rec'd—5/19/2011. Est. Value—\$375.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Khalid Al Jarra Al Sabah, Deputy Chief of Staff of Kuwait Armed Forces of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Paul Stockton, Assistant Secretary of Defense for Homeland Defense and Americas Security Affairs of the United States.	Wristwatch, round, silvertone face with 12/3/6/9, wedges indicating other hours; Plaque, smoky plastic rectangle with adhered "MD" shield form over ribbon "Ministerio da Defesa". Rec'd—6/9/2011. Est. Value—\$370.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General De Nardi, Chief of the Armed Forces Joint Staff of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David S. Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia in the Office of the Assistant Secretary of Defense for Asian and Pacific Security Affairs of the United States.	Rug, wool pile, hand woven, featuring diamond design in red/tan on field, surrounded by 9 borders. Rec'd—8/1/2011. Est. Value—\$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Brigadier General Warren E. Phipps Jr., Deputy Director for Regional Operations for the Joint Staff of the United States.	Gold Necklace with small hollow heart pendant, 2 spiral tubes; Afghan Clothing—pink top and bottom; Afghan Clothing—black top and bottom. Rec'd—9/1/2011. Est. Value—\$510.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Fazludin Ayar, Commander of the 202 Shamshad Zone of the Afghan National Police of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James Schear, Deputy Assistant Secretary of Defense for Partnership Strategy and Stability Operations of the United States.	Buddha, sculpture, seated, knotted hair, holding bowl in hands, legs crossed. Rec'd—9/20/2011. Est. Value—\$385.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Sharat Singh Bhandari, Minister of Defense of the Federal Democratic Republic of Nepal.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued
 [Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Drew Thompson, Director for China, Taiwan and Mongolia in the Office of the Assistant Secretary of Defense for Asian and Pacific Security Affairs of the United States.	Name Chop/chop stamp, black marble rectangular with white dots; Command Coin (R.O.C. Marine Corps); Command Coin (Flying Tigers); Command Coin (DCGS); Command Coin; Naval Baseball Cap (Green); Naval Baseball Cap (Blue); Naval Baseball Cap (PFG); Naval Baseball Cap (ROC); 2 boxes of tea; 2 books (1 brief & 1 report). Rec'd—9/23/2011. Est. Value—\$410.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Hsia Fu-Hua, Commandant of the Marine Corps of Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David S. Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia in the Office of the Assistant Secretary of Defense for Asian and Pacific Security Affairs of the United State.	Wooden Plaque, walnut rectangle, with metal screw foot, laser-etched, stating "Arrival of PAF F-16s Peace Drive—1"; Wooden Plaque, walnut rectangle with incorporated hinged foot, laser-etched, stating "Friends, Allies Peace Drive—1 F-16 Block—52+"; Wooden Plaque, fronted by color photo of standing female and 4 males marked "Operation Enduring Freedom 08 August 2010"; Table Ornament, of laser-etched clear crystal block stating "F-16 C Block 52 Pakistan Air Force "; Block Ornament, adhered to beveled wood base incised "Induction Ceremony F-16 Block-52"; Cufflinks, displaying Pakistani military emblem over "Pakistan"; Cufflink/Tie Bar, stating "Pakistan Air Force/JF-17" surrounding fighter jet; Tie Tac; Key Chain; Medallion, enameled, stating "Pakistan Air Force" surrounding flying bird on one side, reverse stating "Symbol of Trust Between Two Allies/Arrival of PAF F-16 Peace Drive 1"; Necktie, depicting diagonal rows of fighter jets in yellow outline on navy blue. Rec'd—11/15/2011. Est. Value—\$356.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Rao Qamar Suleman, Chief of Pakistan Air Force of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral James A. Winnefeld, Jr., Vice Chairman of the Joint Chiefs of Staff of the United States.	Commemorative Plaque with marble base; 1970 cufflinks with Brunei royal crest. Rec'd—12/6/2011. Est. Value—\$500.00. Disposition—Pending Transfer to General Services Administration.	His Royal Highness Prince Haji Al-Muhtadee Billah ibni, His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, Crown Prince of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of tangible gifts furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Vicki J. Huddleston, Deputy Assistant Secretary of Defense for African Affairs of the Secretary of Defense of the United States.	Miniature bush with spiral twist silver wires; Artwork, 3 palm trees plus foliage silver-class over molded material. Rec'd—12/12/2011. Est. Value—\$415.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Colonel Nouri Ben Taous, Ministry of Defense of Republic of Tunisia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF JUSTICE

[Report of tangible gifts furnished by the Department of Justice]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Eric H. Holder, Attorney General of the United States.	Swarovski binoculars. Rec'd—3/9/2011. Est. Value—\$745.00. Disposition—Accepted by DOJ.	The Honorable Maria Fekter, Minister of Interior of Austria.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[Report of travel furnished by the United States Agency for International Development]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Inna Loukovenko, Senior DG Governance Advisor.	Travel to Stockholm, Sweden. Rec'd—8/20–24/2011. Est. Value—\$735.00.	Mr. Tomas Brundin, Senior Advisor of the Ministry of Foreign Affairs of Sweden.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY

[Report of tangible gifts and travel furnished by the Department of the Navy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Vice Admiral Mark Fox and Spouse, U.S. Navy, Commander, U.S. Naval Forces Central Command.	Necklace, 18K gold with pendant. Rec'd—1/12/2011. Est. Value—\$626.00. Disposition—Purchased by recipient.	His Excellency Lieutenant General Samy Enan, Chief of Staff of the Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral Mark Fox, U.S. Navy, Commander, U.S. Naval Forces Central Command.	Desk clock; Chopard gold desk clock. Rec'd—6/26/2011. Est. Value—\$1,331.92. Disposition—Retained by recipient.	His Majesty King Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General James Mattis, US Marine Corps, Commander, U.S. Central Command.	Rug, 3'10" x 6'2" hand woven wool and silk with center medallion on an open field of gold surrounded by multiple border of floral pattern of pale gold, green, raspberry, yellow, royal blue, white, cream and taupe. Rec'd—3/28/2011. Est. Value—\$6,800.00. Location—General Services Administration.	Colonel Hassan Quanbazard (Retired), Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY—Continued

[Report of tangible gifts and travel furnished by the Department of the Navy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Major General Kenneth McKenzie, Jr., U.S. Marine Corps, CDR, Strategy, Plans and Policy, U.S. Central Comand.	Watch, Women's Christian Dior, black high tech ceramic and steel case and bracelet, rotating, black lacquered dial set with diamonds, anti-reflective sapphire crystal glass; Watch, Women's Chanel, black ceramic case with a black ceramic link bracelet, bi-directional rotating black ceramic bezel, black dial with luminous hands and arabic numeral hour markers. Rec'd—10/26/2011. Est. Value—\$9,549. Disposition—Transferred to General Services Administration.	Major General Hamad bin Ali Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Commander Brett Crozier, U.S. Navy, Air Operations Director, Naval Striking and Support Forces NATO.	Watch, Hamilton men's, stainless steel case, black dial with stainless steel bracelet; Watch, women's Salvatore Ferragamo, red lizard print band, stainless steel Amethyst white dial with guilloche Gancino decoration. Rec'd—10/30/2011. Est. Value—\$2,545.00. Disposition—Transferred to General Services Administration.	Brigadier General Khalid Amamed Khalfan Al Kuwari, Qatari Military Liaison Officer, Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Peter Yeager, U.S. Marine Corps, Deputy Director of the Resources Directorate for Combined Joint Task Unified Protector.	Watch, men's Navitec Tango Charlie automatic winding, chronograph, hours, minutes and seconds, black band; Watch, Grovana women's chronograph, stainless steel case with ceramic case and bracelet, sapphire crystal. Rec'd—11/1/2011. Est. Value—\$8,000.00. Disposition—Transferred to General Services Administration.	Brigadier General Khalid Amamed Khalfan Al Kuwari, Qatari Military Liaison Officer, Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rear Admiral John Christenson, U.S. Navy, President, Naval War College.	Watch, Etienne Aigner men's stainless steel watch, brown and black case with rose gold face, brown dial, roman numerals, black leather strap with horseshoe shaped clasp, serial A38104. Rec'd—5/16/2011. Est. Value—\$1,058.85. Location—General Services Administration.	Rear Admiral Ibrahim Al-Musharrakh, Commander of the United Arab Emirates Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rear Admiral John Christenson, U.S. Navy, President, Naval War College.	Watch, Versace Character Tonneau men's chronograph, stainless steel bracelet, crystal dial, mother of pearl face. Rec'd—10/20/2011. Est. Value—\$1,700.00. Disposition—Transferred to GSA.	Rear Admiral Ibrahim Al-Musharrakh, Commander of the United Arab Emirates Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rear Admiral Sinclair Harris, U.S. Navy, Director, Navy Irregular Warfare Office.	Watch, Etienne Aigner men's stainless steel watch, brown and black case with rose gold face, brown dial, roman numerals, black leather strap with horseshoe shaped clasp, serial A38104. Rec'd—5/17/2011. Est. Value—\$1,058.85. Disposition—Transferred to GSA.	Rear Admiral Ibrahim Al-Musharrakh, Commander of the United Arab Emirates Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY—Continued

[Report of tangible gifts and travel furnished by the Department of the Navy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Admiral Gary Roughead, U.S. Navy, Chief of Naval Operations.	Plate, 11¼-d" Sterling silver plate, rim band of 5 eight-petal rosettes within foliate scrollwork flanking 5 cartouches, 4 of which are engraved with images (gazelle, fortress, building and boat), plus fifth engraved "With the Compliments of Salman Bin Hamad Al Khalifa Crown Prince of King of Bahrain". Rec'd—8/23/2009. Est. Value—\$1,050.00. Disposition—Transferred to GSA.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Gary Roughead, U.S. Navy, Chief of Naval Operations.	Watch, Mavado men's Series 800 retrograde chronograph, stainless steel case with black aluminum bezel, black dial with 3 retrograde counters and small seconds sub-chronograph movement. Rec'd—5/18/2011. Est. Value—\$1,295.00. Disposition—Transferred to GSA.	Real Admiral Ibrahim Al Musharrakh, Commander of the United Arab Emirates Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral John Richardson, U.S. Navy, Commander, Submarine Force Atlantic.	Wall display, wooden shadow box of the Silver Type 209 Peruvian Submarine. Rec'd—6/20/2011. Est. Value—\$400.00. Disposition—Retained by recipient.	Admiral Jorge De La Puente Ribeyro, Commanding General of the Peruvian Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Captain B. J. Muienburg, U.S. Navy, Commander, Thirteenth Naval Construction Regiment.	Rug, 86 x 62" Afghan rug. Rec'd—9/10/2011. Est. Value—\$955.00. Disposition—Retained by recipient.	Major General Abdul Raziq Sherzai, Commander of the 738th AEW of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Gary Roughead, U.S. Navy, Chief of Naval Operations.	Picture, 14.5" x 12.15" drawing, The View of Flacious Amphitheater known as the Colosseum by Achille Parboni in 25 x 21" frame. Rec'd—8/18/2009. Est. Value—\$540.00. Disposition—Transferred to GSA.	Admiral Paolo La Rosa, Chief of the Italian Navy of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Gary Roughead, U.S. Navy, Chief of Naval Operations.	Dagger, 10.5" scabbard with black leather belt, with 6.5" blade in a metallic silver. presented in green velvet box. Rec'd—11/9/2009. Est. Value—\$525.00. Disposition—Transferred to GSA.	Vice Admiral Fahd Bin Abdullah (Retired), Commander of the Royal Saudi Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Gary Roughead, U.S. Navy, Chief of Naval Operations.	Dagger, 35" silver blade with wood handle, leather sheath with black and silver tassels. Rec'd—12/24/2008. Est. Value—\$1,000.00. Disposition—Transferred to GSA.	Brigadier General Abdulla Saeed Al-Mansoori, Royal Bahrain Naval Forces Commander.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Gary Roughead, U.S. Navy, Chief of Naval Operations.	Cologne, 100 ml Opland Sheik in black leather case; Perfume, 1.7 fl. Oz. Durat Al Bahrain silver beaded casing in lacquer box. Rec'd—4/14/2008. Est. Value—\$564.99. Disposition—Transferred to GSA.	Brigadier General Abdulla Saeed Al-Mansoori, Royal Bahrain Naval Forces Commander.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Captain Kenneth Norton, U.S. Navy, Commanding Officer, USS Ronald Reagan (CVN 76).	Barge, 18" replica of the Thai Royal Barge Suphannahonse; made from wood and painted gold and red. Rec'd—9/23/2009. Est. Value—\$950.00. Disposition—Transferred to GSA.	Rear Admiral Sarayuth Dangteth, Assistant Chief of Staff Officer to Commander of the Royal Thai Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY—Continued

(Report of tangible gifts and travel furnished by the Department of the Navy)

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Rear Admiral Thomas Cropper, U.S. Navy, Deputy Commander, U.S. Naval Forces Central Command.	Watch, Hamilton Khaki Field multi touch men's watch; brushed stainless steel case, luminescent white hands, black numbers, digital display, thermometer, barometer, altimeter, chronometer, compass and alarm function quartz movement, water resistant, black rubber strap, serial H915340. Rec'd—10/24/2008. Est. Value—\$550.00. Disposition—Transferred to GSA.	Rear Admiral Ibrahim Al-Musharrakh, Commander of the United Arab Emirates Naval Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral William Gortney, U.S. Navy, U.S. Naval Forces Central Command.	Watch gift set, Givenchy men's swiss made, stainless steel case and bracelet, pearl dial color, mineral crystal, water resistant; silver pen; silver cufflinks with black jewels inset and black leather wallet in white lacquered box; Watch gift set, Givenchy men's watch, swiss made stainless case with Givenchy logo, brown leather strap, chronograph, mineral crystal; ball point pen; gold cufflinks with logo on top and brown leather wallet in white lacquered box. Rec'd—8/4/2008. Est. Value—\$610.00. Disposition—Transferred to GSA.	Major General Hamad bin Ali Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Samuei Locklear, U.S. Navy, Commander, U.S. Naval Forces, Europe/Commander, U.S. Naval Forces, Africa and one accompanying staff member.	TRAVEL: Lodging in Macedonia. Rec'd—6/7–9/2011. Est. Value—\$530.16.	Lieutenant General Miroslav Stojanovski, Chief of General Staff of the Macedonian Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Samuel Locklear, U.S. Navy, Commander, U.S. Naval Forces, Europe/Commander, U.S. Naval Forces, Africa and one accompanying staff member.	TRAVEL: Lodging in Macedonia. Rec'd—8/29–30/2011. Est. Value—\$1,021.48.	Major General Hamad bin Ali Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral Harry Harris, Jr., U.S. Navy, Deputy Commander, U.S. Naval Forces, Europe/Commander U.S. Naval Forces, Africa and seven accompanying staff members.	TRAVEL: Lodging in Venice, Italy. Rec'd—8/28–9/1/2011. Est. Value—\$7,923.36.	Vice Admiral Jan Eirik Finseth, Deputy Chief of Defense and Head of Defense Staff of the Norwegian Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mark Clookie, Director, Naval Criminal Investigative Service.	TRAVEL: Lodging in Singapore. Rec'd—5/16–20/2011. Est. Value—\$1,071.00. Disposition—Transferred to GSA.	Rear Admiral Ng Chee Peng, Chief of Navy of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Darrell Gilliard, Naval Criminal Investigative Service.	TRAVEL: Lodgings in Singapore. Rec'd—5/16–20/2011. Est. Value—\$1,071.00. Disposition—Transferred to GSA.	Rear Admiral Ng Chee Peng, Chief of Navy of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE TREASURY

[Report of tangible gifts and travel furnished by the Department of the Treasury]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Timothy Geithner, Secretary of the Treasury.	"Hibiscus" Franz Vase with white and red flowers. Rec'd—4/4/2011. Est. Value—\$850.00. Disposition—Retain for official Use.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Barbara Opper, Intermittent Advisor (Government Debt and Issuance Management).	Lodging in Luanda, Angola; Hotel De Conveceos de Talatona. Talatona CCB4 GU02, Rua Luanda Sul; Voucher processed and benefit to government accrued in processing. Rec'd—9/25–10/7/2011. Est. Value—\$2,280.00.	Ministry of Finance of Angola	Non-acceptance would cause embarrassment to donor and U.S. Government.
Emmitt Summers, Intermittent Advisor (Government Debt and Issuance Management).	Lodging in Luanda, Angola; Hotel De Conveceos de Talatona. Talatona CCB4 GU02, Rua Luanda Sul; Voucher processed and benefit to government accrued in processing. Rec'd—9/25–10/7/2011. Est. Value—\$2,280.00.	Ministry of Finance of Angola	Non-acceptance would cause embarrassment to donor and U.S. Government.
Daniel Patrick O'Connell, Resident Advisor Mongolia (Government Debt and Issuance Management).	Accommodations and food Fairmont Le Montreux Palace Montreux, Switzerland. Rec'd—10/23–25/2011. Est. Value—\$1,316.00.	Sovereign Wealth Fund Institute ..	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jean-Jacques Deschamps, Regional Banking Advisor.	Hotel Expenses in Jakarta Indonesia. Rec'd—11/12/2011. Est. Value—\$1,068.12. Disposition—Transfer to Treasury Office of Personal Property on February 25, 2009.	Lembaga Penjamin Simpanan (Indonesia Deposit Insurance Corporation = IDIC); Government of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Philip Watson Morris, Resident Banking Advisor.	Roundtrip airline tickets from Abuja to Lagos, Nigeria. Two nights accommodation in Lagos. Advisor participation in meetings that furthered goals outlined in the project Terms of Reference with the Government of Nigeria. Rec'd—7/28–30/2011. Est. Value—\$1,400.00.	Nigerian Deposit Insurance Corporation of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lael Brainard, Under Secretary for International Affairs.	Heli-Artic Parka and Seal Skin Mitts. Rec'd—5/4/2011. Est. Value—\$1,029.00. Disposition—Pending Transfer to General Services Administration.	The Honorable James M. Flaherty, P.C., M.P., Minister of Finance of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
David Cohen, Assistant Secretary of Terrorist Financing.	Cartier "Tank" Wristwatch and 100 Riyal Gold Coin. Rec'd—10/4/2011. Est. Value—\$4,265.00. Disposition—Pending Transfer to General Services Administration.	Ali Bin Mohsen Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES MARINE CORPS

[Report of tangible gifts and travel furnished by the United States Marine Corps]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Edward Erickson, Associate Professor of Military Studies.	Attendance and participation at the "Chief of Australian Army History Conference from 27 Sep to 1 Oct 2011. Rec'd—7/25/2011. Est. Value—\$17,031.00.	Government of the Commonwealth of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES MARINE CORPS—Continued

[Report of tangible gifts and travel furnished by the United States Marine Corps]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Paolo Tripodi, Professor of Ethics & Leadership.	Attendance and participation at Konrad Adenauer Foundation's VII International Security Conference of Forte de Copacabana—"A European-South American Dialogue"; 4 Nov 2011. Rec'd—10/7/2011. Est. Value—\$3,400.00.	Konrad Adenauer Foundation, Rio de Janeiro, Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The officers at Marine Barracks Washington.	Ceremonial Drum. Rec'd—7/27/2011. Est. Value—\$560.00. Disposition—On display in Center House, Marine Barracks Washington, DC.	Major General F.H.R. Howes, Commandant General of the Royal Marines of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY

[Report of tangible gifts & travel furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Janet Napolitano, Secretary of Homeland Security.	Cartier watch, model W6701005. Polished steel case, 12 black Roman numerals, close rattrack, calendar date window, sword-shaped blue steel hands. Rec'd—1/2/2011. Est. Value—\$2,625.00. Disposition—Department of Homeland Security Headquarters, Office of International Affairs.	Ali Bin Mohsen Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Janet Napolitano, Secretary of Homeland Security.	Black Swarovski Optic binoculars. 8 x 30W. Model A781484533. Came in a black, vinyl travel case with a black leather neckstrap. Rec'd—3/10/2011. Est. Value—\$916.96. Disposition—Department of Homeland Security Headquarters.	The Honorable Maria Fekter, Minister of Interior of Austria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Janet Napolitano, Secretary of Homeland Security.	Swarovski crystal horse. 6" high by 6" wide. Rec'd—7/1/2011. Est. Value—\$400.00. Disposition—Department of Homeland Security Headquarters.	The Honorable Johanna Mikl-Leitner, Minister of Interior of Austria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Janet Napolitano, Secretary of Homeland Security.	ST Dupont, Paris "Liberte" pen. Pearlized white color ballpoint with matching cap with silver-toned trim. In a black presentation box. With engraved plate identifying the donor. Rec'd—12/1/2011. Est. Value—\$387.50. Disposition—Department of Homeland Security Headquarters, Secretary's Office (for display).	The Honorable Claude Guéant, Minister of Interior, Overseas Territories, Territorial Collectivities and Immigration Affairs of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Janet Napolitano, Secretary of Homeland Security.	Cartier watch, model 3701004. Ronde Solo Small Steel series. Rec'd—12/4/2011. Est. Value—\$2,438.00. Disposition—Department of Homeland Security Headquarters.	Ali Bin Mohsen Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued

[Report of tangible gifts & travel furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Robert Fenton, Assistant Administrator, Response Directorate.	TRAVEL: Speaker at the HCFDC Emergency Management Conference. Paris, France. Rec'd—1/14/2011. Est. Value—\$4,027.57.	The French High Committee for Civil Defence (HCFDC).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael Matthews, S&T Program Manager, Department of Homeland Security.	TRAVEL: Attended the 1st International Sports Security Conference (ISSC). Sponsored participation was a direct result of Mr. Matthew's work in the SERRI-funded Sport-Evac project. The ISSC was a major international initiative aimed at assembling key decision makers to shape the international agenda on sports integrity and security, while enhancing global cooperation. The event offered delegates not only thorough debate but also an opportunity to network with international counterparts. The conference was in Doha, Qatar, on 9th and 10th March 2011 and was limited to a select delegation of 150 figures, all of whom were personally invited by the organizers and come from the world of Sport and Security. This was a seminal site visit in an international forum and demonstrated the international flavor of the world class research DHS S&T is doing. Participation provided an excellent opportunity to forge valuable partnerships. Rec'd—1/31/2011. Est. Value—\$8,186.00.	Mr. Heimunn Li, Monitor Group, Michelin House, Fulham Road, London SW3 6RD.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Haroon Azar	TRAVEL: Participation in a Department of State education and cultural exchange program. Participants included inter-agency personnel and a Congressional delegation. Funds covered transportation and lodging costs. Rec'd—1/14/2011. Est. Value—\$4,027.57.	Ministry of Foreign Affairs of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. David Trissell, DHS/FEMA Attache to European Union.	TRAVEL: Presenter at the Polish Presidency Workshop on Crisis Communication. Rec'd—7/19/2011. Est. Value—\$3,928.00.	The State Fire Service of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Timothy Manning, Deputy Administrator Protection and Prevention.	TRAVEL: Speaker (and attendee) at the Asia Pacific Economic Cooperation Emergency Management Workshop on Private Sector Emergency Preparedness, Sendai, Japan. Rec'd—7/30/2011. Est. Value—\$589.00.	Ministry of Foreign Affairs of the Government of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Candice Abinanti, International Affairs Specialist.	TRAVEL: Attendee at the Asia Pacific Economic Cooperation Emergency Management Workshop on Private Sector Emergency Preparedness, Sendai, Japan. Rec'd—7/30/2011. Est. Value—\$589.00.	Ministry of Foreign Affairs of the Government of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued
 [Report of tangible gifts & travel furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Candice Abinanti, International Affairs Specialist.	TRAVEL: Attendee at the Asia Pacific Economic Cooperation Emergency Management Workshop on Private Sector Emergency Preparedness, Sendai, Japan. Rec'd—7/30/2011. Est. Value—\$589.00.	Ministry of Foreign Affairs of the Government of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Douglas Bausch, Physical Scientist, Region 8, Mitigation.	TRAVEL: Instructor at the HAZUS Technical Training Workshop, Jeddah, Saudi Arabia. Rec'd—10/5/2011. Est. Value—\$5,750.00.	Saudi Geological Survey of the Ministry.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jesee Rozell, Risk Analyst, Region 8.	TRAVEL: Instructor at the HAZUS Technical Training Workshop, Jeddah, Saudi Arabia. Rec'd—10/5/2011. Est. Value—\$5,750.00.	Saudi Geological Survey of the Ministry.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Lance Brooks, Branch Chief, Chemical Biological Research and Development, Chemical and Biological Defense Division, Science & Technology, Department of Homeland Security.	TRAVEL: This trip was considered mission critical by the Office of Science and Technology—Mr. Lance Brooks was invited by the Inter-American Committee against Terrorist (CICTE)'s Secretariat of the Organization of American State (OAS) to participate in a table top exercise and present as a subject matter expert on Biological Detection & Remediation. OAS provided invitational travel for the traveler. High ranking public officials from Chile, Argentina, Brazil, Paraguay, and Uruguay participated in the exercise; other international experts were invited as subject matter experts. Participation supported the DHS commitment plan's regional integration which highlights the OAS as the main hemispheric forum and highlights the need to enhance civilian response to disasters. In addition to the total amount paid for airfare and lodging (\$1952.10), OAS/CICTE paid \$25 per day for lunch, which was provided at the workshop location. Mr. Brooks also received \$50 per day for dinner, \$30 each way to/from the airport in both the US and Chile, and \$140 to pay for the reciprocity fee charged to US citizens entering Chile—all totaling \$410. The total including airfare, lodging (which included breakfast), lunch, dinner, fees, and transportation for three days of travel. Rec'd—10/25/2011. Est. Value—\$2,437.10.	Mr. Alejandro Diaz de Leon, Program Manager Inter-American Committee against Terrorism Secretariat of Multidimensional Security Organization of American States.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued

[Report of tangible gifts & travel furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Timothy Curry, Deputy Director, Counterterrorism & Security Policy, Office of Policy, U.S. Department of Homeland Security.	TRAVEL: DHS Representative at the "Training Workshop on Countering Violent Extremist Messaging" conference sponsored by the Ministry of Interior, Kingdom of Saudi Arabia. Rec'd—12/7/2011. Est. Value—\$3,992.73.	Mr. Mohammad Al Subaie, Ministry of Interior of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Mark Koumans, Deputy Assistant Secretary, Office of Policy-International Affairs, Department of Homeland Security.	Cartier watch, model W6701005. Polished steel case, 12 black Roman numerals, close railtrack, calendar date window, sword-shaped blue steel hands. Rec'd—1/2/2011. Est. Value—\$2,625.00. Disposition—Department of Homeland Security Headquarters, Office of International Affairs.	Ali Bin Mohsen Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Tom Warrick, Deputy Assistant Secretary for Counterterrorism Policy, Office of Policy-Policy Development, Department of Homeland Security.	Cartier watch, model W6701005. Polished steel case, 12 black Roman numerals, close railtrack, calendar date window, sword-shaped blue steel hands. Rec'd—1/2/2011. Est. Value—\$2,625.00. Disposition—Department of Homeland Security Headquarters, Office of International Affairs.	Ali Bin Mohsen Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Noah Kroloff, Chief of Staff, Department of Homeland Security.	Cartier watch, model W6701005. Polished steel case, 12 black Roman numerals, close railtrack, calendar date window, sword-shaped blue steel hands. Rec'd—1/2/2011. Est. Value—\$2,625.00. Disposition—Department of Homeland Security Headquarters, Office of International Affairs.	Ali Bin Mohsen Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

[Report of travel furnished by the Federal Emergency Management Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Edward J. Kaplan, USFA Education Specialist.	TRAVEL: IAFC Volunteer & Combination Section Summit. Rec'd—3/17–19/2011. Est. Value—\$536.00.	IAFC (International Association of Fire Chiefs).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Alexander Furr, Director, Natl Fire Prog.	TRAVEL: IAFC Volunteer & Combination Section Summit. Rec'd—3/17–19/2011. Est. Value—\$528.00.	IAFC (International Association of Fire Chiefs).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Sandra Facinoli, Chief, Prevention & Info Branch, USFA.	TRAVEL: IAFC Volunteer & Combination Section Summit. Rec'd—3/17–19/2011. Est. Value—\$536.00.	IAFC (International Association of Fire Chiefs).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Teresa Neal, Fire Prog Specialist ..	TRAVEL: IAFC Volunteer & Combination Section Summit. Rec'd—3/17–19/2011. Est. Value—\$476.00.	IAFC (International Association of Fire Chiefs).	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY—Continued

[Report of travel furnished by the Federal Emergency Management Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ken Farmer, Supv Prog Specialist	TRAVEL: IAFC Volunteer & Combination Section Summit. Rec'd—3/17–19/2011. Est. Value—\$536.00.	IAFC (International Association of Fire Chiefs).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robert Fenton, Asst Administrator for Response.	TRAVEL: HCFDC Emergency Mgmt Conference in Paris, France. Rec'd—1/14–19/2011. Est. Value—\$2,013.57.	The French High Committee for Civil Defense (HCFDC).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Daniel McElhinney, FEMA Liaison to NATO.	TRAVEL: NATO Studies Support Group/COIAT Mtg in Hague, Netherlands. Rec'd—1/22–29/2011. Est. Value—\$3,382.67.	NATO Civil Emergency Preparedness Directorate.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Daniel McElhinney, FEMA Liaison to NATO.	TRAVEL: NATO Studies Support Group/Defense Civil Military Coop Seminar in Hague, Netherlands. Rec'd—3/14–18/2011. Est. Value—\$2,400.75.	NATO Civil Emergency Preparedness Directorate (NATO CEP).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dan McElhinney, Grants Division Director/FEM Liaison to NATO.	TRAVEL: NATO COIAT CEP Support Meeting in Hague, Netherlands. Rec'd—9/24–10/1/2011. Est. Value—\$3,525.09.	NATO Civil Emergency Preparedness (CEP) Directorate.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dan McElhinney, Grants Division Director/FEM Liaison to NATO.	TRAVEL: NATO CEPC Seminar in Budapest, Hungary. Rec'd—10/4–6/2011. Est. Value—\$3,524.43.	NATO Civil Emergency Preparedness (CEP) Directorate.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dan McElhinney, Grants Division Director/FEM Liaison to NATO.	TRAVEL: NATO COIAT CEP Support Meeting in Hague, Netherlands. Rec'd—11/28–12/3–2011. Est. Value—\$2,895.00.	NATO Civil Emergency Preparedness (CEP) Directorate.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Doug Bauch, Physical Scientist	TRAVEL: HAZUS Tech Training in Jeddah, Saudi Arabia. Rec'd—10/5–12/2011. Est. Value—\$536.00.	Saudi Geological Survey of the Ministry.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jesse Rozelle, Risk Analyst	TRAVEL: HAZUS Tech Training in Jeddah, Saudi Arabia. Rec'd—10/5–12/2011. Est. Value—\$536.00.	Saudi Geological Survey of the Ministry.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ed Conley, External Affairs Officer	TRAVEL: NATO MD/CEP COIAT CEP Support Meeting in Hague, Netherlands. Rec'd—9/26–10/1/2011. Est. Value—\$2,550.00.	NATO Civil Emergency Preparedness (CEP) Directorate.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chad Gorman, Chemical Biological Radiological Nuclear Explosive (CBRNE) Branch Chief.	TRAVEL: SecureTech Conference in Ottawa, Canada. Rec'd—10/24–26/2011. Est. Value—\$1,267.30.	Canadian Assoc of Defense and Security Industries (CADSI).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Russell Fox, Continuity Manager ...	TRAVEL: Latin America Continuity Conference in Bogota, Colombia. Rec'd—11/16–19/2011. Est. Value—\$1,731.00.	ITEAM	Non-acceptance would cause embarrassment to donor and U.S. Government.
Denis Onieal, Superintendent, National Fire Academy.	TRAVEL: Speaker at Taiwan Fire Agency Conference in Taipei, Taiwan. Rec'd—11/6–10/2011. Est. Value—\$6,500.00.	National Fire Agency of Taiwan ...	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ed Conley, External Affairs Officer	TRAVEL: Nordic Crisis Communications Conference in Oslo, Norway. Rec'd—11/1–4/2011. Est. Value—\$2,300.00.	Norway Directorate for Civil Protection.	Non-acceptance would cause embarrassment to donor and U.S. Government.
David Trissell, DHS/FEMA Attache to European Union.	TRAVEL: Presenter at the Polish Presidency Workshop on Crisis Communication in Warsaw, Poland. Rec'd—7/19/2011. Est. Value—\$1,964.00.	Government of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY—Continued

[Report of travel furnished by the Federal Emergency Management Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Timothy Manning, Deputy Administrator Protection and Preparedness.	TRAVEL: Attendee & Speaker Asia Pacific Economic Cooperation (APEC) Emergency Management Workshop on Private Sector Emergency Preparedness in Sendai, Japan. Rec'd—7/30/2011. Est. Value—\$589.00.	Ministry of Foreign Affairs of the Government of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Candice Ablnanti, International Affairs Specialist.	TRAVEL: Attendee & Speaker Asia Pacific Economic Cooperation (APEC) Emergency Management Workshop on Private Sector Emergency Preparedness in Sendai, Japan. Rec'd—7/30/2011. Est. Value—\$589.	Ministry of Foreign Affairs of the Government of Japan..	Non-acceptance would cause embarrassment to donor and U.S. Government.
Denis Onieal, Superintendent, National Fire Academy.	TRAVEL: Speaker at Taiwan Fire Agency Conference in Taipei, Taiwan. Rec'd—11/6–10/2011. Est. Value—\$6,500.00.	National Fire Agency of Taiwan ...	Non-acceptance would cause embarrassment to donor and U.S. Government.
Denis Onieal, Superintendent, National Fire Academy.	TRAVEL: Speaker at Taiwan Fire Agency Conference in Taipei, Taiwan. Rec'd—11/6–10/2011. Est. Value—\$6,500.00.	National Fire Agency of Taiwan ...	Non-acceptance would cause embarrassment to donor and U.S. Government.
Denis Onieal, Superintendent, National Fire Academy.	TRAVEL: Speaker at Taiwan Fire Agency Conference in Taipei, Taiwan. Rec'd—11/6–10/2011. Est. Value—\$6,500.00.	National Fire Agency of Taiwan ...	Non-acceptance would cause embarrassment to donor and U.S. Government.
Denis Onieal, Superintendent, National Fire Academy.	TRAVEL: Speaker at Taiwan Fire Agency Conference in Taipei, Taiwan. Rec'd—11/6–10/2011. Est. Value—\$6,500.00.	National Fire Agency of Taiwan ...	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

[Report of tangible gifts furnished by the office of the Director of National Intelligence]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
5 U.S.C. 7342(f)(4), as amended ..	Rug—3" x 4" wool, beige field with floral patter; plaque—wood with brass seal. Rec'd 7/21/2011. Est. Value—\$400.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.
5 U.S.C. 7342(f)(4), as amended ..	Gold coin, 1 sleung, 2006, 16g, in Lucite coin holder, Cambodian Ancient Naga coin, Nordic-gold Proof like coin; dish 7" diameter, silver with repousse border, center decorated with a view of the Angkor Wat, Cambodia, 21st century, 4ozsT. Rec'd—8/12/2011. Est. Value—\$1,100.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.
5 U.S.C. 7342(f)(4), as amended ..	Palte 9¾" diameter, silver with repousse border, Cambodia, 21st century, 10ozsT. Rec'd—8/13/2011. Est. Value—\$500.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE—Continued

[Report of tangible gifts furnished by the office of the Director of National Intelligence]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
5 U.S.C. 7342(f)(4), as amended ..	Sculpture 14" H, bronze with dark patination, standing Roman Infantry soldier, by Noee, Romania, 21st century, 10ozsT. Rec'd—9/16/2011. Est. Value—\$400.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.
5 U.S.C. 7342(f)(4), as amended ..	Rug—Indo-Keshan silk rug, 3'10" x 2'7", post 1950's navy blue ground with palmette and trellising vine field, centering a pulled lobed medallion on ivory ground, complementary spandrels and guard border on brown ground. Rec'd—10/26/2011. Est. Value—\$500.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: U.S. HOUSE OF REPRESENTATIVES

[Report of tangible gifts furnished by the U.S. House of Representatives]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Henry Cuellar, Member of Congress.	Transportation from Islamabad to Karachi, Pakistan. Rec'd—11/8/2011. Est. Value—Unknown.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Jeff Duncan, Member of Congress.	Transportation from Islamabad to Karachi, Pakistan. Rec'd—11/8/2011. Est. Value—Unknown.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mike Fitzpatrick, Member of Congress.	Transportation from Islamabad to Karachi, Pakistan. Rec'd—11/8/2011. Est. Value—Unknown.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gene Green, Member of Congress.	Transportation from Islamabad to Karachi, Pakistan. Rec'd—11/8/2011. Est. Value—Unknown.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael McCaul, Member of Congress.	Transportation from Islamabad to Karachi, Pakistan. Rec'd—11/8/2011. Est. Value—Unknown.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE

[Report of tangible gifts and travel furnished by the United States Senate]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Jon Tester, United States Senator.	Yemen Silver Jambyah. Rec'd—1/20/2011. Est. Value—\$850.00. Location—Deposited with the Secretary of the Senate.	Dr. Rashad Mohamed Al-Alimi, Deputy Prime Minister for Security Forces of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mitch McConnell, United States Senator.	Moon Jar. Rec'd—3/29/2011. Est. Value—\$2,000.00. Location—Deposited with the Secretary of the Senate.	The National Assembly of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Jack Reed, United States Senator.	Yemen Silver Jambyah. Rec'd—5/3/2011. Est. Value—\$850.00. Location—Deposited with the Secretary of the Senate.	Dr. Rashad Mohamed Al-Alimi, Deputy Prime Minister for Security Forces of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Carl Levin, United States Senator.	Yemen Silver Jambyah. Rec'd—6/11/2011. Est. Value—\$850.00. Location—Deposited with the Secretary of the Senate.	Dr. Rashad Mohamed Al-Alimi, Deputy Prime Minister for Security Forces of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE—Continued

[Report of tangible gifts and travel furnished by the United States Senate]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Tom R. Carper, United States Senator.	4'4" x 6" Afghan Rug. Rec'd—6/9/2011. Est. Value—\$900.00. Location—Deposited with the Secretary of the Senate.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John McCain, United States Senator.	6 x 4 Indian Rug. Rec'd—8/17/2011. Est. Value—\$1,500.00. Location—Deposited with the Secretary of the Senate.	Omar Abdullah, Chief Minister of Jammu and Kashmir of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John McCain, United States Senator.	iPod Touch; Incense Burner. Rec'd—10/23/2011. Est. Value—\$455.00. Location—Deposited with the Secretary of the Senate.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mitch McConnell, United States Senator.	2 White Porcelain Pottery Figures. Rec'd—10/14/2011. Est. Value—\$350.00. Location—Deposited with the Secretary of the Senate.	His Excellency Lee Myung-bak, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mike Lee, United States Senator.	Tai-Hwa Vase. Rec'd—10/19/2011. Est. Value—\$400.00. Location—Deposited with the Secretary of the Senate.	Representative Jason Yuan, Representative of the Taipei Economic and Cultural Representative Office in the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Susan Collins, United States Senator.	iPod Touch; Incense Burner. Rec'd—10/22/2011. Est. Value—\$549.00. Location—Deposited with the Secretary of the Senate.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mark Kirk, United States Senator.	TRAVEL: Transportation from Djibouti to Bosasso, Somalia. Rec'd—4/30/2011. Est. Value—Unknown.	Government of Puntland, Somalia	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dennis Balkham, Minority Staff Director, Subcommittee on Military Construction, United States Senate.	TRAVEL: Transportation from Djibouti to Bosasso, Somalia. Rec'd—4/30/2011. Est. Value—Unknown.	Government of Puntland, Somalia	Non-acceptance would cause embarrassment to donor and U.S. Government.
Patrick Magnuson, Legislative Director, Office of Senator Mark Kirk.	TRAVEL: Transportation from Djibouti to Bosasso, Somalia. Rec'd—4/30/2011. Est. Value—Unknown.	Government of Puntland, Somalia	Non-acceptance would cause embarrassment to donor and U.S. Government.
Michael T. Behan, Chief Counsel and Legislative Director, Senator Bernard Sanders.	TRAVEL: Local Transportation, Lodging and Meals. Rec'd—5/29–6/1/2011. Est. Value—Unknown.	European Parliament	Non-acceptance would cause embarrassment to donor and U.S. Government.
Matthew S. Giroux, Professional Staff Member, Committee on the Budget, United States Senate.	TRAVEL: Government of Germany. Rec'd—6/22–7/3/2011. Est. Value—Unknown.	Government of Puntland, Somalia	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jon Wolfsthal, Special Advisor to the Vice President, Office of the President of the Senate.	TRAVEL: Lodging, Meals, Ground Transportation, and Conference Fee. Rec'd—12/12–14/2011. Est. Value—Unknown.	Government of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY

[Report of travel furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Peter Banwell, Energy Star Program Manager.	TRAVEL: Hotel and per diem in Paris France. Rec'd—7/9/2011. Est. Value—\$1,215.00.	United Nations Environment Program.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of travel furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Peter Banwell, Energy Star Program Manager.	TRAVEL: Partial per diem, 2 days, \$188 per day. Full per diem, 2 days, \$226 per day (includes hotel and meals) in Santo Domingo, Dominican Republic. Rec'd—8/5/2011. Est. Value—\$838.00.	United Nations Environment Program.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Amy Benson, Toxicologist	TRAVEL: Expenses accepted to support the detail in Paris, France include: (1) Travel expenses (plane fare and baggage fees totaling \$1180.97); (2) Housing allowance (November 29, 2010 to March 31, 2011 totaling \$9882). Rec'd—11/29/2010–3/31/2011 Est. Value—\$11,062.97.	Organization of Economic Cooperation and Development.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Adele Cardenas Malott, Senior Policy Advisor, Region 6.	TRAVEL: Lodging, per diem and travel expenses in Dubrovnik, Croatia. Rec'd—10/14–23/2011. Est. Value—\$2,234.00.	Organization of American States	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chris Corton, Senior Research Biologist.	TRAVEL: Hotel \$1000, local transportation \$150, and meals \$641 in Lyon, France. Rec'd—2/12–23/2011. Est. Value—\$1,791.00.	International Agency for Research on Cancer.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vicki Dellarco, Senior Scientist, Office of Pesticide Programs.	TRAVEL: Geneva, Switzerland: Hotel (11 nights at \$1815.28); Meals, local transportation, and misc expenses (13 days at \$3675.72). Rec'd—9/18–30/2011. Est. Value—\$5,491.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
David DeMarini, Genetic Toxicologist.	TRAVEL: Hotel \$1000, local transportation \$150, and meals \$641 in Lyon, France. Rec'd—2/12–23/2011. Est. Value—\$1,791.00.	International Agency for Research on Cancer.	Non-acceptance would cause embarrassment to donor and U.S. Government.
William H. Donovan, Senior Chemist.	TRAVEL: Hotels: 1) Hotel Suisse, 9/14–9/19/2011, at \$1191. 2) Hotel Excelsior, 9/19–9/30/2011, at \$2114. Per diem for 16 days at \$200/day for a total of \$3200. Rec'd—9/13–30/2011. Est. Value—\$6,505.00.	Food and Agriculture Organization of the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Miguel I. Flores, Director of the Water Quality Protection Division, Region 6.	TRAVEL: Lodging, per diem and travel expenses in Dubrovnik, Croatia. Rec'd—10/14–23/2011. Est. Value—\$2,234.00.	Organization of American States	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gary Foley, Senior Advisor	TRAVEL: Travel expenses accepted included hotel, meals, and incidentals while in London, Britain. Rec'd—9/12–14/2011. Est. Value—\$1,195.68.	Pauline Mungo, Division of Early Warning and Assessment, United Nations Environment Program.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Benjamin Franco, On Scene Coordinator, Region 4.	TRAVEL: \$75 Overweight baggage; \$700 Per Diem in San Salvador, El Salvador. Rec'd—12/13–21/2011. Est. Value—\$775.00.	Ministry of the Environment and Natural Resources of the Republic of El Salvador.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Neil Frank, Physical Scientist	TRAVEL: Travel expenses accepted included hotel, meals, and local transportation while in Beijing, China. Rec'd—12/12–18/2011. Est. Value—\$1,233.16.	World Bank	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lois Gartner, Program Analyst	TRAVEL: Per diem/lodging. Rec'd—9/26–10/23/2011. Est. Value—\$774.00.	International Atomic Energy Agency.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of travel furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Jeffrey Scott Gift, Physical Scientist.	TRAVEL: Lodging, meals, local transportation in Ottawa, Canada. Rec'd—9/26–27/2011. Est. Value—\$385.63.	Health Canada of Canada	Non-acceptance would cause embarrassment to donor and U.S. Government.
Greg Helms, Environmental Protection Specialist.	TRAVEL: Lodging, meals, and local transportation in Geneva, Switzerland. Rec'd—7/3–7/2011. Est. Value—\$1,800.00.	United Nations Environment Program.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Leif Hockstad, Environmental Engineer.	TRAVEL: Meals, lodging, local transportation in Bonn, Germany. Rec'd—8/22–26/2011. Est. Value—\$854.25.	Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Patrick F. Kuefler, Section Chief, Region 5.	TRAVEL: Lodging, meals, and local transportation in Dhaka, Bangladesh. Rec'd—5/7–13/2011. Est. Value—\$1,044.97.	World Bank	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Henry Lee II, Marine Ecologist	TRAVEL: Lodging, meals, and local transportation in Khabarovsk, Russia. Rec'd—10/10–23/2011. Est. Value—\$2,160.00.	North Pacific Marine Science Organization (PICES).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Kristan Markey, Chemist	TRAVEL: Expenses accepted to support six-month detail in Paris, France: (1) Travel expenses to travel to three meetings in foreign countries while stationed in Paris; (2) Housing allowance (March through September 2011). Rec'd—3/8–10/1/2011. Est. Value—\$23,759.61.	Organization of Economic Cooperation and Development.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Richard Martyn, On-Scene Coordinator, Region 9.	TRAVEL: Meals while on travel in Perth, Australia. Rec'd—7/29–8/12/2011. Est. Value—\$1,027.00.	Department of Environment and Conservation, Western Australia, The Commonwealth of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
David J. Miller, Supervisory Chemist.	TRAVEL: Lodging and meals in Parma, Italy. Rec'd—3/12–17/2011. Est. Value—\$548.00.	European Food Safety Authority ..	Non-acceptance would cause embarrassment to donor and U.S. Government.
José A. Negrón, On Scene Coordinator, Region 4.	TRAVEL: Overweight baggage; Per Diem in San Salvador, El Salvador. Rec'd—12/13–21/2011. Est. Value—\$775.00.	Ministry of the Environment and Natural Resources of the Republic of El Salvador.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Kimberly Nesci, Special Assistant, Registration Division, Office of Pesticide Programs.	TRAVEL: Travel expenses accepted included meals, transportation, incidental expenses (e.g., internet access) and lodging while in Geneva, Switzerland. Rec'd—8/27–9/1/2011. Est. Value—\$2,163.00.	World Health Organization of the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Kimberly Nesci, Special Assistant, Registration Division, Office of Pesticide Programs.	TRAVEL: Travel expenses accepted included meals, transportation, incidental expenses (e.g., internet access) and lodging while in Rome, Italy. Rec'd—10/9–16/2011. Est. Value—\$2,352.00.	Food and Agriculture Organization of the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Kimberly Nesci, Special Assistant, Registration Division, Office of Pesticide Programs.	TRAVEL: Travel expenses accepted included meals, transportation, incidental expenses (e.g., internet access) and lodging while in St. Lucia. Rec'd—11/7–14/2011. Est. Value—\$1,278.00.	Food and Agriculture Organization of the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Nhan Nguyen, Chief, Chemical Engineering Branch, Office of Pollution Prevention and Toxics.	TRAVEL: Lodging expenses in Ottawa, Canada. Rec'd—12/11–13/2011. Est. Value—\$427.00.	Health Canada of Canada	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of travel furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Edward V. Ohanian, Associate Director for Science, Office of Water.	TRAVEL: Traveler received \$2650.00 in cash on 7/1 to cover meals, lodging, and local transportation while in Singapore. Rec'd—6/28–7/8/2011. Est. Value—\$2,650.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Bruce Potoka, Environmental Scientist.	TRAVEL: Meals while on travel in Perth, Australia. Rec'd—7/29–8/12/2011. Est. Value—\$1,027.00.	Department of Environment and Conservation, Western Australia, The Commonwealth of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mary Elissa Reaves, Ph.D., Toxicologist.	TRAVEL: Travel to Amsterdam for the WHO Immunotoxicity Conference. Expenses included (1) Taxi to the hotel: \$140 Euro, (2) Food: \$50 Euro, (3) Taxi to the airport: \$120 Euro, and (4) Hotel: \$302.75 Euro. Rec'd—10/1–5/2011. Est. Value—\$816.67.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
P.V. Shah, Chief, Inert Ingredient Assessment Branch; Office of Pesticide Programs, Registration Division.	TRAVEL: For travel to Geneva, Switzerland: 1) Hotel (12 nights)—\$2117.65 and 2) Meals, local transportation, and misc expenses (14 days)—\$3956.47. Rec'd—9/18–10/1/2011. Est. Value—\$6,076.12.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ralph David Simpson, Economist, National Center for Environmental Economics, Office of Policy.	TRAVEL: Expenses incurred during traveler's stay in London: Ground transportation and meals. Rec'd—12/4–7/2011. Est. Value—\$360.00.	European Environmental Agency, European Union.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Katherine Sleasman, Environmental Protection Specialist.	TRAVEL: Received hotel, ground transportation, and meals while in Bangkok, Thailand. Rec'd—8/30–9/4/2011. Est. Value—\$1,000.00.	United Nations Industrial Development Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Thomas F. Speth, Acting Director, Water Supply and Water Resources Division, National Risk Management Research Laboratory.	TRAVEL: Traveler accepted meals and taxis while in Singapore. Rec'd—12/2–8/2011. Est. Value—\$1,156.35.	National University of Singapore ..	Non-acceptance would cause embarrassment to donor and U.S. Government.
Fred B. Stroud, Environmental Scientist.	TRAVEL: Travel benefits accepted while in Germany and Switzerland: (1) Lodging, (2) M&IE, (3) Local transportation, (4) Currency conversion fee, and (5) Internet Connection. Rec'd—6/11–25/2011. Est. Value—\$4,516.50.	United Nations Environment Programme.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Sara Terry, Senior Policy Advisor, Office of Air Quality Planning and Standards.	TRAVEL: Daily subsistence expenses to cover meals and in-country transit for the period of September 4–9 while in Bangkok, Thailand. Rec'd—9/4–9/2011. Est. Value—\$580.00.	United Nations Environment Programme.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Sara Terry, Senior Policy Advisor, Office of Air Quality Planning and Standards.	TRAVEL: Daily subsistence expenses to cover meals and in-country transit for the period of September 25–28 while in Paris, France. Rec'd—9/25–28/2011. Est. Value—\$350.00.	United Nations Environment Programme.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Sara Terry, Senior Policy Advisor, Office of Air Quality Planning and Standards.	TRAVEL: Daily subsistence expenses to cover meals and in-country transit for the period of October 17–21 while in Dhaka, Bangladesh. Rec'd—10/17–21/2011. Est. Value—\$420.00.	United Nations Environment Programme.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued
[Report of travel furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lesley Vazquez-Coriano, DrPH, Microbiologist.	TRAVEL: Meals, hotel, and local transportation while attending the WHO meeting on Microbial Risk Assessment in Geneva, Switzerland. Rec'd—2/19–26/2011. Est. Value—\$1,699.58.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Albert D. Venosa, Director, Land Remediation and Pollution Control Division, National Risk Management Research Laboratory.	TRAVEL: Traveler accepted meals and taxis while in Singapore. Rec'd—12/2–8/2011. Est. Value—\$1,156.35.	National University of Singapore ..	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mike Wireman, National Groundwater Expert.	TRAVEL: Reimbursed expenses included per diem for 7 days, transportation, and hotels in rural villages. Rec'd—6/11–18/2011. Est. Value—\$1,000.00.	World Bank	Non-acceptance would cause embarrassment to donor and U.S. Government.
David P. Wright, Director, Environmental Response Team.	TRAVEL: Hotel, meals, and local transportation while attending conference on environmental emergencies. Rec'd—9/11–15/2011. Est. Value—\$1,786.54.	United Nations Office for the Coordination of Humanitarian Affairs.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Tseming Yang, Deputy General Counsel, Office of General Counsel.	TRAVEL: Kuala Lumpur, Malaysia: Hotel (2 nights)—\$ 294.37; Meals, local transportation, and misc expenses (6 days)—\$ 929.30. Rec'd—10/10–16/2011. Est. Value—\$1,223.67.	United Nations Environment Programme.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Charles Richard Ziegler, Physical Scientist.	TRAVEL: While in Ispra, Italy, UNEP provided its standard per diem for each day of trip, September 10–18, 2011, except one day (the traveler's personal day, Saturday the 17th), for a total of 8 per diem days. UNEP reimbursed traveler \$1311.00 USD. Traveler paid for his hotel (approximately \$709 USD), food and incidentals, which the UNEP reimbursement covered. Rec'd—9/10–18/2011. Est. Value—\$1,311.00.	United Nations Environment Programme.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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S. 716/P.L. 113-7

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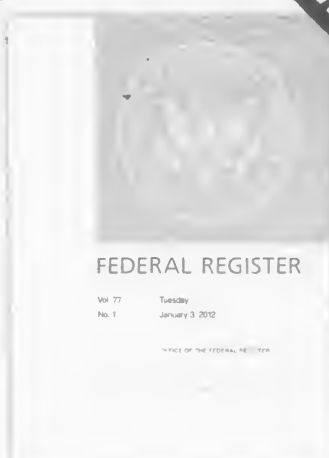
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