

(c) Notwithstanding the foregoing, if this computer software is copyrighted computer software, it is licensed to the Government with the minimum rights set forth in paragraph (b) of this notice.

(d) Any other rights or limitations regarding the use, duplication, or disclosure of this computer software are to be expressly stated in, or incorporated in, the contract.

(e) This notice shall be marked on any reproduction of this computer software, in whole or in part.

(End of notice)

(ii) Where it is impractical to include the Restricted Rights Notice on restricted computer software, the following short-form notice may be used instead:

Restricted Rights Notice Short Form (abbreviated month and year of Final Rule publication)

Use, reproduction, or disclosure is subject to restrictions set forth in Contract No. _____ (and subcontract, if appropriate) with _____ (name of Contractor and subcontractor).

(End of notice)

(iii) If restricted computer software is delivered with the copyright notice of 17 U.S.C. 401, it will be presumed to be licensed to the Government without disclosure prohibitions, with the minimum rights set forth in paragraph (b) of this clause.

Alternate IV (abbreviated month and year of Final Rule publication). As prescribed in 327.409, substitute the following paragraph (c)(1) for paragraph (c)(1) of the basic clause:

(c) *Copyright*—(1) *Data first produced in the performance of the contract.* Except as otherwise specifically provided in this contract, the Contractor may assert copyright in any data first produced in the performance of this contract. When asserting copyright, the Contractor shall affix the applicable copyright notice of 17 U.S.C. 401 or 402, and an acknowledgment of Government sponsorship (including contract number), to the data when such data are delivered to the Government, as well as when the data are published or deposited for registration as a published work in the U.S. Copyright Office. For data other than computer software, the Contractor grants to the Government, and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license for all such data to reproduce, prepare derivative works, distribute copies to the public, and perform publicly and display publicly, by or on behalf of the Government. For computer software, the Contractor grants to the Government and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license for all such computer software to reproduce, prepare derivative works, and perform publicly and display publicly (but not to distribute copies to the public), by or on behalf of the Government.

Alternate V (abbreviated month and year of Final Rule publication). As prescribed in 327.409, add the following paragraph (j) to the basic clause:

(j) The Contractor agrees, except as may be otherwise specified in this contract for

specific data deliverables listed as not subject to this paragraph, that the Contracting Officer may, up to three years after acceptance of all deliverables under this contract, inspect at the Contractor's facility any data withheld pursuant to paragraph (g)(1) of this clause, for purposes of verifying the Contractor's assertion of limited rights or restricted rights status of the data or for evaluating work performance. When the Contractor whose data are to be inspected demonstrates to the Contracting Officer that there would be a possible conflict of interest if a particular representative made the inspection, the Contracting Officer shall designate an alternate inspector.

Dated: September 18, 2012.

Angela Billups,

Associate Deputy Assistant Secretary for Acquisition.

[FR Doc. 2012-31490 Filed 1-9-13; 8:45 am]

BILLING CODE 4150-24-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2010-0132]

RIN 2127-AK17

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Motor Vehicles With a GVWR of More Than 4,536 Kilograms (10,000 Pounds) and Motorcycles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This document proposes several minor amendments to Federal Motor Vehicle Safety Standard (FMVSS) No. 119 to revise the formatting and replace a missing footnote in Table II. FMVSS No. 119 was amended in a final rule published on June 26, 2003 as part of a comprehensive upgrade of several FMVSSs to improve tire safety, as required by the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000. The agency believes that this proposed revision is appropriate to correct minor oversights made in the June 2003 final rule for FMVSS No. 119.

DATES: Submit comments on or before March 11, 2013.

ADDRESSES: You may submit comments electronically to the docket identified in the heading of this document by visiting the following Web site:

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the

online instructions for submitting comments.

Alternatively, you can file comments using the following methods:

• *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 or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

• *Fax:* (202) 493-2251.

Regardless of how you submit your comments, you should mention the docket number identified in the heading of this document.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. 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.

Privacy Act: Anyone is able to 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Abigail Morgan, Office of Crash Avoidance Standards (Telephone: 202-366-6005; Fax: 202-493-2990). For legal issues, you may contact David Jasinski, Office of the Chief Counsel (Telephone: 202-366-2992; Fax: 202-366-3820). You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 119, New pneumatic tires for motor vehicles with a gross vehicle weight rating (GVWR) of more than 4,536 kilograms (10,000 pounds) and motorcycles, specifies tire

performance requirements, including a strength test. When FMVSS No. 119 was established in 1973, it adopted the strength test from FMVSS No. 109.¹ The strength test in FMVSS No. 109, originally issued in 1967, was adopted from the Society of Automotive Engineers (SAE) Recommended Practice J918b—*Passenger Car Tire Performance Requirements and Test Procedures* (January 1967).^{2,3} As part of the strength test, a plunger is driven into a tire. The tire must not be punctured before a minimum energy value is reached.

The tire strength test was designed to evaluate the strength of the reinforcing materials in bias ply tires, typically rayon, nylon, or polyester, and it continues to serve a purpose for these tires. Today, bias tires have been almost completely replaced by radial tires in the U.S.; however, a small market for bias tires still remains.

The breaking energy requirements established in the SAE J918b tire strength test were higher for nylon and polyester cord tires than for rayon cord tires in order to ensure that the strength test stringency was comparable for different tire cord materials.⁴ As a result, when the FMVSS No. 119 strength test was established, Table II was accompanied by the note: “For rayon cord tires, applicable energy values are 60 percent of those in the table.”⁵

In 1998, NHTSA revised FMVSS No. 119 by providing equivalent metric conversions to the standard’s English measurements.⁶ The following sentence was added as a footnote to the table to explain the metric conversions stating: “J measurements are rounded down to the nearest whole number.”

In the 1998 notice, some errors were made in the Table II headings. The agency attempted to correct the headings in 2003; however, there were several issues with the reprinted Table II.⁷ Many of the minimum static breaking energy values were inadvertently omitted from the table.

¹ See FMVSS No. 119 Proposed Motor Vehicle Safety Standard, 37 FR 13481 (Jul. 8, 1972).

² See FMVSS No. 109 Advance Notice of Proposed Rulemaking, 32 FR 2417 (Feb. 3, 1967).

³ SAE is an organization that develops voluntary standards for aerospace, automotive, and other industries. Many of SAE’s recommended practices are developed using technical information supplied by vehicle manufacturers and automotive test laboratories.

⁴ See SAE Recommended Practice J918b—*Passenger Car Tire Performance Requirements and Test Procedures* (January 1967) Section 3.1.

⁵ FMVSS No. 119 Final Rule, 38 FR 31302 (Nov. 13, 1973).

⁶ See 68 FR 28912 (May 27, 1998).

⁷ See 68 FR 38166 (Jun. 26, 2003).

Additionally, the two footnotes were not printed with the table.

In 2007, the headings and content of Table II were corrected in a **Federal Register** notice, but again the footnotes were not printed with the table.⁸

In 2010, NHTSA issued a Notice of Proposed Rulemaking (NPRM) that proposed an upgrade to FMVSS No. 119.⁹ Although the agency proposed several technical corrections to FMVSS No. 119 in the 2010 NPRM, the NPRM did not include any changes to Table II.

II. Proposed Correction to Table II and Formatting Change

In May 2012, Continental Tire of the Americas (Continental) contacted NHTSA to inquire about the tire strength test requirements for rayon cord tires, because they noted the omission of the above-mentioned footnote in Table II, which specified a lower breaking energy requirement for rayon cord tires. After looking into Continental’s question, NHTSA has determined that two footnotes for Table II of FMVSS No. 119 were inadvertently removed from the standard. Due to the length of time that has passed since the footnotes were removed in 2003, the agency decided to issue this Supplemental Notice of Proposed Rulemaking (SNPRM) to reinstate one of the footnotes. The other footnote does not need to be reinstated.

This SNPRM proposes to reinstate the missing footnote for Table II related to the breaking energy requirements for rayon cord tires, which reads as follows: “For rayon cord tires, applicable energy values are 60 percent of those in table.” This footnote was present in FMVSS No. 119 from when the standard was first issued in 1973 until it was inadvertently omitted in 2003.

The breaking energy requirement for rayon cord tires is less than other materials to make the severity of the test comparable to tires made of other cord materials. The breaking energy requirement for rayon cord tires for light vehicles in FMVSS No. 109 remain less than the requirement for nylon or polyester cord tires. The agency can determine whether a tire is composed of rayon cord from information that is required by S6.5(f) of FMVSS No. 119 to be molded on the tire’s sidewall.

The agency is not proposing the replacement of the footnote for Table II related to rounding. When NHTSA

⁸ See 72 FR 49207 (Aug. 28, 2007). When Table II, as revised in 2007, was reprinted in the Code of Federal Regulations, the values in the table were printed incorrectly. The table was recently corrected in a **Federal Register** notice published on September 6, 2012. See 77 FR 54836.

⁹ 75 FR 60036 (Sept. 29, 2010).

added metric conversions to FMVSS No. 119 in 1998, the agency’s principle for converting English system measurements to the metric system favored equivalent conversions, not exact ones.¹⁰ The footnote to Table II stating that measurements in joules were rounded down to the nearest whole number merely reflected this principle. The agency no longer believes that a footnote explaining the rounding procedure is necessary in the regulatory text.

The agency is also proposing three non-substantive formatting changes to Table II in this SNPRM. First, some of the headings have been revised to more clearly explain the tire characteristics. Second, the heading row alignment has been modified. Third, the order of the columns in the right portion of the table for tires other than light truck, motorcycle, and 12 rim diameter code or smaller has been modified to group tube type and tubeless tires together. The agency believes that these formatting changes will make Table II easier to read.

III. Technical Corrections

We have discovered an error in the descriptions of the formula for computing the breaking energy of a tire in metric located in S7.3(f) of FMVSS No. 119. In S7.3(f)(1), the breaking energy (W) is reported in joules (J); however, the explanation incorrectly states the unit abbreviation for joules as kJ, which is the abbreviation for kilojoules. In S7.3(f)(2), unit abbreviations are not included in the explanation and the breaking energy equation formatting is inconsistent with S7.3(f)(1). We are proposing to correct these errors.

IV. Public Participation

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit your comments electronically to the docket following the steps outlined under **ADDRESSES**.

¹⁰ 63 FR 28912.

You may also submit two copies of your comments, including the attachments, by mail to Docket Management at the beginning of this document, under **ADDRESSES**.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit the following to the NHTSA Office of Chief Counsel (NCC-110), 1200 New Jersey Avenue SE., Washington, DC 20590: (1) A complete copy of the submission; (2) a redacted copy of the submission with the confidential information removed; and (3) either a second complete copy or those portions of the submission containing the material for which confidential treatment is claimed and any additional information that you deem important to the Chief Counsel's consideration of your confidentiality claim. A request for confidential treatment that complies with 49 CFR part 512 must accompany the complete submission provided to the Chief Counsel. For further information, submitters who plan to request confidential treatment for any portion of their submissions are advised to review 49 CFR part 512, particularly those sections relating to document submission requirements. Failure to adhere to the requirements of Part 512 may result in the release of confidential information to the public docket. In addition, you should submit two copies from which you have deleted the claimed confidential business information, to Docket Management at the address given at the beginning of this document under **ADDRESSES**.

Will the agency consider late comments?

We will consider all comments that submitted to the docket before the close of business on the comment closing date indicated at the beginning of this notice under **DATES**. In accordance with our policies, to the extent possible, we will also consider comments received after the specified comment closing date. If we receive a comment too late for us to consider in developing the proposed rule, we will consider that comment as

an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received on the Internet. To read the comments on the Internet, go to <http://www.regulations.gov> and follow the on-line instructions provided.

You may download the comments. The comments are imaged documents, in either TIFF or PDF format. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

You may also read the comments at the address and times given near the beginning of this document under **ADDRESSES**.

V. Rulemaking Analyses and Notices

A. Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866, Executive Order 13563, and the Department of Transportation's regulatory policies and procedures. This rulemaking is not considered significant and was not reviewed by the Office of Management and Budget under E.O. 12866, "Regulatory Planning and Review." The rulemaking action has also been determined not to be significant under the Department's regulatory policies and procedures.

This SNPRM would impose no costs upon tire manufacturers. If adopted, the changes proposed in this SNPRM would correct minor errors to Table II of FMVSS No. 119. These changes would impose no costs on manufacturers, nor do we expect that these changes would result in quantifiable benefits. For information on the costs and benefits of the proposed upgrade to FMVSS No. 119, please see the September 29, 2010 NPRM¹¹ and the accompanying Preliminary Regulatory Evaluation.¹²

B. Other Rulemaking Analyses and Notices

For information on the Regulatory Flexibility Act, Executive Order 13132 (Federalism), the National Technology Transfer and Advancement Act, the Unfunded Mandates Reform Act, the National Environmental Policy Act, Executive Order 12988 (Civil Justice Reform), and the Paperwork Reduction

Act, related to the agency's proposed upgrade to FMVSS No. 119, please see the September 29, 2010 NPRM.¹³ As this SNPRM proposes only to unintentional errors to Table II and make technical corrections, it will not have any effect on the agency's analysis in those areas.

C. Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

D. Privacy Act

Anyone is able to 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Amend section 571.119 by revising paragraphs S7.3(f)(1), S7.3(f)(2) and Table II to read as follows:

§ 571.119 Standard No. 119; New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles.

* * * * *

S7.3 * * *
(f) * * *

(1) $W = [(F \times P)/2] \times 10^{-3}$

Where:

W = Breaking energy in joules (J),

F = Force in newtons (N), and

P = Penetration in millimeters (mm), or;

(2) $W = (F \times P)/2$

¹¹ 75 FR 60036.

¹² See Docket No. NHTSA-2010-0132-0002.

¹³ 75 FR 60036.

Where: P = Penetration in inches (in).
 W = Breaking energy in inch-pounds (in-lb), * * * * *
 F = Force in pounds (lb), and

TABLE II—MINIMUM STATIC BREAKING ENERGY
 [Joules (J) and Inch-Pounds (in-lb)]

Tire characteristic Plunger diameter (mm and inches)	Motorcycle		All 12 rim diameter code or smaller except motorcycle		Tubeless 17.5 rim diameter code or smaller and light truck		Tires other than light truck, motorcycle, 12 rim diameter code or smaller							
	7.94 mm	5/16"					Tube type greater than 12 rim diameter code				Tubeless greater than 17.5 rim diameter code			
			19.05 mm	3/4"	19.05 mm	3/4"	31.75 mm	1 1/4"	38.10 mm	1 1/2"	31.75 mm	1 1/4"	38.10 mm	1 1/2"
Breaking energy	J	in-lb	J	in-lb	J	in-lb	J	in-lb	J	in-lb	J	in-lb	J	in-lb
Load Range:														
A	16	150	67	600	225	2,000								
B	33	300	135	1,200	293	2,600								
C	45	400	203	1,800	361	3,200	768	6,800			576	5,100		
D			271	2,400	514	4,550	892	7,900			734	6,500		
E			338	3,000	576	5,100	1,412	12,500			971	8,600		
F			406	3,600	644	5,700	1,785	15,800			1,412	12,500		
G					711	6,300			2,282	20,200			1,694	15,000
H					768	6,800			2,598	23,000			2,090	18,500
J									2,824	25,000			2,203	19,500
L									3,050	27,000				
M									3,220	28,500				
N									3,389	30,000				

Note: For rayon cord tires, applicable energy values are 60 percent of those in table.

* * * * *

Issued on: January 2, 2013.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2013-00315 Filed 1-9-13; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R9-ES-2012-0034; 450 003 0115]

RIN 1018-AY68

Endangered and Threatened Wildlife and Plants; Listing the Blue-Throated Macaw

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the blue-throated macaw (*Ara glaucogularis*) as endangered under the Endangered Species Act of 1973, as amended (Act). This species is endemic to a small area in Bolivia, and there are estimated to be fewer than 150 individuals remaining in the wild. Its population continues to decrease despite intense conservation efforts. The primary threat to the species is lack of reproductive success (loss of nestlings) due to nest failure, which primarily is

caused by competition for nest sites and predation by larger avian species, in addition to diminished availability of suitable habitat. We seek information from the public on the proposed listing for this species.

DATES: We will consider comments and information received or postmarked on or before March 11, 2013. We must receive requests for a public hearing by February 25, 2013. See Public Hearing section under **SUPPLEMENTARY INFORMATION** for more information.

ADDRESSES: You may submit information by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search field, enter FWS-R9-ES-2012-0034, which is the docket number for this action. Then click on the Search button. You may submit a comment by clicking on "Comment Now." If your comments will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

- *By hard copy:* U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R9-ES-2012-0034, Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N.

Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will not accept comments by email or fax. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Requested section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Janine Van Norman, Chief, Branch of Foreign Species, Endangered Species Program, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203; telephone 703-358-2171. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Information Requested

We intend that any final actions resulting from this proposed rule be based on the best scientific and commercial data available. Therefore, we request comments or information from the Government of Bolivia, the scientific community, or any other interested parties concerning this proposed rule. We particularly seek clarifying information concerning:

- (1) Information on taxonomy, distribution, habitat selection and trends (especially breeding and foraging habitats), diet, and population abundance and trends (especially current recruitment data) of this species.
- (2) Information on the effects of habitat loss and changing land uses on