

benefits for eligible Andean countries. Pursuant to section 3103(d) of the ATPDEA, USTR promulgated regulations (15 CFR part 2016) (68 FR 43922) regarding the review of eligibility of countries for the benefits of the ATPA, as amended. The 2012 Annual ATPA Review is the eighth such review to be conducted pursuant to the ATPA regulations.

In a **Federal Register** notice dated August 10, 2012, USTR initiated the 2012 ATPA Annual Review and announced a deadline of September 17, 2012 for the filing of petitions (77 FR 47910). Chevron submitted information updating the petition it originally filed in 2004, which remains under review. Several U.S. business associations made submissions which referenced the matter already under review in the Chevron case but which did not contain specific information concerning other potential violations of eligibility criteria. Several other interested parties made submissions supporting the program which were not within the scope of the eligibility review.

Following is the list of all petitions from prior years that will remain under review through July 31, 2013, which is the period that the ATPA is in effect:

*Ecuador—Human Rights Watch*

*Ecuador—U.S./Labor Education in the Americas Project*

*Ecuador—Chevron Texaco.*

**Douglas Bell,**

*Assistant U.S. Trade Representative for Trade Policy and Economics.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2013, Through December 31, 2013

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2013, through December 31, 2013, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division,

Program Policy Branch (AAM–820), Federal Aviation Administration, 800 Independence Avenue SW., Room 806, Washington, DC 20591; Telephone (202) 267–8442.

**Discussion:** Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2011, the random drug test positive rate was 0.462%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2013.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2011, the random alcohol test violation rate was 0.097%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2013.

**SUPPLEMENTARY INFORMATION:** If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14, §§ 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC on November 1, 2012.

**Frederick E. Tilton,**

*Federal Air Surgeon.*

[FR Doc. 2012–29223 Filed 11–30–12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0278]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 5 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). 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. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions are effective December 3, 2012. The exemptions expire on December 3, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, (202)–366–4001, [fmcsamedical@dot.gov](mailto: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:

##### Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

**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 acknowledgement 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 FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

#### Background

On September 26, 2012, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (77 FR 59248). That notice listed 5 applicants' case histories. The 5 individuals applied for