

purportedly because of concerns related to Avian Influenza. The United States is alleging that India's measures appear to be inconsistent with Articles I and XI of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994") and Articles 2.2, 2.3, 3.1, 5.1, 5.2, 5.5, 5.6, 5.7, 6.1, 6.2, 7, and Annex B, paragraphs 2, 5, and 6 of the *Agreement on the Application of Sanitary and Phytosanitary Measures*.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to [www.regulations.gov](http://www.regulations.gov) docket number USTR-2012-0004. If you are unable to provide submissions by [www.regulations.gov](http://www.regulations.gov), please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission.

To submit comments via [www.regulations.gov](http://www.regulations.gov), enter docket number USTR-2012-0004 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the [www.regulations.gov](http://www.regulations.gov) Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page.)

The [www.regulations.gov](http://www.regulations.gov) site provides the option of providing comments by filling in a "Type Comments" field, or by attaching a document using an "upload file" field. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comments" field.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential

summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the docket and open to public inspection.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

- (1) Must clearly so designate the information or advice;
- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and
- (3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the docket and open to public inspection.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding accessible to the public at [www.regulations.gov](http://www.regulations.gov), docket number USTR-2012-0004.

The public file will include non-confidential comments received by USTR from the public with respect to the dispute. If a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute, will be made available to the public on USTR's Web site at [www.ustr.gov](http://www.ustr.gov), and the report of the panel, and, if applicable, the report of the Appellate Body, will be available on the Web site of the World Trade Organization, [www.wto.org](http://www.wto.org). Comments open to public inspection may be viewed on the [www.regulations.gov](http://www.regulations.gov) Web site.

#### Bradford L. Ward,

Acting Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 2012-7309 Filed 3-26-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Air Traffic Noise, Fuel Burn, and Emissions Modeling Using the Aviation Environmental Design Tool Version 2a

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

**ACTION:** Policy Statement.

**SUMMARY:** This document provides a statement of FAA policy concerning the required use of the Aviation Environmental Design Tool version 2a (AEDT 2a) to analyze noise, fuel burn, and emissions for FAA air traffic airspace and procedure actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, or includes actions above 3,000 feet above ground level (AGL). The policy statement is intended to ensure consistency and quality of analysis performed to assess noise, fuel burn, and emissions impacts of such actions under the National Environmental Policy Act of 1969 (NEPA), as amended, 42 United States Code (U.S.C.) §§ 4321 et seq.

**DATES:** Effective March 21, 2012.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Cointin, Office of Environment and Energy (AEE), Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; Telephone: (202) 493-5047.

#### SUPPLEMENTARY INFORMATION:

**Background:** FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, describes FAA policies and procedures for compliance with the National Environmental Policy Act (NEPA).

Under FAA Order 1050.1E, Appendix A, Section 2.4c, states "the [Emissions and Dispersion Modeling System] EDMS is FAA's required methodology for performing air quality analysis modeling for aviation sources." Section 2.4d states that "[e]xcept for air toxics or where advance written approval has been granted to use an equivalent methodology and computer model by the FAA Office of Environment and Energy, the air quality analyses for aviation emission sources from airport and FAA proposed projects conducted to satisfy NEPA, general conformity, and 49 USC 47106(c) requirements under the Clean Air Act Amendments of 1990 (as amended) must be prepared using the most recent EDMS model available at the start of the environmental analysis process."

FAA Order 1050.1E, Appendix A, Section 13.2a describes the FAA policy to conserve resources such as energy, and the requirement “to identify any proposed major changes in stationary facilities or the movement of aircraft and ground vehicles that would have a measurable effect on local supplies of energy or natural resources.”

FAA Order 1050.1E, Appendix A, Section 14.5e states that for “air traffic airspace actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, or includes actions above 3,000 feet [Above Ground Level—AGL], noise modeling will be conducted using [the Noise Integrated Routing System—NIRS].”

The FAA developed the AEDT 2a to model aircraft noise, fuel burn, and emissions for air traffic airspace and procedure actions for which the use of NIRS is currently required. AEDT 2a has the capability to model aircraft performance based on fleet mix, airport configuration, and operations schedule. These data are used to compute aircraft noise, fuel burn and emissions simultaneously. By standardizing these data, AEDT 2a will help FAA stakeholders make more informed decisions on specific environmental impacts of aviation.

### Policy Statement

Effective March 21, 2012, AEDT 2a is the required tool for noise, fuel burn, and emissions modeling of air traffic airspace and procedure actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, or includes actions above 3,000 feet AGL. Consistent with current FAA policy and practice, the use of AEDT 2a is not required for projects whose analysis began before the effective date of this policy. In the event AEDT 2a is updated after the environmental analysis process if underway, the updated version may, but need not, be used to provide additional disclosure concerning noise, fuel burn, and emissions.

FAA-AEE has approved AEDT 2a as an “equivalent methodology” to EDMS for developing aircraft-only emissions inventories when required for air traffic airspace and procedure actions.

FAA-AEE has approved AEDT 2a to analyze fuel burn to inform the discussion of energy impacts and to assist in assessing greenhouse gas emissions for air traffic airspace and procedure actions.

FAA-AEE has issued AEDT 2a to replace NIRS as the required tool to analyze noise and fuel burn for air traffic airspace and procedure actions.

This policy statement is issued to ensure consistency and quality of analysis performed to comply with requirements under the National Environmental Policy Act of 1969 (NEPA), as amended, 42 United States Code (U.S.C.) §§ 4321 et seq.

Issued in Washington, DC, on March 21, 2012.

**Lourdes Q. Maurice,**  
*Executive Director, Office of Environment and Energy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2012-0074]

#### Improvements to the Compliance, Safety, Accountability (CSA) Motor Carrier Safety Measurement System (SMS)

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** FMCSA announces planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency’s broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements will be available to motor carriers and law enforcement on March 27, 2012. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS announced in this notice are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Starting on March 27, 2012, FMCSA will provide motor carriers with the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers

transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

**DATES:** Comments must be received on or before May 29, 2012.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2012-0074 by any of the following methods:

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

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management Facility, (M-30), U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Ground Floor, Room 12-140, Washington, DC 20590-0001.

- *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. All submissions must include the Agency name and docket number for this notice. See the “Public Participation” heading below for instructions on submitting comments and additional information.

Note that all comments received, including any personal information provided, will be posted without change to <http://www.regulations.gov>. Please see the “Privacy Act” heading below.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140 on the ground floor of the DOT Headquarters Building at 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*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 Privacy Act System of Records Notice for the DOT Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit