

office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2012-45 and should be submitted on or before December 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Kevin M. O'Neill,**  
*Deputy Secretary.*

[FR Doc. 2012-28799 Filed 11-27-12; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

[Public Notice 8098]

### Notice of Meeting of Advisory Committee on International Law

A meeting of the Advisory Committee on International Law will take place on Friday December 14, from 9:30 a.m. to approximately 5:30 p.m., at the George Washington University Law School (Frederick Lawrence Student Conference Center), 2000 H St. NW., Washington, DC. The meeting will be chaired by the Legal Adviser of the Department of State, Harold Hongju Koh, and will be open to the public up to the capacity of the meeting room. It is anticipated that the agenda of the meeting will cover a range of current international legal topics, including corporate social responsibility, principles of self-defense, maritime security, international promotion of the freedom of expression, and the International Law Commission's consideration of the topic of crimes against humanity.

Members of the public who wish to attend the session should, by Friday, December 7, 2012, notify the Office of the Legal Adviser (telephone: (202) 776-8442, email: [LermanJB@state.gov](mailto:LermanJB@state.gov) or [KillTP@state.gov](mailto:KillTP@state.gov)) of their name, professional affiliation, address, and telephone number. A valid photo ID is required for admittance. A member of the public who needs reasonable accommodation should make his or her request by December 5, 2012. Requests made after that time will be considered but might not be possible to accommodate.

Dated: November 20, 2012.

**Theodore P. Kill,**

*Attorney-Adviser, Office of Claims and Investment Disputes, Office of the Legal Adviser, Executive Director, Advisory Committee on International Law, Department of State.*

[FR Doc. 2012-28851 Filed 11-27-12; 8:45 am]

**BILLING CODE 4710-08-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Twelfth Meeting: RTCA Special Committee 223, Airport Surface Wireless Communications

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

**ACTION:** Meeting Notice of RTCA Special Committee 223, Airport Surface Wireless Communications.

**SUMMARY:** The FAA is issuing this notice to advise the public of the meeting of the RTCA Special Committee 223, Airport Surface Wireless Communications.

**DATES:** The meeting will be held December 4–6, 2012, from 9:00 a.m.–5:00 p.m.

**ADDRESSES:** The meeting will be held at the Boeing, Building 2–25 Lobby, 7755 East Marginal Way South, Seattle, WA 98108.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 330-0662/(202) 833-9339, fax (202) 833-9434, or Web site at <http://www.rtca.org>.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 223. The agenda will include the following:

**Tuesday, December 4th—Thursday, December 6th, 2012**

- Plenary
- Welcome, Introductions, Administrative Remarks by Special Committee Leadership
- Agenda Overview
- Review/Approve prior Plenary Meeting Summary and Action Item Status
- General Presentations of Interest
  - ICAO WG-S Status
  - EUROCAE WG-82 Status
- Detailed MOPS Review
- Establish Agenda, Date and Place for Next Plenary Meetings
- Review of Meeting Summary Report

#### • Adjourn—Plenary Meeting

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 8, 2012.

**Richard F. Gonzalez,**

*Management Analyst, Business Operations Group, Federal Aviation Administration.*

[FR Doc. 2012-28854 Filed 11-27-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0165]

#### Parts and Accessories Necessary for Safe Operation; Grant of Exemption for Transecurity LLC (Transecurity)

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

**ACTION:** Notice of final disposition.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant an exemption to Transecurity LLC (Transecurity) that will allow the placement of an onboard safety monitoring system (OBMS) at the bottom of windshields on commercial motor vehicles (CMVs). The Federal Motor Carrier Safety Regulations (FMCSRs) currently require antennas, transponders, and similar devices to be located not more than 6 inches below the upper edge of the windshield, outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Transecurity is coordinating the development and installation of camera-based monitoring systems in up to 500 CMVs operating throughout the United States in support of research being conducted on behalf of FMCSA. The exemption would enable motor carriers to participate in a field operation test to evaluate the system and allow for on-road data collection. FMCSA believes that permitting the OBMS to be mounted lower than currently allowed, but still outside the driver's sight lines to the road and highway signs and signals, will maintain a level of safety that is equivalent to, or greater than, the level

<sup>18</sup> 17 CFR 200.30-3(a)(12).

of safety achieved without the exemption.

**DATES:** This exemption is effective from November 28, 2012 until November 28, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC-PSV, at (202) 366-0676 or [luke.loy@dot.gov](mailto:luke.loy@dot.gov), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) [Pub. L. 105-178, June 9, 1998, 112 Stat. 107, 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the FMCSRs. A rule implementing section 4007 was published on December 8, 1998 (63 FR 67600). Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 FR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

##### **Transecurity's Application for Exemption**

Transecurity applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of camera-based OBMS in up to 500 CMVs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas, transponders and similar devices (devices) must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals.

Transecurity has applied for the exemption because it wants to install the camera-based OBMS equipment in up to 500 CMVs operating throughout the United States in support of research being conducted on behalf of the FMCSA Analysis, Research and Technology Division. Transecurity contends that it must be able to mount the camera-based OBMS lower than

allowed under 49 CFR 393.60(e)(1) "because the safety equipment must have a clear forward facing view of the road, and low enough to accurately scan facial features for detection of impaired driving." Transecurity's mounting preference for the camera-based OBMS and necessary brackets is at the bottom of the windshield; the best position is within and/or below three inches of the bottom of the driver side windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals.

##### **FMCSA Grant of Waiver to Transecurity**

Pursuant to 49 U.S.C. 31315(a) and 49 CFR part 381, subpart B, FMCSA granted Transecurity a 90-day waiver on July 23, 2012, to allow the placement of the OBMS at the bottom of windshields on CMVs, outside of the area permitted by 49 CFR 393.60. This waiver was effective from July 24, 2012, through October 23, 2012. Up to 500 OBMS were to be installed on CMVs operated by the motor carriers listed below:

1. DOT #90792; Eagle Transport Corporation-Rocky Mount, NC.
2. DOT #252234; Holiday Tours Inc.-Randleman, NC.
3. DOT #16377; H&W Trucking Co. Inc.-Mt. Airy, NC.
4. DOT #348258; Associated Grocers-Baton Rouge, LA.
5. DOT #2222676; AM Express Inc.-Escanaba, MI.

During the waiver period, these motor carriers participating in the FMCSA research field operation test must ensure that the OBMS is mounted within and/or below three inches of the bottom of the driver side windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals as much as practicable.

##### **Comments**

On August 23, 2012, FMCSA published notice of the Transecurity application and asked for public comment (77 FR 51104). The Agency received no comments. While FMCSA acknowledges that Transecurity did not present specific studies or data showing that safety will not be degraded, the Agency believes that placement of the OBMS within and/or below three inches of the bottom of the driver side windshield wiper sweep (1) will be outside the drivers' sight lines, and therefore (2) will not have an adverse impact on safety. The FMCSA encourages any party having information that motor carriers utilizing this exemption are not achieving the requisite level of safety immediately to notify the Agency. If safety is being

compromised, or if the continuation of the exemption is not consistent with 49 U.S.C. 31315(b) and 31136(e), FMCSA will take immediate steps to revoke the exemption.

##### **Terms and Conditions for the Exemption**

Based on its evaluation of the application for an exemption, FMCSA grants Transecurity's request. The Agency believes that the safety performance of motor carriers during the 2-year exemption period will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the OBMS would obstruct drivers' views of the roadway, highway signs and surrounding traffic; (2) generally, trucks and buses have an elevated seating position which greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the location within and/or below three inches of the bottom of the driver side windshield wiper sweep, and out of the driver's sightline is reasonable and enforceable at roadside. Without the exemption, FMCSA would be unable to test this innovative onboard safety monitoring system. The Agency hereby grants the exemption for a two-year period, beginning October 24, 2012 and ending October 23, 2014.

During the temporary exemption period, up to 500 OBMS will be installed on CMVs operated by the motor carriers listed below:

1. DOT #90792; Eagle Transport Corporation-Rocky Mount, NC.
2. DOT #252234; Holiday Tours Inc.-Randleman, NC.
3. DOT #16377; H&W Trucking Co. Inc.-Mt. Airy, NC.
4. DOT #348258; Associated Grocers-Baton Rouge, LA.
5. DOT#2222676; AM Express Inc.-Escanaba, MI.

These motor carriers must ensure that the OBMS is mounted within and/or below 3 inches of the bottom of the driver side windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals.

##### **Preemption**

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption.

Issued on: November 21, 2012.

Anne S. Ferro,  
Administrator.

[FR Doc. 2012-28823 Filed 11-27-12; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition To Modify an Exemption of a Previously Approved Antitheft Device; Mitsubishi Motors R&D of America

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

**ACTION:** Grant of petition to modify an  
exemption of a previously approved  
anti-theft device.

**SUMMARY:** On February 2, 2009, the  
National Highway Traffic Safety  
Administration (NHTSA) granted in full  
Mitsubishi Motors R&D (Mitsubishi) of  
America's petition for an exemption in  
accordance with § 543.9(c)(2) of 49 CFR  
part 543, *Exemption From the Theft  
Prevention Standard* for the Mitsubishi  
Outlander vehicle line beginning with  
its model year (MY) 2011 vehicles. On  
August 6, 2012, Mitsubishi submitted a  
petition to modify its previously  
approved exemption for the Outlander  
vehicle line beginning with its model  
year (MY) 2014 vehicles. Mitsubishi  
also requested confidential treatment of  
specific information in its petition. The  
agency will address Mitsubishi's request  
for confidential treatment by separate  
letter. NHTSA is granting Mitsubishi's  
petition to modify the exemption in full  
because it has determined that the  
modified device is also likely to be as  
effective in reducing and deterring  
motor vehicle theft as compliance with  
the parts-marking requirements of the  
Theft Prevention Standard.

**DATES:** The modification granted by this  
notice is effective beginning with the  
2014 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms.  
Deborah Mazyck, Office of International  
Policy, Fuel Economy and Consumer  
Programs, NHTSA, 1200 New Jersey  
Avenue SE., Washington, DC 20590. Ms.  
Mazyck's telephone number is (202)  
366-4139. Her fax number is (202) 493-  
2990.

**SUPPLEMENTARY INFORMATION:** On  
February 2, 2009, NHTSA published in  
the **Federal Register** a notice granting in  
full a petition from Mitsubishi for an  
exemption from the parts-marking  
requirements of the Theft Prevention  
Standard (49 CFR 541) for the Outlander  
vehicle line beginning with its MY 2011

vehicles (see 74 FR 5891, February 2,  
2009). The Mitsubishi Outlander is  
currently equipped with a passive,  
transponder-based, electronic engine  
immobilizer device and an audible and  
visible alarm.

On August 6, 2012, Mitsubishi  
submitted a petition to modify the  
previously approved exemption for the  
Outlander vehicle line. This notice  
grants in full Mitsubishi's petition to  
modify the exemption for the Outlander  
vehicle line beginning with its MY 2014  
vehicles. Mitsubishi's submission is a  
complete petition, as required by 49  
CFR part 543.9(d), in that it meets the  
general requirements contained in 49  
CFR Part 543.5 and the specific content  
requirements of 49 CFR part 543.6. Mitsubishi's petition for modification  
provides a detailed description and  
diagram of the identity, design, and  
location of the components of the  
anti-theft device proposed for  
installation beginning with the 2014  
model year.

The current anti-theft device installed  
on the Mitsubishi Outlander included  
an electronic key, electronic control unit  
(ECU), and a passive immobilizer. Mitsubishi stated that entry models for  
the Outlander vehicle line are equipped  
with an immobilizer that functions via  
a Wireless Control Module (WCM). The  
features of the WCM include a  
transponder key, key ring antenna,  
Electronic time and alarm control  
system (ETACS) ECU, and Engine ECU  
and a receiver antenna. Mitsubishi also  
incorporated an alarm system as  
standard equipment on all trimline  
vehicles. Mitsubishi stated that this is a  
keyless entry system in which the  
transponder is located in a traditional  
key and must be inserted into the key  
cylinder in order to activate the ignition.  
All other models of the Outlander  
vehicle line are equipped with an  
immobilizer that functions via a Keyless  
Operation System (KOS). The KOS  
utilizes a keyless system that allows the  
driver to push a knob in the steering  
lock unit to activate the ignition (instead  
of using a traditional key in the key  
cylinder) as long as the transponder is  
located in close proximity to the driver  
inside the vehicle.

Mitsubishi stated that once the  
ignition switch is turned to the "on"  
position, the transceiver module reads  
the specific ignition key code for the  
vehicle and transmits an encrypted  
message containing the key code to the  
electronic control unit (ECU). The  
immobilizer receives the key code signal  
transmitted from either type of key  
(WCM or KOS) and verifies that the key  
code signal is correct. The immobilizer  
then sends a separate encrypted start-

code signal to the engine ECU to allow  
the driver to start the vehicle. The  
power train only will function if the key  
code matches the unique identification  
key code previously programmed into  
the ECU. If the codes do not match, the  
power train engine and fuel system will  
be disabled. Mitsubishi state that the  
only difference between the two keyless  
entry systems is the "key" and the  
method used to transmit the information  
from the key to the immobilizer.

In its 2014 modification, Mitsubishi  
stated that it will continue to offer the  
WCM as standard equipment for the  
entry models for the Outlander vehicle  
line but all models other than the entry  
models will be equipped with a One-  
touch Starting System (OSS). The  
features of the OSS are the Engine ECU,  
ETACS ECU, OSS ECU, KOS ECU,  
engine (power) switch, keyless  
Operation Key (transponder key) and LF  
antenna. The OSS utilizes a keyless  
system that allows the driver to press a  
button located on the instrument panel  
to activate and deactivate the ignition  
(instead of using a traditional key in the  
key cylinder) as long as the transponder  
is located in close proximity to the  
driver. Mitsubishi stated that it will also  
introduce another model into the  
Outlander vehicle line beginning with  
its MY 2014 vehicle.

Once the ignition switch is pushed to  
the "on" position, the transceiver  
module reads the specific ignition key  
code for the vehicle and transmits an  
encrypted message containing the key  
code to the electronic control unit (ECU)  
which verifies that the key is correct.  
The immobilizer then sends a separate  
encrypted start-code signal to the engine  
ECU to allow the driver to start the  
vehicle. The engine will only function  
if the key code matches the unique  
identification key code previously  
programmed into the ECU. If the codes  
do not match, the engine and fuel  
system will be disabled. Mitsubishi  
further stated that the OSS has 250  
million possible codes, making  
successful key code duplication nearly  
impossible. Mitsubishi stated that the  
immobilizer device and the ECU share  
security data when first installed during  
vehicle assembly, making them a  
matched set. These matched modules  
will not function if taken out and  
reinstalled separately on other vehicles.  
Mitsubishi also stated that the device is  
extremely reliable and durable because  
there are no moving parts, the key does  
not require a separate battery and it is  
impossible to mechanically override the  
device and start the vehicle.

Mitsubishi stated that the Mitsubishi  
Outlander has been equipped with the  
immobilizer device since MY 2007.