

EXHIBIT 15 PRA—BURDEN EFFECTS OF THE RULE—Continued

	Collection	Respondents	Burden hours
IFR .....	ESTA .....	19,140,000	4,785,000
	I-94W .....	100,000	333,147
	I-94 .....	4,400,000	586,667
	Website .....	5,047,681	336,512
	I-102 .....	6,782	2,821
Difference .....	ESTA .....	19,140,000	4,785,000
	I-94W .....	100,000	13,333
	I-94 .....	-9,600,000	-1,275,333
	Website .....	5,047,681	336,512
	I-102 .....	-10,918	-4,542
	ESTA .....	0	0
	I-94W .....	0	0

Comments concerning the accuracy of this cost estimate and suggestions for reducing this burden should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of Homeland Security, Office of Information and Regulatory Affairs, Washington, DC 20503. A copy should also be sent to Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, Attention: Border Security Regulations Branch, 90 K Street NE., 10th Floor, Washington, DC 20229.

CBP has included a copy of the current paper Form I-94 on the docket for this rulemaking in the supporting documents section. CBP seeks comments on whether the instructions included on the form are sufficient or whether they should be revised for clarity in light of the automation. Comments on the instructions should be submitted to CBP as described in the ADDRESSES portion of this rule above.

List of Subjects

8 CFR Part 1

Administrative practice and procedure, Immigration.

8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons discussed in the preamble and under the authority of 8 U.S.C. 1103, CBP amends 8 CFR chapter 1 as set forth below.

PART 1—DEFINITIONS

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

Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 5 U.S.C. 301; Pub. L. 107-296, 116 Stat. 2135; 6 U.S.C. 1 *et seq.*

■ 2. Add § 1.4 to part 1 to read as follows:

§ 1.4 Definition of Form I-94

The term *Form I-94*, as used in this chapter I, includes the collection of arrival/departure and admission or parole information by DHS, whether in paper or electronic format, which is made available to the person about whom the information has been collected, as may be prescribed by DHS. The following terms, when used in the context of the *Form I-94*, are clarified as to their meaning to accommodate the collection of such information in an electronic format.

(a) The terms “annotate,” “note,” “indicate on,” “stamp,” and “endorse,” unless used in part 231 of this chapter, include, but are not limited, to DHS amending, including or completing information in its electronic record of admission, or arrival/departure. For purposes of part 231, the term “endorse” includes but is not limited to the submission of electronic departure data to CBP.

(b) The terms “completed,” “completely executed” and “completed and signed” include, but are not limited to, DHS completing its collection of information into its electronic record of admission, or arrival/departure.

(c) The terms “issuance” and “given” include, but are not limited to, the creation of an electronic record of admission, or arrival/departure by DHS following an inspection performed by an immigration officer.

(d) The term “original I-94” includes, but is not limited to, any printout or electronic transmission of information from DHS systems containing the electronic record of admission or arrival/departure.

(e) The terms “present,” “presentation,” or “submission” of a Form I-94, unless they are used in § 231.1 or § 231.2 of this chapter, include, but are not limited to, providing a printout of information from DHS systems containing an electronic record of admission or arrival/departure. For purposes of § 231.1 of

this chapter, the terms “present” or “submission” of the Form I-94 includes ensuring that each passenger presents him/herself to a CBP Officer for inspection at a U.S. port-of-entry. For the purposes of § 231.2 of this chapter, the terms “present,” “submit,” or “submission” of the Form I-94 includes ensuring that each passenger is available for inspection by a CBP Officer upon request.

(f) The term “possession” with respect to a Form I-94 includes, but is not limited to, obtaining a copy or printout of the record of an electronic evidence of admission or arrival/departure from the appropriate CBP systems.

(g) The terms “surrendering,” “turning in a Form I-94,” and “departure I-94” includes, but is not limited to, complying with any departure controls under 8 CFR part 215 that may be prescribed by CBP in addition to the submission of electronic departure data to CBP by a carrier.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

■ 3. The general authority for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1303—1305; 8 CFR part 2.

§§ 210.4, 212.1, 212.4, 212.6, 214.1, 214.2, 214.6, 214.7, 214.14, 215.8, 231.1, 231.2, 235.1, 245.15, 245.21, 245.23, 245.24, 245a.1, 245a.2, 245a.4, 245a.15, 247.12, 253.1, 274a.2, and 286.9 [Amended]

■ 4. In the following locations, add “(see § 1.4)” after the first mention of the term “I-94”:

- a. § 210.4(d)(3);
- b. § 212.1(q)(1)(vi);
- c. § 212.4(g);
- d. § 212.6(b)(2)(iii);
- e. § 214.1(b)(1)(iv);
- f. § 214.2(b)(2);

- g. § 214.6(g)(1);
  - h. § 214.7(c)(2)(i);
  - i. § 214.14(c)(5)(i)(A);
  - j. § 215.8(a)(1);
  - k. § 231.1(b)(1);
  - l. § 231.2(b)(1);
  - m. § 235.1(f)(1)(ii);
  - n. § 245.15(h)(4);
  - o. § 245.21(g)(3);
  - p. § 245.23(e)(1)(vi);
  - q. § 245.24(d)(6);
  - r. § 245a.1(d)(2);
  - s. § 245a.2(b)(8);
  - t. § 245a.4(b)(2)(i)(F);
  - u. § 245a.15(b)(2)(i);
  - v. § 247.12(a);
  - w. § 253.1(a);
  - x. § 274a.2(b)(1)(v)(A)(5); and
  - y. § 286.9(b)(1).
- 5. In § 264.1, add a note to the end of paragraph (b) to read as follows:

**§ 264.1 Registration and fingerprinting.**

\* \* \* \* \*

(b) \* \* \*

Note to paragraph (b): In addition to the forms noted in this paragraph (b), a valid, unexpired nonimmigrant DHS admission or parole stamp in a foreign passport constitutes evidence of registration.

Janet Napolitano,  
Secretary.

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**DEPARTMENT OF DEFENSE**

**Department of the Army**

**32 CFR Part 505**

**Army Privacy Act Program**

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Army is amending its rule on notification of the Army Litigation Division when complaints citing the Privacy Act are filed in order to correct the mailing address in § 505.12. The address for notifying the Army Litigation Division of cases citing the Privacy Act and filed in a U.S. District Court has changed.

**DATES:** *Effective Date:* This rule is effective March 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** MAJ Lisa R. Bloom, 703-693-1009, email: [lisa.bloom@us.army.mil](mailto:lisa.bloom@us.army.mil).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

In the August 10, 2006, issue of the *Federal Register* (71 FR 46052), the Department of the Army issued a final rule. This final rule corrects the mailing

address for the Army Litigation Division. The Army Litigation Division moved to Fort Belvoir in September 2011.

**B. Regulatory Flexibility Act**

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the rule change does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

**C. Unfunded Mandates Reform Act**

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the rule change does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of \$100 million or more.

**D. National Environmental Policy Act**

The Department of the Army has determined that the National Environmental Policy Act does not apply because the rule change does not have an adverse impact on the environment.

**E. Paperwork Reduction Act**

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the rule change does not involve collection of information from the public.

**F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)**

The Department of the Army has determined that Executive Order 12630 does not apply because the rule change does not impair private property rights.

**G. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)**

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 and Executive Order 13563 this rule change is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the Executive Order.

**H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13045 that Executive Order does not apply.

**I. Executive Order 13132 (Federalism)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13132 that Executive Order does not apply because the rule change will not have a substantial 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.

Kevin K. Robitaille,

COL, JA, Chief, U.S. Army Litigation Division.

**List of Subjects in 32 CFR Part 505**

Privacy, Enforcement actions.

For reasons stated in the preamble 32 CFR part 505 is amended as follows:

**PART 505—ARMY PRIVACY ACT PROGRAM**

■ 1. The authority citation for part 505 continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Revise paragraph (b) (1) of § 505.12 to read as follows:

**§ 505.12 Privacy Act enforcement actions.**

\* \* \* \* \*

(b) \* \* \*

(1) When a complaint citing the Privacy Act is filed in a U.S. District Court against the Department of the Army, an Army Component, a DA Official, or any Army employee, the responsible system manager will promptly notify the Army Litigation Division, U.S. Army Legal Services Agency (USALSA), 9275 Gunston Road, Fort Belvoir, VA 22060.

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**DEPARTMENT OF DEFENSE**

**Department of the Army**

**32 CFR Part 518**

**The Freedom of Information Act**

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Army is amending its rule on notification of the Army Litigation Division when a request is made for a record related to pending litigation involving the United States in order to correct the mailing address in § 518.15 and § 518.18. The address for notifying the U.S. Army Litigation Division of record requests