FEDERAL REGISTER

Vol. 81 Thursday,

No. 42 March 3, 2016

Pages 11091–11406

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 81 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Contents

Federal Register

Vol. 81, No. 42

Thursday, March 3, 2016

Separate Parts In This Issue

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 81, No. 42
Thursday, March 3, 2016

Presidential Documents

Title 3—

The President

Proclamation 9399 of February 29, 2016

American Red Cross Month, 2016

By the President of the United States of America

A Proclamation

Over a century and a half ago, as gunfire echoed through America's skies and division flared between North and South, a trailblazing woman, Clara Barton, braved bullets and cannon fire to deliver much-needed care, comfort, and supplies to wounded soldiers of the Civil War. Undaunted by expectations of women at the time, Clara Barton persevered, as she had her whole life, and strived to aid those who sacrificed to save our Union. Determined that humanitarianism could thrive in peace as well as in conflict, she carried her resolve overseas upon the war's end and was introduced to a relief organization in Europe that inspired her to come home to the United States and establish the American Red Cross.

Today, supporters, volunteers, and employees of the American Red Cross reflect the best of our Nation's spirit—responding to tens of thousands of tragedies here at home each year and bringing relief and assistance to suffering individuals across the globe. In the last year, countless people from the American Red Cross and many other service organizations have served on the front lines of disaster and done the hard work of improving our country and our world, never asking for credit or glory, fame or fortune. From floods that ravaged the plains of the Midwest and the coastlines of South Carolina, to wildfires that scorched California, and an earthquake that devastated Nepal, the American Red Cross has distributed almost one million relief items and provided tens of millions of dollars in assistance to victims. And when an influx of migrants from Syria stretched the capacities of countries around the world, the American Red Cross deployed tens of thousands of volunteers across the Atlantic to provide medical care and essential resources. These selfless heroes inspire hope and offer help to those in need, and as stalwarts in our communities, they build individual resilience and safeguard our blood supply.

The spirit of resilience and service that drives our people in the wake of tragedy is what makes us an anchor of global strength and stability. When hardship strikes, countries around the world look to our Nation for help, and the American Red Cross and similar organizations demonstrate what is possible when compassionate people come together to uphold the basic values that define America—that we are each other's keepers and that we all must accept our obligations to one another. This month, let us be guided by the truth that we all share a similar destiny, and let us support organizations that work to lift up the lives of our planet's most vulnerable people. Together, we can give everyone a place to turn in times of crisis and uncertainty.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and by supporting the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–04842
Filed 3–2–16; 8:45 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9400 of February 29, 2016

Irish-American Heritage Month, 2016

By the President of the United States of America

A Proclamation

Hailing from the Emerald Isle, generations of Irishmen and women have helped shape the idea of America, overcoming hardship and strife through strength and sacrifice, faith and family. With an undying belief that tomorrow always yields a brighter day, Irish Americans symbolize the perpetual optimism that defines our country, and they have long embodied the truth at the heart of our promise—that no matter who you are or where you come from, in America, you can make it if you try.

As we celebrate Irish-American Heritage Month, we recognize the Irish people's contributions to our country's dynamism, and we reaffirm the friendship and family ties between our two nations. For centuries, sons and daughters of Erin have come to America's shores, adding to our rich vibrancy and putting their full hearts into everything they do. From building our country's cities as preeminent architects and earnest laborers to building our national character as people of great joy and cherished culture, Irish Americans have endured intolerance and discrimination to find a place for themselves and their children here in the United States. While remembering the great Irish Americans of the past, we celebrate what forms the foundation of the lasting Irish-American story—a shared embrace of hard work and humility, fairness and dignity, and a mutual quest to secure a freer and more peaceful future.

Today, the United States and Ireland enjoy a thriving and cooperative bond buoyed by a strong legacy of exchanges between our peoples. During Irish-American Heritage Month, let us pay tribute to the extraordinary mark Irish Americans have made on our Nation, and let us look forward to continued collaboration, friendship, and partnership between our countries.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as Irish-American Heritage Month. I call upon all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–04865
Filed 3–2–16; 8:45 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9401 of February 29, 2016

National Colorectal Cancer Awareness Month, 2016

By the President of the United States of America

A Proclamation

Every year, more than 130,000 Americans are diagnosed with colorectal cancer, and it kills nearly 50,000—making it the second leading cause of cancer deaths in the United States. Colorectal cancer touches too many, and together, we must work to lift up those who have been affected by it and all who remain vulnerable to it. This month, as we remember the loved ones we have lost and lift up those who continue to fight colorectal cancer, we strive to save lives by raising awareness of this disease and encouraging everyone to take measures to prevent it.

Although age, obesity, and certain genetic mutations can increase risk of colorectal cancer, all Americans should be aware of its risk factors, which include being physically inactive, having an unhealthy diet, smoking cigarettes, and consuming alcohol in excess. People who have had inflammatory bowel disease or who have a family history of colorectal cancer may also be at particularly high risk. While people of all ages should consult a physician about their susceptibility, individuals between ages 50 and 75 are encouraged to get regular screenings. Symptoms such as blood in stool, persistent stomach pains, and inexplicable weight loss can be present, but sometimes no symptoms occur, which is why early detection and treatment are key for battling colorectal cancer. I urge all people to visit www.Cancer.gov for more information, including early warning signs and tips for prevention.

I am committed to combating all forms of cancer—including colorectal cancer—and to reaching a future when no family knows the pain cancer causes. Earlier this year, I announced a new initiative led by Vice President Joe Biden: a national effort to put the United States on a path to becoming the country that finally cures cancer once and for all—aiming within 5 years to make critical advances that may have otherwise taken more than a decade to achieve. And we have already proposed a $1 billion initiative to kick off this critical work. The Affordable Care Act now requires health care plans to cover certain recommended preventive services, including many screening tests for cancer, at no additional cost—an important provision that helps ensure more people can access critical tests. It also prohibits insurance companies from charging more for pre-existing conditions, including cancer. While work remains to be done to confront the challenges posed by colorectal cancer, we have made great progress in fighting it and informing people of its dangers.

All people deserve to lead long, happy, and healthy lives, and nobody should be robbed of that promise due to the devastating impacts of colorectal cancer. During National Colorectal Cancer Awareness Month, let us honor the legacy of those we have lost to this cancer by spreading awareness of it, uplifting all who live with it, and pledging our full talent, resources, and will to defeating it.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as

National Colorectal Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–04871
Filed 3–2–16; 8:45 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9402 of February 29, 2016

Women's History Month, 2016

By the President of the United States of America

A Proclamation

Throughout history, women have driven humanity forward on the path to a more equal and just society, contributing in innumerable ways to our character and progress as a people. In the face of discrimination and undue hardship, they have never given up on the promise of America: that with hard work and determination, nothing is out of reach. During Women's History Month, we remember the trailblazers of the past, including the women who are not recorded in our history books, and we honor their legacies by carrying forward the valuable lessons learned from the powerful examples they set.

For too long, women were formally excluded from full participation in our society and our democracy. Because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and more, advances were made, discoveries were revealed, barriers were broken, and progress triumphed. Whether serving in elected positions across America, leading groundbreaking civil rights movements, venturing into unknown frontiers, or programming revolutionary technologies, generations of women that knew their gender was no obstacle to what they could accomplish have long stirred new ideas and opened new doors, having a profound and positive impact on our Nation. Through hardship and strife and in every realm of life, women have spurred change in communities around the world, steadfastly joining together to overcome adversity and lead the charge for a fairer, more inclusive, and more progressive society.

During Women's History Month, we honor the countless women who sacrificed and strived to ensure all people have an equal shot at pursuing the American dream. As President, the first bill I signed into law was the Lilly Ledbetter Fair Pay Act, making it easier for working American women to effectively challenge illegal, unequal pay disparities. Additionally, my Administration proposed collecting pay data from businesses to shine a light on pay discrimination, and I signed an Executive Order to ensure the Federal Government only works with and awards contracts to businesses that follow laws that uphold fair and equal labor practices. Thanks to the Affordable Care Act, insurance companies can no longer charge women more for health insurance simply because of their gender. And last year, we officially opened for women the last jobs left unavailable to them in our military, because one of the best ways to ensure our Armed Forces remains the strongest in the world is to draw on the talents and skills of all Americans.

Though we have made great progress toward achieving gender equality, work remains to be done. Women still earn, on average, less for every dollar made by men, which is why I continue to call on the Congress to pass the Paycheck Fairness Act—a sensible step to provide women with basic tools to fight pay discrimination. Meanwhile, my Administration has taken steps to support working families by fighting for paid leave for all Americans, providing women with more small business loans and opportunities, and addressing the challenges still faced by women and girls of color,

who consistently face wider opportunity gaps and structural barriers—including greater discrepancies in pay. And although the majority of our Nation's college and graduate students are women, they are still underrepresented in science, technology, engineering, and mathematics, which is why we are encouraging more women and girls to pursue careers in these fields.

This May, the White House will host a summit on ''The United State of Women,'' to highlight the advances we have made in the United States and across the globe and to expand our efforts on helping women confront the challenges they face and reach for their highest aspirations. We must strive to build the future we want our children to inherit—one in which their dreams are not deferred or denied, but where they are uplifted and praised. We have come far, but there is still far to go in shattering the glass ceiling that holds women back. This month, as we reflect on the marks made by women throughout history, let us uphold the responsibility that falls on all of us—regardless of gender—and fight for equal opportunity for our daughters as well as our sons.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2016, with appropriate programs, ceremonies, and activities. I also invite all Americans to visit www.WomensHistoryMonth.gov to learn more about the generations of women who have left enduring imprints on our history.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–04875
Filed 3–2–16; 8:45 am]
Billing code 3295–F6–P

Rules and Regulations

Federal Register
Vol. 81, No. 42
Thursday, March 3, 2016

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

RIN 3170–AA58

Application Process for Designation of Rural Area under Federal Consumer Financial Law; Procedural Rule

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is adopting a procedural rule establishing an application process under which a person may identify an area that has not been designated by the Bureau as a rural area for purposes of a Federal consumer financial law and apply for such area to be so designated. Currently the Bureau designates rural areas for purposes of certain Federal consumer financial laws relating to mortgage lending.

DATES: This final rule is effective March 3, 2016. The Bureau will begin accepting applications submitted according to the procedure established herein on March 31, 2016.

FOR FURTHER INFORMATION CONTACT: Carl Owens, Terry J. Randall, and James Wylie, Counsels, Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, at 202–435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

A. Rural Area Designations in Federal Consumer Financial Law

Federal consumer financial law provides special provisions and exemptions for certain creditors doing business in rural areas. For example, an exemption from the requirement to establish an escrow account for a higher-priced mortgage loan (escrow exception) partially depends on whether the creditor has extended credit secured by properties in rural areas[1] and a special provision permits certain small creditors to originate balloon-payment qualified mortgages if the creditor has extended a sufficient amount of credit secured by properties in rural areas.[2]

The exemption and special provision listed above were adopted as part of the Bureau's mortgage rules implementing title XIV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[3] pursuant to its authority under the Truth in Lending Act (TILA), as amended by the Dodd-Frank Act. The Bureau adopted revisions to these provisions that were published in the **Federal Register** on October 2, 2015.[4] These revisions included raising the loan origination limit for determining eligibility for small creditor status, including the assets of a creditor's affiliates that regularly extended covered transactions in the calculation of the asset limit for small-creditor status, expanding the definition of rural and underserved areas by adding census blocks that are not in urban areas as defined by the U.S. Census Bureau to the existing county-based definition, and extending the transition period that allowed certain small creditors to make balloon-payment qualified mortgages regardless of whether they operated predominantly in rural or underserved areas to April 1, 2016. Title LXXXIX of the Fixing America's Surface Transportation Act, entitled the HELP Rural Communities Act,[5] contained amendments to TILA and new provisions relating to the designation by the Bureau of rural areas under ''a Federal consumer financial law (as defined under section 1002 of the [Dodd-Frank Act]).''

B. HELP Rural Communities Act Application Process

Section 89002 of the HELP Rural Communities Act requires the Bureau to establish an application process under which a person may apply to have an area designated by the Bureau as a rural area for purposes of a Federal consumer financial law. Section 89002 of the HELP Rural Communities Act also provides details on many of the features of the process, including evaluation criteria for the Bureau's determinations on these applications, a period for public comment on the applications, and a sunset date for the application process of two years after the date of enactment of the HELP Rural Communities Act. The Bureau is issuing this procedural rule to establish the process required by section 89002 of the HELP Rural Communities Act.

Section 89003 of the HELP Rural Communities Act separately made amendments to TILA's test with respect to the Bureau's discretionary authority to establish the escrow exemption and a special provision that permits certain small creditors to originate balloon-payment qualified mortgages. This procedural rule relates solely to the application process under section 89002 and not to those amendments. The Bureau understands that the HELP Rural Communities Act amendments to TILA may create some uncertainty for creditors regarding how the Bureau will exercise its newly expanded discretionary authority with respect to the exemption and special provision in question, particularly in light of the April 1, 2016, expiration of the temporary period that allows certain small creditors to originate balloon-payment qualified mortgages and balloon-payment high cost mortgages, regardless of their operations in rural or underserved areas.[6] The Bureau expects to issue another notice in the **Federal Register** shortly concerning the amendments under section 89003. The Bureau also anticipates providing an interpretation of the term ''rural area'' in section 89002(a) of the HELP Rural Communities Act in that notice that would define the type of area for which applicants may submit applications pursuant to this rule. The Bureau plans to issue that notice before it begins accepting applications pursuant to this rule on March 31, 2016.

[1] 12 CFR 1026.35(b), 1026.35(b)(2)(iii)(A), and 1026.35(b)(2)(iv)(A).

[2] 12 CFR 1026.43(f)(1).

[3] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[4] Amendments Relating to Small Creditors and Rural or Underserved Areas Under the Truth in Lending Act (Regulation Z), 80 FR 59943, 59944 (Oct. 2, 2015).

[5] HELP Rural Communities Act, Public Law 114–94 (2015).

[6] Amendments Relating to Small Creditors and Rural or Underserved Areas Under the Truth in Lending Act (Regulation Z), 80 FR 59943, 59968 (amending 12 CFR 1026.43(e)(i)(B)(ii)) (Oct. 2, 2015).

II. Procedural Requirements

A. Administrative Procedure Act

No notice of proposed rulemaking is required under the Administrative Procedure Act (APA) because this rule relates solely to agency procedure and practice.[7] Because the rule relates solely to agency procedure and practice, it is not substantive, and therefore is not subject to the 30-day delayed effective date for substantive rules under section 553(d) of the APA.[8] The Bureau also believes that this final rule meets the requirements for the section 553(d)(3) exception for good cause. Congress, in section 89002(a) of the HELP Rural Communities Act, required the Bureau to establish an application process not later than 90 days after the enactment of the HELP Rural Communities Act. Because the application process has a required sunset period of two years from the enactment of the HELP Rural Communities Act under section 89002(g), there is good cause to establish the procedure immediately to provide the most time possible for applicants to use the application process. Therefore, the Bureau finds that there is good cause to make the final rule effective on March 3, 2016. Though this final rule establishes the application process immediately, the Bureau will not begin accepting applications until March 31, 2016. In addition the Bureau currently expects to issue a notice concerning the amendments under section 89003 of the HELP Rural Communities Act before March 31, 2016, in light of the April 1, 2016, expiration of the temporary provisions referenced in part I above, and the Bureau expects that some potential applicants may wish to consider the content of that notice in determining whether to apply. The delay also will afford some time for the Bureau to prepare internal procedures to receive applications.

B. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[9]

III. Legal Authority

The Bureau is issuing this rule pursuant to its authority under section 1022(b)(1) of the Dodd-Frank Act, which authorizes the Bureau to prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of Federal consumer financial law.[10] The Bureau is also issuing this rule pursuant to the requirements of section 89002(a) of the HELP Rural Communities Act.[11]

IV. Effective Date

The final rule is effective March 3, 2016. The Bureau will begin accepting applications submitted according to the procedure established herein on March 31, 2016. The HELP Rural Communities Act provides that section 89002, which requires the Bureau to establish this process, shall cease to have any force or effect on December 4, 2017.

V. Paperwork Reduction Act

According to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) the Bureau may not conduct or sponsor a collection of information as defined by the PRA and, notwithstanding any other provisions of law, persons are not required to respond to a collection of information unless it displays a current valid Office of Management and Budget (OMB) control number. The collections of information contained in this procedural rule, and identified as such, have been approved by OMB and assigned the control number 3170–0061. The information collection contained in this procedural rule is required to obtain a benefit. The information collection under this procedural rule is an application to request that the Bureau apply a rural designation to a specific geographic area.

VI. Application Process and Instructions

A. Submission

The application shall be addressed to the CFPB Rural Application Coordinator, Bureau of Consumer Financial Protection.

It may be submitted using one of the following methods:

- *Email: CFPB_Rural_Application@cfpb.gov.*
- *Mail:* ATTN: CFPB Rural Application Coordinator, Research, Markets, and Regulations Division, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* ATTN: CFPB Rural Application Coordinator, Research, Markets, and Regulations Division, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

If the application is submitted by email, it and all attachments described below in part VI.C shall be compiled into a single portable document format (PDF) file. If the application is submitted by mail, hand delivery, or courier, the applicant shall provide three copies of the complete application. The application shall not exceed 10 pages.

B. Content

The application shall contain the following sections:

1. Area Identified

The application shall specifically identify the area requested to be designated as a rural area and the State in which the area is located. An application may identify more than one area if the areas are contiguous (*e.g.,* counties that share a border). Additional areas that are not contiguous (*e.g.,* counties that do not share a border) must be identified in separate applications.

The application shall provide information describing the area identified, for example:

a. The county that comprises the area or in which the area is located; or

b. The Census block that comprises the area, unless the area is comprised entirely of whole counties.

2. Justification for Designation as Rural Area

The applicant shall provide the following information about the evaluation criteria in section 89002(b) of the HELP Rural Communities Act:

a. Census Bureau

The application shall state whether the area identified is classified as rural or urban by the Director of the Bureau of the Census and, if rural, explain the basis for concluding that the area identified was so classified, including by attaching any supporting documentation as described below in part VI.C.

b. Office of Management and Budget

The application shall state whether the area identified is classified as either a metropolitan area, a micropolitan area, or neither by the Director of the Office of Management and Budget and, if neither, explain the basis for concluding that the area identified was so classified, including by attaching any supporting documentation as described below in part VI.C.

c. Department of Agriculture—Rural Development

The application shall state whether the Secretary of Agriculture has determined that properties in the area

[7] 5 U.S.C. 553(b).

[8] 5 U.S.C. 553(d).

[9] 5 U.S.C. 603–604.

[10] 12 U.S.C. 5512(b)(1).

[11] Public Law 114–94, Title LXXXIX (2015).

identified are eligible for programs of the United States Department of Agriculture Office of Rural Development and, if so, explain the basis for concluding that the Secretary has determined as such, including by attaching any supporting documentation as described below in part VI.C.

d. Department of Agriculture—Rural-Urban Commuting Codes

The application shall state the most recent primary and secondary rural-urban commuting codes from the Department of Agriculture for the area identified or of which the area identified is a part, including by attaching any supporting documentation as described below in part VI.C.

e. State Bank Supervisor

The application shall state whether the State bank supervisor, as defined by 12 U.S.C. 1813(r), of the State where the area identified is located has issued a written opinion concerning whether the area identified should be designated as a rural area. Any such written opinion shall be attached as described below in part VI.C.

f. Population Density

The application shall provide the population density of the area identified expressed as the number of persons per square mile using data from the Bureau of the Census and explain the data relied on, including by attaching supporting documentation as described below in part VI.C. The application shall also provide the population density of any nearby area with a greater population density that has been designated by the Bureau as a rural area.

3. Applicant Information

The application shall include the following information about the applicant:

a. Name

The application shall include the name of the applicant.

b. Contact Information

The application shall include information about how to contact the applicant if the Bureau needs additional information about the request.

c. Living or Doing Business in the State

If the applicant is a natural person, the application shall include only a statement affirming that the applicant lives or does business in the State in which the area identified is located. If the applicant is not a natural person, the application shall include a statement affirming that the applicant does business in the State in which the area identified is located and evidence supporting the statement as an attachment as described in part VI.C. Such evidence could include, for example, evidence of incorporation in the State, evidence of licensure to do business in the State, evidence of licensure to conduct a specific type of business in the State, or evidence of an office in the State. The applicant may redact such evidence to withhold sensitive personal information that is not relevant to establishing that the applicant does business in the State where the area identified is located. The applicant may also state on a cover page to the attachment that it wishes the entire attachment to be withheld from the **Federal Register** publication of the attachment.

C. Attachments

The application shall include any other documents necessary to provide the required information above as attachments.

D. Further Instructions

Applicants should not include personal information other than information identified above in part VI.B.3. The Bureau is required by the HELP Rural Communities Act to publish the application in the **Federal Register**. The Bureau may redact the application prior to publication in the **Federal Register** to withhold any unnecessary personal information included in the application.

VII. Process for Considering Applications

A. Receipt of Application and Initial Review

Upon receipt of a request pursuant to this process, the Bureau shall review the request for preliminary matters, including:

1. Completeness of the information set forth above in part VI;

2. Ensuring that the area identified is not already designated as a rural area under the Federal consumer financial laws;

3. Determining if there is an application already pending for the same area identified as described in section 89002(d)(2) of the HELP Rural Communities Act; and

4. Determining if an application for the area identified has been denied less than 90 days before the receipt of the application as described in section 89002(f) of the HELP Rural Communities Act.

If the Bureau determines that the applicant has not submitted a complete application (*e.g.,* because the Bureau cannot ascertain the relevant area from the application), it shall contact the applicant and specify the additional information that is needed to complete an application.

If the Bureau determines that the applicant seeks the designation of a rural area for an area that is already designated as a rural area under the Federal consumer financial laws, for an area for which an application is already pending, for an area for which an application has been denied less than 90 days before the receipt of the application, or if the Bureau determines that the applicant neither lives nor does business in the State in which the area is located, the Bureau shall notify the applicant that the Bureau will not consider whether to designate the area as rural and the reason for not considering the application.

B. Publication of Application in the ***Federal Register***

Not later than 60 days after receipt of a complete application, the Bureau shall publish the application in the **Federal Register**. The Bureau may redact the application prior to publication in the **Federal Register** to withhold any unnecessary personal information included in the application, as discussed above in part VI.D.

C. Public Comment on Application

The Bureau shall accept public comments on the application for not fewer than 90 days after publication in the **Federal Register**.

D. Decision on Designation

The Bureau shall review the information contained in the application and the public comments and, not later than 90 days after the end of the public comment period described above in part VII.C, the Bureau shall grant or deny the application in whole or in part and shall publish such grant or denial in the **Federal Register** along with an explanation of what factors the Bureau relied on in making such determination. The Bureau shall base its decision on the criteria set forth in section 89002(b) of the HELP Rural Communities Act and the rule of construction in section 89002(c) of the HELP Rural Communities Act. A decision to grant an application in whole or in part shall specify the area designated as a rural area, and the time period during which the designation is effective by reference to the duration of the designations of rural areas under the Federal consumer financial laws.

E. Sunset Date

The HELP Rural Communities Act contemplates a process of up to 240 days for each application, including a minimum of 90 days for public comments. The Bureau will consider any application received before April 8, 2017. The Bureau may, in its discretion, consider an application received on or after April 8, 2017, if it determines that it is possible to complete the designation decision process for that application by the sunset date, based on the time remaining, the complexity of the application, and any other relevant factors. The Bureau will notify the applicant if it determines that it cannot complete the application process, in which case the Bureau shall not consider the application nor publish the application in the **Federal Register** as described above in part VII.B.

Dated: February 26, 2016.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2016–04643 Filed 3–2–16; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–3108; Airspace Docket No. 12–AAL–15]

Establishment of Class E Airspace, South Naknek, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at South Naknek NR 2 Airport, South Naknek, AK, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport.

DATES: Effective 0901 UTC, May 26, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at South Naknek NR 2 Airport, South Naknek, AK.

History

On November 24, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at South Naknek NR 2 Airport, South Naknek, AK. (80 FR 73150) FAA–2015–3108. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the South Naknek NR 2 Airport, South Naknek, AK. This airspace is established to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AAL AK E5 South Naknek, AK [New]

South Naknek NR 2 Airport, Alaska
(Lat. 58°42′08″ N., long. 157°00′09″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of South Naknek NR 2 Airport.

Issued in Seattle, Washington, on February 19, 2016.

Christopher Ramirez,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2016–04489 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–7485; Airspace Docket No. 15–AGL–25]

Amendment of Class D and Class E Airspace; Minot, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action amends a final rule published in the **Federal Register** of February 4, 2016, amending Class E surface area airspace and Class E airspace designated as an extension at Minot International Airport, Minot, ND. Adjustment of the geographic coordinates of Minot International Airport and Minot AFB in Class D airspace, and Minot International Airport, Minot Very High Frequency Omnidirectional Range Tactical Air Navigation (VORTAC), and Minot AFB, in Class E airspace extending upward from 700 feet above the surface, are added to the rule. The Title is also amended to include Class D airspace. This does not change the boundaries or operating requirements of the airspace.

DATES: Effective 0901 UTC, March 31, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

The **Federal Register** published a final rule amending Class E airspace at Minot International Airport, Minot, ND (81 FR 5903, February 4, 2016) Docket No. FAA–2015–7485. Subsequent to publication, the FAA found in amending the airport reference point for the airports and VORTAC, additional existing controlled airspace was inadvertently omitted from the rule. This action adds adjustment of the geographic coordinates in Class D airspace and Class E airspace extending upward from 700 feet above the surface for the Minot, ND, area.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of February 4, 2016 (81 FR 5903) FR Doc. 2016–02036, Amendment of Class E Airspace, Minot, ND, is corrected as follows:

§ 71.1 [Amended]

■ On page 5905, column 1, after line 6, add the following text:

Paragraph 5000 Class D Airspace.

* * * * *

AGL ND D Minot, ND [Corrected]

Minot International Airport, ND
(Lat. 48°15′28″ N., long. 101°16′41″ W.)

That airspace extending upward from the surface to and including 4,200 feet MSL within a 4.2-mile radius of the Minot International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airport/facility Directory.

AGL ND D Minot, ND [Corrected]

Minot Air Force Base, ND
(Lat. 48°24′57″ N., long. 101°21′29″ W.)

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5.6-mile radius of Minot AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airport/facility Directory.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL ND E5 Minot, ND [Corrected]

Minot AFB, ND
(Lat. 48°24′57″ N., long. 101°21′29″ W.)
Deering TACAN
(Lat. 48°24′55″ N., long. 101°21′58″ W.)
Minot International Airport, ND
(Lat. 48°15′28″ N., long. 101°16′41″ W.)
Minot VORTAC
(Lat. 48°15′37″ N., long. 101°17′13″ W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Minot AFB, and within 1.5 miles each side of the Deering TACAN 312° radial extending from the 7.1-mile radius of the AFB to 9.3 miles northwest of the AFB, and that airspace within a 7-mile radius of Minot International Airport, and within 4.8 miles each side of the Minot VORTAC 138° radial extending from the 7-mile radius of Minot International Airport to 12.1 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 47-mile radius of Minot AFB, excluding the area north of latitude 49°00′00″ N.

Issued in Fort Worth, Texas, on February 18, 2016.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–04482 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9755]

RIN 1545–BI91

Utility Allowances Submetering

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final and temporary regulations that amend the utility allowance regulations concerning the low-income housing credit. The final regulations clarify the circumstances in which utility costs paid by a tenant based on actual consumption in a submetered rent-restricted unit are treated as paid by the tenant directly to the utility company. The temporary regulations extend the principles of these submetering rules to situations in which a building owner sells to tenants energy that is produced from a renewable source and that is not delivered by a local utility company. The final and temporary regulations affect owners of low-income housing projects that claim the credit, the tenants in those low-income housing projects, and State and local housing credit agencies. The text of these temporary regulations also serves as the text of the proposed regulations (REG–123867–14) set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES:

Effective Date: These regulations are effective on March 3, 2016.

Applicability Date: For dates of applicability, see §§ 1.42–12(a)(5) and 1.42–10T(f)–(g).

FOR FURTHER INFORMATION CONTACT: James Rider (202) 317–4137 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to § 1.42–10 of the Income Tax Regulations (26 CFR part 1), which concerns the applicable utility allowance relating to the low-income housing credit under section 42 of the Internal Revenue Code. On May 5, 2009, the Treasury Department and the IRS released Notice 2009–44 (2009–21 IRB 1037) (see § 601.601(d)(2)(ii)(*b*)) to provide guidance on how the utility allowance regulations apply to buildings with a submetering system. On August 7, 2012, the Treasury Department and the IRS published in the **Federal Register** a notice of proposed rulemaking under section 42(g)(2)(B)(ii) (77 FR 46987) (the 2012 proposed regulations) to provide that utility costs paid by a tenant based on actual consumption in a submetered rent-restricted unit are treated as paid by the tenant directly to the utility company and thus do not count against the maximum rent that the building owner can charge. The 2012 proposed regulations generally incorporated the guidance in Notice 2009–44. The Treasury Department and the IRS received written and electronic comments responding to the 2012 proposed regulations. No requests for a public hearing were made and no public hearing was held.

After consideration of all the comments, the final regulations adopt the 2012 proposed regulations as amended by this Treasury decision, and the temporary regulations extend those rules to the provision of energy that the building owner acquires directly from renewable sources and then provides to low-income tenants. The text of the temporary regulations also serves as the text of the proposed regulations (REG–123867–14) for purposes of the notice of proposed rulemaking on this subject in the Proposed Rules section in this issue of the **Federal Register**.

Summary of Comments and Explanation of Provisions

Comments Specifically Relating to Submetering

Commenters generally stated that the 2012 proposed regulations provided for accurate utility allowance determinations, which would promote energy efficiency and help maintain the financial stability of housing credit properties.

1. Actual-Consumption Submetering Arrangements and Ratio Utility Billing Systems

The 2012 proposed regulations defined an actual-consumption submetering arrangement for utility allowance purposes as not including a ratio utility billing system (RUBS). RUBS uses a formula that allocates a property's utility bill among its units based on the units' relative floor space, number of occupants, or some other quantitative measure, but not actual consumption by the tenant(s) in the unit. A commenter expressed concern that the inability to use RUBS for utility allowance purposes could be interpreted to prohibit the use of RUBS for any low-income housing credit project. This concern is unwarranted. Although the 2012 proposed regulations precluded an arrangement such as RUBS from qualifying as an actual consumption submetering arrangement, they did not prohibit the use of RUBS for low-income housing credit projects. However, any amount paid by a tenant for utilities using RUBS must be included in gross rent. Accordingly, the final regulations follow the approach in the 2012 proposed regulations and continue to define an actual-consumption submetering arrangement as not including RUBS.

2. Administrative Costs of Submetering

The 2012 proposed regulations provided that, if the owner charges a unit's tenants an administrative fee for the owner's actual monthly costs of administering an actual-consumption submetering arrangement, then the fee is not considered gross rent for purposes of section 42(g)(2) so long as the aggregate monthly fee or fees for all of the unit's utilities under one or more actual-consumption submetering arrangements does not exceed the lesser of (A) five dollars per month; or (B) the owner's actual monthly costs paid or incurred for administering the arrangement. One commenter recommended that the final regulations simply require owners to include in gross rent any amounts that exceed five dollars and not require the owner to determine actual monthly cost. According to the commenter, requiring the building owner to determine actual cost is overly burdensome and would lead to technical noncompliance as a result of nominal amounts. Two commenters requested that the final regulations also permit building owners to charge tenants an administrative fee in accordance with State law as currently permitted in Notice 2009–44. According to these commenters, this rule is regionally tuned and therefore allows building owners to recoup the full cost of submetering in a fair manner. The commenters suggested that by not allowing building owners to recover State-approved charges for electricity, the 2012 proposed regulations would create a disincentive for developers to invest in high performance, sustainable low income housing or build additional housing units.

In response to these comments, the final regulations do not include a requirement to determine actual monthly cost, and they generally permit owners to charge tenants an administrative fee in accordance with a State or local law that specifically prescribes a dollar amount for the

administrative fee. The final regulations authorize the Treasury Department and the IRS, by publication in the Internal Revenue Bulletin (IRB) (see § 601.601(d)(2)(ii)), both to provide for administrative fees in excess of five dollars per month even in the absence a State or local law doing so and to put an upper bound on administrative fees even if State or local law allows higher fees.

Thus, if a building owner or its agent charges a unit's tenants a fee for administering an actual-consumption submetering arrangement, then gross rent includes any amount by which the aggregate amount of monthly fees for all of the unit's utilities under one or more actual-consumption submetering arrangements exceeds the greater of—(i) five dollars per month; (ii) an amount (if any) designated by publication in the IRB; or (iii) the lesser of a dollar amount (if any) specifically prescribed under a State or local law or a maximum amount (if any) designated by publication in the IRB.

3. Energy Acquired Directly From a Renewable Source

During consideration of the comments on the 2012 proposed regulations, the Treasury Department and the IRS realized that the proposed definition of an actual-consumption submetering arrangement assumed that the building owner was purchasing the utility in question from a local utility company. For example, proposed § 1.42–10(e)(1)(iv) referred to ''the utility company rate incurred by the building owner for the particular utility.'' This assumption appeared to preclude applying submetering principles to electricity generated from renewable sources by the building owner or by some other person from whom the building owner purchases it directly.

The legislative purposes of the low-income housing credit, however, are fully consistent with applying submetering principles to energy that is acquired without the intervention of a local utility company. Accordingly, this Treasury decision contains temporary regulations that apply those principles to energy that the building owner provides to tenants after having acquired it directly from renewable sources. Qualification for this submetering treatment, however, depends on the charges to the tenants for this energy being comparable to local utility rates. To the extent that tenants consume this energy, charges by the building owner must not exceed the rates that the local utility company would have charged the tenants if they had instead acquired the energy from that company. Information about how to provide comments on the substance of the temporary regulations is in the notice of proposed rulemaking on this subject (REG–123867–14), which is in the Proposed Rules section in this issue of the **Federal Register**.

Comments Relating to Utility Allowances Generally

In addition to comments responding to the 2012 proposed regulations, the Treasury Department and the IRS received comments relating to the utility allowance regulations that existed prior to these final regulations. The final regulations incorporate certain changes suggested in those comments, as described in this preamble.

1. Role of Agencies Regarding the Utility Allowance Methods

Section 1.42–10(b) provides the rules for determining the applicable utility allowance based upon whether (1) the building receives rental assistance from the Rural Housing Service (RHS) (''RHS-assisted building''), (2) the building has any tenant that receives RHS rental assistance payments (''RHS tenant assistance''), (3) the rents and utility allowances of the building are reviewed by the Department of Housing and Urban Development (HUD) (''HUD-regulated building''), or (4) the building is not described in (1), (2), or (3) (''other buildings'').

For an RHS-assisted building and a building with RHS tenant assistance, the applicable utility allowance is the applicable RHS utility allowance. For a HUD-regulated building, the applicable utility allowance is the applicable HUD utility allowance. In other buildings, for all rent-restricted units occupied by tenants receiving HUD tenant assistance, the applicable utility allowance is the applicable Public Housing Authority (PHA) utility allowance established for the Section 8 Existing Housing Program. For all other tenants in rent-restricted units in other buildings, the applicable utility allowance is the applicable PHA utility allowance, a local utility company estimate, an estimate from the State or local housing credit agency (Agency) that has jurisdiction over the building, the HUD Utility Schedule Model, or an energy consumption model. See § 1.42–10(b)(4)(ii) to determine which utility allowance applies.

Prior to these final regulations, the existing regulations provided that, under the energy consumption model, utility consumption estimates must be calculated by ''either a properly licensed engineer or a qualified professional approved by the Agency that has jurisdiction over the building.'' The 2012 proposed regulations requested comments on whether approval by the agency with jurisdiction over the building should be required by the regulations for both properly licensed engineers and other qualified professionals or only for qualified professionals that are not properly licensed engineers.

One commenter suggested that the Agency's approval should be required for determinations by both properly licensed engineers and other qualified professionals, because the Agency should have the ability to approve or deny a utility allowance method unless the building is a RHS property or a HUD-regulated building. Other commenters suggested that Agency approval should be required only for professionals who are not properly licensed engineers. According to these commenters, the intent and benefit of a project sponsor using a licensed engineering professional is not only to receive the benefit of the third-party professional's expertise but also to simplify evaluation of the third-party by the Agency. One commenter suggested that when reviewing consumption model estimates, an Agency should need to check for only the seal of an engineer, because State certification of the engineer already imposes standards for expertise, performance, and conduct and exposes the certified individual and firm, if any, to possible sanctions through the professional certification and oversight process.

In response to these comments, the final regulations provide that Agency approval is required only for qualified professionals that are not properly licensed engineers. However, the final regulations also clarify that an Agency continues to have the option to review, and take appropriate action regarding, utility estimates based on the energy consumption model or the other optional methods.

One commenter suggested that the final regulations should clarify that an Agency has the ability to approve or deny any owner's utility allowance, unless the building is an RHS property or a HUD-regulated building. By contrast, another commenter expressed concern that the existing regulations give an Agency too much discretion to approve or disapprove any of the methods of calculating utility allowances. In particular, the commenter suggested that the final regulations require an Agency to accept utility estimates based on an energy consumption model whenever the estimate is calculated by a properly licensed engineer.

The final regulations do not adopt this latter suggestion. The existing regulations appropriately allow an Agency to approve or disapprove a method or to require certain information before permitting use of the method. Additionally, an Agency should have the ability to review the energy consumption model even when the model is used by a properly licensed engineer, who is not subject to Agency approval. Therefore, the final regulations specifically authorize an Agency to approve or disapprove use of the energy consumption model or require information about the model before permitting its use, regardless of the type of professional who calculates the utility estimates.

2. Use of Consumption Data for the Energy Consumption Model

Under the existing regulations prior to these final regulations, use of the energy consumption model was limited to the building's consumption data for the twelve-month period ending no earlier than 60 days prior to the beginning of the 90-day period under § 1.42–10(c)(1). One commenter was concerned about the perceptions that may arise if engineering models yield allowances that are out of line with past consumption. The commenter requested additional guidance on the development of acceptable assumptions for use in engineering models to avoid this problem.

Another commenter stated that it is unclear whether the required building consumption data refers to the calculated consumptions derived from an energy consumption model or a separate set of consumption data such as historical tenant utility billing information. According to the commenter, several Agencies that regulate the acceptable utility allowance methodologies either have had an unclear understanding of what additional information, if any, is required for an engineering analysis under the energy consumption model or have taken the position that actual historical tenant utility bills for the most recent 12-month period are necessary to process an energy consumption model utility allowance submittal.

The commenter also asserted that historical utility data may be inaccessible and, even if the data were accessible, collection of the data imposes an additional paperwork burden on property owners. The commenter further contended that historical utility billing data does not take into account energy-efficient behavior and does not promote energy conservation. According to the commenter, most utility providers do not maintain utility information beyond the most recent 12-month period. As year-to-year variations occur, the most recent 12 months may not be a representative set of consumption data to provide an ongoing utility allowance. The commenter suggested amending the energy consumption model to allow an engineering approach that analyzes specific factors including, but not limited to, unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location.

For the reasons stated by the commenters, the final regulations remove the provision requiring that an energy consumption model use the building's consumption data for a particular twelve-month period. Instead, the final regulations revise the specific factors used in determining estimates under the energy consumption model to include available historical data.

3. Areas With No Public Housing Authorities

The existing regulations provide that, if the building is neither an RHS-assisted building nor a HUD-regulated building and no tenant in the building receives RHS tenant assistance, then the appropriate utility allowance for the units in the building is the applicable PHA utility allowance. One commenter requested clarification as to which method of calculating utility allowances applies if no PHA exists under these circumstances. Under the existing regulations, if a building owner obtains a local utility company estimate or uses one of the other options for determining the applicable utility allowance, then the selected option replaces the applicable PHA allowance as the appropriate utility allowance. The regulations do not include an option for using the allowance of a neighboring PHA.

Allowing the use of a neighboring PHA's utility allowance might not be appropriate because climate and utility consumption can be dissimilar from one PHA jurisdiction to a neighboring jurisdiction. Comments are requested on how the rules might best address situations in which no PHA exists. Comments should be submitted in the manner described in the notice of proposed rulemaking on submetering (REG–123867–14), which is in the Proposed Rules section in this issue of the **Federal Register**.

4. Changes in Public Housing Authority Utility Allowances

One commenter requested that a building owner be required to check for a change in a PHA utility allowance only annually. The existing regulations provide that, if the applicable utility allowance for units changes, the building owner must use the new utility allowance to compute gross rents of the units due 90 days after the change (the 90-day period). For example, if a tenant provides a local utility company estimate that shows a higher utility cost than the otherwise applicable PHA utility allowance, then the building owner must lower the rent. The lower rent must be in effect for rent due at the end of the 90-day period. The commenter stated that a building owner must continuously monitor for changes in the PHA utility allowance because a PHA is not required to update utility allowances on a regular, fixed schedule.

The final regulations do not adopt this recommendation because it might result in tenants paying more than the gross rent amount under section 42(g)(2). If a PHA utility allowance were to change after the one-time date suggested by the commenter, then tenants would pay a higher rent until the next annual date to review the PHA utility allowance and the higher rent might exceed the gross-rent limit under section 42(g)(2). Compliance with the 90-day period does not require continuous monitoring. A building owner that checks the PHA utility allowance every 60 days would have at least 30 days in which to adjust rents.

5. HUD-Regulated Building

Prior to these final regulations, the existing regulations defined a HUD-regulated building as one in which neither the building nor any tenant in the building receives RHS assistance and the rents and utility allowances of the building are reviewed by HUD on an annual basis. One commenter recommended amending this definition because HUD does not review the rents and utility allowances on an annual basis for all HUD programs. In response to this comment, the final regulations define a HUD-regulated building to mean one in which the rents and utility allowances of the building are regulated by HUD.

6. Disclosure to Tenants

One commenter suggested that the final regulations address how utility estimates are to be made available to all tenants in the building. Because circumstances may vary and different reasonable options may exist, the final regulations do not adopt this suggestion.

Comments

Information about how to provide comments is in the notice of proposed

rulemaking on this subject (REG–123867–14), which is in the Proposed Rules section in this issue of the **Federal Register**.

Table of Contents

The final regulations update the table of contents to include all of the current provisions under section 42.

Effect on Other Documents

Notice 2009–44 (2009–21 IRB 1037) is obsolete for taxable years beginning on or after March 3, 2016.

Statement of Availability of IRS Documents

Notice 2009–44 is published in the Internal Revenue Bulletin and is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by visiting the IRS Web site at *http://www.irs.gov.*

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking that preceded these final regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business. No comments were received.

Drafting Information

The principal author of these regulations is David Selig, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.42–10T also issued under 26 U.S.C. 42(n); * * *

■ **Par. 2.** Section 1.42–0 is amended by:
■ 1. Revising the introductory text.
■ 2. Revising the heading and adding entries for § 1.42–1.
■ 3. Adding entries for § 1.42–1T.
■ 4. Adding entries for §§ 1.42–3 through 1.42–18.

The additions and revisions read as follows:

§ 1.42–0 Table of contents.

This section lists the paragraphs contained in §§ 1.42–1 through 1.42–18 and § 1.42–1T.

■ **Par. 3.** Section 1.42–0T is added to read as follows:

§ 1.42–0T Table of contents.

This section lists the paragraphs contained in §§ 1.42–5T and 1.42–10T.

■ **Par. 4.** Section 1.42–10 is amended by:
■ 1. Adding a sentence after the first sentence of paragraph (a).
■ 2. Revising paragraph (b)(3).
■ 3. Revising the first sentence of paragraph (b)(4)(ii)(A).
■ 4. Revising paragraph (b)(4)(ii)(E).
■ 5. Adding paragraph (e).

The additions and revisions read as follows:

§ 1.42–10 Utility allowances.

(a) * * * For purposes of the preceding sentence, if the cost of a particular utility for a residential unit is paid pursuant to an actual-consumption submetering arrangement within the meaning of paragraph (e)(1) of this section, then that cost is treated as being paid directly by the tenant(s) and not by or through the owner of the building.
* * *

(b)* * *

(3) *Buildings regulated by the Department of Housing and Urban Development.* If neither a building nor any tenant in the building receives RHS housing assistance, and the rents and utility allowances of the building are regulated by HUD (HUD-regulated buildings), the applicable utility allowance for all rent-restricted units in the building is the applicable HUD utility allowance.

(4) * * *

(ii) * * *

(A) * * * If none of the rules of paragraphs (b)(1), (2), (3), and (4)(i) of this section apply to determine the appropriate utility allowance for a rent-restricted unit, then the appropriate utility allowance for the unit is the applicable PHA utility allowance. * * *

* * * * *

(E) *Energy consumption model.* A building owner may calculate utility estimates using an energy and water and sewage consumption and analysis model (energy consumption model). The energy consumption model must, at a minimum, take into account specific factors including, but not limited to, unit size, building orientation, design and materials, mechanical systems, appliances, characteristics of the building location, and available historical data. The utility consumption estimates must be calculated by a properly licensed engineer or other qualified professional. The qualified professional and the building owner must not be related within the meaning of section 267(b) or 707(b). If a qualified professional is not a properly licensed engineer and if the building owner wants to utilize that qualified professional to calculate utility consumption estimates, then the owner must obtain approval from the Agency that has jurisdiction over the building. Further, regardless of the type of qualified professional, the Agency may approve or disapprove of the energy consumption model or require information before permitting its use. In addition, utility rates used for the energy consumption model must be no older than the rates in place 60 days prior to the beginning of the 90-day period under paragraph (c)(1) of this section.

* * * * *

(e) *Actual-consumption submetering arrangements*—(1) *Definition.* For purposes of this section, an actual-consumption submetering arrangement

for a utility in a residential unit possesses all of the following attributes:

(i) The utility consumed in the unit is described in paragraph (e)(1)(i)(A) of this section or in § 1.42–10T(e)(1)(i)(B);

(A) The utility is purchased from or through a local utility company by the building owner (or its agent or other party acting on behalf of the building owner).

(B) [Reserved]. For further guidance see § 1.42–10T(e)(1)(i)(B) through (e)(1)(i)(C)(*3*).

(ii) The tenants in the unit are billed for, and pay the building owner (or its agent or other party acting on behalf of the building owner) for, the unit's consumption of the utility;

(iii) The billed amount reflects the unit's actual consumption of the utility. In the case of sewerage charges, however, if the unit's sewerage charges are combined on the bill with water charges and the sewerage charges are determined based on the actual water consumption of the unit, then the bill is treated as reflecting the actual sewerage consumption of the unit; and

(iv) The rate at which the building owner bills for the utility satisfies the following requirements:

(A) To the extent that the utility consumed is described in paragraph (e)(1)(i)(A) of this section, the utility rate charged to the tenants of the unit does not exceed the rate incurred by the building owner for that utility; and

(B) To the extent that the utility consumed is described in § 1.42–10T(e)(1)(i)(B), the utility rate charged to the tenants of the unit does not exceed the rate described in § 1.42–10T(e)(1)(iv)(B).

(2) *Administrative fees.* If the owner charges a unit's tenants a fee for administering an actual-consumption submetering arrangement, the fee is not considered gross rent for purposes of section 42(g)(2). The preceding sentence, however, does not apply unless the fee is computed in the same manner for every unit receiving the same submetered utility service, nor does it apply to any amount by which the aggregate monthly fee or fees for all of the unit's utilities under one or more actual-consumption submetering arrangements exceed the greater of—

(i) Five dollars per month;

(ii) An amount (if any) designated by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter); or

(iii) The lesser of—

(A) The dollar amount (if any) specifically prescribed under a State or local law; or

(B) A maximum amount (if any) designated by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter).

■ **Par. 5.** Section 1.42–10T is added to read as follows:

§ 1.42–10T Energy obtained directly from renewable sources (temporary).

(a) through (e)(1)(i)(A) [Reserved]. For further guidance see § 1.42–10(a) through (e)(1)(i)(A).

(B) *Utility not purchased from or through a local utility company.* The utility is not described in § 1.42–10(e)(1)(i)(A) and is produced from a renewable source (within the meaning of paragraph (e)(1)(i)(C) of this section).

(C) *Renewable source.* For purposes of paragraph (e)(1)(i)(B) of this section, a utility is produced from a renewable source if—

(*1*) It is energy that is produced from energy property described in section 48;

(*2*) It is energy that is produced from property that is part of a facility described in section 45(d)(1) through (4), (6), (9), or (11); or

(*3*) It is a utility that is described in guidance published for this purpose in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter).

(ii) through (iv)(A) [Reserved]. For further guidance see § 1.42–10(e)(1)(ii) through (e)(1)(iv)(A).

(B) The rate described in this paragraph (e)(1)(iv)(B) is the rate at which the local utility company would have charged the tenants in the unit for the utility if that entity had provided it to them.

(2) [Reserved]

(f) *Date of applicability.* This section applies to a building owner's taxable years beginning on or after March 3, 2016. A building owner may apply the provisions of this section to the building owner's taxable years beginning before March 3, 2016.

(g) *Expiration date.* The applicability of this section expires on March 1, 2019.

■ **Par. 6.** Section 1.42–12 is amended by adding paragraph (a)(5) to read as follows:

§ 1.42–12 Effective dates and transitional rules.

(a) * * *

(5) *Additional effective dates affecting utility allowances.* (i) The following provisions apply to a building owner's taxable years beginning on or after March 3, 2016—

(A) The second sentence in § 1.42–10(a);

(B) Section 1.42–10(b)(3);

(C) The first sentence in § 1.42–10(b)(4)(ii)(A);

(D) Section 1.42–10(b)(4)(ii)(E); and

(E) Section 1.42–10(e).

(ii) A building owner may apply these provisions to the building owner's taxable years beginning before March 3, 2016. Otherwise, the utility allowances provisions that apply to taxable years beginning before March 3, 2016 are contained in § 1.42–10 (see 26 CFR part 1 revised as of April 1, 2015).

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: February 8, 2016.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2016–04606 Filed 3–2–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0008; T.D. TTB–134; Ref: Notice No. 152]

RIN 1513–AC21

Expansion of the Willamette Valley Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is expanding the approximately 5,360-square mile ''Willamette Valley'' viticultural area in northwestern Oregon, by approximately 29 square miles. Neither the established viticultural area nor the expansion area is located within any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective April 4, 2016.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer

deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (dated December 10, 2013, superseding Treasury Order 120–01 (Revised), ''Alcohol and Tobacco Tax and Trade Bureau,'' dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these laws.

Part 4 of the TTB regulations (27 CFR part 4) authorizes the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth the standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Petitioners may use the same process to request changes involving established AVAs. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for modifying established AVAs. Petitions to expand an established AVA must include the following:

- Evidence that the area within the proposed expansion area boundary is nationally or locally known by the name of the established AVA;
- An explanation of the basis for defining the boundary of the proposed expansion area;
- A narrative description of the features of the proposed expansion area that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed expansion area similar to the established AVA and distinguish it from adjacent areas outside the established AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed expansion area, with the boundary of the proposed expansion area clearly drawn thereon; and
- A detailed narrative description of the proposed expansion area boundary based on USGS map markings.

Petition to Expand the Willamette Valley AVA

TTB received a petition from Steve Thomson, the executive vice president of King Estate Winery in Eugene, Oregon, proposing to expand the established ''Willamette Valley'' AVA in northwestern Oregon. The Willamette Valley AVA (27 CFR 9.90) was established by T.D. ATF–162, which was published in the **Federal Register** on December 1, 1983 (48 FR 54221). The Willamette Valley AVA covers approximately 5,360 square miles in Benton, Lane, Linn, Clackamas, Lincoln, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties. Neither the proposed expansion area nor the established AVA are located within any other established AVA.

The proposed expansion area is located in Lane County and is adjacent to the southern tip of the established Willamette Valley AVA boundary and covers approximately 29 square miles. The King Estate Winery operates one of the two commercial vineyards that cover a total of 508 acres within the proposed expansion area, and provided information that the second vineyard owner also supports the proposed expansion. The King Estate Winery and the second vineyard each have a winery within the proposed expansion area. A third winery is also included in the proposed expansion area; however, it does not operate a vineyard within the proposed expansion area. The vineyards and wineries did not exist at the time the Willamette Valley AVA was established in 1983 and currently are not within any AVA. The petition included letters from the president of the Willamette Valley Wineries Association and the president of the Oregon Winegrowers Association in support of the proposed expansion.

According to the petition, the topography, soils, and climate of the proposed expansion area are similar to those of the established Willamette Valley AVA. The petition states that both the proposed expansion area and the established AVA are composed of rolling hills and valleys between the Coast Range Mountains to the west and the Cascade Mountains to the east. Elevations within the proposed AVA range from 500 feet to 1,200 feet, which is within the range of elevations found in the established AVA. By contrast, the region outside both the proposed expansion area and the Willamette Valley AVA is marked by mountainous terrain with higher elevations. The proposed expansion area and the established AVA are also within the watersheds of both the Willamette and the Siuslaw Rivers, whereas the region to the south of both the proposed expansion area and the established AVA drains exclusively into the Umpqua River.

The petition describes the soils within both the proposed expansion area and the Willamette Valley AVA as having a ''xeric'' moisture regime of soil classification, meaning that they typically retain low amounts of moisture and generally have depleted their moisture reserves by the end of the growing season. Common soil series within both the proposed expansion area and the established AVA include Bellpine, Jory, Willakenzie, Dupee, and Peavine. The petition states that although Peavine soils are found outside the proposed expansion area and the established AVA, other soils such as Blanchley, Honeygrove Complex, Bohanon, Preacher, Klickitat, Kirney, and Digger Complex soils are also present and are not found in either the proposed expansion area or the Willamette Valley AVA. Additionally, the soils of the surrounding region are described as having an ''udic'' moisture regime of soil classification, meaning the soils typically retain even amounts of water throughout the year.

The petition compared the climate of the proposed expansion area to the climates of several established AVAs that are also located within the larger Willamette Valley AVA, as well as to the climate of the Umpqua Valley AVA (27 CFR 9.89), which is adjacent to the southernmost point of the Willamette Valley AVA and south of the proposed

expansion area. The petition shows that the annual mean temperature, growing season precipitation amounts, and growing degree day accumulations within the proposed expansion area are slightly lower than those of the AVAs within the Willamette Valley AVA. However, the climate data from the proposed expansion area is more similar to the climate data from the AVAs located within the Willamette Valley AVA than to the climate data from the Umpqua Valley AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 152 in the **Federal Register** on June 18, 2015 (80 FR 34864), proposing to expand the Willamette Valley AVA. In the document, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed expansion area. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed expansion area, and for a comparison of the distinguishing features of the proposed expansion area to the surrounding areas and to the established Willamette Valley AVA, see Notice No. 152.

In Notice No. 152, TTB solicited comments on the accuracy of the name, boundary, climatic, and other required information submitted in support of the petition. The comment period closed on August 17, 2015. TTB received two comments in response to Notice No. 152. The first comment (Comment 1) did not directly address the proposed expansion of the Willamette Valley AVA and, instead, issued a general caution against establishing too many AVAs in any given area, as rapid or uncontrolled growth may cause long-term harm to the economy, quality of life, and agricultural diversity of the community. TTB considers this comment to be outside the scope of the proposed rule.

The second comment (Comment 2) identified two typographical errors in the proposed regulatory text of Notice No. 152. The commenter noted that in paragraph (c)(17) of the proposed regulatory text, Oregon State Highway 99 was incorrectly referred to as Interstate Highway 99. TTB agrees that the State highway was incorrectly designated in the proposed regulatory text, and the correction has been made in the final rule text. The commenter also stated that U.S. Highway 26 was incorrectly identified as Interstate Highway 26 in redesignated paragraph (c)(32). Although TTB did not propose to change the text of redesignated paragraph (c)(32) in Notice No. 152, the commenter is correct that the Federal highway is improperly designated in that paragraph as it currently appears in the Code of Federal Regulations. Therefore, TTB is also making that edit in the final rule text of this document.

TTB Determination

After careful review of the petition and comments received, TTB finds that the topography, soil, and climate evidence provided by the petitioner sufficiently demonstrates that the proposed expansion area is similar to the established Willamette Valley AVA and should also be recognized as part of that AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB expands the 5,360-square mile ''Willamette Valley'' AVA to include the approximately 29-square mile expansion area as described in Notice No. 152, effective 30 days from the publication date of this document.

In the regulatory text of this final rule, TTB is also correcting a typographical error that appeared in proposed paragraph (c)(17) and a second typographical error that was identified by a commenter in redesignated paragraph (c)(32). These corrections will properly identify two roads as a State highway and a Federal highway, respectively. No other changes have been made to the regulatory text.

Boundary Description

See the narrative description of the boundary of the AVA expansion in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance, and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

The expansion of the Willamette Valley AVA will not affect any other existing AVA, and bottlers using ''Willamette Valley'' as an appellation of origin or in a brand name for wines made from grapes within the established Willamette Valley AVA will not be affected by this expansion. The expansion will allow vintners to use ''Willamette Valley'' as an appellation of origin for wines made primarily from grapes grown within the expansion area if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Section 9.90 is amended by revising paragraph (b) introductory text, adding paragraph (b)(4), removing paragraphs (c)(11) through (13), redesignating paragraphs (c)(14) through (32) as paragraphs (c)(18) through (36), revising newly redesignated paragraph (c)(32), and adding paragraphs (c)(11) through (17) to read as follows:

§ 9.90 Willamette Valley.

* * * * *

(b) *Approved maps.* The approved maps for determining the boundaries of the Willamette Valley viticultural area are three U.S.G.S. Oregon maps scaled 1:250,000 and one U.S.G.S. Oregon map scaled 1:24,000. They are entitled:

* * * * *

(4) ''Letz Creek, OR'' (revised 1984).

(c) * * *

(11) Northeast, then southeast along the 1,000 foot contour line approximately 12 miles to its intersection with the R5W/R6W range line;

(12) South along the R5W/R6W range line approximately 0.25 mile to the intersection with the 1,000 foot contour line;

(13) Generally southeast along the meandering 1,000 foot contour line, crossing onto the Letz Creek map, to a point on the 1,000 foot contour line located due north of the intersection of Siuslaw River Road and Fire Road;

(14) South in a straight line approximately 0.55 mile, crossing over the Siuslaw River and the intersection of Siuslaw River Road and Fire Road, to the 1,000 foot contour line;

(15) Generally southeast along the meandering 1,000 foot contour line, crossing onto the Roseburg, Oregon map, to the intersection of the 1,000 foot contour line with the Lane/Douglas County line;

(16) East along the Lane/Douglas County line approximately 3.8 miles to the intersection with the 1,000 foot contour line just east of the South Fork of the Siuslaw River;

(17) Generally north, then northeast along the 1,000 foot contour line around Spencer Butte, and then generally south to a point along the Lane/Douglas County line 0.5 mile north of State Highway 99;

* * * * *

(32) North along R5E/R6E 10.5 miles to a point where it intersects the Mount Hood National Forest boundary (approximately three miles north of U.S. Highway 26);

* * * * *

Signed: February 8, 2016.

John J. Manfreda,

Administrator.

Approved: February 11, 2016.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2016–04710 Filed 3–2–16; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0009; T.D. TTB–135; Ref: Notice No. 153]

RIN 1513–AC20

Establishment of the Loess Hills District Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 12,897-square mile ''Loess Hills District'' viticultural area in western Iowa and northwestern Missouri. This new viticultural area is not located within any other viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective April 4, 2016.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (dated December 10, 2013, superseding Treasury Order 120–01 (Revised), ''Alcohol and Tobacco Tax and Trade Bureau,'' dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these laws.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;

• A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;

• The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and

• A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Loess Hills District Petition

TTB received a petition from Shirley Frederiksen, on behalf of the Western Iowa Grape Growers Association and the Golden Hills Resource Conservation and Development organization proposing the establishment of the ''Loess Hills District'' AVA in western Iowa and northwestern Missouri. The proposed AVA covers a long, narrow north-south orientated swath of land along the Big Sioux and Missouri Rivers, covering 12,897 square miles from Hawarden, Iowa, to Craig, Missouri. There are approximately 66 commercially-producing vineyards covering a total of 112 acres distributed throughout the proposed AVA, along with 13 wineries. The proposed Loess Hills District AVA is not located within any established AVA.

According to the petition, the distinguishing features of the proposed Loess Hills District AVA are its soil, topography, and climate. The proposed AVA is located in a region characterized by extremely deep layers of wind-deposited soil called ''loess.'' Loess is a loose, crumbly soil comprised of quartz, feldspar, mica, and other materials which were ground into a fine powder by glaciers during the Ice Ages. When the glaciers melted, the water pushed this glacial flour down the Missouri River Valley. When the waters receded, the exposed silt dried and was picked up by the prevailing westerly winds and redeposited over broad areas.

The heaviest, coarsest loess particles were deposited along the Missouri River, within the proposed Loess Hills District AVA, and formed a landscape of rolling-to-steep hills. According to the petition, the rolling topography allows cold air to drain away from the vineyards, thus reducing the threat of frost. By contrast, the terrain in the regions to the north, south, and east of the proposed AVA is marked by broadly undulating hills with shallower slopes and lower elevations than are found within the proposed AVA. The terrain west of the proposed AVA is dominated by wide, flat flood plains.

The loess deposits within the proposed AVA reach depths of up to 300 feet, which are the thickest deposits of loess within the United States. The petition states that the thickness of the loess within the proposed AVA enables roots to extend deep into the soil without being stopped by a restrictive barrier such as denser soils or bedrock. The lack of a restrictive barrier also allows water to drain away from the roots quickly, which reduces the risk of fungal diseases and rot. In comparison, in every direction outside the proposed AVA, the depth of loess is 20 feet or less, which is significantly shallower than within the proposed AVA.

The petition also states that the proposed Loess Hills District AVA has a long growing season and relatively high annual precipitation amounts. The early last-spring-frost date reduces the risk that tender new buds and shoots will be damaged by spring frosts, and the late first-fall-frost date allows adequate time for late-maturing varieties of grapes, including Norton, Chambourcin, and Noiret, to ripen before frost can damage the fruit. The high precipitation amounts provide adequate hydration for the vines, so irrigation is seldom necessary within the proposed AVA. However, the rainfall amounts also pose a risk of erosion due to both the steepness of the hillsides and the loose, crumbly nature of the soils. When compared to the proposed AVA, the regions to the north, east, and west have shorter growing seasons. To the south of the proposed AVA, the growing season is longer. Annual precipitation amounts in the region south of the proposed AVA are higher, while the precipitation amounts in the region to the west are lower than those found within the proposed AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 153 in the **Federal Register** on June 18, 2015 (80 FR 34857), proposing to establish the Loess Hills District AVA. In the document, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The document also compared the distinguishing features of the proposed AVA to the features of the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 153.

In Notice No. 153, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. The comment period closed on August 17, 2015. TTB did not receive any comments in response to Notice No. 153.

TTB Determination

After careful review of the petition, TTB finds that the evidence provided by the petitioner supports the establishment of the Loess Hills District AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the ''Loess Hills District'' AVA in western Iowa and northwestern Missouri, effective 30 days from the publication date of this document.

Boundary Description

See the narrative description of the boundary of the AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of this AVA, its name, ''Loess Hills District,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Consequently, wine bottlers using the

name ''Loess Hills District'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin. TTB is not designating ''Loess Hills,'' standing alone, as a term of viticultural significance due to the current use of ''Loess Hills,'' standing alone, as a brand name on wine labels.

The establishment of the Loess Hills District AVA will not affect any existing AVA. The establishment of the Loess Hills District AVA will allow vintners to use ''Loess Hills District'' as an appellation of origin for wines made primarily from grapes grown within the Loess Hills District AVA if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

TTB has determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Add § 9.255 to read as follows:

§ 9.255 Loess Hills District.

(a) *Name.* The name of the viticultural area described in this section is ''Loess Hills District''. For purposes of part 4 of this chapter, ''Loess Hills District'' is a term of viticultural significance.

(b) *Approved maps.* The 13 United States Geological Survey (USGS) 1:100,000 scale topographic maps used to determine the boundary of the Loess Hills District viticultural area are titled:

(1) Rock Rapids, Iowa-South Dakota, 1985;

(2) Sioux City North, Iowa-South Dakota-Nebraska, 1986; photoinspected 1990;

(3) Storm Lake, Iowa, 1985; photoinspected 1990;

(4) Ida Grove, Iowa, 1985; photoinspected 1990;

(5) Carroll, Iowa, 1993;

(6) Guthrie Center, Iowa, 1993;

(7) Creston, Iowa, 1993;

(8) Omaha, Nebraska-Iowa, 1985; photoinspected, 1990;

(9) Nebraska City, Nebraska-Iowa-Missouri, 1993;

(10) Falls City, Nebraska-Missouri, 1986; photoinspected 1991;

(11) Harlan, Iowa-Nebraska, 1980;

(12) Blair, Nebraska-Iowa, 1986; photoinspected 1988; and

(13) Sioux City South, Iowa-Nebraska-South Dakota, 1986; photoinspected 1990.

(c) *Boundary.* The Loess Hills District viticultural area is located in Fremont, Page, Mills, Montgomery, Pottawattamie, Cass, Harrison, Shelby, Audubon, Monona, Crawford, Carroll, Woodbury, Ida, Sac, Plymouth, and Sioux Counties in western Iowa and Atchison and Holt Counties in northwestern Missouri. The boundary of the Loess Hills District viticultural area is as described below:

(1) The beginning point is on the Rock Rapids, Iowa-South Dakota map, in Sioux County, Iowa, at the intersection of the Big Sioux River and an unnamed road known locally as County Road B30 (360th Street), east of Hudson, South Dakota. From the beginning point, proceed east on County Road B30 approximately 3 miles to a road known locally as County Road K22 (Coolidge Avenue); then

(2) Proceed south on County Road K22 approximately 3 miles to a road known locally as County Road B40 (390th Street); then

(3) Proceed east on County Road B40 approximately 4 miles to a road known locally as County Road K30 (Eagle Avenue); then

(4) Proceed south on County Road K30 approximately 13.1 miles, crossing onto the Sioux City North, Iowa-South Dakota-Nebraska map and continuing into Plymouth County, Iowa, to a road known locally as County Road C12 (110th Street), at Craig, Iowa; then

(5) Proceed east on County Road C12 approximately 2 miles to a road known locally as County Road K42 (Jade Avenue), at the marked 436-meter elevation point; then

(6) Proceed south on County Road K42 approximately 10 miles to a road known locally as County Road C38; then

(7) Proceed east on County Road C38 approximately 6.4 miles to a road known locally as County Road K49 (7th Avenue SE), approximately 2 miles south of La Mars, Iowa; then

(8) Proceed south on County Road K49 approximately 4 miles to a road known locally as County Road C44 (230th Street); then

(9) Proceed east on County Road C44 approximately 5 miles to a road known locally as County Road K64 (Oyens Avenue); then

(10) Proceed south on County Road K64 approximately 4.1 miles to a road known locally as County Road C60 (290th Street); then

(11) Proceed east on County Road C60 approximately 5 miles, crossing onto the Storm Lake, Iowa map, to State Highway 140; then

(12) Proceed south on State Highway 140 approximately 3.2 miles to a road known locally as County Road L14 (Knox Avenue) in Kingsley, Iowa; then

(13) Proceed south on County Road L14 approximately 2.7 miles, crossing into Woodbury County, Iowa, to a road known locally as County Road D12 (110th Street); then

(14) Proceed east on County Road D12 approximately 5 miles to a road known locally as County Road L25 (Minnesota Avenue) near Pierson, Iowa; then

(15) Proceed south on County Road L25 approximately 4.5 miles, crossing onto the Ida Grove, Iowa map, to U.S. Highway 20; then

(16) Proceed east on U.S. Highway 20 approximately 22.5 miles, crossing into Ida County, Iowa, to a road known locally as County Road M25 (Market Avenue); then

(17) Proceed south on County Road M25 approximately 9.8 miles to State Highway 175 east of Ida Grove, Iowa; then

(18) Proceed east on State Highway 175 approximately 4.1 miles to a road known locally as Country Highway M31 (Quail Avenue) near Arthur, Iowa; then

(19) Proceed south on Country Highway M31 approximately 4.4 miles to a road known locally as County Road D59 (300th Street); then

(20) Proceed east on County Road D59 approximately 13 miles, crossing into Sac County, Iowa, to a road known

locally as County Road M64 (Needham Avenue/Center Street) at Wall Lake, Iowa; then

(21) Proceed south on County Road M64 approximately 6.2 miles to a road known locally as County Road E16 (120th Street); then

(22) Proceed east into Carroll County, Iowa, on County Road E16 approximately 6 miles, crossing onto the Carroll, Iowa map, to Breda, Iowa, and then continue east on State Highway 217 (East Main Street) approximately 5 miles to U.S. Highway 71; then

(23) Proceed south on U.S. Highway 71 approximately 3 miles to a road known locally as County Road E26 (140th Street); then

(24) Proceed east on County Road E26 approximately 5 miles to a road known locally as County Road N38 (Quail Avenue); then

(25) Proceed south on County Road N38 approximately 5 miles to U.S. Highway 30 (Lincoln Highway); then

(26) Proceed east on U.S. Highway 30 approximately 3 miles to a road known locally as County Road N44 (Colorado Street) in Glidden, Iowa; then

(27) Proceed south on County Road N44 approximately 8 miles, crossing onto the Guthrie Center, Iowa map, to a road known locally as County Road E57 (280th Street); then

(28) Proceed east on County Road E57 approximately 2 miles to a road known locally as County Road N44 (Velvet Avenue); then

(29) Proceed south on County Road N44 approximately 5.4 miles to State Highway 141 (330th Street) at Coon Rapids, Iowa; then

(30) Proceed west on State Highway 141 approximately 12 miles to U.S. Highway 71 at Lynx Avenue southeast of Templeton, Iowa; then

(31) Proceed south on U.S. Highway 71 approximately 35.9 miles, crossing into Audubon County, Iowa, and then Cass County, Iowa, and onto the Creston, Iowa map, to U.S. Highway 6/State Highway 83 east of Atlantic, Iowa; then

(32) Proceed west, then southwest, then west on U.S. Highway 6 approximately 18.9 miles, crossing onto the Omaha, Nebraska-Iowa map and into Pottawattamie County, Iowa, to a road known locally as County Road M47 (500th Street) approximately 1 mile west of Walnut Creek; then

(33) Proceed south on County Road M47 approximately 12 miles, crossing into Montgomery County, Iowa to a road known locally as County Road H12 (110th Street); then

(34) Proceed west on County Road H12 approximately 8.9 miles, crossing into Mills County, Iowa, to U.S. Highway 59; then

(35) Proceed south on U.S. Highway 59 approximately 20.2 miles, crossing onto the Nebraska City, Nebraska-Iowa-Missouri map and into Page County, Iowa, to a road known locally as County Road J14 (130th Street); then

(36) Proceed east on County Road J14 approximately 4 miles to a road known locally as County Road M41 (D Avenue); then

(37) Proceed south on County Road M41 approximately 1.7 miles to State Highway 48 at Essex, Iowa; then

(38) Proceed northeast then east on State Highway 48 approximately 1.2 miles to a road known locally as County Road M41 (E Avenue); then

(39) Proceed south on County Road M41 approximately 7 miles to State Highway 2 (210th Street); then

(40) Proceed east on State Highway 2 approximately 8 miles to a road known locally as M Avenue; then

(41) Proceed south on M Avenue, then east on a road known locally as County Road M60 (Maple Avenue), approximately 6.4 total miles, to a road known locally as County Road J52 (270th Street); then

(42) Proceed south in a straight line approximately 3.5 miles to the intersection of 304th Street and Maple Avenue (approximately 1.2 miles southwest of College Springs, Iowa), and then continue south on Maple Avenue for 0.5 mile to a road known locally as County Road J64 (310th Street); then

(43) Proceed west on County Road J64 approximately 4.5 miles to a road known locally as County Road M48 (Hackberry Avenue); then

(44) Proceed south on County Road M48 approximately 1.2 miles to the Iowa-Missouri State line at Blanchard, Iowa, and, crossing into Atchison County, Missouri, where County Road M48 becomes State Road M, and continue generally south on State Road M approximately 11.2 miles, crossing onto the Falls City, Nebraska-Missouri map, to U.S. Highway 136; then

(45) Proceed west on U.S. Highway 136 approximately 1 mile to State Road N; then

(46) Proceed south on State Road N 15 miles, crossing into Holt County, Missouri, to State Road C; then

(47) Proceed west then south on State Road C approximately 3 miles to U.S. Highway 59; then

(48) Proceed northwest on U.S. Highway 59 approximately 2 miles to the highway's first intersection with Interstate Highway 29 near Craig, Missouri; then

(49) Proceed generally north along Interstate Highway 29, crossing into Atchison County, Missouri, and onto the Nebraska City, Nebraska-Iowa-Missouri map, and continuing into Freemont County and Mills County, Iowa, then crossing onto the Omaha, Nebraska-Iowa map and into Pottawattamie County, Iowa; then crossing onto the Harlan, Iowa-Nebraska map and into Harrison County, Iowa; then continuing onto the Blair, Nebraska-Iowa map and into Monona County, Iowa; then crossing onto the Sioux City South, Iowa-Nebraska-South Dakota Map and into Woodbury County for a total of approximately 185 miles, to the intersection of Interstate Highway 29 with the Big Sioux River at Sioux City, Iowa; then

(50) Proceed generally north (upstream) along the meandering Big Sioux River, crossing onto the Sioux City North, Iowa-South Dakota-Nebraska map and into Plymouth County and Sioux County, Iowa, and continuing onto the Rock Rapids, Iowa-South Dakota map for a total of approximately 50 miles, returning to the beginning point.

Signed: January 29, 2016.

John J. Manfreda,

Administrator.

Approved: February 11, 2016.

Timothy E. Skud,

Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).

[FR Doc. 2016–04760 Filed 3–2–16; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS JOHN P MURTHA (LPD 26) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective March 3, 2016 and is applicable beginning January 13, 2016.

FOR FURTHER INFORMATION CONTACT: Commander Theron R. Korsak, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS JOHN P MURTHA (LPD 26) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2 (i)(i), Rule 27 (a)(i) and (b)(i), pertaining to the placement of all-round task lights in a vertical line; Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(k) as described in Rule 30 (a)(i), pertaining to the vertical separation between anchor lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table Three, adding, in alpha numerical order, by vessel number, an entry for USS JOHN P MURTHA (LPD 26);

■ b. In Table Four, paragraph 20., adding, in alpha numerical order, by vessel number, an entry for USS JOHN P MURTHA (LPD 26); and

■ c. In Table Five, by adding, in alpha numerical order, by vessel number, an entry for USS JOHN P MURTHA (LPD 26).

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE THREE

Vessel	Number	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters 3(b) Annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(k) Annex 1	Anchor lights relationship of aft light to forward light in meters 2(k) Annex 1
*	*	*	*	*	*	*		*
USS JOHN P MURTHA.	LPD 26	.....	.....	.....	.....	.....	.....	1.72 below.
*	*	*	*	*	*	*		*

* * * * * 20. * * *

TABLE FOUR

Vessel	Number	Angle in degrees of task lights off vertical as viewed from directly ahead or astern
USS JOHN P MURTHA	LPD 26	10
* * * * * * *		

* * * * *

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* *	*	*	*	*	*
USS JOHN P MURTHA	LPD 26			X	71
* *	*	*	*	*	*

Approved: January 13, 2016.

A.B. Fischer,

Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

Dated: February 17, 2016.

N.A. Hagerty-Ford,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer

[FR Doc. 2016–04547 Filed 3–2–16; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0934]

RIN 1625–AA09

Drawbridge Operation Regulation; Saginaw River, Bay City, MI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations regarding drawbridge operations in Saginaw River, Bay City, MI. In a final rule entitled, ''Drawbridge Operation Regulation; Saginaw River, Bay City, MI'' that appeared in the **Federal Register** on April 12, 2012, the Coast Guard revised the drawbridge opening schedules for the Saginaw River and inadvertently excluded the CSX Railroad Bridge and the Grand Trunk Western Railroad Bridge. This document amends the regulations by adding these two bridges back into the regulations.

DATES: This rule is effective March 3, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type [USCG–2015–0934] in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone (216) 902–6085, email *lee.d.soule@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
SNPRM Supplemental notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the publishing of the original final rule [Docket No. USCG–2011–1013] omitted regulatory language that was published in the previous rulemaking NPRM, but was inadvertently left out of the final rule published on April 12, 2012. Therefore, it is unnecessary to issue a rule without prior notice and opportunity to comment because the public was already provided an opportunity to comment on these provisions, had no objections during the previous comment period, and the operation of the bridges is consistent with this rule. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The regulation change has already taken place and the correction of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

The NPRM for the regulations, published on December 8, 2011 (76 FR 76637), proposed to revise § 117.647. At the end of the rule, the following characters were included in the NPRM: ''* * * * *.'' These characters indicated the Coast Guard's intention to retain paragraphs (c) and (d) which were included in the regulations at the time of the NPRM regarding the CSX Railroad Bridge located at mile 18.0 over the Saginaw River and the Grand Trunk Western Railroad Bridge located at mile 19.2 of the Saginaw River. However, the final rule, which was published on April 24, 2012 (77 FR 21864), did not preserve these paragraphs. The purpose of this amendment is to ensure that the regulation accurately reflects the original intention and inclusion of these inadvertently omitted paragraphs.

III. Discussion of Final Rule

The purpose of this rule is to correct 33 CFR 117.647 in the Code of Federal Regulations.

As noted above, this rule restores language that was previously excluded. This rule is correcting the regulation in 33 CFR 117.647 by restoring the listing of drawbridges allowed to remain closed. The CSX Railroad Bridge located at mile 18.0 of the Saginaw River and the Grand Trunk Western Railroad Bridge located on mile 19.2 of the Saginaw River will retain their current operating schedule. This rule will not affect waterway traffic or land transportation needs because the status of the two drawbridges has been in effect since 1994.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protesters.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget. The Coast Guard does not consider this rule to be ''significant'' under that Order because it is an administrative change that corrects inadvertently omitted language that is consistent with the current operation of the bridges. Therefore, this rule does not affect the way vessels operate on the waterway.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above, this final rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.647, add paragraphs (c) and (d) to read as follows:

§ 117.647 Saginaw River.

* * * * *

(c) The draw of the CSX railroad bridge, mile 18.0, need not be opened for the passage of vessels. The owner shall return the draw to an operable condition within a reasonable time when directed by the District Commander to do so.

(d) The draw of the Grand Trunk Western railroad bridge, mile 19.2, need not be opened for the passage of vessels.

Dated: February 10, 2016.

J.E. Ryan,

Rear Admiral, U. S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2016–04743 Filed 3–2–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0645; FRL–9942–17–Region 9]

Approval of Arizona Air Plan Revisions; Phoenix, Arizona; Second 10-Year Carbon Monoxide Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Arizona State Implementation Plan (SIP). This revision is the second ten-year maintenance plan for carbon monoxide (CO) for the Phoenix metropolitan area in Maricopa County, Arizona. We are also finding adequate and approving transportation conformity motor vehicle emissions budgets (MVEB) for the year 2025 and beyond. We are taking these actions under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on April 4, 2016.

ADDRESSES: The EPA has established docket number EPA–R09–OAR–2015–0645 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: John Kelly, EPA Region IX, (415) 947–4151, *kelly.johnj@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action

On October 19, 2015 (80 FR 63185), the EPA proposed to approve the Maricopa Association of Governments' (MAG) plan titled ''MAG 2013 Carbon Monoxide Maintenance Plan for the Maricopa County Area'' (hereinafter, ''2013 Maintenance Plan'') into the Arizona SIP.

We also proposed to find adequate and to approve into the SIP the CO MVEB for the year 2025 and beyond.

We proposed to approve this plan and the CO MVEB because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the plan and MVEB and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this plan into the Arizona SIP. The EPA is also finding adequate and approving the motor vehicle emissions budgets in the plan (see Table 1) because we find they meet the applicable transportation conformity requirements under 40 CFR 93.118(e). Table 1 shows the approved and previously approved MVEBs for the Phoenix CO Maintenance Area.

TABLE 1—APPROVED AND PREVIOUSLY APPROVED TRANSPORTATION CONFORMITY MOTOR VEHICLE EMISSIONS BUDGETS FOR THE PHOENIX CO MAINTENANCE AREA, IN METRIC TONS PER DAY (MTPD)

	Previously approved	Previously approved	Approved
Year	2006	2015	2025
CO MVEB	699.7	662.9	559.4

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human

health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 2, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 25, 2016.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraph (c)(173) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(173) The following plan was submitted on April 2, 2013 by the Governor's designee.

(i) *[RESERVED].*

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(*1*) *MAG 2013 Carbon Monoxide Maintenance Plan for the Maricopa County Area,* adopted by the Maricopa Association of Governments on March 27, 2013.

* * * * *

[FR Doc. 2016–04614 Filed 3–2–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0475; FRL–9942–10]

Fluensulfone; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of fluensulfone, measured as 3,4,4-trifluoro-but-3-ene-1-sulfonic acid, resulting from use of fluensulfone in or on carrots in accordance with the terms of an emergency exemption issued under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This action is in response to the issuance of a crisis emergency exemption under FIFRA section 18 authorizing use of the pesticide on carrots. This regulation establishes a maximum permissible level for residues of fluensulfone in or on carrots. The time-limited tolerance expires on December 31, 2017.

DATES: This regulation is effective March 3, 2016. Objections and requests for hearings must be received on or before May 2, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0475, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan T. Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0475 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 2, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0475 by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6), 21 U.S.C. 346a(e) and 346a(1)(6), is establishing a time-limited tolerance for residues of fluensulfone, to be enforced by measuring only the metabolite 3,4,4-trifluoro-but-3-ene-1-sulfonic acid, in or on carrots at 2.0 parts per million (ppm). There are no Canadian or Codex MRLs for residues of fluensulfone in or on carrot at this time. International harmonization is not an issue for this emergency exemption. This time-limited tolerance expires on December 31, 2017.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a time-limited tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Fluensulfone on Carrots and FFDCA Tolerances

The Michigan Department of Agriculture and Rural Development asserted that an emergency condition existed in accordance with the criteria for approval of an emergency exemption, and utilized a crisis exemption under FIFRA section 18 to allow the use of fluensulfone on carrots to control plant-parasitic nematodes in carrot fields in Michigan. The Michigan Department of Agriculture and Rural Development invoked the crisis exemption provision on April 14, 2015. After having reviewed the submission, EPA concurred on the emergency action in order to meet the needs of Michigan carrot growers who faced significant economic loss. The crisis exemption program expired on June 15, 2015.

As part of its evaluation of the Michigan crisis exemption, EPA assessed the potential risks presented by residues of fluensulfone in or on carrots. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary time-limited tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this time-limited tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although this time-limited tolerance expires on December 31, 2017, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on carrots after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this time-limited tolerance at the time of that application. EPA will take action to revoke this time-limited tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this time-limited tolerance is being approved under emergency conditions, EPA has not made any decisions about whether fluensulfone meets FIFRA's registration requirements for use on carrots or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of fluensulfone by a State for special local needs under FIFRA section 24(c). Nor does this time-limited tolerance by itself serve as the authority for persons in any State other than Michigan to use this pesticide on the applicable crops under FIFRA

section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the crisis exemption for fluensulfone, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of the crisis exemption and this time-limited tolerance for residues of fluensulfone on carrots at 2.0 parts per million (ppm), measured as 3,4,4-trifluoro-but-3-ene-1-sulfonic acid. EPA's assessment of exposures and risks associated with establishing a time-limited tolerance follows.

The Agency assessed the use of the fluensulfone use on carrots based on a 0.50 ppm residue level of the parent compound, which is the residue of concern for purposes of risk assessment on carrots (*i.e.,* 100% crop treated) and determined that there would be no resulting change in the estimates from the previous risk assessment for the chemical. Since the publication of the September 24, 2014 final rule, the toxicity profile of fluensulfone has not changed, and the risk assessments that supported the establishment of those tolerances published in the **Federal Register** remain valid. The dietary risk assessments for fluensulfone are based on residues of the parent compound only. Therefore, EPA relies upon those supporting risk assessments and the findings made in the September 24, 2014 **Federal Register** document, as well as an updated dietary exposure and risk assessment on carrots. EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fluensulfone residues.

A summary of the toxicological endpoints for fluensulfone used for human risk assessment were previously described in a final rule published in the **Federal Register** of September 24, 2014 (79 FR 56964) (FRL–9914–35). Please refer to this **Federal Register** document and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2012–0593 for a detailed discussion of the aggregate risk assessments and determination of safety for the proposed time-limited tolerance for residues of fluensulfone on carrots at 2.0 parts per million (ppm) when measured as 3,4,4-trifluoro-but-3-ene-1-sulfonic acid.

V. Analytical Enforcement Methodology

An analytic method suitable for enforcement purposes has been approved by the Agency. That same method was used in the field trials for carrot and was shown to be appropriate for that crop. The method has an LOQ, defined as the lower limit of method validation, of 0.01 ppm of 3,4,4-trifluoro-but-3-ene-1-sulfonic acid. For carrot, the method has a calculated LOQ of 0.005 ppm of 3,4,4-trifluoro-but-3-ene-1-sulfonic acid. Adequate enforcement methodology, a reverse-phase high performance liquid chromatography with dual mass spectrometry/mass spectrometry (HPLC–MS/MS), is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for fluensulfone or 3,4,4-trifluoro-but-3-ene-1-sulfonic acid, in or on carrot.

VI. Conclusion

Therefore, a time-limited tolerance is established for residues of fluensulfone, measured as 3,4,4-trifluoro-but-3-ene-1-sulfonic acid, in or on carrots at 2.0 ppm. This tolerance expires on December 31, 2017.

VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or

distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 25, 2016.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.680, revise paragraph (b) to read as follows:

§ 180.680 Fluensulfone; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the nematicide fluensulfone, including its metabolites and degradates, in or on the commodities in the table below, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only 3,4,4-trifluoro-but-3-ene-1-sulfonic acid. The tolerances expire on the date specified in the table.

Commodity	Parts per million	Expiration date
Carrot	2.0	12/31/17

* * * * *

[FR Doc. 2016–04757 Filed 3–2–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

[13XD4523WS DS10200000 DWSN00000.000000 WBS DP10202]

RIN 1093–AA19

Freedom of Information Act Regulations

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule revises the regulations that the Department of the Interior (Department) follows in processing records under the Freedom of Information Act. The revisions clarify and update procedures for requesting information from the Department and procedures that the Department follows in responding to requests from the public.

DATES: This rule is effective on April 4, 2016.

FOR FURTHER INFORMATION CONTACT: Cindy Cafaro, Office of the Executive Secretariat and Regulatory Affairs, 202–208–5342.

SUPPLEMENTARY INFORMATION:

I. Why We're Publishing This Rule and What it Does

A. Introduction

In late 2012, the Department published a final rule updating and replacing the Department's previous Freedom of Information Act (FOIA) regulations. Since that time, in order to maintain the independence of the Office of Inspector General (OIG), the Department and the OIG have agreed to authorize the OIG to process their own FOIA appeals. Additionally, the Department has recently migrated its Web site to a new framework, leading to updated links. Finally, the Department has received feedback from its FOIA practitioners and requesters and identified areas where it is possible to further update, clarify, and streamline the language of some procedural provisions. Therefore, the Department is making the following changes:

- Section 2.1(e) is amended to identify the regulations applicable to Privacy Act requests.
- Section 2.5(d) is amended to provide more guidance on what happens when a request does not reasonably describe the records sought.
- Portions of § 2.6 are amended to make explicit that a fee waiver request is a valid way of responding to a request for additional fee information and that requesters may inform bureaus why they believe they are eligible for discretionary fee waivers, and to emphasize when fee issues must be resolved before processing will begin.
- A sentence is added to § 2.8(a) to require a bureau that cannot readily reproduce the requested record in the form or format requested to explain why it cannot.
- Section 2.9(b) is amended to remove a superfluous introductory phrase.
- Section 2.10 is amended to highlight the requirements a requester seeking expedited processing must meet and the consequences of not meeting those requirements.
- Section 2.11 is amended to reduce the suggested contact information provided by requesters.
- Section 2.12(c) is amended to emphasize that reasonable efforts must be made to search for requested records and to clarify when searching for requested records in electronic form or format will not occur.
- A sentence is added to § 2.15(e) to require bureaus to provide more information to requesters when placing them in a different processing track than requested.
- Section 2.16(a) is amended to clarify and streamline discussion of when the time period for responding to a request begins and ends.
- The introductory language of § 2.19(a) is amended to clarify when bureaus may extend the basic time limit.
- Portions of § 2.20 are amended to make explicit that expedited processing requests are only appropriate before the

bureau issues its final response; to require bureaus to provide more information to requesters when denying expedited processing requests; and to clarify that the portion of an appeal that relates to an expedited processing denial, rather than the entire appeal, will be processed ahead of other appeals.

- Section 2.22(c) and (d) is amended to clarify when records may be released to requesters.
- Section 2.23(a)(3) is amended to add a clarifying phrase.
- Section 2.24(b) is amended and expanded to require bureaus to provide more information to requesters in denial notifications.
- Section 2.25(c) is amended to clarify what information must be provided to requesters, and where, when portions of responsive records have been deleted.
- Section 2.26 and § 2.27(a) are amended to provide more information on when submitter notification is required.
- One word in § 2.27(b) is replaced to more closely track the language of Executive Order No. 12600, (52 FR 23781, published June 23, 1987).
- Section 2.28(a) is amended to clarify that a general description of the request would suffice for submitter notices published under § 2.27(b).
- Section 2.31(a)(1) and (2) are amended to clarify the information a submitter must provide when objecting to the release of responsive information under Exemption 4.
- Section 2.37(g) is added and § 2.49(a)(1) is amended so the concept that requesters generally will not be charged if the fee for processing their request is less than $50 is introduced sooner.
- Section 2.37(h) is added to make the consequences of failure to pay bills for FOIA-related fees explicit.
- Section 2.37(i) is added to notify requesters they can seek assistance, when considering reformulating their request to meet their needs at a lower cost, from the bureau's designated FOIA contact or FOIA Public Liaison.
- A sentence is added to § 2.38(b) to require bureaus to provide more information to requesters when placing them in a different fee category than requested.
- Section 2.39 is amended to replace one word for the sake of grammatical consistency.
- Section 2.42(d) is amended to further discuss the impact of requester preferences for paper and/or electronic formats.
- Section 2.44(b) is amended to provide different examples of special services a requester might have to pay for.
- The introductory language of §§ 2.45(a) and 2.48(a) is amended to clarify what a requester must demonstrate to be entitled to a fee waiver.
- Section 2.46(b) is amended to clarify when fee waiver requests may be made.
- Minor grammatical changes are made to § 2.47(a), (c), and (d) to allow a new § 2.47(e) to increase clarity and require bureaus to provide the requester with notice of anticipated fees when denying a request for a fee waiver.
- Section 2.48(a)(2)(v) is amended to note that representatives of the news media will be presumed to have the ability and intent to disseminate the requested information to a reasonably broad audience of persons interested in the subject.
- Section 2.49(c) is amended to allow requesters more flexibility in resolving fee issues.
- Portions of § 2.50 are amended to clarify discussion of advance payments.
- Section 2.51(b)(1), (b)(2), (b)(3), and (c) are amended to ensure consistent phrasing and to include minor, clarifying additions.
- Section 2.57(a)(5) and (a)(6) are amended to include minor, clarifying additions.
- Section 2.60 is amended to reflect that the FOIA Appeals Officer would no longer be the deciding official for FOIA appeals arising from OIG FOIA responses, and small portions of §§ 2.20(c), 2.24(b)(5), 2.47(d), 2.62, and 2.63 would also be amended to reflect this change.
- Section 2.62 is streamlined to follow the requirements of FOIA more closely.
- Section 2.66 is amended to provide more information on the role played by FOIA Public Liaisons.
- Section 2.68 is amended to reflect the new schedule number resulting from the National Archives and Records Administration's recent update to the General Records Schedule pertaining to FOIA records and to add a reference to the Department's Record Schedule pertaining to FOIA records.
- A word is added to the definition of ''multitrack processing'' in Section 2.70 to ensure it is consistent with Section 2.14.
- Sections 2.1(d), 2.1(g), 2.3(c), 2.21(a), 2.41(c), 2.59(a), 2.65, and 2.70 are amended to reflect updated Web site links.

On September 30, 2015, the Department published a proposed rule in the **Federal Register** (80 FR 58663) and requested comments over a 60-day period ending on November 30, 2015. All comments received were considered in drafting this final rule.

B. Discussion of Comments

Four commenters responded to the invitation for comments, including one commenter from a subcomponent of a Federal agency and three commenters from non-Federal sources. Two of these commenters offered some substantive suggestions on specific existing provisions of the rule that are not being amended; these suggestions are outside the scope of this rulemaking and are not addressed below. While most of the commenters generally supported the proposed changes (and one ''applaud[ed]'' certain existing provisions), they identified twelve specific issues or recommendations related to the proposed rule, which the Department addressed as follows:

The Final Rule Should Only Allow Requests for Clarification To Be Sent by Email or Registered Mail

One commenter suggested that § 2.5(d) be amended to require requests for clarification be sent only via email or registered mail so the agency can ''satisfy itself that the request for additional material that was sent was actually received.'' The Department has not adopted this suggestion as it is satisfied with the current flexibility in this area and does not want to create additional expenses and inflexibility.

The Final Rule Should Specify Response Deadlines for Responding to Requests for More Information on the Records Sought

One commenter suggested that § 2.5(d) ''should clarify whether the requester's 20-workday response deadline runs from the date of the Department's notice or from the date that the requester actually receives the Department's notice.'' We agree and have modified our edits to this section accordingly and have made analogous edits and clarifications to §§ 2.49(c), 2.51(b)(1), 2.51(b)(2), 2.51(b)(3), and 2.51(c).

The Final Rule Should Add New Information About How Fee Information Affects the Processing of Requests

One commenter suggested § 2.6(e) include a statement that ''A denial of your waiver request and/or the amount you are willing to pay, will result in an automatic truncation of the process to comply with your FOIA request.'' We do not agree with this statement, as it is not always true, and therefore have not adopted this suggestion. Another commenter suggested the Department

revisit § 2.6(e) and provided examples of Department of Justice guidance on fee issues from 1983 and 2013. In response to this comment, the Department reviewed both the suggested guidance and the Department of Justice's FOIA regulations (amended in 2015) and added clarifying information to § 2.6(e) consistent with the Department of Justice's FOIA regulations.

The Final Rule Should Include Additional Language Related to Expedited Processing and Fees

One commenter suggested adding language to §§ 2.10 and 2.20 explicitly stating that expedited requests do not incur additional fees. We understand the point of this suggestion, but feel it would not add clarity to the rule, especially as there is nothing in any section of the regulations that indicates making such a request would incur additional fees.

The Final Rule Should Explicitly Solicit Cellphone Numbers

One commenter suggested adding a specific reference to cellphone numbers to § 2.11. The Department has not adopted this suggestion. The existing reference to ''daytime telephone numbers'' that encompasses, but does not require, cellphone numbers, is sufficient.

The Final Rule Should Be Fair to the Requester

One commenter suggested that the last sentence of § 2.12(c) ''is not fair to the requester'' and suggests it will be used in bad faith. The language in question is drawn from the Freedom of Information Act itself, and we believe it is fair; therefore this language has not been changed.

The Final Rule Should Add a Reference to FOIA Public Liaisons to the Section on Basic Time Limits

One commenter suggested adding information on seeking estimated completion dates from FOIA Public Liaisons to § 2.16(a), which explains the basic concept of basic time limits for responding to requests. This suggestion does not seem to fit in this provision and would be confusing. We therefore decline to adopt it. Another commenter suggested that the language in § 2.16(a) was imprecise. We have carefully considered this suggestion, but believe the existing language is clear.

The Final Rule's Requester Fee Category Discussion Should Discuss Appeals

One commenter suggested § 2.38(b) specifically discuss whether the decision that the requester belongs in a specific category can be appealed. Our proposed modifications to § 2.57(a)(5) already do this very thing, so we decline to adopt this change.

The Final Rule Should Clarify What Fees for Other Services Requesters Will Not Have To Pay

Two commenters had suggestions concerning § 2.44(b). One commenter suggested noting that ''conducting a search that requires the creation of a new computer search program'' does not include extracting and compiling the data from an existing database using a query. As the rule is explicit that it applies only to locating records, we have not adopted this suggestion. Another commenter suggested that this provision explicitly exclude fees covered under § 2.42(d). As this section applies to requests for records in forms or formats that we don't already maintain, we have not adopted this suggestion.

The Final Rule Should Not Be Vague

One commenter stated § 2.46(b) was ''vague'' and wondered: ''How can one know when the bureau has not completed processing a request? There should be a specific period (no of days), after which it is reasonable to expect that the agency is complying with the request, and therefore a fee waiver request would be too late. In such a situation, if without a fee waiver the requester would opt for the request to be stopped, then there would not have been any man-hours already expended on fulfilling the request.'' This commenter therefore suggested § 2.46(b) should include ''a specific period (no of days), after which it is reasonable to expect that the agency is complying with the request and therefore a fee waiver request would be too late.'' We believe that § 2.46(b) is not vague and provides requesters with as much flexibility in providing fee waiver requests as possible. We therefore decline to adopt this change, as it would negatively affect future requesters.

The Final Rule Should Limit Modifications of Requests Related to Advanced Fees

One commenter suggested appending ''if you deem the adjudged fee to be beyond your means'' at the end of § 2.50(c) because someone might reach some conclusion ''that once an advance payment requirement is determined, then it follows that the requester is presumed unable to afford it.'' We decline to adopt this change; we have deliberately given requesters the opportunity to modify their request even if they could pay the advance payment and we make no presumptions about a requester will be able to afford the advance payment.

No Rule Should ''Deny an Individual From Obtaining Personal Information About Themselves''

One commenter's entire comment was: ''There must be no rules created that will deny an individual from obtaining personal information about themselves.'' No changes have been made to the rule based on this general statement.

C. Technical and Procedural Comments

One commenter noted National Archives and Records Administration's recent update to the General Records Schedule pertaining to FOIA records resulted in a new schedule number. We have confirmed this and § 2.68 has been amended accordingly. Additionally, we have slightly amended § 2.25(c) to more closely track the language of the FOIA itself. Additionally, the Department made very minor clarifications in §§ 2.6(d), 2.11, 2.20(g), 2.48(b), and 2.60. In the interests of clarity and consistency, the Department also added phrases to the introductory text of § 2.6(b), a sentence to § 2.6(d), phrases to § 2.10, and phrases to §§ 2.48(a)(2)(v) and 2.48(b). Also in the interests of clarity and consistency, the Department added and deleted phrases from §§ 2.26, 2.27(a), and 2.47(d). Finally, upon further consideration, the Department has decided against amending § 2.50(a) and (b).

II. Compliance With Laws and Executive Orders

1. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O) 12866 provides that the Office of Information and Regulatory Affairs will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based

on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

2. Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters. Thus, fees assessed by the Department are nominal. Further, the ''small entities'' that make FOIA requests, as compared with individual requesters and other requesters, are relatively few in number.

3. Small Business Regulatory Enforcement Fairness Act

This is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Takings (E.O. 12630)

In accordance with Executive Order 12630, this rule does not have significant takings implications. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. It would not substantially and directly affect the relationship between the Federal and state governments. A federalism summary impact statement is not required.

7. Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

8. Consultation With Indian Tribes (E.O. 13175)

Under the criteria in Executive Order 13175, we have evaluated this rule and determined that it has no potential effects on federally recognized Indian tribes. This rule does not have tribal implications that impose substantial direct compliance costs on Indian Tribal governments.

9. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

10. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Pursuant to Department Manual 516 DM 2.3A(2), Section 1.10 of 516 DM 2, Appendix 1 excludes from documentation in an environmental assessment or impact statement ''policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject late to the NEPA process, either collectively or case-by-case.''

11. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required. This rule will not have a significant effect on the nation's energy supply, distribution, or use.

List of Subjects in 43 CFR Part 2

Freedom of information.

Kristen J. Sarri,

Principal Deputy Assistant Secretary for Policy, Management, and Budget.

For the reasons stated in the preamble, the Department of the Interior amends part 2 of title 43 of the Code of Federal Regulations as follows:

PART 2—FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461.

Subpart A—Introduction

■ 2. Amend § 2.1:

■ a. In paragraph (d), the second sentence, by removing the Web site address ''*http://www.doi.gov/foia/guidance.cfm''* and adding in its place the Web site address ''*https://www.doi.gov/foia/news/guidance'';*

■ b. By revising paragraph (e); and

■ c. In paragraph (g), the first sentence, by removing the Web site address ''*http://www.doi.gov/foia/libraries.cfm''* and adding in its place the Web site address ''*http://www.doi.gov/foia/libraries''.*

The revision reads as follows:

§ 2.1 What should you know up front?

* * * * *

(e) The Department's regulations for requests made under the Privacy Act of 1974, 5 U.S.C. 552a, are located at subpart K of this part.

* * * * *

Subpart B—How To Make a Request

§ 2.3—[Amended]

■ 3. Amend § 2.3(c), the second sentence, by:

■ a. Removing the Web site address ''*http://www.doi.gov/foia/index.cfm''* and adding in its place the Web site address ''*https://www.doi.gov/foia'';* and

■ b. Removing the Web site address ''*http://www.doi.gov/foia/contacts.cfm''* and adding in its place the Web site address ''*http://www.doi.gov/foia/contacts''.*

■ 4. In § 2.5, revise paragraph (d) to read as follows:

§ 2.5 How should you describe the records you seek?

* * * * *

(d) If the bureau determines that your request does not reasonably describe the records sought, the bureau will inform you what additional information you

need to provide in order to reasonably describe the records that you seek so the requested records can be located with a reasonable amount of effort. The bureau will also notify you that it will not be able to comply with your request unless the additional information it has requested is received from you in writing within 20 workdays after the bureau has requested it and that you may appeal its determination. If you receive this type of notification, you may wish to discuss it with the bureau's designated FOIA contact or its FOIA Public Liaison (see § 2.66 of this part). If the bureau does not receive your written response containing the additional information within 20 workdays after the bureau has requested it, the bureau will presume that you are no longer interested in the records and will close the file on the request.

■ 5. Amend § 2.6 by revising paragraph (b) introductory text and paragraphs (b)(3), (d), and (e) to read as follows:

§ 2.6 How will fee information affect the processing of your request?

* * * * *

(b) If the bureau anticipates that the fees for processing the request will exceed the amount you have agreed to pay, or if you did not agree in writing to pay processing fees or request a fee waiver and the bureau anticipates the processing costs will exceed $50 (see § 2.37(g) of this part) or will exceed your entitlements (see § 2.39 of this part), the bureau will notify you:

* * * * *

(3) That it will not be able to fully comply with your request unless you provide a fee waiver request and/or the requested written assurance or advance payment.

* * * * *

(d) If you are seeking a fee waiver, your request must include a justification that addresses and meets the criteria in §§ 2.45 and 2.48 of this part. Failure to provide sufficient justification will result in a denial of the fee waiver request. If you are seeking a fee waiver, you may also indicate the amount you are willing to pay if the fee waiver is denied. This allows the bureau to process the request for records while it considers your fee waiver request. You may also inform us of why you believe your request meets one or more of the criteria for a discretionary fee waiver under § 2.56 of this part.

(e) The bureau will begin processing your request only after all issues regarding fees are resolved.

* * * * *

■ 6. In § 2.8, add a sentence to the end of paragraph (a) to read as follows:

§ 2.8 Can you ask for records to be disclosed in a particular form or format?

(a) * * * If the bureau cannot readily reproduce the record in that form or format, it must explain why it cannot.

* * * * *

■ 7. In § 2.9, revise paragraph (b) to read as follows:

§ 2.9 What if your request seeks records about another person?

* * * * *

(b) The bureau can require you to supply additional information if necessary to verify that a particular person has consented to disclosure or is deceased.

■ 8. Revise § 2.10 to read as follows:

§ 2.10 May you ask for the processing of your request to be expedited?

You may ask for the processing of your request to be expedited. If you are seeking expedited processing, your request must include a justification that addresses and meets the criteria in § 2.20 of this part and includes the certification required at § 2.20(b)(2) of this part. Failure to provide sufficient justification or the required certification will result in a denial of the expedited processing request.

■ 9. Revise § 2.11 to read as follows:

§ 2.11 What contact information should your request include?

A request should include your name and a way (such as a mailing or email address) for the bureau to send responsive records to you and/or to request additional information or clarification of your request. You may also wish to include a daytime telephone number (or the name and telephone number of an appropriate contact).

Subpart C—Processing Requests

■ 10. In § 2.12, revise paragraph (c) to read as follows:

§ 2.12 What should you know about how bureaus process requests?

* * * * *

(c) The bureau will make reasonable efforts to search for the requested records. As part of its reasonable efforts, the bureau will search paper and/or electronic records (for example, emails), as appropriate. The bureau will not search for records in an electronic form or format if these efforts would significantly interfere with the operation of the bureau's automated information system.

* * * * *

Subpart D—Timing of Responses to Requests

■ 11. In § 2.15, add the following sentence to the end of paragraph (e) to read as follows:

§ 2.15 What is multitrack processing and how does it affect your request?

* * * * *

(e) * * * If you request placement in a particular processing track but the bureau places you in a different processing track, the bureau will provide you with an explanation of why you were not placed in the processing track you requested.

* * * * *

■ 12. In § 2.16, revise paragraph (a) to read as follows:

§ 2.16 What is the basic time limit for responding to a request?

(a) Ordinarily, the bureau has 20 workdays (including the date of receipt) to determine whether to comply with a request, but unusual circumstances may allow the bureau to take longer than 20 workdays (see § 2.19 of this subpart).

* * * * *

■ 13. In § 2.19, revise paragraph (a) introductory text to read as follows:

§ 2.19 When may the bureau extend the basic time limit?

(a) The bureau may extend the basic time limit, if unusual circumstances exist, by notifying you in writing of:

* * * * *

■ 14. In § 2.20, revise paragraphs (c), (f), and (g) to read as follows:

§ 2.20 When will expedited processing be provided and how will it affect your request?

* * * * *

(c) You may ask for expedited processing of your request by writing to the appropriate FOIA contact in the bureau that maintains the records requested any time before the bureau issues its final response to your request. When making a request for expedited processing of an administrative appeal, submit the request to the appropriate deciding official for FOIA appeals.

* * * * *

(f) If expedited processing is denied, the bureau will:

(1) Inform you of the basis for the denial, including an explanation of why the expedited processing request does not meet the Department's expedited processing criteria under this section; and

(2) Notify you of the right to appeal the decision on expedited processing in accordance with the procedures in subpart H of this part.

(g) If you appeal the bureau's expedited processing decision, that portion of your appeal (if it is properly formatted under § 2.59 of this part) will be processed before appeals that do not challenge expedited processing decisions.

* * * * *

Subpart E—Responses to Requests

§ 2.21—[Amended]

■ 15. In § 2.21(a), the second sentence, remove the Web site address ''*http://www.doi.gov/foia/news/guidance/index.cfm''* and add in its place the Web site address ''*https://www.doi.gov/foia/news/guidance''.*

■ 16. Amend § 2.22:

■ a. By revising paragraph (c); and

■ b. In paragraph (d), by adding the words ''released or'' after the words ''the records will be''.

The revision reads as follows:

§ 2.22 How will bureaus grant requests?

* * * * *

(c) The bureau will release records (or portions of records) to you promptly upon payment of any applicable fees (or before then, at its discretion).

* * * * *

§ 2.23—[Amended]

■ 17. In § 2.23(a)(3), add the words ''and/or control'' after the words ''bureau's possession''.

■ 18. In § 2.24, revise paragraph (b) to read as follows:

§ 2.24 How will the bureau deny requests?

* * * * *

(b) The denial notification must include:

(1) The name and title or position of the person responsible for the denial, along with an office phone number or email address;

(2) A statement of the reasons for the denial;

(3) A reference to any FOIA exemption applied by the bureau to withhold records in full or in part;

(4) An estimate of the volume of any records withheld in full or in part (for example, by providing the number of pages or some other reasonable form of estimation), unless an estimate would harm an interest protected by an exemption used to withhold the records;

(5) The name and title of the Office of the Solicitor or Office of General Counsel attorney consulted (if the bureau is denying a fee waiver request or withholding all or part of a requested record); and

(6) A statement that the denial may be appealed under subpart H of this part and a description of the procedures in subpart H of this part.

■ 19. In § 2.25, revise paragraph (c) to read as follows:

§ 2.25 What if the requested records contain both exempt and nonexempt material?

* * * * *

(c) If technically feasible, indicating the amount of information deleted and the FOIA exemption under which the deletion was made at the place in the record where the deletion was made.

Subpart F—Handling Confidential Information

■ 20. Revise § 2.26 to read as follows:

§ 2.26 May submitters of possibly confidential information designate information as confidential when making Departmental submissions?

(a) The Department encourages, but does not require, submitters to designate confidential information in good faith (in other words, to identify specific information as information the submitter considers protected from disclosure under Exemption 4 of the FOIA, found at 5 U.S.C. 552(b)(4)), at the time of submission or reasonably soon thereafter.

(b) The designations discussed in paragraph (a) of this section assist the bureau in identifying what information obtained from the submitter is possibly confidential and triggers the requirement for bureau-provided notifications under § 2.27(a)(1) of this subpart.

■ 21. Amend § 2.27:

■ a. By revising paragraph (a); and

■ b. In paragraph (b), by removing the word ''large'' and adding in its place the word ''voluminous''.

The revision reads as follows:

§ 2.27 When will the bureau notify a submitter of a request for their possibly confidential information?

(a) Except as outlined in § 2.29 of this subpart, a bureau must promptly notify a submitter in writing when it receives a FOIA request if:

(1) The requested information has been designated by the submitter as confidential information under § 2.26(a) of this subpart; or

(2) The requested information has not been designated as confidential information by the submitter under § 2.26(a) of this subpart, but the bureau identifies it as possibly confidential information.

* * * * *

■ 22. In § 2.28, revise paragraph (a) to read as follows:

§ 2.28 What information will the bureau include when it notifies a submitter of a request for their possibly confidential information?

* * * * *

(a) Either a copy of the request, the exact language of the request, or (for notices published under § 2.27(b) of this subpart) a general description of the request;

* * * * *

■ 23. In § 2.31, revise paragraphs (a)(1) and (2) to read as follows:

§ 2.31 What must a submitter include in a detailed Exemption 4 objection statement?

(a) * * *

(1) Whether the submitter provided the information voluntarily and, if so, how disclosure will impair the Government's ability to obtain similar information in the future and/or how the information fits into a category of information that the submitter does not customarily release to the public;

(2) Whether the Government required the information to be submitted, and if so, how disclosure will impair the Government's ability to obtain similar information in the future and/or how substantial competitive or other business harm would likely result from disclosure; and

* * * * *

Subpart G—Fees

■ 24. In § 2.37, add paragraphs (g), (h), and (i) to read as follows:

§ 2.37 What general principles govern fees?

* * * * *

(g) If the fee for processing your request is less than $50, you will not be charged unless multiple requests are aggregated under § 2.54 of this subpart to an amount that is $50 or more.

(h) If you fail to pay any FOIA-related fee within 30 calendar days of the date of billing, the processing of any new or ongoing requests and/or appeals from you shall ordinarily be suspended.

(i) If you would like to reformulate your request so it will meet your needs at a lower cost, you may wish to seek assistance from the bureau's designated FOIA contact or its FOIA Public Liaison (see § 2.66 of this part).

■ 25. In § 2.38, add the following sentence to the end of paragraph (b) to read as follows:

§ 2.38 What are the requester fee categories?

* * * * *

(b) * * * If you request placement in a particular fee category but the bureau places you in a different fee category,

the bureau will provide you with an explanation of why you were not placed in the fee category you requested (for example, if you were placed in the commercial use requester category rather than the category you requested, the bureau will describe how the records would further your commercial, trade, or profit interests).

* * * * *

§ 2.39—[Amended]

■ 26. In the table at § 2.39(a), remove the word ''non-commercial'' and add in its place the word ''noncommercial''.

§ 2.41—[Amended]

■ 27. In § 2.41(c), remove the Web site address ''*http://www.doi.gov/foia/fees-waivers.cfm''* and add in its place the Web site address ''*http://www.doi.gov/foia/fees-waivers''.*

■ 28. In § 2.42, revise paragraph (d) to read as follows:

§ 2.42 What duplication fees will you have to pay?

* * * * *

(d) If the bureau must scan paper records to accommodate your preference to receive records in an electronic format or print electronic records to accommodate your preference to receive records in a paper format, you will pay both the per page amount noted in Appendix A to this part and the time spent by personnel scanning or printing the requested records. For each quarter hour spent by personnel scanning or printing the requested records, the fees will be the same as those charged for a search under § 2.41(b) of this subpart.

■ 29. In § 2.44, revise paragraph (b) to read as follows:

§ 2.44 What fees for other services will you have to pay?

* * * * *

(b) Examples of these services include providing multiple copies of the same record, converting records that are not already maintained in a requested format to the requested format, obtaining research data under § 2.69 of this part, sending records by means other than first class mail, and conducting a search that requires the creation of a new computer search program to locate the requested records.

* * * * *

§ 2.45—[Amended]

■ 30. In § 2.45, in paragraph (a) introductory text, remove the words ''under the factors'' and add in their place the words ''by addressing and meeting each of the criteria''.

■ 31. In § 2.46, revise paragraph (b) to read as follows:

§ 2.46 When may you ask the bureau for a fee waiver?

* * * * *

(b) You may submit a fee waiver request at a later time if the bureau has not yet completed processing your request.

■ 32. Amend § 2.47:

■ a. In paragraph (a), by removing the period at the end of the paragraph and adding in its place a semicolon;

■ b. In paragraph (c), by removing the word ''and'' at the end of the paragraph;

■ c. In paragraph (d), by removing the words ''to the FOIA Appeals Officer, under the procedures in § 2.57 of this part, within 30 workdays after'' and adding in their place the words ''under subpart H of this part and a description of the requirements set forth therein, within 30 workdays from'' and removing the period at the end of the paragraph and adding in its place the word ''; and''; and

■ d. Adding paragraph (e).

■ The addition reads as follows:

§ 2.47 How will the bureau notify you if it denies your fee waiver request?

* * * * *

(e) Your anticipated fees, in accordance with § 2.49 of this subpart.

■ 33. Amend § 2.48 by revising paragraph (a) introductory text and adding a sentence to the end of paragraph (a)(2)(v) to read as follows: ''''

§ 2.48 How will the bureau evaluate your fee waiver request?

(a) In deciding whether your fee waiver request meets the requirements of § 2.45(a)(1) of this subpart, the bureau will consider the criteria listed in paragraphs (a)(1) through (a)(4) of this section. You must address and meet each of these criteria in order to demonstrate that you are entitled to a fee waiver.

* * * * *

(2) * * *

(v) * * * If we have categorized you as a representative of the news media under § 2.38, we will presume you have this ability and intent.

* * * * *

■ 34. In § 2.49, revise paragraphs (a)(1) and (c) to read as follows:

§ 2.49 When will you be notified of anticipated fees?

(a) * * *

(1) The anticipated fee is less than $50 (see § 2.37(g) of this subpart).

* * * * *

(c) If the bureau does not receive your written response containing the additional information that resolves any fee issues, in accordance with paragraphs (b)(2) and/or (b)(4) of this section, within 20 workdays after the bureau has requested it, the bureau will presume that you are no longer interested in the records and will close the file on the request.

* * * * *

■ 35. In § 2.50, revise paragraphs (c) and (d) to read as follows:

§ 2.50 When will the bureau require advance payment?

* * * * *

(c) When the bureau notifies you that an advance payment is due under paragraph (a) of this section, it will give you an opportunity to reduce the fee by modifying the request.

(d) Your payment of the funds you owe the bureau for work it has already completed before records are sent to you is not an advance payment under paragraph (a) of this section.

* * * * *

§ 2.51—[Amended]

■ 36. Amend § 2.51:

■ a. In paragraph (b)(1), by adding the words ''after the bureau has requested the additional clarification'' after the words ''within 20 workdays'';

■ b. In paragraph (b)(2), by adding the words ''after the bureau has requested the additional clarification'' after the words ''within 20 workdays'';

■ c. In paragraph (b)(3), by removing the words ''hears from you within 20 workdays'' and add in their place the words ''receives a written response from you within 20 workdays after the bureau has requested the additional clarification''; and

■ d. In paragraph (c), by adding the words ''after the bureau has requested the additional clarification'' after the words ''within 20 workdays''.

Subpart H—Administrative Appeals

§ 2.57—[Amended]

■ 37. Amend § 2.57:

■ a. In paragraph (a)(5), by adding the words ''or you have been placed in the wrong fee category'' after the word ''calculated''; and

■ b. In paragraph (a)(6), by adding the words ''your request for'' after the word ''denied''.

§ 2.59—[Amended]

■ 38. In § 2.59, in paragraph (a), the first sentence, remove the Web site address ''*http://www.doi.gov/foia/appeals.cfm*'' and add in its place the Web site address ''*http://www.doi.gov/foia/appeals*''.

■ 39. Revise § 2.60 to read as follows:

§ 2.60 Who makes decisions on appeals?

(a) The FOIA Appeals Officer is the deciding official for FOIA appeals that do not appeal a decision of the Office of Inspector General.

(b) The General Counsel is the deciding official for FOIA appeals that appeal a decision of the Office of Inspector General.

(c) When necessary, the appropriate deciding official for FOIA appeals will consult other appropriate offices, including the Office of the Solicitor or Office of General Counsel for denials of records and fee waivers.

(d) The deciding official for FOIA appeals normally will not make a decision on an appeal if the request becomes a matter of FOIA litigation.

■ 40. Revise § 2.62 to read as follows:

§ 2.62 When can you expect a decision on your appeal?

(a) The basic time limit for responding to an appeal is 20 workdays after receipt of an appeal meeting the requirements of § 2.59 of this subpart.

(b) If the Department is unable to reach a decision on your appeal within the given time limit for response, the appropriate deciding official for FOIA appeals will notify you of your statutory right to seek review in a United States District Court.

§ 2.63—[Amended]

■ 41. In § 2.63, in paragraphs (b) and (c), remove the words ''FOIA Appeals Officer'' and add in their place the words ''appropriate deciding official for FOIA appeals''.

Subpart I—General Information

§ 2.65—[Amended]

■ 42. In § 2.65, the first sentence, remove the Web site address ''*http://www.doi.gov/foia/libraries.cfm*'' and add in its place the Web site address ''*http://www.doi.gov/foia/libraries*''.

■ 43. In § 2.66, revise paragraph (a) to read as follows:

§ 2.66 What are public liaisons?

(a) Each bureau has a FOIA Public Liaison who can assist requesters who have concerns about the service they received when seeking records or who are seeking assistance under § 2.3(d) or § 2.37(i) of this part.

* * * * *

§ 2.68—[Amended]

■ 44. Amend § 2.68:

■ a. In paragraph (a), by removing the number ''14'' and adding its place the number ''4.2'' and adding the phrase '', such as DAA–0048–2013–0001'' to the end of the paragraph; and

■ b. In paragraph (b), by removing the number ''14'' and adding its place the number ''4.2'' and adding the phrase '', such as DAA–0048–2013–0001'' to the end of the paragraph.

§ 2.70—[Amended]

■ 45. Amend § 2.70:

■ a. In the definition of *Bureau,* by removing the Web site address ''*http://www.doi.gov/foia/contacts.cfm*'' and adding in its place the Web site address *http://www.doi.gov/foia/contacts*; and

■ b. In the definition of *Multitrack processing,* the second sentence, by adding the word ''ordinarily'' after the word ''are''.

[FR Doc. 2016–04647 Filed 3–2–16; 8:45 am]

BILLING CODE 4310–10–P

Proposed Rules

Federal Register
Vol. 81, No. 42
Thursday, March 3, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–4229; Directorate Identifier 2015–CE–038–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Viking Air Limited Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion of the elevator control rod and of the elevator actuating lever on the control column. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 18, 2016.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail*: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; Fax: 250–656–0673; telephone: (North America) (800) 663–8444; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4229; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Safety Engineer, FAA, New York Aircraft Certification Office (ACO), 1600 Steward Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–4229; Directorate Identifier 2015–CE–038–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Transport Canada, which is the aviation authority for Canada, has issued AD No. CF–2015–21, dated July 30, 2015 (referred to after this as ''the MCAI''), to correct an unsafe condition for all Viking Air Limited Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. The MCAI states:

> There have been a number of reports of corrosion and/or cracking at the elevator actuating lever on the control column, in the elevator control rod assemblies, and at the rod end plug.
>
> Undetected corrosion and/or cracking of the elevator control rod assemblies or elevator actuating lever may lead to the failure of the components with consequent loss of aeroplane control.

The MCAI requires visually inspecting the elevator control rod assemblies, the elevator actuating lever on the control column, and the control column torque tube for corrosion, cracking, and/or other damages, and repairing or replacing damaged parts. The MCAI also requires incorporating revisions into the maintenance program and adds a life limit to certain elevator control rod assemblies. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4229.

Related Service Information Under 1 CFR Part 51

Viking Air Limited has issued DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'C', dated July 17, 2015. The service information describes procedures for doing detailed visual inspections of the elevator control rod assemblies, the elevator actuating lever on the control column, and the control column torque tube for corrosion, cracking, and/or other damages. The service bulletin also describes procedures for repairing or replacing damaged parts. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 135 products of U.S. registry. We also estimate that it would take about 11.5 work-hours per product to comply with the basic inspection requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the basic inspection requirements of this proposed AD on U.S. operators to be $131,962.50, or $977.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 8 work-hours and require parts costing $1,859, for a cost of $2,539 per product. Contact Viking Air Limited at the address identified in the **ADDRESSES** section of this NPRM for current pricing and lead time. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct 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.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

Viking Air Limited: Docket No. FAA–2016–4229; Directorate Identifier 2015–CE–038–AD.

(a) Comments Due Date

We must receive comments by April 18, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion of the elevator control rod and of the elevator actuating lever on the control column. We are issuing this AD to detect and correct corrosion and/or cracking of the elevator control rod assemblies and the elevator actuating lever, which if not detected and corrected, could cause these components to fail. This failure could result in loss of control.

(f) Actions and Compliance

Comply with this AD within the compliance times specified in paragraphs (g) through (l) of this AD, including all subparagraphs, unless already done.

(g) Inspections

Within the next 120 days after the effective date of this AD or within the next 100 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first, do the following inspections in accordance with section I. PLANNING INFORMATION, paragraph D. of Viking DHC–2 Beaver Service Bulletin Number: V2/0005, Revision ''C'', dated July 17, 2015:

(1) For airplanes with an installed elevator control rod assembly, part number (P/N) C2CF619A, do a detailed visual inspection of P/N C2CF619A for corrosion, cracking, and/or other damages.

(2) For airplanes with an installed elevator control rod assembly, P/N CT2CF1021–1, do a detailed visual inspection of P/N CT2CF1021–1 for corrosion, cracking, and/or other damages.

(3) For all airplanes, do a detailed visual inspection of the elevator actuating lever on the control column and the control column torque tube for corrosion, cracking and/or other damages.

(h) Replacement/Repair for P/N C2CF619A

(1) Before further flight after the inspection required in paragraph (g)(1) of this AD, if corrosion, cracking, or other damages are found, replace P/N C2CF619A with P/N C2CF619A–11 following section I. PLANNING INFORMATION, paragraph D. of Viking DHC–2 Beaver Service Bulletin Number: V2/0005, Revision ''C'', dated July 17, 2015, or contact Viking Air Limited at the address specified in paragraph (o) of this AD for an FAA-approved repair and incorporate the repair.

(2) Within the next 120 days after the effective date of this AD or within the next 100 hours TIS after the effective date of this AD, whichever occurs first, you may replace P/N C2CF619A with P/N C2CF619A–11 instead of doing the inspection required in paragraph (g)(1) of this AD. Do the replacement following section I. PLANNING INFORMATION, paragraph D. of Viking DHC–2 Beaver Service Bulletin Number: V2/0005, Revision ''C'', dated July 17, 2015.

(3) After replacing P/N C2CF619A with P/N C2CF619A–11, you must still do the repetitive inspections of the elevator control rod assemblies following the Airworthiness Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual) specified in paragraph (k)(1) of this AD.

(i) Replacement/Repair for P/N CT2CF1021–1

(1) Before further flight after the inspection required in paragraph (g)(2) of this AD, if corrosion, cracking, or other damages are found, replace the elevator control rod assembly with P/N CT2CF1021–1 that has been inspected and is free of corrosion, cracking, or other damages following section I. PLANNING INFORMATION, paragraph D. of Viking DHC–2 Beaver Service Bulletin Number: V2/0005, Revision ''C'', dated July 17, 2015, or contact Viking Air Limited at the address specified in paragraph (o) of this AD for an FAA-approved repair and incorporate the repair.

(2) After replacing or repairing P/N CT2CF1021–1, you must still do the repetitive inspections of the elevator control rod assemblies following the Airworthiness Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual) specified in paragraph (k)(1) of this AD.

(j) Repair of the Elevator Actuating Lever

Before further flight after the inspection required in paragraph (g)(3) of this AD, if corrosion, cracking, or other damages are found, contact Viking Air Limited at the address specified in paragraph (o) of this AD for an FAA-approved repair and incorporate the repair.

(k) Airworthiness Limitations/Restrictions

(1) For all airplanes, within the next 30 days after the effective date of this AD, insert the following into the Airworthiness Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual). This revision to the Limitation section incorporates repetitive inspections of the elevator control rod assemblies, the elevator actuating lever, and the control column torque tube for corrosion, cracks, and/or other damage. Insert item 20A., of Part 3, in Appendix 2 of Temporary Revision No.: 2–38, dated March 4, 2015, into the VIKING PSM NO.: 1–2–2, AIRCRAFT: DHC–2 BEAVER, SERIES: ALL, PUBLICATION: MAINTENANCE MANUAL; and insert item 20A., in Part 4, of Temporary Revision No.: 2T–14, dated March 4, 2015, into VIKING PSM NO.: 1–2T–2, AIRCRAFT: DHC–2 TURBO BEAVER, SERIES: ALL, PUBLICATION: MAINTENANCE MANUAL.

(2) For all airplanes, as of the effective date of this AD, do not install P/N C2CF619A or C2CF619A–9 as a replacement part.

(l) Life Limit for P/N C2CF619A

As of the effective date of this AD, elevator control rod assemblies, P/N C2CF619A, are life-limited to 15 years and must be replaced with P/N C2CF619A–11 at the following compliance time:

(1) If, as of the effective date of this AD, the age of the installed P/N C2CF619A is known, it must be replaced before exceeding the life limit or within the next 12 months after the effective date of this AD, whichever occurs later.

(2) If, as of the effective date of this AD, the age of the installed P/N C2CF619A is not known, it must be replaced within the next 12 months after the effective date of this AD.

(m) Credit for Actions Accomplished in Accordance With Previous Service Information

Credit will be given for the inspections required in paragraphs (g)(1), (g)(2), and (g)(3) of this AD if they were done before the effective date of this AD following Viking Air Limited DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'NC', dated March 26, 2012; Viking Air Limited DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'A', dated November 7, 2014; or Viking Air Limited DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'B', dated March 4, 2015.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Aziz Ahmed, Aerospace Safety Engineer, FAA, New York Aircraft Certification Office (ACO), 1600 Steward Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(o) Related Information

Refer to MCAI Transport Canada AD No. CF–2015–21, dated July 30, 2015; and Viking Air Limited DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'NC', dated March 26, 2012; Viking Air Limited DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'A', dated November 7, 2014; or Viking Air Limited DHC–2 Beaver Service Bulletin Number: V2/0005, Revision 'B', dated March 4, 2015, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4229. For service information related to this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; Fax: 250–656–0673; telephone: (North America) (800) 663–8444; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 24, 2016.

Robert P. Busto,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–04539 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–4231; Directorate Identifier 2015–CE–042–AD]

RIN 2120–AA64

Airworthiness Directives; BLANIK LIMITED Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for BLANIK LIMITED Models L–13 Blanik and L–13 AC Blanik gliders (type certificate previously held by LET Aeronautical Works) that would supersede AD 2000–20–11. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient material strength of the tail-fuselage attachment fitting. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 18, 2016.

ADDRESSES: You may send comments by any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
• *Fax:* (202) 493–2251.
• *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact BLANIK LIMITED, 2nd Floor Beaux Lane House, Mercer Street Lower, Dublin 2, Republic of Ireland; phone: +420 733 662 194; email: *info@blanik.aero;* Internet: *http://www.blanik.aero/%EF%BB%BFcustomer_support.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4231; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–4231; Directorate Identifier 2015–CE–042–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On September 28, 2000, we issued AD 2000–20–11, Amendment 39–11922 (65 FR 60845; October 13, 2000) (''AD 2000–20–11''). That AD required actions intended to address an unsafe condition on BLANIK LIMITED Model L–13 Blanik gliders and was based on mandatory continuing airworthiness information (MCAI) originated by the Civil Aviation Authority, which is the aviation authority for the Czech Republic. That MCAI (AD CAA–AD–T–112/1999R1, dated November 23, 1999), was issued to correct an unsafe condition for EVECTOR, spol. s.r.o. Models L 13 SEH VIVAT and L 13 SDM VIVAT gliders and BLANIK LIMITED Models L–13 Blanik and L–13 AC Blanik gliders. The MCAI states:

> To prevent destruction of tail-fuselage attachment fitting which can lead to loss of control of the sailplane. This destruction could be caused due to lower strength of the material used during production.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4231.

A review of records since issuance of AD 2000–20–11 revealed that the FAA inadvertently did not address this MCAI for the EVECTOR, spol. s.r.o. Model L 13 SDM VIVAT gliders and the BLANIK LIMITED Model L–13 AC Blanik gliders. This proposed AD would supersede AD 2000–20–11 to add the BLANIK LIMITED Model L–13 AC Blanik gliders to the applicability of the AD.

The FAA will address the EVECTOR, spol. s.r.o. Model L 13 SDM VIVAT gliders in another AD action.

Related Service Information Under 1 CFR Part 51

LET Aeronautical Works has issued LET Mandatory Bulletin No.: L13/085a, dated November 17, 1999. The service information describes procedures for testing the material strength of attachment fitting part number A 102 021 N and instructions for contacting the manufacturer for replacement information if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 124 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $42,160, or $340 per product.

In addition, we estimate that any necessary follow-on actions would take about 16 work-hours and require parts costing $500, for a cost of $1,860 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications

under Executive Order 13132. This proposed AD would not have a substantial direct 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.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–11922 (65 FR 60845; October 13, 2000), and adding the following new AD:

Blanik Limited: Docket No. FAA–2016–4231; Directorate Identifier 2015–CE–042–AD.

(a) Comments Due Date

We must receive comments by April 18, 2016.

(b) Affected ADs

This AD replaces AD 2000–20–11, Amendment 39–11922 (65 FR 60845; October 13, 2000) (''AD 2000–20–11'').

(c) Applicability

This AD applies to BLANIK LIMITED Models L–13 Blanik and L–13 AC Blanik gliders (type certificate previously held by LET Aeronautical Works), all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 53: Fuselage.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient material strength of the tail-fuselage attachment fitting. We are issuing this AD to detect and correct tail-fuselage fittings with insufficient material strength, which if left uncorrected could result in detachment of the tail from the fuselage with consequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (f)(2) of this AD, including all subparagraphs:

(1) *Model L–13 Blanik gliders:*

(i) Within the next 60 days after November 27, 2000 (the effective date retained from AD 2000–20–11), inspect the tail-fuselage attachment fitting, part number (P/N) A 102 021 N, for damage and material hardness following the procedures in LET Mandatory Bulletin No.: L13/085a, dated November 17, 1999.

(ii) If you find the tail-fuselage attachment fitting is damaged or the material does not meet the hardness requirements specified in the service bulletin during the inspection required in paragraph (f)(1)(i) of this AD, before further flight, you must contact the manufacturer to obtain an FAA-approved replacement part for P/N A 102 021 N and FAA-approved installation instructions and install the replacement part. Use the contact information found in paragraph (h) to contact the manufacturer.

(iii) As of November 27, 2000 (the effective date retained from AD 2000–20–11), do not install, on any glider, a P/N A 102 021 N attachment fitting that has not passed the inspection required in paragraph (f)(1)(i) of this AD.

(2) *Model L–13 AC Blanik gliders:*

(i) Within the next 60 days after the effective date of this AD, inspect the tail-fuselage attachment fitting, part number (P/N) A 102 021 N, for damage and material hardness following the procedures in LET Mandatory Bulletin No.: L13/085a, dated November 17, 1999.

(ii) If you find the tail-fuselage attachment fitting is damaged or the material does not meet the hardness requirements specified in the service bulletin during the inspection required in paragraph (f)(2)(i) of this AD, before further flight, you must contact the manufacturer to obtain an FAA-approved replacement part for P/N A 102 021 N and FAA-approved installation instructions and install the replacement part. Use the contact information found in paragraph (h) to contact the manufacturer.

(iii) As of the effective date of this AD, do not install, on any glider, a P/N A 102 021N attachment fitting that has not passed the inspection required in paragraph (f)(2)(i) of this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI Civil Aviation Authority AD CAA–AD–T–112/1999R1, dated November 23, 1999, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4231. For service information related to this AD, contact BLANIK LIMITED, 2nd Floor Beaux Lane House, Mercer Street Lower, Dublin 2, Republic of Ireland; phone: +420 733 662 194; email: *info@blanik.aero*; Internet: *http://www.blanik.aero/%EF%BB%BFcustomer_support.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 24, 2016.

Robert P. Busto,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–04541 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–7203; Airspace Docket No. 15–ASO–14]

Proposed Establishment of Class D Airspace: Destin, FL; Duke Field, Eglin AFB, FL; Proposed Revocation of Class D Airspace; Eglin AF Aux No 3 Duke Field, FL; and Proposed Amendment of Class D and E Airspace; Eglin Air Force Base, FL; Eglin Hurlburt Field, FL; and Crestview, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class D airspace at Destin, FL, providing the controlled airspace required for the Air Traffic Control Tower at Destin Executive Airport, (formerly Destin-Fort Walton Beach Airport). Additionally, this action would remove Eglin AF Aux No 3 Duke Field from the Class D designation, and establish Duke Field, Eglin AFB, FL in its place. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would amend existing Class D and Class E airspace by recognizing the airport's name change. This action also would change the existing Class D airspace designation at Duke Field, Eglin Air Force Base (AFB), FL, and would adjust the geographic coordinates of Eglin AFB, Destin Executive Airport, Duke Field, and Hurlburt Field, to stay in concert with the FAA's database.

DATES: Comments must be received on or before April 18, 2016.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2015–7203; Airspace Docket No. 15–ASO–14, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class D airspace at Destin Executive Airport, Destin, FL, and Duke Field Eglin AFB, FL; and remove Class D airspace at Eglin AF Aux No 3 Duke Field; and amend Class D and Class E airspace at Eglin Air Force Base, FL.

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2015–7203; Airspace Docket No. 15–ASO–14) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–7203; Airspace Docket No. 15–ASO–14.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class D airspace up to and including 1,600 feet within a 4.4 mile radius of at Destin Executive Airport, Destin, FL, providing the controlled airspace required to support the Air Traffic

Control Tower. Additionally, this action would remove the Class D designator for Eglin AF Aux No 3 Duke Field, FL, and replace it with Duke Field, Eglin AFB, FL. This action would also adjust the geographic coordinates in Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface for Eglin Air Force Base, FL, Destin Executive Airport, Duke Field, and Hurlburt Field, to stay in concert with the FAA's database. Also, Destin-Fort Walton Beach Airport would be changed to Destin Executive Airport.

Class D and Class E airspace designations are published in Paragraphs 5000, 6002, and 6005, respectively of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Destin, FL [New]

Destin Executive Airport, FL
(Lat. 30°24′00″ N., long. 86°28′17″ W.)
Eglin Air Force Base, FL
(Lat. 30°29′00″ N., long. 86°31′34″ W.)

That airspace extending upward from the surface to and including 1,600 feet MSL within a 4.4-mile radius of Destin Executive Airport, excluding that portion north of the triangle beginning at lat. 30°23′39″ N., long. 86°23′13″ W., to lat. 30°27′00″ N., long. 86°30′19″ W., to lat. 30°20′54″ N., long. 86°31′56″ W. This Class D airspace is effective during the operating hours of the Destin Executive Airport tower published in the Airport/Facility Directory. The airspace is incorporated into the Eglin Air Force Base, FL Class D airspace when the tower is closed.

ASO FL D Eglin Air Force Base, FL [Amended]

Eglin Air Force Base, FL
(Lat. 30°29′00″ N., long. 86°31′34″ W.)
Destin Executive Airport
(Lat. 30°24′00″ N., long. 86°28′17″ W.)
Duke Field
(Lat. 30°38′55″ N., long. 86°31′19″ W.)
Hurlburt Field
(Lat. 30°25′44″ N., long. 86°41′20″ W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 5.5-mile radius of Eglin AFB, and within a 4.4-mile radius of Destin Executive Airport, excluding the portion north of a line connecting the 2 points of intersection within a 5.2-mile radius centered on Duke Field; excluding the portion southwest of a line connecting the 2 points of intersection within a 5.3-mile radius of Hurlburt Field; excluding a portion east of a line beginning at lat. 30°30′43″ N., long. 86°26′21″ W. extending east to the 5.5-mile radius of Eglin AFB. When the tower at Destin Executive Airport is operational, it excludes Destin's Class D airspace defined as that airspace south of the triangle beginning at lat. 30°23′39″ N., long. 86°23′13″ W. to lat. 30°27′00″ N., long. 86°30′19″ W. to lat. 30°20′54″ N., long. 86°31′56″ W. from the surface to and including 1,600 feet MSL.

ASO FL D Eglin AF Aux No 3 Duke Field, FL [Removed]

ASO FL D Duke Field Eglin AFB, FL [New]

Duke Field, FL
(Lat. 30°38′55″ N., long. 86°31′19″ W.)
Crestview, Bob Sikes Airport
(Lat. 30°46′44″ N., long. 86°31′20″ W.)
Eglin AFB
(Lat. 30°29′00″ N., long. 86°31′34″ W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 5.2-mile radius of Duke Field; excluding the portion north of a line connecting the 2 points of intersection with a 4.2-mile radius circle centered on Bob Sikes Airport; excluding the portion south of a line connecting the 2 points of intersection with a 5.5-mile radius circle centered on Eglin AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

ASO FL D Eglin Hurlburt Field, FL [Amended]

Eglin, Hurlburt Field, FL
(Lat. 30°25′44″ N., long. 86°41′20″ W.)
Eglin AFB
(Lat. 30°29′00″ N., long. 86°31′34″ W.)

That airspace extending upward from the surface, to and including 2,500 feet MSL within a 5.3-mile radius of Hurlburt Field; excluding the portion northeast of a line connecting the 2 points of intersection with a 5.5-mile radius circle centered on Eglin AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the airport/Facility Directory.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO FL E2 Crestview, FL [Amended]

Bob Sikes Airport, FL
(Lat. 30°46′44″ N., long. 86°31′20″ W.)
Duke Field, Eglin AFB
(Lat. 30°38′55″ N., long. 86°31′19″ W.)

Within a 4.2-mile radius of Bob Sikes Airport; excluding the portion south of a line connecting the 2 points of intersection with a 5.2-mile radius circle centered on Duke Field This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO FL E5 Eglin Air Force Base, FL [Amended]

Eglin Air Force Base, FL
(Lat. 30°29′00″ N., long. 86°31′34″ W.)
Destin Executive Airport
(Lat. 30°24′00″ N., long. 86°28′17″ W.)

Duke Field
(Lat. 30°38′55″ N., long. 86°31′19″ W.)
Hurlburt Field
(Lat. 30°25′44″ N., long. 86°41′20″ W.)
Fort Walton Beach Airport
(Lat. 30°24′23″ N., long. 86°49′45″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Eglin Air Force Base, and within a 7.8-mile radius of Destin Executive Airport, and within a 7-mile radius of Duke Field, and within a 7-mile radius of Hurlburt Field, excluding a 1.5-mile radius of Fort Walton Beach Airport.

Issued in College Park, Georgia, on February 23, 2016.

Ryan W. Almasy,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2016–04491 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–3108; Airspace Docket No. 15–ASO–16]

Proposed Establishment of Class E Airspace; Harlan, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Harlan, KY, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Tucker-Guthrie Memorial Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 18, 2016.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg Ground Floor, Rm W12–140, Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2016–3108; Airspace Docket No. 15–ASO–16, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Tucker-Guthrie Memorial Airport, Harlan, KY.

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2016–3108; Airspace Docket No. 15–ASO–16) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–3108; Airspace Docket No. 15–ASO–16.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace extending upward from 700 feet above the surface within a 13-mile radius of Tucker-Guthrie Memorial Airport, Harlan, KY, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Tucker-Guthrie Memorial Airport. Controlled airspace is necessary for IFR operations.

Class E airspace designations are published in Paragraph 6005, of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore; (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO KY E Harlan, KY [New]

Tucker-Guthrie Memorial Airport, KY
(Lat. 36°51′36″ N., long. 83°21′31″ W.)

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Tucker-Guthrie Memorial Airport.

Issued in College Park, Georgia, on February 23, 2016.

Ryan W. Almasy,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2016–04496 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. FDA–2016–N–0400]

General and Plastic Surgery Devices; Reclassification of Blood Lancets

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed order.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is proposing to reclassify the following three types of blood lancets used to puncture skin to obtain a drop of blood for diagnostic purposes from class I (general controls) exempt from premarket notification into class II (special controls) and subject to premarket review: Single use only blood lancets with an integral sharps injury prevention feature, single use only blood lancets without an integral sharps injury prevention feature, and multiple use blood lancets for single patient use only. FDA is identifying proposed special controls for these types of blood lancets that we believe are necessary to provide a reasonable assurance of safety and effectiveness. FDA is also proposing to reclassify multiple use blood lancets for multiple patient use from class I (general controls) exempt from premarket notification into class III (premarket approval). FDA is proposing the reclassification of these four types of blood lancets on its own initiative based on new information.

DATES: Submit either electronic or written comments on the proposed order by June 1, 2016. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (PRA) by April 4, 2016, (see the ''Paperwork Reduction Act of 1995'' section of this document). See section X of the **SUPPLEMENTARY INFORMATION** section of this document for the proposed effective date of any final order that may publish based on this proposal.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions)*: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–0400 for ''General and Plastic Surgery Devices; Reclassification of Blood Lancets.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit comments on information collection issues to the Office of Management and Budget (OMB) in the following ways:

- Fax to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or email to *oira_submission@omb.eop.gov.* All comments should be identified with the title, ''General and Plastic Surgery Devices; Reclassification of Blood Lancets.''

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G422, Silver Spring, MD 20993–0002, 301–796–6524; or Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Section 513(a)(1) of the FD&C Act defines the three classes of devices. Class I devices are those devices for which the general controls of the FD&C Act (controls authorized by or under section 501, 502, 510, 516, 518, 519, or 520 (21 U.S.C. 351, 352, 360, 360f, 360h, 360i, or 360j) or any combination of such sections) are sufficient to provide reasonable assurance of safety and effectiveness; or those devices for which insufficient information exists to determine that general controls are sufficient to provide reasonable assurance of safety and effectiveness or to establish special controls to provide such assurance, but because the devices are not purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health, and do not present a potential unreasonable risk of illness or injury, are to be regulated by general controls (section 513(a)(1)(A) of the FD&C Act). Class II devices are those devices for which general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but for which there is sufficient information to establish special controls to provide such assurance, including the promulgation of performance standards, postmarket surveillance, patient registries, development and dissemination of guidelines, recommendations, and other appropriate actions the Agency deems necessary to provide such assurance (section 513(a)(1)(B) of the FD&C Act). Class III devices are those devices for which insufficient information exists to determine that general controls and special controls would provide a reasonable assurance of safety and effectiveness, and are purported or represented for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health, or present a potential unreasonable risk of illness or injury (section 513(a)(1)(C) of the FD&C Act). Under section 513(d)(1) of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as ''preamendments devices''), are classified after FDA: (1) Receives a recommendation from a device classification panel (an FDA advisory committee); (2) publishes the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) publishes a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution before May 28, 1976 (generally referred to as ''postamendments devices'') are classified automatically by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: FDA reclassifies the device into class I or II; or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate

device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 of the regulations (21 CFR part 807). A person may market a preamendments device that has been classified into class III through premarket notification procedures without submission of a PMA until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval.

On July 9, 2012, Congress enacted the Food and Drug Administration Safety and Innovation Act (FDASIA). Section 608(a) of FDASIA amended section 513(e) of the FD&C Act, changing the reclassification process from rulemaking to administrative order. Section 513(e)(1) of the FD&C Act sets forth the process for issuing a final order. Specifically, prior to the issuance of a final order reclassifying a device, the following must occur: Publication of a proposed order in the **Federal Register**, a meeting of a device classification panel described in section 513(b) of the FD&C Act, and consideration of comments to a public docket. The proposed reclassification order must set forth the proposed reclassification and a substantive summary of the valid scientific evidence concerning the proposed reclassification, including the public health benefits of the use of the device, and the nature and incidence (if known) of the risk of the device. (See section 513(e)(1)(A)(i) of the FD&C Act.)

Section 513(e)(1) provides that FDA may, by administrative order, reclassify a device based on ''new information.'' FDA can initiate a reclassification under section 513(e) or an interested person may petition FDA. The term ''new information,'' as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at that time. (See, *e.g., Holland-Rantos* v. *United States Dep't of Health, Educ. & Welfare,* 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944 (6th Cir. 1970); *Bell* v. *Goddard,* 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent regulatory action where the reevaluation is made in light of newly available regulatory authority (see *Bell* v. *Goddard,* 366 F.2d at 181; *Ethicon, Inc.* v. *FDA,* 762 F.Supp. 382, 389–91 (D.D.C. 1991)), or in light of changes in ''medical science.'' (See *Upjohn* v. *Finch,* 422 F.2d at 951.) Whether data before the Agency are past or new data, the ''new information'' to support reclassification under section 513(e) must be ''valid scientific evidence,'' as defined in section 513(a)(3) of the FD&C Act and 21 CFR 860.7(c)(2). (See, *e.g., General Medical Co.* v. *FDA,* 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Mfrs. Assoc.* v. *FDA,* 766 F.2d 592 (D.C. Cir. 1985), cert. denied, 474 U.S. 1062 (1985).)

II. Regulatory History of the Device

Blood lancets were classified in part 878 (21 CFR part 878) in a final rule published in the **Federal Register** on June 24, 1988 (53 FR 23856) that classified 51 general and plastic surgery devices. This 1988 rule classified blood lancets into class I (general controls). These devices were grouped with other devices under ''Manual surgical instrument for general use'' in § 878.4800 (21 CFR 878.4800). At the time, blood lancets had been in common use in medical practice for many years, and FDA believed that general controls were sufficient to provide reasonable assurance of the safety and effectiveness of those devices. The rule was amended on April 5, 1989 (54 FR 13826) to clarify that manual surgical instruments for general use made of the same materials as used in preamendment devices were exempt from premarket notification 510(k) review.

On December 7, 1994, FDA further amended the classification when it published a final rule in the **Federal Register** (59 FR 63005) that exempted 148 class I devices from premarket notification, with limitations. Blood lancets were one of those devices. FDA determined that manufacturers' submissions of premarket notifications were unnecessary for the protection of the public health and that FDA's review of such submissions would not advance its public health mission.

On August 26, 2010, FDA and the Centers for Disease Control and Prevention (CDC) issued a joint initial communication warning that the use of fingerstick devices (blood lancets) to obtain blood from more than one patient posed a risk of transmitting bloodborne pathogens. The communication was updated on November 29, 2010 (Ref. 1). FDA's communication update, ''Use of Fingerstick Devices on More Than One Person Poses Risk for Transmitting Bloodborne Pathogens: Initial Communication: Update 11/29/2010'' stated that ''[o]ver the past 10–15 years, the CDC and FDA have noted a progressive increase in reports of bloodborne infection transmission (primarily hepatitis B virus [HBV]) resulting from the shared use of fingerstick and POC [or 'Point of Care'] blood testing devices.'' FDA and CDC recommended, among other things, that health care professionals and patients never use a blood lancet for more than one person.

On November 29, 2010, FDA published a guidance entitled ''Guidance for Industry and Food and Drug Administration Staff; Blood Lancet Labeling'' (75 FR 73107) (Ref. 2). This guidance includes labeling recommendations to address concerns that both health care providers and patients may be unaware of the serious adverse health risks associated with using the same blood lancet for assisted withdrawal of blood from more than one patient, even when the blood lancet blade is changed for each blood draw. FDA recommends in the guidance that all blood lancets be labeled for use only on a single patient. FDA recommends in the guidance that a statement limiting use to a single patient should also appear on the label attached to the device, if possible. The guidance was for immediate implementation. When final, this order will supersede this labeling guidance.

On June 26, 2013, FDA held a meeting of the General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee (the Panel) to discuss the potential reclassification of blood lancets (Ref. 3). The Panel discussed new scientific information (see section VII of this document), the risks to health from blood lancets, whether blood lancets should be reclassified or remain in class I, and possible special controls for these devices if reclassified into class II. The Panel agreed that general controls were not sufficient to provide a reasonable assurance of safety and effectiveness of any of the four types of blood lancets (the four types are explained in section III). The Panel believed that because multiple use blood lancets for multiple patient use presented a potential unreasonable risk of illness or injury, and insufficient information existed to establish special controls for these devices, they should be reclassified into class III. The Panel recommended that all other blood lancet devices be reclassified into class II (special controls). FDA is not aware of new information since this Panel meeting that would provide a basis for a different recommendation or findings.

III. Device Description

A blood lancet is used to puncture the skin to obtain small blood specimens for testing blood glucose, hemoglobin, and

other blood components. Some blood lancets are used with POC blood testing devices, such as blood glucose meters and Prothrombin Time and International Normalized Ratio (PT/INR) anticoagulation meters. Today, probably the most common use for a blood lancet is in diabetes monitoring. These devices are used in both home and professional health care settings. Only a small blood sample is needed for testing of blood glucose level. The blood sample is dropped onto a test strip and inserted into a blood glucose meter for results.

FDA has identified four subsets of blood lancets:

1. A single use only blood lancet with an integral sharps injury prevention feature is a disposable blood lancet intended for a single use that is comprised of a single use blade attached to a solid, non-reusable base (including an integral sharps injury prevention feature) that is used to puncture the skin to obtain a drop of blood for diagnostic purposes. The integral sharps injury prevention feature allows the device to be used once and then renders it inoperable and incapable of further use;

2. A single use only blood lancet without an integral sharps injury prevention feature is a disposable blood lancet intended for a single use that is comprised of a single use blade attached to a solid, non-reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes;

3. A multiple use blood lancet for single patient use only is a multiple use capable blood lancet intended for use on a single patient that is comprised of a single use blade attached to a solid, reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes; and

4. A multiple use blood lancet for multiple patient use is a multiple use capable blood lancet intended for use on multiple patients that is comprised of a single use blade attached to a solid, reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes.

IV. Proposed Reclassification

A. Single Patient Use Only Blood Lancets

FDA is proposing to reclassify the following three subsets of blood lancets from class I (general controls) exempt from premarket review to class II (special controls) and subject to premarket review: (1) Single use only blood lancets with an integral sharps injury prevention feature, (2) single use only blood lancets without an integral sharps injury prevention feature, and (3) multiple use blood lancets for single patient use only. FDA believes that general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness for these devices, and that there is sufficient information to establish special controls to provide such assurance.

The Food and Drug Administration Modernization Act (FDAMA) (Pub. L. 105–115) added section 510(m) to the FD&C Act. Section 510(m) of the FD&C Act provides that a class II device may be exempted from the premarket notification requirements under section 510(k) of the FD&C Act, if the Agency determines that premarket notification is not necessary to assure the safety and effectiveness of the device. The Agency does not intend to exempt these devices from premarket notification (510(k)) submission as allowed under section 510(m) of the FD&C Act. FDA believes premarket notification is necessary for these devices to provide a reasonable assurance of safety and effectiveness.

B. Multiple Patient Use Blood Lancets

FDA is proposing that a fourth subset of blood lancets, multiple use blood lancets for multiple patient use, be reclassified from class I (general controls) without premarket review to class III (premarket approval). FDA believes that insufficient information exists to determine that general controls and special controls would provide a reasonable assurance of safety and effectiveness for these devices, which present a potential unreasonable risk of illness or injury (see section 513(a)(1)(C) of the FD&C Act).

Elsewhere in this issue of the **Federal Register**, FDA is proposing to require the filing of a PMA or notice of completion of a product development protocol (PDP) for these devices, which will be finalized only if FDA reclassifies multiple use blood lancets for multiple patient use to class III.

FDA continues to believe that multiple use blood lancets for use in multiple patients present significant risks to public health. Specifically, multiple patient use blood lancets pose a risk of transmission of bloodborne pathogen infections, including HBV and hepatitis C. Bloodborne pathogens may be transmitted between patients by blood or blood products taken from a patient with a transmissible infection. FDA believes that certain design characteristics would be required to help mitigate these risks. For example, multiple use blood lancets for use in multiple patients would need to be designed to allow for rigorous, thorough cleaning plus a disinfection or sterilization process capable of reduction of bloodborne pathogens to a clinically acceptable level between each use in a different patient in order to be safe for this intended use. The cleaning and disinfection/sterilization process to be used to render a multiple use blood lancet safe for use in multiple patients would need to be effective in spite of potential health care provider noncompliance with manufacturer's Instructions for Use. More importantly, the multiple use blood lancet for use in multiple patients would need to be designed such that repeat operation of the device is not possible until the device has been thoroughly cleaned and disinfected, using validated processes, by the health care user. Such a mechanism is necessary to prevent health care providers, especially those working in facilities that provide relatively little staff education or supervision, such as assisted living facilities (ALF), from failing to comply with manufacturer recommendations regarding rendering multiple patient use blood lancets safe for use in more than one patient. Therefore, the safety of the multiple use blood lancets for multiple patients, especially the effectiveness of their design and reprocessing instructions to render the device safe for use on more than one patient and the ability of health care providers to follow these instructions completely, must be rigorously demonstrated, independently of any other blood lancet. Because blood lancets for use on multiple patients present a potential unreasonable risk of illness or injury and insufficient information exists for FDA to determine that special controls would provide reasonable assurance of safety and effectiveness of the device, the Agency believes that these devices should be reclassified into class III.

V. Public Health Benefits and Risks to Health

As required by section 513(e)(1)(A)(I) of the FD&C Act, FDA is providing a substantive summary of the valid scientific evidence regarding the public health benefit of blood lancets, and the nature and, if known, the incidence of the risk of the devices. Since the 1990s, because of outbreaks of HBV infections associated with blood lancets and meters used in blood glucose monitoring, CDC and FDA have recommended that blood lancets should be limited to one individual's use (Refs. 1 and 4 to 6). Nevertheless, there have been continuing reports of bloodborne pathogen transmission from the shared use of blood lancets. Improper use of blood lancets can endanger public health, and FDA is concerned about the persistent risk of transmission of

hepatitis and other bloodborne pathogens when blood lancets are used to obtain blood from more than one patient in health care settings. Certain bloodborne pathogens, such as HBV, are very stable at ambient temperatures and HBV infected patients, who often lack clinical symptoms of hepatitis, can have high concentrations of HBV in their blood or body fluids, thus serving as unsuspected sources of the infectious agent available for transmission to other patients when blood lancets are misused (Refs. 7 to 32).

These findings were discussed by the June 26, 2013, General and Plastic Surgery Devices Panel. The Panel agreed that the risks to health identified in this section are applicable to blood lancet devices, particularly the risk of cross-contamination between patients when the same lancet is used on multiple patients (Ref. 3).

After considering the information discussed by the Panel and in published literature, as well as medical device reports relating to blood lancets, and reported outbreaks of various bloodborne pathogen infections, FDA believes that the risks to health associated with the use of blood lancets are (1) bloodborne pathogen transmission, (2) sharp object injuries, (3) local tissue infections, and (4) adverse tissue reaction (not infection). The June 26, 2013, Panel also believed that these were the risks for the device (Ref. 3).

A. Bloodborne Pathogen Transmission

Bloodborne pathogens such as HBV, hepatitis C virus, and potentially any other pathogen present in the bloodstream of a patient can be transmitted from one patient to another by the following mechanisms:

- Reuse of the same lancet blade to draw blood from more than one patient or
- Failure/inability to adequately clean the base of a multiple use blood lancet resulting in the blood contamination of the next ''new'' lancet blade when blood is drawn from more than one patient.

B. Sharp Object Injuries

The blade of a blood lancet device is designed to pierce the skin and draw blood. Except when the used lancet blade is immediately and automatically covered by a sharps safety feature, which renders the blade inaccessible, the exposed sharp blade of a blood lancet presents a puncture hazard to anyone coming in contact with it. Blade exposure can result due to either the lack of a sharps safety feature or device breakage.

C. Local Tissue Infections

Human skin always carries a population of bacteria and often fungi (normal skin flora), which causes no problem for the host when skin is intact. However, puncture injuries to the skin by sharp objects such as blood lancet blades can carry these microbes into the normally sterile tissue below the skin. Such injuries have the potential to cause local skin/soft tissue infections.

D. Adverse Tissue Reaction (Not Infection)

Tissue contact with some materials, metals, and material colorants can cause skin inflammation, irritation, or exanthems (rashes). These reactions may be due to either hypersensitivity to a specific compound/metal or to a non-specific reaction.

VI. Summary of Reasons for Reclassification

FDA believes that blood lancets for use on a single patient only should be reclassified into class II because special controls, in addition to general controls, can be established to provide reasonable assurance of safety and effectiveness of the device. FDA further believes that blood lancets for use on multiple patients should be reclassified into class III because multiple patient use blood lancets present a potential unreasonable risk of illness or injury and insufficient information exists for FDA to determine that special controls would provide reasonable assurance of safety and effectiveness of the device.

The June 26, 2013 reclassification Panel recommended that single patient blood lancets be reclassified into class II and multiple patient blood lancets into class III. The Panel did not believe that general controls alone were sufficient to ensure the safety and effectiveness of blood lancets. The Panel believed that special controls could be established to provide reasonable assurance of the safety and effectiveness of single use blood lancets, with and without integral sharps injury prevention features, and multiple use lancets for single patients, but that special controls could not be established to provide reasonable assurance of safety and effectiveness for multiple use lancets for multiple patients. Hence, the Panel agreed that blood lancets for use on a single patient only should be reclassified into class II (special controls), and multiple use lancets for multiple patients should be reclassified into class III (premarket approval).

VII. Summary of Data Upon Which the Reclassification Is Based

FDA uses the bloodborne pathogens definition in 29 CFR 1910.1030(b). Bloodborne pathogens, such as HBV, may be transmitted between patients by blood and certain body fluids (Ref. 32). Since HBV-infected patients, who often lack clinical symptoms of hepatitis, have high concentrations of HBV in their blood and HBV is stable at ambient temperatures, transmission of HBV may result from exposure to equipment that has not been adequately disinfected or by the misuse of ''single use only'' medical devices (*e.g.,* needles and syringes) (Ref. 33).

The history of recognized bloodborne pathogen transmission by blood lancets may have started in 1923 when an outbreak of jaundice occurred in the Goteborg Hospital diabetic clinic in Sweden, which was described by Schmid, et al. (Ref. 10). All patients had blood drawn for glucose testing from their ear lobes by a spring-activated ''Schnepper'' device, which was cleaned ''perfunctorily'' between uses. As a result, 26 clinic patients developed jaundice. Outbreaks of hepatitis in English diabetic patients were described by Graham in 1938 (Ref. 11) and by Droller in 1945 (Ref. 12). In both of these outbreaks, venous blood for glucose measurement was drawn using syringes that were only chemically disinfected between uses while the needles were boiled; cleaning procedures were not mentioned in the reports. Syringes and needles are now single-use-only devices because the procedures used to reprocess these devices many years ago have long been recognized to be inadequate, resulting in outbreaks of hepatitis transmission (Ref. 10). There were also two case reports, in 1985 and 1997, of the transmission of HBV infection due to sharing personal use blood lancets for home glucose monitoring with one other person who already had HBV. One report was from the United States and one was from Hungary (Refs. 13 and 14). In addition, Mendez et al. reported a 75-year-old patient with diabetes who died of acute hepatitis, whose only risk factor for HBV infection appeared to be her diabetic care at a local outpatient facility where she had repeated fingersticks for blood glucose monitoring (Ref. 15).

During the 1990s, several bloodborne pathogen transmission issues led to CDC and FDA involvement. In 1990, CDC learned of a nosocomial outbreak of HBV transmission due to the use of a spring-loaded lancet device whose disposable platform was not removed

and discarded after each use of the device while it was used for the care of multiple patients (Ref. 4).[1] CDC reported this outbreak to FDA; FDA then issued a safety alert warning users of the precautions needed for the safe use of this device (Ref. 5). This was the first reported outbreak of HBV transmission associated with the use of a blood lancet device in the United States (Refs. 5 and 7).

CDC's outbreak investigation revealed that a patient who had diabetes and also a chronic HBV infection caused by a relatively rare viral subtype was admitted to the outbreak ward in 1989. Twelve of the 23 patients who acquired HBV after admission to the same ward as the chronic HBV source patient were serotyped, and all were found to have the same viral subtype causing their HBV infections. The first nosocomially infected patient had a very long-term stay on the ward and so served as a source of transmission to other patients over a period of 12 months. Twenty of the 23 outbreak patients had diabetes; they and the three other case-patients all experienced numerous POC fingerstick blood draws with the same type of blood lancet while hospitalized on the outbreak ward. The implicated blood lancet device included a disposable platform to stabilize the patient's finger; the single use lancet blade penetrated a hole in that platform to reach the patient's skin. Half the ward nursing staff who performed fingersticks with this lancet acknowledged not changing the device platform with each use of the lancet. A similar outbreak of hepatitis transmission was reported in 1990 in France in which a similar blood lancet device was implicated. Douvin et al. (Ref. 8) reported that examination of the device implicated in the French outbreak showed visible blood contamination of the lancet platform in 24 percent of studied uses of that device. Shier et al. (Ref. 9) reported in 1993 that the use of another spring-loaded lancet device in a volunteer study of blood glucose levels resulted in visible blood contamination on 29 percent of the device end caps. This device was intended for ''personal'' use only.

As a result of the 1990 outbreak of HBV transmission due to blood lancet use in the United States, FDA and CDC recommended that spring-loaded blood lancet devices should have only single use only ''platforms'' as well as single use only blades; the devices were to be cleaned and disinfected per the manufacturer's instructions (Refs. 4 and 5). The 1990 FDA Safety Alert also advised ''Devices [blood lancets] without a removable platform should only be used with one patient in the hospital or outpatient setting. After the patient is discharged, the device may be reused only if it is disinfected according to the manufacturer's instructions. If there are no instructions for disinfection, the device should be discarded.''

Since 1990, the incidence of diabetes mellitus has increased significantly in the United States, especially in adults aged 65–79 (Refs. 34 and 35). At the same time, clinical practice in the care of these patients increasingly emphasized the need for improved blood glucose level control, resulting in the increased use of POC blood glucose monitoring both in health care facilities and at home (Refs. 36 to 38). Unfortunately, along with the increased incidence of diabetes has come a progressive increase in the reports of bloodborne infection transmission (primarily HBV), resulting from the shared use of fingerstick and POC blood testing devices (Ref. 1). In 2011, the CDC reported that 25 of 29 outbreaks of HBV infection occurring in long-term care facilities since 1996 involved adults with diabetes receiving assisted blood glucose monitoring (Ref. 39).

In 1997, CDC reported two outbreaks of HBV transmission, one in a nursing home in Ohio and one in a hospital in New York City (NYC) (Ref. 16). Two different blood lancet devices were used at the two sites. However, both lancet devices included the use of an ''end cap'' that came in contact with patient skin. This was a separate, individual use component of the lancet device used in Ohio; the nursing home was reusing both the lancet and the cap for multiple patients. The end cap was a part of the disposable, single use only lancet blade assembly in the device used in NYC. The exact mechanism of blood transmission was not entirely clear in the NYC setting; staff claimed they had discarded the end cap after each use. CDC postulated that either blood-contaminated nurses gloves worn for the care of multiple patients or the pen-like lancet-holding device itself might have been the source of the blood cross-contamination of the lancet. A similar outbreak was reported by Quale et al. in 1998 from a hospital in New York (Ref. 17). The recognition of 3 cases of nosocomially acquired HBV infection resulted in an investigation that uncovered another 11 cases. Reuse by hospital staff of a disposable lancet end cap with the lancet in multiple patients was identified as the probable cause of hepatitis cross-transmission to patients; contamination of the lancet wound from blood on unchanged gloves worn by nurses during collection of blood samples from multiple patients may also have contributed to the nosocomial transmission of HBV in this outbreak.

CDC reviewed the incidence of reported outbreaks of HBV and hepatitis C infection in nonhospital health care settings between 1998 and 2008 and noted a significant increase in such nosocomial transmission of bloodborne pathogens (Refs. 18 to 21). N.D. Thompson et al. identified 33 outbreaks of nosocomial hepatitis transmission in nonhospital health care settings (Ref. 18). Of these 33 outbreaks, 15 were found to be due to blood glucose monitoring in long-term care facilities. Only half of these outbreak investigations were published in the scientific literature; the others were recognized by health department investigations and reports to CDC. In 9 of the 15 outbreaks of nosocomial hepatitis in patients with diabetes, blood lancet devices were shared among multiple patients. In two additional outbreaks, lancets were not noted to be shared, but blood-soiled glucose meters were stored together with lancets without cleaning/disinfection of the devices and gloves were not regularly changed between each patient. These failures of proper infection control practice could have led to blood contamination of individual blood lancets in these two facilities.

N.D. Thompson et al. also investigated blood glucose monitoring practices in long-term care facilities in Pinellas County, FL, in 2007 and found that 22 percent of the participating facilities that used reusable fingerstick devices used them in multiple patients (Ref. 22). Patel et al. reported in 2009 on the efforts of the Virginia Department of Health to improve blood glucose monitoring practices in ALFs in Virginia (Ref. 23). This effort followed two separate outbreaks of HBV infections in two ALFs. In those outbreaks, one of the three acutely symptomatic initial patients died of HBV infection. Of 68 patients undergoing blood glucose monitoring in these 2 facilities, a total of 11 patients acquired HBV infection. Both facilities used reusable blood lancets to obtain blood from multiple patients and did not clean or disinfect them between uses. The Virginia Department of Health then mailed an educational packet on safe blood glucose monitoring practices to all ALFs (640) in the State. A random sample of

[1] Hepatitis B and hepatitis C infections, as well as other bloodborne infections such as HIV infection, are reported to State health departments and, by them, to CDC; FDA does not usually receive such reports directly from health care facilities or personnel, even when a medical device has transmitted the infection.

ALFs was contacted after the educational intervention and invited to participate in a survey to evaluate the response to the educational packet. The results found that 16 percent of the facilities that used lancets to monitor blood glucose levels were still using these devices to obtain blood from multiple patients.

Y.G. McIntosh et al. investigated outbreaks of nosocomial HBV transmission in four ALFs between 2009 and 2011 and found that in all four facilities, pen-style lancets were used to obtain blood for glucose monitoring from multiple patients even though two facilities provided each patient with dedicated ''single patient use only pen-style lancets'' according to their policies (Ref. 24). Z. Moore et al. reported another outbreak of nosocomial HBV transmission in an ALF in North Carolina in 2010 in which blood lancet devices were shared among multiple patients. Six of the eight elderly patients who acquired acute HBV in this outbreak died from complications of hepatitis (Ref. 25). M.K. Schaefer et al. surveyed a stratified, random sample of ambulatory surgery centers (ASCs) in three volunteer states in 2009 (Ref. 26). Of the 53 ASCs that performed blood glucose monitoring, 11 (21 percent) reused pen-style blood lancets on multiple patients and 17 (32 percent) also failed to clean and disinfect blood glucose meters after each use.

Thompson and Schaefer reported the analysis of four outbreaks of nosocomial HBV in ALFs in 2009–2010 (Ref. 27). One was also reported separately by Z. Moore et al. (Ref. 24). Two of the three other outbreaks occurred in Virginia and one in Florida; these 3 outbreaks resulted in 21 new patients acquiring acute HBV. In two of the three facilities, use of reusable blood lancets to draw blood from multiple patients was observed or reported. The third facility denied that it permitted the sharing of reusable lancets. However, used lancets and glucose meters were stored together, along with clean supplies; visible blood contamination was observed on several glucose meters and one reusable lancet by the investigator. Thompson and Schaefer also reported in their paper on two patient notification campaigns resulting from the misuse of reusable blood lancets with preloaded lancet cartridges, intended and cleared only for single patient use, which were used to obtain blood from multiple patients. One episode involved a community health center and was reported when personnel noted that the lancet blades were not retracting properly, which might have resulted in blade use for more than one patient. The second episode occurred at a community health fair in which physician assistant students were offering diabetes screening. During the fair, the students realized that the lancet blades had not been advanced properly so that each patient received a new blade. The first episode exposed 283 patients to a contaminated lancet blade; the second incident exposed approximately 60 patients. The results of the patient notification studies were not reported.

As a result of this significant increase in such nosocomial transmission of bloodborne pathogens, on August 26, 2010, FDA and the CDC issued a Safety Communication (Ref. 1) and a Clinical Reminder (Ref. 6), respectively, warning that the use of blood lancets to obtain blood from more than one patient risks the transmission of bloodborne pathogen infections from one patient to other patients. Both FDA and CDC recommended that blood lancets should never be used to obtain blood from more than one patient. In addition, the Centers for Medicare and Medicaid Services issued a Survey and Certification Memorandum for Point of Care Devices and Infection Control in Nursing Homes identifying the use of blood lancet devices for more than one patient as an infection control standards deficiency (Ref. 40). On November 29, 2010, FDA issued ''Guidance for Industry and Food and Drug Administration Staff: Blood Lancet Labeling,'' which provided guidance for lancet manufacturers on the labeling of all blood lancets, including those capable of reuse, as ''single patient use only'' devices (Ref. 2).

In 2012, another outbreak of acute HBV was reported in an ALF in Virginia (Ref. 28). The source patient had been recently transferred from another ALF where she had acquired nosocomial HBV infection from the shared use of blood lancets for multiple patients (Ref. 24). This ALF also reused blood lancets to obtain blood from multiple patients for glucose monitoring. This dangerous practice resulted in two new nosocomial HBV infections in this ALF.

Outbreaks of hepatitis transmission due to use of blood lancets to draw blood from more than one patient for blood glucose monitoring have not been limited to the United States. In 2001, Desenclos et al. described an outbreak of nosocomial hepatitis C transmission in an inpatient ward for children with cystic fibrosis and diabetes in a French hospital in 1994–1995 (Ref. 29). Blood glucose monitoring was done by the nursing staff for the patients with cystic fibrosis as well as for the patients with diabetes using a spring-loaded lancet with a disposable platform to stabilize the finger. These devices were shared among patients between 1986 and 1992 during repeated admissions to the inpatient unit. After 1992, patients were supposed to use only their own lancet devices for blood glucose monitoring. The retrospective prevalence of prior hepatitis C infection was found to be 58 percent in patients with cystic fibrosis and 17 percent in patients with diabetes in 1994. At the time (1994), the prevalence of antibody to hepatitis C in the general public in France was 1.1 percent. The patients with cystic fibrosis had more frequent and longer admissions to the inpatient ward and more of the exposed cystic fibrosis patients (66.7 percent) were screened for hepatitis C infection than were the patients with diabetes admitted to the inpatient ward during the exposure period (39.5 percent). These factors may have influenced the apparent difference in hepatitis C transmission in these two groups of exposed patients.

In 2005, De Schrijver et al. described an outbreak of acute HBV infection in a nursing home in Antwerp (Ref. 30). The initial report of a fulminant case of acute HBV infection in an 83-year-old resident of the home resulted in an investigation that identified acute HBV infection in another four patients there. Four of the five acutely infected patients had diabetes and received assisted blood glucose sampling by the nursing home staff. The two blood lancet models used in the facility (one each in two sections) were used to obtain blood from multiple patients. The device platforms were not disposable. The lancets were washed only when blood was visible on the device and they were not disinfected. Nurses did not routinely wash their hands or wear gloves when obtaining blood. Two of the five patients with acute nosocomial HBV died of their infections.

In 2008, Gotz et al. reported the investigation of two cases of acute HBV infection among patients at a nursing home in the Netherlands (Ref. 31). The nursing home stay of these two patients overlapped with that of a patient with known chronic HBV infection. Early in this time period, the nursing home changed the lancet device used for glucose monitoring from a spring-loaded device with a disposable platform (used for multiple patients) to a device with a rotating drum dispensing new lancet blades, which was also used to draw blood from multiple patients, although it was labeled for single patient use only. This device was used for about a month until the staff realized that active rotation of the drum was occasionally forgotten, resulting in the reuse of a lancet blade on more than one patient.

The new device was then removed from the facility and the spring-loaded lancet was returned to use. The two patients with acute HBV received blood glucose monitoring as did the source patient with chronic HBV, sometimes on the same day. Two other patients who also received blood glucose monitoring escaped infection. The investigators stated that they believed the rotating lancet drum device was likely the means of transmission of HBV infection between patients.

In 2011, Duffell et al. reported on the investigations of five reports of HBV transmission in community health care settings in the United Kingdom (Ref. 32). All of the nine initially reported patients with HBV had diabetes and were receiving blood glucose monitoring. Further investigation identified another 12 patients with acute HBV infection. The care settings in which hepatitis transmission occurred were described as a ''private residential home'' (one patient), ''nursing and residential home'' (one patient), ''private nursing and residential home'' (one patient) and ''local care home'' (two patients). Eleven of the 21 acutely infected patients had symptomatic HBV; 7 of these patients died, 5 due to the HBV infection. All of the care sites in which acute HBV transmission occurred were using blood lancets intended for single patient use only; these devices were either routinely or occasionally used for multiple patients. One facility also used a single glucometer for multiple patients and did not clean or disinfect it between patients. The authors also noted that information reported on patients found to have acute HBV infection between 1990 and 2003 identified only four patients with blood glucose monitoring as a possible risk factor; one of these patients was infected as a result of in-hospital transmission from another patient on the same ward, although details were not provided. Between 2004 and 2006, the 9 patients described previously in this document were reported and investigation led to the discovery of an additional 12 cases of health care-related HBV transmission due to the improper use of blood lancets during patient blood glucose monitoring.

VIII. Special Controls

FDA believes that the special controls identified in the paragraphs that follow—in addition to general controls—are necessary to provide reasonable assurance of safety and effectiveness for this device when it is for single patient use only. Special controls were discussed at the June 26, 2013, reclassification Panel (Ref. 3). The Panel agreed that the special controls as presented would provide a reasonable assurance of safety and effectiveness for these devices, emphasizing in discussions the need for adequate labeling for these devices. FDA believes that the special controls proposed for single use only blood lancets with an integral sharps injury prevention feature in § 878.4850(a)(2), in addition to the general controls, mitigate the risks to health discussed in section V and are necessary to provide reasonable assurance of safety and effectiveness.

Table 1 depicts how each risk to health would be mitigated by the proposed special controls.

TABLE 1—HEALTH RISKS AND MITIGATION MEASURES FOR SINGLE USE ONLY BLOOD LANCET WITH AN INTEGRAL SHARPS INJURY PREVENTION FEATURE

Identified risk	Mitigation measure
Bloodborne pathogen transmission	Design characteristics. Mechanical performance testing. Labeling.
Sharp object injuries	Design characteristics. Mechanical performance testing. Labeling.
Local tissue infection	Labeling. Sterilization.
Adverse tissue reaction (not infection)	Biocompatibility.

FDA believes that the special controls proposed for single use only blood lancets without an integral sharps injury prevention feature in proposed in § 878.4850(b)(2), in addition to the general controls, mitigate these risks to health discussed in section V and are necessary to provide reasonable assurance of safety and effectiveness.

Table 2 depicts how each risk to health would be mitigated by the proposed special controls.

TABLE 2—HEALTH RISKS AND MITIGATION MEASURES FOR SINGLE USE ONLY BLOOD LANCET WITHOUT AN INTEGRAL SHARPS INJURY PREVENTION FEATURE

Identified risk	Mitigation measure
Bloodborne pathogen transmission	Design characteristics. Mechanical performance testing. Labeling.
Sharp object injuries	Design characteristics. Mechanical performance testing. Labeling.
Local tissue infection	Labeling. Sterilization.
Adverse tissue reaction (not infection)	Biocompatibility.

FDA believes that the special controls proposed for multiple use blood lancets for single patient use only in proposed § 878.4850(c)(2), in addition to the general controls, mitigate these risks to health discussed in section V and are necessary to provide reasonable assurance of safety and effectiveness.

Table 3 depicts how each risk to health would be mitigated by the proposed special controls.

TABLE 3—HEALTH RISKS AND MITIGATION MEASURES FOR MULTIPLE USE BLOOD LANCET FOR SINGLE PATIENT USE ONLY

Identified risk	Mitigation measure
Bloodborne pathogen transmission	Design characteristics. Mechanical performance testing. Labeling.
Sharp object injuries	Design characteristics. Mechanical performance testing. Labeling.
Local tissue infection	Labeling. Sterilization. Validated cleaning and disinfection.
Adverse tissue reaction (not infection)	Biocompatibility.

IX. The Proposed Order

FDA is issuing this proposed order to reclassify the following three types of blood lancets used to puncture skin to obtain a drop of blood for diagnostic purposes from class I (general controls) exempt from premarket notification into class II (special controls) and subject to premarket review: (1) Single use only blood lancets with an integral sharps injury prevention feature, (2) single use only blood lancets without an integral sharps injury prevention feature, and (3) multiple use blood lancets for single patient use only. FDA is identifying proposed special controls for these types of blood lancets, as identified in section VIII of this document, that are necessary to provide a reasonable assurance of safety and effectiveness. FDA is also proposing to reclassify multiple use blood lancets for multiple patient use from class I (general controls) exempt from premarket notification into class III (premarket approval).

X. Effective Date

FDA proposes that any final order based on this draft order become effective on its date of publication in the **Federal Register**.

- Blood lancets for single patient use only that have not been offered for sale prior to the effective date of the final order, or have been offered for sale but are required to submit a new 510(k) under 21 CFR 807.81(a)(3): Manufacturers would have to obtain 510(k) clearance before marketing their devices after the effective date of the order. If a manufacturer markets such a device without receiving 510(k) clearance, then FDA would consider taking action against such a manufacturer under its usual enforcement policies.
- Blood lancets for single patient use only that have been offered for sale prior to the effective date of the final order, and do not already have 510(k) clearance: FDA does not intend to enforce compliance with the 510(k) requirement or special controls until 180 days after the effective date of the final order. After that date, if a manufacturer continues to market such a device but does not have 510(k) clearance or FDA determines that the device is not substantially equivalent or not compliant with special controls, then FDA would consider taking action against such manufacturer under its usual enforcement policies.

For blood lancets for single patient use that have prior 510(k) clearance, FDA would accept a new 510(k) and would issue a new clearance letter, as appropriate, indicating substantial equivalence and special controls compliance. These devices could serve as predicates for new devices. These clearance letters would be made publicly available in FDA's 510(k) database, and compliance with special controls at the time of clearance would be stated in the publically available 510(k) Summary posted in this database. Since many blood lancets for single patient use are non-prescription (''over the counter'') devices, FDA believes that our public database is a transparent tool allowing consumers to confirm that their devices have been submitted under a new 510(k) and demonstrated conformance to applicable special controls. Elsewhere in this issue of the **Federal Register**, FDA is proposing to require the filing of a PMA or notice of completion of a PDP for multiple use blood lancets for multiple patient use, which will be finalized only if FDA reclassifies these devices into class III.

XI. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

XII. Paperwork Reduction Act of 1995

This proposed order refers to previously approved information collections found in FDA regulations. The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120. The collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485. The collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073. The collections of information in 21 CFR part 814, subparts B and E, have been approved under OMB control number 0910–0231.

The labeling provisions in proposed § 878.4850(a)(2)(vi), (b)(2)(vi), and (c)(2)(vii) are not subject to review by OMB because they do not constitute a ''collection of information'' under the PRA. Rather, the following labeling: (1) ''For use only on a single patient. Discard the entire device after use.''; (2) ''For use only on a single patient. Disinfect reusable components according to manufacturer's instructions between each use.''; (3) ''Used lancet blades must be discarded safely after a single use.''; (4) ''Warning: Not intended for more than one use. Do not use on more than one patient. Improper use of blood lancets can increase the risk of inadvertent transmission of bloodborne pathogens, particularly in settings where multiple patients are tested.'';

and (5) ''Warning: Do not use on more than one patient. Improper use of blood lancets can increase the risk of inadvertent transmission of bloodborne pathogens, particularly in settings where multiple patients are tested. The cleaning and disinfection instructions for this device are intended only to reduce the risk of local use site infection; they cannot render this device safe for use for more than one patient.'' are a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

XIII. Codification of Orders

Prior to the amendments by FDASIA, section 513(e) of the FD&C Act provided for FDA to issue regulations to reclassify devices. Although section 513(e) as amended requires FDA to issue final orders rather than regulations, FDASIA also provides for FDA to revoke previously issued regulations by order. FDA will continue to codify classifications and reclassifications in the Code of Federal Regulations (CFR). Changes resulting from final orders will appear in the CFR as changes to codified classification determinations or as newly codified orders. Therefore, under section 513(e)(1)(A)(i), as amended by FDASIA, in the proposed order, we are proposing to revoke the requirements in § 878.4800 related to the classification of blood lancets as class I devices and to codify the reclassification of subsets of blood lancets into class II or class III in § 878.4850.

XIV. References

The following references are on display in the Division of Dockets Management (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *http://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. U.S. Food and Drug Administration (FDA), ''Use of Fingerstick Devices on More Than One Person Poses Risk for Transmitting Bloodborne Pathogens: Initial Communication'' (August 26, 2010) and ''Update'' (November 29, 2010), available at *http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm234889.htm* and *http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm224025.htm.*
2. U.S. Food and Drug Administration, ''Guidance for Industry and Food and Drug Administration Staff: Blood Lancet Labeling'' (November 29, 2010), available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm234577.htm.*
3. FDA's General and Plastic Surgery Devices Panel transcript and other meeting materials for the June 26, 2013, meeting are available on FDA's Web site at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/GeneralandPlasticSurgeryDevicesPanel/ucm349426.htm.*
4. Centers for Disease Control and Prevention (CDC). ''Nosocomial Transmission of Hepatitis B Virus Associated With a Spring-Loaded Fingerstick Device—California'', *MMWR Morbidity and Mortality Weekly Report,* 1990; 39 (35):610–613. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/00001743.htm*)
5. Food and Drug Administration (FDA), ''Safety Alert Medical Devices; Hepatitis B Transmission via Spring-Loaded Lancet Devices'' (August 28, 1990), available at *http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/PublicHealthNotifications/ucm241809.htm.*
6. Centers for Disease Control and Prevention (CDC), ''CDC Clinical Reminder Use of Fingerstick Devices on More Than One Person Poses Risk for Transmitting Bloodborne Pathogens'', available at *http://www.cdc.gov/injectionsafety/Fingerstick-DevicesBGM.html.*
7. Polish, L., C. Shapiro, F. Bauer, et al., ''Nosocomial Transmission of Hepatitis B Virus Associated With the Use of a Spring-Loaded Fingerstick Device'', *New England Journal of Medicine,* 1992; 326 (11):721–725.
8. Douvin, C., D. Simon, H. Zinelabidine, et al., ''An Outbreak of Hepatitis B in an Endocrinology Unit Traced to a Capillary Blood Sampling Device'', *New England Journal of Medicine,* 1990; 322:57–58.
9. Shier, N., J. Warren, M. Torabi, et al., ''Contamination of a Fingerstick Device'', *New England Journal of Medicine,* 1993; 328:969–970.
10. Schmid, R., ''History of Viral Hepatitis: A Tale of Dogmas and Misinterpretations'', *Journal of Gastroenterology and Hepatology,* 2001; 16(7):718–722.
11. Graham, G., ''Diabetes Mellitus: A Survey of Changes in Treatment During the Last Fifteen Years'', *The Lancet,* 1938 2:1–7.
12. Droller, H., ''An Outbreak of Hepatitis in a Diabetic Clinic'', *British Medical Journal,* 1945; 1(4400):623–625.
13. Stapleton, J., and S. Lemon, ''Transmission of Hepatitis B During Blood Glucose Monitoring'', *Journal of the American Medical Association* 1985; 253:3250.
14. Farkas K and G Jermendy. ''Transmission of Hepatitis B Infection During Home Blood Glucose Monitoring'', *Diabetic Medicine,* 1997; 14:263.
15. Mendez, L., K.R. Reddy, R.A. Di Prima, et al., ''Fulminant Hepatic Failure Due to Acute Hepatitis B and Delta Co-Infection: Probable Bloodborne Pathogen Transmission Associated With a Spring-loaded Fingerstick Device'', *American Journal of Gastroenterology,* 1991; 86:895–897.
16. Centers for Disease Control and Prevention (CDC), ''Nosocomial Hepatitis B Virus Infection Associated With Reusable Fingerstick Blood Sampling Devices—Ohio and New York City, 1996'', *MMWR Morbidity and Mortality Weekly Report,* 1997; 46(10):217–221. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/00046679.htm.*)
17. Quale, J.M., D. Landman, B. Wallace, et al., ''Déjà vu: Nosocomial Hepatitis B Transmission and Fingerstick Monitoring'', *The American Journal of Medicine,* 1998; 105;296–301.
18. Thompson, N.D., J. Perz, A. Moorman, et al., ''Nonhospital Health Care-Associated Hepatitis B and C Virus Transmission: United States, 1998–2008'', *Annals of Internal Medicine,* 2009; 150:33–39.
19. Khan, A.J., S.M. Cotter, B. Schulz, et al., ''Nosocomial Transmission of Hepatitis B Virus Infection Among Residents With Diabetes in a Skilled Nursing Facility'', *Infection Control and Hospital Epidemiology,* 2002; 23:313–318.
20. Centers for Disease Control and Prevention (CDC), ''Transmission of Hepatitis B Virus Among Persons Undergoing Blood Glucose Monitoring in Long-Term-Care Facilities—Mississippi, North Carolina, and Los Angeles County, California, 2003–2004'', *MMWR Morbidity and Mortality Weekly Report,* 2005; 54(09):220–223. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5409a2.htm.*)
21. Thompson, N.D. and J.F. Perz, ''Eliminating the Blood: Ongoing Outbreaks of Hepatitis B Virus Infection and the Need for Innovative Glucose Monitoring Techniques'', *Journal of Diabetes Science and Technology,* 2009; 3(2):283–288.
22. Thompson, N.D., V. Barry, K. Alelis, et al., ''Evaluation of the Potential for Bloodborne Pathogen Transmission Associated With Diabetes Care Practices in Nursing Homes and Assisted Living Facilities, Pinellas County'', *Journal of the American Geriatrics Society,* 2010; 58:914–918.
23. Patel, A.S., M.B. White-Comstock, D. Woolard, et al., ''Infection Control Practices in Assisted Living Facilities: A Response to Hepatitis B Virus Infection Outbreaks'', *Infection Control and Hospital Epidemiology,* 2009; 30:209–214.
24. Centers for Disease Control and Prevention (CDC), ''Multiple Outbreaks of Hepatitis B Virus Infection Related to Assisted Monitoring of Blood Glucose Among Residents of Assisted Living Facilities—Virginia, 2009–2011'', *MMWR Morbidity and Mortality Weekly Report,* 2012; 61(19):339–343. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6119a3.htm?s_cid=mm6119a3_w.*)
25. Centers for Disease Control and Prevention (CDC), ''Notes From the Field: Deaths From Acute Hepatitis B Virus Infection Associated With Assisted Blood Glucose Monitoring in an Assisted-Living Facility—North

Carolina, August–October, 2010'', *MMWR Morbidity and Mortality Weekly Report,* 2011; 60(6):182. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6006a5.htm?s_cid=mm6006a5_w.*)
26. Schaefer, M.K., M. Jhung, M. Dahl, et al., ''Infection Control Assessment of Ambulatory Surgical Centers'', *Journal of the American Medical Association,* 2010; 303 (22):2273–2279.
27. Thompson, N.D. and M.K. Schaeffer, '''Never Events': Hepatitis B Outbreaks and Patient Notifications Resulting From Unsafe Practices During Assisted Monitoring of Blood Glucose, 2009–2010'', *Journal of Diabetes Science and Technology,* 2011; 5(6):1396–1402.
28. Centers for Disease Control and Prevention (CDC), ''Notes From the Field: Transmission of HBV Among Assisted-Living-Facility Residents—Virginia, 2012'', *MMWR Morbidity and Mortality Weekly Report,* 2013; 62(19):389. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6219a4.htm?s_cid=mm6219a4_w.*)
29. Desenclos, J.C., M. Bourdiol-Razes, B. Rolin, et al., ''Hepatitis C in a Ward for Cystic Fibrosis and Diabetic Patients: Possible Transmission by Spring-Loaded Finger-Stick Devices for Self-Monitoring of Capillary Blood Glucose'', *Infection Control and Hospital Epidemiology,* 2001; 22(11):701–707.
30. De Schrijver, K., I. Maes, P. Van Damme, et al., ''An Outbreak of Nosocomial Hepatitis B Virus Infection in a Nursing Home for the Elderly in Antwerp (Belgium)'', *Acta Clinica Belgica,* 2005; 60(2):63–69.
31. Gotz, H.M., M. Schutten, G.J. Borsboom, et al., ''A Cluster of Hepatitis B Infections Associated With Incorrect Use of a Capillary Blood Sampling Device in a Nursing Home in the Netherlands, 2007'', *Euro Surveillance,* 2008; 13(7–9):1–5.
32. Duffell, E.F., L.M. Milne, C. Seng, et al., ''Five Hepatitis B Outbreaks in Care Homes in the UK Associated With Deficiencies in Infection Control Practice in Blood Glucose Monitoring'', *Epidemiology and Infection,* 2011; 139:327–335.
33. Williams, I.T., J.F. Perz, and B.P. Bell, ''Viral Hepatitis Transmission in Ambulatory Health Care Settings'', *Clinical Infectious Diseases,* 2004; 38(11):1592–1598.
34. Centers for Disease Control and Prevention (CDC), ''Increasing Prevalence of Diagnosed Diabetes—United States and Puerto Rico, 1995–2010'', *MMWR Morbidity and Mortality Weekly Report,* 2012; 61(45):918–921. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6145a4.htm?s_cid=mm6145a4_w.*)
35. Centers for Disease Control and Prevention (CDC), ''Incidence of Diagnosed Diabetes per 1,000 Population Aged 18–79 Years, by Age, 1980–2014'', Atlanta, GA: U.S. Department of Health and Human Services, CDC, National Diabetes Surveillance System. Available at *www.cdc.gov/diabetes/statistics/incidence/fig3.htm.* Accessed October 19, 2014.
36. Clarke, S.F. and J.R. Foster, ''A History of Blood Glucose Meters and Their Role in Self-Monitoring of Diabetes Mellitus'', *British Journal of Biomedical Science,* 2012; 69(2):83–93.
37. Yoo, E.-H. and S.-Y. Lee, ''Glucose Biosensors: An Overview of Use in Clinical Practice'', *Sensors,* 2010; 10(5):4558–4576.
38. Rajendran, R. and G. Rayman, ''Point-of-Care Blood Glucose Testing for Diabetes Care in Hospitalized Patients: An Evidence-Based Review'', *Journal of Diabetes Science and Technology,* 2014; 8(6):1081–1090.
39. Centers for Disease Control and Prevention (CDC), ''Use of Hepatitis B Vaccination for Adults With Diabetes Mellitus: Recommendations of the Advisory Committee on Immunization Practices (ACIP)'', *MMWR Morbidity and Mortality Weekly Report,* 2011; 60(50):1709–1711. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6050a4.htm?s_cid=mm6050a4_w.*)
40. Centers for Medical Services (CMS), ''Survey and Certification Memorandum'' (August 27, 2010), available at *http://www.cms.gov/surveycertificationgeninfo/downloads/SCLetter10_28.pdf.*

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 878 be amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

■ 1. The authority citation for 21 CFR part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Amend § 878.4800 by revising paragraph (a) to read as follows:

§ 878.4800 Manual surgical instrument for general use.

(a) *Identification.* A manual surgical instrument for general use is a nonpowered, hand-held, or hand-manipulated device, either reusable or disposable, intended to be used in various general surgical procedures. The device includes the applicator, clip applier, biopsy brush, manual dermabrasion brush, scrub brush, cannula, ligature carrier, chisel, clamp, contractor, curette, cutter, dissector, elevator, skin graft expander, file, forceps, gouge, instrument guide, needle guide, hammer, hemostat, amputation hook, ligature passing and knot-tying instrument, knife, mallet, disposable or reusable aspiration and injection needle, disposable or reusable suturing needle, osteotome, pliers, rasp, retainer, retractor, saw, scalpel blade, scalpel handle, one-piece scalpel, snare, spatula, stapler, disposable or reusable stripper, stylet, suturing apparatus for the stomach and intestine, measuring tape, and calipers. A surgical instrument that has specialized uses in a specific medical specialty is classified in separate regulations in parts 868 through 892 of this subchapter.

* * * * *

■ 3. Add § 878.4850 to subpart E to read as follows:

§ 878.4850 Blood lancets.

(a) *Single use only blood lancet with an integral sharps injury prevention feature*—(1) *Identification.* A disposable blood lancet intended for a single use that is comprised of a single use blade attached to a solid, non-reusable base (including an integral sharps injury prevention feature) that is used to puncture the skin to obtain a drop of blood for diagnostic purposes. The integral sharps injury prevention feature allows the device to be used once and then renders it inoperable and incapable of further use.

(2) *Classification.* Class II (special controls). The special controls are:

(i) The design characteristics of the device must ensure that the structure and material composition are consistent with the intended use and must include a sharps injury prevention feature;

(ii) Mechanical performance testing must demonstrate that the device will withstand forces encountered during use and that the integral sharps injury prevention feature will irreversibly disable the device after one use;

(iii) The device must be demonstrated to be biocompatible;

(iv) Sterility testing must demonstrate the sterility of the device;

(v) Labeling must include:

(A) Detailed descriptions, with illustrations, of the proper use of the device and its sharps injury prevention feature.

(B) Handwashing instructions for the user before and after use of the device.

(C) Instructions on cleaning and disinfection of the skin to be pierced.

(D) Instructions for the safe disposal of the device.

(E) Labeling must be appropriate for the intended use environment.

(*1*) For those devices intended for health care settings, labeling must address the health care facility use of these devices, including how these lancets are to be used with personal protective equipment, such as gloves.

(*2*) For those devices intended for use in the home, labeling must be written so that it is understandable to lay users.

(vi) Labeling must also include the following statements, prominently placed:

(A) ''For use only on a single patient. Discard the entire device after use.''

(B) ''Warning: Not intended for more than one use. Do not use on more than one patient. Improper use of blood lancets can increase the risk of inadvertent transmission of bloodborne pathogens, particularly in settings where multiple patients are tested.''

(b) *Single use only blood lancet without an integral sharps injury prevention feature*—(1) *Identification.* A disposable blood lancet intended for a single use that is comprised of a single use blade attached to a solid, non-reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes.

(2) *Classification.* Class II (special controls). The special controls are:

(i) The design characteristics of the device must ensure that the structure and material composition are consistent with the intended use and address the risk of sharp object injuries and bloodborne pathogen transmissions;

(ii) Mechanical performance testing must demonstrate that the device will withstand forces encountered during use;

(iii) The device must be demonstrated to be biocompatible;

(iv) Sterility testing must demonstrate the sterility of the device;

(v) Labeling must include:

(A) Detailed descriptions, with illustrations, of the proper use of the device.

(B) Handwashing instructions for the user before and after use of the device.

(C) Instructions on cleaning and disinfection of the skin to be pierced.

(D) Instructions for the safe disposal of the device.

(E) Labeling must be appropriate for the intended use environment.

(*1*) For those devices intended for health care settings, labeling must address the health care facility use of these devices, including how these lancets are to be used with personal protective equipment, such as gloves.

(*2*) For those devices intended for use in the home, labeling must be written so that it is understandable to lay users.

(vi) Labeling must also include the following statements, prominently placed:

(A) ''For use only on a single patient. Discard the entire device after use.''

(B) ''Warning: Not intended for more than one use. Do not use on more than one patient. Improper use of blood lancets can increase the risk of inadvertent transmission of bloodborne pathogens, particularly in settings where multiple patients are tested.''

(c) *Multiple use blood lancet for single patient use only*—(1) *Identification.* A multiple use capable blood lancet intended for use on a single patient that is comprised of a single use blade attached to a solid, reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes.

(2) *Classification.* Class II (special controls). The special controls are:

(i) The design characteristics of the device must ensure that:

(A) The lancet blade can be changed with every use, either manually or by triggering a blade storage unit to discard the used blade and reload an unused blade into the reusable base; and

(B) The structure and material composition are consistent with the intended use and address the risk of sharp object injuries and bloodborne pathogen transmissions; and allow for validated cleaning and disinfection;

(ii) Mechanical performance testing must demonstrate that the device will withstand forces encountered during use;

(iii) The device must be demonstrated to be biocompatible;

(iv) Sterility testing must demonstrate the sterility of the device;

(v) Validation testing must demonstrate that the cleaning and disinfection instructions are adequate to ensure that the reusable lancet base can be cleaned and low level disinfected.

(vi) Labeling must include:

(A) Detailed descriptions, with illustrations, of the proper use of the device.

(B) The Environmental Protection Agency (EPA) registered disinfectant's contact time for disinfectant use.

(C) Handwashing instructions for the user before and after use of the device.

(D) Instructions on cleaning and disinfection of the skin to be pierced.

(E) Instructions on the cleaning and disinfection of the device.

(F) Instructions for the safe disposal of the device.

(G) Instructions for use must address the safe storage of the reusable blood lancet base between uses to minimize contamination or damage and the safe storage and disposal of the refill lancet blades.

(H) Labeling must be appropriate for the intended use environment.

(*1*) For those devices intended for health care settings, labeling must address the health care facility use of these devices, including how these lancets are to be used with personal protective equipment, such as gloves.

(*2*) For those devices intended for use in the home, labeling must be written so that it is understandable to lay users.

(vii) Labeling must also include the following statements, prominently placed:

(A) ''For use only on a single patient. Disinfect reusable components according to manufacturer's instructions between each use.''

(B) ''Used lancet blades must be safely discarded after a single use.''

(C) ''Warning: Do not use on more than one patient. Improper use of blood lancets can increase the risk of inadvertent transmission of bloodborne pathogens, particularly in settings where multiple patients are tested. The cleaning and disinfection instructions for this device are intended only to reduce the risk of local use site infection; they cannot render this device safe for use for more than one patient.''

(d) *Multiple use blood lancet for multiple patient use*—(1) *Identification.* A multiple use capable blood lancet intended for use on multiple patients that is comprised of a single use blade attached to a solid, reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes.

(2) *Classification.* Class III (premarket approval).

Dated: February 25, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–04578 Filed 3–2–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. FDA–2016–M–0035]

Effective Date of Requirement for Premarket Approval for Blood Lancets

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed order.

SUMMARY: The Food and Drug Administration (FDA) is issuing a proposed administrative order to require the filing of a premarket approval application (PMA) following the reclassification of multiple use blood lancets for multiple patient use from class I to class III. FDA is summarizing its proposed findings regarding the degree of risk of illness or injury designed to be eliminated or reduced by requiring this device to meet the PMA requirements of the Federal Food, Drug,

and Cosmetic Act (the FD&C Act) and the benefits to the public from the use of the device.

DATES: Submit either electronic or written comments on this proposed order by June 1, 2016. See section X of the **SUPPLEMENTARY INFORMATION** section of this document for the proposed effective date of any final order that may publish based on this proposal.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–M–0035 for ''Effective Date of Requirement for Premarket Approval for Blood Lancets.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G422, Silver Spring, MD 20993–0002, 301–796–6524, *joshua.nipper@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The FD&C Act, as amended, establishes a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513(d)(1) of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as ''preamendments devices''), are classified after FDA: (1) Receives a recommendation from a device classification panel (an FDA advisory committee); (2) publishes the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) publishes a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as ''postamendments devices''), are classified automatically by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, FDA reclassifies the device into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 of the regulations (21 CFR part 807).

A person may market a preamendments device that has been classified into class III through premarket notification procedures, and devices found substantially equivalent by means of premarket notification (510(k)) procedures to such a preamendments device or to a device within that type (both the preamendments and substantially equivalent devices are referred to as preamendments class III devices) may be marketed without submission of a PMA until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval. Section 515(b)(1) of the FD&C Act directs FDA to issue an order requiring premarket approval for a preamendments class III device.

Section 515(f) of the FD&C Act provides an alternative pathway for meeting the premarket approval

requirement. Under section 515(f), manufacturers may meet the premarket approval requirement if they file a notice of completion of a product development protocol (PDP) approved under section 515(f)(4) of the FD&C Act and FDA declares the PDP completed under section 515(f)(6)(B) of the FD&C Act. Accordingly, the manufacturer of a class III preamendments device may comply with a call for PMAs by filing a PMA or a notice of completion of a PDP. In practice, however, the option of filing a notice of completion of a PDP has rarely been used. For simplicity, although the PDP option remains available to manufacturers in response to a final order under section 515(b) of the FD&C Act, this document will refer only to the requirement for the filing and obtaining approval of a PMA.

On July 9, 2012, Congress enacted the Food and Drug Administration Safety and Innovation Act (FDASIA). Section 608(b) of FDASIA (126 Stat. 1056) amended section 515(b) of the FD&C Act, changing the process for requiring premarket approval for a preamendments class III device from rulemaking to an administrative order.

Section 515(b)(1) of the FD&C Act sets forth the process for issuing a final order. Specifically, prior to the issuance of a final order requiring premarket approval for a preamendments class III device, the following must occur: Publication of a proposed order in the **Federal Register**, a meeting of a device classification panel described in section 513(b) of the FD&C Act, and consideration of comments to a public docket.

In June 2013, FDA held a meeting of a device classification panel described in section 513(b) of the FD&C Act to discuss the classification of multiple use blood lancets for multiple patient use. Although, to FDA's knowledge, no device is currently being marketed for this use, one device has been cleared for this use. As explained further in section V.A of this document, this device classification panel meeting discussed whether multiple use blood lancets for multiple patient use should be reclassified into class III or remain in class I, and the discussion included whether PMAs should be required for these devices. The panel recommended that, because multiple use blood lancets for multiple patient use present a potential unreasonable risk of illness or injury and insufficient information exists to establish special controls for multiple use blood lancets for multiple patient use, the device should be reclassified into class III. FDA is not aware of new information that would provide a basis for a different recommendation or findings.

Section 515(b)(2) of the FD&C Act provides that a proposed order to require premarket approval shall contain: (1) The proposed order, (2) proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to have an approved PMA and the benefit to the public from the use of the device, (3) an opportunity for the submission of comments on the proposed order and the proposed findings, and (4) an opportunity to request a change in the classification of the device based on new information relevant to the classification of the device.

Section 515(b)(3) of the FD&C Act provides that FDA shall, after the close of the comment period on the proposed order, consideration of any comments received, and a meeting of a device classification panel described in section 513(b) of the FD&C Act, issue a final order to require premarket approval or publish a document terminating the proceeding together with the reasons for such termination. If FDA terminates the proceeding, FDA is required to initiate reclassification of the device under section 513(e) of the FD&C Act, unless the reason for termination is that the device is a banned device under section 516 of the FD&C Act (21 U.S.C. 360f).

A preamendments class III device may be commercially distributed without a PMA until 90 days after FDA issues a final order requiring premarket approval for the device, or 30 months after final classification of the device under section 513 of the FD&C Act becomes effective, whichever is later (section 501(f) of the FD&C Act (21 U.S.C. 351(f)). Elsewhere in this issue of the **Federal Register**, FDA is issuing a proposed order to reclassify multiple use blood lancets for multiple patient use from class I to class III. Therefore, assuming both the reclassification order and the order to require PMAs are finalized at the same time, the date by which a PMA for multiple use blood lancets for multiple patient use must be filed will be 30 months after the date FDA issues the final order reclassifying multiple use blood lancets for multiple patients. If a PMA is not filed for such device by the later of the two dates, as specified in section 501(f)(2)(B) of the FD&C Act, then the device would be deemed adulterated under section 501(f) of the FD&C Act unless the device is distributed for investigational use under an approved application for an investigational device exemption (IDE).

In accordance with section 515(b) of the FD&C Act, interested persons are being offered the opportunity to request reclassification of multiple use blood lancets for multiple patient use.

II. Regulatory History of the Device

Elsewhere in this issue of the **Federal Register**, FDA is proposing to reclassify multiple use blood lancets for multiple patient use into class III under section 513(e) of the FD&C Act.

Blood lancets were classified in part 878 (21 CFR part 878) by a final rule published in the **Federal Register** on June 24, 1988 (53 FR 23856) that classified 51 general and plastic surgery devices. This 1988 rule classified blood lancets into class I (general controls). These devices were grouped with other devices under ''Manual surgical instrument for general use,'' 21 CFR 878.4800. At the time, blood lancets had been in common use in medical practice for many years, and FDA believed that general controls were sufficient to provide reasonable assurance of the safety and effectiveness of those devices. This rule was amended on April 5, 1989 (54 FR 13826) to clarify that manual surgical instruments for general use made of the same materials as used in preamendment devices were exempt from premarket notification 510(k) review.

On December 7, 1994, FDA further amended the classification when it published a final rule in the **Federal Register** (59 FR 63005) that exempted 148 class I devices from premarket notification, with limitations. Blood lancets were one of those devices. FDA determined that manufacturers' submissions of premarket notifications were unnecessary for the protection of the public health and that FDA's review of such submissions would not advance its public health mission.

On August 26, 2010, FDA and the Centers for Disease Control and Prevention (CDC) issued joint initial communications warning that the use of fingerstick devices (blood lancets) to obtain blood from more than one patient posed a risk of transmitting bloodborne pathogens. The communication was updated on November 29, 2010 (Ref. 1). FDA's communication update, ''Use of Fingerstick Devices on More Than One Person Poses Risk for Transmitting Bloodborne Pathogens: Initial Communication: Update 11/29/2010'', stated that ''[o]ver the past 10–15 years, the CDC and the FDA have noted a progressive increase in reports of bloodborne infection transmission (primarily hepatitis B virus) resulting from the shared use of fingerstick and POC [or 'Point of Care'] blood testing devices.'' FDA and CDC recommended, among other things, that health care

professionals and patients never use a blood lancet for more than one person.

On November 29, 2010, FDA published a guidance entitled ''Guidance for Industry and Food and Drug Administration Staff; Blood Lancet Labeling'' (75 FR 73107) (Ref. 2). This guidance includes labeling recommendations to address concerns that both health care providers and patients may be unaware of the serious adverse health risks associated with using the same blood lancet for assisted withdrawal of blood from more than one patient, even when the blood lancet blade is changed for each blood draw. FDA recommends in the guidance that all blood lancets be labeled for use only on a single patient. FDA recommends in the guidance that a statement limiting use to a single patient should also appear on the label attached to the device, if possible. The guidance was for immediate implementation. When final, this order will supersede this labeling guidance.

On June 26, 2013, FDA held a meeting of the General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee (the Panel) to discuss the potential reclassification of blood lancets (Ref. 3). The Panel discussed new scientific information, the risks to health from blood lancets, whether blood lancets should be reclassified or remain in class I, and possible special controls for these devices if reclassified into class II. The Panel agreed that general controls were not sufficient to provide a reasonable assurance of safety and effectiveness of blood lancets. The Panel believed that because multiple use blood lancets for multiple patient use presented a potential unreasonable risk of illness or injury, and insufficient information existed to establish special controls for these devices, they should be reclassified into class III. The Panel recommended that all other blood lancet devices be reclassified into class II (special controls). FDA is not aware of new information since this Panel meeting that would provide a basis for a different recommendation or finding.

III. Dates New Requirements Apply

Assuming FDA finalizes the order proposing reclassification of multiple use blood lancets for multiple patient use found elsewhere in this issue of the **Federal Register**, this device will be classified into class III. In accordance with sections 501(f)(2)(B) and 515(b) of the FD&C Act, FDA is proposing to require that a PMA be filed with the Agency for multiple use blood lancets for multiple patient use devices and accessories by the last day of the 30th calendar month beginning after the month in which the classification of the device in class III became effective, or on the 90th day after the date of the issuance of a final order under 515(b), whichever is later. Assuming this order is finalized at or near the same time the final order to reclassify these devices into class III, this requirement will take effect 30 months after the reclassification order issues. An applicant whose device was legally in commercial distribution before May 28, 1976, or whose device has been found to be substantially equivalent to such a device, will be permitted to continue marketing such class III devices during FDA's review of the PMA provided that a PMA is timely filed. FDA intends to review any PMA for the device within 180 days. FDA cautions that under section 515(d)(1)(B)(i) of the FD&C Act, the Agency may not enter into an agreement to extend the review period for a PMA beyond 180 days unless the Agency finds that ''. . . the continued availability of the device is necessary for the public health.''

Under the FD&C Act, if any multiple use blood lancets for multiple patient use are currently in distribution and no PMA is submitted for these devices by the last day of the 30th calendar month beginning after the month in which the classification of the device in class III became effective or within 90 days of a final order calling for PMAs, or a denial is rendered on a filed PMA, these devices would be considered adulterated under section 501(f)(1) of the FD&C Act. In addition, no new devices will be permitted in interstate commerce without approval of a PMA. The device may be distributed for investigational use only if the requirements of the IDE regulations are met. The requirements for significant risk devices include submitting an IDE application to FDA for review and approval. An approved IDE is required to be in effect before an investigation of the device may be initiated or continued under § 812.30 (21 CFR 812.30). FDA, therefore, recommends that IDE applications be submitted to FDA at least 30 days before the end of the 30-month period after the issuance of the final order to avoid interrupting any ongoing investigations.

FDA intends that under § 812.2(d), the publication in the **Federal Register** of any final order based on this proposal will include a statement that, as of the date on which the filing of a PMA is required, the exemptions in § 812.2(c)(1) and (2) from the requirements of the IDE regulations for preamendments class III devices will cease to apply to any device that is: (1) Not legally on the market on or before that date, or (2) legally on the market on or before that date but for which a PMA is not filed by that date, or for which PMA approval has been denied or withdrawn.

IV. Device Subject to This Proposal

Multiple Use Blood Lancet for Multiple Patient Use (21 CFR 878.4850(d))

Elsewhere in this issue of the **Federal Register**, FDA is proposing to identify multiple use blood lancet for multiple patient use in a new 21 CFR 878.4850(d) in the following way: A multiple use capable blood lancet intended for use on multiple patients that is comprised of a single use blade attached to a solid, reusable base that is used to puncture the skin to obtain a drop of blood for diagnostic purposes.

V. Proposed Findings With Respect to Risks and Benefits Multiple Use Blood Lancet for Multiple Patient Use

As required by section 515(b) of the FD&C Act, FDA is publishing its proposed findings regarding: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring that this device have an approved PMA, and (2) the benefits to the public from the use of the device.

These findings are based on the reports and recommendations of the General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee (the Panel) from the meeting on June 26, 2013 (Ref. 3) and any additional information that FDA has obtained. Additional information regarding the risks as well as classification associated with this device type can be found in section V.C as well as in the proposed order published elsewhere in this issue of the **Federal Register** proposing to reclassify these devices into class III. The device has the potential to benefit the public by puncturing the skin to obtain small blood specimens for testing blood glucose, hemoglobin, and other blood components. In addition, acute care hospitals may consider reusing a single device or using one device with multiple blades to have benefits in that doing so may expedite procedures. The risks associated with the device include bloodborne pathogen transmission, sharp object injuries, local tissue infections, and adverse tissue reaction (not infection).

A. Summary of Data

FDA uses the bloodborne pathogens definition in 29 CFR 1910.1030(b). Bloodborne pathogens, such as HBV, may be transmitted between patients by blood and certain body fluids (Ref. 4).

Since HBV-infected patients, who often lack clinical symptoms of hepatitis, have high concentrations of HBV in their blood and HBV is stable at ambient temperatures, transmission of HBV may result from exposure to equipment that has not been adequately disinfected or by the misuse of ''single use only'' medical devices (*e.g.,* needles and syringes) (Ref. 5).

The history of recognized bloodborne pathogen transmission by blood lancets may have started in 1923 when an outbreak of jaundice occurred in the Goteborg Hospital diabetic clinic in Sweden, which was described by Schmid et al. (Ref. 6). All patients had blood drawn for glucose testing from their ear lobes by a spring-activated ''Schnepper'' device, which was cleaned ''perfunctorily'' between uses. As a result, 26 clinic patients developed jaundice. Outbreaks of hepatitis in English diabetic patients were described by Graham in 1938 (Ref. 7) and by Droller in 1945 (Ref. 8). In both of these outbreaks, venous blood for glucose measurement was drawn using syringes that were only chemically disinfected between uses while the needles were boiled; cleaning procedures were not mentioned in the reports. Syringes and needles are now single-use-only devices because the procedures used to reprocess these devices many years ago have long been recognized to be inadequate, resulting in outbreaks of hepatitis transmission (Ref. 6). There were also two case reports, in 1985 and 1997, of the transmission of HBV infection due to sharing personal use blood lancets for home glucose monitoring with one other person who already had HBV. One report was from the United States and one was from Hungary (Refs. 9 and 10). In addition, Mendez et al. reported a 75-year-old patient with diabetes who died of acute hepatitis, whose only risk factor for HBV infection appeared to be her diabetic care at a local outpatient facility where she had repeated fingersticks for blood glucose monitoring (Ref. 11).

During the 1990s, several bloodborne transmission issues led to CDC and FDA involvement. In 1990, CDC learned of a nosocomial outbreak of HBV transmission due to the use of a spring-loaded lancet device whose disposable platform was not removed and discarded after each use of the device while it was used for the care of multiple patients (Ref. 12).[1] CDC reported this outbreak to FDA; FDA then issued a safety alert warning users of the precautions needed for the safe use of this device (Ref. 13). This was the first reported outbreak of HBV transmission associated with the use of a blood lancet device in the United States (Refs. 13 and 14).

CDC's outbreak investigation revealed that a patient who had diabetes and also a chronic HBV infection caused by a relatively rare viral subtype was admitted to the outbreak ward in 1989. Twelve of the 23 patients who acquired hepatitis B after admission to the same ward as the chronic HBV source patient were serotyped, and all were found to have the same viral subtype causing their hepatitis B infections. The first nosocomially infected patient had a very long-term stay on the ward and so served as a source of transmission to other patients over a period of 12 months. Twenty of the 23 outbreak patients had diabetes; they and the three other case-patients all experienced numerous POC fingerstick blood draws with the same type of blood lancet while hospitalized on the outbreak ward. The implicated blood lancet device included a disposable platform to stabilize the patient's finger; the single use lancet blade penetrated a hole in that platform to reach the patient's skin. Half the ward nursing staff who performed fingersticks with this lancet acknowledged not changing the device platform with each use of the lancet. A similar outbreak of hepatitis transmission was reported in 1990 in France in which a similar blood lancet device was implicated. Douvin et al. (Ref. 15) reported that examination of the device implicated in the French outbreak showed visible blood contamination of the lancet platform in 24 percent of studied uses of that device. Shier et al. (Ref. 16) reported in 1993 that the use of another spring-loaded lancet device in a volunteer study of blood glucose levels resulted in visible blood contamination on 29 percent of the device end caps. This device was intended for ''personal'' use only.

As a result of the 1990 outbreak of HBV transmission due to blood lancet use in the United States, FDA and CDC recommended that spring-loaded blood lancet devices should have only single use only ''platforms'' as well as single use only blades; the devices were to be cleaned and disinfected per the manufacturer's instructions (Refs. 12 and 13). The 1990 FDA Safety Alert also advised ''Devices (blood lancets) without a removable platform should only be used with one patient in the hospital or outpatient setting. After the patient is discharged, the device may be reused only if it is disinfected according to the manufacturer's instructions. If there are no instructions for disinfection, the device should be discarded.''

Since 1990, the incidence of diabetes mellitus has increased significantly in the United States, especially in adults aged 65–79 (Refs. 17 and 18). At the same time, clinical practice in the care of these patients increasingly emphasized the need for improved blood glucose level control, resulting in the increased use of POC blood glucose monitoring both in health care facilities and at home (Refs. 19–21). Unfortunately, along with the increased incidence of diabetes has come a progressive increase in the reports of bloodborne infection transmission (primarily HBV), resulting from the shared use of fingerstick and POC blood testing devices (Ref. 1). In 2011, the CDC reported that 25 of 29 outbreaks of HBV infection occurring in long-term care facilities since 1996 involved adults with diabetes receiving blood glucose monitoring (Ref. 22).

In 1997, CDC reported two outbreaks of HBV transmission, one in a nursing home in Ohio and one in a hospital in New York City (NYC) (Ref. 23). Two different blood lancet devices were used at the two sites. However, both lancet devices included the use of an ''end cap'' that came in contact with patient skin. This was a separate, individual use component of the lancet device used in Ohio; the nursing home was reusing both the lancet and the cap for multiple patients. The end cap was a part of the disposable, single use only lancet blade assembly in the device used in NYC. The exact mechanism of blood transmission was not entirely clear in the NYC setting; staff claimed they had discarded the end cap after each use. CDC postulated that either blood-contaminated nurses gloves worn for the care of multiple patients or the pen-like lancet-holding device itself might have been the source of the blood cross-contamination of the lancet. A similar outbreak was reported by Quale et al. in 1998 from a hospital in New York (Ref. 24). The recognition of 3 cases of nosocomially acquired HBV infection resulted in an investigation that uncovered another 11 cases. Reuse by hospital staff of a disposable lancet end cap with the lancet in multiple patients was identified as the probable cause of hepatitis cross-transmission to patients; contamination of the lancet wound from

[1] Hepatitis B and hepatitis C infections, as well as other bloodborne infections such as HIV infection, are reported to State health departments and, by them, to CDC; FDA does not usually receive such reports directly from health care facilities or personnel, even when a medical device has transmitted the infection.

blood on unchanged gloves worn by nurses during collection of blood samples from multiple patients may also have contributed to the nosocomial transmission of HBV in this outbreak.

CDC reviewed the incidence of reported outbreaks of HBV and hepatitis C infection in nonhospital health care settings between 1998 and 2008 and noted a significant increase in such nosocomial transmission of bloodborne pathogens (Refs. 25–28). N.D. Thompson et al. identified 33 outbreaks of nosocomial hepatitis transmission in nonhospital health care settings (Ref. 25). Of these 33 outbreaks, 15 were found to be due to blood glucose monitoring in long-term care and assisted living facilities. Only half of these outbreak investigations were published in the scientific literature; the others were recognized by health department investigations and reports to CDC. In 9 of the 15 outbreaks of nosocomial hepatitis in patients with diabetes, blood lancet devices were shared among multiple patients. In two additional outbreaks, lancets were not noted to be shared, but blood-soiled glucose meters were stored together with lancets without cleaning/disinfection of the devices and gloves were not regularly changed between each patient. These failures of proper infection control practice could have led to blood contamination of individual blood lancets in these two facilities.

N.D. Thompson et al. also investigated blood glucose monitoring practices in long-term care facilities in Pinellas County, Florida, in 2007 and found that 22 percent of the participating facilities that used reusable fingerstick devices used them in multiple patients (Ref. 29). Patel et al. reported in 2009 on the efforts of the Virginia Department of Health to improve blood glucose monitoring practices in assisted living facilities (ALFs) in Virginia (Ref. 30). This effort followed two separate outbreaks of HBV infections in two assisted living facilities. In those outbreaks, one of the three acutely symptomatic initial patients died of HBV infection. Of 68 patients undergoing blood glucose monitoring in these two facilities, a total of 11 patients acquired HBV infection. Both facilities used reusable blood lancets to obtain blood from multiple patients and did not clean or disinfect the lancets between uses. The Virginia Department of Health then mailed an educational packet on safe blood glucose monitoring practices to all ALFs (640) in the State. A random sample of ALFs was contacted after the educational intervention and invited to participate in a survey to evaluate the response to the educational packet. The results found that 16 percent of the facilities that used lancets to monitor blood glucose levels were still using these devices to obtain blood from multiple patients.

Y.G. McIntosh et al. investigated outbreaks of nosocomial HBV transmission in four ALFs between 2009 and 2011 and found that in all four facilities, pen-style lancets were used to obtain blood for glucose monitoring from multiple patients even though two facilities provided each patient with dedicated ''single patient use only pen-style lancets'' according to their policies (Ref. 31). Z. Moore et al. reported another outbreak of nosocomial HBV transmission in an ALF in NC in 2010 in which blood lancet devices were shared among multiple patients. Six of the eight elderly patients who acquired acute HBV in this outbreak died from complications of hepatitis (Ref. 32). M.K. Schaefer et al. surveyed a stratified, random sample of ambulatory surgery centers (ACS) in three volunteer states in 2009 (Ref. 33). Of the 53 ACS that performed blood glucose monitoring, 11 (21 percent) reused pen-style blood lancets on multiple patients and 17 (32 percent) also failed to clean and disinfect blood glucose meters after each use.

Thompson and Schaefer reported the analysis of four outbreaks of nosocomial HBV in ALFs in 2009–2010 (Ref. 34). One was also reported separately by Z. Moore et al. (Ref. 32). Two of the three other outbreaks occurred in Virginia and one in Florida; these 3 outbreaks resulted in 21 new patients acquiring acute hepatitis B. In two of the three facilities, use of reusable blood lancets to draw blood from multiple patients was observed or reported. The third facility denied that it permitted the sharing of reusable lancets. However, used lancets and glucose meters were stored together, along with clean supplies; visible blood contamination was observed on several glucose meters and one reusable lancet by the investigator. Thompson and Schaefer also reported in their paper on two patient notification campaigns resulting from the misuse of reusable blood lancets with preloaded lancet cartridges, intended and cleared only for single patient use, which were used to obtain blood from multiple patients. One episode involved a community health center and was reported when personnel noted that the lancet blades were not retracting properly, which might have resulted in blade use for more than one patient. The second episode occurred at a community health fair in which physician assistant students were offering diabetes screening. During the fair, the students realized that the lancet blades had not been advanced properly so that each patient received a new blade. The first episode exposed 283 patients to a contaminated lancet blade; the second incident exposed approximately 60 patients. The results of the patient notification studies were not reported.

As a result of this significant increase in such nosocomial transmission of bloodborne pathogens, on August 26, 2010, FDA and the CDC issued a Safety Communication (Ref. 1) and a Clinical Reminder (Ref. 35), respectively, warning that the use of blood lancets to obtain blood from more than one patient risks the transmission of bloodborne pathogen infections from one patient to other patients. Both FDA and CDC recommended that blood lancets should never be used to obtain blood from more than one patient. In addition, the Centers for Medicare and Medicaid Services issued a Survey and Certification Memorandum for Point of Care Devices and Infection Control in Nursing Homes identifying the use of blood lancet devices for more than one patient as an infection control standards deficiency (Ref. 36). On November 29, 2010, FDA issued ''Guidance for Industry and Food and Drug Administration Staff: Blood Lancet Labeling'', which provided guidance for lancet manufacturers on the labeling of all blood lancets, including those capable of reuse, as ''single patient use only'' devices (Ref. 2).

In 2012, another outbreak of acute HBV was reported in an ALF in Virginia (Ref. 37). The source patient had been recently transferred from another ALF where she had acquired nosocomial HBV infection from the shared use of blood lancets for multiple patients (Ref. 31). This ALF also reused blood lancets to obtain blood from multiple patients for glucose monitoring. This dangerous practice resulted in two new nosocomial HBV infections in this ALF.

Outbreaks of hepatitis transmission due to use of blood lancets to draw blood from more than one patient for blood glucose monitoring have not been limited to the United States. In 2001, Desenclos et al. described an outbreak of nosocomial hepatitis C transmission in an inpatient ward for children with cystic fibrosis and diabetes in a French hospital in 1994–1995 (Ref. 38). Blood glucose monitoring was done by the nursing staff for the patients with cystic fibrosis as well as for the patients with diabetes using a spring-loaded lancet with a disposable platform to stabilize the finger. These devices were shared among patients between 1986 and 1992

during repeated admissions to the inpatient unit. After 1992, patients were supposed to use only their own lancet devices for blood glucose monitoring. The retrospective prevalence of prior hepatitis C infection was found to be 58 percent in patients with cystic fibrosis and 17 percent in patients with diabetes in 1994. At the time (1994), the prevalence of antibody to hepatitis C in the general public in France was 1.1 percent. The patients with cystic fibrosis had more frequent and longer admissions to the inpatient ward, and more of the exposed cystic fibrosis patients (66.7 percent) were screened for hepatitis C infection than were the patients with diabetes admitted to the inpatient ward during the exposure period (39.5 percent). These factors may have influenced the apparent difference in hepatitis C transmission in these two groups of exposed patients.

In 2005, De Schrijver et al. described an outbreak of acute HBV infection in a nursing home in Antwerp (Ref. 39). The initial report of a fulminant case of acute HBV infection in an 83-year-old resident of the home resulted in an investigation that identified acute hepatitis B infection in another four patients there. Four of the five acutely infected patients had diabetes and received assisted blood glucose sampling by the nursing home staff. The two blood lancet models used in the facility (one each in two sections) were used to obtain blood from multiple patients. The device platforms were not disposable. The lancets were washed only when blood was visible on the device and were not disinfected. Nurses did not routinely wash their hands or wear gloves when obtaining blood. Two of the five patients with acute nosocomial hepatitis B died of their infections.

In 2008, Gotz et al. reported the investigation of two cases of acute HBV infection among patients at a nursing home in the Netherlands (Ref. 40). The nursing home stay of these two patients overlapped with that of a patient with known chronic HBV infection. Early in this time period, the nursing home changed the lancet device used for glucose monitoring from a spring-loaded device with a disposable platform (used for multiple patients) to a device with a rotating drum dispensing new lancet blades, which was also used to draw blood from multiple patients, although it was labeled for single patient use only. This device was used for about a month until the staff realized that active rotation of the drum was occasionally forgotten, resulting in the reuse of a lancet blade on more than 1 patient. The new device was then removed from the facility and the spring-loaded lancet was returned to use. The two patients with acute HBV received blood glucose monitoring as did the source patient with chronic HBV, sometimes on the same day. Two other patients who also received blood glucose monitoring escaped infection. The investigators stated that they believed the rotating lancet drum device was likely the means of transmission of HBV infection between patients.

In 2011, Duffell et al. reported on the investigations of five reports of HBV transmission in community health care settings in the United Kingdom (Ref. 4). All of the nine initially reported patients with HBV had diabetes and were receiving blood glucose monitoring. Further investigation identified another 12 patients with acute HBV infection. The care settings in which hepatitis transmission occurred were described as a ''private residential home'' (1 patient), nursing and residential home (1 patient), ''private nursing and residential'' (1 patient) and ''local care home'' (2 patients). Eleven of the 21 acutely infected patients had symptomatic HBV; seven of these patients died, five due to the HBV infection. All of the care sites in which acute HBV transmission occurred were using blood lancets designed intended for single patient use only; these devices were either routinely or occasionally used for multiple patients. One facility also used a single glucometer for multiple patients and did not clean or disinfect it between patients. The authors also noted that information reported on patients found to have acute HBV infection between 1990 and 2003 identified only four patients with blood glucose monitoring as a possible risk factor; one of these patients was infected as a result of in-hospital transmission from another patient on the same ward, although details were not provided. Between 2004 and 2006, the 9 patients described previously in this document were reported and investigation led to the discovery of an additional 12 cases of health care-related HBV transmission due to the improper use of blood lancets during patient blood glucose monitoring.

B. Benefits of the Device

A blood lancet is used to puncture the skin to obtain small blood specimens for testing blood glucose, hemoglobin, and other blood components. Some blood lancets are used with POC blood testing devices, such as blood glucose meters and Prothrombin Time and International Normalized Ratio (PT/INR) anticoagulation meters. Today, probably the most common use for a blood lancet is in diabetes monitoring. These devices are used in both home and professional health care settings. Only a small blood sample is needed for testing of blood glucose level. The blood sample is dropped onto a test strip and inserted into a blood glucose meter for results.

Some blood lancets are also used with PT/INR anticoagulation meters. These devices are used in both home and professional health care settings. The PT and INR are used to monitor the effectiveness of the anticoagulant warfarin. Warfarin helps inhibit the formation of blood clots. The formation of blood clots may be associated with atrial fibrillation, the presence of artificial heart valves, deep venous thrombosis, and some cases of pulmonary embolism. Because the use of warfarin may cause excessive bleeding, patients are monitored, typically by PT/INR.

Because newborns have relatively small amounts of blood compared to adults, it is usually preferred to use as small amount of blood as possible for any screening or other laboratory tests for newborns. Blood lancets may be used to perform heel sticks in newborns. Heel stick is a minimally invasive way of obtaining capillary blood samples. In newborns, heel sticks are the preferred collection method for small volumes of blood.

The possible benefit of multiple use blood lancets for multiple patient use is that acute care hospitals may consider reusing a single device or using one device with multiple blades to have benefits, in that doing so may expedite procedures.

C. Risks to Health

FDA has evaluated the risks to health associated with use of multiple use blood lancets for multiple patient use. In doing so, FDA considered information from the reports and recommendations of the General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee from the meeting of June 26, 2013, the adverse event reports for these devices in FDA's Manufacturer and User Facility Device Experience (MAUDE) database, and the published scientific literature, which is discussed in FDA's executive summary for the June 26, 2013, panel. Based on this information, FDA has determined the following risks:

1. Bloodborne Pathogen Transmission

Bloodborne pathogens such as HBV, hepatitis C virus, and potentially any other pathogen present in the bloodstream of a patient can be

transmitted from one patient to another by the following mechanisms:

- Reuse of the same lancet blade to draw blood from more than one patient or
- Failure/inability to adequately clean the base of a multiple use blood lancet resulting in the blood contamination of the next ''new'' lancet blade when blood is drawn from more than one patient.

2. Sharp Object Injuries

The blade of a lancet device is designed to pierce the skin and draw blood. Except when the used lancet blade is immediately and automatically covered by a sharps safety feature, which renders the blade inaccessible, the exposed sharp blade of a blood lancet presents a puncture hazard to anyone coming in contact with it. Blade exposure can result due to either the lack of a sharps safety feature or device breakage.

3. Local Tissue Infections

Human skin always carries a population of bacteria and often fungi (normal skin flora), which causes no problem for the host when skin is intact. However, puncture injuries to the skin by sharp objects such as lancet blades can carry these microbes into the normally sterile tissue below the skin. Such injuries have the potential to cause local skin/soft tissue infections.

4. Adverse Tissue Reaction (Not Infection)

Skin contact with some materials, metals and material colorants can cause skin inflammation, irritation or exanthems (rashes). These reactions may be due to either hypersensitivity to a specific compound/metal or to a non-specific reaction.

D. Summary of FDA Findings

FDA believes multiple use blood lancets for multiple patient use should be reclassified from class I to class III. The Panel held on June 26, 2013, discussed and made recommendations regarding the regulatory classification of blood lancets to reclassify multiple use blood lancets for multiple patient use to class III under 513(e) of the FD&C Act. The Panel strongly agreed with FDA that based on the available scientific evidence, multiple use blood lancets for multiple patient use should be reclassified to class III because multiple use blood lancets for multiple patient use present a potential unreasonable risk of illness or injury. They also agreed that insufficient information exists to establish special controls for multiple use blood lancets for multiple patient use, because there is no evidence that these devices can be adequately cleaned and disinfected and that there is no proven method of doing so. Therefore, it is appropriate to regulate them in class III.

FDA agrees with the Panel's recommendation that these devices present a potential unreasonable risk of illness or injury due to the inherent and significantly increased risk of bloodborne pathogen transmission risk as compared to single use only or single patient only blood lancets. FDA does not believe existing valid scientific evidence, as defined in § 860.7 (21 CFR 860.7), supports a reasonable assurance that the device can be adequately reprocessed between uses on different patients. FDA also believes sufficient information does not exist to establish special controls for blood lancets intended for multiple patient use. Given the availability of safer single patient use blood lancet devices, FDA further believes that the probable benefits to health from use of the device do not outweigh the probable risks. Currently FDA is unaware of technology or other controls that would adequately mitigate against the inherent and significantly increased risk of blood borne pathogen transmission in multiple use blood lancets for use in multiple patients. Therefore, the safety and effectiveness of the multiple use blood lancets for multiple patients, particularly the effectiveness of their reprocessing instructions/methods to render the device safe for use on more than one patient and the ability of health care providers to follow these instructions completely should be independently demonstrated for each device of this type via a PMA application. FDA is proposing to require an individual demonstration that a reasonable assurance of safety and effectiveness exists for each device within this type. The manufacturer of each individual device will have the opportunity to demonstrate the safety and effectiveness of the device for its intended use by submitting a PMA.

VI. PMA Requirements

A PMA for this device must include the information required by section 515(c)(1) of the FD&C Act. Such a PMA should also include a detailed discussion of the risks identified previously in this document, as well as a discussion of the effectiveness of the device for which premarket approval is sought. In addition, a PMA must include all data and information on: (1) Any risks known, or that should be reasonably known, to the applicant that have not been identified in this document; (2) the effectiveness of the device that is the subject of the application; and (3) full reports of all preclinical and clinical information from investigations on the safety and effectiveness of the device for which premarket approval is sought.

A PMA must include valid scientific evidence to demonstrate reasonable assurance of the safety and effectiveness of the device for its intended use (§ 860.7(c)(2)). FDA defines valid scientific evidence in § 860.7(c)(2)).

To present reasonable assurance of safety and effectiveness of multiple use blood lancets for multiple patient use, FDA believes manufacturers should submit performance testing, including clinical trials of their device, in order to support PMA approval. Existing published clinical literature may also be leveraged as part of the PMA submission.

VII. Opportunity To Request a Change in Classification

Before requiring the filing of a PMA, FDA is required by section 515(b)(2)(D) of the FD&C Act to provide an opportunity for interested persons to request a change in the classification of the device based on new information relevant to the classification. Any proceeding to reclassify the device will be under the authority of section 513(e) of the FD&C Act.

A request for a change in the classification of this device is to be in the form of a reclassification petition containing the information required by 21 CFR 860.123, including new information relevant to the classification of the device.

VIII. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Paperwork Reduction Act of 1995

This proposed order refers to collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 814, subparts B and E, have been approved under OMB control number 0910–0231. The collections of information in part 807, subpart E, have been approved under OMB control number 0910–0120. The collections of information under 21

CFR part 801 have been approved under OMB control number 0910–0485.

X. Proposed Effective Date

FDA is proposing that any final order based on this proposal become effective on the date of its publication in the **Federal Register** or at a later date if stated in the final order.

XI. Codification of Orders

Prior to the amendments by FDASIA, section 515(b) of the FD&C Act provided for FDA to issue regulations to require approval of an application for premarket approval for preamendments devices or devices found substantially equivalent to preamendments devices. Section 515(b) of the FD&C Act, as amended by FDASIA, provides for FDA to require approval of an application for premarket approval for such devices by issuing a final order, following the issuance of a proposed order in the **Federal Register**. FDA will continue to codify the requirement for an application for premarket approval, resulting from changes issued in a final order, in the Code of Federal Regulations (CFR). Therefore, under section 515(b)(1)(A) of the FD&C Act, as amended by FDASIA, in the proposed order, we are proposing to require approval of an application for premarket approval for multiple use blood lancets for multiple patient use and, if this proposed order is finalized, we will make the language in 21 CFR 878.4850(d) consistent with the final version of this proposed order.

XII. References

The following references are on display in the Division of Dockets Management (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *http://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. U.S. Food and Drug Administration (FDA), ''Use of Fingerstick Devices on More Than One Person Poses Risk for Transmitting Bloodborne Pathogens: Initial Communication'' (August 26, 2010) and ''Update'' (November 29, 2010), available at *http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm234889.htm* and *http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm224025.htm.*
2. U.S. Food and Drug Administration, ''Guidance for Industry and Food and Drug Administration Staff: Blood Lancet Labeling'' (November 29, 2010), available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm234577.htm.*
3. FDA's General and Plastic Surgery Devices Panel transcript and other meeting materials for the June 26, 2013, meeting, available at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/GeneralandPlasticSurgeryDevicesPanel/ucm349426.htm.*
4. Duffell, E.F., L.M. Milne, C. Seng, et al., ''Five Hepatitis B Outbreaks in Care Homes in the UK Associated With Deficiencies in Infection Control Practice in Blood Glucose Monitoring'', *Epidemiology and Infection,* 2011; 139:327–335.
5. Williams, I.T., J.F. Perz, and B.P. Bell, ''Viral Hepatitis Transmission in Ambulatory Health Care Settings'', *Clinical Infectious Diseases,* 2004; 38(11):1592–1598.
6. Schmid, R., ''History of Viral Hepatitis: A Tale of Dogmas and Misinterpretations'', *Journal of Gastroenterology and Hepatology,* 2001; 16(7):718–722.
7. Graham, G., ''Diabetes Mellitus: A Survey of Changes in Treatment During the Last Fifteen Years'', *The Lancet,* 1938; 2:1–7.
8. Droller, H., ''An Outbreak of Hepatitis in a Diabetic Clinic'', *British Medical Journal,* 1945; 1(4400):623–625.
9. Stapleton, J. and S. Lemon, ''Transmission of Hepatitis B During Blood Glucose Monitoring'', *Journal of the American Medical Association,* 1985; 253:3250.
10. Farkas, K. and G. Jermendy, ''Transmission of Hepatitis B Infection During Home Blood Glucose Monitoring'', *Diabetic Medicine,* 1997; 14:263.
11. Mendez, L., K.R. Reddy, R.A. Di Prima, et al., ''Fulminant Hepatic Failure Due to Acute Hepatitis B and Delta Co-Infection: Probable Bloodborne Transmission Associated With a Spring-Loaded Fingerstick Device'', *American Journal of Gastroenterology,* 1991; 86:895–897.
12. Centers for Disease Control and Prevention (CDC), ''Nosocomial Transmission of Hepatitis B Virus Associated With a Spring-Loaded Fingerstick Device—California'', *MMWR Morbidity and Mortality Weekly Report,* 1990; 39 (35):610–613. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/00001743.htm.*)
13. Food and Drug Administration (FDA), ''Safety Alert Medical Devices; Hepatitis B Transmission via Spring-Loaded Lancet Devices'' (August 28, 1990), available at *http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/PublicHealthNotifications/ucm241809.htm.*
14. Polish, L., C.N. Shapiro, F. Bauer, et al., ''Nosocomial Transmission of Hepatitis B Virus Associated With the Use of a Spring-Loaded Fingerstick Device'', *New England Journal of Medicine,* 1992; 326(11):721–725.
15. Douvin, C., D. Simon, H. Zinelabidine, et al., ''An Outbreak of Hepatitis B in an Endocrinology Unit Traced to a Capillary-Blood-Sampling Device'', *New England Journal of Medicine,* 1990; 322:57–58.
16. Shier, N., J. Warren, M. Torabi, et al., ''Contamination of a Fingerstick Device'', *New England Journal of Medicine,* 1993; 328:969–997.
17. Centers for Disease Control and Prevention (CDC), ''Increasing Prevalence of Diagnosed Diabetes—United States and Puerto Rico, 1995–2010'', *MMWR Morbidity and Mortality Weekly Report,* 2012; 61(45):918–921. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6145a4.htm?s_cid=mm6145a4_w.*)
18. Centers for Disease Control and Prevention (CDC), ''Incidence of Diagnosed Diabetes per 1,000 Population Aged 18–79 Years, by Age, 1980–2014'', Atlanta, GA: U.S. Department of Health and Human Services, CDC, National Diabetes Surveillance System. Available at *www.cdc.gov/diabetes/statistics/incidence/fig3.htm.* Accessed October 19, 2014.
19. Clarke, S.F. and J.R. Foster, ''A History of Blood Glucose Meters and Their Role in Self-Monitoring of Diabetes Mellitus'', *British Journal of Biomedical Science,* 2012; 69(2):83–93.
20. Yoo, E.-H. and S.-Y. Lee, ''Glucose Biosensors: An Overview of Use in Clinical Practice'', *Sensors,* 2010; 10(5):4558–4576.
21. Rajendran, R. and G. Rayman, ''Point-of-Care Blood Glucose Testing for Diabetes Care in Hospitalized Patients: An Evidence-Based Review'', *Journal of Diabetes Science and Technology,* 2014; 8(6):1081–1090.
22. Centers for Disease Control and Prevention (CDC), ''Use of Hepatitis B Vaccination for Adults With Diabetes Mellitus: Recommendations of the Advisory Committee on Immunization Practices (ACIP)'', *MMWR Morbidity and Mortality Weekly Report,* 2011; 60(50):1709–1711. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6050a4.htm?s_cid=mm6050a4_w.*)
23. Centers for Disease Control and Prevention (CDC), ''Nosocomial Hepatitis B Virus Infection Associated With Reusable Fingerstick Blood Sampling Devices—Ohio and New York City, 1996'', *MMWR Morbidity and Mortality Weekly Report,* 1997; 46(10):217–221. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/00046679.htm.*)
24. Quale, J.M., D. Landman, B. Wallace, et al., ''Déjà vu: Nosocomial Hepatitis B Transmission and Fingerstick Monitoring'', *The American Journal of Medicine,* 1998; 105;296–301.
25. Thompson, N.D., J. Perz, A. Moorman, et al., ''Nonhospital Health Care-Associated Hepatitis B and C Virus Transmission: United States, 1998–2008'', *Annals of Internal Medicine,* 2009; 150: 33–39.
26. Khan, A.J., S.M. Cotter, B. Schulz, et al., ''Nosocomial Transmission of Hepatitis B Virus Infection Among Residents With Diabetes in a Skilled Nursing Facility'', *Infection Control and Hospital Epidemiology,* 2002; 23:313–318.
27. Centers for Disease Control and Prevention (CDC), ''Transmission of

Hepatitis B Virus Among Persons Undergoing Blood Glucose Monitoring in Long-Term-Care Facilities—Mississippi, North Carolina, and Los Angeles County, California, 2003–2004'', *MMWR Morbidity and Mortality Weekly Report,* 2005; 54(09):220–223. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5409a2.htm.*)

28. Thompson, N.D. and J.F. Perz, ''Eliminating the Blood: Ongoing Outbreaks of Hepatitis B Virus Infection and the Need for Innovative Glucose Monitoring Technologies'', *Journal of Diabetes Science and Technology,* 2009; 3(2):283–288.
29. Thompson, N.D., V. Barry, K. Alelis, et al., ''Evaluation of the Potential for Bloodborne Pathogen Transmission Associated With Diabetes Care Practices in Nursing Homes and Assisted Living Facilities, Pinellas County'', *Journal of the American Geriatrics Society,* 2010; 58:914–918.
30. Patel, A.S., M.B. White-Comstock, D. Woolard, et al., ''Infection Control Practices in Assisted Living Facilities: A Response to Hepatitis B Virus Infection Outbreaks'', *Infection Control and Hospital Epidemiology,* 2009; 30:209–214.
31. Centers for Disease Control and Prevention (CDC), ''Multiple Outbreaks of Hepatitis B Virus Infection Related to Assisted Monitoring of Blood Glucose Among Residents of Assisted Living Facilities—Virginia, 2009–2011'', *MMWR Morbidity and Mortality Weekly Report,* 2012; 61(19):339–343. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6119a3.htm?s_cid=mm6119a3_w.*)
32. Centers for Disease Control and Prevention (CDC), ''Notes From the Field: Deaths From Acute Hepatitis B Virus Infection Associated With Assisted Blood Glucose Monitoring in an Assisted-Living Facility—North Carolina, August–October, 2010,'' *MMWR Morbidity and Mortality Weekly Report,* 2011; 60(6):182. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6006a5.htm?s_cid=mm6006a5_w.*)
33. Schaefer, M.K., M. Jhung, M. Dahl, et al., ''Infection Control Assessment of Ambulatory Surgical Centers'', *Journal of the American Medical Association,* 2010; 303(22):2273–2279.
34. Thompson, N.D. and M.K. Schaefer, '''Never Events': Hepatitis B Outbreaks and Patient Notifications Resulting From Unsafe Practices During Assisted Monitoring of Blood Glucose, 2009–2010'', *Journal of Diabetes Science and Technology,* 2011; 5(6):1396–1402.
35. Centers for Disease Control and Prevention (CDC), ''CDC Clinical Reminder: Use of Fingerstick Devices on More Than One Person Poses Risk for Transmitting Bloodborne Pathogens'', available at *http://www.cdc.gov/injectionsafety/Fingerstick-DevicesBGM.html.*
36. Centers for Medical Services (CMS), ''Survey and Certification Memorandum'' (August 27, 2010) available at *http://www.cms.gov/surveycertificationgeninfo/downloads/SCLetter10_28.pdf.*
37. Centers for Disease Control and Prevention (CDC), ''Notes From the Field: Transmission of HBV Among Assisted-Living-Facility Residents—Virginia, 2012'', *MMWR Morbidity and Mortality Weekly Report,* 2013; 62(19):389. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6219a4.htm?s_cid=mm6219a4_w.*)
38. Desenclos, J.C., M. Bourdiol-Razes, B. Rolin, et al., ''Hepatitis C in a Ward for Cystic Fibrosis and Diabetic Patients: Possible Transmission by Spring-Loaded Finger-Stick Devices for Self-Monitoring of Capillary Blood Glucose'', *Infection Control and Hospital Epidemiology,* 2001; 22(11):701–707.
39. De Schrijver, K., I. Maes, P. Van Damme, et al., ''An Outbreak of Nosocomial Hepatitis B Virus Infection in a Nursing Home for the Elderly in Antwerp (Belgium)'', *Acta Clinica Belgica,* 2005; 60(2):63–69.
40. Gotz, H.M., M. Schutten, G.J. Borsboom, et al., ''A Cluster of Hepatitis B Infections Associated With Incorrect Use of a Capillary Blood Sampling Device in a Nursing Home in the Netherlands, 2007'', *Euro Surveillance,* 2008; 13(7–9):1–5.

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 878, as proposed to be amended elsewhere in this issue of the **Federal Register**, be further amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

■ 1. The authority citation for 21 CFR part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add paragraph (d)(3) to § 878.4850, under subpart E, to read as follows:

§ 878.4850 Blood Lancets.

* * * * *

(d) * * *

(3) *Date PMA or notice of completion of a PDP is required:* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before [A DATE WILL BE ADDED 90 DAYS AFTER DATE OF PUBLICATION OF A FUTURE FINAL ORDER CALLING FOR PMAs IN THE **FEDERAL REGISTER** OR 30 MONTHS AFTER DATE OF PUBLICATION OF A FUTURE FINAL ORDER RECLASSSIFYING INTO CLASS III, WHICHEVER IS LATER] for any multiple use blood lancet for multiple patient use described in paragraph (d)(1) of this section that was in commercial distribution before May 28, 1976, or that has, on or before [A DATE WILL BE ADDED 90 DAYS AFTER DATE OF PUBLICATION OF A FUTURE FINAL ORDER CALLING FOR PMAs IN THE **FEDERAL REGISTER** OR 30 MONTHS AFTER DATE OF PUBLICATION OF A FUTURE FINAL ORDER RECLASSSIFYING INTO CLASS III, WHICHEVER IS LATER], been found to be substantially equivalent to a multiple use blood lancet for multiple patient use described in paragraph (d)(1) of this section that was in commercial distribution before May 28, 1976. Any other multiple use blood lancet for multiple patient use shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: February 25, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–04579 Filed 3–2–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–123867–14]

RIN 1545–BM28

Utility Allowances Submetering

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains proposed regulations that amend the utility allowance regulations concerning the low-income housing credit. The proposed regulations relate to the circumstances in which utility costs paid by a tenant based on actual consumption in a submetered rent-restricted unit are treated as paid by the tenant directly to the utility company. The proposed regulations extend those rules to situations in which a building owner sells to tenants energy that is produced from a renewable source and that is not delivered by a local utility company. The proposed regulations affect owners of low-income housing projects that claim the credit, the tenants in those low-income housing projects, and the State and local housing credit agencies that administer the

credit. In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations concerning utility allowance regulations when the utility is generated from renewable sources and is not delivered by the local utility company. The text of those regulations also serves as the text of these proposed regulations. This document also contains a notice of a public hearing on these proposed regulations.

DATES: Comments and requests for a public hearing must be received by May 2, 2016.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–123867–14), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–123867–14), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at *http://www.regulations.gov/* (IRS REG–123867–14).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, James Rider at (202) 317–4137; concerning submissions of comments and requests for a public hearing, Oluwafunmilayo Taylor at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend 26 CFR part 1. The temporary regulations provide a special rule for a renewable-source utility arrangement in which the building owner does not pay a local utility company for the utility consumed by the tenant. The text of those regulations also serves as the text of these regulations. The preamble to the temporary regulations explains the temporary regulations and these proposed regulations.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS as prescribed in this preamble under the ''**ADDRESSES**'' heading. The IRS and the Treasury Department request comments on all aspects of the proposed regulations. All comments that are submitted by the public will be available for public inspection and copying at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is David Selig, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.42–10(e)(1)(i)(B) and (C), and (e)(1)(iv)(B) are revised to read as follows:

§ 1.42–10 Utility allowances.

* * * * *

(e) * * * (1) * * *

(i) * * *

(B) [The text of the proposed amendments to § 1.42–10(e)(1)(i)(B) is the same as the text of § 1.42–10T(e)(1)(i)(B) published elsewhere in this issue of the **Federal Register**].

(C) [The text of the proposed amendments to § 1.42–10(e)(1)(i)(C) is the same as the text of § 1.42–10T(e)(1)(i)(C) published elsewhere in this issue of the **Federal Register**].

* * * * *

(iv) * * *

(B) [The text of the proposed amendments to § 1.42–10(e)(1)(iv)(B) is the same as the text of § 1.42–10T(e)(1)(iv)(B) published elsewhere in this issue of the **Federal Register**].

* * * * *

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2016–04618 Filed 3–2–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0115]

RIN 1625–AA00

Safety Zone; Xterra Swim, Myrtle Beach, SC Intracoastal Waterway; Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to issue a temporary safety zone on the waters of the Intracoastal Waterway in Myrtle Beach, South Carolina. The Xterra Swim is scheduled to take place on Sunday, April 24, 2016. The temporary safety zone is necessary for the safety of the swimmers, participant vessels, spectators, and the general public during the event. The temporary safety zone will restrict vessel traffic in a portion of the Intracoastal Waterway, preventing non-participant vessels from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before April 4, 2016.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0115 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant John Downing, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *John.Z.Downing@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Public Participation and Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

II. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code
COTP Captain of the Port

III. Basis, Purpose, and Background

On February 8, 2016, Set Up Events notified the Coast Guard that it will be sponsoring the Xterra Myrtle Beach Swim from 7:15 a.m. to 9:15 a.m. on April 24, 2016. The legal basis for the proposed rule is the Coast Guard's Authority to establish a safety zone: 33 CFR part 165. The purpose of the proposed rule is to ensure safety of life on the navigable water of the United States during the swim portion of the Xterra Myrtle Beach Triathlon.

IV. Discussion of Proposed Rule

The Coast Guard proposes to establish a temporary safety zone on the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina during the Xterra Myrtle Beach Triathlon, on April 24, 2016. Approximately 75 swimmers are anticipated to participate in the race. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

V. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and executive orders.

A. Regulatory Planning and Review

E.O.s 12866 (''Regulatory Planing and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O.13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This proposed rule is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866. The Office of Management and Budget (OMB) has not reviewed it under E.O. 12866.

The economic impact of this proposed rule is not significant for the following reasons: (1) The temporary safety zone would be enforced for only two hours; (2) although persons and vessels would not be able to enter, transit through, anchor in, or remain within the regulated area without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement periods; (3) persons and vessels would still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the Captain of the Port Charleston or a designated representative; and (4) the Coast Guard would provide advance notification of the regulated area to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

B. Impact on Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which may be small entities: The owner or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during the enforcement period. However, for the reasons discussed in Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on

them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Lieutenant John Downing using the contact information given in **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct 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. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under E.O. 12630 (''Governmental Actions and Interference with Constitutionally Protected Property Rights'').

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, (''Civil Justice Reform''), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under E.O. 13045 (''Protection of Children from Environmental Health Risks and Safety Risks''). This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under E.O. 13175 (''Consultation and Coordination with Indian Tribal Governments''), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this proposed rule under E.O. 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a temporary safety zone issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

N. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0115 to read as follows:

§ 165.T07–0115 Safety Zone; Xterra Swim, Myrtle Beach SC.

(a) *Regulated area.* The rule establishes a temporary safety zone on certain waters of Intracoastal Waterway, Myrtle Beach, South Carolina. The temporary safety zone consists of the following two points of position and the North shore: 33°45.076 N., 78°50.790 W., to 33°45.323 N., 78°50.214 W. All coordinates are North American Datum 1983.

(b) *Definition.* As used in this section, ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area, except persons and vessels participating in the Xterra Swim, Myrtle Beach, or serving as safety vessels.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced on April 24, 2016 from 7:15 a.m. until 9:15 a.m.

Dated: February 26, 2016.

G.L. Tomasulo,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2016–04664 Filed 3–2–16; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 551

Semipostal Stamp Program

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the provisions governing the Postal Service's discretionary Semipostal Stamp Program to simplify and expedite the process for selecting causes for semipostal stamps, and facilitate the issuance of five such stamps over a 10-year period. It would also remove certain restrictions on the commencement date for the Postal Service's discretionary Semipostal Stamp Program, and clarify how many semipostal stamps issued under that program may be on sale at any one time.

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Mail or deliver written comments to the Manager, Stamp Products & Exhibitions, U.S. Postal Service®, 475 L'Enfant Plaza SW., Room 3306, Washington DC 20260. You may inspect and photocopy all written comments at the Stamp Products & Exhibitions office by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday, by calling 202–268–6711 in advance. Email and faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Lori Mazzone, Manager, Stamp Products & Exhibitions, 202–268–6711, *lori.l.mazzone@usps.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Semipostal Authorization Act, Pub. L. 106–253, grants the Postal Service discretionary authority to issue and sell semipostal stamps to advance such causes as it considers to be ''in the national public interest and appropriate.'' *See* 39 U.S.C. 416(b). On June 12, 2001, the Postal Service published a final rule establishing the regulations in 39 CFR part 551 for the discretionary Semipostal Stamp Program (66 FR 31826). Minor revisions were made to these regulations to implement Pub. L. 107–67, 115 Stat. 514 (2001), and to reflect minor organizational changes in the Postal Service (67 FR 5215 (February 5, 2002)). On February 19, 2004, the Postal Service published a final rule clarifying the cost-offset policy for semipostal stamps (69 FR 7688), and on February 9, 2005, the Postal Service also published an additional minor clarifying revision to these cost-offset regulations (70 FR 6764).

Most recently, on January 22, 2016, the Postal Service published a proposed amendment to 39 CFR 551.5 to remove certain restrictions on the commencement date for the discretionary Semipostal Stamp Program, and clarify how many semipostal stamps issued under that program may be on sale at any one time (81 FR 3762).

Upon further consideration, however, it was determined that a further revision of the rules concerning the discretionary Semipostal Stamp Program was necessary to facilitate its smooth and efficient operation. Accordingly, the Postal Service now proposes and invites comments upon a more detailed revision of 39 CFR part 551. This proposal supersedes (but incorporates) the amendments previously published on January 22, 2016. The proposed changes are summarized below.

Proposed Changes

The proposed revision of § 551.3 streamlines and simplifies the selection process for the causes to receive funds raised through the sale of semipostal stamps, and states the Postal Service's intention to issue five such stamps over the statutory ten-year period. It also notifies the public that no further consideration will be given to previously submitted proposals but that such proposals may be resubmitted under the revised regulations. The paragraph relating to proposals regarding the same subject and proposals for the sharing of funds between two agencies is edited for clarity and moved to § 551.4, concerning submission requirements and criteria, where it more appropriately belongs.

The proposed revision of § 551.4 sharpens the submission requirements and, among other things, makes Postal Service employees ineligible to submit proposals for semipostal stamps.

The proposed revision of § 551.5(a) would remove certain restrictions on the commencement date of the discretionary Semipostal Stamp Program. Under current regulations, the 10-year period for the discretionary semipostal stamp program commences on a date determined by the Office of Stamp Services, but that date must be after the sales period of the *Breast Cancer Research* stamp (BCRS) is concluded. Most recently, Public Law 114–99 (December 11, 2015) extended that sales period to December 31, 2019. Under the proposed revision, the 10-year period will commence on a date determined by the Office of Stamp Services, but the date need not be after the BCRS sale period concludes.

The proposed revision of § 551.5(b) would clarify that although only one semipostal stamp under the discretionary Semipostal Stamp Program under 39 U.S.C. 416 (a ''discretionary program semipostal stamp'') will be offered for sale at any one time, other semipostal stamps required to be issued by Congress (such as the BCRS) may be on sale when a discretionary program semipostal stamp is on sale. Current regulations state that the Postal Service will offer only one semipostal stamp for sale at any given time during the 10-year period (not specifying whether it is a discretionary program semipostal stamp or a semipostal stamp required by Congress). Under the proposed revision, the one-at-a-time limitation on the sale of

semipostal stamps would apply only to discretionary program semipostal stamps.

To minimize confusion regarding applicable postage rates, the proposed revision of § 551.6 specifies that for purposes of calculating the price of a semipostal, the First-Class Mail® single-piece *stamped* first-ounce rate of postage will be considered ''the rate of postage that would otherwise regularly apply.''

List of Subjects in 39 CFR Part 551

Administrative practice and procedure.

In accordance with 39 U.S.C. 416(e)(2), the Postal Service invites public comment on the following proposed amendments to the *Code of Federal Regulations.* For the reasons stated in the preamble, the Postal Service proposes to revise 39 CFR part 551 as follows:

PART 551—[AMENDED]

■ 1. The authority citation for 39 CFR part 551 continues to read as follows:

Authority: 39 U.S.C. 101, 201, 203, 401, 403, 404, 410, 414, 416.

■ 2. Revise § 551.3 to read as follows:

§ 551.3 Procedure for selection of causes and recipient executive agencies.

The Postal Service has discretionary authority to select causes and recipient executive agencies to receive funds raised through the sale of semipostal stamps. These regulations apply only to such discretionary semipostal stamps and do not apply to semipostal stamps that are mandated by Act of Congress, such as the *Breast Cancer Research* stamp. The procedure for selection of causes and recipient executive agencies is as follows:

(a) The Office of Stamp Services will accept proposals from interested persons for future semipostal stamps beginning on May 16, 2016, or the effective date of this regulation, whichever is later. The Office of Stamp Services will begin considering proposals on July 1, 2016, or 45 days after the effective date of this regulation, whichever is later. The Postal Service intends to issue five semipostal stamps under these regulations during the 10-year period established by Congress in 39 U.S.C. 416(g). Each semipostal stamp will be sold for no more than two years. Proposals may be submitted and will be considered on a rolling basis until May 15, 2023, or seven years after the effective date of this regulation, whichever is later. The Office of Stamp Services may publicize this request for proposals in the **Federal Register** or through other means, as it determines in its discretion. Proposals for semipostal stamps made prior to May 16, 2016, or the effective date of this regulation, whichever is later, will not be given further consideration. Nothing in these regulations should be construed as barring the resubmission of previously submitted causes and recipient executive agencies.

(b) Proposals will be received by the Office of Stamp Services, which will review each proposal under § 551.4.

(c) The Office of Stamp Services will forward those proposals that satisfy the requirements of § 551.4 to the Citizens' Stamp Advisory Committee for its consideration.

(d) Based on the proposals received from the Office of Stamp Services, the Citizens' Stamp Advisory Committee may make recommendations on causes and eligible recipient executive agencies to the postmaster general. The Citizens' Stamp Advisory Committee may recommend more than one cause and eligible recipient executive agency at the same time.

(e) Meetings of the Citizens' Stamp Advisory Committee are closed, and deliberations of the Citizens' Stamp Advisory Committee are pre-decisional in nature.

(f) In making decisions concerning semipostal stamps, the postmaster general may take into consideration such factors, including the recommendations of the Citizens' Stamp Advisory Committee, as the postmaster general determines are appropriate. The decision of the postmaster general shall be the final agency decision.

(g) The Office of Stamp Services will notify each executive agency in writing of a decision designating that agency as a recipient of funds from a semipostal stamp.

(h) As either a separate matter, or in combination with recommendations on a cause and recipient executive agencies, the Citizens' Stamp Advisory Committee may recommend to the postmaster general a design (*i.e.,* artwork) for the semipostal stamp. The postmaster general will make a final decision on the design to be featured.

(i) The decision of the postmaster general to exercise the Postal Service's discretionary authority to issue a semipostal stamp is final and not subject to challenge or review.

■ 3. Revise § 551.4 to read as follows:

§ 551.4 Submission requirements and selection criteria.

(a) Proposals on recipient executive agencies and causes must satisfy the following requirements:

(1) Interested persons must timely submit the proposal by U.S. Mail to the Office of Stamp Services, Attn: Semipostal Discretionary Program, 475 L'Enfant Plaza SW., Room 3300, Washington, DC 20260–3501, or in a single Adobe Acrobat (.pdf) file sent by email to *semipostal@usps.gov.* Indicate in the Subject Line: *Semipostal Discretionary Program.* For purposes of this section, interested persons include, but are not limited to, individuals, corporations, associations, and executive agencies under 5 U.S.C. 105.

(2) The proposal must be signed by the individual or a duly authorized representative and must provide the mailing address, phone number, fax number (if available), and email address of a designated point of contact.

(3) The proposal must describe the cause and the purposes for which the funds would be used.

(4) The proposal must demonstrate that the cause to be funded has broad national appeal, and that the cause is in the national public interest and furthers human welfare. Respondents are encouraged to submit supporting documentation demonstrating that funding the cause would benefit the national public interest.

(5) The proposal must include a letter from an executive agency or agencies on agency letterhead representing that:

(i) It is an executive agency as defined in 5 U.S.C. 105,

(ii) It is willing and able to implement the proposal, and

(iii) It is willing and able to meet the requirements of the Semipostal Authorization Act, if it is selected. The letter must be signed by a duly authorized representative of the agency.

(6) (i) A proposal may designate one or two recipient executive agencies to receive funds, but if more than one executive agency is proposed, the proposal must specify the percentage shares of differential revenue, net of the Postal Service's reasonable costs, to be given to each agency. If percentage shares are not specified, it is presumed that the proposal intends that the funds be split evenly between the agencies. If more than two recipient executive agencies are proposed to receive funds and the proposal is selected, the postmaster general will provide the recipient executive agencies with an opportunity to jointly decide which two agencies will receive funds. If the agencies are unable to reach a joint decision within 20 days, the postmaster general shall either decide which two agencies will receive funds or select another proposal.

(ii) If more than one proposal is submitted for the same cause, and the

proposals would have different executive agencies receiving funds, the funds may be evenly divided among the executive agencies, with no more than two agencies being designated to receive funds, as determined by the postmaster general.

(b) Proposals become the property of the Postal Service and are not returned to interested persons who submit them. Interested persons who submit proposals are not entitled to any remuneration, compensation, or any other form of payment, whether their proposals are selected or not, for any reason.

(c) The following persons may not submit proposals:

(1) Employees of the United States Postal Service;

(2) Any contractor of the Postal Service that may stand to benefit financially from the Semipostal Stamp Program; or

(3) Members of the Citizens' Stamp Advisory Committee and their immediate families, and contractors of the Postal Service, and their immediate families, who are involved in any decision-making related to causes, recipient agencies, or artwork for the Semipostal Stamp Program.

(d) Consideration for evaluation will not be given to proposals that request support for any of the following: Anniversaries; public works; people; specific organizations or associations; commercial enterprises or products; cities, towns, municipalities, counties, or secondary schools; hospitals, libraries, or similar institutions; religious institutions; causes that do not further human welfare; or causes determined by the Postal Service or the Citizens' Stamp Advisory Committee to be inconsistent with the spirit, intent, or history of the Semipostal Authorization Act.

(e) Artwork and stamp designs may not be submitted with proposals.

■ 5. Revise § 551.5 to read as follows:

§ 551.5 Frequency and other limitations.

(a) The Postal Service is authorized to issue semipostal stamps for a 10-year period beginning on the date on which semipostal stamps are first sold to the public under 39 U.S.C. 416. The Office of Stamp Services will determine the date of commencement of the 10-year period.

(b) The Postal Service will offer only one discretionary semipostal stamp for sale at any given time during the 10-year period, although a discretionary semipostal stamp may be offered for sale at the same time as one or more congressionally mandated semipostal stamps.

(c) The sales period for any given discretionary semipostal stamp is limited to no more than two years, as determined by the Office of Stamp Services.

(d) Prior to or after the issuance of a given discretionary semipostal stamp, the Postal Service may withdraw the semipostal stamp from sale, or to reduce the sales period, if, *inter alia:*

(1) Its sales or revenue statistics are lower than expected,

(2) The sales or revenue projections are lower than expected, or

(3) The cause or recipient executive agency does not further, or does not comply with, the statutory purposes or requirements of the Semipostal Authorization Act.

■ 6. Revise § 551.6 to read as follows:

§ 551.6 Pricing.

(a) The Semipostal Authorization Act, as amended by Public Law 107–67, section 652, 115 Stat. 514 (2001), prescribes that the price of a semipostal stamp is the rate of postage that would otherwise regularly apply, plus a differential of not less than 15 percent. The price of a semipostal stamp shall be an amount that is evenly divisible by five. For purposes of this provision, the First-Class Mail® single-piece stamped first-ounce rate of postage will be considered the rate of postage that would otherwise regularly apply.

(b) The prices of semipostal stamps are determined by the Governors of the United States Postal Service in accordance with the requirements of 39 U.S.C. 416.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–04646 Filed 3–2–16; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 74

[OET Docket Nos. 14–165, 14–166 and 12–268; Report No. 3037]

Petitions for Reconsideration of Action in a Rulemaking Proceeding; Correction

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration; correction.

SUMMARY: On February 12, 2016, the Commission published a summary of Commission's document, Report No. 3037, 81 FR 7491, announcing that oppositions to Petitions for Reconsideration must been filed by February 29, 2016, and replies to an opposition must be filed on or before March 25, 2016. This document corrects the due date for replies to an opposition.

DATES: Replies to an opposition to the petition for reconsideration published February 12, 2016 (81 FR 7491) must be filed on or before March 10, 2016.

FOR FURTHER INFORMATION CONTACT: Hugh Van Tuyl, Policy and Rules Division, Office of Engineering and Technology, (202) 418–7506, email: *Hugh.VanTuyl@fcc.gov.* Paul Murray, Policy and Rules Division, Office of Engineering and Technology, (202) 418–0688, email: *Paul.Murray@fcc.gov.*

Correction

In the **Federal Register** of February 12, 2016, in FR Doc. 2016–02899, on page 7491, in the second column, correct the **DATES** caption to read:

DATES: Oppositions to Petitions for Reconsideration must been filed by February 29, 2016. Replies to an opposition must be filed on or before March 10, 2016.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2016–04521 Filed 3–2–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160211104–6104–01]

RIN 0648–BF70

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council). If implemented, this action would revise the recreational closed season for gag and the recreational minimum size limits for gag and black grouper in the

Gulf of Mexico (Gulf) exclusive economic zone. The purpose of this proposed rule is to optimize recreational opportunities to harvest gag and to address inconsistencies in the recreational minimum size limits for gag and black grouper in the Gulf and South Atlantic.

DATES: Written comments must be received on or before April 4, 2016.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2016–0010'' by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0010,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Richard Malinowski, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the framework action, which includes an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2016/gag_and_black_grouper_framework/index.html.*

FOR FURTHER INFORMATION CONTACT: Richard Malinowski, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes gag and black grouper, is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to achieve on a continuing basis the optimum yield from federally managed fish stocks. This mandate is intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, while also protecting marine ecosystems.

The 2014 Southeast Data, Assessment and Review (SEDAR 33) benchmark stock assessment indicates that the Gulf gag stock is not overfished or undergoing overfishing as of 2012, the last year of data used in SEDAR 33. However, as described in the framework action, the Council's Reef Fish Advisory Panel, the Council's Science and Statistical Committee (SSC), and public testimony, all suggested that the Council use caution when setting the gag annual catch limits (ACL) and annual catch targets (ACT). Therefore, the Council decided not to modify the Gulf gag ACL or ACT in this framework action.

Additionally, the 2010 SEDAR 19 benchmark assessment for black grouper found that the Gulf black grouper stock was neither overfished nor undergoing overfishing.

Management Measures Contained in This Proposed Rule

This rule would revise the recreational closed season for gag and the recreational minimum size limits for gag and black grouper in the Gulf.

Gag Recreational Closed Season

The current closed season for the gag recreational sector is January 1 through June 30 and December 3 through December 31, annually. This closed season was established in Amendment 32 to the FMP to help prevent the gag recreational ACL from being exceeded (77 FR 6988, February 10, 2012).

This rule would revise the gag recreational closed season to be from January 1 to May 31, annually. The intent of this revised closed season would be to reduce the amount of dead discards of gag that occur during the Gulf's recreational season for red snapper that begins on June 1, annually, and to extend the gag recreational fishing season beyond the current December closure date to provide the opportunity for the recreational sector to harvest the recreational ACL. The gag recreational ACT was only exceeded once, and the recreational ACL has never been exceeded since ACLs and ACTs were established for gag in 2011.

Gag and Black Grouper Minimum Size Limits

The current gag and black grouper recreational minimum size limits in Gulf Federal waters are both set at 22 inches (55.9 cm), total length (TL). The current gag and black grouper minimum size limit in South Atlantic Federal waters is 24 inches (61.0 cm), TL for both species and for both the commercial and recreational sectors. For the state of Florida, in state waters off Monroe County in the Gulf, the recreational minimum size limit for gag and black grouper is 24 inches (61.0 cm), TL. This proposed rule would increase the recreational minimum size limit for both species to 24 inches (61.0 cm), TL, to be consistent with the Federal waters of the South Atlantic and state waters off Monroe County, Florida. The Council decided that the benefits of having a size limit for these species that is consistent with both the South Atlantic and the state size limits for the waters off Monroe County, Florida, will outweigh any impacts of increased discard rates for these species. Furthermore, gag are sometimes misidentified as black grouper and having the same recreational minimum size limit for gag and black grouper may assist the public in complying with the applicable regulations for gag and black grouper. Additionally, increasing the recreational minimum size limit for these species is expected to provide the opportunity for more gag and black grouper to become sexually mature and spawn.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the framework action, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the preamble and in the **SUMMARY** section of the preamble. The

Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule, if implemented, would not be expected to directly affect any small entities. This proposed rule would modify the gag and black grouper recreational minimum size limits and the gag recreational season in the Gulf. Only recreational anglers, who may fish from shore, man-made structures, private, rental, or charter vessels, and headboats, are allowed a bag or possession limit of grouper species in the Gulf. Captains or crew members on charter vessels or headboats, as well as commercial vessels, cannot harvest or possess gag or black grouper under the recreational bag limits. As a result of only recreational anglers being allowed a bag or possession limit, only recreational anglers would be directly affected by the proposed changes to the gag and black grouper recreational minimum size limits and the gag recreational season dates. Recreational anglers, however, are not considered to be small entities under the RFA and the economic effects of this proposed rule on these anglers are outside the scope of the RFA.

Charter vessels and headboats (for-hire vessels) sell fishing services to recreational anglers. Because the proposed change in the gag and black grouper minimum size limits and the change to the gag recreational season would not directly alter the services sold by these vessels, this proposed rule would not directly apply to or regulate their operations. Any change in demand for these fishing services, and associated economic effects, as a result of changing the minimum size limits and recreational season would be a consequence of behavioral change by anglers, secondary to any direct effect on anglers and, therefore, an indirect effect of the proposed rule. Because the effects on for-hire vessels would be indirect, they fall outside the scope of the RFA.

The information provided above supports a determination that this rule would not have a significant economic impact on a substantial number of small entities. Because this rule, if implemented, is not expected to have a significant economic impact on any small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. Accordingly, this rule does not implicate the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 622

Black grouper, Fisheries, Fishing, Gag, Gulf, Recreational, Reef fish, Size limits.

Dated: February 25, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.34, paragraph (e) is revised to read as follows:

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

* * * * *

(e) *Seasonal closure of the recreational sector for gag.* The recreational sector for gag, in or from the Gulf EEZ, is closed from January 1 through May 31. During the closure, the bag and possession limits for gag in or from the Gulf EEZ are zero.

* * * * *

■ 3. In § 622.37, paragraphs (b)(1) and (b)(5)(ii) are revised to read as follows:

§ 622.37 Size limits.

* * * * *

(b) * * *

(1) *Gag*—(i) For a person not subject to the bag limit specified in § 622.38 (b)(2)—22 inches (55.9 cm), TL.

(ii) For a person subject to the bag limit specified in § 622.38(b)(2)—24 inches (61.0 cm), TL.

* * * * *

(5) * * *

(ii) For a person subject to the bag limit specified in § 622.38(b)(2)—24 inches (61.0 cm), TL.

* * * * *

[FR Doc. 2016–04655 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 160120042–6042–01]

RIN 0648–BF69

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Recreational Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to modify recreational fishery management measures for Gulf of Maine cod and haddock, including daily bag limits, size limits, and seasonal possession restrictions. This action is necessary to increase recreational fishing opportunities and catch of cod and haddock in a manner consistent with anticipated catch limit increases. The intended effect of this action is to ensure the recreational fishery can achieve but not exceed its catch limits.

DATES: Comments must be received by March 18, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0011, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0011.*

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

– OR –

Mail: Submit written comments to: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on groundfish recreational fishing management measures.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public

viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

In support of the proposed action, NMFS prepared a supplemental environmental assessment (EA) to Framework Adjustment 55 to the Northeast Multispecies Fishery Management Plan. The Framework 55 EA was prepared by the New England Fishery Management Council. Copies of the Framework 55 EA and supplemental EA are available from: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The Framework 55 EA and supplement are also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/.*

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978–281–9182; email: *William.Whitmore@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Modifications to Recreational Management Measures

We are proposing to increase recreational fishing opportunities for Gulf of Maine (GOM) cod and haddock starting May 1, 2016. The proposed changes would allow anglers to retain one cod per day during the months of August and September and keep up to 15 haddock per day for most of the fishing year. Table 1, below, summarizes the proposed measures compared to the fishing year 2015 measures.

TABLE 1—PROPOSED CHANGES TO GOM COD AND HADDOCK RECREATIONAL MANAGEMENT MEASURES

Stock	Current measures			Proposed measures		
	Per day possession limit (fish per angler)	Minimum fish size	Season when possession is permitted	Per day possession limit (fish per angler)	Minimum fish size	Season when possession is permitted
GOM Cod*	Possession Prohibited Year-Round			1	24 inches (61.0 cm)..	August 1–September 30.
GOM Haddock	3	17 inches (43.2 cm)	May 1– August 31, 2015 and November 1–February 29, 2016.	15	17 inches (43.2 cm)..	Year Round Except April 15–30.

*The recreational cod prohibition is proposed to be rescinded in Framework 55. This action would establish the actual recreational fishing effort regulations if the prohibition is removed.

Background

Framework Adjustment 55 Proposes To Increase Recreational Catch Limits

The Northeast Fishery Science Center (Center) conducted operational stock assessments for all 20 groundfish stocks in September 2015. The assessment concluded that the GOM haddock stock biomass continues to increase, and as a result, a substantial catch-limit increase (150 percent) is anticipated for the 2016 fishing year. The assessment also concluded that, although GOM cod remains overfished and subject to overfishing, biomass has increased slightly. A 30-percent increase to the catch limit for GOM cod is expected for 2016.

These catch limit increases will be proposed in a separate rulemaking for Framework Adjustment 55 to the Northeast Multispecies Fishery Management Plan (FMP) which is expected to be published in the **Federal Register** in the next few weeks. Final approval of the recreational measures proposed in this action is contingent upon approval of the catch limit increases proposed in Framework 55. Framework 55 also proposes to remove the GOM cod retention prohibition in the recreational fishery. If catch limits or management measures other than those to be proposed in Framework 55 rulemaking are implemented, we will adjust recreational measures as necessary to ensure that catch from the recreational fishery will remain within the final catch limits implemented for fishing year 2016.

A peer-reviewed bioeconomic model, developed by the Center, was used to estimate 2016 recreational GOM cod and haddock mortality under various combinations of minimum sizes, possession limits, and closed seasons. Catch data and model projections suggest that the recreational fleet is not expected to exceed its fishing year 2015 catch limits for GOM cod or haddock. Based on the Framework 55 catch limits recommended by the Council for the 2016 fishing year, analyses indicate that recreational catch for both GOM cod and haddock could be increased (Table 2).

TABLE 2—PROJECTED FISHING YEAR 2015 AND 2016 RECREATIONAL CATCH INFORMATION FOR GOM COD AND HADDOCK

Stock	Fishing year 2015			Fishing year 2016	
	Catch limit (mt)	Projected catch (mt)	Percent of catch limit caught	Catch limit (mt)*	Percent of catch limit increase from 2015
GOM Cod	121	69	57	157	30
GOM Haddock	372	301	81	926	149

*NMFS will propose fishing year 2016 recreational catch limits in a separate Framework 55 rulemaking.

How Management Alternatives and the Proposed Measures Were Developed

Each year, pursuant to the regulations within the FMP, we may consult with the New England Fishery Management Council and modify recreational management measures to help the fishery achieve optimum yield while ensuring that catch limits are not exceeded. The Center's bioeconomic model results were presented to the Council, its Recreational Advisory Panel (RAP), and its Groundfish Oversight Committee in November and December 2015. These groups concurred that fishing effort on GOM haddock should be increased and suggested that bag limits increase from 3 to 15 fish per angler per day. The Council, RAP, and Committee also recomended that the fishing season for GOM haddock should be substantially extended.

The Council, RAP, and Committee agreed that the GOM cod recreational retention prohibition should be removed. However, they debated when anglers should be permitted to retain GOM cod (Table 3). The Marine Recreational Information Program (MRIP) gathers fishing effort and catch data in two month ''waves'' (for example, wave 1 is January-February; wave 2 is March-April). Since MRIP data is provided in waves, the bioeconomic model used to develop recreational management measures estimates effort and catch by 2 month waves as well. As a result, seasonal closures and openings are typically implemented in line with the MRIP waves.

Additional information and analyses on these alternatives is included in a supplemental Environmental Assessment (see **ADDRESSES**).

TABLE 3—ESTIMATED FISHING YEAR 2016 MORTALITY OF GOM COD AND HADDOCK BY MANAGEMENT ALTERNATIVE *

	Haddock					Cod					
Alternative	Bag limit	Size limit (in/cm)	Open season	Total mortality (mt)	Total mortality as percent of quota	Bag limit	Size limit (in/cm)	Open season	Total mortality (mt)	Total mortality as percent of quota	Angler trips
Current Recreational Measures.	3	17/43.2	Waves 3, 4, 6, 1 ...	405	44%	0	n/a	Closed	66	42%	117,139
2016 RAP Recommendation.	15	17/43.2	All year, except April 15–30.	709	76%	1	24/61.0	Jul–Aug	132	84%	168,125
2016 Committee Recommendation.	15	17/43.2	All year, except April 15–30.	707	76%	1	24/61.0	Sept–Oct.	114	73%	167,549
2016 Council Recommendation.	15	17/43.2	All year, except April 15–30.	707–709	76%	1	24/61.0	Aug–Sept.	114–132	73–84%	167,549–168,125

* The model cannot split a wave of data; the numbers provided under alternative 4 are a range between alternatives 2 and 3.
Council recommended Framework 55 fishing year 2016 GOM haddock recreational catch limit = 928 mt.
Council recommended Framework fishing year 2016 GOM cod recreational catch limit = 157 mt.

There was general agreement among the Council, RAP, and Committee that the GOM cod daily bag limit could not exceed more than 1 fish per person per day. The RAP debated whether anglers should be able to retain that one cod during the months of July and August (wave 4) or September and October (wave 5). According to the model, opening wave 4 would result in slightly more trips being taken compared to opening wave 5; however, both options are expected to keep catch within the proposed limits. Most RAP members initially supported opening wave 5 because it would result in less cod being caught, which may provide additional conservation benefits. The RAP also discussed that opening wave 5 would extend the primary summer fishing season further into the fall, potentially creating additional fishing opportunities that would help charter and party boat businesses. However, opening wave 5 would not benefit private anglers as much because fewer private anglers fish in the fall compared to the summer. Because allowing cod retention during July and August, when most anglers are fishing, would provide the greatest overall benefits, the RAP endorsed opening wave 4.

The Groundfish Committee considered the RAP's recommendation and evaluated the trade-offs between opening waves 4 or 5. The Committee recommended opening wave 5, citing a preference to extend the recreational fishing season further into the fall.

The Council proposed a compromise, recommending that anglers should be able to retain one cod during the months of August and September (the second month of wave 4 and the first month of wave 5). We propose to adopt the Council's recommendations in this action.

We intend to modify our bioeconomic model so we can project effort and catch at a monthly level, but there is some concern that a revised model may not work if there is insufficient data at the monthly level. Since MRIP effort and catch data is reported by 2-month waves, reducing the length of time from two months to one would reduce the amount of samples that would be incorporated into the model, potentially increasing variability and uncertainty in the model, which could cause the model to fail. We believe this to be unlikely, but still a possibility.

The increased flexibility from the proposed measure appears to outweigh the potential data trade-off. There is a substantial ''buffer'' between the catch forecasted by the model and the proposed catch limits, and we will be modifying the model in the future to reduce management uncertainty where possible. We believe that the Council's suggestion is appropriate and are therefore proposing it for this action.

We are providing a 15-day comment period for this rule. A 15-day comment period, coupled with extensive public comment periods at three different Council-related meetings during the development of this action, provides sufficient opportunity for public input on the proposed measures. The Council did not recommend management measures to NMFS until December 2015; as a result were unable to develop a proposed rule any sooner than this. Recreational fishing businesses and fishermen are currently scheduling fishing trips and these proposed measures will provide them with additional information to assist their planning efforts. Since these measures increase fishing opportunities, announcing these measures quickly will provide additional support to recreational-fishing businesses.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a determination that this proposed rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

As explained above, the purpose of this action is to modify recreational fishing management measures to increase recreational fishing opportunities, effort, and catch consistent with the catch limit increases anticipated in Framework 55. This action is needed to help the recreational fishery achieve its optimum yield without overfishing.

The regulated entities most likely to be affected by this action are private anglers, and charter/party vessel fishing corporations. Other than private anglers, which are not businesses, all charter/party fishing businesses are considered small businesses per the SBA guidelines because they all have less than $7.5 million in annual receipts. As a result, the impacts of these measures are not considered to be disproportional.

All of the measures proposed in this action are expected to have a positive economic impact on participants as new regulations would allow for additional fishing opportunities. Additional fishing opportunities would generate additional effort (trips) and result in more revenue for recreational fishing businesses. This rule would not impose significant negative economic impacts.

Since no small entities would be placed at a competitive disadvantage to large entities, and the regulations would not reduce the profit for any small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

This action has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: February 25, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.89, revise paragraphs (b)(1), (c)(1)(ii), (c)(2), and (c)(8) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(b) *Recreational minimum fish sizes*—(1) *Minimum fish sizes.* Unless further restricted under this section, persons aboard charter/party vessel permitted under this part and not fishing under the NE multispecies DAS program or under the restrictions and conditions of an approved sector operations plan, and private recreational fishing vessels in or possessing fish from the EEZ, may not possess fish smaller than the minimum fish sizes, measured in total length, as follows:

Species	Minimum Size	
	Inches	cm
Cod:		
Inside GOM Regulated Mesh Area[1]	24	61.0
Outside GOM Regulated Mesh Area[1]	22	55.9
Haddock:		
Inside GOM Regulated Mesh Area	17	43.2
Outside GOM Regulated Mesh Area	18	45.7
Pollock	19	48.3
Witch Flounder (gray sole)	14	35.6
Yellowtail Flounder	13	33.0
American Plaice (dab)	14	35.6
Atlantic Halibut	41	104.1
Winter Flounder (blackback)	12	30.5
Redfish	9	22.9

[1] GOM Regulated Mesh Area specified in § 648.80(a)

* * * * *

(c) * * *

(1) * * *

(ii) Each person on a private recreational fishing vessel, fishing from August 1 through September 30, may possess no more than one cod per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1); with the exception that each person on a private recreational vessel in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than one such cod per person up to the possession limit specified at § 648.89(c)(1)(i), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

* * * * *

(2) Charter/party vessels (i) Each person on a charter/party fishing vessel permitted under this part and not fishing under a NE multispecies DAS program or on a sector trip may possess unlimited cod when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) Each person on a charter/party fishing vessel permitted under this part, fishing from August 1 through September 30, and not fishing under the NE multispecies DAS program or on a sector trip, may possess no more than one cod per day in the GOM Regulated Mesh Area specified in § 648.80(a)(1); with the exception that each person on a charter/party vessel in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1)

may transit this area with more than one such cod up to any possession limit under § 648.89(c)(2)(ii), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Cod harvested by charter/party vessels with more than one person aboard may be pooled in one or more containers. Compliance with the possession limits will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limits on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Cod must be stored so as to be readily available for inspection.

* * * * *

(8) *Haddock.* (i) Each person on a private recreational vessel may possess unlimited haddock in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) Each person on a private recreational fishing vessel, fishing from May 1 through April 14, may possess no more than 15 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1); with the exception that each person on a private recreational vessel in possession of haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than 15 such haddock per person up to the possession limit specified at § 648.89(c)(8)(i), provided all bait and hooks are removed from fishing rods and any haddock on board has been gutted and stored.

(iii) Each person on a charter/party fishing vessel permitted under this part and not fishing under a NE multispecies DAS program or on a sector trip may possess unlimited haddock when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(iv) Each person on a charter/party fishing vessel permitted under this part, fishing from May 1 through April 14, and not fishing under the NE multispecies DAS program or on a sector trip, may possess no more than 15 haddock per day in the GOM Regulated Mesh Area specified in § 648.80(a)(1); with the exception that each person on a charter/party vessel in possession of haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than fifteen such haddock up to any possession limit under § 648.89(c)(8)(iii), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(v) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(vi) Haddock harvested in or from the EEZ by private recreational fishing boats or charter or party boats with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(vii) Haddock must be stored so as to be readily available for inspection.

* * * * *

[FR Doc. 2016–04656 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 81, No. 42
Thursday, March 3, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Deschutes Provincial Advisory Committee (PAC) will meet in Bend, Oregon. The committee is authorized pursuant to the implementation of E–19 of the Record of Decision and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to provide advice and make recommendations to promote a better integration of forest management activities between Federal and non-Federal entities to ensure that such activities are complementary. PAC information can be found at the following Web site: *http://www.fs.usda.gov/detail/deschutes/workingtogether/advisorycommittees.*

DATES: The meeting will be held on March 9, 2016, from 9:00 a.m. to 3:00 p.m.

All PAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Deschutes Historical Museum, 129 NW Idaho Avenue, Bend, Oregon.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Deschutes National Forest Headquarters Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Beth Peer, PAC Coordinator, by phone at 541–383–4769 or via email at *bpeer@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Forest Plan Revision: How can the PAC engage in the Process and the Outcomes;

2. Sustainable Recreation: The future of wildland trails and the role of the PAC;

3. Wilderness Management and the role of the PAC; and

4. Timber and Fuels Management: Where we have been, where we are now, and where we might go in the future.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 8, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Beth Peer, Deschutes PAC Coordinator, 63095 Deschutes Market Road, Bend, Oregon 97701; by email to *bpeer@fs.fed.us,* or via facsimile to 541–383–4755.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 8, 2016.

John Allen,

Forest Supervisor.

[FR Doc. 2016–03567 Filed 3–2–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–70–2015]

Foreign-Trade Zone (FTZ) 39—Dallas/Fort Worth, Texas, Authorization of Production Activity, KONE Inc., (Elevator Parts), Allen, Texas

On October 29, 2015, KONE Inc. submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within FTZ 39—Site 21, in Allen, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 68836, November 6, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: February 20, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–04714 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–75–2015]

Foreign-Trade Zone (FTZ) 76—Bridgeport, Connecticut; Authorization of Production Activity; MannKind Corporation, Subzone 76B (Inhalable Insulin), Danbury, Connecticut

On October 29, 2015, MannKind Corporation submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facilities within Subzone 76B, in Danbury, Connecticut.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 70751, November 16, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the

FTZ Act and the Board's regulations, including Section 400.14.

Dated: February 26, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–04715 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–807, A–351–842, A–560–828, A–570–022, A–471–807]

Certain Uncoated Paper From Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing antidumping duty orders on certain uncoated paper from Australia, Brazil, Indonesia, the People's Republic of China (PRC), and Portugal. Also, as explained in this notice, the Department is amending its final affirmative determinations with respect to Brazil and Indonesia.

DATES: *Effective Date:* March 3, 2016.

FOR FURTHER INFORMATION CONTACT: Eve Wang at (202) 482–6231 (Australia), Julia Hancock at (202) 482–1394 (Brazil), Blaine Wiltse at (202) 482–6345 (Indonesia), Stephanie Moore at (202) 482–3692 (PRC), or Kabir Archuletta at (202) 482–2593 (Portugal), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 20, 2016, the Department published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal.[1] On February 22, 2016, the ITC notified the Department of its affirmative determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal and its determination that critical circumstances do not exist with respect to imports of subject merchandise from Australia that are subject to the Department's affirmative critical circumstances finding.[2]

Scope of the Orders

The scope of these orders includes uncoated paper in sheet form; weighing at least 40 grams per square meter but not more than 150 grams per square meter; that either is a white paper with a GE brightness level [3] of 85 or higher or is a colored paper; whether or not surface-decorated, printed (except as described below), embossed, perforated, or punched; irrespective of the smoothness of the surface; and irrespective of dimensions (Certain Uncoated Paper).

Certain Uncoated Paper includes (a) uncoated free sheet paper that meets this scope definition; (b) uncoated ground wood paper produced from bleached chemi-thermo-mechanical pulp (BCTMP) that meets this scope definition; and (c) any other uncoated paper that meets this scope definition regardless of the type of pulp used to produce the paper.

Specifically excluded from the scope are (1) paper printed with final content of printed text or graphics and (2) lined paper products, typically school supplies, composed of paper that incorporates straight horizontal and/or vertical lines that would make the paper unsuitable for copying or printing purposes. For purposes of this scope definition, paper shall be considered ''printed with final content'' where at least one side of the sheet has printed text and/or graphics that cover at least five percent of the surface area of the entire sheet.

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) categories 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

Amendment to Final Determinations

A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.[4]

Brazil Amended Final Determination

Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *Brazil Final* to reflect the correction of a ministerial error it made in the final margin assigned to one of the respondents. In addition, because the Department calculated the ''all-others'' rate based on a weighted-average of the respondents' margins using publicly-ranged quantities for their sales of subject merchandise, we have revised the all-others rate.[5]

---

[1] *See Certain Uncoated Paper From Australia: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, In Part,* 81 FR 3108 (January 20, 2016) (*Australia Final*); *Certain Uncoated Paper From Brazil: Final Determination of Sales at Less Than Fair Value,* 81 FR 3115 (January 20, 2016) (*Brazil Final*); *Certain Uncoated Paper From Indonesia: Final Determination of Sales at Less Than Fair Value;* 81 FR 3101 (January 20, 2016) (*Indonesia Final*); *Certain Uncoated Paper From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 81 FR 3112 (January 20, 2016) (*PRC Final*); and *Certain Uncoated Paper From Portugal: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 81 FR 3105 (January 20, 2016) (*Portugal Final*).

[2] *See* Letter to Christian Marsh, Deputy Assistant Secretary of Commerce for Enforcement and Compliance, from Meredith Broadbent, Chairman of the U.S. International Trade Commission, regarding certain uncoated paper from Australia, Brazil, China, Indonesia, and Portugal (February 22, 2016) (ITC Letter). *See also Certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal,* USITC Investigation Nos. 701–TA–528–529 and 731–TA–1264–1268 (Final), USITC Publication 4592 (February 2016).

[3] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper, the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade. ''Colored paper'' as used in this scope definition means a paper with a hue other than white that reflects one of the primary colors of magenta, yellow, and cyan (red, yellow, and blue) or a combination of such primary colors.

[4] *See* section 735(e) of the Act.

[5] *See* the ''Estimated Weighted-Average Dumping Margins'' section below.

On January 19, 2016, Petitioners submitted a ministerial error allegation claiming that the Department made a ministerial error with regard to one of the respondent's bank charges, and the SAS programming which implemented the bank charge at issue. The Department reviewed the record and agrees that we made ministerial errors within the meaning of Section 735(e) and 19 CFR 351.224(f). Specifically, the Department made an unintentional error with regard to one of the respondent's bank charges and SAS programming which implemented the bank charge at issue.[6] We have corrected these errors in this notice.

Indonesia Amended Final Determination

Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *Indonesia Final* to reflect the correction of ministerial errors it made in the final margin assigned to the sole cooperative respondent. In addition, because the Department applied the respondent's final margin to the ''all-others'' rate and further, relied on the highest transaction-specific dumping margin as adverse facts available, we have revised the other final rates.[7]

On January 19, 2016, PT Anugerah Kertas Utama/PT Riau Andalan Kertas/ APRIL Fine Paper Macao Commercial Offshore Limited (collectively, APRIL) submitted timely filed allegations that the Department made ministerial errors in our final determination. On January 21, 2016, Petitioners submitted rebuttal comments on APRIL's allegations. APRIL alleged the Department made two ministerial errors in its final determination: The exclusion of APRIL's home market billing adjustments and an inconsistency in the Department's calculation of APRIL's difference in merchandise adjustment (DIFMER). The Department reviewed the record and agrees that we made ministerial errors within the meaning of section 735(e) of the Act and 19 CFR 351.224(f). Specifically, the Department made unintentional errors with regard to the exclusion of APRIL's home market billing adjustments and with regard to the calculation of APRIL's DIFMER.[8] We have corrected these errors in this notice.

Antidumping Duty Orders

As stated above, on February 22, 2016, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determinations in these investigations, in which it found material injury with respect to certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal and its determination that critical circumstances do not exist with respect to imports of subject merchandise from Australia that are subject to the Department's affirmative critical circumstances finding.[9] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing these antidumping duty orders. Because the ITC determined that imports of certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal are materially injuring a U.S. industry, unliquidated entries of such merchandise from Australia, Brazil, Indonesia, the PRC, and Portugal, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal. Antidumping duties will be assessed on unliquidated entries of certain uncoated paper from Australia, Indonesia, the PRC, and Portugal entered, or withdrawn from warehouse, for consumption on or after August 26, 2015, and in the case of Brazil, on August 27, 2015, the date of publication of the preliminary determinations,[10] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.[11] The relevant all-others and PRC-wide rates apply to all producers or exporters not specifically listed, as appropriate. For the purpose of determining cash deposit rates, the estimated weighted-average dumping margins for imports of subject merchandise from Indonesia and the PRC will be adjusted, as appropriate, for export subsidies found in the final determinations of the companion countervailing duty investigations of this merchandise imported from Indonesia and the PRC.[12] [13]

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of

[6] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Paul Walker, Program Manager, Office V, ''Antidumping Duty Investigation of Certain Uncoated Paper from Brazil: Analysis of Ministerial Error Allegation,'' dated concurrently with this notice.

[7] *See* the ''Estimated Weighted-Average Dumping Margins'' section below.

[8] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Melissa G. Skinner, Director, Office II, ''Less-Than-Fair-Value Investigation of Certain Uncoated Paper from Indonesia: Allegations of Ministerial Errors in the Final Determination,'' dated February 17, 2016.

[9] *See* ITC Letter.

[10] *See Certain Uncoated Paper From Australia: Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 80 FR 51783 (August 26, 2015) (*Australia Prelim*); *Certain Uncoated Paper From Brazil: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 80 FR 52029 (August 27, 2015) (*Brazil Prelim*); *Certain Uncoated Paper From Indonesia: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 80 FR 51771 (August 26, 2015) (*Indonesia Prelim*); *Certain Uncoated Paper From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 80 FR 51768 (August 26, 2015) (*PRC Prelim*); and *Certain Uncoated Paper From Portugal: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 80 FR 51777 (August 26, 2015) (*Portugal Prelim*).

[11] *See* section 736(a)(3) of the Act.

[12] *See Indonesia Final,* 81 FR 3103; *see also, PRC Final,* 81 FR, at 3114.

[13] We are not adjusting the PRC rates for estimated domestic subsidy pass-through because there is no cost-to-price linkage to a subsidized program and, thus, we have no basis upon which to make such an adjustment in that case.

certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal, we extended the four-month period to six months in each case.[14] In the underlying investigations, the Department published the preliminary determinations on August 26, 2015, and August 27, 2015. Therefore, the extended period, beginning on the date of publication of the preliminary determinations, ended on February 21, 2016, and in the case of Brazil, on February 22, 2016. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of certain uncoated paper from Australia, Indonesia, the PRC, and Portugal entered, or withdrawn from warehouse, for consumption after February 21, 2016, and in the case of Brazil, on February 22, 2016, the dates on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of subject merchandise from Australia, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after May 28, 2015 (*i.e.,* 90 days prior to the date of publication of the *Australia Prelim*), but before August 26, 2015, (*i.e.,* the date of publication of the *Australia Prelim*).

Estimated Weighted-Average Dumping Margins

The weighted-average antidumping duty margin percentages are as follows:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Australia:	
Paper Australia Pty. Ltd	222.46
All Others	138.87
Brazil:	
International Paper do Brasil Ltda. and International Paper Exportadora Ltda.[15]	41.39
Suzano Papel e Celulose S.A	22.37
All Others	27.11

	Exporter/manufacturer	Weighted-average dumping margin (percent)
Indonesia:		
Great Champ Trading Limited	17.46	0.00
Indah Kiat Pulp & Paper TBK/Pabrik Kertas Tjiwi Kimia/PT. Pindo Deli Pulp and Paper Mills (APP/SMG)	17.46	0.00
April Fine Paper Macao Commercial OffShore Limited/PT Anugerah Kertas Utama/PT Riau Andalan Kertas (APRIL)	2.10	2.10
All Others	2.10	2.10

Note: The cash deposit rates are adjusted to account for the applicable export subsidy rate of 51.75 percent for Great Champ Trading Limited and APP/SMG.

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit
PRC:			
Greenpoint Global Trading (Macao Commercial Offshore) Ltd..	Asia Symbol (Guangdong) Paper Co., Ltd.; and Asia Symbol (Shangong) Pulp & Paper Co., Ltd.	84.05	83.92
PRC-Wide Entity		149.00	148.87

Note: The cash deposit rates are adjusted to account for the applicable export subsidy rate of 0.13 percent for Asia Symbol and the PRC-Wide Entity.

[14] *See Australia Prelim, Brazil Prelim, Indonesia Prelim, PRC Prelim,* and *Portugal Prelim.*

[15] The Department determined that International Paper do Brasil Ltda. and International Paper Exportadora Ltda. constituted a single entity. *See Brazil Final,* 81 FR, at 3116.

Exporter/manufacturer	Weighted-average dumping margin (percent)
Portugal:	
Portucel S.A.[16]	7.80
All-Others	7.80

This notice constitutes the antidumping duty orders with respect to certain uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: February 25, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–04699 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Initiation and Preliminary Results of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 19 CFR 351.221(c)(3), the Department of Commerce (the Department) is initiating a changed circumstances review of the antidumping duty order on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (the PRC) with respect to Wuhan Wanbang Laser Diamond Tools Co., Ltd. Based on the information on the record, we preliminarily determine that Wuhan Wanbang Laser Diamond Tools Co., Ltd., is the successor-in-interest to Wuhan Wanbang Laser Diamond Tools Co. for purposes of determining antidumping duty liability. We invite interested parties to comment on these preliminary results.

DATES: Effective March 3, 2016.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5760.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China on November 4, 2009.[1] In its December 22, 2015, request for a changed circumstances review, Wuhan Wanbang Laser Diamond Tools Co., Ltd., informed the Department that, effective May 4, 2015, Wuhan Wanbang Laser Diamond Tools Co. (1) changed its legal status from a limited liability company to a joint-stock limited company and (2) changed its name to Wuhan Wanbang Laser Diamond Tools Co., Ltd.[2] Wuhan Wanbang Laser Diamond Tools Co. is a respondent in the ongoing administrative review of the antidumping duty order on diamond sawblades from the PRC covering the period November 1, 2013, through October 31, 2014.[3] Both Wuhan Wanbang Laser Diamond Tools Co. and Wuhan Wanbang Laser Diamond Tools Co., Ltd., are respondents in the ongoing administrative review of the same order covering the period November 1, 2014, through October 31, 2015.[4] Pursuant to section 751(b) of the Act, and 19 CFR 351.216(c) and 19 CFR 351.221(c)(3), Wuhan Wanbang Laser Diamond Tools Co., Ltd., requested that the Department initiate an expedited changed circumstances review and determine that Wuhan Wanbang Laser Diamond Tools Co., Ltd., is the successor-in-interest to Wuhan Wanbang Laser Diamond Tools Co.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the initiation of this review is now February 25, 2016.[5]

Scope of the Order

The products covered by the order are all finished circular sawblades, whether slotted or not, with a working part that is comprised of a diamond segment or segments, and parts thereof, regardless of specification or size, except as specifically excluded below. Within the scope of the order are semifinished diamond sawblades, including diamond sawblade cores and diamond sawblade segments. Diamond sawblade cores are circular steel plates, whether or not attached to non-steel plates, with slots. Diamond sawblade cores are manufactured principally, but not exclusively, from alloy steel. A diamond sawblade segment consists of a mixture of diamonds (whether natural or synthetic, and regardless of the quantity of diamonds) and metal powders (including, but not limited to, iron, cobalt, nickel, tungsten carbide) that are formed together into a solid shape (from generally, but not limited to, a heating and pressing process).

Sawblades with diamonds directly attached to the core with a resin or electroplated bond, which thereby do not contain a diamond segment, are not included within the scope of the order. Diamond sawblades and/or sawblade cores with a thickness of less than 0.025 inches, or with a thickness greater than 1.1 inches, are excluded from the scope of the order. Circular steel plates that have a cutting edge of non-diamond material, such as external teeth that

[16] In *Portugal Final,* we determined to treat several companies as a single entity with Portucel S.A.

[1] *See Diamond Sawblades and Parts Thereof From the People's Republic of China and the Republic of Korea: Antidumping Duty Orders,* 74 FR 57145 (November 4, 2009).

[2] *See* Wuhan Wanbang Laser Diamond Tools Co., Ltd.'s request for a changed circumstances review dated December 22, 2015 (review request).

[3] *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 75854, 75855 (December 4, 2015).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 736, 738 (January 7, 2016).

[5] *See* Memorandum for the Record from Acting Assistant Secretary Ron Lorentzen entitled ''Tolling of Administrative Deadlines as a Result of the Government Closure during Snowstorm 'Jonas' '' dated January 27, 2016.

protrude from the outer diameter of the plate, whether or not finished, are excluded from the scope of the order. Diamond sawblade cores with a Rockwell C hardness of less than 25 are excluded from the scope of the order. Diamond sawblades and/or diamond segment(s) with diamonds that predominantly have a mesh size number greater than 240 (such as 250 or 260) are excluded from the scope of the order. Merchandise subject to the order is typically imported under heading 8202.39.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTSUS, diamond sawblades or parts thereof may be imported under heading 8206.00.00.00 of the HTSUS. On October 11, 2011, the Department included the 6804.21.00.00 HTSUS classification number to the customs case reference file, pursuant to a request by U.S. Customs and Border Protection (CBP).[6] The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), the Department will conduct a changed circumstances review upon receipt of a request from an interested party or receipt of information concerning an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. Based on the request from Wuhan Wanbang Laser Diamond Tools Co., Ltd. (Wuhan Wanbang Co., Ltd.) and in accordance with section 751(b)(1) of Act and 19 CFR 351.216(b), we are initiating a changed circumstances review to determine whether Wuhan Wanbang Co., Ltd., is the successor-in-interest to Wuhan Wanbang Laser Diamond Tools Co. (Wuhan Wanbang Co.). If we conclude that an expedited action is warranted, we may combine the notices of initiation and preliminary results of a changed circumstances review under 19 CFR 351.221(c)(3)(ii). In this instance, because we have on the record the information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notices of initiation and preliminary results.

Preliminary Results of Expedited Changed Circumstances Review

In making a successor-in-interest determination, the Department examines several factors including, but not limited to, changes in management, production facilities, supplier relationships, and customer base.[7] While no single factor or combination of these factors will necessarily provide a dispositive indication of a successor-in-interest relationship, the Department will generally consider the new company to be the successor to the previous company if the new company's operations are not materially dissimilar to those of its predecessor.[8] Thus, if the evidence demonstrates that, with respect to the production and sales of the subject merchandise, the new company operates as the same business entity as the former company, the Department will accord the new company the same antidumping treatment as its predecessor.[9]

In its review request and in its responses to our two supplemental questionnaires,[10] Wuhan Wanbang Co., Ltd., has provided evidence for us to preliminarily determine that it is the successor-in-interest to Wuhan Wanbang Co. Wuhan Wanbang Co., Ltd., states that its management, production facilities, and customer/supplier relationships have not changed as a result of changes to the legal status and name of the company.[11] Wuhan Wanbang Co., Ltd., provided documents showing changes to the legal status and name of the company.[12] Further, Wuhan Wanbang Co., Ltd., provided internal documents evidencing that: its domestic and overseas customers and suppliers have been the same before and after the changes to the company's legal status and name.[13] Wuhan Wanbang Co., Ltd., also provided a list of members of the management team and supporting documentation indicating that Wuhan Wanbang Co.'s managers hold the same position in Wuhan Wanbang Co., Ltd., and documentation showing only small, insignificant changes to the members of the board of directors.[14]

Based on record evidence, we preliminarily determine that Wuhan Wanbang Co., Ltd., is the successor-in-interest to Wuhan Wanbang Co. for purposes of antidumping duty liability because the changes to the legal status and name of the company resulted in no significant changes to management, production facilities, supplier relationships, and customers. As a result, we preliminarily determine that Wuhan Wanbang Co., Ltd., operates as the same business entity as Wuhan Wanbang Co. Thus, we preliminarily determine that Wuhan Wanbang Co., Ltd., should receive the same antidumping duty cash deposit rate with respect to the subject merchandise as Wuhan Wanbang Co., its predecessor company.

Because cash deposits are only estimates of the amount of antidumping duties that will be due, changes in cash deposit rates are not made retroactive and, therefore, no change will be made to Wuhan Wanbang Co., Ltd.'s cash deposit rate as a result of these preliminary results. If Wuhan Wanbang Co., Ltd., believes that the deposits paid exceed the actual amount of dumping, it is entitled to request an administrative review during the anniversary month of the publication of the order of those entries, *i.e.,* November, to determine the proper assessment rate and receive a refund of any excess deposits.[15] As a result, if these preliminary results are adopted in our final results of this changed circumstances review, we will instruct CBP to suspend shipments of subject merchandise made by Wuhan Wanbang Co., Ltd., at Wuhan Wanbang Co.'s cash deposit rate effective on the publication date of our final results.

[6] *See Diamond Sawblades and Parts Thereof From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review,* 76 FR 76128, 76130 (December 6, 2011).

[7] *See, e.g., Pressure Sensitive Plastic Tape from Italy: Preliminary Results of Antidumping Duty Changed Circumstances Review,* 75 FR 8925 (February 26, 2010), unchanged in *Pressure Sensitive Plastic Tape From Italy: Final Results of Antidumping Duty Changed Circumstances Review,* 75 FR 27706 (May 18, 2010); and *Brake Rotors From the People's Republic of China: Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 70 FR 69941 (November 18, 2005) (*Brake Rotors*), citing *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review,* 57 FR 20460 (May 13, 1992).

[8] *See, e.g., Brake Rotors.*

[9] *Id. See also e.g., Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From India,* 77 FR 64953 (October 24, 2012), unchanged in *Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From India,* 77 FR 73619 (December 11, 2012).

[10] *See* the review request and Wuhan Wanbang Co., Ltd.'s supplemental responses dated January 21, 2016, and February 3, 2016.

[11] *Id.*

[12] *See, e.g.,* the review request at Exhibits 4 and 5.

[13] *See* the review request at Exhibit 3, the January 21, 2016, supplemental response at Exhibits S–1 through S–3, and the February 3, 2016, supplemental response at Exhibits S2–1 through S2–3.

[14] *See* the review request at Exhibit 3 and the January 21, 2016, supplemental response at Exhibit S–4.

[15] *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Changed-Circumstances Antidumping and Countervailing Duty Administrative Reviews,* 64 FR 66880 (November 30, 1999).

Public Comment

Interested parties may submit case briefs no later than 14 days after the publication of this notice.[16] Rebuttal briefs, which must be limited to issues raised in case briefs, may be filed not later than five days after the deadline for filing case briefs.[17] Parties who submit case briefs or rebuttal briefs in this changed circumstance review are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Interested parties who wish to comment on the preliminary results must file briefs electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* An electronically-filed document must be received successfully in its entirety by the ACCESS no later than 5:00 p.m. Eastern Time on the date the document is due. Interested parties that wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 14 days of publication of this notice.[18] Parties will be notified of the time and date of any hearing, if requested.[19]

Notifications to Interested Parties

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days after the publication of the preliminary results if all parties in this review agree to our preliminary results. The final results will include the Department's analysis of issues raised in any written comments.

This notice of initiation and preliminary results is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: February 26, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–04711 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

[16] *See* 19 CFR 351.309(c)(ii).

[17] *See* 19 CFR 351.309(d).

[18] *See* 19 CFR 351.310(c). *See also* 19 CFR 351.303 for general filing requirements.

[19] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–867]

Welded Stainless Pressure Pipe From India: Postponement of Preliminary Determination of Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 3, 2016.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965.

SUPPLEMENTARY INFORMATION:

Background

On October 20, 2015, the Department of Commerce (''Department'') initiated an antidumping duty investigation on welded stainless pressure pipe from India.[1] As explained in the Memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary determination of this investigation is no later than March 14, 2016.[2]

Postponement of Preliminary Determination

Section 733(b)(1) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue the preliminary determination in an antidumping duty investigation within 140 days after the date on which the Department initiated the investigation. However, if the petitioner makes a timely request for a postponement, section 733(c)(1)(A) of the Act allows the Department to postpone making the preliminary determination until no later than 190 days after the date on which the Department initiated the investigation. On February 9, 2016, Petitioners[3] submitted a timely request pursuant to section 733(c)(1)(A) of the Act and 19 CFR 351.205(e).[4]

The Department finds that because there are no compelling reasons to deny Petitioners' request, the Department is postponing the deadline for the preliminary determination to no later than 190 days after the day on which the investigation was initiated, in accordance with section 733(c)(1)(A) of the Act, plus an additional four business days in accordance with the Tolling Memorandum. Accordingly, the Department will issue the preliminary determination no later than May 3, 2016. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 26, 2016.

Paul Piquado.

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–04719 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Welded Stainless Pressure Pipe from India: Initiation of Antidumping Duty Investigation,* 80 FR 65696 (October 27, 2015).

[2] *See* Memorandum to the File from Ron Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Tolling of Administrative Deadlines as a Result of the Government Closure during Snowstorm 'Jonas','' dated January 27, 2016 (''Tolling Memorandum'').

[3] Bristol Metals LLC, Felker Brothers Corporation, Marcegaglia USA, Inc., and Outokumpu Stainless Pipe, Inc. (collectively, ''Petitioners'').

[4] *See* letter from Petitioners, ''Welded Stainless Pressure Pipe from India: Request Extension for Preliminary Determination,'' dated February 9, 2015.

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: *Effective:* March 3, 2016.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th

Street and Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''the Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Respondent Selection—Wooden Bedroom Furniture From the PRC

In the event that the Department limits the number of respondents for individual examination in the antidumping duty administrative review of wooden bedroom furniture from the PRC, for the purposes of this segment of the proceeding, *i.e.,* the 2015 review period, the Department intends to select respondents based on volume data contained in responses to a Q&V questionnaire. All parties are hereby notified that they must timely respond to the Q&V questionnaire. The Department's Q&V questionnaire along with certain additional questions will be available in a document package on the Department's Web site at *http://enforcement.trade.gov/download/prc-wbf/* on the date this notice is published. The responses to the Q&V questionnaire should be filed with the respondents' Separate Rate Application or Separate Rate Certification (*see* the ''*Separate Rates*'' section below) and their response to the additional questions and must be received by the Department by no later than 30 days after publication of this notice. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for antidumping duty administrative reviews, the Department does not intend to grant any extensions for the submission of responses to the Q&V questionnaire

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. In addition, all firms that wish to qualify for separate-rate status in the antidumping duty administrative review of wooden bedroom furniture from the PRC must complete, as appropriate, either a separate-rate certification or application, as described below, and respond to the additional questions and the Q&V questionnaire on the Department's Web site at *http://enforcement.trade.gov/download/prc-wbf/.* For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. For the antidumping duty administrative review of wooden bedroom furniture from the PRC, Separate Rate Certifications, as well as a response to the Q&V questionnaire and the additional questions in the document package, are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 30 calendar days of publication of this **Federal Register** notice. For the antidumping duty administrative review of wooden bedroom furniture from the PRC, Separate Rate Status Applications, as well as a response to the Q&V questionnaire and the additional questions in the document package, are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Furthermore, this notice constitutes public notification to all firms for which an antidumping duty administrative review of wooden bedroom furniture has been requested, and that are seeking separate rate status in the review, that they must submit a timely separate rate application or certification (as appropriate) as described above, and a timely response to the Q&V questionnaire and the additional questions in the document package on the Department's Web site in order to receive consideration for separate-rate status. In other words, the Department will not give consideration to any timely separate rate certification or application made by parties who failed to respond in a timely manner to the Q&V questionnaire and the additional questions. All information submitted by respondents in the antidumping duty administrative review of wooden bedroom furniture from the PRC is subject to verification. As noted above, the separate rate certification, the separate rate application, the Q&V questionnaire, and the additional questions will be available on the Department's Web site on the date of publication of this notice in the **Federal Register**.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than January 31, 2017.

BILLING CODE 3510–DS–P

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

Antidumping Duty Proceedings	Period to be Reviewed
THAILAND: Prestessed Concrete Steel Wire Strand	
A-549-820	1/1/15 - 12/31/15
The Siam Industrial Wire Company	
THE PEOPLE'S REPUBLIC OF CHINA: Fresh Garlic[4]	
A-570-831	11/1/14 - 10/31/15
Jinxiang Jinma Fruits Vegetables Products Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Multilayered Wood Flooring[5]	
A-570-970	12/1/14 - 11/30/15
Baishan Huafeng Wooden Product Co., Ltd.[6]	
THE PEOPLE'S REPUBLIC OF CHINA: Potassium Permanganate	
A-570-001	1/1/15 - 12/31/15
Chongging Changyuan Chemical Corporation Limited	
THE PEOPLE'S REPUBLIC OF CHINA: Wooden Bedroom Furniture	
A-570-890	1/1/15 -12/31/15
Ace Furniture & Crafts Ltd.	
Always Loyal International	
Art Heritage International, Ltd.	
Artwork Metal & Plastic Co., Ltd.	
Baigou Crafts Factory Of Fengkai	
Beautter Furniture Mfg. Co.	
Best Beauty Furniture Co. Ltd	
Billionworth Enterprises Ltd.	
Brittomart Inc	
C.F. Kent Co., Inc.	
C.F. Kent Hospitality, Inc.	

[4] The name of the company listed above was misspelled in the initiation notice that published on January 7, 2016 (81 FR 736). The correct spelling of the company name is listed in this notice.

[5] The deadline to withdraw a review request pursuant to 19 CFR 351.213(d)(1) continues to be 90 days from the publication of the initiation notice published on February 9, 2016 (81 FR 6832).

[6] This company was inadvertently misspelled as "Wood" instead of "Wooden" in the initiation notice that published on February 9, 2016 (81 FR 6832).

Century Distribution Systems, Inc.
Changshu HTC Import & Export Co., Ltd.
Cheng Meng Decoration & Furniture (Suzhou) Co., Ltd.
Cheng Meng Furniture (PTE) Ltd.
Chuan Fa Furniture Factory
Classic Furniture Global Co., Ltd.
Clearwise Co., Ltd.
Dalian Guangming Furniture Co., Ltd.
Dalian Huafeng Furniture Co., Ltd.
Dalian Huafeng Furniture Group Co., Ltd.
Decca Furniture Ltd.
Der Cheng Furniture Co., Ltd.
Der Cheng Wooden Works Of Factory
Dongguan Bon Ten Furniture Co., Ltd.
Dongguan Chengcheng Furniture Co., Ltd.
Dongguan Dong He Furniture Co., Ltd.
Dongguan Fortune Furniture Ltd.
Dongguan Grand Style Furniture Co., Ltd.
Dongguan Jinfeng Creative Furniture
Dongguan Kingstone Furniture Co., Ltd., Kingstone Furniture Co., Ltd.
Dongguan Lung Dong Furniture Co., Ltd.
Dongguan Mingsheng Furniture Co., Ltd.
Dongguan Mu Si Furniture Co., Ltd.
Dongguan Nova Furniture Co., Ltd.
Dongguan Singways Furniture Co., Ltd.
Dongguan Sunrise Furniture Co., Ltd., Taicang Sunrise Wood Industry Co., Ltd., Taicang Fairmount Designs Furniture Co., Ltd., Meizhou Sunrise Furniture Co., Ltd.
Dongguan Sunshine Furniture Co., Ltd.
Dongguan Yujia Furniture Co., Ltd.
Dongguan Zhisheng Furniture Co., Ltd.
Dongying Huanghekou Furniture Industry Co., Ltd.
Dorbest Ltd., Rui Feng Woodwork Co., Ltd. Aka Rui Feng Woodwork (Dongguan) Co., Ltd., Rui Feng Lumber Development Co., Ltd. Aka Rui Feng Lumber Development (Shenzhen) Co., Ltd.
Dream Rooms Furniture (Shanghai) Co., Ltd.
Eurosa (Kunshan) Co., Ltd., Eurosa Furniture Co., (Pte) Ltd.
Evergo Furniture Manufacturing Co., Ltd.
Fine Furniture (Shanghai) Ltd.
Fleetwood Fine Furniture LP
Fortune Furniture Ltd.
Fortune Glory Industrial Ltd. (H.K. Ltd.), Tradewinds Furniture Ltd.
Foshan Bailan Imp. & Exp. Ltd.
Foshan Shunde Longjiang Zhishang Furniture Factory
Fuijian Lianfu Forestry Co., Ltd. aka Fujian Wonder Pacific Inc.
Fuzhou Huan Mei Furniture Co., Ltd.
Golden Well International (HK) Ltd.

Guangdong New Four Seas Furniture Manufacturing Ltd.
Guangzhou Lucky Furniture Co., Ltd.
Guangzhou Maria Yee Furnishings Ltd., Pyla HK Ltd., Maria Yee, Inc.
Hainan Jong Bao Lumber Co., Ltd.
Haining Kareno Furniture Co., Ltd.
Hang Hai Woodcraft's Art Factory
Hangzhou Cadman Trading Co., Ltd.
Hangzhou Jason Outdoor Furniture Co., Ltd
Hong Kong Da Zhi Furniture Co., Ltd.
Hualing Furniture (China) Co., Ltd., Tony House Manufacture (China) Co., Ltd., Buysell Investments Ltd., Tony House Industries Co., Ltd.
Hung Fai Wood Products Factory Ltd.
Jasonwood Industrial Co., Ltd. S.A.
Jiangmen Kinwai Furniture Decoration Co., Ltd.
Jiangmen Kinwai International Furniture Co., Ltd.
Jiangsu Dare Furniture Co., Ltd.
Jiangsu Tairui Structure Engineering Co., Ltd.
Jiangsu Xiangsheng Bedtime Furniture Co., Ltd.
Jiangsu Yuexing Furniture Group Co., Ltd.
Jiashan Zhenxuan Furniture Co., Ltd.
Jibbon Enterprise Co., Ltd.
Jibson Industries Ltd.
Jiedong Lehouse Furniture Co., Ltd.
King's Way Furniture Industries Co., Ltd.
Kingsyear Ltd.
Kunshan Summit Furniture Co., Ltd.
Liang Huang (Jiaxing) Enterprise Co., Ltd.
Nanhai Jiantai Woodwork Co., Ltd., Fortune Glory Industrial Ltd. (H.K. Ltd.)
Nantong Wanzhuang Furniture Co., Ltd.
Nantong Yangzi Furniture Co., Ltd.
Nathan International Ltd., Nathan Rattan Factory
Orient International Holding Shanghai Foreign Trade Co., Ltd.
Passwell Corporation, Pleasant Wave Ltd.
Perfect Line Furniture Co., Ltd.
Prime Best Factory
Prime Best International Co., Ltd.
Prime Wood International Co., Ltd.
Putian Jinggong Furniture Co., Ltd.
Qingdao Beiyuan Industry Trading Co., Ltd.
Qingdao Beiyuan Shengli Furniture Co., Ltd.
Qingdao Liangmu Co., Ltd.
Qingdao Shengchang Wooden Co., Ltd.
Restonic (Dongguan) Furniture Ltd., Restonic Far East (Samoa) Ltd.
Rizhao Sanmu Woodworking Co., Ltd.
Sen Yeong International Co., Ltd.
Shanghai Jian Pu Export & Import Co., Ltd.

Shanghai Maoji Imp And Exp Co., Ltd.
Sheh Hau International Trading Ltd.
Shenyang Shining Dongxing Furniture Co., Ltd.
Shenzhen Diamond Furniture Co., Ltd.
Shenzhen Forest Furniture Co., Ltd.
Shenzhen Jiafa High Grade Furniture Co., Ltd., Golden Lion International Trading Ltd.
Shenzhen New Fudu Furniture Co., Ltd.
Shenzhen Wonderful Furniture Co., Ltd.
Shenzhen Xingli Furniture Co., Ltd.
Shing Mark Enterprise Co., Ltd., Carven Industries Limited (BVI), Carven Industries Limited (HK), Dongguan Zhenxin Furniture Co., Ltd., Dongguan Yongpeng Furniture Co., Ltd.
Songgang Jasonwood Furniture Factory
Starwood Industries Ltd.
Strongson (HK) Co.
Strongson Furniture (Shenzhen) Co., Ltd.
Strongson Furniture Co., Ltd.
Sunforce Furniture (Hui-Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Co., Shin Feng Furniture Co., Ltd., Stupendous International Co., Ltd.
Super Art Furniture Co., Ltd.
Superwood Co., Ltd., Lianjiang Zongyu Art Products Co., Ltd.
Teamway Furniture (Dong Guan) Co., Ltd.
Techniwood Industries Ltd., Ningbo Furniture Industries Ltd., Ningbo Hengrun Furniture Co., Ltd.
Tube-Smith Enterprise (Haimen) Co., Ltd.
Tube-Smith Enterprise (Zhangzhou) Co., Ltd.
U-Rich Furniture (Zhangzhou) Co., Ltd., U-Rich Furniture Ltd.
Wanvog Furniture (Kunshan) Co., Ltd.
Weimei Furniture Co., Ltd.
Woodworth Wooden Industries (Dong Guan) Co., Ltd.
Wuxi Yushea Furniture Co., Ltd.
Xiamen Yongquan Sci-Tech Development Co., Ltd.
Xilinmen Group Co., Ltd.
Yeh Brothers World Trade Inc.
Yichun Guangming Furniture Co., Ltd.
Yihua Timber Industry Co., Ltd., Guangdong Yihua Timber Industry Co., Ltd.
Zhang Zhou Sanlong Wood Product Co., Ltd.
Zhangjiagang Daye Hotel Furniture Co., Ltd.
Zhangjiang Sunwin Arts & Crafts Co., Ltd.
Zhangzhou Guohui Industrial & Trade Co., Ltd.
Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd.
Zhong Shan Fullwin Furniture Co., Ltd.
Zhong Shun Wood Art Co.
Zhongshan Fookyik Furniture Co., Ltd.
Zhongshan Golden King Furniture Industrial Co., Ltd.
Zhoushan For-Strong Wood Co., Ltd.

Countervailing Duty Proceedings

THE PEOPLE'S REPUBLIC OF CHINA: Calcium Hypochlorite
C-570-009 5/27/14 - 12/31/15

Haixing Eno Chemicals Co., Ltd.
Haixing Jingmei Chemical Products Sales Co. Ltd.

Suspension Agreements

None

BILLING CODE 3510–DS–C

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[7] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[8] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an

[7] *See* section 782(b) of the Act.

[8] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: February 25, 2016.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016–04702 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–829, C–570–023]

Certain Uncoated Paper From Indonesia and the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People's Republic of China)

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC), the Department is issuing countervailing duty (CVD) orders on certain uncoated paper from Indonesia and the People's Republic of China (PRC). Also, as explained in this notice, the Department is amending its final affirmative determination with respect to Indonesia to correct the rates assigned to APRIL Fine Paper Macao Commercial Offshore Limited/PT Anugrah Kertas Utama/PT Riau Andalan Kertas/PT Intiguna Primatama/PT Riau Andalan Pulp & Paper/PT Esensindo Cipta Cemerlang (the APRIL companies); Great Champ Trading Limited (Great Champ); Indah Kiat Pulp & Paper TBK/Pabrik Kertas Tjiwi Kimia/PT Pindo Deli Pulp and Paper Mills (IK/TK/PD); and All-Others.

DATES: *Effective Date:* March 3, 2016.

FOR FURTHER INFORMATION CONTACT: Indonesia: David Goldberger, Office II, telephone: (202) 482–4136; PRC: Joy Zhang, Office III, telephone: (202) 482–1168; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On January 8, 2016, the Department issued its final determinations in the CVD investigations of certain uncoated paper from Indonesia and the PRC.[1]

On January 19, 2016, the Department received a timely allegation from Asia Symbol (Guangdong) Paper Co., Ltd. (AS Guangdong) and its cross-owned affiliates, Asia Symbol (Guangdong) Omya Minerals Co., Ltd. (AS Omya), Asia Symbol (Shandong) Pulp & Paper Co. (AS Shandong), and Greenpoint Global Trading (Macao Commercial Offshore) Limited (Greenpoint) (collectively, Asia Symbol) that the Department made ministerial errors in the final determination in the CVD investigation of certain uncoated paper from the PRC.[2] On January 27, 2016, the Department received comments from the petitioners [3] on Asia Symbol's ministerial error allegation.[4] The Department analyzed the allegation submitted by Asia Symbol and determined that no ministerial errors exist, as defined by section 705(e) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.224(f).[5]

On January 19, 2016, the APRIL companies submitted a timely ministerial error allegation, as amended on January 28, 2016, and requested that the Department correct the alleged ministerial error in the subsidy rate calculations.[6] No other interested party submitted ministerial error allegations or rebuttals to the APRIL companies' submissions. The Department analyzed the allegation submitted by the APRIL companies and determined that ministerial errors exist, as defined by section 705(e) of the Act and 19 CFR 351.224(f).[7] *See* ''Amendment to the Indonesia CVD Final Determination'' section, below for further discussion.

On February 22, 2016, the ITC notified the Department of its final determinations pursuant to section 705(b)(1)(A)(i) and section 705(d) of the Act, that an industry in the United States is materially injured by reason of subsidized imports of subject

[1] *See Certain Uncoated Paper From Indonesia: Final Affirmative Countervailing Duty Determination,* 81 FR 3104 (January 20, 2016) (*Indonesia Final Determination*); *Certain Uncoated Paper From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 81 FR 3110 (January 20, 2016).

[2] *See* Letter from Asia Symbol, ''Certain Uncoated Paper from the People's Republic of China: Ministerial Error Comments, dated January 19, 2016.

[3] The petitioners are United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW); Domtar Corporation; Finch Paper LLC; P.H. Glatfelter Company; and Packaging Corporation of America (collectively, the petitioners).

[4] *See* Letter from the petitioners, ''Certain Uncoated Paper From the People's Republic of China: Petitioners' Response To Asia Symbol's Ministerial Error Comments,'' dated January 27, 2016.

[5] *See* Memorandum ''Allegations of Ministerial Errors in the Final Determination,'' dated February 1, 2016.

[6] *See* Letter from the APRIL companies, ''Certain Uncoated Paper from Indonesia: Ministerial Error Comments,'' dated January 19, 2016; Letter from the APRIL companies, ''Certain Uncoated Paper from Indonesia: Amended Ministerial Error Comments—AKU—APRIL,'' dated January 28, 2016.

[7] *See* Memorandum ''Ministerial Error Allegations in the Final Determination,'' dated February 17, 2016 (Ministerial Error Decision Memorandum).

merchandise from Indonesia and the PRC.[8]

Scope of the Orders

The merchandise subject to these orders includes uncoated paper in sheet form; weighing at least 40 grams per square meter but not more than 150 grams per square meter; that either is a white paper with a GE brightness level [9] of 85 or higher or is a colored paper; whether or not surface-decorated, printed (except as described below), embossed, perforated, or punched; irrespective of the smoothness of the surface; and irrespective of dimensions (Certain Uncoated Paper).

Certain Uncoated Paper includes (a) uncoated free sheet paper that meets this scope definition; (b) uncoated ground wood paper produced from bleached chemi-thermo-mechanical pulp (BCTMP) that meets this scope definition; and (c) any other uncoated paper that meets this scope definition regardless of the type of pulp used to produce the paper.

Specifically excluded from the scope of these orders are (1) paper printed with final content of printed text or graphics and (2) lined paper products, typically school supplies, composed of paper that incorporates straight horizontal and/or vertical lines that would make the paper unsuitable for copying or printing purposes. For purposes of this scope definition, paper shall be considered ''printed with final content'' where at least one side of the sheet has printed text and/or graphics that cover at least five percent of the surface area of the entire sheet.

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) categories 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Amendment to the Indonesia CVD Final Determination

As discussed above, after analyzing the comments received, we determined, in accordance with section 705(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors in certain calculations for the *Indonesia Final Determination* with respect to the APRIL companies. This amended final CVD determination corrects these errors and revises the *ad valorem* subsidy rate for the APRIL companies to 21.21 percent, Great Champ to 103.99 percent, IK/TK/PD to 109.14 percent, and All-Others to 21.21 percent.[10]

Countervailing Duty Orders

In accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified the Department of its final determinations that the industry in the United States producing certain uncoated paper is materially injured by reason of subsidized imports of certain uncoated paper from Indonesia and the PRC. Therefore, in accordance with section 705(c)(2) of the Act, we are publishing these CVD orders.

As a result of the ITC's final determinations, in accordance with section 706(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, CVDs on unliquidated entries of certain uncoated paper entered, or withdrawn from warehouse, for consumption on or after June 29, 2015, the date on which the Department published its preliminary CVD determinations in the **Federal Register**,[11] and before October 27, 2015, the date on which the Department instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of certain uncoated paper made on or after October 27, 2015, and prior to the date of publication of the ITC's final determinations in the **Federal Register** are not liable for the assessment of CVDs due to the Department's discontinuation, effective October 27, 2015, of the suspension of liquidation.

Suspension of Liquidation

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute the suspension of liquidation of certain uncoated paper from Indonesia and the PRC, effective the date of publication of the ITC's notice of final determinations in the **Federal Register**, and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, CVDs for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC's final injury determinations in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below:

Indonesia

Company	Amended subsidy rate (percent)
APRIL Fine Paper Macao Commercial Offshore Limited/PT Anugrah Kertas Utama/PT Riau Andalan Kertas/PT Intiguna Primatama/PT Riau Andalan Pulp & Paper/PT Esensindo Cipta Cemerlang	21.21
Great Champ Trading Limited	103.99

[8] *See* Letter to Christian Marsh, Deputy Assistant Secretary of Commerce for Enforcement and Compliance, from Meredith Broadbent, Chairman of the U.S. International Trade Commission, regarding certain uncoated paper from Australia, Brazil, China, Indonesia, and Portugal (February 22, 2016). *See also Certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal,* USITC Investigation Nos. 701–TA–528–529 and 731–TA–1264–1268 (Final), USITC Publication 4592 (February 2016).

[9] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade. ''Colored paper'' as used in this scope definition means a paper with a hue other than white that reflects one of the primary colors of magenta, yellow, and cyan (red, yellow, and blue) or a combination of such primary colors.

[10] *See* Ministerial Error Decision Memorandum at 3.

[11] *See Certain Uncoated Paper From Indonesia: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination,* 80 FR 36971 (June 29, 2015); *Certain Uncoated Paper From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination,* 80 FR 36968 (June 29, 2015).

Company	Amended subsidy rate (percent)
Indah Kiat Pulp & Paper TBK/Pabrik Kertas Tjiwi Kimia/PT Pindo Deli Pulp and Paper Mills	109.14
All-Others	21.21

People's Republic of China

Company	Subsidy rate (percent)
Asia Symbol (Guangdong) Paper Co., Ltd. (AS Guangdong), Asia Symbol (Shandong) Pulp & Paper Co., Ltd. (AS Shandong), Asia Symbol (Guangdong) Omya Minerals Co., Ltd. (AS Omya), and Greenpoint Global Trading (Macao Commercial Offshore) Limited (Greenpoint) (collectively, Asia Symbol Companies)	7.23
Shandong Sun Paper Industry Joint Stock Co., Ltd. (Shandong Sun Paper), and Sun Paper (Hong Kong) Co., Ltd. (Sun Paper HK) (collectively, Sun Paper Companies)	176.75
UPM (China) Co. Ltd. (UPM)	176.75
All-Others	7.23

This notice constitutes the CVD orders with respect to certain uncoated paper from Indonesia and the PRC, pursuant to section 706(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room B8024 of the main Commerce Building, for a copy of an updated list of CVD orders currently in effect.

These orders are issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: February 25, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–04717 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE456

Pacific Fishery Management Council; Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare an environmental impact statement (EIS); request for comments.

SUMMARY: NMFS and the Pacific Fishery Management Council (Council) announce their intent to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) of 1969 to analyze the impacts on the human (biological, physical, social, and economic) environment of gear changes in the Pacific Coast Groundfish Fishery's Trawl Catch Share Program, also called the Trawl Rationalization Program. This notice also requests written comment.

DATES: Public scoping will be conducted through this notice. Comments must be received by 5 p.m. Pacific Standard Time on April 4, 2016 (see **SUPPLEMENTARY INFORMATION**).

ADDRESSES: You may submit comments on issues and alternatives by any of the following methods:

- *Email: groundfish.gearEIS@noaa.gov.*
- *Mail:* Submit written comments to William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Jamie Goen.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS.

FOR FURTHER INFORMATION CONTACT: Jamie Goen, NMFS West Coast Region at 206–526–4656 or *jamie.goen@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background for Agency Action

There are more than 90 species managed under the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP). These groundfish stocks support an array of commercial, recreational, and tribal fishing interests in state and Federal waters off the coasts of Washington, Oregon, and California. In addition, groundfish are harvested incidentally in non-groundfish fisheries; most notably, the trawl fisheries for pink shrimp and California halibut.

The Trawl Catch Share Program was implemented in 2011, changing how the groundfish limited entry trawl fishery is managed. The Trawl Catch Share Program replaced the need for some, but not all, of the trip-limit structure in Federal regulations, and modified regulations for the at-sea fleets. Some of the remaining pre-Trawl Catch Share Program regulations may unnecessarily constrain harvest efficiency and effectiveness under a catch share framework. Pre-Trawl Catch Share Program regulations that managed the fleet as a whole may need to be updated or may no longer be appropriate for managing individuals operating under the incentives provided by catch shares.

Proposed Action

The proposed action is to revise groundfish gear regulations for the Trawl Catch Share Program, including trawl gear configuration and gear use. The proposed action may include the following gear regulation changes:

- Loosening or eliminating the minimum mesh size requirement for bottom trawl;
- Updating the procedure for measuring mesh sizes;
- Loosening or eliminating cod-end regulations;
- Loosening or eliminating selective flatfish trawl gear requirements and restrictions (Large and small footrope distinctions would remain.);
- Loosening or eliminating chafing gear regulations;
- Allowing vessels to carry and/or use multiple gear types on a single trip;
- Allowing a gear to be fished in multiple management areas on the same trip; and
- Allowing a vessel's next gear deployment to start before all fish from the previous deployment have been stowed.

The proposed action may affect fishing in the Trawl Catch Share Program by any or all of the gear types that participate in the fishery, including bottom trawl (small and large footrope),

midwater trawl, and legal groundfish nontrawl gear. The intent of the proposed action is to further the goals of Amendment 20 to the Groundfish FMP and the Trawl Catch Share Program consistent with Magnuson-Stevens Fishery Conservation and Management Act requirements and other applicable laws.

Alternatives

NEPA requires that agencies evaluate reasonable alternatives to the proposed action, which address the purpose and need for agency action. The Council adopted a preliminary range of alternatives for analysis and public review at its September 2015 meeting, and further refined the range at its November 2015 meeting.

The range of alternatives for this action are organized within eight gear-related issues (Issue A through Issue H) and parallel the bulleted list in the ''Proposed Action'' section. The range of alternatives for each issue is described below. The Council is currently scheduled to select a final preferred alternative at its March 8–14, 2016, meeting. However, there is a possibility that final Council decision-making could occur at its April or June meetings.

Issue A—Minimum Mesh Size

Mesh size requirements are intended to reduce the catch of juvenile and small unmarketable fish. This action would change the minimum mesh size for bottom trawl and midwater trawl. Alternative A1 (No-action) would continue to be 4.5 inches for bottom trawl and 3 inches for midwater trawl. Alternative A2 would shift the minimum mesh size to 4 inches for bottom trawl only. Alternative A3 would not specify a minimum mesh size for bottom trawl or midwater trawl.

Issue B—Measuring Mesh Size

The alternatives under Issue B apply to how mesh size is measured and could apply to any of the minimum mesh size alternatives under Issue A. Alternative B1 (No-action) would continue to measure trawl mesh size between the inside of the one knot to the inside of the opposing knot, regardless of twine size. Alternative B2 would measure the opening between opposing knots or, in knotless webbing, between opposing corners, regardless of twine size.

Issue C—Codend

The codend is the terminal, closed end of a trawl net. Alternative C1 (No-action) would require only single-walled codends in any trawl. Double-walled codends would still be prohibited. Alternative C2 would remove codend restrictions from Federal regulations.

Issue D—Selective Flatfish Trawl

Selective flatfish trawl (SFFT) is a type of small footrope trawl. Alternative D1 (No-action) would require a two-seamed net with no more than two riblines, excluding the codend. The breastline would remain no longer than 3 feet. No floats along the center third of the headrope or attached to the top panel would be allowed, except on riblines. The footrope would be less than 105 feet long. The headrope would not be less than 30 percent longer than the footrope under this alternative. The areas fished with SFFT are as follows (§ 660.130(c)(2)(i)):

- North of 40°10′ N. latitude, selective flatfish gear is required shoreward of the Rockfish Conservation Area (RCA).
- South of 40°10′ N. latitude, selective flatfish gear is permitted, but not required, shoreward of the RCA.
- The use of selective flatfish trawl gear is permitted seaward of the RCA coastwide.

Alternative D2 would modify the SFFT definition to allow a two-seam or a four-seam net. Areas fished would remain as stated in the No-action Alternative.

Alternative D3 would modify the SFFT definition to allow a two-seam or a four-seam net. The SSFT requirement shoreward of the RCA north of 40°10′ N. latitude would be eliminated. It would be replaced with a small footrope requirement (like the requirement south of 40°10′ N. latitude). Requirements shoreward of the RCA south of 40°10′ N. latitude and seaward of the RCA coastwide would remain as stated in the No-action Alternative.

Issue E—Chafing Gear

Chafing gear is webbing or other material attached to the codend to protect it from wear. The decision on codends under Issue C (Alternatives C1 and C2) may affect the issue of chafing gear should Alternative C2 be chosen. Alternative C2 would allow double-walled codends, and chafing gear could be used to create a double-walled codend.

Alternative E1 (No-action) would continue to have chafing gear for bottom trawl encircle no more than 50 percent of the net's circumference and could be in one or more sections. It could be used on only the last 50 meshes, measured from the terminal edge (closed end) of the codend. Only the front edge (that closest to the open end of the codend) and sides of each section of chafing gear could be attached to the codend. Except at the corners, the terminal edge (that edge closest to the closed end of the codend) of each section of chafing gear could not be attached to the net. The chafing gear would have to be attached outside of any riblines and restraining straps.

Alternative E2 would align bottom trawl chafing gear restrictions with recent changes to midwater trawl chafing gear restrictions specified in regulation at 50 CFR 660.130(b)(4)(i) and (ii). These changes would allow the chafing gear to cover more of the codend than the No-action Alternative. Generally, the bottom trawl chafing gear restriction would be revised to read as follows:

> Chafing gear may cover the bottom and sides of the codend in either one or more sections. Only the front edge (edge closest to the open end of the codend) and sides of each section of chafing gear may be attached to the codend; except at the corners, the terminal edge (edge closest to the closed end of the codend) of each section of chafing gear must not be attached to the net. Chafing gear is not permitted on the top codend panel except that a band of mesh (a ''skirt'') may encircle the net under or over transfer cables, lifting or splitting straps (chokers), riblines, and restraining straps, but must be the same mesh size and coincide knot-to-knot with the net to which it is attached and be no wider than 16 meshes.

Alternative E3 would eliminate chafing gear restrictions for bottom trawl and midwater trawl gear. Chafing gear could be used, but regulations would not restrict how much of the codend or net it covers nor where it is connected to the net.

Issue F—Multiple Gears

A vessel may carry a number of different gears while participating in the groundfish trawl sector. This issue considers allowing multiple types of fishing gear on the vessel during a single trip. The term ''fixed gear'' as used in Issue F is shorthand for all legal groundfish non-trawl gear. Under the gear switching provision in the Shorebased Individual Fishing Quota (IFQ) Program, several fixed gears are permissible. As stated in the regulations at § 660.130(k) on gear switching, participants can also fish for IFQ species ''using any legal groundfish non-trawl gear.'' Referring to the definitions section at § 660.11 in Federal regulations, legal groundfish non-trawl gear includes non-trawl gear used by both the limited entry fixed gear and open access fisheries as follows:

- Longline,
- trap or pot,

• set net (anchored gillnet or trammel net, which are permissible south of 38° N. lat. only),
• hook-and-line (fixed or mobile, including commercial vertical hook-and-line), and
• spear.

Alternative F1 (No-action) would restrict vessels to one type of trawl gear (bottom or midwater) onboard per trip. For bottom trawl gear, both small footrope and large footrope could be on the vessel and fished during a single fishing trip. Multiple fixed gear types would be allowed onboard each trip. Trawl gear and fixed gear would not be permitted onboard during the same trip. Only one type of gear can be fished per trip.

Alternative F2 would allow multiple trawl gear types (bottom and midwater) onboard on the same trip. The same as under the No-action Alternative, multiple fixed gear types would be allowed onboard during each trip. Trawl vessels would not be allowed to have trawl and fixed gear onboard on the same trip. Vessel operators could use only one gear type per trip (bottom trawl, midwater trawl, or fixed gear). For bottom trawl gear, both small footrope and large footrope could be fished during a single fishing trip.

Alternative F3 would allow multiple gear types onboard on the same trip. In addition, they could be used on the same trip as follows:

• Gear Type Sub-option A: Any trawl gear could be used (bottom and midwater).
• Gear Type Sub-option B: Any legal IFQ groundfish gear could be used.
• Sorting Sub-option A: Vessel operators must separate catch by gear type. Landings must be recorded on a separate electronic fish ticket by gear type.
• Sorting Sub-option B: Catch by gear type could be comingled.

Under Alternative F3, gear type sub-options would be independent of sorting options.

Issue G—Fishing in Multiple IFQ Management Areas

The Shorebased IFQ Program includes IFQ management areas, specified in regulation at § 660.140(c)(2), that are based on the stock information for select species, harvest allocations, and the corresponding quota share for species. The IFQ management areas are as follows:

• Between the U.S./Canada border and 40°10′ N. latitude,
• Between 40°10′ N. latitude and 36° N. latitude,
• Between 36° N. latitude and 34°27′ N. latitude, and
• Between 34°27′ N. latitude and the U.S./Mexico border.

Alternative G1 (No-action) would maintain the restriction that vessels participating in the Shorebased IFQ Program may not fish in more than one IFQ management area on the same trip.

Alternative G2 would allow fishing in multiple IFQ management areas on the same trip. This would create opportunities to shift from one management area to another during a fishing trip. If retaining catch from multiple IFQ management areas on a single trip, then the catch would have to be sorted by IFQ management area and recorded on separate electronic fish tickets.

Issue H—Fishing Before Previous Catch Is Stowed

To track catch accurately to the haul level, regulations require previous catch to be stowed before a new haul is brought onboard the vessel. Alternative H1 (No-action) would continue to prohibit vessels in the Shorebased IFQ Program from bringing a haul on board before all catch from the previous haul has been stowed. Alternative H2, in the Shorebased IFQ Program, would allow a new haul to be brought onboard and dumped on deck before all catch from the previous haul has been stowed. Catch from different hauls would have to be kept separate until the observers could complete their collection of catch for sampling.

Preliminary Identification of Environmental Issues

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment that should be analyzed in depth in the EIS. If, during the preparation of this EIS, NMFS determines that a finding of no significant impact can be supported, it may prepare an Environmental Assessment (EA) and issue a retraction of this notice. Alternatively, NMFS may still continue with the preparation of an EIS. Information and analysis prepared for this action also may be used when scoping future groundfish actions to help decide whether to prepare an EA or EIS.

Some alternatives may have significant impacts on the human environment. The proposed action to change mesh size, change codend restrictions, and eliminate selective flatfish trawl gear may negatively impact some species listed under the Endangered Species Act (ESA), including salmon and eulachon. In addition, there may be an impact on stock productivity for many species if changing the trawl mesh size or removing codend restrictions causes smaller fish to be harvested. There may be increased uncertainty in total mortality estimates for all species from allowing multiple gears to be fished during a trip. The EIS will also consider the cumulative effects of the proposed action with any past, present or reasonably foreseeable future actions. In particular, the gear changes in the Trawl Catch share Program will need to be considered in light of upcoming changes to monitoring with electronic monitoring and changes to habitat and overfished species protections with Essential Fish Habitat and RCA actions. Through the public scoping process and as the EIS is drafted, additional potentially significant impacts may be identified.

Request for Comments

NMFS provides this notice to: (1) Advise the public and other agencies of its plans to analyze effects related to the action, and (2) obtain suggestions and information that may be useful to the scope of issues and the full range of alternatives to include in the EIS.

NMFS invites comment from all interested parties to ensure that the full range of issues related to gear changes in the Pacific Coast Groundfish Fishery's Trawl Catch Share Program are identified. NMFS is specifically inviting comments on the proposed alternatives described above. In addition, NMFS invites comments on the potential impacts of these alternatives and further details of how fishermen are likely to operate under these alternatives. For example, NMFS invites comments on the potential impacts of the alternatives given changes being considered by the Council on electronic monitoring, essential fish habitat, and rockfish conservation areas. Comments should be as specific as possible.

Written comments concerning the proposed action and the environmental review should be directed to NMFS as described above (see **ADDRESSES**). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public.

Public Scoping Process

Public scoping will be conducted through this notice. In addition, further participation by the public will occur throughout the Council's decision-making process. All decisions during the Council process benefit from written and oral public comments delivered prior to or during the Council meeting. These public comments are considered

integral to scoping for developing this EIS. Future Council meetings that offer opportunities for public involvement include the March 8–14, 2016, meeting in Sacramento, California (DoubleTree by Hilton Sacramento, 2001 Point West Way, Sacramento, CA 95815). Other future opportunities for public involvement may arise and will be posted in the Council Briefing Book (on the Council's Web site (*http://www.pcouncil.org/council-operations/briefing-books/*) prior to the meeting. For further information on these meetings, visit the Council's Web site, *http://www.pcouncil.org/council-operations/council-meetings/future-meetings/.*

Special Accommodations

The Council meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or (503) 820–2280 at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 26, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–04612 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE476

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Collaborative Research Committee will hold a closed meeting to review and make recommendations on collaborative research project proposals.

DATES: The meeting will be held on Wednesday, March 23, 2016, from 9:30 a.m. to 4:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Double Tree by Hilton Baltimore—BWI Airport, 890 Elkridge Landing Road, Linthicum, Maryland 21090; telephone: (410) 859–8400.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org*.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION:

Agenda

The MAFMC's Collaborative Research Committee will hold a closed meeting to review and make recommendations on collaborative research project proposals. In December 2015, the Council published a Request for Proposals (RFP) for collaborative research projects that address seven research priorities. During the meeting, the Collaborative Research Committee will review and make funding recommendations on the proposals that were submitted in response to the RFP.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 29, 2016.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–04667 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE472

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; availability of joint state/tribal hatchery plans and request for comment.

SUMMARY: Notice is hereby given that the Washington Department of Fish and Wildlife, the Port Gamble S'Klallam Tribe, the Skokomish Tribe, and the United States Fish and Wildlife Service have submitted 10 Hatchery and Genetic Management Plans, to be considered jointly, to NMFS pursuant to the limitation on take prohibitions for actions conducted under Limit 6 of the 4(d) Rule for salmon and steelhead promulgated under the Endangered Species Act (ESA). The plans specify the propagation of five species of salmon in the Hood Canal region of Washington State. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to whether implementation of the joint plans will appreciably reduce the likelihood of survival and recovery of ESA-listed Puget Sound Chinook salmon and Puget Sound steelhead.

This notice further advises the public of the availability for review of a draft Environmental Assessment of the effects of the NMFS determination on the subject joint plans.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on April 4, 2016.

ADDRESSES: Written comments on the proposed evaluation and pending determination should be addressed to the NMFS Sustainable Fisheries Division, 1201 NE Lloyd Blvd., Portland, OR 97232. Comments may be submitted by email. The mailbox address for providing email comments is: *HoodCanalHatcheries.wcr@noaa.gov*. Include in the subject line of the email comment the following identifier: Comments on Hood Canal hatchery programs.

FOR FURTHER INFORMATION CONTACT: Charlene Hurst at (503) 230–5409 or by email at *charlene.n.hurst@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally produced and artificially propagated Puget Sound.

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated Puget Sound.

Chum salmon (*O. keta*): Threatened, naturally produced and artificially propagated Hood Canal summer-run.

Bull trout (*Salvelinus confluentus*): Threatened Puget Sound/Washington Coast.

Background

The Washington Department of Fish and Wildlife, the Port Gamble S'Klallam Tribe, the Skokomish Tribe, and the United States Fish and Wildlife Service have submitted to NMFS plans for 10 jointly operated hatchery programs in

the Hood Canal region. The plans were submitted from November 2012 to September 2013, pursuant to limit 6 of the 4(d) Rule for ESA-listed salmon and steelhead. The hatchery programs release ESA-listed Chinook salmon and steelhead and non-listed fall Chinook, coho, fall chum, and pink salmon into the Hood Canal region. Nine of the ten programs are currently operating; the Hamma Hamma Chinook Supplementation program is expected to resume in the near future.

As required by the ESA 4(d) Rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005), the Secretary is seeking public comment on her pending determination as to whether the joint plans for hatchery programs in Hood Canal would appreciably reduce the likelihood of survival and recovery of the ESA-listed Puget Sound salmon and steelhead.

Under section 4(d) of the ESA, the Secretary is required to adopt such regulations as she deems necessary and advisable for the conservation of species listed as threatened. NMFS has issued a final ESA 4(d) Rule for salmon and steelhead, adopting in Limit 6 regulations necessary and advisable to harmonize statutory conservation requirements with tribal rights and the Federal trust responsibility to tribes (50 CFR 223.209).

This 4(d) Rule applies the prohibitions enumerated in section 9(a)(1) of the ESA. NMFS did not find it necessary and advisable to apply the take prohibitions described in section 9(a)(1)(B) and 9(a)(1)(C) to artificial propagation activities if those activities are managed in accordance with a joint plan whose implementation has been determined by the Secretary to not appreciably reduce the likelihood of survival and recovery of the listed salmonids. As specified in limit 6 of the 4(d) Rule, before the Secretary makes a decision on the joint plan, the public must have an opportunity to review and comment on the pending determination.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as she deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 6 of the updated 4(d) Rule (50 CFR 223.203(b)(6)) further provides that the prohibitions of paragraph (a) of the updated 4(d) Rule (50 CFR 223.203(a)) do not apply to activities associated with a joint state/tribal artificial propagation plan provided that the joint plan has been determined by NMFS to be in accordance with the salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

Dated: February 29, 2016.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–04669 Filed 3–2–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–61]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–61 with attached Policy Justification and Sensitivity of Technology.

Dated: February 29, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

OCT 28 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-61, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Thailand for defense articles and services estimated to cost $26,943,445. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Thailand

(ii) *Total Estimated Value:*

Major Defense Equipment *	$18,570,385
Other	$ 8,373,060
TOTAL	$26,943,445

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE) includes:

Sixteen (16) Evolved Seasparrow Missiles (ESSM) (Fourteen (14) tactical missiles and two (2) telemetry missiles)

Three (3) MK25 Quad Pack canisters

Ten (10) MK783 shipping containers

Also included with this request is additional equipment; training; and technical services.

(iv) *Military Department:* U.S. Navy (XX–P–AKO)

(v) *Prior Related Cases, if any:* FMS case AKM—$18,186,188—29 Sep 2014

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached

(viii) *Date Report Delivered to Congress:* 28 October 2015

*As defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Government of Thailand—Evolved Seasparrow Missiles (ESSM)

The Government of Thailand requested a possible sale of Major Defense Equipment for its Evolved Seasparrow Missile (ESSM) program. The total estimated value of MDE is $18,570,385. The total overall estimated value is $26,943,445.

Major Defense Equipment (MDE) includes:

Sixteen (16) Evolved Seasparrow Missiles (ESSM) (Fourteen (14) tactical missiles and two (2) telemetry missiles)

Three (3) MK25 Quad Pack canisters

Ten (10) MK783 shipping containers

Also included with this request is additional equipment; training; and technical services.

This proposed sale will contribute to the foreign policy and national security of the United States by increasing the ability of Thailand to contribute to regional security and improving interoperability with the U.S. Navy.

Thailand will use the ESSM to provide ship battlespace self-defense and firepower, which will improve its capability to meet current and future naval threats.

The proposed sale of these equipment and support will not alter the basic military balance in the region.

The principal contractors are:

Raytheon Missile Systems (RMS), Tucson, Arizona

BAE Systems, Aberdeen, South Dakota

SAAB, 9LV MK4 Combat Management System, Sweden

Lockheed Martin, Baltimore, MD

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Thailand.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. This sale will involve the release of sensitive technology to Thailand. The Evolved Seasparrow missile weapons system is classified up to CONFIDENTIAL. The missile includes the guidance section, warhead section, transition section, propulsion section, control section and Thrust Vector Control (TVC), of which the guidance section and transition section are classified CONFIDENTIAL. Documentation to be provided to Thailand includes:

a. Parametric documents (CONFIDENTIAL)

b. Missile Handling/Maintenance Procedures (UNCLASSIFIED only)

c. General Performance Data (CONFIDENTIAL)

d. Firing Guidance (CONFIDENTIAL)

e. Dynamics Information (CONFIDENTIAL)

2. The sale of the Evolved Seasparrow Missiles under this FMS case will result in the transfer of sensitive technological information and or/restricted information contained in the missile guidance section. Certain operating frequencies and performance characteristics are classified SECRET because they could be used to develop tactics and/or countermeasures that might reduce weapon system effectiveness.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, primarily performance characteristics, engagement algorithms and transmitter specific frequencies, the information could be used to develop countermeasures which might reduce weapon system effectiveness.

4. A determination has been made that Thailand can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All of the defense articles and services listed in this transmittal have been authorized for release and export to the Government of Thailand.

[FR Doc. 2016–04683 Filed 3–2–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–62]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, and corrected Transmittal 15–62 with attached Policy Justification and Sensitivity of Technology.

Dated: February 29, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

FEB 10 2016

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding a revised Transmittal No. 15-62, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $1.20 billion. The original Transmittal was delivered on November 19, 2015, and it erroneously cited the potential for offsets. There are no known offsets associated with this sale. This submission corrects this discrepancy and makes no other changes. After this letter is delivered to your office, we plan to issue a corrected news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$ .689 billion
Other	$ .511 billion
TOTAL	$1.20 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Three (3) RQ–4 Block 30 (I) Global Hawk Remotely Piloted Aircraft with Enhanced Integrated Sensor Suite (EISS)

Eight (8) Kearfott Inertial Navigation System/Global Positioning System (INS/GPS) units (2 per aircraft with 2 spares)

Eight (8) LN–251 INS/GPS units (2 per aircraft with 2 spares)

Also included with this request are operational-level sensor and aircraft test equipment, ground support equipment, operational flight test support, communications equipment, spare and repair parts, personnel training, publications and technical data, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support.

(iv) *Military Department:* Air Force (X7–D–SAI)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* 10 February 2016

* As defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Government of Japan-RQ–4 Block 30 (I) Global Hawk Remotely Piloted Aircraft

The Government of Japan has requested a possible sale of:

Major Defense Equipment (MDE):

Three (3) RQ–4 Block 30 (I) Global Hawk Remotely Piloted Aircraft with Enhanced Integrated Sensor Suite (EISS)

Eight (8) Kearfott Inertial Navigation System/Global Positioning System (INS/GPS) units (2 per aircraft with 2 spares)

Eight (8) LN–251 INS/GPS units (2 per aircraft with 2 spares)

Also included with this request are operational-level sensor and aircraft test equipment, ground support equipment, operational flight test support, communications equipment, spare and repair parts, personnel training, publications and technical data, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support. The estimated value of MDE is $.689 billion. The total estimated value is $1.2 billion.

This proposed sale will contribute to the foreign policy and national security of the United States. Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring regional peace and stability. This transaction is consistent with U.S. foreign policy and national security objectives and the 1960 Treaty of Mutual Cooperation and Security.

The proposed sale of the RQ–4 will significantly enhance Japan's intelligence, surveillance, and reconnaissance (ISR) capabilities and help ensure that Japan is able to continue to monitor and deter regional threats. The Japan Air Self Defense Force (JASDF) will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Northrop Grumman Corporation in Rancho Bernardo, California. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require the assignment of contractor representatives to Japan to perform contractor logistics support and to support establishment of required security infrastructure.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The RQ–4 Block 30 Global Hawk hardware and software are UNCLASSIFIED. The highest level of classified information required for operation may be SECRET depending on the classification of the imagery or Signals Intelligence (SIGINT) utilized on a specific operation. The RQ–4 is optimized for long range and prolonged flight endurance. It is used for military intelligence, surveillance, and reconnaissance. Aircraft system, sensor, and navigational status are provided continuously to the ground operators through a health and status downlink for mission monitoring. Navigation is via inertial navigation with integrated global positioning system (GPS) updates. The vehicle is capable of operating from a standard paved runway. Real time missions are flown under the control of a pilot in a Ground Control Element (GCE). It is designed to carry a non-weapons internal payload of 3,000 lbs consisting primarily of sensors and avionics. The following payloads are integrated into the RQ–4: Enhanced Imagery Sensor Suite that includes multi-use infrared, electro-optical, ground moving target indicator, and synthetic aperture radar and a space to accommodate other sensors such as SIGINT. The RQ–4 will include the GCE, which consists of the following components:

a. The Mission Control Element (MCE) is the RQ–4 Global Hawk ground control station for mission planning, communication management, aircraft and mission control, and image processing and dissemination. It can be either fixed or mobile. In addition to the shelter housing the operator workstations, the MCE includes an optional 6.25 meter Ku-Band antenna assembly, a Tactical Modular Interoperable Surface Terminal, a 12-ton Environmental Control Unit (heating and air conditioning), and two 100 kilowatt electrical generators. The MCE, technical data, and documentation are UNCLASSIFIED. The MCE may operate at the classified level depending on the classification of the data feeds.

b. The Launch and Recovery Element (LRE) is a subset of the MCE and can be either fixed or mobile. It provides identical functionality for mission planning and air vehicle command and control (C2). The launch element contains a mission planning workstation and a C2 workstation. The primary difference between the LRE and MCE is the lack of any wide-band data links or image processing capability within the LRE and navigation equipment at the LRE to provide the precision required for ground operations, take-off, and landing. The LRE, technical data, and documentation are UNCLASSIFIED. The EISS includes infrared/electro-optical, synthetic aperture radar imagery, ground moving target indicator and space to accommodate optional SIGINT, Maritime, datalink, and automatic identification system capabilities. The ground control element includes a mission control function and a launch and recovery capability.

c. The RQ–4 employs a quad-redundant Inertial Navigation System/Global Positioning System (INS/GPS) configuration. The system utilizes two different INS/GPS systems for greater redundancy. The system consists of two LN–251 units and two Kearfott KN–4074E INS/GPS Units. The LN–251 is a fully integrated, non-dithered navigation system with an embedded Selective Availability/Anti-Spoofing Module (SAASM), P(Y) code or Standard Positioning Service (SPS) GPS. It utilizes a Fiber-Optic Gyro (FOG) and includes three independent navigation solutions: blended INS/GPS, INS-only, and GPS-only. The Kearfott KN–4074E features a Monolithic Ring Laser Gyro (MRLG) and accelerometer. The inertial sensors are tightly coupled with an embedded SAASM P(Y) code GPS. Both systems employ cryptographic technology that can be classified up to SECRET.

2. If a technology advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Japan.

[FR Doc. 2016–04684 Filed 3–2–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–12]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–12 with attached Policy Justification.

Dated: February 26, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

FEB 2 3 2016

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-12, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services estimated to cost $350 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 16–12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Iraq

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$350 million
Total	$350 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Non-Major Defense Equipment (MDE):

The Iraq Air Force is requesting a five-year sustainment package for its KA–350 fleet that includes contract logistics, training, and contract engineering services. Also included in this possible sale are operational and intermediate depot level maintenance, spare parts, component repair, publication updates, maintenance training, and logistics.

(iv) Military Department: Air Force (X7–D–QBQ)

(v) *Prior Related Cases, if any:* FMS Case: IQ–D–QAX–$169M–13 September 2011, IQ–D–QBK–$750K–19 November 2009

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 23 February 2016

* as defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Government of Iraq-KA–350 Sustainment, Logistics, and Spares Support

The Government of Iraq is requesting a five-year sustainment package for its KA–350 fleet that includes; operational and intermediate depot level maintenance, spare parts, component repair, publication updates, maintenance training, and logistics. There is no Major Defense Equipment associated with this case. The overall total estimated value is $350 million.

The Iraq Air Force (IqAF) operates five (5) King Air 350 ISR (intelligence, surveillance, and reconnaissance) and one (1) King Air 350 aircraft. The KA–350 aircraft are Iraq's only ISR-dedicated airborne platforms and are used to support Iraqi military operations against Al-Qaeda affiliates and Islamic State of Iraq and the Levant (ISIL) forces. The purchase of a sustainment package will allow the IqAF to continue to operate its fleet of six (6) KA–350 aircraft beyond September 2016 (end of the existing Contract Logistics Support (CLS) effort). Iraq will have no difficulty absorbing this support.

The proposed sale will contribute to the foreign policy and national security goals of the United States by helping to improve a critical capability of the Iraq Security Forces in defeating ISIL.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Beechcraft Defense Company, Wichita, KS. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Iraq.

[FR Doc. 2016–04642 Filed 3–2–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Beaver Lake Master Plan and Shoreline Management Plan and Environmental Assessment To Investigate Potential Significant Impacts, Either Positive or Negative, to Beaver Lake's Authorized Purposes of Flood Risk Management, Hydropower, Water Supply, Recreation, and Fish and Wildlife

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Draft Environmental Assessment (EA) is being prepared pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR, 1500–1517), and the U.S. Army Corps of Engineers (USACE) implementing regulation, Policy and Procedures for Implementing NEPA, Engineer Regulation (ER) 200–2–2 (1988). The study is being conducted in accordance with the requirements of 36 CFR 327.30, dated July 27, 1990 and ER 1130–2–406, dated October 31, 1990. The EA will evaluate potential impacts (beneficial and adverse) to socioeconomic conditions, cultural and ecological resources, recreation, aesthetics, infrastructure, lake water quality, terrestrial and aquatic fish and wildlife habitats, federally-listed threatened and endangered species, and cumulative impacts associated with past, current, and reasonably foreseeable future actions at Beaver Lake.

Following the public scoping period and after consideration of all comments received during scoping, USACE will prepare a Draft EA. The Draft EA will be made available for public review and comment. Based on the EA analysis, USACE will either issue a Finding of No Significant Impact or announce its intent to prepare an environmental impact statement (EIS). If USACE determines that an EIS is needed, either during preparation of the EA or after completing the EA, USACE will issue in the **Federal Register** a Notice of Intent (NOI) to prepare an EIS. In that case, the current scoping process would serve as the scoping process that normally would follow an NOI to prepare an EIS. USACE would not solicit additional scoping comments but would consider any comments on the scope of the EA received during this scoping process in preparing the EIS.

ADDRESSES: Submit written comments to Mr. Craig Hilburn, Chief of Environmental Branch, U.S. Army Corps of Engineers, Planning and Environmental Division, Environmental Branch, Little Rock District, P.O. Box 867, Little Rock, AR 72203–0867. Comments will be accepted through April 5, 2016.

FOR FURTHER INFORMATION CONTACT: For questions or comments regarding the Draft Beaver Lake Master Plan and Shoreline Management Plan EA, please contact Mr. Craig Hilburn, (501) 324–5735 or email: *David.C.Hilburn@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Beaver Lake:* Beaver Lake is a multiple purpose water resource development project primarily for flood risk management, municipal and industrial water supply, and hydropower generation. Additional purposes include water recreation, and fish and wildlife management, to the extent that those additional purposes do not adversely affect flood risk management, power generation, or other authorized purposes of the project (Flood Control Act of 1944 as amended in 1946, 1954, 1958, 1962, 1965 and 1968 and the Water Resources Act of 1992). Beaver Lake is a major component of a comprehensive plan for water resource development in the White River Basin of Missouri and Arkansas. Additional beneficial uses include increased power output of

downstream power stations resulting from the regulated flow from the Beaver Lake project.

2. Study Location: The Beaver Lake Civil Works project on the White River is situated in northwest Arkansas (Benton, Carroll, Madison, and Washington counties). The total area contained in the Beaver project, including both land and water surface, consists of 38,138 acres, including 1,432 acres in flowage easement. The region is characterized by plateaus, ridges, and valleys featuring oak-hickory forests with scattered shortleaf pine. When the lake is at the top of the conservation pool, the water area comprises 28,252 acres and 473 miles of shoreline within fee. The shoreline is irregular with topography ranging from steep bluffs to gentle slopes.

3. Study History: The Beaver Lake Master Plan was originally approved December 13, 1963. An updated Master Plan was approved in October 1969. There have been 23 supplements to this plan, all of which are incorporated into the current Master Plan, approved in April 1976. The Beaver Lake Shoreline Management Plan was first approved in October 1975 and revised to the currently approved plan in April 2008. Updates to these plans are necessary due to several factors, including updates in Corps policies/regulations, current and projected future demands on fixed resources, and increases in environmental and management issues that have created sustainability concerns.

4. Scoping/Public Involvement. Public meetings will be held at the following locations and times: Tuesday, March 15, 2016, 4–7 p.m., Hilton Garden Inn—Fayetteville, 1325 North Palak Drive, Fayetteville, AR; Wednesday March 16, 2016, 4–7 p.m., Best Western Inn of the Ozarks Conference Center, 207 W. Van Buren, Eureka Springs, AR; Thursday March 17, 2016, 4–7 p.m., Four Points by Sheraton Bentonville, 211 SE Walton Boulevard, Bentonville, AR.

The Public Scoping process provides information about the study to the public, serves as a mechanism to solicit agency and public input on alternatives and issues of concern, and ensures full and open participation in Scoping and review of the Draft EA. Comments received as a result of this notice, public meetings, and news releases will be used to assist the preparers in identifying potential impacts to the quality of the human or natural environment. The Corps invites other Federal agencies, Native American Tribes, State and local agencies and officials, private organizations, and interested individuals to participate in the Scoping process by forwarding written comments to (see **ADDRESSES**). Interested parties may also request to be included on the mailing list for public distribution of announcements and documents.

5. Issues/Alternatives: The EA will evaluate effects from a range of alternatives developed to address potential environmental concerns of the area. Anticipated issues to be addressed in the EA include impacts on: (1) Hydropower, (2) flooding, (3) recreation, (4) water supply, (5) fish and wildlife resources and habitats, and (6), other impacts identified by the public, agencies or USACE studies.

Courtney W. Paul,

Colonel, U.S. Army, District Engineer.

[FR Doc. 2016–04736 Filed 3–2–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0025]

Agency Information Collection Activities; Comment Request; Formula Grant EASIE Electronic Application System for Indian Education

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 2, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0025. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kimberly Smith, 202–453–6469.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Formula Grant EASIE Electronic Application System for Indian Education.

OMB Control Number: 1810–0021.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 11,300.

Total Estimated Number of Annual Burden Hours: 9,103.

Abstract: The Indian Education Formula Grant (CFDA 84.060A) requires the annual submission of the application from the local educational agency and/or tribe. The amount of each applicant's award is determined by formula, based upon the reported number of American Indian/Alaska Native students identified in the application, the state per pupil expenditure, and the total appropriation available. Applicants provide the data required for funding electronically, and the Office of Indian Education is able to apply electronic tools to facilitate the review and analysis leading to grant

awards. The system has been named Formula Grant Electronic Application System for Indian Education (EASIE), and is located in the EDFacts System (ESS) Web site.

Dated: February 26, 2016.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–04600 Filed 3–2–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0144]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Performance Report for Gaining Early Awareness and Readiness for Undergraduate Programs

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 4, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0144. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Nofertary Fofana, 202–453–7952.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Performance Report for Gaining Early Awareness and Readiness for Undergraduate Programs.

OMB Control Number: 1840–0777.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 127.

Total Estimated Number of Annual Burden Hours: 1,270.

Abstract: The Annual Performance Report for Partnership and State Projects for Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) is a required report that grant recipients must submit annually. The purpose of this information collection is for accountability. The data is used to report on progress in meeting the performance objectives of GEAR UP, program implementation, and student outcomes. The data collected includes budget data on Federal funds and match contributions, demographic data, and data regarding services provided to students.

Dated: February 26, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–04608 Filed 3–2–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0026]

Agency Information Collection Activities; Comment Request; Financial Report for the Endowment Challenge Grant Program and Institutional Service Endowment Activities

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 2, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0026. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Christopher McCormick, 202–502–7580.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department

assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Financial Report for the Endowment Challenge Grant Program & Institutional Service Endowment Activities.

OMB Control Number: 1840–0564.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 2,500.

Total Estimated Number of Annual Burden Hours: 3,125.

Abstract: This financial reporting form will be utilized for Title III Part A, Title III Part B and Title V Program Endowment Activities and Title III Part C Endowment Challenge Grant Program. The purpose of this Annual Financial Report is to have the grantees report annually the kind of investments that have been made, the income earned and spent, and whether any part of the Endowment Fund Corpus has been spent. This information allows us to give technical assistance and determine whether the grantee has complied with the statutory and regulatory investment requirements. This collection is being submitted as a revision because several small items have been added to the reporting form. These new items are intended to clarify questions already included in previous versions of this form and are not expected to add any significant burden for respondents.

Dated: February 29, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–04675 Filed 3–2–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 12–32–LNG]

Jordan Cove Energy Project, L.P.; Amendment of Application for Long-Term, Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of amendment.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an amendment (Amendment), filed on October 5, 2015, by Jordan Cove Energy Project, L.P. (Jordan Cove) of its pending Application in this proceeding. The Application, filed on March 23, 2012, seeks authority to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 292 Bcf/yr (0.8 Bcf/day) from a proposed terminal to be located on Coos Bay in the State of Oregon to nations with which the United States does not have a Free Trade Agreement (FTA) requiring national treatment for trade in natural gas (non-FTA nations). DOE published a ''Notice of Application'' in the **Federal Register** on June 6, 2012. 77 Fed.Reg. 33446. DOE/FE received five motions to intervene in the proceeding and numerous comments for and against the proposed export authorization.

The Amendment seeks to increase the volume of LNG for which Jordan Cove requests export authorization from the equivalent of 292 Bcf/yr to the equivalent of 350 Bcf/yr of natural gas (0.96 Bcf/day). On March 24, 2014, the Department of Energy issued DOE/FE Order No. 3413, conditionally granting Jordan Cove's Application.[1] DOE/FE has not yet issued a final order on the pending Application.

In its Amendment, Jordan Cove states that it is increasing its requested volume by 58 Bcf/yr in order to reflect the maximum production capacity of the Facility of 6.8 million metric tons per annum (mtpa) of LNG.[2] According to Jordan Cove, the 6.8 million mtpa of LNG equates to 350 Bcf/yr of natural gas, which may be available for export.[3] Jordan Cove asserts that the Amendment to increase the volume of its requested authorization does not alter the findings in the conditional export authorization in DOE/FE Order No. 3413 that the proposed exports have not been shown to be inconsistent with the public interest. Nor, Jordan Cove submits, will the increase in authorized export volumes entail environmental consequences.[4]

Additional details can be found in Jordan Cove's Amendment, posted on the DOE/FE Web site at: *http://www.fossil.energy.gov/programs/gasregulation/authorizations/2012_applications/2015-10-05_JCEP_Amendment_of_NFTA__Appli.pdf.*

Because the Amendment represents a substantive and material change in the Application, DOE has determined to publish this notice in the **Federal Register**, thereby providing the pubic with an opportunity to intervene, comment, and/or protest the Amendment. The Applicant separately has served the Amendment on each of the parties that have previously intervened in this proceeding.

Protests, motions to intervene, notices of intervention, and written comments addressing the Amendment are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, March 23, 2016.

ADDRESSES:

Electronic Filing by email: *fergas@hq.doe.gov*.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Larine Moore or Benjamin Nussdorf, U.S. Department of Energy (FE–34), Office of Regulation and International

[1] *Jordan Cove Energy Project, L.P.,* DOE/FE Order No. 3413, FE Docket No. 12–32–LNG, Order Conditionally Granting Long-Term Multi-Contract Authorization To Export Liquefied Natural Gas By Vessel From the Jordan Cove LNG Terminal in Coos Bay, Oregon to Non-Free Trade Agreement Nations (Mar. 24, 2014).

[2] Amendment at 3.

[3] Amendment at 5.

[4] Amendment at 8.

Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478; (202) 586–7991.

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9793.

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

The Amendment will be reviewed in conjunction with our review of the underlying Application pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. To the extent determined to be relevant, these issues will include the domestic need for the natural gas proposed to be exported, the adequacy of domestic natural gas supply, U.S. energy security, and the cumulative impact of the requested authorization and any other LNG export application(s) previously approved on domestic natural gas supply and demand fundamentals. DOE may also consider other factors bearing on the public interest, including the impact of the proposed exports on the U.S. economy (including GDP, consumers, and industry), job creation, the U.S. balance of trade, and international considerations; and whether the Amendment is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of LNG:

• *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets,* conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study); [5] and

• *The Macroeconomic Impact of Increasing U.S. LNG Exports,* conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).[6]

Additionally, DOE will consider the following environmental documents:

• *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [7] and

• *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014).[8]

Parties that may oppose the Amendment to the Application should address the basis for their opposition to the Amendment, as well as other issues deemed relevant to the Amendment, in their comments and/or protests.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested persons will be provided 20 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention. Comments and protests should address the implications of the Amendment. Because the public previously was given an opportunity to intervene in, protest, and comment on the Application, DOE/FE may disregard comments or protests on the Application that do not bear directly on the Amendment.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 12–32–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 12–32–LNG. PLEASE NOTE: If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Amendment will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Amendment and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Amendment is available for inspection and copying in the Division of Natural Gas Regulation docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Amendment and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on February 26, 2016.

Amy R. Sweeney,

Director, Division of Natural Gas Regulation, Office of Oil and Natural Gas.

[FR Doc. 2016–04733 Filed 3–2–16; 8:45 am]

BILLING CODE 6450–01–P

[5] The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: *https://www.eia.gov/analysis/requests/fe/.*

[6] The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: *http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.*

[7] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[8] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

DEPARTMENT OF ENERGY

U.S. Energy Information Administration

Proposed Agency Information Collection

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: EIA has submitted an information collection request to the Office of Management and Budget (OMB) for extension of the following Oil and Gas Reserves System Survey Forms pursuant to the Paperwork Reduction Act of 1995: Form EIA–23L, ''*Annual Survey of Domestic Oil and Gas Reserves (Field Version)*''; Form EIA–64A, ''*Annual Report of the Origin of Natural Gas Liquids Production*''; and Form EIA–23S, ''*Annual Survey of Domestic Oil and Gas Reserves, (Summary Version)*'' Form EIA–23L is the only form that EIA proposes to change. There are no proposed changes to Forms EIA–64A and EIA–23S.

The proposed collection will be used to prepare electronic annual reports of U.S. proved reserves data that fulfill EIA's congressional mandate to provide accurate annual estimates of U.S. proved crude oil and natural gas reserves. The U.S. Government also uses the resulting information in EIA's reports to develop national and regional estimates of proved reserves of domestic crude oil and natural gas to facilitate national energy policy decisions.

DATES: Comments regarding this collection must be received on or before April 4, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718 or contacted by email at *Chad_S_Whiteman@omb.eop.gov*.

ADDRESSES: Written comments should be sent to the

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503, *Chad_S_Whiteman@omb.eop.gov*.

And to Steven G. Grape, U.S. Energy Information Administration, Mail Stop EI–24, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, *Steven.Grape@eia.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Grape, as listed above. The information collection instrument and instructions are available on the EIA Web site at:

Form EIA–23L, *http://www.eia.gov/survey/#eia-23l*

Form EIA–23S, *http://www.eia.gov/survey/#eia-23s*

Form EIA–64A, *http://www.eia.gov/survey/#eia-64a.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* 1905–0057.

(2) *Information Collection Request Title:* Oil and Gas Reserves System.

(3) *Type of Request:* Revision of the currently approved Form EIA–23L; extension without changes of Form EIA–64A; and continued suspension of collection of the currently approved Form EIA–23S.

(4) *Purpose:* In response to Public Law 95–91 Section 657, estimates of U.S. oil and gas reserves are to be reported annually. Many U.S. government agencies have an interest in proved oil and gas reserves and the quality, reliability, and usefulness of reserves estimates. Among these are the U.S. Energy Information Administration (EIA), Department of Energy; Bureau of Ocean Energy Management (BOEM), Department of Interior; Internal Revenue Service (IRS), Department of the Treasury; and the Securities and Exchange Commission (SEC). Each of these organizations has specific purposes for collecting, using, or estimating proved reserves. EIA has a congressional mandate to provide accurate annual estimates of U.S. proved crude oil, natural gas, and natural gas liquids reserves, and EIA presents annual reserves data in EIA reports to meet this requirement. The BOEM maintains estimates of proved reserves to carry out their responsibilities in leasing, collecting royalty payments, and regulating the activities of oil and gas companies on Federal lands and water. Accurate reserve estimates are important, as the BOEM is second only to the IRS in generating Federal revenue. For the IRS, proved reserves and occasionally probable reserves are an essential component of calculating taxes for companies owning or producing oil and gas. The SEC requires publicly traded petroleum companies to annually file a reserves statement as part of their 10–K filing. The basic purpose of the 10–K filing is to provide public investors with a clear and reliable financial basis to assess the relative value, as a financial asset, of a company's reserves, especially in comparison to other similar oil and gas companies.

The Government also uses the resulting information to develop national and regional estimates of proved reserves of domestic crude oil and natural gas to facilitate national energy policy decisions. These estimates are essential to the development, implementation, and evaluation of energy policy and legislation. Data are used directly in EIA Web reports concerning U.S. crude oil and natural gas reserves, and are incorporated into a number of other Web reports and analyses.

EIA proposes to make the following changes to Form EIA–23L, ''*Annual Survey of Domestic Oil and Gas Reserves*'':

- Change the title of Form EIA–23L to ''*Annual Report of Domestic Oil and Gas Reserves (County Level)*'';
- Collect additional parent company and subsidiary company (if applicable) information on the cover page;
- Change the title of Schedule A to ''Operated Proved Reserves, Production, and Related Data by County'';
- Operators will be instructed to file their proved reserves by county rather than by field. Line Item 2.0 will be named ''County Data (operated basis);''
- Line Item 2.1.4 ''Field Code'', will be changed to ''County Name;''
- Line Item 2.1.5 ''MMS Code'' will be changed to ''Type Code;''
- Line Item 2.1.6. ''Field Name'' will be changed to ''Field, Play, or Prospect Name (Optional)'';
- Line Items 2.1.9 ''water depth'' and 2.1.10 ''field discovery year'' will be replaced with 2.1.9 ''# of producing wells on December 31, [survey year]'', 2.1.10 ''# of wells completed or purchased [in survey year]'';
- Line Item 2.1.11, ''Prospect Name (optional) will be replaced with ''# of wells abandoned or sold [in survey year]''; and
- Line Item 2.1.12–15, Column (F) ''Extensions'', Column (G) ''New Field Discoveries'', and Column (H) ''New Reservoir Discoveries in Old Fields'' will be replaced with Column (F) ''Extensions and Discoveries''.

Comments and Feedback are requested on these proposed changes to Form EIA–23L. Secondary reports that use the data include EIA's *Annual Energy Review, Annual Energy Outlook, Petroleum Supply Annual,* and *Natural Gas Annual*;

(5) *Annual Estimated Number of Respondents:* Forms EIA–23L/23S/64A: *1,250*.

(6) *Annual Estimated Number of Total Responses:* Forms EIA–23L/23S/64A: 1,250.

(7) *Annual Estimated Number of Burden Hours:* 32,850.

Form EIA–23L *Annual Report of Domestic Oil and Gas Reserves (County Level):* 36 hours per operator (320 intermediate-size operators); 97 hours per operator (160 large operators); 13 hours per operator (170 small operators): 29,250 hours

Form EIA–23S *Annual Survey of Domestic Oil and Gas Reserves (Summary Version) Report:* 4 hours (small operators): 0 hours (Currently suspended)

Form EIA–64A ''*Annual Report of the Origin of Natural Gas Liquids Production'':* 6 hours per operator (600 natural gas plant operators): 3,600 hours

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Forms EIA–23L/23S/64A: EIA estimates that there are no capital and start-up costs associated with this data collection. The information is maintained in the normal course of business. The cost of burden hours to the respondents is estimated to be $2,365,857 (32,850 burden hours times $72.02 per hour). Therefore, other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, February 26, 2016.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2016–04759 Filed 3–2–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: CP09–12–001.

Applicants: Narragansett Electric Company.

Description: Compliance filing of Information Supporting Maximum Blanket Certificate Rate of the Narragansett Electric Company.

Filed Date: 6/17/13.

Accession Number: 20130617–5088.

Comments Due: 5 p.m. ET 3/16/16.

Docket Numbers: RP16–627–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—BBPC d/b/a Great Eastern contract 791252 to be effective 3/1/2016.

Filed Date: 2/24/16.

Accession Number: 20160224–5035.

Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–628–000.

Applicants: LA Storage, LLC.

Description: § 4(d) Rate Filing: LA Storage 2016 Annual Adjustment of Fuel Retainage Percentage Filing to be effective 3/1/2016.

Filed Date: 2/24/16.

Accession Number: 20160224–5062.

Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–629–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rate Eff 4–1–2016 for J Aron contract 8940246 to be effective 4/1/2016.

Filed Date: 2/25/16.

Accession Number: 20160225–5048.

Comments Due: 5 p.m. ET 3/8/16.

Docket Numbers: RP16–630–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: Transco Annual Fuel Tracker to be effective 4/1/2016.

Filed Date: 2/25/16.

Accession Number: 20160225–5049.

Comments Due: 5 p.m. ET 3/8/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 25, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–04662 Filed 3–2–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR16–12–001.

Applicants: Columbia Gas of Maryland, Inc.

Description: Tariff filing per 284.123(b)(1): PR16–12 CMD Amended SOC to be effective 1/1/2015; Filing Type: 1000.

Filed Date: 2/22/16.

Accession Number: 201602225223.

Comments/Protests Due: 5 p.m. ET 3/14/16.

Docket Numbers: PR16–13–001.

Applicants: Columbia Gas of Ohio, Inc.

Description: Tariff filing per 284.123(b)(1): COH Amended SOC PR16–13 to be effective 4/30/2015; Filing Type: 1000.

Filed Date: 2/22/16.

Accession Number: 201602225181.

Comments/Protests Due: 5 p.m. ET 3/14/16.

Docket Numbers: PR16–26–000.

Applicants: Enable Oklahoma Intrastate Transmission, LLC.

Description: Tariff filing per 284.123(b)(2) +(g): EOIT Petition for Section 311 Rate Approval to be effective 4/1/2016; Filing Type: 1310.

Filed Date: 2/19/16.

Accession Number: 201602195134.

Comments Due: 5 p.m. ET 3/11/16.

284.123(g) Protests Due: 5 p.m. ET 4/19/16.

Docket Numbers: RP16–622–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: BG Energy Negotiated Rate to be effective 4/1/2016.

Filed Date: 2/23/16.

Accession Number: 20160223–5062.

Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–623–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Nicor Negotiated Rate to be effective 4/1/2016.

Filed Date: 2/23/16.

Accession Number: 20160223–5078.

Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–624–000.

Applicants: MoGas Pipeline LLC.

Description: § 4(d) Rate Filing: MoGas Negotiated Rate Agreement Waynesville Filing to be effective 3/1/2016.

Filed Date: 2/23/16.
Accession Number: 20160223–5087.
Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–625–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20160222 Housekeeping Filing to be effective 4/1/2016.
Filed Date: 2/23/16.
Accession Number: 20160223–5149.
Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–626–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Fuel Filing—Eff. April 1, 2016 to be effective 4/1/2016.
Filed Date: 2/24/16.
Accession Number: 20160224–5026.
Comments Due: 5 p.m. ET 3/7/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–597–001.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Compliance filing Compliance to 587–W Amendment to be effective 4/1/2016.
Filed Date: 2/23/16.
Accession Number: 20160223–5105.
Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–598–001.
Applicants: Rockies Express Pipeline LLC.
Description: Compliance filing Compliance with Order No. 587–W Amendment to be effective 4/1/2016.
Filed Date: 2/23/16.
Accession Number: 20160223–5104.
Comments Due: 5 p.m. ET 3/7/16.

Docket Numbers: RP16–599–001.
Applicants: Trailblazer Pipeline Company LLC.
Description: Compliance filing Order 587–W Amendment to be effective 4/1/2016.
Filed Date: 2/23/16.
Accession Number: 20160223–5109.
Comments Due: 5 p.m. ET 3/7/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 24, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–04652 Filed 3–2–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–64–000]

ANR Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Collierville Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Collierville Expansion Project involving construction and operation of facilities by ANR Pipeline Company (ANR) in Shelby County, Tennessee. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 28, 2016.

If you sent comments on this project to the Commission before the opening of this docket on January 20, 2016, you will need to file those comments in Docket No. CP16–64–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

ANR provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project Docket No. (CP16–64–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

ANR proposes to construct and modify aboveground facilities in Shelby County, Tennessee; specifically:

- A new 4,700 horsepower compressor station; and
- modifications at the existing Collierville Meter Station, including a new 12-inch ultrasonic meter run and other piping and appurtenant modifications.

The Collierville Expansion Project would expand the delivery capability of the existing Collierville Meter Station by an additional 200,000 dekatherms per day of natural gas. According to ANR, its project would serve the Tennessee Valley Authority's 1,070 megawatt Allen Combined Cycle Power Plan Project in Memphis, Tennessee.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 19.7 acres of land for the compressor station piping and aboveground facilities, 1.4 acres of which are associated with existing permanent ANR easements and rights-of-way. Following construction, ANR would maintain about 7.5 acres for permanent operation of the project's facilities, 1.4 acres of which are associated with existing permanent ANR easements and rights-of-way. The remaining acreage would be restored and revert to former uses. The location of the proposed compressor station was chosen in coordination with the property owner and based on its relative proximity to ANR's existing 501 mainline. Modifications to the Collierville Meter Station would be within existing facility boundaries or existing permanent easement.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Tennessee State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

Copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to page 6 of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP16–64). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 26, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–04653 Filed 3–2–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–81–000.

Applicants: Enterprise Solar, LLC, Escalante Solar I, LLC, Escalante Solar II, LLC, Escalante Solar III, LLC, Granite Mountain Solar East, LLC, Granite Mountain Solar West, LLC, Iron Springs Solar, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Expedited Action, and Shortened Comment Period of Enterprise Solar, LLC, et. al.

Filed Date: 2/25/16.

Accession Number: 20160225–5199.

Comments Due: 5 p.m. ET 3/17/16.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–60–000.

Applicants: East Ridge Transmission, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of The East Ridge Transmission, LLC.

Filed Date: 2/26/16.

Accession Number: 20160226–5280.

Comments Due: 5 p.m. ET 3/18/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–453–001.

Applicants: Northeast Transmission Development, LLC, PJM Interconnection, L.L.C.

Description: Tariff Amendment: NTD submits Response to Deficiency Letter issued Jan. 29, 2016 in ER16–453 to be effective 2/1/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5205.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1008–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Second Revised ISA No. 3577, Queue No. Y1–086 per Assignment to be effective 1/26/2016.

Filed Date: 2/25/16.

Accession Number: 20160225–5192.

Comments Due: 5 p.m. ET 3/17/16.

Docket Numbers: ER16–1009–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3203, Queue No. W3–079 to be effective 10/27/2014.

Filed Date: 2/26/16.

Accession Number: 20160226–5049.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1010–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2181 MKEC to Prairie Wind Transmission Novation Cancellation to be effective 2/16/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5082.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1011–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2182 Westar and MKEC to Prairie Wind Transmission Novation Cancellation to be effective 2/16/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5084.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1012–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Notices of Cancellation LGIA and Distribution Service Agmt Sun Valley Project to be effective 4/19/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5178.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1013–000.

Applicants: Interstate Power and Light Company, ITC Midwest LLC.

Description: § 205(d) Rate Filing: Amended IPL Operating and Transmission Agreement Exhibits to be effective 4/26/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5207.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1014–000.

Applicants: The Dayton Power and Light Company.

Description: § 205(d) Rate Filing: FERC Rate Schedule No. 2 to be effective 5/1/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5239.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1015–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 2016 Revised Added Facilities Rate for Rate Schedules to be effective 1/1/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5275.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1016–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Notice of Cancellation Tie-Line

Facilities Agreement Sun Valley Project to be effective 4/19/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5283.

Comments Due: 5 p.m. ET 3/18/16.

Docket Numbers: ER16–1017–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised Interconnection Service Agreement No. 3800, Queue No. AA1–040 to be effective 1/27/2016.

Filed Date: 2/26/16.

Accession Number: 20160226–5330.

Comments Due: 5 p.m. ET 3/18/16.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES16–23–000.

Applicants: Southern Indiana Gas and Electric Company, Inc.

Description: Application of Southern Indiana Gas and Electric Company, Inc. for Authority to Issue Short-Term Debt.

Filed Date: 2/26/16.

Accession Number: 20160226–5081.

Comments Due: 5 p.m. ET 3/18/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 26, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–04651 Filed 3–2–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9943–28–Region 6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Southwestern Electric Power Company H.W. Pirkey Power Plant in Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to Clean Air Act (CAA) Section 505(b)(2) and 40 CFR 70.8(d), the Environmental Protection Agency (EPA) Administrator signed an Order, dated February 3, 2016, granting in part and denying in part the petition asking EPA to object to an operating permit issued by the Texas Commission on Environmental Quality for the Southwestern Electric Power Company (SWEPCO) H.W. Pirkey Power Plant (Title V operating permit number O31). The EPA's February 3, 2016 Order responds to the petition, dated October 30, 2014, submitted by the Environmental Integrity Project (EIP) and Sierra Club. Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may ask for judicial review by the United States Court of Appeals for the appropriate circuit of those portions of the Order that deny issues raised in the petition. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307(b) of the CAA.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Contact the individual listed below to view documents. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final February 3, 2016 Order is available electronically at: *http://www.epa.gov/title-v-operating-permits/order-responding-2014-petition-requesting-administrator-object-title-v*.

FOR FURTHER INFORMATION CONTACT: Aimee Wilson at (214) 665–7596, email address: *wilson.aimee@epa.gov* or the above EPA, Region 6 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object, as appropriate, to a title V operating permit proposed by a state permitting authority. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise such objections during the comment period or unless the grounds for the objection arose after this period.

The Petitioners maintain that the SWEPCO title V operating permit is inconsistent with the Act based on the following contentions: (1) The proposed permit for the Pirkey Power Plant impermissibly provides for exemptions from title V applicable requirements during planned maintenance, startup, and shutdown (MSS) activities; and (2) the proposed permit must clarify that credible evidence may be used by citizens to enforce the terms and conditions of the permit. The claims are described in detail in Section IV of the Order.

Pursuant to sections 505(b) and 505(e) of the Clean Air Act (42 U.S.C. 7661d(b) and (e)) and 40 CFR 70.7(g) and 70.8(d), the Texas Commission on Environmental Quality (TCEQ) has 90 days from the receipt of the Administrator's order to resolve the objections identified in Claim 1 of the Order and submit a proposed determination or termination, modification, or revocation and reissuance of the SWEPCO title V permit in accordance with EPA's objection. The Order issued on February 3, 2016 responds to the Petition and explains the basis for EPA's decision.

Dated: February 24, 2016.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2016–04752 Filed 3–2–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9943–23–Region 5]

Notice of Final Decision To Reissue the Ineos Nitriles USA LLC Land-Ban Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision on a Request by Ineos Nitriles USA LLC of Lima, Ohio to Reissue its Exemption from the Land Disposal Restrictions under the Resource Conservation and Recovery Act.

SUMMARY: Notice is hereby given by the U.S. Environmental Protection Agency (U.S. EPA or Agency) that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Ineos Nitriles USA LLC (formerly known as Ineos USA LLC) (Ineos) of Lima, Ohio for four Class I injection wells located in Lima, Ohio.

As required by 40 CFR part 148, Ineos has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents out of the injection zone or into an underground source of drinking water for at least 10,000 years. This final decision allows the continued underground injection by Ineos of those hazardous wastes designated by the codes in Table 1 through its four Class I hazardous waste injection wells identified as #1, #2, #3, and #4. This decision constitutes a final U.S. EPA action for which there is no administrative appeal.

DATES: This action is effective as of March 3, 2016.

FOR FURTHER INFORMATION CONTACT: Stephen Roy, Lead Petition Reviewer, U.S. EPA, Region 5, Underground Injection Control Branch, WU–16J, 77 W. Jackson Blvd., Chicago, Illinois 60604–3590; telephone number: (312) 886–6556; fax number (312) 692–2951; email address: *roy.stephen@epa.gov.* Copies of the petition and all pertinent information are on file and are part of the Administrative Record. Please contact the lead reviewer to review the Administrative Record.

SUPPLEMENTARY INFORMATION: Ineos submitted a request for reissuance of its existing exemption from the land disposal restrictions for hazardous waste in August, 2005. U.S. EPA reviewed all data pertaining to the petition including, but not limited to, well construction, well operations, regional and local geology, seismic activity, penetrations of the confining zone, and computational models of the injection zone. U.S. EPA has determined that the hydrogeological and geochemical conditions at the site and the nature of the waste streams are such that injected fluids will not migrate out of the injection zone within 10,000 years, as set forth at 40 CFR part 148. The injection zone includes the injection interval into which fluid is directly emplaced and the overlying arrestment interval into which fluid may diffuse. The injection interval for the Ineos facility is composed of the Lower Eau Claire Formation, the Mt. Simon Sandstone and the Middle Run Formation between 2,631 and 3,241 feet below ground level. The arrestment interval is composed of the Lower Black River Group, the Wells Creek Formation, the Knox Dolomite and the Upper Eau Claire Formation between 1,631 and 2,631 feet below ground level. The confining zone is composed of the Upper Black River Group between 1,427 and 1,631 feet below ground level. The confining zone is separated from the lowermost underground source of drinking water (at a depth of approximately 400 feet below ground level) by a sequence of permeable and less permeable sedimentary rocks. This sequence provides additional protection from fluid migration into drinking water sources.

U.S. EPA issued a draft decision, which described the reasons for granting this exemption in more detail, a fact sheet, which summarized these reasons, and a public notice on September 10, 2015, pursuant to 40 CFR 124.10. The public comment period ended on October 13, 2015. U.S. EPA received comments from one citizen during the comment period. U.S. EPA has prepared a response to these comments, which can be viewed at the following URL: *http:\\epa.gov\region5\water\uic\ineos-response-to-comments*. The response is part of the Administrative Record for this decision. U.S. EPA is issuing the final exemption with no changes from the draft decision.

Conditions

This exemption is subject to the following conditions. Non-compliance with any of these conditions is grounds for termination of the exemption.

(1) The exemption applies to the four existing hazardous waste injection wells, #1, #2, #3, and #4, located at the Ineos facility at 1900 Fort Amanda Road, Lima, Ohio;

(2) Injection of hazardous waste is limited to the parts of the Lower Eau Claire Formation, the Mt. Simon Sandstone and the Middle Run Formation at depths between 2,631 and 3,241 feet below ground level;

(3) The only RCRA-restricted wastes that may be injected are those designated by the RCRA waste codes found in Table 1;

(4) Maximum concentrations of chemicals that are allowed to be injected are listed in Table 2;

(5) The average specific gravity of the injected waste stream must be between 1.00 and 1.05 over a three month period;

(6) Ineos may inject up to 175 gallons per minute through each of its four wells, based on a monthly average;

(7) This exemption is approved for the 20-year modeled injection period, which ends on January 31, 2025. Ineos may petition U.S. EPA for reissuance of the exemption beyond that date, provided that a new and complete petition and no-migration demonstration is received at U.S. EPA, Region 5, by June 30, 2024;

(8) Ineos must submit a quarterly report containing the fluid analyses of the injected waste and indicate the chemical and physical properties, including the concentrations, of all the injected chemical constituents listed in Table 2 to U.S. EPA;

(9) Ineos must submit an annual report containing the results of a bottom hole pressure survey (fall-off test) performed on one well each year to U.S. EPA. The survey must be performed after shutting down the well for sufficient time to conduct a valid observation of the pressure fall-off curve under 40 CFR 146.68(e)(1). The annual report must include a comparison of reservoir parameters determined from the fall-off test with parameters used in the approved no-migration petition;

(10) Ineos must submit the results of radioactive tracer surveys and annulus pressure tests for its four wells to U.S. EPA annually;

(11) Ineos must notify U.S. EPA in writing if any well loses mechanical integrity and prior to any workover or plugging;

(12) Ineos must fully comply with all requirements set forth in Underground Injection Control Permits #UIC 03–02–003–PTO–1, UIC 03–02–004–PTO–1, UIC 03–02–005–PTO–01 and 03–02–006–PTO–1 issued by the Ohio Environmental Protection Agency;

(13) Upon the expiration, cancellation, reissuance, or modification of the permits referenced above, this exemption is subject to review by U.S. EPA; and

(14) Whenever U.S. EPA determines that the basis for approval of a petition under 40 CFR 148.23 and 148.24 may no longer be valid, U.S. EPA may terminate this exemption and will require a new demonstration in accordance with 40 CFR 148.20.

TABLE 1—LIST OF RCRA WASTE CODES APPROVED FOR INJECTION

D001	D002	D003	D004	D005	D006	D007	D008	D009	D010	D011	D018
D019	D035	D038	F039	K011	K013	K014	P003	P005	P030	P063	P069
P098	P101	P106	P120	U001	U002	U003	U007	U008	U009	U019	U031
U044	U053	U056	U057	U080	U112	U122	U123	U124	U125	U129	U140
U147	U149	U151	U152	U154	U159	U161	U169	U188	U191	U196	U211

TABLE 1—LIST OF RCRA WASTE CODES APPROVED FOR INJECTION—Continued

U213	U219	U220	U239								

These waste codes are identified in 40 CFR part 261, subpart C and subpart D.

TABLE 2—CONCENTRATION LIMITS OF CHEMICAL CONTAMINANTS THAT ARE HAZARDOUS AT LESS THAN 0.001 MG/L

Chemical constituent	Waste code	Health based limit (mg/L)	Concentration limit at the wellhead (mg/L) (Note 2)	Concentration reduction factor (C/C_0)
Acetaldehyde	U001	0.11	2,000	5.5×10^{-5}
Acetamide	Note 2	1.0×10^{-5}	10,000	1.0×10^{-9}
Acetic acid	Note 2	6.0×10^{-6}	6,000	1.0×10^{-9}
Acetone	U002	3.5	2,000	1.75×10^{-3}
Acetone cyanohydrin	P069	0.005	6,000	8.33×10^{-7}
Acetonitrile	K011, K013, K014, U003	0.21	100,000	2.1×10^{-6}
Acrolein	P003	0.005	2,000	2.5×10^{-6}
Acrylamide	K011, K013, K014, U007	8×10^{-6}	6,000	1.33×10^{-9} Note 1
Acrylic acid	U008	17.5	60,000	2.92×10^{-4}
Acrylonitrile	K011, K013, K014, U009	6.0×10^{-5}	24,000	2.5×10^{-9}
Allyl alcohol	P005	0.175	2,000	8.75×10^{-5}
Antimony	F039	0.006	100	6.0×10^{-5}
Arsenic	D004	0.05	100	5.0×10^{-4}
Barium	D005	2	100	2.0×10^{-2}
Benzene	D018, K011, K013, K014, U019	0.005	400	1.25×10^{-5}
1,3-Butanediol	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
1,4-Butanediol	Note 2	1.4×10^{-5}	14,000	1.0×10^{-9}
Butanetriol	Note 2	4.0×10^{-6}	4,000	1.0×10^{-9}
Butanol	U140	3.5	4,000	8.75×10^{-4}
Butyrolactone	Note 2	5.0×10^{-6}	5,000	1.0×10^{-9}
Cadmium	D006	0.005	100	5.0×10^{-5}
Carbon tetrachloride	D019, U211	0.005	100	5.0×10^{-5}
Chloroform	U044	0.006	100	6.0×10^{-5}
Chromium	D007	0.1	100	1.0×10^{-3}
Cobalt	Note	1.0×10^{-7}	100	1.0×10^{-9}
Crotonaldehyde	U053	0.002	200	1.0×10^{-5}
Crotonitrile	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Cyclohexane	U056	9.0×10^{-5}	100	9.0×10^{-7}
Cyclohexanone	U057	180	100	1.8
Diethylenetriamine pentaacetic acid	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Dimethylhydantoin	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Ethanol	Note 2	2.0×10^{-6}	2,000	1.0×10^{-9}
Ethyl acetate	U112	31.5	100	3.15×10^{-1}
Ethylenediamine tetracetonitrile	Note 2	4.0×10^{-6}	4,000	1.0×10^{-9}
Formic acid	U123	0.01	20,000	5.0×10^{-7}
Formaldehyde	U122	7	4,000	1.75×10^{-3}
Formamide	Note 2	4.0×10^{-6}	4,000	1.0×10^{-9}
Fumaronitrile	Note 2	4.0×10^{-6}	4,000	1.0×10^{-9}
Furan	U124	3.5×10^{-3}	100	3.5×10^{-4}
Furfural	U125	0.11	100	1.1×10^{-3}
Glyconitrile	Note 2	7.0×10^{-6}	7,000	1.0×10^{-9}
HCN (Free)	K011, K013, K014, P030, P063, P098, P106	0.2	3,200	6.25×10^{-5}
HCN (Total)	K011, K013, K014, P030, P063, P098, P106	0.7	21,200	3.3×10^{-5}
Hexamethylenetetramine (or acid)	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Iminodiacetonitrile	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Isobutanol	U140	11	200	5.5×10^{-2}
Isopropyl alcohol	Note 2	1.2×10^{-6}	1,200	1.0×10^{-9}
Lead	D008	0.001	100	1.0×10^{-5}
Lindane	U129	2.0×10^{-4}	1,000	2.0×10^{-7}
Maleic anhydride	U147	3.5	100	3.5×10^{-2}
Maleonitrile	Note 2	2.0×10^{-5}	20,000	1.0×10^{-9}
Malonitrile	U149	0.005	2,000	2.5×10^{-6}
Mercury	D009, U151	0.002	100	2.0×10^{-5}
Methanol	U154	17.5	40,000	4.38×10^{-4}
Methyacrylonitrile	U152	0.0035	400	8.75×10^{-6}
Methylethylhydantoin	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Methylene chloride	U080	5.3×10^{-3}	100	5.0×10^{-5}
Methyl ethyl ketone	D035, U159	21	1,000	2.1×10^{-2}
Methyl isobutyl ketone	U161	2.0×10^{-3}	100	2.0×10^{-5}

TABLE 2—CONCENTRATION LIMITS OF CHEMICAL CONTAMINANTS THAT ARE HAZARDOUS AT LESS THAN 0.001 Mg/L—Continued

Chemical constituent	Waste code	Health based limit (mg/L)	Concentration limit at the wellhead (mg/L) (Note 2)	Concentration reduction factor (C/C_0)
2-Methylpyridine	U191	2.0×10^{-3}	1,000	2.0×10^{-6}
3-Methylpyridine	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Nickel	F006	0.001	100	1.0×10^{-5}
Nicotinonitrile	Note 2	6.0×10^{-6}	6,000	1.0×10^{-9}
Nitrilotiracetonitrile	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Nitrobenzene	U169	1.8×10^{-2}	100	1.8×10^{-4}
Oleic acid	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Oleoylsarconsinate	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Phenol	U188	21	100	2.1×10^{-1}
1,2-Propanediol	Note 2	6.0×10^{-8}	60	1.0×10^{-9}
1,3-Propanediol	Note 2	2.0×10^{-6}	2,000	1.0×10^{-9}
Propanol	Note 2	$2,0 \times 10^{-6}$	2,000	1.0×10^{-9}
Propionitrile	P101	0.005	2,000	2.5×10^{-6}
Propylenediamine tetracetonitrile	Note 2	1.0×10^{-6}	1,000	1.0×10^{-9}
Pyroazole	Note 2	4.0×10^{-6}	4,000	1.0×10^{-9}
Pyridine	D038, U196	0.035	2,000	1.75×10^{-5}
Selenium	D010	0.05	100	5.0×10^{-4}
Silver	D011	0.175	100	1.75×10^{-3}
Sodium cyanide	D003, K011, K013, P030, P063, P106	1.4	1,200	1.17×10^{-3}
Strontium	Note 2	1.0×10^{-7}	100	1.0×10^{-9}
Succinic acid	Note 2	8.0×10^{-7}	800	1.0×10^{-9}
Succinotrile	Note 2	6.0×10^{-6}	6,000	1.0×10^{-9}
Tetrahydrofuran	U213	0.002	5,000	4.0×10^{-7}
Thiourea	U219	1.0×10^{-2}	100	1.0×10^{-4}
Toluene	U220	1	100	1.0×10^{-2}
Vanadium	P120	0.004	100	4.0×10^{-5}
Vanadium pentoxide	P120	0.315	400	7.88×10^{-4}
Xylene	U239	10	100	1.0×10^{-1}
Zinc	Note 2	10.5	400	2.63×10^{-2}

Note 1—Worst-case constituent. Health Based Limit (HBL) contour for no-migration boundary set at 1.0×10^{-9} for this constituent. The HBL values are from the compilation by EPA Region 6, revised 2005.

Note 2—Constituents not associated with an EPA RCRA waste code or listed in HBL guidelines are assigned the minimum C/C_0 of 1.0×10^{-9}. A provisional ''HBL'' for these constituents is then derived from the product of C/C_0 and the concentration limit at the wellhead. If a RCRA waste code is promulgated for any of these constituents, the HBL selected by EPA will be compared to the provisional ''HBL'' on this table. If the EPA HBL is more stringent, the Concentration Limit at the Wellhead will be reduced or migration of the constituent will be reconsidered in detail.

Electronic Access. You may access this **Federal Register** document electronically from the Government Printing Office under the ''**Federal Register**'' listings at FDSys (*http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR*).

Dated: February 1, 2016.

Tinka G. Hyde,

Director, Water Division.

[FR Doc. 2016–04756 Filed 3–2–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9943–17–OLEM]

Twenty-Ninth Update of the Federal Agency Hazardous Waste Compliance Docket

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Since 1988, the Environmental Protection Agency (EPA) has maintained a Federal Agency Hazardous Waste Compliance Docket (''Docket'') under Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Section 120(c) requires EPA to establish a Docket that contains certain information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances has been released. As explained further below, the Docket is used to identify Federal facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment and to provide a mechanism to make this information available to the public.

This notice includes the complete list of Federal facilities on the Docket and also identifies Federal facilities reported to EPA since the last update of the Docket on August 17, 2015. In addition to the list of additions to the Docket, this notice includes a section with revisions of the previous Docket list. Thus, the revisions in this update include 7 additions, 22 corrections, and 42 deletions to the Docket since the previous update. At the time of publication of this notice, the new total number of Federal facilities listed on the Docket is 2,326. Since the last update, EPA has identified a discrepancy in the total number of facilities published in the **Federal Register**. The number of Docket sites in the **Federal Register** did not match the number of sites on EPA's Master Docket List. EPA has reconciled the discrepancies and the list is now and both lists are now matching a current. This publication contains the

entire Docket list to clarify the number of sites.

DATES: This list is current as of February 12, 2016.

FOR FURTHER INFORMATION CONTACT: Electronic versions of the Docket and more information on its implementation can be obtained at *http://www.epa.gov/fedfac/previous-federal-agency-hazardous-waste-compliance-docket-updates* by clicking on the link for *Update #29 to the Federal Agency Hazardous Waste Compliance Docket* or by contacting Benjamin Simes (*Simes.Benjamin@epa.gov*), Federal Agency Hazardous Waste Compliance Docket Coordinator, Federal Facilities Restoration and Reuse Office (Mail Code 5106P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Table of Contents

1.0 Introduction

Section 120(c) of CERCLA, 42 United States Code (U.S.C.) § 9620(c), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires EPA to establish the Federal Agency Hazardous Waste Compliance Docket. The Docket contains information on Federal facilities that manage hazardous waste and such information is submitted by Federal agencies to EPA under Sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6925, 6930, and 6937. Additionally, the Docket contains information on Federal facilities with a reportable quantity of hazardous substances that has been released and such information is submitted by Federal agencies to EPA under Section 103 of CERCLA, 42 U.S.C. 9603. Specifically, RCRA Section 3005 establishes a permitting system for certain hazardous waste treatment, storage, and disposal (TSD) facilities; RCRA Section 3010 requires waste generators, transporters and TSD facilities to notify EPA of their hazardous waste activities; and RCRA Section 3016 requires Federal agencies to submit biennially to EPA an inventory of their Federal hazardous waste facilities. CERCLA Section 103(a) requires the owner or operator of a vessel or onshore or offshore facility to notify the National Response Center (NRC) of any spill or other release of a hazardous substance that equals or exceeds a reportable quantity (RQ), as defined by CERCLA Section 101. Additionally, CERCLA Section 103(c) requires facilities that have ''stored, treated, or disposed of'' hazardous wastes and where there is ''known, suspected, or likely releases'' of hazardous substances to report their activities to EPA.

CERCLA Section 120(d) requires EPA to take steps to assure that a Preliminary Assessment (PA) be completed for those sites identified in the Docket and that the evaluation and listing of sites with a PA be completed within a reasonable time frame. The PA is designed to provide information for EPA to consider when evaluating the site for potential response action or inclusion on the National Priorities List (NPL).

The Docket serves three major purposes: (1) To identify all Federal facilities that must be evaluated to determine whether they pose a threat to human health and the environment sufficient to warrant inclusion on the National Priorities List (NPL); (2) to compile and maintain the information submitted to EPA on such facilities under the provisions listed in Section 120(c) of CERCLA; and (3) to provide a mechanism to make the information available to the public.

The initial list of Federal facilities to be included on the Docket was published in the **Federal Register** on February 12, 1988 (53 FR 4280). Since then, updates to the Docket have been published on November 16, 1988 (53 FR 46364); December 15, 1989 (54 FR 51472); August 22, 1990 (55 FR 34492); September 27, 1991 (56 FR 49328); December 12, 1991 (56 FR 64898); July 17, 1992 (57 FR 31758); February 5, 1993 (58 FR 7298); November 10, 1993 (58 FR 59790); April 11, 1995 (60 FR 18474); June 27, 1997 (62 FR 34779); November 23, 1998 (63 FR 64806); June 12, 2000 (65 FR 36994); December 29, 2000 (65 FR 83222); October 2, 2001 (66 FR 50185); July 1, 2002 (67 FR 44200); January 2, 2003 (68 FR 107); July 11, 2003 (68 FR 41353); December 15, 2003 (68 FR 69685); July 19, 2004 (69 FR 42989); December 20, 2004 (69 FR 75951); October 25, 2005 (70 FR 61616); August 17, 2007 (72 FR 46218); November 25, 2008 (73 FR 71644); October 13, 2010 (75 FR 62810); November 6, 2012 (77 FR 66609); March 18, 2013 (78 FR 16668); January 6, 2014 (79 FR 654), December 31, 2014 (79 FR 78850); and August 17, 2015 (80 FR 49223). This notice constitutes the twenty-ninth update of the Docket.

This notice provides some background information on the Docket. Additional information on the Docket requirements and implementation are found in the Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket found at *http://www.epa.gov/fedfac/docket-reference-manual-federal-agency-hazardous-waste-compliance-docket-interim-final* or obtained by calling the Regional Docket Coordinators listed below. This notice also provides changes to the list of sites included on the Docket in three areas: (1) Additions, (2) Deletions, and (3) Corrections. Specifically, additions are newly identified Federal facilities that have been reported to EPA since the last update and now are included on the Docket; the deletions section lists Federal facilities that EPA is deleting from the Docket.[1] The information submitted to EPA on each Federal facility is maintained in the Docket repository located in the EPA Regional office of the Region in which the Federal facility is located; for a description of the information required under those provisions, *see* 53 FR 4280 (February 12, 1988). Each repository contains the documents submitted to EPA under the reporting provisions and correspondence relevant to the reporting provisions for each Federal facility.

In prior updates, information was also provided regarding No Further Remedial Action Planned (NFRAP) status changes. However, information on NFRAP and NPL status is no longer being provided separately in the Docket update as it is now available at: *http://www.epa.gov/fedfac/fedfacts-information-about-federal-electronic-docket-facilities* or by contacting the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

2.0 Regional Docket Coordinators

Contact the following Docket Coordinators for information on Regional Docket repositories:

Martha Bosworth (HBS), US EPA Region 1, 5 Post Office Square, Suite 100, Mail Code: OSRR07–2, Boston MA 02109–3912, (617) 918–1407.

Helen Shannon (ERRD), US EPA Region 2, 290 Broadway, New York, NY 10007–1866, (212) 637– 4260.

Joseph Vitello (3HS12), US EPA Region 3, 1650 Arch Street, Philadelphia, PA 19107, (215) 814–3354.

[1] See Section 3.2 for the criteria for being deleted from the Docket.

Dawn Taylor (4SF–SRSEB), US EPA Region 4, 61 Forsyth St. SW., Atlanta, GA 30303, (404) 562–8575.

Michael Chrystof (SR–6J), US EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–3705.

Philip Ofosu (6SF–RA), US EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–3178.

Paul Roemerman (SUPRERSP), US EPA Region 7, 11201 Renner Blvd., Lenexa, KS 66219, (913) 551–7694.

Ryan Dunham (EPR–F), US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202, (303) 312–6627.

Leslie Ramirez (SFD–6–1), US EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3978.

Monica Lindeman (ECL, ABU), US EPA Region 10, 1200 Sixth Avenue, Suite 900, ECL–112, Seattle, WA 98101, (206) 553–5113.

3.0 Revisions of the Previous Docket

This section includes a discussion of the additions and deletions to the list of Docket facilities since the previous Docket update.

3.1 Additions

In this notice, 7 Federal facilities are being added to the Docket, primarily because of new information obtained by EPA (for example, recent reporting of a facility pursuant to RCRA Sections 3005, 3010, or 3016 or CERCLA Section 103). CERCLA Section 120, as amended by the Defense Authorization Act of 1997, specifies that EPA take steps to assure that a Preliminary Assessment (PA) be completed within a reasonable time frame for those Federal facilities that are included on the Docket. Among other things, the PA is designed to provide information for EPA to consider when evaluating the site for potential response action or listing on the NPL.

3.2 Deletions

In this notice, 42 Federal facilities are being deleted from the Docket. There are no statutory or regulatory provisions that address deletion of a facility from the Docket. However, if a facility is incorrectly included on the Docket, it may be deleted from the Docket. The criteria EPA uses in deleting sites from the Docket include: A facility for which there was an incorrect report submitted for hazardous waste activity under RCRA (*e.g.,* 40 CFR 262.44); a facility that was not Federally-owned or operated at the time of the listing; a facility included more than once (*i.e.,* redundant listings); or when multiple facilities are combined under one listing. (*See* Docket Codes (*Categories for Deletion of Facilities*) for a more refined list of the criteria EPA uses for deleting sites from the Docket. Facilities being deleted no longer will be subject to the requirements of CERCLA Section 120(d).

3.3 Corrections

Changes necessary to correct the previous Docket are identified by both EPA and Federal agencies. The corrections section may include changes in addresses or spelling, and corrections of the recorded name and ownership of a Federal facility. In addition, changes in the names of Federal facilities may be made to establish consistency in the Docket or between the Superfund Enterprise Management System (SEMS) and the Docket. For the Federal facility for which a correction is entered, the original entry is as it appeared in previous Docket updates. The corrected update is shown directly below, for easy comparison. This notice includes 22 corrections.

4.0 Process for Compiling the Updated Docket

In compiling the newly reported Federal facilities for the update being published in this notice, EPA extracted the names, addresses, and identification numbers of facilities from four EPA databases—the WebEOC, the Biennial Inventory of Federal Agency Hazardous Waste Activities, the Resource Conservation and Recovery Act Information System (RCRAInfo), and SEMS—that contain information about Federal facilities submitted under the four provisions listed in CERCLA Section 120(c).

EPA assures the quality of the information on the Docket by conducting extensive evaluation of the current Docket list and contacts the other Federal Agency (OFA) with the information obtained from the databases identified above to determine which Federal facilities were, in fact, newly reported and qualified for inclusion on the update. EPA is also striving to correct errors for Federal facilities that were previously reported. For example, state-owned or privately-owned facilities that are not operated by the Federal government may have been included. Such problems are sometimes caused by procedures historically used to report and track Federal facilities data. Representatives of Federal agencies are asked to contact the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice if revisions of this update information are necessary.

5.0 Facilities Not Included

Certain categories of facilities may not be included on the Docket, such as: (1) Federal facilities formerly owned by a Federal agency that at the time of consideration was not Federally-owned or operated; (2) Federal facilities that are small quantity generators (SQGs) that have never generated more than 1,000 kg of hazardous waste in any month; (3) Federal facilities that are solely hazardous waste transportation facilities, as reported under RCRA Section 3010; and (4) Federal facilities that have mixed mine or mill site ownership.

An EPA policy issued in June 2003 provided guidance for a site-by-site evaluation as to whether ''mixed ownership'' mine or mill sites, typically created as a result of activities conducted pursuant to the General Mining Law of 1872 and never reported under Section 103(a), should be included on the Docket. For purposes of that policy, mixed ownership mine or mill sites are those located partially on private land and partially on public land. This policy is found at *http://www.epa.gov/fedfac/policy-listing-mixed-ownership-mine-or-mill-sites-created-result-general-mining-law-1872.* The policy of not including these facilities may change; facilities now omitted may be added at some point if EPA determines that they should be included.

6.0 Facility NPL Status Reporting, Including NFRAP Status

EPA typically tracks the NPL status of Federal facilities listed on the Docket. An updated list of the NPL status of all Docket facilities, as well as their NFRAP status, is available at *http://www.epa.gov/fedfac/fedfacts-information-about-federal-electronic-docket-facilities* or by contacting the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. In prior updates, information regarding NFRAP status changes was provided separately.

7.0 Information Contained on Docket Listing

The information is provided in four tables. The first table is a list of new Federal facilities that are being added to the Docket. The second table is a list of Federal facilities that are being deleted from the Docket. The third table is for corrections. The fourth table is the complete Docket list, this list is current and includes the changes from Update #29.

The Federal facilities listed in each table are organized by the date reported. Under each heading is listed the name and address of the facility, the Federal agency responsible for the facility, the statutory provision(s) under which the

facility was reported to EPA, and a code.[2]

The statutory provisions under which a Federal facility is reported are listed in a column titled ''Reporting Mechanism.'' Applicable mechanisms are listed for each Federal facility: For example, Sections 3005, 3010, 3016, 103(c), or Other. ''Other'' has been added as a reporting mechanism to indicate those Federal facilities that otherwise have been identified to have releases or threat of releases of hazardous substances. The National Contingency Plan 40 CFR 300.405 addresses discovery or notification, outlines what constitutes discovery of a hazardous substance release, and states that a release may be discovered in several ways, including: (1) A report submitted in accordance with Section 103(a) of CERCLA, *i.e.,* reportable quantities codified at 40 CFR part 302; (2) a report submitted to EPA in accordance with Section 103(c) of CERCLA; (3) investigation by government authorities conducted in accordance with Section 104(e) of CERCLA or other statutory authority; (4) notification of a release by a Federal or state permit holder when required by its permit; (5) inventory or survey efforts or random or incidental observation reported by government agencies or the public; (6) submission of a citizen petition to EPA or the appropriate Federal facility requesting a preliminary assessment, in accordance with Section 105(d) of CERCLA; (7) a report submitted in accordance with Section 311(b)(5) of the Clean Water Act; and (8) other sources. As a policy matter, EPA generally believes it is appropriate for Federal facilities identified through the CERCLA discovery and notification process to be included on the Docket.

The complete list of Federal facilities that now make up the Docket and the NPL and NFRAP status are available to interested parties and can be obtained at *http://www.epa.gov/fedfac/fedfacts-information-about-federal-electronic-docket-facilities* or by contacting the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. As of the date of this notice, the total number of Federal facilities that appear on the Docket is 2,326.

Dated: February 24, 2016.

Charlotte Bertrand,

Acting Director, Federal Facilities Restoration and Reuse Office, Office of Land and Emergency Management.

Categories for Deletion of Facilities

(1) Small-Quantity Generator. Show citation box.

(2) Never Federally Owned and/or Operated.

(3) Formerly Federally Owned and/or Operated but not at time of listing.

(4) No Hazardous Waste Generated.

(5) (This code is no longer used.)

(6) Redundant Listing/Site on Facility.

(7) Combining Sites Into One Facility/Entries Combined.

(8) Does Not Fit Facility Definition.

Categories for Addition of Facilities

(15) Small-Quantity Generator with either a RCRA 3016 or CERCLA 103 Reporting Mechanism.

(16) One Entry Being Split Into Two (or more)/Federal Agency Responsibility Being Split.

(17) New Information Obtained Showing That Facility Should Be Included.

(18) Facility Was a Site on a Facility That Was Disbanded; Now a Separate Facility.

(19) Sites Were Combined Into One Facility.

(19A) New Currently Federally Owned and/or Operated Facility Site.

Categories for Corrections of Information About Facilities

(20) Reporting Provisions Change.

(20A) Typo Correction/Name Change/Address Change.

(21) Changing Responsible Federal Agency. (If applicable, new responsible Federal agency submits proof of previously performed PA, which is subject to approval by EPA.)

(22) Changing Responsible Federal Agency and Facility Name. (If applicable, new responsible Federal Agency submits proof of previously performed PA, which is subject to approval by EPA.)

(24) Reporting Mechanism Determined To Be Not Applicable After Review of Regional Files.

[2] Each Federal facility listed in the update has been assigned a code that indicates a specific reason for the addition or deletion. The code precedes this list.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #28—ADDITIONS

Facility Name	Address	City	State	Zip Code	Agency	Reporting Mechanism	Code	Date
USAF - Air National Guard Camp Murray	118 Infantry	Camp Murray	WA	98430	Air Force	103C	19A	Update #29
Transportation Security Administration (DEN)	8400 Pena Boulevard, Po B0x 492125	Denver	CO	80249	Homeland Security	RCRA 3010	17	Update #29
Transportation Security Administration (FLL)	690 Sw 34th Street	Fort Lauderdale	FL	33315	Homeland Security	RCRA 3010	17	Update #29
Transportation Security Administration (LAS)	6750 Via Austi Parkway Suite 200	Las Vegas	NV	89119	Homeland Security	RCRA 3010	17	Update #29
Transportation Security Administration (SAN)	3665 North Harbor Drive, Terminal 1	San Diego	CA	92106	Homeland Security	RCRA 3010	17	Update #29
Transportation Security Administration (TPA)	4200 George Bean Parkway, Suite 2112	Tampa	FL	33607	Homeland Security	RCRA 3010	17	Update #29
Veterans Administration Medical Center	1892 Fort Road	Sheridan	WY	82801	Veterans Affairs	3010, 103C	19A	Update #29

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #28—DELETIONS

Facility Name	Address	City	State	Zip Code	Agency	Reporting Mechanism	Code	Date
Naval Weapons Support Center Crane	384 CSG/DE	Wichita	KS	67221	Air Force	RCRA 3005	8	2/12/1988
BLM-Chromalloy Mining & Milling	T42NR63ESEC11	Elko	NV	89801	Interior	CERCLA 103	6	2/12/1988
BLM-Siana Dump Site	Mile 67 Of Denall Hwy		AK	99729	Interior	CERCLA 103	6	2/12/1988
Fort Worth Naval Air Station, Joint Reserve Base	1510 Chenault Ave	Fort Worth	TX	76127	Navy	RCRA 3005	6	2/12/1988
Lassen College Site	Hwy 139 PO Box 3000	Susanville	CA	96130	Interior	OTHER	3	11/16/1988
USDA Forest Service	121 N Charles	White Cloud	MI	49348	Agriculture	RCRA 3010	4	8/22/1990
Duncan Canal Level Island Vortac Site	Level Island-North End	Level Island (Petersburg).	AK	99833	Agriculture	RCRA 3016	6	9/27/1991
Hudlow Camp Dump	M Address P O Box 7669	Missoula	ID		Agriculture	RCRA 3016	6	9/27/1991
USDA-FS Indian Point/Duncan Canal	Kupreanof Island-Indian Point	Auke Bay	AK		Agriculture	RCRA 3016	6	9/27/1991
USDA-FS Coghlan Island		Galena	AK	99821	Agriculture	RCRA 3016	6	9/27/1991
Pacific Bell	Bldg 2172	Beale Afb	CA	95903	Air Force	RCRA 3010	6	9/27/1991
US Army COE	681 County Road	Mission	TX	77553	Corps Of Engineers, Civil	CERCLA 103	6	9/27/1991
Gem County Landfill	Dewey Lane, 10m East Of Emmett	Emmett	ID		Interior	CERCLA 103	6	9/27/1991
US Postal Service	5800 W Century Blvd	Los Angeles	CA	90009	USPS	RCRA 3010	1	9/27/1991
Chugach Forest	Mi 23.5 Seward Highway	Seward	AK	99664	Agriculture	CERCLA 103	6	12/12/1991
Gunter Annex	55 South Lemay Plaza	Mafb	AL	36112	Air Force	CERCLA 103	6	12/12/1991
Army Reserve Center (Charlotte #2)	1412 Westover Drive	Charlotte	NC	28205	Army	CERCLA 103	6	12/12/1991
US Army Corps Of Eng Llarng Maint Center	8660 W Cermak Rd	North Riverside	IL	60546	Army	RCRA 3010	6	12/12/1991ef
Naval Radio Station T-Jim Creek	4 Miles East Of State Highway 530 At Oso	Oso	WA		Navy	CERCLA 103	6	12/12/1991
Betties Field	Betties Airport	Betties	AK	99726	Transportation	CERCLA 103	6	12/12/1991
NPS-Padre Island	9405 S Padre -Island Dr	Corpus Christi	TX	78418	Interior	RCRA 3010	1	7/17/1992
Queen Emmalani Tower	Queen & South Street	Honolulu, Oahu	HI	96813	*** Unknown ***	CERCLA 103	2	2/5/1993
Lynn Keller Property	Sec 6 T16N R8E	Cedar Bluffs	NE	68015	Agriculture	RCRA 3016	3	11/10/1993
Atlanta Naval Air Station	Halsey Street	Marletta	GA	30060	Navy	CERCLA 103	6	11/10/1993
Bergstrom Air Reserve Station	2502 Hwy 71E	Austin	TX	78719	Air Force	RCRA 3010	6	6/11/1995
Opheim Radar Station	2 Miles West Of Opheim	Opheim	MT	59250	Air Force	CERCLA 103	3	6/11/1995
Rio Vista Research Center	Rio Vista, CA	Rio Vista	CA		Army	CERCLA 103	6	6/27/1997
El Dorado National Forest	R14-T14N R10E-T13N R19E-T9N	El Dorado	CA	95623	Agriculture	CERCLA 103	6	6/12/2000
Los Angeles Air Force Base	2400 E El Segundo Blvd	El Segundo	CA	90245	Air Force	RCRA 3010	6	6/12/2000
BIA Tuba City Indian Medical Center	T C 167 N Main St	Tuba City	AZ	86045	Interior	RCRA 3010	1	6/12/2000
St Louis (Ex) Ordnance Plant	4300 Goodfellow Blvd	St Louis	MO	63120	Army	CERCLA 103	6	10/2/2001
USPS Hillcrest Station	300 E Hillcrest Blvd	Inglewood	CA	90301-9998	USPS	RCRA 3010	1	7/1/2002

Facility Name	Address	City	State	Zip Code	Agency	Reporting Mechanism	Code	Date
Marquand (Ex) Gap Filler Annex P-7od	NW 1/4 Section 18, T32N, R8E	Marquand	MO	63655	Agriculture	CERCLA 103	3	7/11/2003
FWS-Great White Heron National Wildlife Refuge-Navy Skeet Range	Boca Chica Naval Air Station	Key West	FL	33041	Interior	RCRA 3016	6	7/11/2003
Defense Industrial Plant Equipment	Old Rt. 1, P.O. Box 532, 6675 Sherman Road	Atchison	KS	66002	Army	CERCLA 103	6	7/19/2004
Transportation Security Administration	1336 Nw 78th Ave	Doral	FL	33126-1606	Homeland Security	RCRA 3010	6	10/13/2010
Federal Law Enforcment Training Center	Chapel Crossing Rd	Glynco	GA	31524	Homeland Security	RCRA 3010	6	8/17/2012
Charles Evans Whittaker Us Federal Courthouse	400 E 9th St	Kansas City	MO		General Services Administration	RCRA 3010	6	12/31/2012
USCG Ballast Point Moorings	Navsubbase Ballast Point Drive	San Diego	CA	92106	Homeland Security	RCRA 3010	4	3/18/2013
Nebraska National Forest Site #2	5.5 S Of Hwy 2	Halsey	NE	69142	Agriculture	RCRA 3010	7	1/6/2014
General Services Administration Former Federal Center	607 Hardesty Ave	Kansas City	MO		General Services Administration	RCRA 3010	6	1/6/2014
US DOT Maritime Suisun Bay Reserve Fleet	2595 Lake Herman Road	Benicia	CA	94510	Transportation	RCRA 3010	6	12/31/2014

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #28—CORRECTIONS

Facility Name	Address	City	State	Zip Code	Agency	Reporting Mechanism	Code	Date
Wappapello Training Site	Highway T, County Road 517, Butler County	Wayne City	MO	63966	Army	RCRA 3016	21	6/11/1995
Wappapello Training Site	Highway T, County Road 517, Butler County	Wayne City	MO	63966	Agriculture	RCRA 3016		6/11/1995
Lake Tahoe Basin Mu: Meyers Landfill	870 Emerald Bay Rd	South Lake Tahoe	CA	96150	Agriculture	CERCLA 103	20A	11/23/1998
FS-Meyers Landfill	870 Emerald Bay Rd	South Lake Tahoe	CA	96150	Agriculture	CERCLA 103		11/23/1998
Palo Alto Medical Center	3801 Miranda Ave	Palo Alto	CA	94304	Veterans Administration	RCRA 3010	20A	11/23/1998
VA Palo Alto Health Care System	3801 Miranda Ave	Palo Alto	CA	94304	Veterans Administration	RCRA 3010		11/23/1998
Air Force Plant No 4	Po Box 748	Fort Worth	TX	76108	Air Force	RCRA 3010	20A	12/31/2014
Air Force Plant No 4 (Lockheed Martin)	Po Box 748	Fort Worth	TX	76108	Air Force	RCRA 3010		12/31/2014
RCA Antenna Farm	451 Mesa Rd	Bolinas	CA	94924	*** Unknown ***	CERCLA 103	21	6/11/1995
RCA Antenna Farm	451 Mesa Rd	Bolinas	CA	94924	Interior	CERCLA 103		6/11/1995
Yuma Mesa Irrigation And Drainage Distance	14329 S Fourth Avenue	Yuma	AZ	85365	*** Unknown ***	RCRA 3016	21	2/5/1993
Yuma Mesa Irrigation And Drainage Distance	14329 S Fourth Avenue	Yuma	AZ	85365	Interior	RCRA 3016		2/5/1993
USACE-Wayne Interim Storage	868 Black Oak Ridge Rd	Wayne	NJ	07470	Corps Of Engineers, Civil	RCRA 3010	21	2/12/1998
USACE-Wayne Interim Storage	868 Black Oak Ridge Rd	Wayne	NJ	07470	Energy	RCRA 3010		2/12/1998
US Army Corps Of Engineers Whitney Point Lake And Dam	10 South Howard Street	Baltimore	MD	21201	Army	RCRA 3010	21	8/17/2015
US Army Corps Of Engineers Whitney Point Lake And Dam	10 South Howard Street	Baltimore	MD	21201	Corps Of Engineers, Civil	RCRA 3010		8/17/2015
Colville NF: Oriole Mine	T39N R43E SEC19 SE CORNER, +48-51'36.69" N, -117-24'46.42" W	Metaline	WA	99152	TSA	OTHER	21	8/17/2007
Colville NF: Oriole Mine	T39N R43E SEC19 SE CORNER, +48-51'36.69" N, -117-24'46.42" W	Metaline	WA	99152	Agriculture	OTHER		8/17/2007
Umatilla NF: Ajax Mine	T8S R35E.SEC22, +44-51'25" N,-118-24'16" W	Granite	OR	97877	TSA	OTHER	21	8/17/2007
Umatilla NF: Ajax Mine	T8S R35E.SEC22, +44-51'25" N,-118-24'16" W	Granite	OR	97877	Agriculture	OTHER		8/17/2007
Umatilla NF: Blackjack Mine	T9S R35E SEC14, +44-47'09" N,-118-27'59" W	Granite	OR	97877	TSA	OTHER	21	8/17/2007
Umatilla NF: Blackjack Mine	T9S R35E SEC14, +44-47'09" N,-118-27'59" W	Granite	OR	97877	Agriculture	OTHER		8/17/2007
Umatilla NF: Bluebird Mine	T9S R35E SEC11, +44-45'59" N,-118-29'37" W	Granite	OR	97877	TSA	OTHER	21	8/17/2007
Umatilla NF: Bluebird Mine	T9S R35E SEC11, +44-45'59" N,-118-29'37" W	Granite	OR	97877	Agriculture	OTHER		8/17/2007
Umatilla NF: Magnolia Mine	T8S R35E SEC22, +44-51'32" N, -118-24'08" W	Granite	OR	97877	TSA	OTHER	21	8/17/2007
Umatilla NF: Magnolia Mine	T8S R35E SEC22, +44-51'32" N, -118-24'08" W	Granite	OR	97877	Agriculture	OTHER		8/17/2007

Facility Name	Address	City	State	Zip Code	Agency	Reporting Mechanism	Code	Date
Umpqua NF: Champion Mine	T23S R1E SEC13, +43-34'50" N, -122-37'49" W	Cottage Grove	OR	97424	TSA	OTHER	21	8/17/2007
Umpqua NF: Champion Mine	T23S R1E SEC13, +43-34'50" N, -122-37'49" W	Cottage Grove	OR	97424	Agriculture	OTHER		8/17/2007
Transportation Security Administration	NW 20TH ST BLDG 3050	Miami	FL	33142	Transportation	RCRA 3010	22	10/13/2010
Transportation Security Administration (Mia)	NW 20TH ST BLDG 3050	Miami	FL	33142	Homeland Security	RCRA 3010		1/6/2014
TSA Orlando International Airport	Jeff Fuqua Blvd	Orlando	FL	32822	TSA	RCRA 3010	21	1/6/2014
TSA Orlando International Airport	Jeff Fuqua Blvd	Orlando	FL	32822	Homeland Security	RCRA 3010		1/6/2014
TSA Portland International Airport	7000 Ne Airport Wy Lwr Lvl S E	Portland	OR	97218	TSA	RCRA 3010	21	1/6/2014
TSA Portland International Airport	7000 Ne Airport Wy Lwr Lvl S E	Portland	OR	97218	Homeland Security	RCRA 3010		1/6/2014
TSA Seatac Airport	17801 Intl Blvd, Rm 6631	Seattle	WA	98158	TSA	RCRA 3010	21	1/6/2014
TSA Seatac Airport	17801 Intl Blvd, Rm 6631	Seattle	WA	98158	Homeland Security	RCRA 3010		1/6/2014
Transportation Security Administration	510 Airline Dr	Coppell	TX	75019	TSA	RCRA 3010	22	10/13/2010
Transportation Security Administration (DFW)	510 Airline Dr	Coppell	TX	75019	Homeland Security	RCRA 3010		12/31/2014
Malheur NF: Roba Westfall Mine	T16S R29E SEC6, +44-12'37" N,-119- 16' 57" W	John Day	OR	97845	TSA	OTHER	21	8/17/2007
Malheur NF: Roba Westfall Mine	T16S R29E SEC6, +44-12'37" N,-119- 16' 57" W	John Day	OR	97845	Agriculture	OTHER		8/17/2007
Malheur NF: York & Rannels Mines	T16S R29E SEC7, +44-11'49" N,-119-17'14" W	John Day	OR	97845	TSA	OTHER	21	8/17/2007
Malheur NF: York & Rannels Mines	T16S R29E SEC7, +44-11'49" N,-119-17'14" W	John Day	OR	97845	Agriculture	OTHER		8/17/2007
Former Red Rocks Mine	37 51' 23 N LAT 118 14' 34 W L.	Dyer	NV	89010	Agriculture	RCRA 3010	20A	12/31/2012
Former Red Rocks Mine Mercury Mine	37 51' 23 N LAT 118 14' 34 W L.	Dyer	NV	89010	Agriculture	RCRA 3010		12/31/2012

FULL FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BELT CREEK CCC CAMP	T14N R7E SEC 1	NEIHART	MT	59465	AGRICULTURE	CERCLA 103	2/12/1988
BELTSVILLE AGRICULTURAL RESEARCH CENTER	BUILDING 003 BARC-WEST 10300 BALTIMORE AVENUE	BELTSVILLE	MD	20705	AGRICULTURE	RCRA 3010	2/12/1988
CLEARWATER NF: CLAYTON CREEK DUMP	T 39N, R 11E, SEC 21	HEADQUARTERS	ID	83534	AGRICULTURE	CERCLA 103	2/12/1988
EASTERN REGIONAL RESEARCH CENTER	600 EAST MERMAID LANE	WYNDMOOR	PA	19038	AGRICULTURE	RCRA 3010	2/12/1988
FOREST PRODUCTS LABORATORY	1 GIFFORD PINCHOT DR, DANE COUNTY	MADISON	WI	53705	AGRICULTURE	RCRA 3005	2/12/1988
ROMAN L. HRUSKA MEAT ANIMAL RESEARCH CENTER	P.O. BOX 166, STATE SPUR 18D	CLAY CENTER	NE	68933	AGRICULTURE	RCRA 3010	2/12/1988
SOUTHERN REGIONAL RESEARCH CENTER, USDA	1100 ROBERT E LEE BLVD	NEW ORLEANS	LA	70124	AGRICULTURE	RCRA 3010	2/12/1988
SUBTROPICAL AGRICULTURE RESEARCH LABORATORY	FM 1015, SOUTH EXPRESSWAY 83	WESLACO	TX	76115	AGRICULTURE	RCRA 3010	2/12/1988
US COTTON RESEARCH CENTER	17053 SHAFTER AVENUE	SHAFTER	CA	93263	AGRICULTURE	RCRA 3010	2/12/1988
USDA BIOSCIENCES RESEARCH LAB	1605 W. COLLEGE ST	FARGO	ND	58105	AGRICULTURE	RCRA 3010	2/12/1988
USDOA WILDLIFE RESEARCH FIELD STATION	2820 E UNIVERSITY AVE.	GAINESVILLE	FL	32601	AGRICULTURE	CERCLA 103	2/12/1988
WENATCHEE NF: HOLDEN MINE	T31N R17E S7 WM	HOLDEN	WA	98816	AGRICULTURE	RCRA 3016	2/12/1988
YAKIMA AGRICULTURAL RESEARCH LABORATORY	3706 W NOB HILL BLVD	YAKIMA	WA	98902	AGRICULTURE	RCRA 3010	2/12/1988
AIR FORCE PLANT #4 (GENERAL DYNAMICS)	GRANTS LANE	FORT WORTH	TX	76106	AIR FORCE	RCRA 3005	2/12/1988
AIR FORCE PLANT 19	4297 PACIFIC COAST HWY	SAN DIEGO	CA	92101-5001	AIR FORCE	CERCLA 103	2/12/1988
AIR FORCE PLANT 42	20TH ST E & AVES O & M	PALMDALE	CA	93550	AIR FORCE	RCRA 3005	2/12/1988
AIR FORCE PLANT 78	35 MI. NW OF BRIGHAM CITY, MAIL STOP 250	BRIGHAM CITY	UT	84302	AIR FORCE	RCRA 3010	2/12/1988
AIR FORCE PLANT PJKS	12275 SOUTH HIGHWAY 75	LITTLETON	CO	80127	AIR FORCE	RCRA 3016	2/12/1988
AIR FORCE REAL PROPERTY AGENCY (FORMERLY GRIFFISS AIR FORCE BASE)	153 BROOKS RD	ROME	NY	13441	AIR FORCE	RCRA 3005	2/12/1988
ANDERSON AFB	43 CSG/CC ROUTE 1	YIGO	GU	96912	AIR FORCE	RCRA 3005	2/12/1988
ANDREWS AIR FORCE BASE	PERIMETER RD	ANDREWS AFB	MD	20762	AIR FORCE	RCRA 3005	2/12/1988
ARNOLD ENGINEERING DEVELOPMENT CENTER	TN HWY 127	ARNOLD AIR FORCE BASE	TN	37389-3010	AIR FORCE	RCRA 3005	2/12/1988
AVON PARK AIR FORCE BASE	56 COMBAT SUPPORT GROUP/DE	MACDILL AFB	FL	33608	AIR FORCE	RCRA 3005	2/12/1988
BARKSDALE AIR FORCE BASE	2CSG/CC	BOSSIER CITY	LA	71110	AIR FORCE	RCRA 3005	2/12/1988
BEALE AIR FORCE BASE	6451 B ST	BEALE	CA	95903	AIR FORCE	RCRA 3005	2/12/1988
BERGSTROM-AIR FORCE BASE	67 CSG/DE	BERGSTROM AFB	TX	78743	AIR FORCE	RCRA 3005	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
CAMP PARKS COMMUNICATION ANNEX	6594 ABS/CC	PLEASANTON	CA	94088	AIR FORCE	RCRA 3016	2/12/1988
CANNON AIR FORCE BASE	BLDG 1-275 CSG/DE	CANNON AFB	NM	88103	AIR FORCE	RCRA 3005	2/12/1988
CAPE LISBURNE AIR FORCE STATION	40 MI NE OF PT. HOPE, ALASKA MARITIME NWR	CAPE LISBURNE	AK	99766	AIR FORCE	RCRA 3010	2/12/1988
CAPE NEWENHAM AIR FORCE STATION	KUSKOKWIM BAY	CAPE NEWENHAM	AK	99651	AIR FORCE	RCRA 3010	2/12/1988
CAPE ROMANZOF AIR FORCE STATION	20 MI N OF HOOPER BAY, YUKON DELTA NWR	HOOPER BAY	AK	99604	AIR FORCE	RCRA 3010	2/12/1988
CASTLE AFB	93 CSG/CC	CASTLE AFB	CA	95342	AIR FORCE	RCRA 3005	2/12/1988
CHANUTE AIR FORCE BASE	3345 CES AFB	RANTOUL	IL	61868	AIR FORCE	RCRA 3005	2/12/1988
CHARLESTON AIR FORCE BASE	437 CSG/DEEV	CHARLESTON	SC	29404	AIR FORCE	RCRA 3005	2/12/1988
COLUMBUS AIR FORCE BASE	US HWY 45 NORTH	COLUMBUS	MS	39701	AIR FORCE	RCRA 3005	2/12/1988
DAVIS-MONTHAN AFB	837 CSG/CC	DAVIS-MONTHAN AFB	AZ	85735	AIR FORCE	RCRA 3005	2/12/1988
DOBBINS AIR RESERVE BASE	94 SPTG/CEV	DOBBINS AIR FORCE BASE	GA	30069	AIR FORCE	RCRA 3016	2/12/1988
DOVER AIR FORCE BASE	436 SPTG/CEVR 600 CHEVRON AVENUE	DOVER	DE	19902	AIR FORCE	RCRA 3005	2/12/1988
DYESS AIR FORCE BASE	96 CSG/CC	ABILENE	TX	79607	AIR FORCE	RCRA 3005	2/12/1988
EARECKSON AIR FORCE STATION	SHEMYA ISLAND S SHORE	SHEMYA	AK	99546	AIR FORCE	RCRA 3010	2/12/1988
EDWARDS AIR FORCE BASE	AFFTC EDWARDS AFB	EDWARDS AFB	CA	93524	AIR FORCE	RCRA 3005	2/12/1988
EGLIN AIR FORCE BASE	3200 SPTW/DEV	EGLIN AFB	FL	32542	AIR FORCE	RCRA 3005	2/12/1988
EIELSON AIR FORCE BASE	HWY 2, 16 MI SE OF FAIRBANKS	FAIRBANKS	AK	99702	AIR FORCE	RCRA 3005	2/12/1988
ELLSWORTH AIR FORCE BASE	44CSC/DE	ELLSWORTH AFB	SD	57706	AIR FORCE	RCRA 3005	2/12/1988
ELMENDORF AIR FORCE BASE	N BOUNDARY OF CITY LIMITS	ANCHORAGE	AK	99506	AIR FORCE	RCRA 3005	2/12/1988
ENGLAND AIR FORCE BASE	1719 CHAPPIE JAMES	ALEXANDRIA	LA	71303	AIR FORCE	RCRA 3005	2/12/1988
FAIRCHILD AIR FORCE BASE	US HWY 2 W OF SPOKANE	FAIRCHILD AFB	WA	99011	AIR FORCE	RCRA 3005	2/12/1988
GALENA AIR FORCE STATION	HEAD OF TRACTOR CREEK, 1 MI W OF CITY	GALENA	AK	99741	AIR FORCE	RCRA 3010	2/12/1988
GEN BILLY MITCHELL FIELD	440 CSG/DE 300 E COLLEGE AVE	MILWAUKEE	WI	53207	AIR FORCE	RCRA 3010	2/12/1988
GEORGE AIR FORCE BASE	831 CSG/DE	GEORGE AFB	CA	92392	AIR FORCE	RCRA 3005	2/12/1988
GRAND FORKS AIR FORCE BASE	321 CSG/CC	GRAND FORKS	ND	58105	AIR FORCE	RCRA 3005	2/12/1988
GRISSOM AIR RESERVE BASE	434 SPTG/CEV	GRISSOM AFB	IN	46971	AIR FORCE	RCRA 3005	2/12/1988
HAMILTON AIR FORCE BASE	HAMILTON AIR FORCE BASE	NOVATO	CA	94947	AIR FORCE	CERCLA 103	2/12/1988
HANSCOM FIELD/HANSCOM AIR FORCE BASE	66 ABW/CC, 120 GREENIER STREET	BEDFORD	MA	01731	AIR FORCE	RCRA 3005	2/12/1988
HICKAM AIR FORCE BASE	15 ABW/DE	HONOLULU	HI	96853	AIR FORCE	RCRA 3005	2/12/1988
HILL AIR FORCE BASE	7274 WARDLEIGH RD	HILL AFB	UT	84056	AIR FORCE	RCRA 3005	2/12/1988
HOLLOMAN AIR FORCE BASE	49 CSC/CC	HOLLOMAN AFB	NM	88330	AIR FORCE	RCRA 3005	2/12/1988
HOMESTEAD AIR FORCE BASE	360 CORAL SEA BLVD	HOMESTEAD	FL	33049	AIR FORCE	RCRA 3005	2/12/1988
INDIAN MOUNTAIN AIR FORCE STATION	NW SOURCE OF INDIAN RIVER	BETTLES	AK	99720	AIR FORCE	RCRA 3010	2/12/1988
JET PROPULSION LABORATORY	NORTH BASE RD, EDWARDS AFB	EDWARDS	CA	93523	AIR FORCE	RCRA 3010	2/12/1988
K.I. SAWYER AIR FORCE BASE	410 CES DEEV	GWINN	MI	49843	AIR FORCE	RCRA 3005	2/12/1988
KEESLER AIR FORCE BASE	508 L STREET, 81ST CES/CEVC	KEELSER AFB	MS	39534	AIR FORCE	RCRA 3005	2/12/1988
KELLY AIR FORCE BASE	SA-ALC/EM	SAN ANTONIO	TX	78241	AIR FORCE	RCRA 3005	2/12/1988
KINGSLEY FIELD	JOE WRIGHT ROAD, 5 MI S OF CITY	KLAMATH FALLS	OR	97603	AIR FORCE	RCRA 3010	2/12/1988
KIRTLAND AIR FORCE BASE	2000 WYOMING BLVD SE	KIRTLAND AFB	NM	87117	AIR FORCE	RCRA 3005	2/12/1988
LACKLAND AIR FORCE BASE	3700 ABG/DE	SAN ANTONIO	TX	78236	AIR FORCE	RCRA 3005	2/12/1988
LAUGHLIN AIR FORCE BASE	47 ABG/DE	DEL RIO	TX	78843	AIR FORCE	RCRA 3005	2/12/1988
LORING AIR FORCE BASE	42 CSG/CC	LIMESTONE	ME	04751	AIR FORCE	RCRA 3005	2/12/1988
LOWRY AIR FORCE BASE	3415 CES/DE	LOWRY AFB	CO	80230	AIR FORCE	RCRA 3005	2/12/1988
LUKE AIR FORCE BASE	LITCHFIELD & GLENDALE ROADS	GLENDALE	AZ	85309	AIR FORCE	RCRA 3005	2/12/1988
MACDILL AIR FORCE BASE	56 COMBAT SUPPORT GROUP/ DE	MACDILL AFB	FL	33608	AIR FORCE	RCRA 3005	2/12/1988
MALMSTROM AIR FORCE BASE	FACILITY 1501 PERIMETER RD	GREAT FALLS	MT	59402	AIR FORCE	RCRA 3005	2/12/1988
MARCH AIR FORCE BASE	OLDB MARCH 3430 BUNDY AVENUE	MARCH AFB	CA	92518-1504	AIR FORCE	RCRA 3005	2/12/1988
MATHER AIR FORCE BASE..	MATHER AFB	SACRAMENTO	CA	95655	AIR FORCE	RCRA 3005	2/12/1988
MCCHORD AIR FORCE BASE	MERIDIAN STREET	MCCHORD AFB	WA	98438	AIR FORCE	RCRA 3010	2/12/1988
MCCLELLAN AIR FORCE BASE	3200 PEACEKEEPER WAY	SACRAMENTO	CA	95652	AIR FORCE	RCRA 3005	2/12/1988
MCCONNELL AIR FORCE BASE	53000 HUTCHINSON STE 109	WICHITA	KS	67221-3617	AIR FORCE	RCRA 3005	2/12/1988
MCGUIRE AIR FORCE BASE	WRIGHTSTOWN-COOKSTOWN RD	WRIGHTSTOWN	NJ	8562	AIR FORCE	RCRA 3005	2/12/1988
MINOT AIR FORCE BASE	5 CES CE 320 PEACEKEEPER PLACE	MINOT AIR FORCE BASE	ND	58705-5006	AIR FORCE	RCRA 3005	2/12/1988
MOODY AIR FORCE BASE	347 CSG/DE	MOODY AFB	GA	31669	AIR FORCE	RCRA 3005	2/12/1988
MOUNTAIN HOME AIR FORCE BASE	HWY 67, 10 MI W OF CITY	MOUNTAIN HOME AFB	ID	83648	AIR FORCE	RCRA 3005	2/12/1988
MURPHY DOME AIR FORCE STATION	CHATINIKA RIVER	MURPHY DOME	AK	99701	AIR FORCE	RCRA 3010	2/12/1988
MYRTLE BEACH AIR FORCE BASE	354 CSG/DE	MYRTLE BEACH	SC	29577	AIR FORCE	RCRA 3005	2/12/1988
NAVAL AIR STATION	305TH CSGIDE	GRISSOM AFB	IN	46971	AIR FORCE	RCRA 3005	2/12/1988
NELLIS AIR FORCE BASE	4370 N WASHINGTON BLVD STE 117	NELLIS AFB	NV	89191	AIR FORCE	RCRA 3005	2/12/1988
NEWARK AIR FORCE BASE	AGMC/EM	NEWARK AFB	OH	43057	AIR FORCE	RCRA 3005	2/12/1988
NIAGARA FALLS AIR FORCE RES	914 TA/DE	NIAGARA FALLS IAP	NY	14304	AIR FORCE	RCRA 3005	2/12/1988
NORTON AIR FORCE BASE	63ABG/CC	NORTON AFB	CA	92409	AIR FORCE	RCRA 3005	2/12/1988
OFFUTT AIR FORCE BASE (EX)	3902 ABW/DEEV	OFFUTT AFB	NE	68113	AIR FORCE	RCRA 3005	2/12/1988
OTIS AIR FORCE BASE	OTIS AFB	FALMOUTH	MA	02542	AIR FORCE	RCRA 3010	2/12/1988
PATRICK AIR FORCE BASE	6550 ABG/DEEV	PATRICK AFB	FL	32925	AIR FORCE	RCRA 3005	2/12/1988
PEASE AIR FORCE BASE	509 CSG/CC	PORTSMOUTH	NH	3801	AIR FORCE	RCRA 3005	2/12/1988
PHELPS/COLLINS ANG BASE	AIRPORT ROAD	ALPENA	MI	49704	AIR FORCE	RCRA 3010	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
PLANT #3 (MCDONNELL-DOUGLAS CORP)	2000 N. MEMORIAL AVENUE	TULSA	OK	74101	AIR FORCE	RCRA 3005	2/12/1988
PLANT #44 (HUGHES AIRCRAFT CO.)	OLD NOGALES ROAD	TUCSON	AZ	85734	AIR FORCE	RCRA 3005	2/12/1988
PLANT #59	600 MAIN STREET	JOHNSON CITY	NY	13890	AIR FORCE	RCRA 3016	2/12/1988
PLANT #6 (LOCKHEED)	86 S COBB DRIVE ZONE 54	MARIETTA	GA	30063	AIR FORCE	RCRA 3005	2/12/1988
PLATTSBURGH AIR FORCE BASE	308 CSG/CC	PLATTSBURGH AFB	NY	12901	AIR FORCE	RCRA 3005	2/12/1988
POINT ARENA AIR FORCE STATION	26 ADS/DE	PT ARENA AFS	CA	95468	AIR FORCE	RCRA 3016	2/12/1988
POPE AIR FORCE BASE	43 CES/CEV 560 INTERCEPTOR RD	POPE AIR FORCE BASE	NC	28308	AIR FORCE	RCRA 3005	2/12/1988
PORT MOLLER AIR FORCE STATION	55D58M41SN, 160D29M45SW	PORT MOLLER	AK	99571	AIR FORCE	RCRA 3010	2/12/1988
PORTLAND AIR NATIONAL GUARD BASE	6801 NE CORN FOOT RD	PORTLAND	OR	97208	AIR FORCE	CERCLA 103	2/12/1988
RANDOLPH AIR FORCE BASE	12 ABG/DE	SAN ANTONIO	TX	78150	AIR FORCE	RCRA 3005	2/12/1988
REESE AIR FORCE BASE	64 ABG/DE	LUBBOCK	TX	79489	AIR FORCE	RCRA 3005	2/12/1988
RICHARDS GEBAUR AIR FORCE BASE	HYW 150 & US HWY 71	BELTON	MO	64012	AIR FORCE	RCRA 3016	2/12/1988
ROBINS AIR FORCE BASE	455 BYRON STREET, SUITE 465	ROBINS AFB	GA	31098-1860	AIR FORCE	RCRA 3005	2/12/1988
SCOTT AFB	375 ABG/CC	SCOTT AFB	IL	82225	AIR FORCE	RCRA 3005	2/12/1988
SELFRIDGE AIR NATIONAL GUARD	DETACHMENT 1/DEE	MOUNT CLEMENS	MI	48045	AIR FORCE	RCRA 3005	2/12/1988
SEYMOUR JOHNSON AIR FORCE BASE	4 CSG/DE	SEYMOUR JOHNSON AIR FORCE BASE	NC	27531	AIR FORCE	RCRA 3005	2/12/1988
SHAW AIR FORCE BASE	345 CULLEN ST	SHAW AFB	SC	29152	AIR FORCE	RCRA 3005	2/12/1988
SHEPPARD AIR FORCE BASE	3750 ABG/DE	WICHITAL FALLS	TX	76311	AIR FORCE	RCRA 3005	2/12/1988
SOUTH DAKOTA AIR NATIONAL GUARD	P.O. BOX 5044	SIOUX FALLS	SD	57117	AIR FORCE	CERCLA 103	2/12/1988
SPARREVOHN AIR FORCE STATION	HOOK CREEK, 18 MI SW OF CITY	LIME VILLAGE	AK	99557	AIR FORCE	RCRA 3010	2/12/1988
TATALINA AIR FORCE STATION	9 MI SW OF MCGRATH	MCGRATH	AK	99627	AIR FORCE	RCRA 3010	2/12/1988
TIN CITY AIR FORCE STATION	1 MI NE OF TIN CITY	TIN CITY	AK	99783	AIR FORCE	RCRA 3010	2/12/1988
TINKER AIR FORCE BASE	OC ALC/EM	OKLAHEMA CITY	OK	73145	AIR FORCE	RCRA 3005	2/12/1988
TRAVIS AIR FORCE BASE	60 ABG/CC AIR BASE PARKWAY FAIRFIELD 6 MI E OF ADDRESS	TRAVIS AFB	CA	94535	AIR FORCE	RCRA 3005	2/12/1988
TYNDALL AIR FORCE BASE	325 CSB/DE	TYNDALL AFB	FL	32403	AIR FORCE	RCRA 3005	2/12/1988
US AIR FORCE PLANT #38	PORTER & BALMER RDS	PORTER TWP	NY	14131	AIR FORCE	RCRA 3005	2/12/1988
US AIR FORCE PLANT 85	4300 E. 5TH AVENUE	COLUMBUS	OH	43216	AIR FORCE	RCRA 3005	2/12/1988
VANCE AIR FORCE BASE	71 ABG /DE	ENID	OK	73702	AIR FORCE	RCRA 3005	2/12/1988
VANDENBERG AFB	1 STRAD/ET	LOMPOC	CA	93436	AIR FORCE	RCRA 3005	2/12/1988
VOLK FIELD	HWY 94 JUNEAU COUNTY	CAMP DOUGLAS	WI	54618	AIR FORCE	RCRA 3016	2/12/1988
WESTOVER AIR FORCE BASE	439 CSG/DE	CHICOPEE	MA	01022	AIR FORCE	RCRA 3005	2/12/1988
WHEELER AFB	BASE CIVIL ENGINEER	OAHU	HI	96854	AIR FORCE	RCRA 3010	2/12/1988
WHITEMAN AIR FORCE BASE	T46N R24W S33	WHITEMAN AFB	MO	65305	AIR FORCE	RCRA 3005	2/12/1988
WILLIAMS AIR FORCE BASE	82 ABG/DE	WILLIAMS AIR FORCE BASE	AZ	85240	AIR FORCE	RCRA 3005	2/12/1988
WRIGHT PATTERSON AIR FORCE BASE	2750 ABW/EM	DAYTON	OH	45433	AIR FORCE	RCRA 3005	2/12/1988
WURTSMITH AIR FORCE BASE	379 COMBAT SUPPORT GROUP/CC	OSCODA	MI	48753	AIR FORCE	RCRA 3005	2/12/1988
YOUNGSTOWN TEST ANNEX	BALMER RD	PORTER CENTER	NY	14131	AIR FORCE	CERCLA 103	2/12/1988
ABERDEEN PROVING GROUND (EDGEWOOD AREA)	STEPA-SH-ER	ABERDEEN	MD	21010	ARMY	RCRA 3005	2/12/1988
ADELPHI LABORATORY CENTER (HARRY DIAMOND LAB)	2800 POWDER MILL ROAD	ADELPHI	MD	20783	ARMY	RCRA 3005	2/12/1988
ALABAMA ARMY AMMUNITION PLANT.	PO BO X 368	CHILDERSBURG	AL	35044	ARMY	RCRA 3005	2/12/1988
ANNISTON ARMY DEPOT	7 FRANKFORD AVENUE	ANNISTON	AL	36201-4199	ARMY	RCRA 3005	2/12/1988
ARLINGTON HALL STATION	US ARMY	W ARRENTON	VA	22186	ARMY	RCRA 3010	2/12/1988
ARMY ENGINE PLANT STRATFORD	550 SOUTH MAIN STREET	STRATFORD	CT	06497	ARMY	RCRA 3005	2/12/1988
BADGER ARMY AMMUNITION PLANT	US HWY 12 S SAUK COUNTY	BARABOO	WI	53913	ARMY	RCRA 3005	2/12/1988
BELLMORE MAINTENANCE FACILITY	2755 MAPLE AVE	BELLMORE	NY	11710	ARMY	RCRA 3010	2/12/1988
BRITTON ARMY RESERVE CENTER	39TH ST & FEDERAL ST	CAMDEN	NJ	08105	ARMY	RCRA 3010	2/12/1988
CAMERON STATION	5010 DUKE ST	ALEXANDRIA	VA	22314	ARMY	RCRA 3010	2/12/1988
CARLISLE ARMY BARRACKS	U.S. HIGHWAY 11 AND ASHBURN DRIVE	CARLISLE	PA	17013	ARMY	CERCLA 103	2/12/1988
CHARLES E. KELLEY SUPPORT CENTER	US ARMY	OAKDALE	PA	15071	ARMY	RCRA 3010	2/12/1988
CORPUS CHRISTI ARMY MAINTENANCE SUPPORT ACTIVITY	2022 SARATOGA	CORPUS CHRISTI	TX	78415	ARMY	RCRA 3005	2/12/1988
DEFENSE CONSTRUCTION SUPPLY CTR	OHIO RT 88, COUNTY ROAD 225	COLUMBUS	OH	43215	ARMY	RCRA 3010	2/12/1988
DEFENSE DEPOT MEMPHIS	2163 AIRWAYS BLVD	MEMPHIS	TN	38114	ARMY	RCRA 3005	2/12/1988
DEFENSE DEPOT TRACY	CHRISMAN ROAD	TRACY	CA	95376-5000	ARMY	RCRA 3005	2/12/1988
DUGWAY PROVING GROUND	45 MI. W. OF TOOELE	DUGWAY	UT	84022	ARMY	RCRA 3010	2/12/1988
ENGINEERING ENVIRONMENTAL WATERWAY LABORATORY	PO BOX 631	VICKSBURG	MS	39180	ARMY	RCRA 3005	2/12/1988
FIELD ARTILLERY TNG CT	2930 CURRIE RD ATTN ATZR-B	FORT SILL	OK	73503	ARMY	RCRA 3005	2/12/1988
FORT A.P. HILL	US RT 301 & STATE RT 608	BOWLING GREEN	VA	22427-5000	ARMY	RCRA 3005	2/12/1988
FORT ALLEN	ROUTE 1	JUANA DIAZ	PR	00665	ARMY	CERCLA 103	2/12/1988
FORT BELVOIR-US ARMY ENGINEERING CENTER	9430 JACKSON LOOP	FORT BELVOIR	VA	22060-5130	ARMY	RCRA 3005	2/12/1988
FORT BENNING	GA HWY 1 & US 27	FORT BENNING	GA	31905	ARMY	RCRA 3005	2/12/1988
FORT BLISS AIR DEFENSE CENTER	ENVIRON MGMT OFC BLDG 1105 W	FORT BLISS	TX	79916	ARMY	RCRA 3005	2/12/1988
FORT BUCHANAN	ROUTE 28	SAN JUAN	PR	00934	ARMY	RCRA 3005	2/12/1988
FORT DETRICK	FT DETRICK	FREDERICK	MD	21701	ARMY	OTHER	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
FORT DETRICK-FOREST GLEN ANNEX	503 ORNEY DR	SILVER SPRING	MD	20910	ARMY	OTHER	2/12/1988
FORT DEVENS	BUENA VISTA ST	AYER-SHIRLEY	MA	01432	ARMY	RCRA 3005	2/12/1988
FORT DEVENS-SUDBURY TRAINING ANNEX	HUDSON RD	SUDBURY	MA	01776	ARMY	RCRA 3016	2/12/1988
FORT DRUM #8	BTWN RTS 3 & 11	WATERTOWN	NY	13601	ARMY	RCRA 3005	2/12/1988
FORT EUSTIS	US TRANS CTR-FT EUSTIS	NEWPORT NEWS	VA	23604	ARMY	RCRA 3005	2/12/1988
FORT GEORGE G. MEADE	MD RT 175	ODENTON	MD	21113	ARMY	RCRA 3005	2/12/1988
FORT GILLEM	4653 N SECOND ST	FOREST PARK	GA	30297-5000	ARMY	RCRA 3005	2/12/1988
FORT HAMILTON	FT HAMILTON	BROOKLYN	NY	11252	ARMY	RCRA 3010	2/12/1988
FORT HUNTER LIGGETT.	FORT HUNTER LIGGETT	JOLON	CA	93928	ARMY	RCRA 3005	2/12/1988
FORT INDIANTOWN GAP	FORT INDIANTOWN	ANNVILLE	PA	17003	ARMY	RCRA 3010	2/12/1988
FORT KAMEHAMEHA	FORT KAMEHAMEHA	HONOLULU	HI	96618	ARMY	RCRA 3010	2/12/1988
FORT LEONARD WOOD, U.S. ARMY MANEUVER SUPPORT CENTER	DIRECTORATE OF PUBLIC WORKS, 1334 FIRST STREET	FORT LEONARD WOOD	MO	65473-8944	ARMY	RCRA 3005	2/12/1988
FORT LEWIS	T19N R2E S21, 22, 26&27, 11 MI E OF OLYMPIA	FORT LEWIS	WA	98433	ARMY	RCRA 3005	2/12/1988
FORT MCCLELLAN CHEMICAL AND MP CENTERS	OFF AL. HWY 202A AND US HWY 21	FOR MCCLELLAN, CALHOUN CITY	AL	36205	ARMY	RCRA 3005	2/12/1988
FORT MCCOY MILITARY RESERVATION	FORT MCCOY	SPARTA	WI	54656	ARMY	RCRA 3005	2/12/1988
FORT MCNAIR	350 P STREET, S.W	WASHINGTON	DC	20319	ARMY	RCRA 3010	2/12/1988
FORT MONMOUTH	TINTON & PINEBROOK	TINTON FALLS	NJ	07724	ARMY	RCRA 3010	2/12/1988
FORT MONROE	318 CORNOG LANE	FORT MONROE	VA	23651-1110	ARMY	RCRA 3010	2/12/1988
FORT MYER	204 LEE AVE	FORT MYER	VA	22211-1199	ARMY	RCRA 3010	2/12/1988
FORT ORD	FORT ORD	FORT ORD	CA	93941	ARMY	RCRA 3005	2/12/1988
FORT PICKETT	BLDG 134 MILITARY ROAD	FORT PICKETT	VA	23824	ARMY	RCRA 3010	2/12/1988
FORT RICHARDSON	GLEN HWY & ARCTIC VALLEY RD	FORT RICHARDSON	AK	99505	ARMY	RCRA 3005	2/12/1988
FORT RILEY 1ST INFANTRY DIV (M)	BLDG 330 DICKMAN AVENUE	FORT RILEY	KS	66442	ARMY	RCRA 3005	2/12/1988
FORT SHAFTER ARMY SUPPORT COMMAND, HI	US ARMY SUPPORT COMMAND HI	FORT SHAFTER	HI	96858	ARMY	RCRA 3010	2/12/1988
FORT STEWART	24TH INFANTRY DIV AFZP-DEN-E	FORT STEWART	GA	31314	ARMY	RCRA 3005	2/12/1988
FORT STORY	BLDG 300	VIRGINIA BEACH	VA	23459	ARMY	RCRA 3005	2/12/1988
FORT TOTTEN	BAYSIDE	QUEENS	NY	11359	ARMY	RCRA 3010	2/12/1988
FT IRWIN NAT TRAINING CENTER	DEH BLDG. 365	FT IRWIN	CA	92311	ARMY	RCRA 3005	2/12/1988
HAWTHORNE ARMY AMMUNITION PLANT	HWY 95	HAWTHORNE	NV	89416	ARMY	RCRA 3005	2/12/1988
HAYS ARMY AMMUNITION PLANT	300 MUFFLIN RD	PITTSBURGH	PA	15207	ARMY	RCRA 3016	2/12/1988
HOLSTON ARMY AMMUNITION PLANT	WEST STONE DRIVE	KINGSPORT	TN	37660	ARMY	RCRA 3005	2/12/1988
HQ FORT CARSON 7TH ID DECAM	801 TEVIS STREET BLDG. 302	FORT CARSON	CO	80913-4000	ARMY	RCRA 3005	2/12/1988
HUNTER ARMY AIRFIELD	24TH INFANTRY DIV AFZP-DEN-E	FORT STEWART	GA	31314	ARMY	RCRA 3005	2/12/1988
INDIANA ARMY AMMUNITION PLANT	11452 HWY 62	CHARLESTOWN	IN	47111	ARMY	RCRA 3005	2/12/1988
IOWA ARMY AMMUNITION PLANT	HWY 79 OFF MIDDLETOWN ROAD	MIDDLETOWN	IA	52638	ARMY	RCRA 3005	2/12/1988
IUS ARMY FORT POLK AND PEASON RIDGE	HQ. 5TH INFANTRY DIV. & FORT POLK	FORT POLK	LA	71459	ARMY	RCRA 3005	2/12/1988
JOHNSTON ATOLL NATIONAL WILDLIFE REFUGE	P.O. BOX 50167	HONOLULU	HI	96850	ARMY	RCRA 3010	2/12/1988
JOLIET ARMY AMMUNITION PLANT	6 MILES S OF ELWOOD OFF RTE 53 WILL COUNTY	JOLIET	IL	60634	ARMY	RCRA 3005	2/12/1988
KANSAS ARMY AMMUNITION PLANT	3 MILES EAST OF TOWN	PARSONS	KS	66757	ARMY	RCRA 3005	2/12/1988
LAKE CITY ARMY AMMUNITION PLANT	JCT OF MO HWY 7 & HWY 78	INDEPENDENCE	MO	64050	ARMY	RCRA 3005	2/12/1988
LAWRENCE LIVERMORE NATIONAL LABORATORY-CAMP PARKS	CAMP PARKS	PLEASANTON	CA	94566	ARMY	RCRA 3010	2/12/1988
LETTERKENNY ARMY DEPOT (SE AREA)	N FRANKLIN ST EXT	CHAMBERSBURG	PA	17201	ARMY	RCRA 3005	2/12/1988
LEXINGTON-BLUEGRASS ARMY DEPOT	HALEY RD	LEXINGTON	KY	40511	ARMY	RCRA 3005	2/12/1988
LIMA ARMY TANK CENTER	1155 BUCKEYE RD, ALLEN COUNTY	LIMA	OH	45804-1898	ARMY	RCRA 3010	2/12/1988
LONGHORN ARMY AMMUNITION PLANT	HIGHWAY 419 EAST	KAMACK	TX	75661	ARMY	RCRA 3005	2/12/1988
LOUISIANA ARMY AMMUNITION PLANT	PO BOX 30059	SHREVEPORT	LA	71130	ARMY	RCRA 3005	2/12/1988
MAKUA MILITARY RESERVATION ORDNANCE DISPOSAL AREA	MAKUA MILITARY RESERVATION	WAIANAE	HI	96792	ARMY	RCRA 3005	2/12/1988
MATERIALS TECHNOLOGY LABORATORY	405 ARSENAL ST	WATERTOWN	MA	02172	ARMY	RCRA 3005	2/12/1988
MCALESTER ARMY AMMUNITION PLANT	1 C TREE ROAD	MCALESTER	OK	74501-9002	ARMY	RCRA 3005	2/12/1988
MILAN ARMY AMMUNITION PLANT	HWY 104	MILAN	TN	38358-5000	ARMY	RCRA 3005	2/12/1988
MILITARY OCEAN TERMINAL	FOOT OF 32ND STREET	BAYONNE	NJ	07002	ARMY	RCRA 3005	2/12/1988
NATICK LAB. ARMY RESEARCH,	KANSAS ST	NATICK	MA	01760	ARMY	RCRA 3010	2/12/1988
NATIONAL GUARD CAMP NAVAJO	1002 HALE DR I-40 EX 185	BELLEMONT	AZ	86015-9999	ARMY	RCRA 3005	2/12/1988
NEW RIVER AMMUNITION STORAGE DEPOT	STATE RTE 11	DUBLIN	VA	24084	ARMY	RCRA 3005	2/12/1988
OAKLAND ARMY BASE	BLDG-1 ALASKA ST	OAKLAND	CA	94626	ARMY	RCRA 3005	2/12/1988
OGDEN DEFENSE DEPOT	500 WEST 12TH STREET	OGDEN	UT	84407-5000	ARMY	RCRA 3016	2/12/1988
PHILADELPHIA DEFENSE PERSONNEL	2800 S 20TH ST	PHILADELPHIA	PA	19101	ARMY	RCRA 3005	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
SUPPORT CENTER							
PHOENIX CONTROL (NIKE)	SUNNYBROOK ROAD	JACKSONVILLE	MD	21131	ARMY	RCRA 3016	2/12/1988
PICATINNY ARSENAL	OFF ROUTE 15	DOVER	NJ	07801	ARMY	RCRA 3005	2/12/1988
PINE BLUFF ARSENAL	HIGHWAY 65	PINE BLUFF	AR	71602	ARMY	RCRA 3005	2/12/1988
PRESIDIO OF MONTEREY CA	PRESIDIO OF MONTEREY CA.	PACIFIC GROVE	CA	93941	ARMY	CERCLA 103	2/12/1988
PUEBLO CHEMICAL DEPOT	45825 HWY 96 EAST	PUEBLO	CO	81006-9330	ARMY	RCRA 3005	2/12/1988
RIVERBANK ARMY AMMUNITION DEPOT	5300 CLAUS RD	RIVERBANK	CA	95367-0678	ARMY	RCRA 3005	2/12/1988
ROCK ISLAND ARSENAL	RODMAN AVE	ROCK ISLAND	IL	61299-5000	ARMY	RCRA 3005	2/12/1988
ROCKY MOUNTAIN ARSENAL	IMMED. N. STAPLETON INTL ARPT	COMMERCE CITY	CO	80022	ARMY	RCRA 3005	2/12/1988
ROOSEVELT ARMY RESERVE CENTER	101 OAK ST	HEMPSTEAD	NY	11550	ARMY	RCRA 3010	2/12/1988
SACRAMENTO ARMY DEPOT	8350 FRUITRIDGE RD	SACRAMENTO	CA	95813	ARMY	RCRA 3005	2/12/1988
SCHOFIELD BARRACKS	LYMAN RD	WAHIAWA	HI	96786	ARMY	RCRA 3010	2/12/1988
SCRANTON AAP	156 CEDAR AVE	SCRANTON	PA	18501	ARMY	RCRA 3005	2/12/1988
SENECA ARMY DEPOT	5786 STATE ROUTE 96	ROMULUS	NY	14541	ARMY	RCRA 3005	2/12/1988
SHARPE ARMY DEPOT	ROTH RD	LATHROP	CA	95331	ARMY	RCRA 3005	2/12/1988
SIERRA ARMY DEPOT	COUNTY ROUTE A26	HERLONG	CA	96113	ARMY	RCRA 3005	2/12/1988
ST LOUIS ARMY AMMUNITION PLANT	4800 GOODFELLOW BLVD	ST LOUIS	MO	63120	ARMY	RCRA 3016	2/12/1988
STORCH ARMY RESERVE CENTER	SHORE RD & DOLPHIN NORTHFIELD	NORTHFIELD	NJ	08225	ARMY	RCRA 3010	2/12/1988
STRYKER ARMY RESERVE CENTER	2150 NOTTINGHAM WAY	TRENTON	NJ	08619	ARMY	RCRA 3010	2/12/1988
SUNFLOWER ARMY AMMUNITION PLANT	33425 W. 103 RD STREET	DESOTO	KS	66018	ARMY	RCRA 3005	2/12/1988
TANK AUTOMOTIVE COMMAND	6501 E 11 MILE RD MACOMB COUNTY	WARREN	MI	48090	ARMY	RCRA 3005	2/12/1988
TOBYHANNA ARMY DEPOT	11 HAP ARNOLD BLVD	TOBYHANNA	PA	18466-5086	ARMY	RCRA 3005	2/12/1988
TOOELE ARMY DEPOT (SOUTH AREA)	HIGHWAY 36, 12 MI S OF TEAD-N	TOOELE	UT	84074	ARMY	RCRA 3005	2/12/1988
TRIPLER MEDICAL CENTER	TRIPLER ARMY MEDICAL CENTER	HONOLULU	HI	96859	ARMY	RCRA 3010	2/12/1988
TWIN CITIES AAP	JCT HWY 10 & MN HWY 965, RAMSEY COUNTY	ARDEN HILL	MN	55112	ARMY	RCRA 3005	2/12/1988
U.S. ARMY AVIATION CENTER	114 NOVOSEL STREET BETWEEN HIGHWAYS 134 AND 51	FORT RUCKER	AL	36362-5000	ARMY	RCRA 3005	2/12/1988
U.S. ARMY COMBINED ARMS SUPPORT COMMAND AND FORT LEE	1816 SHOP ROAD	FORT LEE	VA	23801	ARMY	RCRA 3005	2/12/1988
U.S. ARMY ETHAN ALLEN FIRING RANGE	LEE RIVER ROAD	JERICHO	VT	05465	ARMY	RCRA 3010	2/12/1988
U.S. ARMY TRAINING CENTER & FT DIX	JULIUSTOWN-BROWNS MILL ROAD	WRIGHTSTOWN	NJ	08562	ARMY	RCRA 3005	2/12/1988
US ARMY CAMP STANLEY STORAGE	RALPH FAIR ROAD	SAN ANTONIO	TX	78229	ARMY	RCRA 3005	2/12/1988
US ARMY COMBINED ARMS CENTER	853 W WAREHOUSE	FORT LEAVENWORTH	KS	66027	ARMY	RCRA 3005	2/12/1988
US ARMY FORT CHAFFEE	BUILDING 239	FORT CHAFFEE	AR	72906	ARMY	RCRA 3005	2/12/1988
US ARMY GERSTIE RIVER TEST SITE	T13S RI4E SEC 9, 15, 16	FORT GREELY	AK	98733	ARMY	RCRA 3005	2/12/1988
US ARMY RAVENNA ARMY AMMUNITION PLANT	4820 RIVER RD, HAMILTON COUNTY	RAVENNA	OH	44266	ARMY	RCRA 3005	2/12/1988
US ARMY SAGINAW AIRCRAFT PLANT	BLUE MOUND ROAD HIGHWAY 156	SAGINAW	TX	76131	ARMY	RCRA 3010	2/12/1988
US ARMY ST LOUIS AREA SUPPORT CENTER	RT 3 & NIEDRINGHOUSE AVENUE MACISCA	GRANITE CITY	IL	62040	ARMY	RCRA 3005	2/12/1988
US ARMY UMATILLA DEPOT ACTIVITY	I-84 & EXIT 178	HERMISTON	OR	97838	ARMY	RCRA 3005	2/12/1988
US ARMY, FORT HOOD	BLDG 4213 SOUTH 77TH STREET	FORT HOOD	TX	76544	ARMY	RCRA 3005	2/12/1988
US ARMY, FORT SHERIDAN	BLDG 119, LAKE COUNTY	FORT SHERIDAN	IL	60037	ARMY	RCRA 3005	2/12/1988
US ARMY, HOUSTON ARMED FORCES CENTER	1850 OLD SPANISH TRAIL	HOUSTON	TX	77054	ARMY	RCRA 3005	2/12/1988
US ARMY, JEFFERSON PROVING GROUND	STATE FTE 63 2 MILES S OF NEWPORT VERMILLION COUNTY	NEWPORT	IN	47966	ARMY	RCRA 3005	2/12/1988
US ARMY, LONE STAR ARMY AMMUNITION PLANT	HIGHWAY 82W	TEXARKANA	TX	75501	ARMY	RCRA 3005	2/12/1988
US ARMY, NEWPORT ARMY AAP	BUILDING #28, MARION COUNTY FT BENJAMIN	HARRISON	IN	46216	ARMY	RCRA 3005	2/12/1988
US ARMY, RED RIVER DEPOT	HIGHWAY 82	TEXARKANA	TX	75507	ARMY	RCRA 3005	2/12/1988
US ARMY, SAVANNA ARMY DEPOT	7 MILES N OF SAVANNA ON RTE 84, CARROL COUNTY	SAVANNA	IL	61704	ARMY	RCRA 3005	2/12/1988
US ARMY-FORT WINGATE DEPOT ACTIVITY	10 MILES EAST OF GALLUP ON 1-10	GALLUP	NM	87310	ARMY	RCRA 3005	2/12/1988
USA FORT CAMPBELL	AFZB-FE-CE	FORT CAMPBELL	KY	42223	ARMY	RCRA 3005	2/12/1988
USA FORT GORDON & HQ USA SIGNAL CENTER	HQ U.S. ARMY SIGNAL CENTER	FORT GORDON	GA	30905	ARMY	RCRA 3005	2/12/1988
USAARMC & FORT KNOX	US HWY 31 WEST	FORT KNOX	KY	40121	ARMY	RCRA 3005	2/12/1988
USAG FORT HUACHUCA	ATZS EHB	FORT HUACHUCA	AZ	85613	ARMY	RCRA 3010	2/12/1988
USATC & FORT JACKSON	BLDG 1916 OFF EWELL RD	FORT JACKSON	SC	29207	ARMY	RCRA 3005	2/12/1988
VINT HILL FARMS STATION	BLDG 2470, VINT HILL FARMS STATION	WARRENTON	VA	22186	ARMY	RCRA 3010	2/12/1988
VOLUNTEER ARMY AMMO PLANT	BONNY OAKS DRIVE	CHATANOOGA	TN	37416	ARMY	RCRA 3005	2/12/1988
WARRENTON TRAINING CENTER	FAUQUIER SPRINGS RD	WARRENTON	VA	22186	ARMY	RCRA 3010	2/12/1988
WATERVLIET ARSENAL	BROADWAY	WATERVLIET	NY	12189	ARMY	RCRA 3005	2/12/1988
WELDON SPRINGS ORDINANCE WORKS (FORMER)	HWY 94 SOUTH	ST. CHARLES	MO	63301	ARMY	RCRA 3016	2/12/1988
WEST POINT MILITARY ACADEMY	RT 9W-BLDG 733	WEST POINT	NY	10996	ARMY	RCRA 3005	2/12/1988
WHITESANDS MISSILE RANGE	STEWS-F	WHITE SANDS	NM	88002-5076	ARMY	RCRA 3005	2/12/1988
YUMA PROVING GROUND	US ARMY YUMA PROVING GROUND	YUMA	AZ	85364	ARMY	RCRA 3005	2/12/1988
CENTRAL INTELLIGENCE AGENCY HEADQUARTERS	ROUTE 123	MCLEAN	VA	22101	CIA	RCRA 3010	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY	QUINCE ORCHARD RD	GAITHERSBURG	MD	20760	COMMERCE	RCRA 3005	2/12/1988
NOAA/NMFS/NEFC	SANDY HOOK LABORATORY	HIGHLANDS	NJ	07732	COMMERCE	RCRA 3005	2/12/1988
ASTORIA FIELD OFFICE	HWY 30 & MARITIME RD	ASTORIA	OR	97103	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/12/1988
BONNEVILLE DAM	I84 N OF EXIT 40	BONNEVILLE	OR	97014	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/12/1988
FORT GIBSON LAKE		PRYOR	OK	74361	CORPS OF ENGINEERS, CIVIL	RCRA 3016	2/12/1988
JOHN H. KERR RESERVOIR	ROUTE 1, BOX 76	BOYDTON	VA	23917-9801	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/12/1988
LAKE LAVON-NORTH GULLY-SITE 1	2\1/2\ MI SE OF HWY 380	LEWISVILLE	TX	75077	CORPS OF ENGINEERS, CIVIL	RCRA 3016	2/12/1988
ROBERT S. KERR LOCK DAM & RESEVOIR	STAR ROUTE 4	SALLISAW	OK	74063	CORPS OF ENGINEERS, CIVIL	RCRA 3005	2/12/1988
SHENANGO DISPOSAL SITE, ORP	OHIO RT. 88 COUNTY ROAD 225 SHENANGO DISPOSAL SITE	VERNON TOWNSHIP	OH	44428	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/12/1988
US COE FOUNTAIN PAUL BASE	431 NORTH SHORE DRIVE BUFFALO COUNTY	FOUNTAIN CITY	WI	54629	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/12/1988
USA-COE CANAL SITE	MAIN ST. NORTH ST GEORGES	NEWCASTLE	DE	19733	CORPS OF ENGINEERS, CIVIL	RCRA 3016	2/12/1988
USCOE-HAMILTON ISLAND LDFL	BONNEVILLE LOCK & DAM	NORTH BONNEVILLE	WA	98639	CORPS OF ENGINEERS, CIVIL	RCRA 3016	2/12/1988
WILLAMETTE FALLS LOCKS	WEST LINN	WEST LINN	OR	97068	CORPS OF ENGINEERS, CIVIL	CERCLA 103	2/12/1988
DEFENSE FUEL SUPPORT POINT-TAMPA	BOX 13736	TAMPA	FL	33611	DEFENSE	RCRA 3010	2/12/1988
DLA-MUKILTEO DEFENSE FUEL SUPPORT POINT	FRONT ST & LOVELAND AVE	MUKILTEO	WA	98275	DEFENSE	RCRA 3010	2/12/1988
NGA-ST. LOUIS	3200 S. SECOND STREET	ST. LOUIS	MO	63118	DEFENSE	RCRA 3010	2/12/1988
NGA-ST. LOUIS	8900 S. BROADWAY	ST. LOUIS	MO	63118	DEFENSE	RCRA 3010	2/12/1988
Pentagon	Pentagon Reservation	ARLINGTON	VA	20301	DEFENSE	RCRA 3010	2/12/1988
RICHMOND DEFENSE SUPPLY CENTER	JEFFERSON DAVIS HIGHWAY	RICHMOND	VA	23297	DEFENSE	RCRA 3005	2/12/1988
U.S. SOLDIERS AND AIRMENS HOME	MICHIGAN AVE NE	WASHINGTON	DC	20317	DEFENSE	RCRA 3010	2/12/1988
CHARLESTON DEFENSE FUEL SUPPLY POINT	N RHETT AVE	HANAHAN	SC	29406	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
DEFENSE DISTRIBUTION REGION EAST	HARRISBURG	NEW CUMBERLAND	PA	17070	DEFENSE LOGISTICS AGENCY	RCRA 3005	2/12/1988
DEFENSE FUEL SUPPLY CENTER NORWALK	15308 NORWALK BLVD	NORWALK	CA	90650	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
DEFENSE FUEL SUPPLY CENTER OZOL	700 CARQUINEZ SCENIC DRIVE.	MARTINEZ	CA	94553	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
DEFENSE FUEL SUPPORT POINT GRAND FORKS	GRAND FORKS AFB 42ND STREET	GRAND FORKS	ND	58201	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
DEFENSE FUEL SUPPORT POINT-LYNN HAVEN	W END OF 10TH STREET	LYNN HAVEN	FL	32444	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
Former Curtis Bay Depot	710 ORDINANCE RD	BALTIMORE	MD	21226	DEFENSE LOGISTICS AGENCY	RCRA 3005	2/12/1988
SAN PEDRO DEFENSE FUEL SUPPLY CENTER	3171 N. GAFFEY STREET	SAN PEDRO	CA	90731	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
U.S. DEFENSE FUEL SUPPORT POINT	TRUNDY ROAD BOX 112	SEARSPORT	ME	04974	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
U.S. DEFENSE FUEL SUPPORT POINT CASCO	RT 123	HARPSWELL (SOUTH)	ME	04079	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
US DEFENSE FUEL SUPPORT PT NEWINGTON	PATTERSON LANE	NEWINGTON	NH	03801	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
US DEPT OF DEFENSE DFSP ESCANABA	US HIGHWAY 41 DELTA COUNTY 001 (ESC)	GLADSTONE	MI	49837	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
US DOD DEF FUEL SUPPORT PLT CINCINNATI	4820 RIVER RD, HAMILTON COUNTY	CINCINNATI	OH	45233	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
US GSA FPRS CASAD DEPOT	STATE RT. 14	NEW HAVEN	IN	46744	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
VERONA DEFENSE FUEL SUPPORT PT.	MAIN ST	VERONA	NY	13478	DEFENSE LOGISTICS AGENCY	RCRA 3010	2/12/1988
ALBANY RESEARCH CENTER	1450 SW QUEEN AVE	ALBANY	OR	97321	ENERGY	RCRA 3010	2/12/1988
ANVIL POINTS	7 MI W OF RIFLE	RIFLE	CO	81650	ENERGY	RCRA 3010	2/12/1988
ARGONNE NATIONAL LABORATORY	9700 S. CASS AVE DUPAGE COUNTY	ARGONNE	IL	60439	ENERGY	RCRA 3005	2/12/1988
Bettis Atomic Power Laboratory	P.O. BOX 109	WEST MIFFLIN	PA	15122-0109	ENERGY	RCRA 3005	2/12/1988
BROOKHAVEN NATIONAL LABORATORY	53 BELL AVE BLDG 464	UPTON	NY	11973	ENERGY	RCRA 3005	2/12/1988
COLONIE INTERIM STORAGE SITE	1130 CENTRAL AVE	COLONIE	NY	12205	ENERGY	RCRA 3005	2/12/1988
ENERGY TECHNOLOGY ENGINEERING CENTER	SANTA SUSANA MOUNT-TOP OF WOOLSEY CANYON	SIMI VALLEY	CA	93064	ENERGY	RCRA 3005	2/12/1988
ERDA-NEW BRUNSWICK LAB	986 JERSEY AVENUE	NEW BRUNSWICK	NJ	08903	ENERGY	CERCLA 103	2/12/1988
FERMI NATIONAL ACCELERATOR LABORATORY	KIRK RD & PINE ST PO BOX 500	BATAVIA	IL	60510	ENERGY	RCRA 3005	2/12/1988
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	7400 WILLY ROAD HAMILTON COUNTY	FERNALD	OH	45030	ENERGY	RCRA 3005	2/12/1988
HANFORD SITE	HANFORD SITE	RICHLAND	WA	99352	ENERGY	RCRA 3005	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY (INEEL)	US HWY 20/26, 40 MI WEST OF IDAHO FALLS	IDAHO FALLS	ID	83401	ENERGY	RCRA 3005	2/12/1988
KANSAS CITY PLANT	200 E 95TH ST	KANSAS CITY	MO	64131	ENERGY	RCRA 3005	2/12/1988
KNOLIS ATOMIC POWER LABORATORY WINDSOR SITE	PROSPECT HILL ROAD	WINDSOR	CT	06095	ENERGY	RCRA 3005	2/12/1988
KNOLLS ATOMIC POWER LABORATORY	2401 RIVER RD	NISKAYUNA	NY	12309	ENERGY	RCRA 3005	2/12/1988
KNOLLS ATOMIC POWER LABORATORY-KESSELRING SITE	ATOMIC PROJECT ROAD	WEST MILTON	NY	12020	ENERGY	RCRA 3005	2/12/1988
LAWRENCE BERKELEY LABORATORY	1 CYCLOTRON RD	BERKELEY	CA	94720	ENERGY	RCRA 3005	2/12/1988
LAWRENCE LIVERMORE NATIONAL LABORATORY	7000 EAST AVE	LIVERMORE	CA	94550	ENERGY	RCRA 3005	2/12/1988
LAWRENCE LIVERMORE NATIONAL LABORATORY-SITE 300	CORRAL HOLLOW ROAD	TRACY	CA	95376	ENERGY	RCRA 3005	2/12/1988
LOS ALAMOS SCIENTIFIC LABORATORY	WEST JEMEZ ROAD	LOS ALAMOS	NM	87544	ENERGY	RCRA 3005	2/12/1988
MAYWOOD INTERIM STORAGE SITE.	ROUTE 17 AND GROVE STREET.	MAYWOOD/ROCHELLE PARK.	NJ	07662	ENERGY	RCRA 3016	2/12/1988
MIDDLESEX SAMPLING PLANT	239 MOUNTAIN AVE	MIDDLESEX BOROUGH	NJ	08846	ENERGY	RCRA 3010	2/12/1988
NATIONAL RENEWABLE ENERGY LABORATORY	1617 COLE BLVD	GOLDEN	CO	80401	ENERGY	RCRA 3005	2/12/1988
PADUCAH GASEOUS DIFFUSION PLANT	5600 HOBBS ROAD	WEST PADUCAH	KY	42086	ENERGY	RCRA 3005	2/12/1988
PINELLAS PLANT	7887 BRYAN DAIRY RD	LARGO	FL	34649-2900	ENERGY	RCRA 3005	2/12/1988
PORTSMOUTH GASEOUS DIFFUSION PLANT	3930 U.S. ROUTE 23 SOUTH	PIKETON	OH	45661	ENERGY	RCRA 3005	2/12/1988
ROCK FLATS SITE (USDOE)	HWY 93 BETWEEN GOLDEN AND BOULDER	GOLDEN	CO	80007	ENERGY	RCRA 3005	2/12/1988
SANDIA NATIONAL LABORATORIES	1515 EUBANK SE	ALBUQUERQUE	NM	87123	ENERGY	RCRA 3005	2/12/1988
SANDIA NATIONAL LABORATORY	7261 EAST AVE	LIVERMORE	CA	94550	ENERGY	RCRA 3005	2/12/1988
SAVANNAH RIVER SITE	BETWEEN SC HWY 125 & US HWY 278	AIKEN	SC	29802	ENERGY	RCRA 3005	2/12/1988
STANFORD LINEAR ACCELERATOR CENTER	2575 SAND HILL ROAD	MENLO PARK	CA	94025	ENERGY	RCRA 3010	2/12/1988
TONOPAH TEST RANGE	140 MI NW OF LAS VEGAS	TONOPAH	NV	89049	ENERGY	RCRA 3005	2/12/1988
TUPMAN NAVAL PETROLEUM RESERVE #1	ELK HILLS, P.O. BOX 11	TUPMAN	CA	93276	ENERGY	RCRA 3016	2/12/1988
US DOE MOUND FACILITY	MOUND RD , PO BOX 66, MONTGOMERY COUNTY	MIAMISBURG	OH	45342	ENERGY	RCRA 3005	2/12/1988
US DOE NEVADA TEST SITE (REYNOLD'S ELECT)	NEVADA OPERATIONS OFFICE PO BOX 98518	LAS VEGAS	NV	89193-0851	ENERGY	RCRA 3005	2/12/1988
US DOE PANTEX PLANT	2000 SOUTH HOUSTON PO BOX 30030	AMARILLO	TX	79120	ENERGY	RCRA 3005	2/12/1988
WAYNE INTERIM STORAGE	868 BLACK OAK RIDGE RD	WAYNE	NJ	07470	ENERGY	RCRA 3010	2/12/1988
WELDON SPRINGS ORDNANCE WORKS (FORMER) (QUARRY)	ST HWY 94 2 MI S OF US 40	ST. CHARLES	MO	63301	ENERGY	RCRA 3010	2/12/1988
ANDREW W. BREIDENBACH ENVIRONMENTAL RESEARCH CTR	26 W MARTIN LUTHER KING DR	CINCINNATI	OH	45268	EPA	RCRA 3005	2/12/1988
ANN ARBOR MOTOR VEHICLE EMISSION LABORATORY	2565 PLYMOUTH RD, WASHTENAW COUNTY	ANN ARBOR	MI	48105	EPA	RCRA 3010	2/12/1988
CENTER HILL HAZARDOUS WASTE ENGRG RESEARCH LAB	5595 CENTER HILL ROAD	CINCINNATI	OH	45268	EPA	RCRA 3005	2/12/1988
COMBUSTION RESEARCH FACILITY	NCTR BLDG. 45	JEFFERSON #72070	AR	72079	EPA	RCRA 3005	2/12/1988
CORVALLIS ENVIRONMENTAL RESEARCH LABORATORY	200 SW 35TH ST	CORVALLIS	OR	97333	EPA	RCRA 3010	2/12/1988
MOBILE INCINERATOR-DEMMRY FARM	SE\1/4\ NW\1/4\ NW\1/4\ SEC 20	MCDOWELL	MO	65769	EPA	RCRA 3010	2/12/1988
NATIONAL ENFORCEMENT INVESTIGATION CENTER	DFC	DENVER	CO	80225	EPA	RCRA 3010	2/12/1988
OLD NAVY DUMP/MANCHESTER (USEPA/NOAA)	7411 BEACH DR E	MANCHESTER	WA	98353	EPA	RCRA 3010	2/12/1988
REGION 5, ENVIRONMENTAL SERVICES DIVISION LAB	536 S. CLARK STREET, 10TH FLOOR	CHICAGO	IL	60605	EPA	RCRA 3010	2/12/1988
REGION 7, ENVIRONMENTAL SERVICES DIVISION LABORATORY	25 FUNSTON ROAD	KANSAS CITY	KS	66115	EPA	RCRA 3005	2/12/1988
TESTING AND EVALUATION FACILITY	1600 GEST ST	CINCINNATI	OH	45204	EPA	RCRA 3005	2/12/1988
US ENVIRONMENTAL PROTECTION LABORATORY	6608 HORNWOOD DR	HOUSTON	TX	77074	EPA	RCRA 3010	2/12/1988
BELLE MEAD SUPPLY DEPOT	#1 RT 206	BELLE MEAD	NJ	08502	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
BROOKLYN INFORMATION AGENCY	29TH & 3RD AVE, DOOR 15	BROOKLYN	NY	11232	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
CUSTOMS FIELD OFFICE	1200 PENNSYLVANIA AVENUE	WASHINGTON	DC	20004	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
EMMANUEL CELLARD FEDERAL BUILDING	225 CADMAN PLAZA	BROOKLYN	NY	11201	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
EPA RARITAN DEPOT	4700 WOODBRIDGE AVENUE	EDISON	NJ	08817	GENERAL SERVICES ADMINISTRATION	RCRA 3005	2/12/1988
FEDERAL BUILDING	252 7TH AVE	NEW YORK	NY	10001	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
FEDERAL CENTER	2306 EAST BANNISTER ROAD	KANSAS CITY	MO	64131-3088	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
FORT WORTH FEDERAL SUPPLY CENTER	501 FELIX ST	FORT WORTH	TX	76101	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
GENERAL SERVICES ADMINISTRATION	ROUGH & READY ISLAND BLDG 414	STOCKTON	CA	95203	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
HUBERT H. HUMPHREY BUILDING	200 INDEPENDENCE AVENUE, SW	WASHINGTON	DC	20201	GENERAL SERVICES ADMINISTRATION	RCRA 3016	2/12/1988
KANSAS CITY	1500 BANNISTER ROAD	KANSAS CITY	MO	64131	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
MERCHANDISE CONTROL SALES SECTION	6 WORLD TRADE CENTER	NEW YORK	NY	10048	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
NEW YORK	201 VARICK ST	NEW YORK	NY	10014	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
SE FEDERAL CENTER (WASHINGTON)	2ND AND M STREET, SE	WASHINGTON	DC	20407	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
NAT INST OF ENVIRONMENTAL HEALTH SCIENCE	S ON ALEXANDER DR	RESEARCH TRIANGLE PARK	NC	27709	HEALTH AND HUMAN SERVICES	RCRA 3005	2/12/1988
NCI-FREDERICK CANCER RESEARCH	FORT DETRICK	FREDERICK	MD	21701	HEALTH AND HUMAN SERVICES	RCRA 3010	2/12/1988
NIH-BETHESDA	9000 ROCKVILLE PIKE	BETHESDA	MD	20892	HEALTH AND HUMAN SERVICES	RCRA 3005	2/12/1988
AIDS TO NAVIGATION TEAM	7063 LIGHTHOUSE DRIVE	SAUGERTIES	NY	12477	HOMELAND SECURITY	RCRA 3010	2/12/1988
ALAMEDA COAST GUARD SUPPORT CENTER	COAST GUARD GOVERNMENT ISLAND	ALAMEDA	CA	94501	HOMELAND SECURITY	RCRA 3010	2/12/1988
BORINQUEN COAST GUARD AIR STATION	RAMEY AIR FORCE BASE	AQUADILLA	PR	00604	HOMELAND SECURITY	RCRA 3010	2/12/1988
CG-ASTORIA COAST GUARD BASE	HWY 30 AT TONGUE POINT	ASTORIA	OR	97103	HOMELAND SECURITY	RCRA 3010	2/12/1988
CG-COOS BAY ANT	4333 BOAT BASIN RD	CHARLESTON	OR	97420	HOMELAND SECURITY	RCRA 3010	2/12/1988
CG-KETCHIKAN BASE	TONGASS HWY 1 MI S OF KETCHIKAN	KETCHIKAN	AK	99901	HOMELAND SECURITY	RCRA 3010	2/12/1988
CG-KODIAK SUPPORT CENTER	WOMANS BAY KODIAK ISL	KODIAK	AK	99619	HOMELAND SECURITY	RCRA 3010	2/12/1988
CG-LORAN STATION ON SITKINAK	SITKINAK ISLAND	OLD HARBOR	AK	99643	HOMELAND SECURITY	CERCLA 103	2/12/1988
CG-PORTLAND MARINE SAFETY COAST GUARD	6767 N BASIN	PORTLAND	OR	97217	HOMELAND SECURITY	RCRA 3010	2/12/1988
CHARLEVOIX COAST GUARD STATION	220 COASTGUARD ROAD	CHARLEVOIX	MI	49720	HOMELAND SECURITY	RCRA 3010	2/12/1988
CORPUS CHRISTI COAST GUARD DEPOT	1201 NAVIGATION BLVD	CORPUS CHRISTI	TX	78407	HOMELAND SECURITY	RCRA 3010	2/12/1988
CURTIS BAY COAST GUARD YARD	2401 HAWKINS POINT RD	BALTIMORE	MD	21226	HOMELAND SECURITY	RCRA 3010	2/12/1988
DULUTH COAST GUARD STATION	1201 MINNESOTA AVE	DULUTH	MN	55802	HOMELAND SECURITY	RCRA 3010	2/12/1988
ELIZABETH CITY COAST GUARD SUPPORT CENTER	HWY 34 S/4 MI. S . ELIZABETH CITY	ELIZABETH CITY	NC	27909	HOMELAND SECURITY	RCRA 3005	2/12/1988
FORT MACON COAST GUARD STATION	PO BOX 237	ATLANTIC BEACH	NC	28512	HOMELAND SECURITY	RCRA 3010	2/12/1988
GALVESTON COAST GUARD BASE	FERRY ROAD	GALVESTON	TX	77550	HOMELAND SECURITY	RCRA 3010	2/12/1988
KEY WEST COAST GUARD STATION		KEY WEST	FL	33040	HOMELAND SECURITY	RCRA 3010	2/12/1988
MAYPORT COAST GUARD BASE	PO BOX 385	MAYPORT	FL	32267	HOMELAND SECURITY	RCRA 3010	2/12/1988
MIAMI BEACH COAST GUARD BASE	100 MACARTHUR CSWY	MIAMI BEACH	FL	33139	HOMELAND SECURITY	RCRA 3005	2/12/1988
MILWAUKEE COAST GUARD GROUP BASE	2420 LINCOLN MEMORIAL DR	MILWAUKEE	WI	53207	HOMELAND SECURITY	RCRA 3010	2/12/1988
NEW ORLEANS COAST GUARD BASE	4640 URQUHART STREET	NEW ORLEANS	LA	70117	HOMELAND SECURITY	RCRA 3010	2/12/1988
PLUM ISLAND ANIMAL DISEASE CENTER	ROUTE 25	ORIENT POINT	NY	11957	HOMELAND SECURITY	RCRA 3016	2/12/1988
PORTSMOUTH COAST GUARD SUPPORT CENTER	4000 COAST GUARD . BLVD	PORTSMOUTH	VA	23703	HOMELAND SECURITY	RCRA 3010	2/12/1988
SAN FRANCISCO COAST GUARD BASE	YERBA BUENA ISLAND	SAN FRANCISCO	CA	94130	HOMELAND SECURITY	RCRA 3010	2/12/1988
SAN PEDRO COAST GUARD SUPPORT CENTER	1801 SEASIDE AVE	SAN PEDRO	CA	90731	HOMELAND SECURITY	RCRA 3010	2/12/1988
SEATTLE COAST GUARD SUPPORT CENTER	1519 ALASKAN WAY S	SEATTLE	WA	98134	HOMELAND SECURITY	RCRA 3010	2/12/1988
SEATTLE COAST GUARD SUPPORT CENTER ANNEX	2700 W COMMODORE WAY	SEATTLE	WA	98119	HOMELAND SECURITY	RCRA 3010	2/12/1988
ST. PETERSBURG COAST GUARD STATION	600 8TH AVE SE	ST PETERSBURG	FL	33701	HOMELAND SECURITY	RCRA 3010	2/12/1988
SUPPORT CENTER GOVERNOR'S ISLAND	C/O U.S. COAST GUARD GROUP	GOVERNOR'S ISLAND	NY	10004	HOMELAND SECURITY	RCRA 3010	2/12/1988
U.S. COAST GUARD BASE SOUTH PORTLAND	259 HIGH ST	SOUTH PORTLAND	ME	04106	HOMELAND SECURITY	RCRA 3010	2/12/1988
U.S. COAST GUARD BUOY DEPOT SOUTH WEYMOUTH	TROTTER ROAD	SOUTH WEYMOUTH	MA	02190	HOMELAND SECURITY	RCRA 3005	2/12/1988
WOODS HOLE COAST GUARD BASE	LITTLE HARBOR ROAD	FALMOUTH	MA	02543	HOMELAND SECURITY	RCRA 3010	2/12/1988
AMCHITKA ISLAND	51-32 N 179-00 E	AMCHITKA ISLAND	AK	99502	INTERIOR	RCRA 3010	2/12/1988
BIA-INSPIRATION CNSLD. COPPER OXHIDE AREA	SEC 22-28, 33-36, 2-4 T1N&S R14E	MIAMI	AZ	85539	INTERIOR	CERCLA 103	2/12/1988
BLM BRUNEAU OPEN DUMP	T9S, R5E, SEC 4	BRUNEAU	ID	83604	INTERIOR	CERCLA 103	2/12/1988
BLM CA DESERT DISTRICT	T10NR2W SEC7	BARSTOW	CA	92311	INTERIOR	CERCLA 103	2/12/1988
BLM CASSIA COUNTY #1	T 13S, R 21E, SEC 13	OAKLEY	ID	83346	INTERIOR	CERCLA 103	2/12/1988
BLM CASSIA COUNTY #2	T 12S R 21E, SEC 32	OAKLEY	ID	83346	INTERIOR	CERCLA 103	2/12/1988
BLM CASSIA COUNTY #3	T 12S R 21E, SEC 31	OAKLEY	ID	83346	INTERIOR	CERCLA 103	2/12/1988
BLM CHAFFEE COUNTY LANDFILL	T.51.N.R.8.E. SEC.21, U.S. HWY 285 10M NORTH OF SALIDA	SALIDA	CO	81201	INTERIOR	CERCLA 103	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BLM EAGLE COUNTY LANDFILL	T.4. N.R.83.W. SEC.10 & 11	EAGLE	CO	81613	INTERIOR	CERCLA 103	2/12/1988
BLM FREMONT	T.48.N.R.12.E. SEC.19	COTOPAXI	CO	81223	INTERIOR	CERCLA 103	2/12/1988
BLM ILLEGAL AIRSTRIP JOHN GREYTAK	SECTION 6 T.11N.R.27.E	FLATWILLOW	MT	59059	INTERIOR	CERCLA 103	2/12/1988
BLM KREMMLING DUMP	T.1.N.R.80.E. SEC.9	KREMMLING	CO	80459	INTERIOR	CERCLA 103	2/12/1988
BLM LAS CRUCES LANDFILL	T23SR2ESEC11	LAS CRUCES	NM	88001	INTERIOR	RCRA 3016	2/12/1988
BLM OWYHEE CO, WILSON CREEK LDFL	T1SR34ESEC13	MARSING	ID	83639	INTERIOR	CERCLA 103	2/12/1988
BLM PICKLES BUTTE (DAVIDSON'S AIR SERVICE)	T2NR3WSEC28 MISSOURI AV 2.5 MI W-MORA CANAL	NAMPA	ID	83651	INTERIOR	CERCLA 103	2/12/1988
BLM SAN MIGUEL LANDFILL #1	T.44.N.R.15.W. SEC.26	NATURITA	CO	81422	INTERIOR	CERCLA 103	2/12/1988
BLM SHOSHONE (GWINN CAVE)	T4S R17E S14	SHOSHONE	ID	83352	INTERIOR	RCRA 3016	2/12/1988
BLM SLUICE GULCH LEAKING ADIT	T.6.SR.15.W. SEC.5	PHILLIPSBURG	MT	59858	INTERIOR	CERCLA 103	2/12/1988
BLM-AARON MINING	T28NR47ESEC9	ESMERELDA	NV	89421	INTERIOR	CERCLA 103	2/12/1988
BLM-AFTERTHOUGHT MINE	T35N, R2W, SEC 10 & 11	BELLAVISTA	CA	96008	INTERIOR	RCRA 3016	2/12/1988
BLM-ALL MINERALS INC	T12NR46ESEC10	NYE	NV	89045	INTERIOR	CERCLA 103	2/12/1988
BLM-AMAX CHEMICAL COMPANY	EDDY-COUNTY	ARTESIA	NM	88201	INTERIOR	CERCLA 103	2/12/1988
BLM-AMERICAN BORATE COMPANY	T18SR49ESEC1	NYE	NV	89020	INTERIOR	CERCLA 103	2/12/1988
BLM-ANTELOPE VALLEY PESTICIDE SITE	T25NR42ESEC18	LANDER	NV	89310	INTERIOR	CERCLA 103	2/12/1988
BLM-ARGENTUM MILL	NE1/4 SEC 17 T3N R36E	ESMERELDA COUNTY	NV	89010	INTERIOR	CERCLA 103	2/12/1988
BLM-ARTESIA LANDFILL	T17SR25ESEC10	ARTESIA	NM	88210	INTERIOR	CERCLA 103	2/12/1988
BLM-ASARCO INC, SULVER BELL MINE & MILL	T12SR8ESEC2 AVRA VLY RD	SILVER BELL	AZ	85658	INTERIOR	CERCLA 103	2/12/1988
BLM-ATLAS ASBESTOS CO	TT8SR13E SEC 30, 31, 32	COALINGA	CA	93210	INTERIOR	RCRA 3016	2/12/1988
BLM-AUSTIN WELL	T40NR35ESEC32	NUMBOLDT	NV	98445	INTERIOR	CERCLA 103	2/12/1988
BLM-BAR RESOURCES INC. BUCKHORN MINE	T26NR49ESEC30	CARLIN	NV	89822	INTERIOR	CERCLA 103	2/12/1988
BLM-BLACK MESA DUMP	T6S. R10E, SEC13	GLENNS FERRY	ID	83623	INTERIOR	CERCLA 103	2/12/1988
BLM-BLANCO LANDFILL	T29NR10WSEC13	BLANCO	NM	87412	INTERIOR	CERCLA 103	2/12/1988
BLM-BLOOMFIELD LANDFILL	T29N R11W S 34	BLOOMFIELD	NM	88201	INTERIOR	CERCLA 103	2/12/1988
BLM-BLUE CANYON	T20SR5WSEC8	HATCH	NM	87937	INTERIOR	CERCLA 103	2/12/1988
BLM-BLUE DOME UNAUTHORIZED DUMP	HWY 28, T10N R30E S30	BLUE DOME	ID	83464	INTERIOR	CERCLA 103	2/12/1988
BLM-BUNKER HILL COMPANY	T1NR67ESEC29	LINCOLN	NV	89043	INTERIOR	CERCLA 103	2/12/1988
BLM-BUTTE NORTH ISOLATED TRACT HAZARDOUS SITE	T12S, R21E, SEC5	BURLEY	ID	83318	INTERIOR	CERCLA 103	2/12/1988
BLM-CANDELARIA PARTNERS OMC	T34NR35ESEC2233435	MINA	NV	89422	INTERIOR	RCRA 3010	2/12/1988
BLM-CARLIN GOLD MINE	T35NR5OESEC14	CARLIN	NV	89822	INTERIOR	CERCLA 103	2/12/1988
BLM-CEDAR BUTTE S END DUMPSITE	T23S R32E S15	ROCKFORD	ID	83221	INTERIOR	CERCLA 103	2/12/1988
BLM-CENTRAL COVE LANDFILL	T3N, R4W, SEC 8 AND 9	CALDWELL	ID	83695	INTERIOR	RCRA 3016	2/12/1988
BLM-CHAMPAGNE CREEK MINE	T3N R24E S15	GROUSE	ID	83242	INTERIOR	RCRA 3016	2/12/1988
BLM-CHEVRON RED WASH UNIT	T7SR7ESEC22	VERNAL	UT	84078	INTERIOR	RCRA 3016	2/12/1988
BLM-CHROMALLOY MINING & MILLING	T42NR63ESEC11	ELKO	NV		INTERIOR	CERCLA 103	2/12/1988
BLM-CLARKS AIR SERVICE AIRSTRIP-JARBRIDGE RA	T6S, R9E, SEC27	GLENNS FERRY	ID	83623	INTERIOR	CERCLA 103	2/12/1988
BLM-CONGRESS CON GOLD MINE	T10NR6WSEC22,23	CONGRESS	AZ	85332	INTERIOR	CERCLA 103	2/12/1988
BLM-CORTEZ JOINT VENTURE	727NR47ESEC13	BEOWAWE	NV	89821	INTERIOR	RCRA 3010	2/12/1988
BLM-COW HOLLOW HAZARDOUS WASTE DUMP	T14S R31E S34	JUNIPER	ID	83342	INTERIOR	CERCLA 103	2/12/1988
BLM-CRESCENT MINING LTD (REST MINE)	T28SFI1ESEC31	SEARCHLIGHT	NV	89046	INTERIOR	CERCLA 103	2/12/1988
BLM-CRESCENT VALLEY MILL	T29NR48ESEC24	CRESCENT VALLEY	NV	89821	INTERIOR	CERCLA 103	2/12/1988
BLM-CYPRUS BAGDAD COPPER CO	T14NR9WSEC8,9		AZ	86321	INTERIOR	RCRA 3010	2/12/1988
BLM-CYPRUS MINING CORP	T13NR46ESEC18	NYE	NV	89045	INTERIOR	CERCLA 103	2/12/1988
BLM-D&Z EXPLORATION COMPANY	T28NR34ESEC32	LOVELOCK	NV	89419	INTERIOR	CERCLA 103	2/12/1988
BLM-DATELAND LANDFILL	T78SR13WSEC3	DATELAND	AZ	85333	INTERIOR	CERCLA 103	2/12/1988
BLM-DEE GOLD MINING COMPANY	T37NR5OESEC6	ELKO	NV	89801	INTERIOR	CERCLA 103	2/12/1988
BLM-DELAMAR SILVER MINE	T15S R35E S4-9, 8 MI W OF CITY	SILVER CITY	ID	83650	INTERIOR	CERCLA 103	2/12/1988
BLM-DESERT MOUND MINE	T35NR13WSEC35	CEDAR CITY	UT	84720	INTERIOR	RCRA 3016	2/12/1988
BLM-DOME LANDFILL	T8SR20WSEC 13	DOME	AZ	85364	INTERIOR	CERCLA 103	2/12/1988
BLM-DOUBLE EAGLE INC., LOWER ROCHESTER	T28NFI34ESEC18	LOVELOCK	NV	89419	INTERIOR	CERCLA 103	2/12/1988
BLM-DOUGLAS COUNTY LANDFILL	T12NR21ESEC18	GARDNERVILLE	NV	89410	INTERIOR	CERCLA 103	2/12/1988
BLM-DRESSER MINERALS, GREYSTON MINE	T28NR46ESEC16	BATTLE MOUNTAIN	NV	89820	INTERIOR	CERCLA 103	2/12/1988
BLM-DRY LAKES AIR SERVICE	T1N R3W S26	MELBA	ID	83641	INTERIOR	CERCLA 103	2/12/1988
BLM-DUVAL CORP. MINE SITE	T31NR43ESEC23,24,25	BATTLE MOUNTAIN	NV	89820	INTERIOR	CERCLA 103	2/12/1988
BLM-DUVAL CORP., MINERAL PARK PROP	T23NR17WS18-20,30,31.	KINGMAN	AZ	86431	INTERIOR	CERCLA 103	2/12/1988
BLM-DUVAL CORPORATION	20 MILES EAST OF CARLSBAD	CARLSBAD	NM	87413	INTERIOR	RCRA 3016	2/12/1988
BLM-EDDY POTASH COMPANY	3071 POTASH MINE ROAD	CARLSBAD	NM	88220	INTERIOR	CERCLA 103	2/12/1988
BLM-EDMONDS UNAUTHORIZED DUMP	T7NR38ESEC24&25	EDMONDS	ID		INTERIOR	CERCLA 103	2/12/1988
BLM-EISMAN CHEMICAL COMPANY	T34NR62ESEC32	CARLIN	NV	89822	INTERIOR	CERCLA 103	2/12/1988
BLM-EL CAPITAN QUARRY	T15SR1E SEC 1	LAKESIDE	CA	92040	INTERIOR	RCRA 3016	2/12/1988
BLM-ELY CRUDE OIL COMPANY	T9NR57ESEC35	ELY	NV	89301	INTERIOR	CERCLA 103	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BLM-ENLO POWERHOUSE AKA SIMILKAMEEN	T40NR27ESEC13	OROVILLE	WA	98844	INTERIOR	CERCLA 103	2/12/1988
BLM-FLORA VISTA LANDFILL	T30NR12W SEC3	FLORA VISTA	NM	87415	INTERIOR	RCRA 3016	2/12/1988
BLM-FRYE CANYON TAILING	T36SR16ESEC34	HITE	UT	84511	INTERIOR	CERCLA 103	2/12/1988
BLM-FT SODA DISPOSAL SITE	T12NR8E SEC 11	BAKERSFIELD	CA	92390	INTERIOR	CERCLA 103	2/12/1988
BLM-GERMAN LAKE	T7SR25ESEC.10	MINIDOKA	ID	83343	INTERIOR	CERCLA 103	2/12/1988
BLM-GOLDEN VALLEY LANDFILL	HWY 68 1 MI. W. OF HWY 93 JCT	KINGMAN	AZ	86401	INTERIOR	CERCLA 103	2/12/1988
BLM-GRACE ILLEGAL DUMP	T10S R39E S24 NE SE NE	GRACE	ID	83241	INTERIOR	CERCLA 103	2/12/1988
BLM-HAMMETT DUMP	T5S R9E S28 SE NE	HAMMETT	ID	83627	INTERIOR	CERCLA 103	2/12/1988
BLM-HATCH LANDFILL	T19S R3W SEC 4 LOT 1	HATCH	NM	87937	INTERIOR	CERCLA 103	2/12/1988
BLM-HULET DUMP	T3S R1E S15 NE NE	MURPHY	ID	83650	INTERIOR	CERCLA 103	2/12/1988
BLM-HWS GOLD & SILVER MINE ELK CITY	T29N R8E S23	ELK CITY	ID	83525	INTERIOR	RCRA 3016	2/12/1988
BLM-I&W HOT OIL SERVICE	T17S, R31E, SEC 21	LOCO HILLS	NM	87415	INTERIOR	CERCLA 103	2/12/1988
BLM-ICY CAPE DEW LINE SITE	50 MI SW OF WAINWRIGHT 70 DEG.18'00'' N, 161 DEG.55'00'' W	WAINWRIGHT	AK	99782	INTERIOR	CERCLA 103	2/12/1988
BLM-IMCO SERVICES INC	T28NR44ESEC4 AND T28NR46ESEC32	BATTLE MOUNTAIN	NV	89620	INTERIOR	CERCLA 103	2/12/1988
BLM-INSPIRATION CON. CHRISTMAS	T4SR16ESEC17-29		AZ	85235	INTERIOR	CERCLA 103	2/12/1988
BLM-INSPIRATION CON. COPPER-INSPIR AREA	T1NR4ES2, 7, 9	INSPIRATION	AZ	85532	INTERIOR	CERCLA 103	2/12/1988
BLM-INTERMOUNTAIN EXPLORATION	T26SR64ESEC9	BOULDER CITY	NV	89005	INTERIOR	CERCLA 103	2/12/1988
BLM-INTERNATIONAL MINERAL AND CHEMICAL	P.O. BOX 71	CARLSBAD	NM	88220	INTERIOR	CERCLA 103	2/12/1988
BLM-JET FUEL REFINERY SITE	T14N R31E, 4 MI E OF MOSBY	MOSBY	MT	59058	INTERIOR	CERCLA 103	2/12/1988
BLM-JUPITER GOLD COMPANY	T33NR37ESEC1	WINNEMUCCA	NV	89445	INTERIOR	CERCLA 103	2/12/1988
BLM-KABBA-TEXAS MINE	T40N R25E S23 MID NE\1/4\, 4 MI NW OF CITY	OROVILLE	WA	98844	INTERIOR	RCRA 3016	2/12/1988
BLM-KEMCO BUSTER MINE	T5SR39ESEC25,26	GOLDFIELD	NV	89013	INTERIOR	CERCLA 103	2/12/1988
BLM-KENNECOTT MINERALS CO. MINES PIT	T2SR13ESEC36		AZ	85273	INTERIOR	CERCLA 103	2/12/1988
BLM-KERR MCGEE POTASH COMPANY	LEE COUNTY	HOBBS	NM	88240	INTERIOR	CERCLA 103	2/12/1988
BLM-KIRTLAND LANDFILL	T30NR14WSEC31	KIRTLAND	NM	87412	INTERIOR	RCRA 3016	2/12/1988
BLM-KOGRU RIVER DEWLINE SITE	WEST SIDE OF HARRISON BAY 60 MI NW OF NUIQSUT	NUIQSUT	AK	99789	INTERIOR	CERCLA 103	2/12/1988
BLM-LA MESA LANDFILL	T25S, R2E, SEC 34	LA MESA	NM	88044	INTERIOR	CERCLA 103	2/12/1988
BLM-LA UNION LANDFILL	T27SR3ESEC18	LA UNION	NM	88021	INTERIOR	CERCLA 103	2/12/1988
BLM-LAKE HAVASU SAN. DISTRICT	T14NR2OWSEC13,14	LAKE HAVASU	AZ	86403	INTERIOR	CERCLA 103	2/12/1988
BLM-LEE ACRES LANDFILL	T29NR12WSEC22	FARMINGTON	NM	87401	INTERIOR	RCRA 3016	2/12/1988
BLM-LESLIE DUMP SITE-1	T7N R25E S34, 1.5 MI N OF CITY	LESLIE	ID	83249	INTERIOR	CERCLA 103	2/12/1988
BLM-LESLIE DUMP SITE-4	T6N R24E S18, 4 MI SW OF CITY	LESLIE	ID	83429	INTERIOR	CERCLA 103	2/12/1988
BLM-LOCO HILLS LANDFILL	T17SR30ESEC22-EDDY COUNTY	LOCO HILLS	NM	88255	INTERIOR	CERCLA 103	2/12/1988
BLM-LOWER COEUR D'ALENE RIVER	T48N R2 & R3W CATALDO/ ROSE LAKE/HARRISON	HARRISON	ID	83833	INTERIOR	CERCLA 103	2/12/1988
BLM-LYTLE BOULEVARD DUMP	T19S R46E S31 & T20S R46E S31	VALE	OR	97918	INTERIOR	RCRA 3016	2/12/1988
BLM-MARATHON OIL CO., INDIAN BASIN PLANT	NOT FOUND IN REGION		NM		INTERIOR	CERCLA 103	2/12/1988
BLM-MCDERMITT MINE	T47NR37ESEC2021272	MCDERRNITT	NV	89421	INTERIOR	CERCLA 103	2/12/1988
BLM-MENAN UNAUTHORIZED DUMP	T6N R38E S27 SE\1/4\	MADISON	ID	83440	INTERIOR	CERCLA 103	2/12/1988
BLM-MERLIN LDFL	T3,SR6WSEC27	MERLIN	OR	97532	INTERIOR	RCRA 3016	2/12/1988
BLM-MESILLA DAM LANDFILL	T24W, R1E, SEC 14	MESILLA	NM	88046	INTERIOR	CERCLA 103	2/12/1988
BLM-MINERALS CONCENTRATES	T35NR37ESEC12	HUMBOLDT	NV	89445	INTERIOR	CERCLA 103	2/12/1988
BLM-MINERALS MANAGEMENT, INC-ARGENTUM MILL	T3NR365SSEC65-BETWEEN HWY 6 & 95.	COLUMBUS MARSH	NV	89010	INTERIOR	CERCLA 103	2/12/1988
BLM-MINEXCO MILLSITE	T9SR42ESEC8	BAKER	OR	97814	INTERIOR	RCRA 3016	2/12/1988
BLM-MOLYCORP INC	T15NR15E SEC 3	MOUNTAIN PASS	CA	92366	INTERIOR	CERCLA 103	2/12/1988
BLM-MONTELLO SHELLITE	T4ONR69ESEC34	MONTELLO	NV	89830	INTERIOR	CERCLA 103	2/12/1988
BLM-MONTROSE COUNTY DUMP	4 MI NE MONTROSE T48N R19W SEC22	MONTROSE	CO	81401	INTERIOR	CERCLA 103	2/12/1988
BLM-MORGAN'S PASTURE ROAD DUMP	TINR34ESEC33&34		ID		INTERIOR	CERCLA 103	2/12/1988
BLM-MT. HOPE MINE	T22NR51ESEC12	ELY	NV	89301	INTERIOR	CERCLA 103	2/12/1988
BLM-MULTI-METALLICS INC	T37NR1ESEC25	WINNEMUCCA	NV	89445	INTERIOR	CERCLA 103	2/12/1988
BLM-NATIONAL POTASH CO	EDDY & LEE COUNTYS	CARLSBAD	NM	88220	INTERIOR	CERCLA 103	2/12/1988
BLM-NEEDLES LANDFILL	T89R25E SEC 18	NEEDLES	CA	92363	INTERIOR	CERCLA 103	2/12/1988
BLM-NEVADA BARTH CORPORATION	T31NR51ESEC7,8	PALISADE	NV	89822	INTERIOR	CERCLA 103	2/12/1988
BLM-NEW PASS RESOURCES INC.	T2ONR4OESEC10	AUSTIN	NV	89310	INTERIOR	CERCLA 103	2/12/1988
BLM-NORTH CREEK MILL	T6NR29ESEC6		ID		INTERIOR	CERCLA 103	2/12/1988
BLM-ORCHARD MESA LANDFILL	T2SR1ESEC4, 5 HWY 5.-SW OF 29 3/4 RD	GRAND JUNCTION	CO	81506	INTERIOR	CERCLA 103	2/12/1988
BLM-ORMSBY LANDFILL	T15NR20-21ESEC1,12,7700 HWY 50E	CARSON CITY	NV	89701	INTERIOR	CERCLA 103	2/12/1988
BLM-OROVILLE LANDFILL	T4ONR27ESEC18	OROVILLE	WA	98844	INTERIOR	CERCLA 103	2/12/1988
BLM-OWYHEE CO GRANDVIEW LANDFILL	T6SR4ESEC14		ID		INTERIOR	CERCLA 103	2/12/1988
BLM-OWYHEE CO. MARSING/HOMEDALE LF.	JOHNSON RD. T4N R5W S32 SW 1/4	MARSING-HOMEDALE	ID	83639	INTERIOR	CERCLA 103	2/12/1988
BLM-PEARD BAY DEWLINE SITE	50 MI SW OF BARROW	BARROW	AK	99723	INTERIOR	CERCLA 103	2/12/1988
BLM-PESTCIDE DUMP REYNOLDS	T2S R3W S31	REYNOLDS	ID	83650	INTERIOR	CERCLA 103	2/12/1988
BLM-PESTICIDE DUMP MURPHY	T3S R1W S35	MURPHY	ID	83650	INTERIOR	CERCLA 103	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BLM-PUMP STATION 12 DUMP SITE	T4S R1E S26 NWSW	COPPER CENTER	AK	99573	INTERIOR	CERCLA 103	2/12/1988
BLM-QUINN RIVER VALLEY	T43NR36ESEC18	HUMBOLDT CITY	NV	89445	INTERIOR	CERCLA 103	2/12/1988
BLM-RANCHERS EXPLO & DEV CORP. BLUEBIRD MINE	T1NR124ESEC35,36		AZ	85501	INTERIOR	CERCLA 103	2/12/1988
BLM-RED DEVIL MINE WASTE POND	S6 MI DOWN KUSKOKWIM RVR FR SLEETMUTE T19N R44W S6, 61 DEG	RED DEVIL	AK	99656	INTERIOR	RCRA 3016	2/12/1988
BLM-REEDER FLYING SERVICE AIRSTRIP #2	T9S R12E S13 W\1/ 2\ SE \1/4\	BUHL	ID	83316	INTERIOR	CERCLA 103	2/12/1988
BLM-REEDER FLYING SERVICE AIRSTRIP #3	T8S, R13E, SEC 6	GLENNS FERRY	ID	83623	INTERIOR	CERCLA 103	2/12/1988
BLM-REEDER FLYING SERVICE AIRSTRIP SITE	T8SR12ESEC33		ID		INTERIOR	CERCLA 103	2/12/1988
BLM-ROLL LANDFILL	T17SR17WSEC34		AZ	85343	INTERIOR	CERCLA 103	2/12/1988
BLM-SAGWON AIRSTRIP DUMP	T15N R14E S10&11	SAGWON	AK	99734	INTERIOR	RCRA 3016	2/12/1988
BLM-SAN MIGUEL LANDFILL #2	T44N R17W SEC 18	SLICK ROCK	CO	81333	INTERIOR	CERCLA 103	2/12/1988
BLM-SAWPIT TRAM SITE (ORE STORAGE)	T43NR10WSEC18	SAW PIT	CO		INTERIOR	CERCLA 103	2/12/1988
BLM-SHELL OIL CO. OF CALIFORNIA GORE B	T31SR22ESEC21	TAFT	CA		INTERIOR	CERCLA 103	2/12/1988
BLM-SILVER MAPLE CLAIMS	T2SR4ESEC3, 4 UTAH HWY 248	PARK CITY	UT	84060	INTERIOR	RCRA 3016	2/12/1988
BLM-SLANA DUMP SITE	MILE 67 OF DENALI HWY	CANTWELL	AK	99729	INTERIOR	CERCLA 103	2/12/1988
BLM-SLIDES DUMP SITE	TI5SR46ESEC35 LOTS 1, 2	ONTARIO	OR	97914	INTERIOR	RCRA 3016	2/12/1988
BLM-SMOKEY VALLEY MINING COMPANY	T1ONR44ESEC18-20,29.	ROUND MOUNTAIN	NV	89045	INTERIOR	CERCLA 103	2/12/1988
BLM-SOUTH FARMINGTON LANDFILL	T29N, R13W, SEC 20	FARMINGTON	NM	87401	INTERIOR	RCRA 3016	2/12/1988
BLM-SPRINGFIELD UNAUTHORIZED DUMPSITE	T3S R32E S15, 6 MI N OF CITY	SPRINGFIELD	ID	83277	INTERIOR	CERCLA 103	2/12/1988
BLM-STANDARD GOLD MINE	T30NR33ESEC1	IMLAY	NV	89418	INTERIOR	CERCLA 103	2/12/1988
BLM-STANDARD TRANSPIPE CORP	S. OF ALAMOGORDO, NM ON HWY 54	ALAMOGORDO	NM	88310	INTERIOR	CERCLA 103	2/12/1988
BLM-SUSANVILLE HORSE CORRALS SITE	T29NR15ESEC9 6 MI NW OF SUSANVILLE	SUSANVILLE	CA	96130	INTERIOR	CERCLA 103	2/12/1988
BLM-TANACROSS AIRFIELD	1 MI S OF TANACROSS ON AK HWY 63 DEG. 22'00" N, 143	TANACROSS	AK	99776	INTERIOR	CERCLA 103	2/12/1988
BLM-TANGLE LAKES DUMP SITE	MILE 22 DENELL HWY	PAXSON	AK	99737	INTERIOR	CERCLA 103	2/12/1988
BLM-THORIUM CITY WASTE DUMP	T10SR15WSEC21, 22, 27, 28	GRANT	MT	59734	INTERIOR	CERCLA 103	2/12/1988
BLM-TOWN OF MESA LANDFILL	T10S, R96W, SEC22	MOLINA	CO	81646	INTERIOR	CERCLA 103	2/12/1988
BLM-TUNGSTEN MILL TAILINGS	T4WR9WSEC4, 5, 9	GLEN	MT	59732	INTERIOR	CERCLA 103	2/12/1988
BLM-TWIN FALLS CO #4	T12S R19E S11	MURTAUGH	ID	83344	INTERIOR	CERCLA 103	2/12/1988
BLM-TWIN FALLS CO #5	T12S R19E S12	MURTAUGH	ID	83344	INTERIOR	CERCLA 103	2/12/1988
BLM-TWIN FALLS CO MURTAUGH (EAST) LANDFILL	T11S R19E S10	MURTAUGH	ID	83344	INTERIOR	CERCLA 103	2/12/1988
BLM-UNION CARBIDE CORP (EMERSON MINE)	T3SR56ESEC26	LINCOLN	NV	89001	INTERIOR	CERCLA 103	2/12/1988
BLM-UNION CARBIDE JOE MINE	T18SR 12E SEC 24 & 25	COALINGA	CA	93210	INTERIOR	CERCLA 103	2/12/1988
BLM-UNION PACIFIC R/W	T8SR67ESEC23	LINCOLN	NV	89008	INTERIOR	RCRA 3016	2/12/1988
BLM-UNIVERSAL GAS INC	R35NR5OESEC10	EUREKA	NV	89316	INTERIOR	CERCLA 103	2/12/1988
BLM-UPPER LITTLE LOST UNAUTHORIZED DUMP	T11N R26E S10, 12 MI NW OF CITY	CLYDE	ID	83244	INTERIOR	CERCLA 103	2/12/1988
BLM-UTAH INTERNATIONAL INC	T34NR34ESEC35,36	IMLAY	NV	89418	INTERIOR	CERCLA 103	2/12/1988
BLM-VALE CITY DUMPSITE	TI8SR45ESEC32	VALE	OR	97918-0008	INTERIOR	RCRA 3016	2/12/1988
BLM-VALLECITOS OILFIELD	T16SR11E SEC 25	HOLLISTER	CA	95023	INTERIOR	CERCLA 103	2/12/1988
BLM-VETA GRANDE MINING COMPANY	T119421ESEC3,4,9, HWY 395S	GARDNERVILLE	NV	89410	INTERIOR	CERCLA 103	2/12/1988
BLM-WASTE ELEC TRANSFORMER SITE NO, 1,	T4SR1WSEC17,20	SOCORRO	NM	87801	INTERIOR	CERCLA 103	2/12/1988
BLM-WATERFLOW LANDFILL	T30 NR 16W SEC35	WATERFLOW	NM	87421	INTERIOR	CERCLA 103	2/12/1988
BLM-WEST COAST OIL 9 GAS CORP	T19NR22ESEC24,36, 20 MI E OF RENO OFF HWY 80.	STOREY COUNTY	NV	89400	INTERIOR	RCRA 3010	2/12/1988
BLM-WESTERN WINDFALL LTD	T18NR53ESEC1,2	EUREKA	NV	89316	INTERIOR	CERCLA 103	2/12/1988
BLM-ZONIA COPPER MINE	T11NR4WSEC12, 13, 14 STAR RT	KIRKLAND	AZ	86332	INTERIOR	CERCLA 103	2/12/1988
BOULDER CY ENGINEERING LAB (BR-	500 DATE ST	BOULDER CITY	NV	89005	INTERIOR	RCRA 3005	2/12/1988
BR-ARIZONA PROJECTS OFFICE	2636 N. 7TH STREET	PHOENIX	AZ	85068	INTERIOR	RCRA 3016	2/12/1988
BR-GRAND COULEE DAM PROJECT	HWY 155 N OF JCT HWY 174	COULEE DAM	WA	99116	INTERIOR	RCRA 3010	2/12/1988
BR-PARKER DAM		PARKER	CA	92267	INTERIOR	RCRA 3010	2/12/1988
BR-YUMA DESALTING PLANT	7301 CALLE AGUA SALADA	YUMA	AZ	85364	INTERIOR	RCRA 3005	2/12/1988
COTTONWOOD CANYON	T37SR21ESEC3	HITE	UT	84511	INTERIOR	RCRA 3016	2/12/1988
FWS-ALASKA MARITIME NWR: AMCHITKA ISLAND	51D32M00SN, 179D00M00SE	AMCHITKA	AK	99546	INTERIOR	RCRA 3010	2/12/1988
FWS-ARCTIC NWR: BROWNLOW POINT DEWLINE SITE	70 MI E OF DEADHORSE/ PRUDHOE BAY	DEADHORSE	AK	99734	INTERIOR	CERCLA 103	2/12/1988
FWS-ARCTIC NWR: DEMARCATION POINT DEWLINE SITE	65 MI SE OF KAKTOVIK	KAKTOVIK	AK	99747	INTERIOR	CERCLA 103	2/12/1988
FWS-BAKER ISLAND NATIONAL WILDLIFE REFUGE	0D11M30SN, 176D29M0SW	HONOLULU	HI	96850	INTERIOR	RCRA 3016	2/12/1988
FWS-BARNEGAT DIVISION, EDWIN B. FORSYTHE NWR	PO BOX 544	BARNEGAT	NJ	8005	INTERIOR	RCRA 3016	2/12/1988
FWS-CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE	P.O. BOX 110	LEWISTOWN	MT	59457	INTERIOR	RCRA 3010	2/12/1988
FWS-CLAY COUNTY WATERFOWL	P.O. BOX 1686	KEARNEY	NE	68848-1686	INTERIOR	CERCLA 103	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
PRODUCTION AREA-MCMURTREY MARSH							
FWS-CRAB ORCHARD NWR: SANGAMO ELECTRIC DUMP	ORDILL INDUSTRIAL AREA, WILLIAMSON COUNTY	CARTERVILLE	IL	62918	INTERIOR	RCRA 3005	2/12/1988
FWS-EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE	5003 HALLET CIRCLE	CAPE CHARLES	VA	23310-1128	INTERIOR	RCRA 3016	2/12/1988
FWS-GREAT SWAMP NATIONAL WILDLIFE REFUGE	152 PLEASANT PLAINS ROAD	BASKING RIDGE	NJ	07920-9615	INTERIOR	RCRA 3016	2/12/1988
FWS-HOWLAND ISLAND NATIONAL WILDLIFE REFUGE	300 ALA MOANA BLVD	HONOLULU	HI	98813	INTERIOR	RCRA 3016	2/12/1988
FWS-IROQUOIS NATIONAL WILDLIFE REFUGE	P.O. BOX 517	ALABAMA	NY	14003	INTERIOR	RCRA 3016	2/12/1988
FWS-JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM	2 INTERNATIONAL PLAZA, SUITE 104	PHILADELPHIA	PA	19113-1505	INTERIOR	CERCLA 103	2/12/1988
FWS-KENAI NWR: SWANSON RIVER OIL FIELD	SWANSON LAKE RD, 60D43M00SN, 150D51M00SW	KENAI	AK	99611	INTERIOR	RCRA 3016	2/12/1988
FWS-LACASSINE NATIONAL WILDLIFE REFUGE	HCR 63, BOX 186	LAKE ARTHUR	LA	70549	INTERIOR	CERCLA 103	2/12/1988
FWS-NINIGRET NATIONAL WILDLIFE REFUGE	SHORELINE PLAZA, ROUTE 1A, P.O. BOX 307	CHARLESTOWN	RI	02813-0307	INTERIOR	RCRA 3016	2/12/1988
FWS-OCCOQUAN BAY NATIONAL WILDLIFE REFUGE	DAWSON BEACH ROAD	WOODBRIDGE	VA	22191	INTERIOR	RCRA 3016	2/12/1988
FWS-PATUXENT RESEARCH REFUGE	12100 BEECH FOREST ROAD	LAUREL	MD	20708-4036	INTERIOR	RCRA 3016	2/12/1988
FWS-SEAL ISLAND NATIONAL WILDLIFE REFUGE	P.O. BOX 1077	CALAIS	ME	04169	INTERIOR	CERCLA 103	2/12/1988
GATEWAY NATIONAL RECREATIONAL AREA	FORT HANCOCK	SANDY HOOK-BROOKLYN	NJ	07732	INTERIOR	RCRA 3010	2/12/1988
MONTEZUMA NATIONAL WILDLIFE REFUGE	3395 ROUTE 5 & 20 EAST	SENECA FALLS	NY	13148	INTERIOR	RCRA 3016	2/12/1988
NATIONAL BISON RANGE	CRAY RD 212 IN MOLESE	MOIESE	MT	59824	INTERIOR	RCRA 3010	2/12/1988
NATIONAL PARK SERVICE, DENVER SERVICE CTR	755 PARFET ST , BOX 25287	DENVER	CO	80225	INTERIOR	RCRA 3016	2/12/1988
NATIONAL WATER QUALITY LABORATORY	5293 WARD RD	DENVER	CO	80002	INTERIOR	RCRA 3010	2/12/1988
NPS GETTYSBURG NAT'L MIL PARK	R D I	GETTYSBURG	PA	17325	INTERIOR	CERCLA 103	2/12/1988
NPS-CRATER LAKE NATIONAL PARK	HWY 62 NW OF FORT KLAMATH	CRATER LAKE	OR	97604	INTERIOR	RCRA 3010	2/12/1988
NPS-NAGLATUK HILL	CAPE KRUSENSTERN NATIONAL MONUMENT	KOTZEBUE	AK	99752	INTERIOR	RCRA 3016	2/12/1988
NPS-PROVINCETOWN SANITARY LANDFILL	W OFF OF RACE POINT RD	PROVINCETOWN	MA	02657	INTERIOR	CERCLA 103	2/12/1988
NPS-UNITED NUCLEAR	OLD RTE 55	PAWLING	NY	12564	INTERIOR	CERCLA 103	2/12/1988
NPS-WRANGELL ST ELIAS NP&P: MALASPINA DRILLING MUD SITE	T24S R32E S31, 59 DEG.42'30'' N, 140 DEG.37'30'' W	GLENNALLEN	AK	99588	INTERIOR	CERCLA 103	2/12/1988
NPS-YOSEMITE	YOSEMITE NATL PARK	YOSEMITE	CA	95389	INTERIOR	RCRA 3010	2/12/1988
ORE BUYING STATION-MOAB	T26SR22ESEC6 PARCLABC	MOAB	UT	84532	INTERIOR	RCRA 3016	2/12/1988
PENNSYLVANIA AVE/FOUNTAIN AVE LANDFILLS	PENNSYLVANIA AVE, SHORE PKWY	BROOKLYN	NY	11207	INTERIOR	RCRA 3010	2/12/1988
SEPTAGE TREATMENT FACILITY/OLD CAMP WELLFLEET	EAST OFF ROUTE 6	SOUTH WELLFLEET	MA	02667	INTERIOR	RCRA 3016	2/12/1988
US BUREAU OF MINES	626 COCHRANS MILL	BRUCETON	PA	15025	INTERIOR	RCRA 3010	2/12/1988
USDOI-BR MINIDOKA DAM	RT 4, BOX 292	RUPERT	ID	83350	INTERIOR	RCRA 3010	2/12/1988
AMES RESEARCH CENTER	ENVIRONMENTAL HEALTH & SAFETY	MOFFETT FIELD	CA	94035	NASA	RCRA 3010	2/12/1988
GLENN RESEARCH CENTER PLUM BROOK STATION	6100 COLUMBUS AVE	SANDUSKY	OH	44870	NASA	RCRA 3010	2/12/1988
GODDARD SPACE FLIGHT CENTER	GREENBELT ROAD	GREENBELT	MD	20771	NASA	RCRA 3010	2/12/1988
JET PROPULSION LABORATORY	4800 OAK GROVE DR	PASADENA	CA	91109	NASA	RCRA 3010	2/12/1988
JOHN C STENNIS SPACE CENTER	SSC BLDG 1100	STENNIS SPACE CENTER	MS	39529	NASA	RCRA 3005	2/12/1988
JOHN GLENN RESEARCH CENTER	21000 BROOKPARK ROAD	CLEVELAND	OH	44135	NASA	RCRA 3010	2/12/1988
KENNEDY SPACE CENTER	NASA MAIL CODE DF-EMS	KENNEDY SPACE CENTER	FL	32899	NASA	RCRA 3005	2/12/1988
L.B. JOHNSON SPACE CENTER	2101 NASA ROAD	HOUSTON	TX	77058	NASA	RCRA 3005	2/12/1988
LANGLEY AIR FORCE BASE/NASA LANGLEY RESEARCH CENTER	OFF STATE HIGHWAY 187	HAMPTON	VA	23665	NASA	RCRA 3010	2/12/1988
NASA SANTA SUSANA FIELD LABORATORY	WOODLSEY CANYON ROAD	SIMI VALLEY	CA	91304	NASA	RCRA 3005	2/12/1988
NASA WALLOPS ISLAND	RTE 175	WALLOPS ISLAND	VA	23337	NASA	RCRA 3010	2/12/1988
WHITE SANDS TEST FACILITY	14 MI E AND 6 MI N OF LAS CRUCES	LAS CRUCES	NM	88004	NASA	RCRA 3005	2/12/1988
ADAK NAVAL FACILITY	51D54M00SN, 176D45M00SW N END OF ADAK ISLAND	ADAK	AK	99546	NAVY	RCRA 3005	2/12/1988
ALBANY MARINE CORPS LOGISTICS BASE	FLEMING RD	ALBANY	GA	31704	NAVY	RCRA 3005	2/12/1988
ALLEGANY BALLISTICS LABORATORY	WEST VIRGINIA SECONDARY ROUTE 9	ROCKET CENTER	WV	26726	NAVY	RCRA 3005	2/12/1988
APRA HARBOR NAVAL COMPLEX	APRA HARBOR NAVAL COMPLEX	PITI	GU	96630	NAVY	CERCLA 103	2/12/1988
BANGOR NAVAL SUBMARINE BASE	1101 TAUTOG CIRCLE	SILVERDALE	WA	98315	NAVY	RCRA 3005	2/12/1988
BARBERS POINT NAVAL AIR STATION		BARBERS POINT	HI	96882	NAVY	RCRA 3010	2/12/1988
BARBERS POINT PUBLIC WORKS CENTER	PUBLIC WORKS CENTER	BARBERS POINT	HI	96862	NAVY	RCRA 3005	2/12/1988
BLOODSWORTH ISLAND BOMBARDMENT RANGE	CHESAPEAKE BAY, 4 MI. SOUTH OF CROCHERON	CROCHERON	MD	21627	NAVY	CERCLA 103	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BRISTOL NAVAL WEAPONS INDUSTRIAL RESERVE PLANT	100 VANCE TANK ROAD RAYTHEON COMPANY	BRISTOL	TN	36720-5698	NAVY	RCRA 3016	2/12/1988
BRUNSWICK NAVAL AIR STATION	1251 ORION STREET	BRUNSWICK	ME	04011-5009	NAVY	RCRA 3005	2/12/1988
CAMP LEJEUNE MILITARY RESERVATION	NC HWY 24 & US HWY 16	CAMP LEJEUNE	NC	28542	NAVY	RCRA 3005	2/12/1988
CAMP PEARY DOD	CAMP PEARY-PO BOX 1447	WILLIAMSBURG	VA	23185	NAVY	RCRA 3010	2/12/1988
CAMP WESLEY HARRIS MARINE FACILITY	SEABECK HWY 3 MI W OF CY	BREMERTON	WA	98310	NAVY	RCRA 3010	2/12/1988
CECIL FIELD NAVAL AIR STATION	103RD ST. & NORMANDY BLVD	CECIL FIELD	FL	32215	NAVY	RCRA 3005	2/12/1988
CHARLESTON NAVAL SHIPYARD	VIADUCT ROAD	CHARLESTON	SC	29408	NAVY	RCRA 3005	2/12/1988
CHARLESTON NAVAL WEAPONS STATION	2316 RED BANK ROAD	CHARLESTON	SC	29445	NAVY	RCRA 3005	2/12/1988
CONSTRUCTION BATTALION CENTER GULFPORT	5200 CBC 2ND STREET	GULFPORT	MS	39501	NAVY	RCRA 3010	2/12/1988
CORPUS CHRISTI NAVAL AIR STATION	OCEAN DRIVE & SAIPAN ST BLDG 22 PUBLIC WORKS DEPT	CORPUS CHRISTI	TX	78419	NAVY	RCRA 3005	2/12/1988
CROWS LANDING NAVAL AIR LOGISTICS FORCE	NALF CROWS LANDING	CROWS	CA	95313	NAVY	RCRA 3010	2/12/1988
CUTLER NAVAL COMPUTER & TELECOMMUNICATION AM	OFF RT 191	CUTLER	ME	04626-9608	NAVY	RCRA 3010	2/12/1988
DAVISVILLE NAVAL CONSTRUCTION BATTALION CENTER	OFF SANFORD ROAD	NORTH KINGSTOWN	RI	02871	NAVY	RCRA 3016	2/12/1988
EARLE NAVAL WEAPONS STATION	201 HWY 34 S	COLTS NECK	NJ	07722	NAVY	RCRA 3005	2/12/1988
EAST LYME NAVAL UNDERWATER SYSTEMS CENTER	DODGE POND FIELD STATION	EAST LYME	CT	06357	NAVY	RCRA 3010	2/12/1988
FISC SAN DIEGO-POINT LOMA ANNEX	199 ROSECRANS ST	SAN DIEGO	CA	92106	NAVY	RCRA 3005	2/12/1988
FISHER'S ISLAND NAVAL UNDERWATER SYSTEMS CENTER	FISHER'S ISLAND	FISHER'S ISLAND	NY	06380	NAVY	RCRA 3010	2/12/1988
FORMER GOULDSBORO NSGA OPERATIONS SITE	ROUTE 195	GOULDSBORO	ME	04624	NAVY	CERCLA 103	2/12/1988
FORMER MCAS EL TORO	EEPB FAC MGMT DEPT	SANTA ANA	CA	92709	NAVY	RCRA 3005	2/12/1988
FORMER NAS ALAMEDA	ATLANTIC AVE AT MAIN ST	ALAMEDA	CA	94501	NAVY	RCRA 3005	2/12/1988
FORMER NAS MOFFETT FIELD	HWY 101 AT STEVENS CREEK	MOFFETT FIELD	CA	94035	NAVY	RCRA 3005	2/12/1988
FORMER NAS MOFFETT FIELD-ANG 129TH CAV	129 ARRG/CC	MOFFETT FIELD	CA	94035	NAVY	RCRA 3010	2/12/1988
FORMER NAVAIRWARCEN WARMINSTER-8 WASTE AREAS	JACKSONVILLE ROAD AND ROUTE 132	WARMINSTER	PA	18974	NAVY	RCRA 3005	2/12/1988
FORMER NAVAL AIR STATION GLENVIEW	FORMER NAVAL AIR STATION GLENVIEW	GLENVIEW	IL	60026	NAVY	RCRA 3005	2/12/1988
FORMER NAVAL ARCTIC RESEARCH LABORATORY BARROW	MAIN ST, 4 MI N OF CY, 71 DEG. 19' 42" N, 156 DEG. 40' 18" W	BARROW	AK	99723	NAVY	CERCLA 103	2/12/1988
FORMER NAVAL CIVIL ENGINEERING LABORATORY	NCBC	PORT HUENEME	CA	93043	NAVY	RCRA 3010	2/12/1988
FORMER NAVAL HOUSING AREA-NOVATO	MAIN ENTRANCE RD AT C ST	NOVATO	CA	94939	NAVY	RCRA 3010	2/12/1988
FORMER NAVAL ORDNANCE STATION LOUISVILLE	118 ROCHESTER DR	LOUISVILLE	KY	40214	NAVY	RCRA 3005	2/12/1988
FORMER NAVMEDCEN OAKLAND	8750 MOUNTAIN BLVD	OAKLAND	CA	94605	NAVY	RCRA 3010	2/12/1988
FORMER NAVSTA LONG BEACH	NAVY MOLE PIER	LONG BEACH	CA	90822	NAVY	RCRA 3010	2/12/1988
FORMER NOSC AZUSA	HWY 39	AZUSA	CA	91702	NAVY	RCRA 3010	2/12/1988
FORMER NTC SAN DIEGO	ROSENCRANZ & NIMITZ BLVDS	SAN DIEGO	CA	92133	NAVY	RCRA 3010	2/12/1988
FORMER NUSC NEW LONDON LABORATORY	900 BANK STREET	FORT TRUMBULL	CT	06320	NAVY	RCRA 3010	2/12/1988
GUAM NAVAL HOSPITAL	NAVAL HOSP GUAM	NAVAL HOSP GUAM	GU	96638	NAVY	CERCLA 103	2/12/1988
GUAM NAVAL SHIP REPAIR FACILITY		AGANA	GU	96630	NAVY	RCRA 3005	2/12/1988
IMPERIAL BEACH NAVAL COMMUNICATION STATION	OUTLYING LANDING FIELD BLDG 162 RT 75 & PALM AVE	IMPERIAL BEACH	CA	92032	NAVY	RCRA 3005	2/12/1988
INDIAN HEAD DIVISION, NAVAL SURFACE	RTE 210 MARYLAND	INDIAN HEAD	MD	20640	NAVY	RCRA 3005	2/12/1988
INDIANAPOLIS NAVAL AVIONICS CENTER	6000 E. 21ST STREET	INDIANAPOLIS	IN	42618	NAVY	RCRA 3010	2/12/1988
JACKSON PARK HOUSING COMPLEX	AUSTIN DRIVE AT SHORE DRIVE	BREMERTON	WA	98312	NAVY	RCRA 3010	2/12/1988
JACKSONVILLE NAVAL AIR STATION	CODE 184 PUBLIC WKS DEPT BOX 5	JACKSONVILLE	FL	32212	NAVY	RCRA 3005	2/12/1988
KANEOHE BAY MARINE CORPS AIR STATION	MCAS KANEOHE BASE MOAKAPU PENIN	KANEOHE BAY	HI	96863	NAVY	RCRA 3005	2/12/1988
KINGS BAY NAVAL SUBMARINE BASE	GA STATE HWY SPUR	KINGS BAY	GA	31547	NAVY	RCRA 3005	2/12/1988
LAULUALEL NAVAL MAGAZINE	NAVAL MAGAZINE DEMILITARIZATION FURNACE	WESTLOCH	HI	96860	NAVY	RCRA 3005	2/12/1988
LEMOORE NAVAL AIR STATION	700 AVENGER AVE	LEMOORE	CA	93246	NAVY	RCRA 3010	2/12/1988
LEWES NAVAL FACILITY	DEPT OF NAVY	LEWES	DE	19958	NAVY	RCRA 3010	2/12/1988
LONG BEACH NAVAL SHIPYARD	300 SKIPJACK RD	LONG BEACH	CA	90822	NAVY	RCRA 3005	2/12/1988
MARE ISLAND NAVAL SHIPYARD	695 WALNUT AVE	VALLEJO	CA	94592	NAVY	RCRA 3005	2/12/1988
MARINE CORPS AIR STATION BEAUFORT	HWY 21 BLDG 601	BEAUFORT	SC	29904	NAVY	RCRA 3005	2/12/1988
MARINE CORPS AIR STATION CHERRY POINT	US HWY 101 & US HWY 70	CHERRY POINT	NC	28533	NAVY	RCRA 3005	2/12/1988
MARINE CORPS AIR STATION, YUMA	AVE 3-E	YUMA	AZ	85364	NAVY	RCRA 3005	2/12/1988
MARINE CORPS AIR-GROUND COMBAT CTR.	END OF ADOBE ROAD	TWENTYNINE PALMS	CA	92278	NAVY	RCRA 3010	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
MARINE CORPS AUXITARY LANDING, BOGUE BURN PIT	MCALF BOGUE	MOREHEAD CITY	NC	28557	NAVY	RCRA 3016	2/12/1988
MARINE CORPS BATTALION HQ, ARLINGTON	HENDERSON HALL	ARLINGTON	VA	22214	NAVY	CERCLA 103	2/12/1988
MARINE CORPS COMBAT DEVELOPMENT COMMAND QUANTICO	3250 CATLIN AVENUE	QUANTICO	VA	22134-5001	NAVY	RCRA 3005	2/12/1988
MARINE CORPS RECRUIT DEPOT SAN DIEGO	BARNETT AVE & PACIFIC HWY	SAN DIEGO	CA	92140	NAVY	RCRA 3010	2/12/1988
MCB CAMP PENDLETON	BLDG 2631	CAMP PENDLETON	CA	92055	NAVY	RCRA 3005	2/12/1988
MCMWTC BRIDGEPORT	HWY 108 AT PICKLE MEADOWS	BRIDGEPORT	CA	93517	NAVY	RCRA 3010	2/12/1988
NAF EL CENTRO	1605 3RD ST-BLDG 214	EL CENTRO	CA	92243	NAVY	RCRA 3005	2/12/1988
NAS NORTH ISLAND	MCCAIN BLVD AT ALAMEDA BLVD	SAN DIEGO	CA	92135	NAVY	RCRA 3005	2/12/1988
NATIONAL NAVAL MEDICAL CENTER	8901 WISCONSIN AVE	BETHESDA	MD	20814	NAVY	RCRA 3005	2/12/1988
NAVACTS ORDNANCE ANNEX GUAM	APRA HBR HTS AREA BY FENA RESV	APRA HARBOR	GU	96910	NAVY	CERCLA 103	2/12/1988
NAVAL ACADEMY	Wainright Road	ANNAPOLIS	MD	21402	NAVY	RCRA 3005	2/12/1988
NAVAL AIR ENGINEERING CENTER LAKEHURST	HANCOCK ROAD OFF ROUTE 547	LAKEHURST	NJ	08733	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION AGANA		AGANA	GU	96637	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION CHASE FIELD	SW HWY 202 5 MI E. OF BEEVILLE	BEEVILLE	TX	78103	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION KEY WEST	BLDG A827; BOCA CHICA KEY	KEY WEST	FL	33040	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION KINGSVILLE	554 MCCAIN STREET STE 310	KINGSVILLE	TX	78363	NAVY	RCRA 3010	2/12/1988
NAVAL AIR STATION MAYPORT	PO BOX 265 NAVAL STATION	MAYPORT	FL	32228	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION MERIDIAN	1155 ROSENBAUM AVENUE, STE 13	MERIDIAN	MS	39309-5003	NAVY	RCRA 3010	2/12/1988
NAVAL AIR STATION MIRAMAR.	MIRAMAR NAVAL AIR STATION.	SAN DIEGO	CA	92145	NAVY	RCRA 3010	2/12/1988
NAVAL AIR STATION NORFOLK	N/A	NORFOLK	VA	23511	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION PATUXENT RIVER	22268 CEDAR POINT ROAD	PATUXENT RIVER	MD	20670-5409	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION WHIDBEY ISLAND	HWY 20 & AULT FIELD RD	OAK HARBOR	WA	98278	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION WHITING FIELD	7550 USS ESSEX STREET SUITE 200	MILTON	FL	32570-6155	NAVY	RCRA 3010	2/12/1988
NAVAL AIR STATION WILLOW GROVE	RT 611	WILLOW GROVE	PA	19090	NAVY	RCRA 3005	2/12/1988
NAVAL AIR STATION, FALLON	NAVAL AIR STATION	FALLON	NV	89406	NAVY	RCRA 3005	2/12/1988
NAVAL AIR WEAPONS STATION CHINA LAKE	1 ADMINISTRATION CIRCLE	CHINA LAKE	CA	93555-6001	NAVY	RCRA 3005	2/12/1988
NAVAL AMMUNITION FACILITY, VIEQUES	ROUTE 70	VIEQUES	PR	00765	NAVY	RCRA 3005	2/12/1988
NAVAL AMPHIBIOUS BASE LITTLE CREEK	SHORE DRIVE (U.S. ROUTE 60)	VIRGINIA BEACH	VA	23455	NAVY	RCRA 3005	2/12/1988
NAVAL AND MARINE CORPS RESERVE CENTER	FLOYD BENNETT FIELD	BROOKLYN	NY	11234	NAVY	CERCLA 103	2/12/1988
NAVAL COMMUNICATION STATION STOCKTON	ROUGH & READY ISLAND	STOCKTON	CA	95203	NAVY	RCRA 3005	2/12/1988
NAVAL COMPLEX PEARL HARBOR-SUBMARINE BASE	NAVAL SUBMARINE BASE	PEARL HARBOR	HI	96860	NAVY	RCRA 3010	2/12/1988
NAVAL CONSTRUCTION BATTALION CTR	PORT HUENEME	VENTURA	CA	93043	NAVY	RCRA 3005	2/12/1988
NAVAL ELECTRONIC SYSTEMS ENG ACT ST INIGOES	VILLA ROAD OFF RTE 5	SAINT INIGOES	MD	20684	NAVY	RCRA 3010	2/12/1988
NAVAL FACIL, GUAM	NAVAL FACILITY, GUAM	NAVAL FACIL, GUAM	GU	96630	NAVY	CERCLA 103	2/12/1988
NAVAL FACILITIES ENGINEERING COMMAND	WESTERN DIVISION	SAN DIEGO	CA	92136	NAVY	CERCLA 103	2/12/1988
NAVAL IND RESERVE ORDNANCE PLANT/HERCULES INC	8400 W 4100 SOUTH	MAGNA	UT	84044	NAVY	RCRA 3005	2/12/1988
NAVAL IND RESERVE ORDNANCE PLANT	4800 E RIVER ROAD	FRIDLEY	MN	55421	NAVY	RCRA 3005	2/12/1988
NAVAL POSTGRADUATE SCHOOL	1 UNIVERSITY CIR	MONTEREY	CA	93943	NAVY	RCRA 3010	2/12/1988
NAVAL RADIO STATION #1	63 HEDRICK DR	SUGAR GROVE	WV	26815-5000	NAVY	RCRA 3010	2/12/1988
NAVAL REGIONAL MEDICAL CENTER	17 ST AND PATTISON AVE	PHILADELPHIA	PA	19145	NAVY	RCRA 3010	2/12/1988
NAVAL RESERVE CENTER LINCOLN	1625 N 10TH ST	LINCOLN	NE	68508	NAVY	CERCLA 103	2/12/1988
NAVAL SECURITY GROUP ACTIVITY WINTER HARBOR	10 FABBRI GREEN STE 10	WINTER HARBOR	ME	04693	NAVY	RCRA 3010	2/12/1988
NAVAL STATION CEIBA	ROOSEVELT ROADS	CEIBA	PR	00635	NAVY	RCRA 3005	2/12/1988
NAVAL STATION NEW YORK	207 FLUSHING AVE	BROOKLYN	NY	11251	NAVY	RCRA 3010	2/12/1988
NAVAL STATION TREASURE ISLAND	TREASURE ISLAND	SAN FRANCISCO	CA	94130	NAVY	RCRA 3005	2/12/1988
NAVAL SUBMARINE BASE, NEW LONDON	ROUTE 12 CRYSTAL LAKE ROAD	GROTON	CT	06349	NAVY	RCRA 3005	2/12/1988
NAVAL SUPPORT FACILITY THURMONT	BOX 1000	THURMONT	MD	21788	NAVY	CERCLA 103	2/12/1988
NAVAL SURFACE WARFARE CENTER CRANE DIVISION	300 HWY 361 BLDG 3260 CODE 095	CRANE	IN	47522	NAVY	RCRA 3005	2/12/1988
NAVAL SURFACE WEAPONS CTR, DAHLGREN	2 MI EAST OF INTERSECT 30	DAHLGREN	VA	22448	NAVY	RCRA 3005	2/12/1988
NAVAL TRAINING CENTER GREAT LAKES	PUBLIC WORKS CENTER BUILDING 1A	GREAT LAKES	IL	60088-5600	NAVY	RCRA 3005	2/12/1988
NAVAL UNDERSEA WARFARE ENGINEERING STATION (4 AREAS)	HWY 308, E END	KEYPORT	WA	98345	NAVY	RCRA 3005	2/12/1988
NAVAL WEAPONS IND RES PLANT, DALLAS	9314 W. JEFFERSON	DALLAS	TX	75211	NAVY	RCRA 3005	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NAVAL WEAPONS IND RESERVE PLANT, MCGREGOR	1101 JOHNSON DRIVE, HERCULES INC	MCGREGOR	TX	76657	NAVY	RCRA 3005	2/12/1988
NAVAL WEAPONS INDUSTRIAL RESERVE PLANT	S OYSTER BAY RD	BETHPAGE	NY	11714	NAVY	RCRA 3016	2/12/1988
NAVAL WEAPONS INDUSTRIAL RESERVE PLANT CALVERTON	GRUMMAN BLVD	CALVERTON	NY	11933	NAVY	CERCLA 103	2/12/1988
NAVAL WEAPONS STATION SEAL BEACH DETACHMENT FALLBROOK	700 AMMUNITION RD	FALLBROOK	CA	92028	NAVY	CERCLA 103	2/12/1988
NAVAL WEAPONS STATION-YORKTOWN	US NAVAL WEAPONS STATION	YORKTOWN	VA	23690	NAVY	RCRA 3005	2/12/1988
NAVBASE CORONADO-AMPHIBIOUS BASE	HWY 75 ON SILVER STRAND	CORONADO	CA	92118	NAVY	RCRA 3010	2/12/1988
NAVBASE VENTURA COUNTY-PT MUGU	311 MAIN RD STE 1	POINT MUGU	CA	93042	NAVY	RCRA 3005	2/12/1988
NAVCOMTELSTA SAN DIEGO-NRTF DIXON	RADIO STATION RD	DIXON	CA	95620	NAVY	CERCLA 103	2/12/1988
NAVWPNSTA SEAL BEACH-CONCORD DET	10 DELTA ST	CONCORD	CA	94520	NAVY	RCRA 3005	2/12/1988
NAVY AND MARINE CORPS RESERVE ROANOKE	5301 BARNES AVE	ROANOKE	VA	24019	NAVY	RCRA 3010	2/12/1988
NAVY AVIATION SUPPLY OFFICE	700 ROBBINS AVE	PHILADELPHIA	PA	19111	NAVY	RCRA 3010	2/12/1988
NAVY PWC GUAM-FORMER PITI POWER PLANT	PITI HARBOR	PITI	GU	96915	NAVY	RCRA 3005	2/12/1988
NAVY SHIPS PARTS CONTROL	5450 CARLISLE PIKE PO BOX 2020	MECHANICSBURG	PA	17055	NAVY	RCRA 3005	2/12/1988
NEW ORLEANS NAVAL AIR STATION	32 BELLE CHASE HWY	BELLE CHASSE	LA	70037	NAVY	RCRA 3010	2/12/1988
NEWPORT NAVAL EDUCATION AND TRAINING CENTER	61 CAPODANNO DR	NEWPORT	RI	02840	NAVY	RCRA 3005	2/12/1988
NORFOLK NAVAL BASE (SEWELLS POINT NAVAL)	1530 GILBERT ST STE 2000	NORFOLK	VA	23511	NAVY	RCRA 3005	2/12/1988
NORFOLK NAVAL SHIPYARD	N/A CODE 411, BLDG M32	PORTSMOUTH	VA	23709	NAVY	RCRA 3005	2/12/1988
OAKLAND NAVAL SUPPLY CENTER	7TH & MARITIME BUILDING 311-EAST	OAKLAND	CA	94623	NAVY	RCRA 3005	2/12/1988
OAKLAND NAVAL SUPPLY CENTER, ALAMEDA	2155 MARINER SQUARE LOOP	ALAMEDA	CA	94501	NAVY	CERCLA 103	2/12/1988
OAKLAND NAVAL SUPPLY CENTER-POINT MOLATE SITE	END WESTERN DR. OFF SR 17	RICHMOND	CA	94801	NAVY	RCRA 3010	2/12/1988
OCEANA NAVAL AIR STATION	PUBLIC WORKS DEPARTMENT	VIRGINIA BEACH	VA	23460	NAVY	RCRA 3005	2/12/1988
OMAHA NAVAL AND MARINE CORPS RESERVE CENTER	FORT OMAHA	OMAHA	NE	68102	NAVY	CERCLA 103	2/12/1988
PACIFIC MISSILE RANGE FACILITY	PACIFIC MISSILE RANGE FACILITY	KEKAHA	HI	96752	NAVY	RCRA 3005	2/12/1988
PANAMA CITY COASTAL SYSTEMS STATION	HWY 98 CODE 6310MC	PANAMA CITY	FL	32407	NAVY	RCRA 3005	2/12/1988
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT	PO BOX 19001	PARRIS ISLAND	SC	29905-9001	NAVY	RCRA 3005	2/12/1988
PEARL HARBOR FLEET TRAINING GROUP	1430 SOUTH AVE	PEARL HARBOR	HI	96860	NAVY	RCRA 3010	2/12/1988
PEARL HARBOR NAVAL SHIPYARD		PEARL HARBOR	HI	96860	NAVY	RCRA 3005	2/12/1988
PEARL HARBOR NAVAL STATION	US NAVAL STA	PEARL HARBOR	HI	96880	NAVY	RCRA 3010	2/12/1988
PEARL HARBOR NAVAL SUPPLY CENTER	NAVAL BASE	PEARL HARBOR	HI	98860	NAVY	RCRA 3005	2/12/1988
PEARL HARBOR NAVY PUBLIC WORKS CENTER	NAVAL STATION AREA	PEARL HARBOR	HI	96860	NAVY	RCRA 3005	2/12/1988
PENSACOLA NAVAL AIR STATION	190 RADFORD BLVD	PENSACOLA	FL	32508	NAVY	RCRA 3005	2/12/1988
PHILADELPHIA NAVAL SHIPYARD	BROAD ST-NORTH DIV. CODE 114	PHILADELPHIA	PA	19112	NAVY	RCRA 3005	2/12/1988
POINT SUR NAVAL FACILITY	NAVAL FACILITY POINT SUR	BIG SUR	CA	93920	NAVY	RCRA 3010	2/12/1988
PORT HADLOCK DETACHMENT/NAVAL ORDNANCE CTR PAC DIV	100 INDIAN ISLAND RD	PORT HADLOCK	WA	98339	NAVY	RCRA 3010	2/12/1988
PORTSMOUTH NAVAL HOSPITAL	EFFINGHAM STREET	PORTSMOUTH	VA	23708-5000	NAVY	RCRA 3010	2/12/1988
PORTSMOUTH NAVAL SHIPYARD	SEAVY ISLAND	KITTERY	ME	03904	NAVY	RCRA 3005	2/12/1988
PUGET SOUND FISC FUEL DEPARTMENT	ORCHARD POINT/ LITTLE CLAM BAY	MANCHESTER	WA	98353	NAVY	RCRA 3005	2/12/1988
PUGET SOUND NAVAL SHIPYARD	1ST STREET CODE 106	BREMERTON	WA	98314-5000	NAVY	RCRA 3005	2/12/1988
PUGET SOUND NAVAL STATION	7500 SAND POINT WAY NE	SEATTLE	WA	98115	NAVY	RCRA 3010	2/12/1988
ROOSEVELT ROADS NAVAL STATION	VILLA VERDE STREET DRYDOCK & REPAIR FACILITY	MIRAMAR	PR	00903	NAVY	RCRA 3005	2/12/1988
SABANA SECA NAVAL SECURITY GROUP ACTIVITY	ROUTE 866	SABANA SECA	PR	00952	NAVY	RCRA 3010	2/12/1988
SAN DIEGO FLEET ANTI-SUBMARINE WARFARE TRAINING CTR	HARBOR DRIVE	SAN DIEGO	CA	92147	NAVY	CERCLA 103	2/12/1988
SAN DIEGO NAVAL MEDICAL CENTER	34800 BOB WILSON DR, SUITE 1800	SAN DIEGO	CA	92134	NAVY	CERCLA 103	2/12/1988
SAN DIEGO NAVAL STATION	BLDG 3275 P.O. BOX 113, CAMP ELLIOT 92106.	SAN DIEGO.	CA	92136	NAVY	RCRA 3005	2/12/1988
SAN DIEGO NAVAL SUBMARINE BASE	140 SYLVESTER RD. NAVAL STATION BUILDING 545	SAN DIEGO	CA	92106	NAVY	RCRA 3010	2/12/1988
SAN DIEGO PUBLIC WORKS CENTER	SAN DIEGO NAVAL STATION	SAN DIEGO	CA	92145	NAVY	RCRA 3010	2/12/1988
SANTA RITA NAVAL MAGAZINE	RTE 5	SANTA RITA	GU	96915	NAVY	RCRA 3010	2/12/1988
SASA VALLEY FUEL DEPOT	APRA HBR	PITI	GU	96630	NAVY	CERCLA 103	2/12/1988
SEAL BEACH NAVAL WEAPONS STATION	800 SEAL BEACH BLVD	SEAL BEACH	CA	90740	NAVY	RCRA 3005	2/12/1988
SHORE INTERMEDIATE		PEARL HARBOR	HI	96860	NAVY	RCRA 3005	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
MAINTENANCE ACTIVITY							
SINGER EDUCATION DIVISION	1325 IRIS AVE BLDG 60	IMPERIAL BEACH	CA	92032	NAVY	RCRA 3010	2/12/1988
SKAGGS ISLAND NAVAL SECURITY GROUP ACTIVITY	SKAGGS ISLAND	SONOMA	CA	95476	NAVY	RCRA 3010	2/12/1988
SOUTH WEYMOUTH NAVAL AIR STATION	NAS S. WEYMOUTH PWD CODE 72.3	SOUTH WEYMOUTH	MA	02190	NAVY	RCRA 3005	2/12/1988
SUFFOLK NAVAL COMMUNICATION AREA	3300 SLEEPY HOLE RD	SUFFOLK	VA	23434	NAVY	RCRA 3010	2/12/1988
TREASURE ISLAND NAVAL STATION	TREASURE ISLAND	SAN FRANCISCO	CA	94130	NAVY	RCRA 3005	2/12/1988
TRENTON NAVAL AIR WARFARE CENTER, AIRCRAFT DIV	PARKWAY AVE	TRENTON	NJ	08628	NAVY	RCRA 3005	2/12/1988
TRIPLE A SHIPYARD-HUNTERS POINT DIV	HUNTER'S POINT NAVAL SHIPYARD	SAN FRANCISCO	CA	94124	NAVY	RCRA 3010	2/12/1988
TUSTIN MARINE CORPS AIR STATION	MCAS TUSTIN	TUSTIN	CA	92719	NAVY	RCRA 3005	2/12/1988
US NAVAL RESEARCH LAB LAUNCH	BERRY ROAD	WALDORF	MD	20601	NAVY	CERCLA 103	2/12/1988
US NAVY SOUTHNAVFACENG COM (BRAC NAS DALLAS)	8100 W JEFFERSON AVENUE	DALLAS	TX	75211	NAVY	RCRA 3005	2/12/1988
USN AUXILARY LANDING FIELD	3-4 MI S PRINCESS ANN CTH	CHESAPEAKE	VA	23322	NAVY	CERCLA 103	2/12/1988
USN CRANEY ISLAND FUEL TERMINAL.	CRANEY ISLAND FUEL TERMINAL.	PORTSMOUTH	VA	23702	NAVY	RCRA 3005	2/12/1988
VIEQUES EAST	VIEQUES	VIEQUES	PR	765	NAVY	CERCLA 103	2/12/1988
WAIAWA SHAFT	END OF WAIHONA STREET	PEARL CITY	HI	96782	NAVY	CERCLA 103	2/12/1988
WASHINGTON NAVAL RESEARCH LABORATORY	4555 OVERLOOK AVE	WASHINGTON	DC	20375	NAVY	RCRA 3005	2/12/1988
WASHINGTON NAVAL SECURITY STATION	3801 NEBRESKA AVE NW	WASHINGTON	DC	20390	NAVY	RCRA 3010	2/12/1988
WASHINGTON NAVY YARD	1014 N STREET SE SUITE 3207	WASHINGTON	DC	20374-5001	NAVY	RCRA 3010	2/12/1988
WEST PACIFIC NAVAL COMMUNICATION AREA MASTER STAT	NAVCAMS WESTPAC	NAVCAMS WESTPAC	GU	96630	NAVY	RCRA 3016	2/12/1988
WHITE OAK NAVAL SURFACE WARFARE CENTER	10901 NEW HAMPSHIRE AVE	SILVER SPRING	MD	20903	NAVY	RCRA 3005	2/12/1988
YORKTOWN NAVAL SUPPLY CENTER	NAVAL SUPPLY CNTR FUEL D	YORKTOWN	VA	23890	NAVY	RCRA 3005	2/12/1988
ALLEN FOSSIL PLANT	2574 PLANT RD	MEMPHIS	TN	38109	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
BELLEFONTE NUCLEAR PLANT	OFF US HWY 72	HOLLYWOOD	AL	36401	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
BROWNS FERRY NUCLEAR PLANT	US HWY 72	ATHENS	AL	35611	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/12/1988
BULL RUN FOSSIL PLANT	EDGEMOOR RD., 6 MI SE OF OAK RIDGE	OAK RIDGE	TN	37930	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/12/1988
COLBERT FOSSIL PLANT	OFF US HWY 72 W	TUSCUMBIA	AL	35674	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
CUMBERLAND FOSSIL PLANT	815 CUMBERLAND CITY RD	CUMBERLAND CITY	TN	37050	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/12/1988
GUNTERSVILLE HYDRO PLANT	OFF US HWY 431, 11 MI NW OF GUNTERSVILLE	GUNTERSVILLE	AL	35976	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/12/1988
HARTSVILLE SITE	TN HWY 25	HARTSVILLE	TN	37050	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/12/1988
JOHN SEVIER FOSSIL PLANT	TN HWY 70E	ROGERSVILLE	TN	37134	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
MUSCLE SHOALS POWER SERVICE CENTER	AL HWY 133	MUSCLE SHOALS	AL	35660	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
NATIONAL FERTILIZER AND ENVIRONMNETAL RESEARCH CTR	WILSON DAM RD	MUSCLE SHOALS	AL	35660	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
SEQUOYAH NUCLEAR PLANT	HIXSON PIKE RD	DAISYS	TN	37319	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
WATTS BAR NUCLEAR PLANT	TN HWY 68	SPRING CITY	TN	37381	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
WIDOWS CREEK FOSSIL PLANT	OFF US HWY 72 W	STEVENSON	AL	35772	TENNESSEE VALLEY AUTHORITY	RCRA 3005	2/12/1988
WILSON HYDRO PLANT	AL HWY 133	FLORENCE	AL	35660	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/12/1988
FAA-FIRE ISLAND NAVIGATION STATION	61D08M00SN, 150D13M00SW, 6 MI W OF ANCHORAGE	ANCHORAGE	AK	99506	TRANSPORTATION	RCRA 3010	2/12/1988
FAA-LAKE MINCHUMINA STATION	RAMP AT LAKE MINCHUMINA AIRPORT	LAKE MINCHUMINA	AK	99757	TRANSPORTATION	RCRA 3010	2/12/1988
FAA-NORTHWAY STAGING FIELD	NORTHWAY VILLAGE	NORTHWAY VILLAGE	AK	99764	TRANSPORTATION	RCRA 3016	2/12/1988
FAA-TECHNICAL CENTER	ROUTES 563 AND 575	POMONA	NJ	08405	TRANSPORTATION	RCRA 3016	2/12/1988
USDOT-FAA UMIAT AIRSTRIP STAGING AREA.	N BANK COLVILLE RIVER.	UMIAT	AK	99723	TRANSPORTATION	CERCLA 103	2/12/1988
BUREAU OF ENGRAVING & PRINTING	14TH & C STS SW	WASHINGTON	DC	20228	TREASURY	RCRA 3005	2/12/1988
DENVER BULK MAIL CTR	7755 E. 56TH AVE	DENVER	CO	06357	USPS	RCRA 3016	2/12/1988
MINNEAPOLIS ST. PAUL BULK MAIL CENTER	3165 S. LEXINGTON AVE	ST. PAUL	MN	55121	USPS	RCRA 3010	2/12/1988
U.S. POSTAL SERVICE	135 A STREET	BOSTON	MA	02210	USPS	RCRA 3010	2/12/1988
ALBUQUERQUE HOSPITAL	2100 RIDGECREST	ALBUQUERQUE	NM	87106	VETERANS ADMINISTRATION	RCRA 3005	2/12/1988
ATLANTA MEDICAL CENTER	1670 CLAIRMONT ROAD	DECATUR	GA	30033	VETERANS ADMINISTRATION	RCRA 3005	2/12/1988
CASTLE POINT HOSPITAL	RTE 9D	CASTLE PT	NY	12511	VETERANS	RCRA 3010	2/12/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
					ADMINISTRATION		
EAST ORANGE MEDICAL CENTER	TREMONT AVE	EAST ORANGE	NJ	07019	VETERANS ADMINISTRATION	RCRA 3010	2/12/1988
LYONS HOSPITAL	KNOLLCRAFT ROAD	LYONS	NJ	07939	VETERANS ADMINISTRATION	RCRA 3010	2/12/1988
NEW ORLEANS MEDICAL CENTER	1601 PERDIDO STREET	NEW ORLEANS	LA	70112	VETERANS ADMINISTRATION	RCRA 3010	2/12/1988
VA ASSET MANAGEMENT SERVICE	152 ROUTE 206 SOUTH	HILLSBOROUGH	NJ	08844	VETERANS ADMINISTRATION	CERCLA 103	2/12/1988
AQUATIC WEED CONTROL RESEARCH LABORATOR	3116 WICKSON HALL UNIVERSITY OF CALIF.	DAVIS	CA	95616	AGRICULTURE	RCRA 3016	11/16/1988
CHEQUAMEGON NATIONAL FOREST	157 N 5TH AVENUE	PARK FALLS	WI	54552	AGRICULTURE	RCRA 3010	11/16/1988
CIBOLA NF: COBB RESOURCES CORPORATION	CIBOLA NATIONAL FOREST	MAGDALENA	NM	87825	AGRICULTURE	CERCLA 103	11/16/1988
CONSERVATION AND PRODUCTION RESEARCH LABORATORY	1/2 MILE, T-40 S	BUSHLAND	TX	79012	AGRICULTURE	RCRA 3016	11/16/1988
FORT KEOGH LIVESTOCK AND RANGE RESEARCH LABORATORY	ROUTE 1, BOX 2021	MILES CITY	MT	59301	AGRICULTURE	RCRA 3016	11/16/1988
FRESNO HORTICULTURAL FIELD STATION.	2021 SOUTH PEACH AVE	FRESNO	CA	93727	AGRICULTURE	RCRA 3016	11/16/1988
GRAZINGLANDS RESEARCH	P.O. BOX 1199	EL RENO	OK	73036	AGRICULTURE	RCRA 3016	11/16/1988
JORNADA EXPERIMENTAL RANGE	1700 JORNADA ROAD	LAS CRUCES	NM	88001	AGRICULTURE	RCRA 3016	11/16/1988
KNIPLING-BUSHLAND US LIVESTOCK INSECTS LABORATORY	INTESECTION SH 16 AND 1H 10	KERRVILLE	TX	78028	AGRICULTURE	RCRA 3016	11/16/1988
LINCOLN NF: HIGH ROLLS MINING DISTRICT	3.3 M S OF INTER OF W US 82	HIGH ROLLS	NM	88325	AGRICULTURE	CERCLA 103	11/16/1988
NATIONAL ANIMAL DISEASE CENTER	2300 DAYTON ROAD PO BOX 70	AMES	IA	50010	AGRICULTURE	RCRA 3010	11/16/1988
NEBRASKA NATIONAL FOREST SITE #1	STATE RT 2 W	HALSEY	NE	69142	AGRICULTURE	RCRA 3016	11/16/1988
NORTHERN GREAT PLAINS RESEARCH LAB	P O BOX 459, HWY 6S	MANDAN	ND	58544	AGRICULTURE	RCRA 3016	11/16/1988
NURSERY CROPS RESEARCH	359 MAIN ROAD	DELAWARE	OH	43015	AGRICULTURE	RCRA 3016	11/16/1988
OSCEOLA NATIONAL FOREST SITE 1	HIGHWAY 100	LAKE CITY	FL	32055	AGRICULTURE	RCRA 3016	11/16/1988
PLANT SCIENCES AND WATER CONSERVATION LABORATORY	1301 N WESTERN RD	STILLWATER	OK	74076	AGRICULTURE	RCRA 3016	11/16/1988
USDA AVIAN DISEASE AND ONCOLOGY LABORATORY	3606 EAST MT HOPE RD	EAST LANSING	MI	48823	AGRICULTURE	RCRA 3010	11/16/1988
USDA PAC NW FOREST RANGE EXP STA	3625 93RD AVE S	TUMWATER	WA	98501	AGRICULTURE	RCRA 3016	11/16/1988
147TH WING AT ELLINGTON FIELD	CLOTHIER AVENUE	HOUSTON	TX	77209	AIR FORCE	CERCLA 103	11/16/1988
ALTUS AIR FORCE BASE	443 ABG/CC	ALTUS AFB	OK	73523	AIR FORCE	RCRA 3005	11/16/1988
ANVIL MOUNTAIN WHITE ALICE COMMUNICATIONS SITE	6.5 MI N OF NOME	NOME	AK	99762	AIR FORCE	CERCLA 103	11/16/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
ARIZONA AIR NATIONAL GUARD 162 TACTICAL FTR GROUP	1500 E. VALENCIA ROAD	TUCSON	AZ	85706	AIR FORCE	RCRA 3010	11/16/1988
BEAR CREEK AIR FORCE STATION	YUKON RIVER ON N SHORE	TANANA	AK	99777	AIR FORCE	CERCLA 103	11/16/1988
BETHEL AFS	AIRPORT-W, END OF MAIN ROAD	BETHEL	AK	99559	AIR FORCE	RCRA 3010	11/16/1988
BIG MOUNTAIN AFS	S SHOURE LLIAMNA/S SIDE BIG MTN	BIG MOUNTAIN AFS	AK	99501	AIR FORCE	RCRA 3010	11/16/1988
BOLLING AIR FORCE BASE	5 CAPITAL STREET	WASHINGTON	DC	20336	AIR FORCE	CERCLA 103	11/16/1988
BOMARC/MCGUIRE MSL	RT 539	NEW EGYPT	NJ	08533	AIR FORCE	CERCLA 103	11/16/1988
BUCKLEY AIR FORCE BASE	18500 EAST 6TH AVE	AURORA	CO	80011	AIR FORCE	RCRA 3016	11/16/1988
CLEAR AIR FORCE STATION	HWY 3 & NENANA RD	ANDERSON	AK	99704	AIR FORCE	RCRA 3010	11/16/1988
DAVIS TRANSMITTER SITE	DAVIS	DAVIS	CA	95620	AIR FORCE	CERCLA 103	11/16/1988
DEWLINE SITE BAR-MAIN: BARTER ISLAND	BARTER ISLAND, ARCTIC NWR	KAKTOVIK	AK	99747	AIR FORCE	CERCLA 103	11/16/1988
DEWLINE SITE LIZ-2: POINT LAY LLRS	KASEGALIK LAGOON CHUKCHI SEA	POINT LAY	AK	99579	AIR FORCE	RCRA 3010	11/16/1988
DEWLINE SITE LIZ-3: WAINWRIGHT	KUK RIVER & CHUKSI SEA	WAINWRIGHT	AK	99782	AIR FORCE	RCRA 3010	11/16/1988
DEWLINE SITE POW-1: PT. LONELY	PITT POINT, 85 MI SE OF BARROW	BARROW	AK	99723	AIR FORCE	RCRA 3010	11/16/1988
DEWLINE SITE POW-2: OLIKTOK	40 MI W OF DEADHORSE	OLIKTOK	AK	99599	AIR FORCE	RCRA 3010	11/16/1988
DEWLINE SITE POW-3: BULLEN POINT	40 MI E OF DEADHORSE, T10N R21E S32 UMIAT MERIDIAN	DEADHORSE	AK	99740	AIR FORCE	RCRA 3010	11/16/1988
DEWLINE SITE POW-MAIN: POINT BARROW	BETWEEN N SALT LAGOON & IMIKPUK LAKE	BARROW	AK	99723	AIR FORCE	RCRA 3010	11/16/1988
EAKER AFB	97 CSG/DEEV	EAKER AFB	AR	72315-5001	AIR FORCE	RCRA 3005	11/16/1988
F.E. WARREN AIR FORCE BASE	I-25 AND RANDALL AVENUE	CHEYENNE	WY	82005	AIR FORCE	RCRA 3005	11/16/1988
FORT YUKON AFS	N OF YLLOTA SLOUGH	FORT YUKON	AK	99740	AIR FORCE	RCRA 3010	11/16/1988
GRANITE MOUNTAIN AIR FORCE STATION	14 MI NW OF CY	HAYCOCK	AK	99762	AIR FORCE	CERCLA 103	11/16/1988
HANCOCK FIELD	TAFT AND THOMPSON ROADS	NORTH SYRACUSE	NY	13212	AIR FORCE	RCRA 3010	11/16/1988
HURLBURT FIELD	1 SOCES/CEV	HURLBURT FIELD	FL	32544	AIR FORCE	RCRA 3005	11/16/1988
KAENA PT SAT TRACKING STA	33 MI NW OF HONOLULU ON RTE 930	WAIANAE	HI	96792	AIR FORCE	CERCLA 103	11/16/1988
KING SALMON AIRPORT	15 MI E OF BRISTOL BAY	KING SALMON	AK	99613	AIR FORCE	RCRA 3010	11/16/1988
KOKEE AIR FORCE STATION	KOKEE STATE PARK	WAIMEA	HI	96796	AIR FORCE	CERCLA 103	11/16/1988
KOTZEBUE WHITE ALICE SITE	NW CORNER OF BALDWIN PENINSULA	KOTZEBUE	AK	99752	AIR FORCE	CERCLA 103	11/16/1988
LAWNDALE ANNEX LAAFB	6592 ABG/CC	HAWTHORN	CA	90260	AIR FORCE	CERCLA 103	11/16/1988
LITTLE ROCK AIR FORCE BASE	4001 THOMAS AVE	LITTLE ROCK AFB	AR	72099-5005	AIR FORCE	RCRA 3005	11/16/1988
LOS ANGELES AIR FORCE BASE	2400 EL SEGUNDO BLVD	LOS ANGELES	CA	90009	AIR FORCE	RCRA 3010	11/16/1988
MAXWELL AIR FORCE BASE	3800 AIR BASE GROUP DEE	MAXWELL AFB	AL	36112	AIR FORCE	RCRA 3010	11/16/1988
NIKOLSKI AIR FORCE STATION	W COAST OF UMNAK IS	NIKOLSKI	AK	99638	AIR FORCE	CERCLA 103	11/16/1988
PETERSON AIR FORCE BASE	1003 SSC/CC	PETERSON AFB	CO	80914	AIR FORCE	RCRA 3005	11/16/1988
PUNAMANO AIR FORCE STATION	28 MI NNE HONOLULU ON RTE 83	KAHUKU	HI	96731	AIR FORCE	CERCLA 103	11/16/1988
TWIN CITIES AIR FORCE RESERVE BASE	MINNEAPOLIS/ST PAUL HENNEPIN COUNTY 3016 934 TAC/DE	MINNEAPOLIS	MN	54417	AIR FORCE	RCRA 3010	11/16/1988
US AFB DULUTH INTL AIRPORT	STEBNER RD	DULUTH INTL AIRPORT	MN	55814	AIR FORCE	RCRA 3005	11/16/1988
US AIR FORCE YOUNGSTOWN MAP OHIO	KING GRAVES RD	YOUNGSTOWN MAP	OH	44473	AIR FORCE	RCRA 3010	11/16/1988
USAF ACADEMY	8120 EDGERTON DR	COLORADO SPRINGS	CO	80840-2400	AIR FORCE	RCRA 3010	11/16/1988
USAF BROOKS AIR FORCE BASE	N GOLLAD ROAD	SAN ANTONIO	TX	78235	AIR FORCE	RCRA 3005	11/16/1988
USAF GOODFELLOW AIR FORCE BASE	FORT MCKAVITT ROAD NS	SAN ANGELO	TX	76903	AIR FORCE	RCRA 3010	11/16/1988
USAF-DRIFTWOOD BAY AFS.	N COAST UNALASKA ISLAND.	DRIFTWOOD BAY	AK	99553	AIR FORCE	CERCLA 103	11/16/1988
USAF-KALAKAKET CREEK.	S SHORE OF KALE CREEK	GALENA	AK	99741	AIR FORCE	RCRA 3010	11/16/1988
USAF-NORTH RIVER AFS	MOUTH OF NORTH RIVER	UNALAKLEET	AK	99684	AIR FORCE	CERCLA 103	11/16/1988
USAF-PORT HEIDEN AFS.	NW SHORE OF HEIDEN BAY.	PORT HEIDEN	AK	99549	AIR FORCE	CERCLA 103	11/16/1988
VERMONT AIR NATIONAL GUARD	10 FALCON STREET, SUITE A	SOUTH BURLINGTON	VT	05403-5873	AIR FORCE	RCRA 3010	11/16/1988
ARMY RESERVE (GREENSBORO)	1120 CHURCH ST	GREENSBORO	NC	27405	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE (GREENVILLE)	1391 N MEM DR	GREENVILLE	NC	27834	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE (HIGH POINT)	156 PARRIS AVE	HIGH POINT	NC	28307	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE (MOREHEAD CITY)	405 FISHER ST	MOREHEAD CITY	NC	28557	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE (WILMINGTON)	2144 LAKESHORE DR	WILMINGTON	NC	28401	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (ALBEMARLE)	1816 E MAIN ST	ALBEMARLE	NC	28001	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (ASHEVILLE)	224 LOUSIANA	ASHEVILLE	NC	28806	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (BREVARD)	E FRENCH BROAD ST	BREVARD	NC	28712	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (CHARLOTTE #1)	1300 WESTOVER DR	CHARLOTTE	NC	28205	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (DURHAM #2)	724 FOSTER STREET	DURHAM	NC	27701	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE -CENTER	1228 CARROL ST	DURHAM	NC	27701	ARMY	RCRA 3010	11/16/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
(DURHAM 1)							
ARMY RESERVE CENTER (GARNER)	2017 GARNER ST	GARNER	NC	27529	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (HICKORY)	1500 12TH ST NW	HICKORY	NC	28601	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (LUMBERTON)	1400 CARTHAGE RD	LUMBERTON	NC	28358	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (RALEIGH)	3115 WESTERN BLVD	RALEIGH	NC	27606	ARMY	RCRA 3005	11/16/1988
ARMY RESERVE CENTER (ROCKY MOUNT)	FAIRVIEW RD	ROCKY MOUNT	NC	28701	ARMY	RCRA 3010	11/16/1988
ARMY RESERVE CENTER (SALISBURY)	1825 WOODEAF RD PO BOX 1927	SALISBURY	NC	28114	ARMY	RCRA 3010	11/16/1988
BLOSSOM POINT FIELD TEST FACILITY	BLOSSOM POINT RD	LA PLATA	MD	20646	ARMY	RCRA 3016	11/16/1988
BLUE GRASS ARMY DEPOT, RICHMOND	2091 KINGSTON HWY	RICHMOND	KY	40475	ARMY	RCRA 3005	11/16/1988
CORNHUSKER ARMY AMMUNITION PLANT	P O BOX 2041	GRAND ISLAND	NE	68802	ARMY	RCRA 3016	11/16/1988
DEFENSE INDUSTRIAL PLANT, EQUIPMENT FACIL	OLD RTE 1	ATCHISON	KS	66002	ARMY	CERCLA 103	11/16/1988
FITZSIMONS ARMY MEDICAL CENTER	CORNER OF COLFAX AND PEORIA	AURORA	CO	80045	ARMY	RCRA 3005	11/16/1988
FORT BRAGG XVIII AIRBORNE CORPS	BLDG J 1737 KNOX ST	FORT BRAGG	NC	28307	ARMY	RCRA 3010	11/16/1988
FORT WAINWRIGHT	RICHARDSON HWY SE OF CITY	FORT WAINWRIGHT	AK	99703	ARMY	RCRA 3005	11/16/1988
PRESIDIO OF SAN FRANSISCO	PRESIDIO OF SAN FRANSISCO	SAN FRANSISCO	CA	94129	ARMY	RCRA 3010	11/16/1988
PUERTO RICO ARMY NATIONAL GUARD-CAMP SANTIAGO	RD 1 KM 3.6-TRAINING SITE	SALINAS	PR	00751	ARMY	CERCLA 103	11/16/1988
REDSTONE ARSENAL	USAMICOM DRSMI-KL	REDSTONE ARSENAL	AL	35898	ARMY	RCRA 3005	11/16/1988
STEWART ANNEX/SUBPOST	USMA NEWBURG LANDFILL, STEWART AIRPORT, RT 17	NEWBURG	NY	12550	ARMY	RCRA 3016	11/16/1988
TERRELL NIKE MISSILE SITE	- MI E. OF HWY 205	TERRELL	TX	75160	ARMY	CERCLA 103	11/16/1988
US ARMY CANYON LAKE RECREATION AREA	NORTH SIDE OF CANYON LAKE (BY DAM)	SAN ANTONIO	TX	78234	ARMY	CERCLA 103	11/16/1988
US ARMY FORT SAM HOUSTON	BLDG 1183 TAYLOR ROAD	SANT ANTONIO	TX	78234	ARMY	RCRA 3005	11/16/1988
US ARMY FUELS & LUBRICANT RESEARCH LAB	6220 CUEVRA	SAN ANTONIO	TX	78284	ARMY	CERCLA 103	11/16/1988
WALTER REED ARMY MEDICAL CENTER	6825 16TH STREET, NW	WASHINGTON	DC	20307-5001	ARMY	RCRA 3016	11/16/1988
YAKIMA FIRING CENTER	I-82, 4 MI N OF CITY	YAKIMA	WA	98901	ARMY	RCRA 3005	11/16/1988
LAKE LAVON-ST PAUL SITE 2	S END ROLLING MEADOWS ST	WYLIE	TX	75098	CORPS OF ENGINEERS, CIVIL	CERCLA 103	11/16/1988
OLD WILLISTON LANDFILL	S19 R101W T154N	WILLISTON	ND	58801	CORPS OF ENGINEERS, CIVIL	RCRA 3016	11/16/1988
DAVID TAYLOR/ANNAPOLIS CONTROL	640A BROADNECK RD	ANNAPOLIS	MD	21401	DEFENSE	RCRA 3010	11/16/1988
DAVID TAYLOR/ANNAPOLIS LAUNCH	BAY HEAD RD	ANNAPOLIS	MD	21401	DEFENSE	RCRA 3010	11/16/1988
DAVIDSONVILLE-LAUNCH	3737 ELMER HAGNER LANE	DAVIDSONVILLE	MD	21035	DEFENSE	CERCLA 103	11/16/1988
DAYTON DEFENSE ELECTRONIC SUPPLY CENTER	1507 WILMINGTON PIKE MONTGOMERY COUNTY	DAYTON	OH	45444	DEFENSE	RCRA 3010	11/16/1988
DEFENSE FUEL SUPPLY CENTER-ESTERO BAY	3300 PANOROMA DRIVE	MORRO BAY	CA	93442	DEFENSE	RCRA 3010	11/16/1988
GAITHERSBURG-CONTROL	8510 SNOUFFERS SCHOOL ROAD	GAITHERSBURG	MD	20879	DEFENSE	CERCLA 103	11/16/1988
GAITHERSBURG-LAUNCH	OFF SNOUFFERS SCHOOL ROAD	GAITHERSBURG	MD	20879	DEFENSE	CERCLA 103	11/16/1988
GRANITE-LAUNCH	3085 HERNWOOD ROAD	WOODSTOCK	MD	21163	DEFENSE	CERCLA 103	11/16/1988
GREENSPRING CONTROL	GREENSPRING ROAD	GREENSPRING	MD	21117	DEFENSE	CERCLA 103	11/16/1988
LAYTONSVILLE-LAUNCH	5321 RIGGS ROAD	LAYTONSVILLE	MD	20879	DEFENSE	CERCLA 103	11/16/1988
POMONKEY-LAUNCH	BUMPY OAK ROAD	POMONKEY	MD	20646	DEFENSE	CERCLA 103	11/16/1988
ROCKVILLE-CONTROL	10901 DARNSTOWN ROAD	GAITHERSBURG	MD	20878	DEFENSE	CERCLA 103	11/16/1988
ROCKVILLE-LAUNCH	MUDDY BRANCH	GAITHERSBURG	MD	20879	DEFENSE	CERCLA 103	11/16/1988
US NAVAL RESEARCH LAB-CONTROL	END OF LAUREL BRANCH DRIVE	WALDORF	MD	20601	DEFENSE	CERCLA 103	11/16/1988
AMES LAB 2	SPEDDING HALL, METALS DEVELOPMENT, WILHELM HALL &	AMES	IA	50011-3400	ENERGY	CERCLA 103	11/16/1988
BPA-BAKE CONVINGTON SUBSTATION	28401 COVINGTON WAY SE	KENT	WA	98031	ENERGY	RCRA 3010	11/16/1988
BPA-OLYMPIA SUBSTATION	5240 TROSPER ST SW	OLYMPIA	WA	98502	ENERGY	RCRA 3010	11/16/1988
BPA-ROSS COMPLEX	5411 NE HWY 99	VANCOUVER	WA	98663	ENERGY	RCRA 3010	11/16/1988
CENTER FOR ENERGY AND ENVIRONMENTAL RESEARCH	ROAD 108 KM 1.1	MAYAQUEZ	PR	00708	ENERGY	RCRA 3016	11/16/1988
GRAND JUNCTION OFFICE	2597 B 3/4 ROAD	GRAND JUNCTION	CO	81503	ENERGY	RCRA 3016	11/16/1988
MONTICELLO URANIUM MILL TAILINGS SITE	SE OF MONTICELLO		UT		ENERGY	RCRA 3016	11/16/1988
MORGANTOWN ENERGY TECHNOLOGY CENTER	3610 COLLINS FERRY RD	MORGANTOWN	WV	26505	ENERGY	RCRA 3010	11/16/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NIAGARA FALLS STORAGE SITE	1397 PLETCHER ROAD	LEWISTON	NY	14092	ENERGY	RCRA 3016	11/16/1988
OXNARD FACILITY	1235 E WOOLEY STREET	OXNARD	CA	93031	ENERGY	RCRA 3010	11/16/1988
SPR-BIG HILL	23 MI SW OF PT ARTHUR	PORT ARTHUR	TX	77641	ENERGY	CERCLA 103	11/16/1988
US DOE SPR WEEKS ISLAND	LA HWY 83 7 M S LYDIA	LYDIA	LA	70569	ENERGY	RCRA 3010	11/16/1988
USDOE BPA BELL SUBSTATION	E 2400 HAWTHORNE RD	MEAD	WA	98021	ENERGY	RCRA 3010	11/16/1988
USDOE BPA SNOHOMISH SUBSTATION	10TH & AVENUE D	SNOHOMISH	WA	98290	ENERGY	RCRA 3010	11/16/1988
USDOE-BPA ALVEY SUBSTATION	86000 FRANKLIN	EUGENE	OR	97405	ENERGY	RCRA 3010	11/16/1988
USDOE-BPA MIDWAY SUBSTATION	PRIEST RAPIDS OFF HWY 24	VERNIA	WA	98944	ENERGY	RCRA 3010	11/16/1988
USDOE-BPA TROUTDALE SUBSTATION	SUNDIAL RD	TROUTDATE	OR	97060	ENERGY	RCRA 3010	11/16/1988
USDOE-COLUMBIA SUBSTATION	ST HWY 28 6 MI S OF CY	ROCK ISLAND	WA	98850	ENERGY	RCRA 3016	11/16/1988
WAPA-HINTON	PO BOX 1012	HINTON	IA	51024	ENERGY	RCRA 3005	11/16/1988
WAPA-MONTROSE POWER OPERATIONS CENTER	1800 S. RIO GRANDE AVE	MONTROSE	CO	81401	ENERGY	CERCLA 103	11/16/1988
WAPA-WATERTOWN SUBSTATION	1 MI. E. OF I-29	WATERTOWN	SD	57201	ENERGY	RCRA 3010	11/16/1988
CENTRAL REGIONAL LABORATORY	839 BESTGATE ROAD	ANNAPOLIS	MD	21401	EPA	RCRA 3010	11/16/1988
GSA RARITAN DEPOT	4700 WOODBRIDGE AVENUE	EDISON	NJ	08817	EPA	RCRA 3005	11/16/1988
FHWA CENTRAL DIRECT FED. DIV MATERIALS	DENVER FEDERAL CENTER BLDG-52	DENVER	CO	80225	GENERAL SERVICES ADMINISTRATION	RCRA 3005	11/16/1988
SOMERVILLE DEPOT	ROUTE 206	SOMERVILLE	NJ	08876	GENERAL SERVICES ADMINISTRATION	CERCLA 103	11/16/1988
BACK CREEK REAR RANGE COAST GUARD STRUCTURE	25 FT SQUARE POSITION	CHESAPEAKE CITY	MD	21915	HOMELAND SECURITY	CERCLA 103	11/16/1988
CG-POINT SPENCER DUMP SITE	PORT CLARENCE-60 MI NW OF CY	NOME	AK	99762	HOMELAND SECURITY	CERCLA 103	11/16/1988
FORT MACARTHUR	PACIFIC AVENUE	SAN PEDRO	CA	90731	HOMELAND SECURITY	CERCLA 103	11/16/1988
MIDDLETOWN COAST GUARD LORAN C STATION	LORAN C STATION	MIDDLETOWN	CA	95461	HOMELAND SECURITY	CERCLA 103	11/16/1988
SANDY HOOK COAST GUARD STATION	HARTSHORNE DRIVE	HIGHLANDS	NJ	07732	HOMELAND SECURITY	RCRA 3010	11/16/1988
TRAVERSE CITY COAST GUARD AIR STATION (AVE ``E'' GROUNDWATER)	AIRPORT ROAD	TRAVERSE CITY	MI	45685	HOMELAND SECURITY	RCRA 3010	11/16/1988
BLM-STATELINE DUMP (LANDFILL)	10 M E OF TOWN OF TULELAKE	TULELAKE	CA	96134	INTERIOR	RCRA 3016	11/16/1988
BR-GLEN CANYON DAM	805 HEMLOCK	PAGE	AZ	86040	INTERIOR	RCRA 3016	11/16/1988
BR-SMITH WASTEWAY	5 MI E OF PASCO	PASCO	WA	99301	INTERIOR	RCRA 3016	11/16/1988
BUREAU OF RECLAMATION	910 VAN BUREN	LOVELAND	CO	80537	INTERIOR	RCRA 3010	11/16/1988
CUYAMA DRUG LAB	TION, R28W SEC15, NESE	SANTA BARBARA	CA		INTERIOR	RCRA 3016	11/16/1988
FWS-MIDWAY ATOLL	MIDWAY ATOLL		PI		INTERIOR	RCRA 3010	11/16/1988
FWS-PLUM TREE ISLAND NATIONAL WILDLIFE REFUGE	4005 SANDPIPER ROAD	VIRGINIA BEACH	VA	23456-4347	INTERIOR	CERCLA 103	11/16/1988
FWS-WICHITA MOUNTAINS NATIONAL WILDLIFE REFUGE	RT 1	INDIAHOMA	OK	73552	INTERIOR	RCRA 3016	11/16/1988
NPS-DENALI NATIONAL PARK AND PRESERVE	MI 237, GEORGE PARKS HWY	DENALI PARK	AK	99755	INTERIOR	RCRA 3016	11/16/1988
NPS-FIRE ISLAND NATIONAL SEASHORE	120 LAUREL STREET	PATCHOGUE	NY	11772	INTERIOR	RCRA 3016	11/16/1988
NPS-GLACIER BAY NATIONAL PARK AND PRESERVE	BARTLETT COVE	GUSTAVUS	AK	99826	INTERIOR	RCRA 3016	11/16/1988
PADRE ISLAND NATIONAL SEASHORE BONE YARD	PARK ROAD 22	CORPUS CRISTI	TX	78418	INTERIOR	RCRA 3010	11/16/1988
SEQUOIA & KINGS CANYON NATL PARK		THREE RIVERS	CA	93271	INTERIOR	RCRA 3005	11/16/1988
FEDERAL CORRECTIONAL INSTITUTE LOMPOC	US PENITENTIARY	LOMPOC	CA	93436	JUSTICE	RCRA 3016	11/16/1988
JOB CORPS CENTER-ST LOUIS	E NATURAL BRIDGE AVE & GOODFELLOW BLVD	ST LOUIS	MO	63120	LABOR	CERCLA 103	11/16/1988
MICHOUD ASSEMBLY FACILITY	13800 OLD GENTLY ROD	NEW ORLEANS	LA	70129	NASA	RCRA 3010	11/16/1988
BEDFORD NAVAL WEAPONS INDUSTRIAL RESERVE PLANT	HARTWELL ROAD	BEDFORD	MA	01730	NAVY	RCRA 3016	11/16/1988
CAPE SABINE DEW LINE SITE	55 MI SW OF POINT LAY, MOUTH OF KAHKATAK CREEK, 69D01M00SN,	POINT LAY	AK	99759	NAVY	CERCLA 103	11/16/1988
DEFENSE REUTILIZATION & MKTG REG-PAC	WAIMANO HOME RD/ P.O. BOX 580	PEARL HARBOR	HI	96782-0580	NAVY	RCRA 3016	11/16/1988
FORT WADSWORTH	FT. WADSWORTH	STATEN ISLAND	NY	10305	NAVY	RCRA 3010	11/16/1988
HONOLULU NAVAL COMPUTER & TELECOMMUNICATIONS, EP	500 CENTER ST	WAHIAWA	HI	96786	NAVY	RCRA 3016	11/16/1988
NAS NORTH ISLAND-WARNER SPRINGS SERE CAMP	WARNER SPRINGS	WARNER SPRINGS	CA	92086	NAVY	CERCLA 103	11/16/1988
NAVAL COMPLEX APRA HARBOR-DENTAL CENTER	APRA HARBOR NAVAL COMPLEX	PITI	GU	96925	NAVY	RCRA 3016	11/16/1988
NAVAL INDUSTRIAL RESERVE ORDINANCE PLANT	PO BOX 3504	SUNNYVALE	CA	94086-3504	NAVY	CERCLA 103	11/16/1988

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NWS YORKTOWN-CHEATHAM ANNEX	CHEATHAM ANNEX, NAVAL SUPPLY CENTER	YORKTOWN	VA	23185	NAVY	RCRA 3005	11/16/1988
PATUXENT RIVER NAVAL AIR STATION	DEPT OF THE NAVY	SOLOMONS	MD	20688	NAVY	CERCLA 103	11/16/1988
VIRGINIA BEACH FLEET COMBAT TRAINING CENTER	FCTC ATLANTIC DAM NECK	VIRGINIA BEACH	VA	23461	NAVY	RCRA 3010	11/16/1988
TVA KINGSTON STEAM PLANT	OFF 1-40 EAST	KINGSTON	TN	69142	TENNESSEE VALLEY AUTHORITY	RCRA 3005	11/16/1988
TVA SILVER KING MINERS INC.	US HWY. 18	EDGEMONT	SD	57735	TENNESSEE VALLEY AUTHORITY	RCRA 3010	11/16/1988
TRANSPORTATION TEST CENTER	21 MILES NE PUEBLO MEM AIRPORT	DOT TEST TRACK RD	CO	81001	TRANSPORTATION	RCRA 3005	11/16/1988
Allegheny National Forest - McKinley Tar Pits	Township Road 317, .5 mile east of Rte 66	Kane	PA	16365	AGRICULTURE	CERCLA 103	12/15/1989
BUCKSKIN MINE	HUMBOLDT NATL FOREST-WINNEMUCA RANGER D	ELKO	NV	89822	AGRICULTURE	CERCLA 103	12/15/1989
ELKHORN MINE AND MILL	610 N. MONTANA ST	DILLON	MT	59725	AGRICULTURE	OTHER	12/15/1989
FREMONT NF: WHITE KING/LUCKY LASS MINE	524 NORTH G STREET	LAKEVIEW	OR	97630	AGRICULTURE	RCRA 3016	12/15/1989
HIAWATHA NF: MUNISING LANDFILL	T46N R18W S19 SW\1 4\	MUNISING TOWNSHIP	MI	49829	AGRICULTURE	CERCLA 103	12/15/1989
HIGH PLAINS GRASSLANDS RESEARCH STATION	8404 HILDRETH ROAD	CHEYENNE	WY	82009-8899	AGRICULTURE	RCRA 3016	12/15/1989
HURON-MANISTEE NF: WHITE CLOUD	12 N CHARLES AVE	WHITE CLOUD	MI	49349	AGRICULTURE	CERCLA 103	12/15/1989
PLUMAS NF: WALKER MINE TAILINGS	159 LAWRENCE ST. BOX 11500	QUINCY	CA	95971-6025	AGRICULTURE	CERCLA 103	12/15/1989
RANGE AND PASTURE RESEARCH	2000 18TH STREET	WOODWARD	OK	73801	AGRICULTURE	CERCLA 103	12/15/1989
SALMON NF: BLACKBIRD MINE	HWY 93 NW OF COBALT, T45 R5E S20, 21 & 22	COBALT	ID	83229	AGRICULTURE	CERCLA 103	12/15/1989
SHASTA-TRINITY NF: GOLINSKY MINE	2400 WASHINGTON AVE-NUE	REDDING	CA	96001	AGRICULTURE	CERCLA 103	12/15/1989
SHEEP EXPERIMENT STATION	I15 N	DUBOIS	ID	83423	AGRICULTURE	RCRA 3016	12/15/1989
SIERRA NF: BASS LAKE LANDFILL	1130 O ST. ROOM 3017	FRESNO	CA	93721	AGRICULTURE	CERCLA 103	12/15/1989
SOIL AND WATER MANAGEMENT RESEARCH UNIT	ROUTE 1, BOX 186, 3600 EAST.	KIMBERLY	ID	83341	AGRICULTURE	RCRA 3016	12/15/1989
WATERTOWN DAIRY	6 MOORE RD	WAYLAND	MA	01778	AGRICULTURE	RCRA 3016	12/15/1989
WAYNE-HOOSLER NF: WEBB SITE	T4N, R16W, SEC 18	IRONTON	OH		AGRICULTURE	CERCLA 103	12/15/1989
WILLAMETTE NF: SHINY ROCK MINE	HIGHWAY 126 35 MI E OF CITY	EUGENE	OR	97440	AGRICULTURE	RCRA 3016	12/15/1989
FRESNO AUCRAD	5168 EAST DAKOTA AVE	FRESNO	CA	93727	AIR FORCE	RCRA 3010	12/15/1989
KAALA AIR FORCE STATION	TAXHWAY 5 & KAMAKHI ST	HONOLULU	HI	98543	AIR FORCE	CERCLA 103	12/15/1989
MARTIN'S AIRPORT AIR NATIONAL GUARD	2701 EASTERN BOULEVARD	BALTIMORE	MD	21220-2899	AIR FORCE	CERCLA 103	12/15/1989
SKY HARBOR INTERNATIONAL AIRPORT	2001 S. 32ND ST	PHOENIX	AZ	85034	AIR FORCE	RCRA 3010	12/15/1989
US AIR FORCE ALTUS AFB	443 ABG/DEEV	ALTUS	OK	73521	AIR FORCE	RCRA 3010	12/15/1989
US AIR FORCE MELROSE RANGE	25 MI W OF CANNON AFB.	MELROSE	NM	88124	AIR FORCE	RCRA 3005	12/15/1989
ARMY & AIR FORCE ESCH SVC	BLD 99 MARATIME	OAKLAND	CA	94623	ARMY	RCRA 3010	12/15/1989
FORT BLISS AIR DEFENSE CENTER	MCGREGOR RANGE FAW 10	MCGREGOR RANGE	NM	88003	ARMY	RCRA 3010	2/12/1988
PEDRICKTOWN SUPPORT FACILITY	ROUTE 130 & ARTILLERY AVE	PEDRICKTOWN	NJ	08067	ARMY	RCRA 3010	12/15/1989
PEWAUKEE ARMY RESERVE CENTER	619 W WISCONSIN AVE	PEWAUKEE	WI	53072	ARMY	RCRA 3010	12/15/1989
SUNNY POINT MILITARY OCEAN TERMINAL	ATTN: MTE SU-FE	SOUTHPORT	NC	28461	ARMY	CERCLA 103	12/15/1989
US DEPT OF THE ARMY AMSA #5	1430 BROADWATER AVE	BILLINGS	MT	59102	ARMY	RCRA 3010	12/15/1989
EDA-COLUMBIA GARDENS	COLUMBIA GARDENS	PASCO	WA	99301	COMMERCE	CERCLA 103	12/15/1989
NATIONAL MARINE FISHERIES SERVICE-OXFORD LAB	U.S. DEPT OF MARINE FISHERIES, OXFORD LABORATORY	OXFORD	MD	21654	COMMERCE	CERCLA 103	12/15/1989
FLOATING PLANT-REPAIR FACILITY	27TH & CANAL	LOUISVILLE	KY	40212	CORPS OF ENGINEERS, CIVIL	RCRA 3010	12/15/1989
WHITTIER TANK FARM	\3/4\ MI N OF TOWN	WHITTIER	AK	99693	DEFENSE	CERCLA 103	12/15/1989
LOVELACE INHALATION TOXICOLOGY RESEARCH INSTITUTE	BLDG. 9200, KIRTLAND AFB EAST	ALBUQUERQUE	NM	87185	ENERGY	CERCLA 103	12/15/1989
MORICHES COAST GUARD GROUP	100 MORICHES ISLAND RD	EAST MORICHES	NY	11940	HOMELAND SECURITY	RCRA 3010	12/15/1989
SAN FRANCISCO CAMSPAC	525 MESA ROAD	BOLINAS	CA	94956	HOMELAND SECURITY	RCRA 3010	12/15/1989
SHINNECOCK COAST GUARD STATION	SHINNECOCK STATION	HAMPTON BAYS	NY	11946	HOMELAND SECURITY	RCRA 3010	12/15/1989
BIA-SAN CARLOS IRRIGATION PROJECT	CM HQY 287 AND COOLIDGE BLVD	COOLIDGE	AZ	85228	INTERIOR	RCRA 3010	12/15/1989
BLM BRAWLEY DRUG LAB	NEAR BRAWLEY	BRAWLEY	CA		INTERIOR	CERCLA 103	12/15/1989
BLM DELTA COUNTY LANDFILL	T14NR95WSEC10, 6THPM	ECKERT	CO	81418	INTERIOR	RCRA 3010	12/15/1989
BLM DESERT SITE	9MI WEST OF YUMA, AZ		CA		INTERIOR	CERCLA 103	12/15/1989
BLM ESPANOLA LANDFILL	T20N R9E-SEC 6N MPH	ESPANOLA	NM	98844	INTERIOR	CERCLA 103	12/15/1989

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BLM INDIO HILLS	1 MI E OF DILLON RD		CA		INTERIOR	CERCLA 103	12/15/1989
BLM STEAMBOAT POINT	T.25.N.R.10.E. SEC.18 PMM	LOMA	MT	59460	INTERIOR	CERCLA 103	12/15/1989
BLM-ANTHONY LANDFILL	T26S R4E SEC30 NWY4+E V2 OF LOT 2	ANTHONY	NM	88021	INTERIOR	CERCLA 103	12/15/1989
BLM-BAROIL LANDFILL	T26NR 90WSEC26	BAROIL	WY	82322	INTERIOR	CERCLA 103	12/15/1989
BLM-BIRCH CREEK SITE	STATE RT.235 AT CALPET	CALPET	WY	82923	INTERIOR	CERCLA 103	12/15/1989
BLM-BLUE ROCK MILLSITE	T8SR37ESEC8SESE	BIG PINE	CA	93513	INTERIOR	CERCLA 103	12/15/1989
BLM-BOOKCLIFF LANDFILL	T1NR101WSECELUTEPM, 4 MI E OF GRAND JUNCTION	GRAND JUNCTION	CO	81501	INTERIOR	CERCLA 103	12/15/1989
BLM-BOULDER LANDFILL	WYOMING STATE RT 23-106	SUBLETTE	WY	82923	INTERIOR	CERCLA 103	12/15/1989
BLM-BROWNS GULCH	T6S, R7E, SEC10 W1/2	BRUNEAU	ID	83804	INTERIOR	CERCLA 103	12/15/1989
BLM-CARLSBAD LANDFILL	T21S,R27E,S27, W .5, SE\1/4\, SW\1/ 4\	CARLSBAD	NM	88220	INTERIOR	CERCLA 103	12/15/1989
BLM-CASTLEFORD BUTTE	T10S, R12E, SEC 23	CASTLEFORD	ID	83321	INTERIOR	CERCLA 103	12/15/1989
BLM-CHAPARAL LANDFILL	T26SR5ESEC14	CHAPARRAL	NM	88021	INTERIOR	CERCLA 103	12/15/1989
BLM-CODY LANDFILL	1 MILE WEST OF HWY 120-SO OF CODY	CODY	WY	82414	INTERIOR	CERCLA 103	12/15/1989
BLM-DUCK FLAT	T36NR19E SEC7NWSE		CA		INTERIOR	CERCLA 103	12/15/1989
BLM-HELL'S HALF ACRE-EAST FINGER DUMP	T1S R36E S4, 2.3 MI FROM JUNCTION OF BASELINE AND LAVA ROADS	FIRTH	ID	83236	INTERIOR	CERCLA 103	12/15/1989
BLM-HELL'S HALF ACRE-WEST FINGER DUMP	TIS R36E S32, 3.5 MI W OF SHELLEY	FIRTH	ID	83236	INTERIOR	CERCLA 103	12/15/1989
BLM-HILL LANDFILL	T22SR1E SECS3&4NMPH	HILL	NM	88032	INTERIOR	CERCLA 103	12/15/1989
BLM-HYDE MINE	35/32/46 & 108/41/26	GALLUP	NM	87301	INTERIOR	CERCLA 103	12/15/1989
BLM-LEMITAR LANDFILL	T2SR1W SECS13&24	LEMITAR	NM		INTERIOR	CERCLA 103	12/15/1989
BLM-MACLAREN GLACIER MINE	T19S R6E S14NE S11 FAIRBANKS MERIDIAN	PAXSON	AK	99737	INTERIOR	CERCLA 103	12/15/1989
BLM-MESQUITE LANDFILL	T24SR3ESEC29NMPH	MESQUITE	NM		INTERIOR	CERCLA 103	12/15/1989
BLM-MONTVIEW	T8N R34E SEC 22 NWNW E OF CY	MONTVIEW	ID	83435	INTERIOR	CERCLA 103	12/15/1989
BLM-OLD LYSITE LANDFILL	BADWATER ROAD	LYSITE	WY	82642	INTERIOR	CERCLA 103	12/15/1989
BLM-OROGRANDE LANDFILL	T22SR8E SEC14SWESW	OROGRANDE	NM		INTERIOR	CERCLA 103	12/15/1989
BLM-RANGELY LANDFILL	TINR101WSEC8, 6THPM 53 5 MI W ON HWY 64, 1 ME OF RANGELY	RANGELY	CO	81648	INTERIOR	CERCLA 103	12/15/1989
BLM-RIVERSIDE COUNTY DUMP	1000 MIDLAND RD	BLYTHE	CA	92225	INTERIOR	CERCLA 103	12/15/1989
BLM-RIVERTON LANDFILL.	T34NR96WSEC26, 1/2 MI E OF RIVERTON	RIVERTON	WY	82501	INTERIOR	CERCLA 103	12/15/1989
BLM-SAN ANTONIO LANDFILL	T5SR1E SEC6NMPH	SAN ANTONIA	NM		INTERIOR	CERCLA 103	12/15/1989
BLM-SIMCAL CHEMICAL CORPORATION	50 W. DENENBERG RD	EL CENTRO	CA		INTERIOR	CERCLA 103	12/15/1989
BLM-SNOWVILLE LANDFILL	T14N, R9W, SEC32	SNOWVILLE	UT	84336	INTERIOR	CERCLA 103	12/15/1989
BLM-SOUTH BIGHORN COUNTY LANDFILL	OFF OF US 20	GREYBULL	WY	82410	INTERIOR	CERCLA 103	12/15/1989
BLM-SOUTH FORK LANDFILL	T40NNR3E SEC 26	MONTE VISTA	CO	81144	INTERIOR	CERCLA 103	12/15/1989
BLM-THOREAU LANDFILL	T14NR13W SEC20NMPH	THOREAU	NM		INTERIOR	CERCLA 103	12/15/1989
BLM-TRUTH OR CONSEQUENCES LANDFILL	T13SR4W SEC22NMPH	TRUTH OR CONSEQUENCES	NM		INTERIOR	CERCLA 103	12/15/1989
BLM-VELARDE LANDFILL	T22NR9E SEC20NMPH	VELARDE	NM	87582	INTERIOR	CERCLA 103	12/15/1989
BLM-VICTORY MILLSITE	T11NR12WSEC32, SILVER QUEEN ROAD	MOJAVE	CA	93501	INTERIOR	CERCLA 103	12/15/1989
BLM-WALDEN LANDFILL	APPROXIMATELY 3 MI. NE OF WALDEN	WALDEN	CO	80480	INTERIOR	CERCLA 103	12/15/1989
BLM-WARRIOR ROAD	T35N R1W S11, NEAREST CITY KUNA	KUNA	ID	83634	INTERIOR	CERCLA 103	12/15/1989
BLM-WENDOVER LANDFILL	T1S, R19W, SEC3, LOTS 1 AND 2, 3 MI E OF WENDOVER.	WENDOVER	UT	84083	INTERIOR	CERCLA 103	12/15/1989
BLM-WORLAND LANDFILL	WEST OF WYOMING STREET 433	WORLAND	WY	82401	INTERIOR	CERCLA 103	12/15/1989
BR-HUNGRY HORSE DAM	EDGE OF HUNGRY HORSE	HUNGRY HORSE	MT	59919	INTERIOR	RCRA 3010	12/15/1989
GRANBY LANDFILL	2N77WSEC26827	GRANBY	CO	80480	INTERIOR	CERCLA 103	12/15/1989
NPS-BERING LAND BRIDGE NP: LAVA LAKE	45 MI SW OF DEERING	DEERING	AK	99736	INTERIOR	CERCLA 103	12/15/1989
DRYDEN FLIGHT RESEARCH FACILITY	EDWARDS AFB	EDWARDS	CA	93523	NASA	CERCLA 103	12/15/1989
GOLDSTONE TRACKING FACILITY	36 MI N OF BARSTOW @ FT IRWIN	BARSTOW	CA	92311	NASA	CERCLA 103	12/15/1989
FORMER NAVAL HOUSING AREA-SAN PEDRO	25TH ST & EL ANITA DR	SAN PEDRO	CA	90732	NAVY	CERCLA 103	12/15/1989
NRL UNDERWATER SOUND REFERENCE DETACHMENT	755 GATLIN AVE	ORLANDO	FL	32806	NAVY	RCRA 3010	12/15/1989
SAINT HELENA ANNEX	SOUTH MAIN ST	NORFOLK	VA	23523	NAVY	RCRA 3010	12/15/1989
US NAVAL RESERVE CENTER	26400 E ELEVEN MILE RD	SOUTHFIELD	MI	48075	NAVY	RCRA 3010	12/15/1989
FAA-AIR ROUTE TRAFFIC CENTER	5400 DAVIS HIGHWAY	ANCHORAGE	AK	99506	TRANSPORTATION	CERCLA 103	12/15/1989
USDOT-FAA BIORKA ISLAND.	6 MI W OF SITKA	SITKA	AK	99835	TRANSPORTATION	RCRA 3010	12/15/1989
USDOT-FRA ARCTIC COOPERAGE	932 WHITNEY RD	ANCHORAGE	AK	99501	TRANSPORTATION	CERCLA 103	12/15/1989
BATTLE CREEK MEDICAL CENTER	5600 ARMSTRONG RD	BATTLE CREEK	MI	49016	VETERANS ADMINISTRATION	RCRA 3010	12/15/1989
BLACK HILLS NF: CUSTER RANGER DISTRICT	647 NORTH 3RD ST	CUSTER	SD	57730	AGRICULTURE	RCRA 3010	8/22/1990
BLACK HILLS NF: SPOKANE MUNITIONS	R6E, T25, SW\1/4\, SEC 26	SPOKANE	SD	57730	AGRICULTURE	CERCLA 103	8/22/1990
OCHOCO NF; MOTHERLODE MINE	HIGHWAY 26 12 MI E OF CY	PRINEVILLE	OR	97754	AGRICULTURE	CERCLA 103	8/22/1990
SANTA FE NF: LA BAJADA MINE	1.25 MI UPSTREAM FROM LA BEJADA	LA BAJADA	NM		AGRICULTURE	CERCLA 103	8/22/1990
WILLAMETTE NF: LOWELL RANGER STATION	FS RD 1806-433, SPUR 477, 44D02M01SN, 122D35M06SW	LOWELL	OR	97452	AGRICULTURE	RCRA 3010	8/22/1990
BOISE AIR NATIONAL GUARD-	43D33M00SN, 116D13M00SW	BOISE	ID	83705	AIR FORCE	RCRA 3005	8/22/1990

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
GOWEN FIELD							
VIRGINIA AIR NATIONAL GUARD	RICHMOND INTERNATIONAL AIRPORT	SANDSTON	VA	23150	AIR FORCE	CERCLA 103	8/22/1990
AMHERST ARMY RESERVE CENTER	100 N FOREST RD	BUFFALO	NY	14221	ARMY	RCRA 3010	8/22/1990
NORTH SMITHFIELD NIKE LAUNCHER AREA	POUNDHILL ROAD	NORTH SMITHFIELD	RI	02875	ARMY	CERCLA 103	8/22/1990
PFC CHARLES DEGLOPPER ARMY RESERVE CENTER	2393 COLVIN BLVD	TONAWANDA	NY	14150	ARMY	RCRA 3010	8/22/1990
WEST VIRGINIA ORDNANCE WORKS	RTE 1 BOX 125	PT PLEASANT	WV	25550	ARMY	CERCLA 103	8/22/1990
FORT PECK PROJECT	YELLOWSTONE RD	FORT PECK	MT	59223	CORPS OF ENGINEERS, CIVIL	RCRA 3010	8/22/1990
JOHN DAY DAM	RUFUS EXIT	RUFUS	OR	97050	CORPS OF ENGINEERS, CIVIL	RCRA 3010	8/22/1990
NORTH PACIFIC DIVISION MATERIALS LABORATORY	1491 NW GRAHAM AVE	TROUTDALE	OR	97060	CORPS OF ENGINEERS, CIVIL	RCRA 3010	8/22/1990
THE DALLES DAM	RIVER MI 192, EXIT 88, I-84 4 MI E OF THE DALLES	THE DALLES	OR	97058	CORPS OF ENGINEERS, CIVIL	RCRA 3010	8/22/1990
NGA BETHESDA	4600 SANGAMORE ROAD	BETHESDA	MD	20816	DEFENSE	RCRA 3010	8/22/1990
US DEFENSE MAPPING AGENCY HTC	6501 LAFAYETTE AVE GENT REC AR	RIVERDALE	MD	20797	DEFENSE	RCRA 3010	8/22/1990
GASBUGGY	T20N, R4W S36, 55 M E OF FARMINGTON	DULCE (NEAR)	NM		ENERGY	CERCLA 103	8/22/1990
GNOME-COACH	T23S, R30E, SECC 34, 31 M SE OF CARLSBAD	CARLSBAD	NM		ENERGY	CERCLA 103	8/22/1990
OAK RIDGE RESERVATION	PO BOX 2001	OAK RIDGE	TN	37831	ENERGY	RCRA 3005	8/22/1990
TECHNOLOGY CENTER	HWY 54 & ALEXANDER DRIVE	RESEARCH TRIANGLE PARK	NC	27711	EPA	RCRA 3005	8/22/1990
SOCIAL SECURITY COMPLEX	6401 SECURITY BLVD	BALTIMORE	MD	21235	GENERAL SERVICES ADMINISTRATION	RCRA 3010	8/22/1990
CG-ST. PAUL ISLAND LORAN STATION	SAINT PAUL AIRPORT, 1.5 MI FROM RUNWAY 2	SAINT PAUL ISLAND	AK	99660	HOMELAND SECURITY	RCRA 3010	8/22/1990
BIA-SHAKOPEE DUMP	SECTION 1 T115N R23W	SHAKOPEE	MN	55379	INTERIOR	CERCLA 103	8/22/1990
BLM ROUNDUP LANDFILL	1.5 MILES NORTHWEST OF ROUNDUP	ROUNDUP	MT	59072	INTERIOR	CERCLA 103	8/22/1990
DOI PARKER RIVER REFUGE	NORTHERN BOULEVARD, PLUM ISLAND	NEWBURYPORT	MA	01950	INTERIOR	RCRA 3016	8/22/1990
FWS-LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE	P.O. BOX 450	RIO HONDO	TX	78583	INTERIOR	CERCLA 103	8/22/1990
NPS-GATEWAY NATIONAL RECREATIONAL AREA	FLOYD BENNETT FIELD	BROOKLYN	NY	11234	INTERIOR	CERCLA 103	8/22/1990
DSDOL-TONGUE POINT JOB CORPS CNTR	BETWN MP 95 & 96 HWY 30	ASTRORIA	OR	97103	LABOR	CERCLA 103	8/22/1990
MARINE CAMP H.M. SMITH	HALAWA HEIGHTS HEADQUARTERS-AIEA	AIEA	HI	96701	NAVY	RCRA 3010	8/22/1990
US MARINE CORPS	10810 NATURAL BRIDGE RD	BRIDGETON	MO	63044	NAVY	CERCLA 103	8/22/1990
US NAVAL STATION	ANNAPOLIS NAVAL COMPLEX	BETHESDA	MD	20015	NAVY	RCRA 3010	8/22/1990
BUREAU OF ENGRAVING AND PRINTING WESTERN CURRENCY FACILITY	9000 BLUE MOUND RD-1 MILE SOUTH FM	FORT WORTH	TX	76131	TREASURY	RCRA 3010	8/22/1990
HINES SUPPLY DEPOT	1ST AVE AND 21ST ST	HINES	IL	60141	VETERANS ADMINISTRATION	RCRA 3010	8/22/1990
MINNEAPOLIS MEDICAL CENTER	ONE VETERANS DR	MINNEAPOLIS	MN	55417	VETERANS ADMINISTRATION	RCRA 3010	8/22/1990
VA MEDICAL CENTER ALEXANDRIA	HWY 165 AND HWY 71	ALEXANDRIA	LA	71306-9004	VETERANS ADMINISTRATION	RCRA 3010	8/22/1990
VA WEST LOS ANGELES HEALTHCARE CENTER	11296 WILSHIRE & SAWFELLE BLVD	LOS ANGELES	CA	90073	VETERANS ADMINISTRATION	CERCLA 103	8/22/1990
APACHE/SITGREAVES NF: MIDDLE MTN SILVEX SITE	P.O. BOX 640	SPRINGERVILLE	AZ	85938	AGRICULTURE	CERCLA 103	9/27/1991
CHIPPEWA NATIONAL FOREST	RURAL RT 3, BOX 244	CASS LAKE	MN	5633	AGRICULTURE	RCRA 3016	9/27/1991
CHUGACH NF; KENAI LAKE WORK CENTER	MI 23.5 SEWARD HIGHWAY	SEWARD	AK	99664	AGRICULTURE	CERCLA 103	9/27/1991
DESOTO NATIONAL FOREST ACCESS ROADS	100 W. CAPITOL ST., SUITE 1141	JACKSON	MS	39269	AGRICULTURE	CERCLA 103	9/27/1991
MANTI-LASAL NF: BLACK HAT MINE	559 WEST PRICE RIVER DRIVE	PRICE	UT		AGRICULTURE	RCRA 3016	9/27/1991
NANTAHALA NF: SWAIN COUNTY	SR1311	BRYSON CITY	NC	28713	AGRICULTURE	CERCLA 103	9/27/1991
NICOLET NF: LAKEWOOD SANITARY LANDFILL	15085 HWY 32	LAKEWOOD	WI	54501	AGRICULTURE	RCRA 3016	9/27/1991
OTTAWA NATIONAL FOREST	2100 E CLOVEDAND DR	WATERSMEET	MI	49969	AGRICULTURE	RCRA 3010	9/27/1991
PAYETTE NF: STIBNITE MINE	T18N R9E S2, 3, 10, 11, 14, 15, 16, 21&22	YELLOW PINE	ID	83677	AGRICULTURE	CERCLA 103	9/27/1991
PRESCOTT NF: UPPER LYNX CREEK MINES	344 SOUTH CORTEZ	PRESCOTT	AZ	86303	AGRICULTURE	CERCLA 103	9/27/1991
RIO GRANDE NF: BONANZA MINING AREA	1803 WEST HIGHWAY 160	MONTE VISTA	CO	81144	AGRICULTURE	CERCLA 103	9/27/1991
SCHUSTER FARM	T55N R33W S58 S17	GOWER	MO	64454	AGRICULTURE	CERCLA 103	9/27/1991
SECTION 5 IMPOUNDMENT	SW 1/4 NW 1/4 SE 1/4 OF SEC 5	GLENVIL TOWNSHIP	NE		AGRICULTURE	CERCLA 103	9/27/1991
SIUSLAW NF: MT. HEBO AIR	8 MI E OF HWY 22	HEBO	OR	97122	AGRICULTURE	CERCLA 103	9/27/1991

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
FORCE STATION							
USDA APPALACHIAN SOIL & WATER RES LAB	AIRPORT RD	BEAVER	WV	25813	AGRICULTURE	RCRA 3010	9/27/1991
WISE FARM	US HWY 78 & CO RD 38	BLACKVILLE	SC		AGRICULTURE	RCRA 3016	9/27/1991
BELLOWS AIR FORCE STATION	10 MS E OF CY RTE. 72	HONOLULU	HI	96898	AIR FORCE	RCRA 3016	9/27/1991
BRANDYWINE DRMO	RT 381 BRANDYWINE ROAD	BRANDYWINE	MD	20613	AIR FORCE	RCRA 3010	9/27/1991
CALIFORNIA AIR NATIONAL GUARD	5425 MCKINLEY AVE	FRESNO	CA	93727	AIR FORCE	RCRA 3010	9/27/1991
CAMPION AIR FORCE STATION	4 MILES NE OF GALENA		AK	99765	AIR FORCE	RCRA 3016	9/27/1991
CAVALIER AIR FORCE STATION	830 PATROL ROAD 26	CAVALIER	ND	58220	AIR FORCE	CERCLA 103	9/27/1991
COLD BAY AIR FORCE STATION	9.1 MI NW OF CITY, T56S R89W S9, IZEMBEK NWR, ALEUTIAN ISLANDS	COLD BAY	AK	99571	AIR FORCE	RCRA 3010	9/27/1991
CONNECTICUT AIR NATIONAL GUARD BRADLEY BASE	BRADLEY ANG BASE	EAST GRANBY	CT	06026	AIR FORCE	RCRA 3010	9/27/1991
COSTA MESA AIR NATIONAL GUARD STATION	2651 NEWPORT BLVD	COSTA MESA	CA	92627	AIR FORCE	RCRA 3010	9/27/1991
DNA JOHNSTON ATOLL	JOHNSTON ATOLL PACIFIC OCEAN	LAT 16 44 N LON 169 31 W	TT	96305	AIR FORCE	RCRA 3005	9/27/1991
EHRLING BERGQUIST STRATEGIC HOSPITAL	CAPEHART RD. AND 25TH STREET	BELLEVUE	NE	68113	AIR FORCE	RCRA 3010	9/27/1991
ELLINGTON AIR FORCE BASE	174TH, ELLINGTON FIELD	HOUSTON	TX	77034	AIR FORCE	RCRA 3016	9/27/1991
FRESNO AIR TERMINAL	144TH FIW, FRESNO AIR TERMINAL	FRESNO	CA	93727	AIR FORCE	RCRA 3016	9/27/1991
GOLD KING CREEK RADIO RELAY STATION	T8S R2W SEC 22, 27	VALDEZ	AK	99686	AIR FORCE	CERCLA 103	9/27/1991
GUNTER AIR FORCE STATION	55 SOUTH LEMAY PLAZA	MONTGOMERY	AL	36112	AIR FORCE	CERCLA 103	9/27/1991
HAYWARD AIR NATIONAL GUARD BASE	1525 WEST WINTON AVE	HAYWARD	CA	94545	AIR FORCE	RCRA 3010	9/27/1991
HECTOR AIR NATIONAL GUARD BASE	P O BOX 5538	FARGO	ND	58105	AIR FORCE	CERCLA 103	9/27/1991
ILLINOIS AIR NATIONAL GUARD, CAPITOL MAP	CAPITOL AIRPORT	SPRINGFIELD	IL	62707	AIR FORCE	RCRA 3016	9/27/1991
LA PORTE AIR NATIONAL GUARD	HIGHWAY 225	LA PORTE	TX	77571	AIR FORCE	CERCLA 103	9/27/1991
MONTANA AIR NATIONAL GUARD OMS #2	INTERNATIONAL AIRPORT	MISSOULA	MT	59801	AIR FORCE	RCRA 3010	9/27/1991
MTN MARLEL ANG RADIO RELAY SITE	MTN MARTEL ANG RADIO RELAY	DANVILLE	CA	94526	AIR FORCE	CERCLA 103	9/27/1991
NEDERLAND AIR NATIONAL GUARD	HIGHWAY 69	NEDERLAND	TX	77627	AIR FORCE	CERCLA 103	9/27/1991
NORTH SMITHFIELD NIKE CONTROL AREA	274 OLD OXFORD ROAD	NORTH SMITHFIELD	RI	02876	AIR FORCE	CERCLA 103	9/27/1991
PACIFIC BELL	SOUTH FORK MOUNTAIN	REDDING	CA	96601	AIR FORCE	RCRA 3010	9/27/1991
PALEHUA SOLAR OBSERVATORY	DET 5, 50 WS/CC, AF STATION, 10 HICKMAN	HICKMAN AFB	HI	96853-5254	AIR FORCE	RCRA 3016	9/27/1991
TRURO INST STP	OFF ALDRICH RD	N TRURO	MA	02666	AIR FORCE	CERCLA 103	9/27/1991
USAF AEROSPACE GROUND EQUIPMENT	JCT AVE B & 2ND ST	MYRTLE BEACH	SC	29577	AIR FORCE	CERCLA 103	9/27/1991
USAF PLANT 70			CA		AIR FORCE	RCRA 3016	9/27/1991
USAF POINSETT ELECTRONIC COMBAT RANGE	5 MILES SOUTH OF WEDGEFIELD	SUMTER	SC	29168	AIR FORCE	RCRA 3010	9/27/1991
USAF-ANG NORTH BEND STATION	T25S R13W SEC9	NORTH BEND	OR	97459	AIR FORCE	CERCLA 103	9/27/1991
UTAH TEST & TRAINING RANGE	IMMEDIATELY SW OF WENDOVER	WELLS	NV	89835	AIR FORCE	CERCLA 103	9/27/1991
UTAH TEST & TRAINING RANGE	IMMEDIATELY SW OF WENDOVER	WENDOVER	NV	89883	AIR FORCE	CERCLA 103	9/27/1991
ARMY GUARD WET SITE	4 MI E HWY 6 1 MI S OF	HASTINGS	NE	68901	ARMY	CERCLA 103	9/27/1991
ARMY RESERVE CENTER (CHARLOTTE #2)	1412 WESTOVER DRIVE	CHARLOTTE	NC	28205	ARMY	CERCLA 103	9/27/1991
ATTERBURY RESERVE FORCES TRAINING AREA	HOSPITAL RD	EDINBURGH	IN	46124	ARMY	RCRA 3010	9/27/1991
CAMP BULLIS	EAST OF N1H10 ON CAMP BULLIS ROAD	SAN ANTONIO	TX	78265	ARMY	CERCLA 103	9/27/1991
CARL J. SHELTER ARMY RESERVE CENTER	2300 10TH STREET	LAKE CHARLES	LA	70601	ARMY	RCRA 3010	9/27/1991
CAVEN POINT ARMY RESERVE CENTER	1 CHAPEL AVENUE	JERSEY CITY	NJ	07305	ARMY	RCRA 3010	9/27/1991
ELIHU ROOT ARMY RESERVE CENTER	96 BURRSTONE RD	UTICA	NY	13502	ARMY	RCRA 3010	9/27/1991
FORT DES MOINES (INACTIVE)	225 E ARMY POST RD	DES MOINES	IA	50315	ARMY	CERCLA 103	9/27/1991
FRANKFORD ARSENAL	BRIDGE & TACONY STS	PHILADELPHIA	PA	19137	ARMY	RCRA 3010	9/27/1991
GRANITE-CONTROL	2845 HERNWOOD ROAD	WOODSTOCK	MD	21163	ARMY	CERCLA 103	9/27/1991
HAINES PETROLEUM, OIL, & LUBRICANTS (POL) TERMINAL	LUTEK POINT	HAINES	AK	99827	ARMY	CERCLA 103	9/27/1991
MANITOWOC ARMY RESERVE CENTER	3125 S 10TH ST	MANITOWOC	WI	54220	ARMY	RCRA 3010	9/27/1991
NEW ORLEANS MILITARY OCEAN TERMINAL	4400 DAUPHINE ST	NEW ORLEANS	LA	70145	ARMY	CERCLA 103	9/27/1991
NIKE BATTERY KANSAS CITY-30 INACTIVE	ROUTE KK	LONE JACK	MO	64070	ARMY	CERCLA 103	9/27/1991
SAN DIEGO AIR NATIONAL GUARD STA	7288 CONVOY CT	SAN DIEGO	CA	92111	ARMY	RCRA 3010	9/27/1991
TSG H.C. LOCKWOOD ARMY	111 FINNEY BLVD	MALONE	NY	12953	ARMY	RCRA 3010	9/27/1991

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
RESERVE CENTER							
U.S. ARMED FORCES RESERVE CENTER	1101 NORTH 6TH STREET	BROKEN ARROW	OK	74012	ARMY	RCRA 3010	9/27/1991
VALLEY FORGE ARMY HOSPITAL	EVERGREEN DRIVE	SCHUYLKILL	PA	19460	ARMY	CERCLA 103	9/27/1991
WEBSTER ARMY MAINTENANCE SUPPORT ACTIVITY-7	517 OLD RIDGE ROAD	WEBSTER	NY	14580	ARMY	RCRA 3010	9/27/1991
WV ARMY NATIONAL GUARD	RT 62 N	POINT PLEASANT	WV		ARMY	CERCLA 103	9/27/1991
MISSISSIPPI RIVER DIVISION	COLD BROOK DAM	HOT SPRINGS	SD	57747	CORPS OF ENGINEERS, CIVIL	CERCLA 103	9/27/1991
BRANDYWINE-LAUNCH	CANDY HILL RD	NAYLOR	MD	20772	DEFENSE	CERCLA 103	9/27/1991
CROOM-CONTROL	15100 MT CALVERT RD	UPPER MARLBORO	MD	20772	DEFENSE	CERCLA 103	9/27/1991
CROOM-LAUNCH	8520 DUVALL RD	UPPER MARLBORO	MD	20772	DEFENSE	CERCLA 103	9/27/1991
LAYTONSVILLE-CONTROL	ZION RD	LAYTONSVILLE	MD	20879	DEFENSE	CERCLA 103	9/27/1991
NATIONAL SECURITY AGENCY	ESQUUS CT 9231-A RUMSEY RD B 2	COLUMBIA	MD	21045	DEFENSE	RCRA 3010	9/27/1991
PT PLEASANT DEFENSE NAT'L STOCKPILE CTR	2601 MADISON AVE	POINT PLEASANT	WV	25550	DEFENSE	CERCLA 103	9/27/1991
TOLCHESTER-CONTROL	TOLCHESTER BEACH RD	TOLCHESTER	MD	21661	DEFENSE	CERCLA 103	9/27/1991
TOLCHESTER-LAUNCH	ROCK HALL-TOLCHESTER RD	TOLCHESTER	MD	21661	DEFENSE	CERCLA 103	9/27/1991
WALDORF-CONTROL	COUNTY LN	WALDORF	MD	20601	DEFENSE	CERCLA 103	9/27/1991
WALDORF-LAUNCH	COUNTRY LN	BRANDYWINE	MD	20613	DEFENSE	CERCLA 103	9/27/1991
HOE CREEK UNDERGROUND COAL GASIFICATION PROJECT	W\1/2\ SW\1/4\ T47N R72W SEC 7	GILLETTE	WY	82716	ENERGY	CERCLA 103	9/27/1991
SPR-WEST HACKBERRY	3.8 MI W OF HACKBERRY HWY 390	HACKBERRY	LA		ENERGY	CERCLA 103	9/27/1991
WAPA-CASPER FIELD BRANCH	5600 W. POISON SPIDER ROAD	MILLS	WY	82644	ENERGY	CERCLA 103	9/27/1991
WAPA-LIBERTY SUBSTATION	TUTHILL ROAD AND BROADWAY	BUCKEYE	AZ	85326	ENERGY	RCRA 3010	9/27/1991
WAPA-TRACY PUMP & SUBSTATION	MOUNTAINHOUSE AND KELSA ROADS	TRACY	CA	95376	ENERGY	CERCLA 103	9/27/1991
CG-CAPE SARICHEF	UNIMAK ISLAND, W COAST	UNIMAK	AK	99685	HOMELAND SECURITY	CERCLA 103	9/27/1991
CG-HONOLULU COAST GUARD BASE	SAND ISLAND	HONOLULU	HI	96819	HOMELAND SECURITY	RCRA 3010	9/27/1991
CUSTOMS-MILLINGTON ADDITION	4 BL EAST OF FM 170	PRESIDIO	TX	79845	HOMELAND SECURITY	CERCLA 103	9/27/1991
LONG ISLAND SOUND COAST GUARD GROUP	120 WOODWARD AVE	NEW HAVEN	CT	06512	HOMELAND SECURITY	RCRA 3010	9/27/1991
MIAMI COAST GUARD AIR STATION	OPA LOCKA AIRPORT	OPA LOCKA	FL	33054	HOMELAND SECURITY	CERCLA 103	9/27/1991
MOBILE COAST GUARD BASE	SOUTH BROAD ST	MOBILE	AL	36615	HOMELAND SECURITY	RCRA 3010	9/27/1991
SAN YSIDRO BORDER PATROL	3752 BEYER BLVD	SAN YSIDRO	CA	92073	HOMELAND SECURITY	RCRA 3010	9/27/1991
SAULTE STE MARIE COAST GUARD GROUP	WATER ST	SAULT ST MARIE	MI	49783	HOMELAND SECURITY	RCRA 3010	9/27/1991
BLM-GEM COUNTY LANDFILL	DEWEY LANE 10M EAST OF EMMETT	EMMETT	ID	83617	INTERIOR	CERCLA 103	9/27/1991
BLM-MERCUR CANYON OUTWASH	HIGHWAY 73, EST OF TOOELE ARMY DEPOT	TOOELE	UT	84074	INTERIOR	RCRA 3016	9/27/1991
BLM-NATIONAL GUARD IMPACT AREA	SEC (ALL) T2&3S, R2&3E	UNINCORPORATED	ID	83709	INTERIOR	CERCLA 103	9/27/1991
BR-COLUMBIA BASIN PROJECT 2,4-D BURIAL SITE LF	HANFORD 100-AREA	RICHLAND	WA	99352	INTERIOR	RCRA 3016	9/27/1991
BR-MINIDOKA LANDFILL	T9S R23E S3, 4.5 MI NW OF CITY	MINIDOKA	ID	83343	INTERIOR	CERCLA 103	9/27/1991
BR-NAPA	5520 KNOXVILLE RD	NAPA	CA	94558	INTERIOR	RCRA 3010	9/27/1991
EL PORTAL RR FLAT	HWY 140	EL PORTAL	CA	95318	INTERIOR	CERCLA 103	9/27/1991
ERIE NATIONAL WILDLIFE REFUGE	ONE WOOD DUCK LANE	GUYS MILL	PA	16327	INTERIOR	CERCLA 103	9/27/1991
FWS-ARCTIC NWR: COLLINSON POINT DEWLINE SITE	37 MI W OF KAKTOVIK	KAKTOVIK	AK	99747	INTERIOR	CERCLA 103	9/27/1991
FWS-FISHERMANS ISLAND NATIONAL WILDLIFE REFUGE	FISHERMAN ISLAND	CAPE CHARLES	VA	23310-1128	INTERIOR	CERCLA 103	9/27/1991
FWS-SACHUEST POINT NATIONAL WILDLIFE REFUGE	SHORELINE PLAZA, ROUTE 1A, P.O. BOX 307	CHARLESTOWN	RI	02813-0307	INTERIOR	CERCLA 103	9/27/1991
GLENNA FERRY LANDFILL	T5S R 10E BM NW 1/4 SW 1/4 SEC 21	GLENNS FERRY	ID		INTERIOR	CERCLA 103	9/27/1991
HOOVER DAM		BOULDER CITY	NV	89005	INTERIOR	RCRA 3010	9/27/1991
LAGUNA FIELD OFFICE	ROUTE 1, BOX 201	WINTERHAVEN	CA	92283	INTERIOR	RCRA 3016	9/27/1991
NEEDLES FIELD OFFICE	DIKE ROAD	NEEDLES	CA	92363	INTERIOR	RCRA 3016	9/27/1991
NPS-CHARLESTON HARBOR SITE	INT. OF CONCORD & CALHOUN STREETS	CHARLESTON	SC	29402	INTERIOR	CERCLA 103	9/27/1991
NPS-GOLDEN GATE NATIONAL RECREATION	BUILDING 201 FORT MASON	SAN FRANCISCO	CA	94123	INTERIOR	CERCLA 103	9/27/1991
NPS-YUKON-CHARLEY RIVERS NP: COAL CREEK	T5N R21E S3&4	EAGLE	AK	99738	INTERIOR	CERCLA 103	9/27/1991
STEAMTOWN NATIONAL HISTORIC SITE	105 SO. WASHINGTON AVE	SCRANTON	PA	18503	INTERIOR	CERCLA 103	9/27/1991
USDOI-BLM SKULL CLIFF LORAN STATION	23 MILES SW OF BARROW ON COAST	BARRO	AK	99723	INTERIOR	CERCLA 103	9/27/1991
VALLEY FORGE NATIONAL HISTORIC PARK	RTE 23	VALLEY FORGE	PA	19481	INTERIOR	CERCLA 103	9/27/1991
ALLENWOOD FEDERAL PRISON CAMP	ROUTE 15	MONTGOMERY	PA	17752	JUSTICE	RCRA 3016	9/27/1991
BASTROP FEDERAL	HWY 95 8MI NE OF BASTROP	BASTROP	TX	78602	JUSTICE	RCRA 3010	9/27/1991

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
CORRECTIONAL INSTITUTION							
LEAVENWORTH PENITENTIARY	1300 METROPOLITAN AVENUE	LEAVENWORTH	KS	66048	JUSTICE	RCRA 3016	9/27/1991
ANACOSTIA NAVAL STATION	2701 SOUTH CAPITOL STREET SW	WASHINGTON	DC	20374	NAVY	RCRA 3010	9/27/1991
BARRIGADA , VILLAGE ABANDONED DUMP	NAVAL COMMUNICATIONS STA	BARRIGADA	GU	96630	NAVY	CERCLA 103	9/27/1991
CARDEROCK DIVISION, NAVAL SURFACE WARFARE CENTER	CARDEROCK LABORATORY	BETHESDA	MD	20084	NAVY	RCRA 3010	9/27/1991
ELSON LAGOON	EAST OF BARROW	BARROW	AK	99723	NAVY	CERCLA 103	9/27/1991
FORMER ENGFLDACT WEST SAN BRUNO	900 COMMODORE DR	SAN BRUNO	CA	94066	NAVY	CERCLA 103	9/27/1991
FORMER NAVFAC CENTERVILLE BEACH	CENTERVILLE BEACH RD	FERNDALE	CA	95536	NAVY	CERCLA 103	9/27/1991
FORMER ORLANDO NAVAL TRAINING CENTER-CSO	2850 SEABEE STREET	ORLANDO	FL	32803	NAVY	CERCLA 103	9/27/1991
MITCHEL FIELD HOUSING FACILITY	NAVSTA NEW YORK HOUSING OFFICE, BLDG. 19, WEST ROAD, MITCHEL	GARDEN CITY	NY	11530	NAVY	CERCLA 103	9/27/1991
MITCHEL MANOR HOUSING FACILITY	NAYSTA NEW YORK HOUSING OFFICE, 85 A MIT	EAST MEADOW	NY	11554	NAVY	CERCLA 103	9/27/1991
NAVAL HOSPITAL AND JACKSON PARK HOUSING	NAVAL HOSPITAL BREMERTON	BREMERTON	WA	98314	NAVY	RCRA 3016	9/27/1991
NAVAL RADIO STATION T JIM CREEK	21027 JIM CREEK RD; 4 MI E OF HWY 530 AT OSO	OSO	WA	98223	NAVY	CERCLA 103	9/27/1991
NAVAL TECHNICAL TRAINING CENTER CORRY STATION	LILLIAN HIGHWAY	PENSACOLA	FL		NAVY	CERCLA 103	9/27/1991
NORTHEAST CAPE ST LAWRENCE ISLAND	70 MI E OF SAVOONGA ST LAWRENCE	NORTHEAST CAPE	AK	99769	NAVY	RCRA 3010	9/27/1991
OUTLYING LANDING FIELD BARIN	2 MILES EAST OF CITY	FOLEY	AL	36535	NAVY	CERCLA 103	9/27/1991
SAN CLEMENTE ISLAND	BUILDING 60130 SAN CLEMENTE ISLAND	SAN CLEMENTE	CA	92136	NAVY	CERCLA 103	9/27/1991
STAPLETON NAVAL STATION	STAPLETON	STATEN ISLAND	NY	10304	NAVY	RCRA 3010	9/27/1991
TENJO VISTA OILY SOLID WASTE DSPL	MARINE DR	PITI	GU	96630	NAVY	CERCLA 103	9/27/1991
US NAVAL COMM UNIT - CHELTENHAM		CHELTENHAM	MD	20623	NAVY	CERCLA 103	9/27/1991
BOONE HYDRO PLANT	TN HWY 75/ 8 MI SE OF	KINGSPORT	TN	37662	TENNESSEE VALLEY AUTHORITY	CERCLA 103	9/27/1991
CHATTANOOGA GARAGE	412 EAST 10TH ST	CHATTANOOGA	TN	37401	TENNESSEE VALLEY AUTHORITY	CERCLA 103	9/27/1991
FHC REGIONAL OFFICE	RIVER ROAD	MUSCLE SHOALS	AL	35661	TENNESSEE VALLEY AUTHORITY	RCRA 3010	9/27/1991
JOHNSONVILLE FOSSIL PLANT	US HWY 70	NEW JOHNSONVILLE	TN	37134	TENNESSEE VALLEY AUTHORITY	CERCLA 103	9/27/1991
KENTUCKY HYDRO PLANT	HWY 62 AND 641	GILBERTSVILLE	KY	42044	TENNESSEE VALLEY AUTHORITY	RCRA 3010	9/27/1991
NA WATTS BAR CENTRAL MAINT FACILITY	WATTS BAR RESERV-TN HWY 68E	SPRING CITY	TN	37381	TENNESSEE VALLEY AUTHORITY	RCRA 3010	9/27/1991
PARADISE FOSSIL PLANT	5 MI E OF DRAKESBORO	DRAKESBORO	KY	42337	TENNESSEE VALLEY AUTHORITY	RCRA 3010	9/27/1991
SHAWNEE FOSSIL PLANT	HIGHWAY 996	WEST PADUCAH	KY	42086	TENNESSEE VALLEY AUTHORITY	RCRA 3010	9/27/1991
WHEELER HYDRO PLANT	RT 2	TOWN CREEK	AL	35672	TENNESSEE VALLEY AUTHORITY	RCRA 3010	9/27/1991
FAA-BETTLES STATION	BETTLES AIRPORT 66[DEG]54' N 151[DEG]41' W	BETTLES	AK	99726	TRANSPORTATION	CERCLA 103	9/27/1991
FAA-BIG DELTA STATION	FORT GREELY AIRPORT, 63 DEG.59'40'' N, 145 DEG.43'17'' W	DELTA JUNCTION	AK	99737	TRANSPORTATION	CERCLA 103	9/27/1991
FAA-DILLINGHAM AIRPORT	DILLINGHAM	DILLINGHAM	AK	99576	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-FORT YUKON AIR NAVIGATION STATION	FORT YUKON AIRPORT	FORT YUKON	AK	99740	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-HAINES AIR NAVIGATION STATION	2 MI S ON FAA/ HAINES RD, 59D14M42SN, 135D31M19SW	HAINES	AK	99827	TRANSPORTATION	CERCLA 103	9/27/1991
FAA-HOMER AIRPORT	HOMER	HOMER	AK	99603	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-ILIAMNA FACILITY	AIRPORT NAV AIDS	ILIAMNA	AK	99606	TRANSPORTATION	CERCLA 103	9/27/1991
FAA-JOHNSTONE POINT AIR NAVIGATION STATION	NW HINCHINBROOK ISLAND, 60D28M00SN, 146D34M00SW	CORDOVA	AK	99574	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-KOTZEBUE AIRPORT	KOTZEBUE AIRPORT	KOTZEBUE AIRPORT	AK	99752	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-MCGRATH STATION	AIRPORT N OF CITY, NAV AIDS	MCGRATH	AK	99627	TRANSPORTATION	CERCLA 103	9/27/1991
FAA-MICA PEAK	T24N, R45E, S14	MICA	WA	99023	TRANSPORTATION	CERCLA 103	9/27/1991
FAA-MIDDLETON ISLAND STATION	80 MI S OF CORDOVA, +59- 27' 02" N, -146- 18'24" W	CORDOVA	AK	99574	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-NENANA/NORTH NENANA STATION	NENANA AIRPORT, 64D32M56SN, 149D04M24SW	NENANA	AK	99760	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-PUNTILLA AIR NAVIGATION STATION	PUNTILLA LAKE, 62D04M24SN, 152D43M59SW	SKWENTNA	AK	99667	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-TALKEETNA AIRPORT	TALKEETNA AIRPORT	TALKEETNA	AK	99676	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-UNALAKLEET STATION	UNALAKLEET AIRPORT	UNALAKLEET	AK	99684	TRANSPORTATION	RCRA 3016	9/27/1991
FAA-WOODY ISLAND STATION	WOODY ISLAND	KODIAK	AK	99615	TRANSPORTATION	RCRA 3016	9/27/1991
GUSTAVAS AIRPORT	JOHNSTONE POINT VOR	GUSTAVAS	AK	99826	TRANSPORTATION	RCRA 3016	9/27/1991

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
WASHINGTON NATIONAL AIRPORT	ALEXANDRIA	ALEXANDRIA AMA 124	VA	20001	TRANSPORTATION	RCRA 3005	9/27/1991
WEST SAYVILLE IFS TRANSMITTER	CHERRY AVE	WEST SAYVILLE	NY	11796	TRANSPORTATION	RCRA 3010	9/27/1991
US POSTAL SERVICE	600 CHURCH ST	NORFOLK	VA	23501	USPS	RCRA 3010	9/27/1991
US POSTAL SERVICE VEHICLE MAINTENANCE	60 W OLIVER ST	BALTIMORE	MD	21201	USPS	RCRA 3010	9/27/1991
USPS VEHICLE MAINT FAC FAIRBANKS	5400 MAIL TRAIL WAY	FAIRBANKS	AK	99709	USPS	RCRA 3010	9/27/1991
MEDICAL CENTER	UNIVERSITY AND WOODLAND AVE	PHILADELPHIA	PA	19104	VETERANS ADMINISTRATION	RCRA 3010	9/27/1991
MENLO PARK MEDICAL CENTER	795 WILLOW RD	MENLO PARK	CA	94025	VETERANS ADMINISTRATION	RCRA 3010	9/27/1991
PRESCOTT MEDICAL CENTER	500 HWY 89 NORTH	PRESCOTT	AZ	86313	VETERANS ADMINISTRATION	RCRA 3010	9/27/1991
BOISE NF: KIRBY DAM MONARCH MINE STAMP MILL	T5N R11E S4&5 BOISE MERIDIAN	ATLANTA	ID	83601	AGRICULTURE	CERCLA 103	12/12/1991
137TH TACTICAL AIRLIFT WING	WILL ROGERS WORLD AIRPORT	OKLAHOMA CITY	OK	73179	AIR FORCE	CERCLA 103	12/12/1991
193RD SPECIAL OPERATIONS GROUP	HARRISBURG INTL AIRPORT	MIDDLETOWN	PA	17057	AIR FORCE	RCRA 3010	12/12/1991
CHICO ARPT.	COHASSETT HWY, T23NR1E S33,34,4, 3 NORTH OF CHICO	CHICO	CA	95926	AIR FORCE	CERCLA 103	12/12/1991
NEW BOSTON AIR FORCE STATION	23 SOPS/CC, 317 CHESTNUT HILL ROAD	AMHERST	NH	03031-1518	AIR FORCE	CERCLA 103	12/12/1991
WHITE POINT FORMER NIKE SITE	WESTERN & 25TH STS	SAN PEDRO	CA	90732	AIR FORCE	CERCLA 103	12/12/1991
FORT DIX TACONY WAREHOUSE	7071 MILNOR ST	PHILADELPHIA	PA	19135	ARMY	RCRA 3010	12/12/1991
FORT RITCHIE	HARBAUGH VALLEY RD	BLUE RIDGE SUMMIT	PA	17214	ARMY	RCRA 3010	12/12/1991
HILO ARMY AVIATION SUPPORT FACILITY #2	GENERAL LYMAN FIELD BLDG 619	HILO	HI	96720	ARMY	CERCLA 103	12/12/1991
HINGHAM ANNEX	LEAVITTE ST	HINGHAM	MA	02043	ARMY	CERCLA 103	12/12/1991
MO AVIATION CLASSIFICATION & REPAIR ACTIVITY DEPOT.	2501 LESTER JONES AVE	SPRINGFIELD	MO	65803	ARMY	CERCLA 103	12/12/1991
NOATAK NATIONAL GUARD ARMORY	55 MI N OF KOTZEBUE	NOATAK	AK	99761	ARMY	CERCLA 103	12/12/1991
U.S. ARMY COLD REGIONS RESEARCH AND	ROUTE 10	HANOVER	NH	03755	ARMY	CERCLA 103	12/12/1991
US ARLINGTON NATIONAL CEMETERY MOW ARMY	ARLINGTON NATIONAL CEMETERY	ARLINGTON	VA	22211	ARMY	RCRA 3010	12/12/1991
WAVERLY (EX) AIR STATION Z-81	1 MI S OF WAVERLY	WAVERLY	IA	50677	ARMY	CERCLA 103	12/12/1991
BIG DELTA	FORT GREELY AIRPORT	DELTA JUNCTION	AK	99737	CORPS OF ENGINEERS, CIVIL	CERCLA 103	12/12/1991
MILLWOOD RESERVOIR	ROUTE 1	ASHDOWN	AR	71822	CORPS OF ENGINEERS, CIVIL	CERCLA 103	12/12/1991
MARIETTA DEPOT	1502 DEPOT ROAD	MARIETTA	PA	17547	DEFENSE LOGISTICS AGENCY	CERCLA 103	12/12/1991
ROSS AVIATION, INC	HANGAR 481	KIRKLAND AFB	NM	87117	ENERGY	CERCLA 103	12/12/1991
USDOE-BPA HOT SPRINGS SUBSTATION TLM COMPLEX	HWY 28, S OF HOT SPRINGS, SEC14 T21N RW	HOT SPRINGS	MT	59845	ENERGY	CERCLA 103	12/12/1991
WESTERN AREA POWER ADMIN-FOUNDRY SITE	CORNER OF 10TH & U STREET	GERING	NE		ENERGY	CERCLA 103	12/12/1991
CENTERS FOR DISEASE CONTROL	4770 BUFORD HIWAY	CHAMBLEE	GA		HEALTH AND HUMAN SERVICES	CERCLA 103	12/12/1991
FOOD & DRUG ADMINISTRATION FB 8	200 C ST SW HFF-14 RM 6025	WASHINGTON	DC	20204	HEALTH AND HUMAN SERVICES	RCRA 3010	12/12/1991
PRECIOUS METALS PLATING	STAR ROUTE BOX 85	BONNER	MT	59823	HOUSING AND URBAN DEVELOPMENT	CERCLA 103	12/12/1991
ANIAK AIRPORT	61' 34N 159' 31'W	ANIAK	AK	99557	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #1	SE/4 SEC 7 T5N R11W SW/4 SEC 8	APACHE	OK	73006	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #2	S2 SE4 SEC 4 T7N R13W	CARNEGIE	OK	73015	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #3	NE/4 NE4 SEC 10 T7N R13W	CARNEGIE	OK	73015	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #4	W2 NW4 SEC 35 T8N R13W	CARNEGIE	OK	73015	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #5	W/2 SW/4 SEC 16 T6N R11	APACHE	OK	73006	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #6	SE4 SE4 SEC 34 T9N R12	FORT COBB	OK	73038	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #7	SW4 NE4 SEC 14 T9N R12W	FORT COBB	OK	73038	INTERIOR	CERCLA 103	12/12/1991
BIA-CADDO COUNTY LANDFILL #8	NE4 NE4 SEC 22 T9N R12W	FORT COBB	OK	73038	INTERIOR	CERCLA 103	12/12/1991
BIA-SOMERTON LANDFILL	S OF AZ 95 AT 16TH. ST & AVE B	SOMERTON	AZ	85350	INTERIOR	CERCLA 103	12/12/1991
BIA-WIDE RUINS DIP VAT	35 25' 03" : 109 29' 32"	WIDE RUINS	AZ	86502	INTERIOR	CERCLA 103	12/12/1991
BLM-FORT EGBERT DUMP	T1S, R33E, SEC 31	EAGLE	AK	99738	INTERIOR	CERCLA 103	12/12/1991
BLM-JEROME COUNTY LANDFILL	T8S R17E S14, 4 MI W OF CITY	JEROME	ID	83338	INTERIOR	CERCLA 103	12/12/1991
BLM-KERN VALLEY SANITARY LANDFILL	T25S, R33E, N\1/2\ SW\1/4\ SEC 35, MDM	KERNVILLE	CA	93238	INTERIOR	CERCLA 103	12/12/1991
BLM-KLAU MINE	S1/2, SEC 33, T26S, R10E, MT DIABLO	SAN LUIS OBISPO COUNTY	CA		INTERIOR	CERCLA 103	12/12/1991
BLM-LONDONDERRY MINE/ MAXVILLE TAILINGS	NW\1/4\ SW\1/4\ SEC. 4 T8N R13W	MAXVILLE	MT	82007	INTERIOR	CERCLA 103	12/12/1991
BLM-MAYBELL DUMP	6 MI EAST OF MAYBELL	MAYBELL	CO	81640	INTERIOR	CERCLA 103	12/12/1991
BLM-NEWBERRY DUMP	HWY 66 & MT VIEW	NEWBERRY	CA	92365	INTERIOR	CERCLA 103	12/12/1991

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
		SPRINGS					
BLM-OAK CREEK LANDFILL (ROUTT COUNTY)	T4N, R86W, SEC 24 W1/2 SE 1/4 SW 1/2	ROUTT COUNTY	CO		INTERIOR	CERCLA 103	12/12/1991
BLM-OLD MAN CAMP SITE	T19N R14W S19 AND T19N R15W S24	ALLAKAKET	AK	99720	INTERIOR	CERCLA 103	12/12/1991
BLM-OLUSTEE DUMP	HWY 90 & OLUSTEE BATTLEFIELD R	OLUSTEE	FL	32072	INTERIOR	CERCLA 103	12/12/1991
BLM-OSAGE INDUSTRIES	60TH WEST	ROSAMOND	CA	93560	INTERIOR	CERCLA 103	12/12/1991
BLM-PAXSON DUMP	T22S R12E S5 SW\1/4\ SW\1/4\ COPPER RIVER MERIDIAN	PAXSON	AK	99737	INTERIOR	CERCLA 103	12/12/1991
BLM-RINCONADA MINE	T 30S, R 14E, SEC 21, S \1/2\ MT DIABLO ME	PASO ROBLES	CA	93446	INTERIOR	CERCLA 103	12/12/1991
BLM-SAG RIVER DUMP	T8S R14E S8	DEADHORSE	AK	99734	INTERIOR	CERCLA 103	12/12/1991
BLM-UPPER MIDDLE PARK CANYON TRESPASS DUMP	T22 S., R.45E., SEC 27	BALLARAT	CA	93562	INTERIOR	CERCLA 103	12/12/1991
BR-FORT SIMCOE JOB CORPS CENTER	W END OF HWY 220 T10N R16E S21	WHITE SWAN	WA	98952	INTERIOR	RCRA 3010	12/12/1991
CARSON CITY LANDFILL		ORMSBY COUNTY	NV		INTERIOR	CERCLA 103	12/12/1991
COLLINSON POINT DEWLINE SITE	290 MILES SE OF BARROW	BARROW	AK	99723	INTERIOR	CERCLA 103	12/12/1991
FWS-ARCTIC NWR: NUVAGAPAK DEWLINE SITE	35 MI E OF KAKTOVIK	KAKTOVIK	AK	99747	INTERIOR	CERCLA 103	12/12/1991
GREAT SMOKY MINS NATL PARK	USNPS RT 2	GATLINBURG	TN	37738	INTERIOR	RCRA 3005	12/12/1991
HENDERSON LANDFILL	721S R63E SECTION 28, 29	HENDERSON	NV		INTERIOR	CERCLA 103	12/12/1991
INDIAN SPRINGS LANDFILL		CLARK COUNTY	NV		INTERIOR	CERCLA 103	12/12/1991
LANDERS SANITARY LANDFILL	SAN BERNARDINO COUNTY		CA		INTERIOR	CERCLA 103	12/12/1991
MERCED FALLS	NEAREST CITY: MERCED FALLS	MERCED FALLS	CA		INTERIOR	CERCLA 103	12/12/1991
NPS-EI PORTAL BARIUM TAILINGS	INT OF FOREST & BARIUM MINE RD.	EL PORTAL	CA	95318	INTERIOR	CERCLA 103	12/12/1991
NPS-EVERGLADES NATIONAL PARK	ROUTE 9336	HOMESTEAD	FL	33030	INTERIOR	RCRA 3010	12/12/1991
NPS-ROCKY MOUNTAIN NATIONAL PARK	ESTES PARK	ESTES PARK	CO		INTERIOR	CERCLA 103	12/12/1991
SAN BERNARDINO COUNTY LANDFILL.	SECTIONS 20, 21, 28, 29, T2N, R6E	SAN BERNARDINO COUNTY	CA		INTERIOR	CERCLA 103	12/12/1991
USDOI BLM SLAIN CLIFF LORAN STATION	23 MILES SW OF BARROW ON COAST	BARROW	AK	99723	INTERIOR	CERCLA 103	12/12/1991
GUAM FLEET AND INDUSTRIAL SUPPLY CENTER	MARINE DRIVE	PITI	GU	96630	NAVY	RCRA 3010	12/12/1991
LUALUALEI NATIONAL RESPONSE TEAM	LUALUALEI VALLEY OAHU ISLAND	WAHIAWA	HI	96786	NAVY	CERCLA 103	12/12/1991
MOBILE NAVAL STATION	7411 LAKE ROAD	MOBILE	AL	36605	NAVY	RCRA 3010	12/12/1991
NEW ORLEANS NAVAL SUPPORT ACTIVITY	2600 GEN MEYER AVE BLDG 101	NEW ORLEANS	LA		NAVY	CERCLA 103	12/12/1991
OPANA	SOUTH OF KAWELA OAHU ISLAND	OPANA	HI		NAVY	CERCLA 103	12/12/1991
PASCAGOULA NAVAL STATION	SINGING RIVER ISLAND	PASCAGOULA	MS	39581	NAVY	RCRA 3010	12/12/1991
SAUFFLEY FIELD NETPMSA	6490 SAUFFLEY FIELD ROAD	PENSACOLA	FL	32509-5000	NAVY	CERCLA 103	12/12/1991
USN IMPERIAL BEACH RADIO RECEIVER	1 SILVER STRAND BLVD	IMPERIAL BEACH	CA	92032	NAVY	RCRA 3010	12/12/1991
NA NICKAJACK HYDRO PLANT	TN HWY 28	GUILD	TN	37340	TENNESSEE VALLEY AUTHORITY	RCRA 3010	12/12/1991
WATAUGA HYDRO PLANT	WILBUR DAM RD IS MI E OF	ELIZABETHTON	TN	37843	TENNESSEE VALLEY AUTHORITY	RCRA 3010	12/12/1991
FAA-CHANDALAR STATION	67D30M02SN, 148D28M00SW, 112 MI NW OF FORT YUKON	CHANDALAR	AK	99740	TRANSPORTATION	CERCLA 103	12/12/1991
FAA-COGHLAN ISLAND STATION	58D21M10SN, 134D42M09SW, 4 MI W OF JUNEAU	JUNEAU	AK	99821	TRANSPORTATION	RCRA 3016	12/12/1991
DANVILLE MEDICAL CENTER HOSPITAL	1900 E MAIN ST	DANVILLE	IL	61832	VETERANS ADMINISTRATION	CERCLA 103	12/12/1991
ATKINS FARM	1.5 MI ON HWY 15 THEN S 3/4 MI	CANTON	MO	63435	AGRICULTURE	CERCLA 103	7/17/1992
LOS PADRES NF: BLACK BOB MINE TAILINGS	APRX 5 MI SW OF LEBEC, SEC 110 T9N R20W	LEBEC	CA		AGRICULTURE	CERCLA 103	7/17/1992
NATIONAL ARBORETUM	3501 NEW YORK AVENUE NE	WASHINGTON	DC	20002	AGRICULTURE	CERCLA 103	7/17/1992
JR APPLICATIONS.	BUILDING 1439	GREAT FALLS	MT	59402	AIR FORCE	RCRA 3010	7/17/1992
FORT MONMOUTH EVANS AREA #1	MARCONI ROAD	WAN TOWNSHIP	NJ	07719	ARMY	RCRA 3010	7/17/1992
KEWEENAW FIELD STATION	KEWEENAW FIELD	KEWEENAW BAY	MI		ARMY	CERCLA 103	7/17/1992
PONTIAC STORAGE FACILITY	871 SOUTH BOULEVARD	PONTIAC	MI	48503	ARMY	CERCLA 103	7/17/1992
RICKENBACKER AIR NATIONAL GUARD BASE	RICKENBACKER ANG BASE	COLUMBUS	OH	43217	ARMY	CERCLA 103	7/17/1992
WINFIELD LOCKS & DAMS	RFD #1 BOX 530	RED HOUSE	WV	25168	CORPS OF ENGINEERS, CIVIL	CERCLA 103	7/17/1992
DEFENSE MAPPING AGENCY	925 SPRINGVALE ROAD	GREAT FALLS	VA	22066	DEFENSE	CERCLA 103	7/17/1992
BLM-ADIN TRANSFER STATION	1 MI SE OF ADIN; T.39N,R9E, SEC 27	ADIN	CA	96006	INTERIOR	CERCLA 103	7/17/1992
BLM-AURORA CANYON MILLSITE	NEAREST CITY BRIDGEPORT	BRIDGEPORT	CA	93517	INTERIOR	CERCLA 103	7/17/1992
BLM-BLACKROCK MINE	T3S, R31E, SEC 13 & 14 MDM	BISHOP	CA	93514	INTERIOR	CERCLA 103	7/17/1992
BLM-BODIE MINE	T4N, R21E, SEC 9&8 MDM	BRIDGEPORT	CA	93517	INTERIOR	CERCLA 103	7/17/1992
BLM-CLOSED CALIENTE LANDFILL	T3S, R67E, SEC 28	LINCOLN COUNTY	NV	89008	INTERIOR	CERCLA 103	7/17/1992
BLM-SALAMBO MINE	T2S, R15E, SEC 32, NE1/4, MDM	TOLUMNE COUNTY	CA	95311	INTERIOR	RCRA 3016	7/17/1992
BLM-SWANSEA SITE	T 16S, R. 36E., SEC 24, SE SW, MT DIABLO M	KEELER	CA	93530	INTERIOR	CERCLA 103	7/17/1992

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BR-COLLBRAN PROJECT	RR #1	COLLBRAN	CO	80631	INTERIOR	CERCLA 103	7/17/1992
FWS-BOMBAY HOOK NATIONAL WILDLIFE REFUGE	2591 WHITEHALL NECK ROAD	SMYRNA	DE	19977-2912	INTERIOR	CERCLA 103	7/17/1992
FAIRGROUND STREET FUEL DEPOT		VICKSBURG	MS		JUSTICE	CERCLA 103	7/17/1992
NARCOTICS TASK FORCE LABORATORY	2461 IMPALA	CARLSBAD	CA	92008	JUSTICE	CERCLA 103	7/17/1992
ARLINGTON SERVICE CENTER	SOUTH COURTHOUSE ROAD	ARLINGTON	VA	22204	NAVY	CERCLA 103	7/17/1992
CHESAPEAKE NAVAL SECURITY GROUP ACTIVITY	NORTHWEST	CHESAPEAKE	VA		NAVY	CERCLA 103	7/17/1992
NAVY GUNNERY RANGE CHOCOLATE MTN-SEAL CAMP	3 MILES EAST OF NILAND	NILAND	CA	92557	NAVY	CERCLA 103	7/17/1992
ROCHESTER NAVAL INDUSTRIAL RESERVE ORDINANCE PLANT.	121 LINCOLN AVENUE	ROCHESTER	NY	14653	NAVY	CERCLA 103	7/17/1992
FAA-FAREWELL STATION	T28N R25W S15&22 SEWARD MERIDIAN	FAREWELL	AK	99627	TRANSPORTATION	RCRA 3010	7/17/1992
FAA-MOSES POINT AIR NAVIGATION STATION	MOSES POINT AIRFIELD, 64D41M53SN, 162D03M26SW	ELIM	AK	99739	TRANSPORTATION	RCRA 3010	7/17/1992
MIKE MONRONEY AERONAUTICAL CENTER	6500 SOUTH MACARTHUR	OKLAHOMA CITY	OK	73179	TRANSPORTATION	RCRA 3010	7/17/1992
IRS PHILADELPHIA SERVICE CENTER	11601 ROOSEVELT BLVD	PHILADELPHIA	PA	19255	TREASURY	RCRA 3010	7/17/1992
MANHATTAN GENERAL MALL FACILITY	WEST 29TH ST AND 9TH AVE	NEW YORK	NY	10001	USPS	RCRA 3010	7/17/1992
NORTH CHARLESTON POST OFFICE	0.7 MILE NORTH OF AVIATION.	NORTH CHARLESTON	SC	29410	USPS	CERCLA 103	7/17/1992
U.S. POSTAL SERVICE INCOMING MAIL CENTER	307 BECHAM ST	CHELSEA	MA	02150	USPS	CERCLA 103	7/17/1992
BUTLER MEDICAL CENTER	325 NEW CASTLE	BUTLER	PA	16001	VETERANS ADMINISTRATION	CERCLA 103	7/17/1992
MARTINSBURG HOSPITAL	ROUTE 9	MARTINSBURG	WV	25401	VETERANS ADMINISTRATION	CERCLA 103	7/17/1992
ANGELES NF: DILLON DIVIDE MIDNIGHT DUMP	DILLON DIVIDE OFF LITTLE TULUNGA ROAD	SAN FERNANDO	CA		AGRICULTURE	CERCLA 103	2/5/1993
BOISE NF: MISSOURI MINE	T8N R5E S27	IDAHO CITY	ID	83631	AGRICULTURE	RCRA 3016	2/5/1993
COTTON INSECTS RESEARCH LAB	414 RINGOLD RD	BROWNSVILLE	TX	78520	AGRICULTURE	CERCLA 103	2/5/1993
FS-OKANOGAN NF: ALDER CRK	T33N R21E S24 WM NE\1/4\ SW\1/4\	TWISP	WA	98856	AGRICULTURE	CERCLA 103	2/5/1993
FS-REGIONAL FIELD SERVICE FACILITY	14TH AND CATLIN	MISSOULA	MT	59807	AGRICULTURE	CERCLA 103	2/5/1993
Gila National Forest: Mineral Creek Tailing	FOREST ROUTE 701 3.5 MI E OF HWY 180	ALMA	NM	88039	AGRICULTURE	CERCLA 103	2/5/1993
GLENNDALE PLANT GERMPLASM QUARANTINE FAC	11601 OLD POND ROAD	GLENN DALE	MD	20769	AGRICULTURE	CERCLA 103	2/5/1993
HONEY BEE RESEARCH LABORATORY		WESLACO	TX	78520	AGRICULTURE	CERCLA 103	2/5/1993
HOOSIER NF: BRANCHVILLE SITE	811 CONSTITUTION AVENUE	BEDFORD	IN	47421	AGRICULTURE	CERCLA 103	2/5/1993
KOOTENAI NF: LIBBY AIRPORT WOOD TREA	LIBBY AIRPORT	LIBBY	MT	59923	AGRICULTURE	RCRA 3016	2/5/1993
OKANOGAN NF: BONAPARTE	T39N R30E S10 WM	CHESAW	WA	98844	AGRICULTURE	CERCLA 103	2/5/1993
OKANOGAN NF: EIGHT MILE RANCH	T36N R21E S23 QSSE WM	WINTHROP	WA	98862	AGRICULTURE	CERCLA 103	2/5/1993
OKANOGAN NF: KERR	T35 R24E S23 WM	CONCONULLY	WA	98819	AGRICULTURE	CERCLA 103	2/5/1993
OKANOGAN NF: LOST LAKE	T39N R30E S28&29 QSNE WM	OROVILLE	WA	98844	AGRICULTURE	CERCLA 103	2/5/1993
OKANOGAN NF: MINNIE MINE	T32N R22E S23, 8 MI S OF TWISP	TWISP	WA	98856	AGRICULTURE	RCRA 3016	2/5/1993
OKANOGAN NF: TWISP	T33N R22E S17 SW1/ 4 NW\1/4\ WM	TWISP	WA	98856	AGRICULTURE	CERCLA 103	2/5/1993
OSCEOLA NATIONAL FOREST SITE 2.	NORTH OF HIGHWAY 100	LAKE CITY	FL	32055	AGRICULTURE	CERCLA 103	2/5/1993
OSCEOLA NATIONAL FOREST SITE 3.	CORTEZ ROAD, SOUTH OF HIGHWAY 90	LAKE CITY	FL	32055	AGRICULTURE	RCRA 3016	2/5/1993
OSCEOLA NATIONAL FOREST SITE 4.	WEST OF DIRT ROAD OFF ROUTE 772	LAKE CITY	FL	32055	AGRICULTURE	RCRA 3016	2/5/1993
OSCEOLA NATIONAL FOREST SITE 5.	HWY 90 TO OSCEOLA FOREST OFFICE	LAKE CITY	FL	32055	AGRICULTURE	CERCLA 103	2/5/1993
OSCEOLA NATIONAL FOREST SITE 6.	SOUTH OF HWY 90 ON POSSUM TROT ROAD	LAKE CITY	FL	32055	AGRICULTURE	RCRA 3016	2/5/1993
PAYETTE NF: CINNABAR MINE	T18N R9&10E S1, 2, 6&7	YELLOW PINE	ID	83677	AGRICULTURE	RCRA 3016	2/5/1993
PERCY ROY FARM	COUNTY RD. 40	PINE LEVEL	AL	36065	AGRICULTURE	RCRA 3016	2/5/1993
TONGASS NF: THORNE BAY DUMP	FS RD #30	THORNE BAY	AK	99919	AGRICULTURE	CERCLA 103	2/5/1993
WENATCHEE NF: STELIKO	T26N R20E S20 NW\1 4\ NW\1/4\ WM	ARDENVOIR	WA	98811	AGRICULTURE	CERCLA 103	2/5/1993
911TH AIRLIFT WING	PITTSBURGH INTL ARPRT ARS 2475 DEFENSE AVE STE 101	CORAOPOLIS	PA	15108	AIR FORCE	RCRA 3010	2/5/1993
BARRY M GOLDWATER AIR FORCE RANGE		PHOENIX	AZ	85309	AIR FORCE	CERCLA 103	2/5/1993
GREAT FALLS MONTANA AIR NATIONAL GUARD	INTERNATIONAL AIRPORT	GREAT FALLS	MT	59401	AIR FORCE	RCRA 3010	2/5/1993
KAISER ALUMINUM & CHEMICAL CORPORATION	2000 HELETHORPE AVE	BALTIMORE	MD	21227	AIR FORCE	RCRA 3010	2/5/1993
LUKE WASTE ANNEX DRMO	7011 N. EL MIRAGE RD	GLENDALE	AZ	85307	AIR FORCE	RCRA 3005	2/5/1993
MAINE AIR NATIONAL GUARD-	BANGOR INT'L ARPRT RT 222/GEOFREY	BANGOR	ME	04401	AIR FORCE	CERCLA 103	2/5/1993

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BIA	BLVD						
MCENTIRE AIR NATIONAL GUARD BASE	MAILSTOP 8	EASTOVER	SC	29044	AIR FORCE	CERCLA 103	2/5/1993
PA ANG 171ST AIR REFUELING WING	300 TANKER ROAD	PITTSBURGH	PA	15108	AIR FORCE	RCRA 3010	2/5/1993
STEWART AIR NATIONAL GUARD BASE	STEWART INTERNATIONAL AIR PORT	NEWBURGH	NY	12550	AIR FORCE	CERCLA 103	2/5/1993
WESTHAMPTON BEACH AIR NATIONAL GUARD FACILITY	SUFFOLK COUNTY AIRPORT	WESTHAMPTON BEACH	NY	11978	AIR FORCE	RCRA 3010	2/5/1993
COVENTRY NIKE CONTROL AREA	OFF READ SCHOOL HOUSE ROAD	COVENTRY	RI	02816	ARMY	CERCLA 103	2/5/1993
FARMINGDALE ORGANIZATIONAL MAINTENANCE SHOP #43	25 BAITING PLACE ROAD	FARMINGDALE	NY	11735	ARMY	RCRA 3010	2/5/1993
FORT HOLABIRD CRIME RECORDS CENTER	CORNER OF OAKLAND AND DETROIT AVENUE	BALTIMORE	MD	21222	ARMY	CERCLA 103	2/5/1993
KAPALAMA MILLITARY RESERVATION	SAND ISLAND ACCESS ROAD	OAHU ISLAND	HI	96898	ARMY	CERCLA 103	2/5/1993
KEYSTONE TRAINING AREA	GREENWOOD TWP	GENEVA	PA	16316	ARMY	CERCLA 103	2/5/1993
KILAUEA MILITARY RESERVATION	HIGHWAY 11, 28 M MARKER	HAWAII NATIONAL PARK	HI	96718	ARMY	CERCLA 103	2/5/1993
KILMER ARMY RESERVE CENTER	BLDG 1007	EDISON	NJ	08817	ARMY	RCRA 3010	2/5/1993
NIAGARA FALLS FACILITY	9400 PORTER ROAD	NIAGARA FALLS	NY		ARMY	CERCLA 103	2/5/1993
POHAKULOA TRAINING AREA	SADDLE ROAD, CENTRAL PART OF ISLAND	POHAKULOA	HI	96556	ARMY	CERCLA 103	2/5/1993
NOAA-NATIONAL MARINE FISHERIES SERVICE	PRIBILOF ISLAND	SAINT PAUL ISLANDS	AK	99660	COMMERCE	CERCLA 103	2/5/1993
ENSLEY ENGINEER YARD	1726 MITHCHELL RD	MEMPHIS	TN	38109	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/5/1993
FORT RANDALL PROJECTS	BOX 19	PICKSTOWN	SD	57367	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/5/1993
OAHE DAM	OAHE POWER PLANT	PIERRE	SD	57501	CORPS OF ENGINEERS, CIVIL	CERCLA 103	2/5/1993
PORTLAND 3 MILE CANYON SITE	I84 1.2 MI W OF EXIT 147	ARLINGTON	OR	97812	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/5/1993
PORTLAND MOORINGS	8010 NW ST HELENS RD	PORTLAND	OR	97210	CORPS OF ENGINEERS, CIVIL	RCRA 3010	2/5/1993
ANCHORAGE DEFENSE FUEL SUPPORT POINT	1217 ANCHORAGE PORT ROAD	ANCHORAGE	AK	99501	DEFENSE	RCRA 3016	2/5/1993
BATON ROUGE DEPOT	2695 N SHERWOOD FOREST DRIVE	BATON ROUGE	LA	70814	DEFENSE	RCRA 3016	2/5/1993
DEFENSE COMMUNICATION AGENCY	SOUTH COURTHOUSE ROAD	ARLINGTON	VA	22204	DEFENSE	CERCLA 103	2/5/1993
FAIRBANKS DEFENSE FUEL SUPPORT POINT	CANOL SERVICE RD	FORT WAINWRIGHT	AK	99703	DEFENSE	RCRA 3016	2/5/1993
HERLONG MUNITIONS	705 HALL STREET	SUSANVILLE	CA	96130	DEFENSE	RCRA 3016	2/5/1993
NSA (FANX I, II, III)	ELKRIDGE LANDING RD	LINTHICUM	MD	21090	DEFENSE	RCRA 3010	2/5/1993
WEST VIRGINIA AIR NATIONAL GUARD	YEAGER AIRPORT	CHARLESTON	WV	25311	DEFENSE	CERCLA 103	2/5/1993
BPA-CELILO CONVERTER STATION	3920 COLUMBIA VIEW DRIVE E	THE DALLES	OR	97058	ENERGY	RCRA 3010	2/5/1993
BPA-OREGON CITY SUBSTATION: OSTRANDER	16885 EADEN ROAD	OREGON CITY	OR	97045	ENERGY	CERCLA 103	2/5/1993
BPA-PORT ANGELES	1400 E PARK STREET	PORT ANGELES	WA	98362	ENERGY	CERCLA 103	2/5/1993
LABORATORY FOR ENERGY-HEALTH RESEARCH (LEHR)	OLD DAVIS ROAD	DAVIS	CA	95616	ENERGY	RCRA 3016	2/5/1993
NATIONAL INSTITUTE FOR PETROLEUM & ENERGY RESEARCH	220 N VIRGINIA AVE	BARTIESVILLE	OK	74003	ENERGY	RCRA 3010	2/5/1993
PRINCETON PLASMA PHYSICS LABORATORY	FORRESTAL CAMPUS	PRINCETON	NJ	08544	ENERGY	CERCLA 103	2/5/1993
SANDIA NATIONAL LABORATORIES-KAUAI TEST FACILITY	U.S. NAVY PACIFIC MISSILE RANGE	KEKAHA	HI	96796	ENERGY	RCRA 3016	2/5/1993
WASTE ISOLATION PILOT PLANT	30 MILES E OF CARLSBAD/JAL HWY	CARLSBAD	NM	88221	ENERGY	RCRA 3005	2/5/1993
WASHINGTON HEADQUARTERS	401 M ST NW	WASHINGTON	DC	20460	EPA	RCRA 3010	2/5/1993
GEOLOGICAL SURVEY	345 MIDDLEFIELD ROAD	SAN MATEO	CA	94025	GENERAL SERVICES ADMINISTRATION	CERCLA 103	2/5/1993
U.S. GOVERNMENT PRINTING OFFICE	732 N CAPITOL STREET, NW	WASHINGTON	DC	20401	GOVERNMENT PRINTING OFFICE	RCRA 3010	2/5/1993
FDA-LOS ANGELES	1521 W PICO BLVD	LOS ANGELES	CA	90015	HEALTH AND HUMAN SERVICES	RCRA 3010	2/5/1993
NIH-NIA GERONTOLOGY RESEARCH	4940 EASTERN AVE	BALTIMORE	MD	21224	HEALTH AND HUMAN SERVICES	RCRA 3010	2/5/1993
FEDERAL LAW ENFORCEMENT TRAINING CENTER	GA STATE RD 303	GLYNCO	GA	31524	HOMELAND SECURITY	RCRA 3005	2/5/1993
KANEHOE COAST GUARD OMEGA STATION	HAIKU VALLEY	KANEOHE	HI	96744	HOMELAND SECURITY	CERCLA 103	2/5/1993
DANVILLE HOUSING AUTHORITY	317 GRANT ST	DANVILLE	VA	24541	HOUSING AND URBAN DEVELOPMENT	RCRA 3010	2/5/1993
DANVILLE HOUSING AUTHORITY	631 CARDINAL PLACE	DANVILLE	VA	24541	HOUSING AND	RCRA 3010	2/5/1993

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
					URBAN DEVELOPMENT		
AMERICAN FORK CANYON/UINTA NATIONAL	AMERICAN FORK CANYON	PLEASANT GROVE	UT	84602	INTERIOR	CERCLA 103	2/5/1993
BLM SANDY VALLEY LANDFILL SITE	2 MILES NE	SANDY VALLEY	NV	89119	INTERIOR	CERCLA 103	2/5/1993
BLM-A&W SMELTER		ROSAMUND	CA		INTERIOR	CERCLA 103	2/5/1993
BLM-COACHELLA LANDFILL	END OF 44TH AVE, OFF DILLON	INDIO	CA	92201	INTERIOR	CERCLA 103	2/5/1993
BLM-HENDERSON LEAD CONTAMINATION SOIL SITE	T215 R63E SEC 26, 27, 34,35	HENDERSON	NV	89015	INTERIOR	CERCLA 103	2/5/1993
BLM-HOFF ROAD SITE	T2S R32E SECT 35 SW OF SW	BLACKFOOT	ID	83221	INTERIOR	RCRA 3010	2/5/1993
BLM-INDIAN CREEK DRUMS	I-90 & INDIAN CREEK ROAD	NEAR BUFFALO	WY	82834	INTERIOR	CERCLA 103	2/5/1993
BLM-NORTHWEST PIPELINE-BARREL SPRINGS	T16N R92W S18 SE\1/4\ NW\1/4\	CARBON	WY	82324	INTERIOR	RCRA 3010	2/5/1993
BLM-ORYX ENERGY COMPANY-FELLOWS	BAND GOVT LEASE KERN COUNTY	FELLOWS	CA	93224	INTERIOR	RCRA 3010	2/5/1993
BLM-ORYX ENERGY COMPANY-MCKITTRICK	CAL FEDERAL "A" LEASE KEM CO.	MCKITTRICK	CA	93251	INTERIOR	RCRA 3010	2/5/1993
BLM-PEORIA AUTO FLUFF SITE	3707 N. 7TH ST., P.O. BOX 16563-PHOENIX	PEORIA	AZ		INTERIOR	CERCLA 103	2/5/1993
BLM-RAINTREE PESTICIDE DUMP	S1 R10E T12N	GEORGETOWN	CA		INTERIOR	CERCLA 103	2/5/1993
BLM-SILVERADO MILL SITE	T18N R55E S19, 20 MI N OF EUREKA	EUREKA	NV	89316	INTERIOR	RCRA 3016	2/5/1993
BR-TAYLOR PARK RESERVOIR	T145 R93 W GUNNISON NF RD 742	GUNNISON	CO	81230	INTERIOR	CERCLA 103	2/5/1993
FWS-KENAI NWR: SKILAK GUARD STATION	SKILAK LAKE RD, MI 4.5, 60D31M00SN, 150D28M00SW	STERLING	AK	99672	INTERIOR	CERCLA 103	2/5/1993
GRANT-KOHRS RANCH	1/4 MILE NORTH OF DEER LODGE	DEER LODGE	MT	59722	INTERIOR	RCRA 3010	2/5/1993
IDAHO SPRINGS MERCURY	T35 R73W S36	IDAHO SPRINGS	CO	80452	INTERIOR	RCRA 3016	2/5/1993
KREJCI DUMP SITE	814 W HINES HILL RD	BOSTON HEIGHTS	OH	44264	INTERIOR	RCRA 3010	2/5/1993
LYONS STATION	45 MI. SO OF ENNIS ON HWY 287	ENNIS	MT	59749	INTERIOR	RCRA 3010	2/5/1993
STANFORD #1	NR AVE I & COUNTY HIGHWAY	YUMA	AZ	85365	INTERIOR	CERCLA 103	2/5/1993
STANFORD #2	W/2W/2SW/4 SECTION 31	YUMA	AZ	86322	INTERIOR	CERCLA 103	2/5/1993
TUCSON/HEBREW ACADEMY	NW 1/4 SECTION 26, T 37N, R 9W	PORT OF DEL BONITA	MT	59427	INTERIOR	CERCLA 103	2/5/1993
WEST FORK RANGER STATION	15 MILES SOUTH OF DARBY MT ON	WEST FORK RS	MT	59829	INTERIOR	RCRA 3010	2/5/1993
YUMA MESA IRIGIATION AND DRAINAGE DISTANCE	14329 S FOURTH AVENUE	YUMA	AZ	85365	INTERIOR	RCRA 3016	2/5/1993
ATLANTA PENITENTIARY	615 MCDONOUGH BLVD.	ATLANTA	GA	30315	JUSTICE	RCRA 3016	2/5/1993
LEXINGTON FEDERAL CORRECTIONAL INSTITUTION	3301 LEESTOWN RD	LEXINGTON	KY	40511	JUSTICE	RCRA 3005	2/5/1993
BAINBRIDGE NAVAL TRAINING CENTER	US HIGHWAY 222	BAINBRIDGE	MD	21904	NAVY	CERCLA 103	2/5/1993
BLOOMFIELD NAVAL WEAPONS INDUSTRIAL RESERVE PLANT	OLD WINDSOR AVENUE, P.O. BOX 2	BLOOMFIELD	CT	06002	NAVY	CERCLA 103	2/5/1993
CAPE PRINCE OF WALES STATION	0.3 MI S OF AIRSTRIP, 65D36M30SN, 168D03M50SW	WALES	AK	99783	NAVY	CERCLA 103	2/5/1993
INGLESIDE NAVAL AIR STATION	FM 1069 5 M S OF CITY	INGLESIDE	TX	78362	NAVY	RCRA 3010	2/5/1993
KAHOOLAWE ISLAND	20D32M30SN, 156D37M30SW	MAUI	HI	96732	NAVY	CERCLA 103	2/5/1993
KEY WEST NAVAL AIR STATION-DEMOLITION KEY	PUBLIC WORKS OFFICE, NAVAL AIR STATION	KEY WEST	FL	33040	NAVY	RCRA 3005	2/5/1993
NAVWPNSTA SEAL BEACH-POMONA ANNEX	1675 MISSION BLVD	POMONA	CA	91769	NAVY	CERCLA 103	2/5/1993
OAKLAND NAVAL SUPPLY CENTER, ALAMEDA ANNEX		ALAMEDA	CA	94501	NAVY	CERCLA 103	2/5/1993
PEARL HARBOR NAVAL COMPLEX		PEARL HARBOR	HI	96880	NAVY	CERCLA 103	2/5/1993
PORT HUENEME NAVAL CONSTRUCTION BATTALION CENTER	VENTURA ROAD AND CHANNEL ISLAND BOULEVARD	PORT HUENEME	CA	93043	NAVY	CERCLA 103	2/5/1993
CHICKAMAUGA HYDROPLANT	TN HWY 153	CHATTANOOGA	TN	37401	TENNESSEE VALLEY AUTHORITY	RCRA 3010	2/5/1993
FAA-CAPE YAKATAGA STATION	60D04M57SN, 142D29M30SW	CORDOVA	AK	99574	TRANSPORTATION	RCRA 3010	2/5/1993
FAA-SKWENTNA AIR NAVIGATION STATION	SKWENTNA AIRPORT	SKWENTNA	AK	99667	TRANSPORTATION	RCRA 3010	2/5/1993
FAA-SUMMIT AIR NAVIGATION STATION	CANTWELL PKS HWY 5 MI S	SUMMIT	AK	99729	TRANSPORTATION	RCRA 3016	2/5/1993
BINGHAMTON POST OFFICE	111 HENRY STREET	BINGHAMTON	NY	13902	USPS	RCRA 3010	2/5/1993
URBANDALE BULK MAIL CENTER	4000 NW 109TH STREET	URBANDALE	IA	50395	USPS	RCRA 3016	2/5/1993
FORT SNELLING NATIONAL CEMETERY, MINNEAPOLIS	7601 34TH AVENUE SOUTH	MINNEAPOLIS	MN	55450	VETERANS ADMINISTRATION	RCRA 3016	2/5/1993
MANCHESTER MEDICAL CENTER ASH DUMP	718 SMYTH ROAD	MANCHESTER	NH	03104	VETERANS ADMINISTRATION	CERCLA 103	2/5/1993
SALT LAKE CITY MEDICAL CENTER	500 FOOTHILL BOULEVARD	SALT LAKE CITY	UT	84148	VETERANS ADMINISTRATION	RCRA 3016	2/5/1993
MANTI-LASAL NF: BEARS EARS 11 REX GROUP		OLD LA SAL	UT	84530	AGRICULTURE	RCRA 3016	11/10/1993
MANTI-LASAL NF: BRUSHY BASIN 31 ALIAS	PRETTY	OLD LA SAL	UT	84530	AGRICULTURE	CERCLA 103	11/10/1993
MANTL-LASAL NF: FIREFLY-PYGMY MINE		OLD LA SAL	UT	84530	AGRICULTURE	RCRA 3016	11/10/1993
MANTL-LASAL NF: MT. LINNAEUS		OLD LA SAL	UT	84530	AGRICULTURE	RCRA 3016	11/10/1993

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
MANTL-LASAL NF: MT. LINNAEUS 91		OLD LA SAL	UT	84530	AGRICULTURE	RCRA 3016	11/10/1993
MANTL-LASAL NF: YELLO CIRCLE GROUP		OLD LA SAL	UT	84530	AGRICULTURE	RCRA 3016	11/10/1993
OCHOCO NF: CROOKED RIVER GRASSLANDS	T12S R14E S34	MADRAS	OR	99741	AGRICULTURE	RCRA 3010	11/10/1993
BARNES AIR NATIONAL GUARD BASE	BARNES MUNICIPAL AIRPORT	WESTFIELD	MA	01085	AIR FORCE	CERCLA 103	11/10/1993
DES MOINES AIR NATIONAL GUARD	3100 MCKINLEY AVE	DES MOINES	IA	50321	AIR FORCE	CERCLA 103	11/10/1993
KENO AIR FORCE STATION	HAYMAKER MT ROAD PEAK END OF ROAD	KENO	OR	97627	AIR FORCE	RCRA 3010	11/10/1993
LAMBERT ST. LOUIS INTERNATIONAL AIRPORT (ANG)	NATURAL BRIDGE & WOODSON RDS	ST LOUIS	MO	63134	AIR FORCE	CERCLA 103	11/10/1993
MISSOURI AIR NATIONAL GUARD	ROSECRANS MEMORIAL AIRPORT	ST JOSEPH	MO	64050	AIR FORCE	CERCLA 103	11/10/1993
NORTH RIVER WHITE ALICE COMMUNICATIONS	T18S R10W S36 KRM	UNALAKLEET	AK	99684	AIR FORCE	RCRA 3016	11/10/1993
SIOUX CITY AIR NATIONAL GUARD	6301 MACARTHUR AIR FORCE BASE	SERGEANT BLUFF	IA	51110	AIR FORCE	CERCLA 103	11/10/1993
WYOMING AIR NATIONAL GUARD	CHEYENNE MUNICIPAL AIRPORT	CHEYENNE	WY	82003	AIR FORCE	CERCLA 103	11/10/1993
BENNETT ARMY NATIONAL GUARD FACILITY	15 MILES SW OF BENNETT	BENNETT	CO	80102	ARMY	CERCLA 103	11/10/1993
CANNONSBURG FIELD			PA		ARMY	CERCLA 103	11/10/1993
FORT DARUSSY MILITARY RESERVE	KATTA ROAD AT INTERSECTION	HONOLULU	HI	96815	ARMY	RCRA 3010	11/10/1993
JACHMAN ARMY RESERVE CENTER	12100 GREENSPRING AVE	OWLINGS MILL	MD	21117	ARMY	RCRA 3010	11/10/1993
JERRY L PETTLE VETERANS HOSPITAL	11201 BENTON STREET	LOMA LINDA	CA	92357	ARMY	RCRA 3010	11/10/1993
KANSAS CITY NAT'L GUARD ARMORY AND PARKING LOT	100 SOUTH 20TH STREET	KANSAS CITY	KS	66012	ARMY	CERCLA 103	11/10/1993
SAGE COMPLEX	510 STEWART DR W	NORTH SYRACUSE	NY	13212	ARMY	RCRA 3010	11/10/1993
SPRINGFIELD PROVING GROUND	7500 BACKLICK ROAD	SPRINGFIELD	VA	22150	ARMY	RCRA 3005	11/10/1993
TRACY W. YOUNG U.S. ARMY RESERVE	805 WEST HARTFORD AVENUE	PONCA CITY	OK	74601	ARMY	RCRA 3010	11/10/1993
U.S. ARMY RESERVE MAINTENANCE FACILITY	ALBION ROAD	SMITHFIELD	RI	02917	ARMY	CERCLA 103	11/10/1993
JEFFERSONVILLE FEDERAL CENTER	1201 E 10TH STREET	JEFFERSONVILLE	IN	47130	COMMERCE	RCRA 3010	11/10/1993
OLD LANDFILL AREA/BIRCH HILL DAM	BIRCH HILL DAM	ROYALSTON	MA		CORPS OF ENGINEERS, CIVIL	CERCLA 103	11/10/1993
ROBERT C. BYRD LOCKS AND DAM	RT 2	APPLE GROVE	WV	25502	CORPS OF ENGINEERS, CIVIL	CERCLA 103	11/10/1993
W.G. HUXTABLE PUMPING PLANT	ON THE ST. FRANCIS RIVER-10 MILES E ON HWY. 121/HWY 79	MARIANNA	AR	72360	CORPS OF ENGINEERS, CIVIL	RCRA 3010	11/10/1993
MICHIGAN CITY EAST PIER HEAD LIGHT	WASHINGTON PARK SITE B PIER	MICHIGAN CITY	IN	46360	HOMELAND SECURITY	RCRA 3010	11/10/1993
MANCHESTER HOUSING AND DEVELOPMENT AUTHORITY	83 TRAHAN STREET	MANCHESTER	NH	03103	HOUSING AND URBAN DEVELOPMENT	RCRA 3010	11/10/1993
BLM-CLOVER HOLLOW ILLEGAL AIRSTRIP	T5S R7E SEC7 SESW 8 MI S OF CY	MOUNTAIN HOPE	ID	83847	INTERIOR	CERCLA 103	11/10/1993
BLM-LIBERTY DUMP	T3S R33E S19, 20, 21 & 30, 5 MI SW OF CITY	LIBERTY	ID	83221	INTERIOR	CERCLA 103	11/10/1993
BLM-MUD LAKE AIRPORT	T6N R34E SECT 18 NE OF NE	MUD LAKE	ID	83450	INTERIOR	RCRA 3010	11/10/1993
BLM-OLD SARATOGA LANDFILL	SEC 7, T17N, R83W	SARATOGA	WY	82331	INTERIOR	CERCLA 103	11/10/1993
BLM-PINE CREEK	T47,48&49N R2E, NEAR PINEHURST	PINEHURST	ID	83850	INTERIOR	CERCLA 103	11/10/1993
BLM-WIREGRASS RESERVOIR SITE	TIIS R36E SECT 13 NW OF NE	DOWNEY	ID	83234	INTERIOR	RCRA 3010	11/10/1993
FWS-KENAI NWR: SWAN LAKE MOOSE RESEARCH STATION	SWAN LAKE RD, 15 MI S OF SWANSON RIVER RD, 60D44M30SN,	SOLDOTNA	AK	99619	INTERIOR	CERCLA 103	11/10/1993
FWS-ST. CROIX WETLAND MANAGEMENT DISTRICT	1618 220TH AVE (RURAL AREA), ST. CROIX COUNTY	NEW RICHMOND	WI	54017	INTERIOR	RCRA 3010	11/10/1993
FWS-TRUSTOM POND NATIONAL WILDLIFE REFUGE	MATUNUCK ROAD	WAKEFIELD	RI	02879	INTERIOR	CERCLA 103	11/10/1993
GILA RIVER SITE #2	T3S R63 SEC 3	GILA RIVER INDIAN RESV	AZ	85247	INTERIOR	CERCLA 103	11/10/1993
GWMP TURKEY RUN PARK SITE	PARKWAY HEADQUARTERS BLDG., TURKEY RUN, GEO. WASHINGTON MEM. PARKWAY	MCLEAN	VA	22101	INTERIOR	CERCLA 103	11/10/1993
NPS-ANACOSTIA PARK SECTIONS E AND F	1900 ANACOSTIA DRIVE, SE	WASHINGTON	DC	20020	INTERIOR	CERCLA 103	11/10/1993
NPS-BIG CYPREEN NATIONAL PRESERVE	STAR ROUTE 11	OCHOPEE	FL	33943	INTERIOR	RCRA 3010	11/10/1993
NPS-CAPE HATTERAS NATIONAL SEASHORE	DARE COUNTY	RODANTHE	NC	27968	INTERIOR	CERCLA 103	11/10/1993
NPS-MINUTE MAN NATIONAL HISTORICAL PARK	P.O. BOX 160	CONCORD	MA	01742	INTERIOR	CERCLA 103	11/10/1993
NPS-MORRISTOWN NATIONAL HISTORICAL PARK	WASHINGTON PLACE	MORRISTOWN	NJ	07960	INTERIOR	CERCLA 103	11/10/1993

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NPS-ORPHAN MINE	P.O. BOX 129	GRAND CANYON	AZ	86023	INTERIOR	CERCLA 103	11/10/1993
NPS-SARATOGA NATIONAL HISTORICAL PARK	648 RT 32	STILLWATER	NY	12170	INTERIOR	CERCLA 103	11/10/1993
NPS-STATUE OF LIBERTY NATL MONUMENT: ELLIS ISLAND	LIBERTY ISLAND	NEW YORK	NY	10004	INTERIOR	RCRA 3010	11/10/1993
NPS-WASHINGTON GAS AND LIGHT SITE	1900 ANACOSTIA DRIVE, SE	WASHINGTON	DC	20020	INTERIOR	CERCLA 103	11/10/1993
NPS-WEIR FARM NATIONAL HISTORIC SITE	NOD HILL ROAD	WILTON	CT		INTERIOR	CERCLA 103	11/10/1993
LA CROSSE NAVAL RESERVE CENTER	2226 GREEN BAY ST	LA CROSSE	WI	54601	NAVY	RCRA 3010	11/10/1993
FAA-ANNETTE ISLAND	ANNETTE AIRPORT NAV AIDS	ANNETTE	AK	99928	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-BARROW AIR NAVIGATION STATION	BARROW AIRPORT AREA	BARROW	AK	99723	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-BETHEL STATION	TSN R72W S13 SEWARD MERIDIAN		AK	99559	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-BIG LAKE VORTAC SITE	61D33M00SN, 149D52M00SW	BIG LAKE	AK	99652	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-BIG LEVEL ISLAND AIR NAVIGATION STATION	56D27M00SN, 133D05M00SW, 75 MI SE OF PETERSBURG	PETERSBURG	AK	99833	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-COLD BAY STATION	COLD BAY AIRPORT	COLD BAY	AK	99571	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-CORDOVA STATION	COPPER RIVER HIGHWAY 10 M S OF CY	CORDOVA	AK	99574	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-DEADHORSE STATION	DEADHORSE AIRPORT NAV AIDS	DEADHORSE	AK	99734	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-DUNCAN CANAL, KUPREANOF ISLAND, INDIAN POINT	56D45M00SN, 133D51M00SW, 10 MI SW OF PETERSBURG	PETERSBURG	AK	99833	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-DUTCH HARBOR STATION	DUTCH HARBOR AIRPORT	DUTCH HARBOR	AK	99692	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-FAIRBANKS STATION	5640 AIRPORT WAY	FAIRBANKS	AK	99790	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-GULKANA STATION	GULKANA AIRPORT	GULKANA	AK	99586	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-GUSTAVUS	GUSTAVUS AIRPORT NAV AIDS		AK	99826	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-JUNEAU STATION	9341 GLACIER HIGHWAY NAV AIDS	JUNEAU	AK	99801	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-KING SOLOMAN STATION	AIRPORT S OF CY NAV AIDS		AK	99313	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-LAKE HOOD FACILITY	T13N R4W S34 NE	ANCHORAGE	AK	99518	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-NOME AIR NAVIGATION STATION	NOME MUNICIPAL AIRPORT, 64D30M47SN, 165D26M34SW	NOME	AK	99762	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-POINT WORONZOF RTR FACILITY	ANCHORAGE INTERNATIONAL AIRPORT AREA	ANCHORAGE	AK	99502	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-SAINT MARY'S AIR NAVIGATION STATION	YUKON DELTA NATIONAL WILDLIFE REFUGE	SAINT MARY'S	AK	99658	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-SAND POINT STATION	2 MI W OF SANDPOINT, 55D18M54SN, 160D31M03SW	SANDPOINT	AK	99661	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-SISTERS ISLAND	T43S R62E S3 & T42S R62E S34, CRM	JUNEAU	AK	99803	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-SITKA STATION	57D03M07SN, 135D21M45SW, JAPONSKI ISLAND AIRPORT	SITKA	AK	99835	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-STRAWBERRY POINT	POINT BENTINCK NAV AIDS, NE HINCHINBROOK ISL,	HINCHINBROOK ISLAND	AK	99574	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-TANANA AIR FIELD STATION	TANANA AIRPORT NAV AIDS	TANANA	AK	99777	TRANSPORTATION	CERCLA 103	11/10/1993
FAA-YAKUTAT AIR NAVIGATION STATION	YAKUTAT AIRPORT	YAKUTAT	AK	99689	TRANSPORTATION	CERCLA 103	11/10/1993
CAMPBELL POSTAL SERVICE	1587 DELL AVENUE	CAMPBELL	CA	95006	USPS	CERCLA 103	11/10/1993
BLACKWELL SANITARY LANDFILL/NICOLET NATIONAL FOREST	SECTION 11 T35N R15E	BLACKWELL	WI	54541	AGRICULTURE	CERCLA 103	6/11/1995
CARIBOU NF: PARIS WORK CENTER	94 EAST 100 SOUTH	PARIS	ID	83261	AGRICULTURE	RCRA 3010	6/11/1995
CLEVELAND NF: MT. LAGUNA LANDFILL	10845 RANCHO BERNARDO, SUITE 200	SAN DIEGO	CA		AGRICULTURE	CERCLA 103	6/11/1995
FS-NORTH CENTRAL FOREST EXPERIMENTS STATION	5985 COUNTY HIGHWAY K	RHINELANDER	WI	54501	AGRICULTURE	CERCLA 103	6/11/1995
HIAWATHA NF: BYERS LAKE RESORT	1.22 MI W & 1.22 MI N OF STUEBEN	W SECTION OF SCHOOLCRAFT CITY	MI	49829	AGRICULTURE	CERCLA 103	6/11/1995
HIAWATHA NF: GRAND ISLAND SITE	1 MI OFF LAKE SUPERIOR SHORE 3 MI NW OF	GRAND ISLAND	MI	49829	AGRICULTURE	CERCLA 103	6/11/1995
HIAWATHA NF: MORAN WORK CENTER & LANDFILL	10 MI NORTHWEST OF SAINT IGNACE	BREVOORT TOWNSHIP	MI	49829	AGRICULTURE	CERCLA 103	6/11/1995
HIAWATHA NF: NAHMA LANDFILL	3 MI NW OF NAHMA	NAHMA TOWNSHIP	MI	49829	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: ALVIN EAST LANDFILL	SE1/4 SW1/4 SEC 25 T41N R13 3	ALVIN	WI	54542	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: BINDER LAKE DUMP SITE	SECTION 29 T33 N R16E	LAKEWOOD	WI	54138	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: BUTTERNUT LAKE SITE	SECTION 33 T40N R12E	HILES TOWNSHIP	WI	54501	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: COUNTY TRUNK HIGHWAY "T" SITE	SECTION 3 T31N R15E	DOTY TOWNSHIP	WI	54149	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: FORMER CROOKED LAKE DUMP SITE	7 MI S OF LAKEWOOD 8 MI W OF STEPHENSON	RIVERVIEW	WI	54114	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: ISLAND LAKE SITE	SECTION 19 T32N R16E	LAKEWOOD	WI	54138	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: NEWALD LANDFILL	SW1/4 NW1/4 SEC 26 T38N R14E	ROSS	WI	54511	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: PHELPS SITE	SECTION 35 T42N R11E	PHELPS	WI	54554	AGRICULTURE	CERCLA 103	6/11/1995
NICOLET NF: ROBERTS LAKE	NORTHERN PART OF NICOLET	FREEDOM	WI	54566	AGRICULTURE	CERCLA 103	6/11/1995

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
DUMP SITE	NATIONAL FOREST	TOWNSHIP					
NICOLET NF: SILVER LAKE DUMP SITE	.5 MI SOUTHEAST OF SILVER LAKE	LAONA	WI	54541	AGRICULTURE	CERCLA 103	6/11/1995
OKANOGAN NF: TONASKET	T37N R27E S16 WM, OKANOGAN RIVER VALLEY	TONASKET	WA	98855	AGRICULTURE	CERCLA 103	6/11/1995
PLUMAS NF: PONDEROSA RESERVOIR	159 LAWRENCE STREET, BOX 11500	QUNICY	CA	95971	AGRICULTURE	CERCLA 103	6/11/1995
RUSSELL RESEARCH CENTER	950 COLLEGE STATION ROAD	ATHENS	GA	30613	AGRICULTURE	RCRA 3016	6/11/1995
SHAVER LAKE LANDFILL	DINKEY CREEK ROAD	SHAVER LAKE	CA	93664	AGRICULTURE	CERCLA 103	6/11/1995
SISKON MINE	T14N, R5E, SECS. 20-29	SOMES BAR	CA	95568	AGRICULTURE	CERCLA 103	6/11/1995
SIX RIVER NF: MAD RIVER LANDFILL	1330 BAYSHORE WAY	EUREKA	CA		AGRICULTURE	CERCLA 103	6/11/1995
TARGHEE NF: SNAKE RIVER WORK CENTER	HWY 26 5 MI W OF CY	SWAN VALLEY	ID	83449	AGRICULTURE	RCRA 3010	6/11/1995
WAPPAPELLO TRAINING SITE	HIGHWAY T, COUNTY ROAD 517, BUTLER COUNTY	WAYNE CITY	MO	63966	AGRICULTURE	RCRA 3016	6/11/1995
CANYON CREEK RADIO RELAY STATION	T7S R7E S27 FM	BIG DELTA	AK	99737	AIR FORCE	RCRA 3010	6/11/1995
FORBES FIELD AIR NATIONAL GUARD	5920 E ST	TOPEKA	KS	66619	AIR FORCE	CERCLA 103	6/11/1995
KIPAPA FUEL STORAGE ANNEX	OFF ROUTE 99 (KAMEHAMEHA HWY)	HONOLULU	HI	96789	AIR FORCE	CERCLA 103	6/11/1995
NEW CASTLE AIR NATIONAL GUARD 1664 TAG FAC	12 PENNSWAY, GREATER WILMINGTON AIRPORT	NEW CASTLE	DE		AIR FORCE	CERCLA 103	6/11/1995
O'HARE AIR RESERVE FACILITIES	BUILDING 10, MANNHEIM RD	CHICAGO	IL	60666	AIR FORCE	CERCLA 103	6/11/1995
PILLAR MOUNTAIN WHITE ALICE COMMUNICATIONS SITE	T27S R20W S36 SM	KODIAK	AK	99615	AIR FORCE	CERCLA 103	6/11/1995
SHRIEVER AFS TRANSFORMER STORAGE AREA	500 NAVSTAR ST	COLORADO SPRINGS	CO	80912	AIR FORCE	CERCLA 103	6/11/1995
SPOKANE AIR NATIONAL GUARD STATION, CBCS	W 8700 ELECTRIC AVE, SPOKANE INTL AIRPORT	SPOKANE	WA	99204	AIR FORCE	RCRA 3016	6/11/1995
TOLEDO AIR NATIONAL GUARD	2660 SOUTH EBER ROAD	SWANTON	OH	43558	AIR FORCE	RCRA 3016	6/11/1995
WAIKAKALAUA FUEL STORAGE ANNEX	OFF RT 99, KAMEHAMEHA HIGHWAY	HONOLULU	HI	96854	AIR FORCE	CERCLA 103	6/11/1995
WAKE ISLAND AIRFIELD	DET 1 15 LG/CC	WAKE ISLAND APO AP	TT	96518	AIR FORCE	RCRA 3010	6/11/1995
AUBURN TRAINING SITE ORGANIZATIONAL MAINT. SHOP #2	STEVENS MILL ROAD	AUBURN	ME	04210	ARMY	RCRA 3016	6/11/1995
BELL ORGANIZATIONAL MAINTENANCE SHOP #6	5300 BANDINI AVENUE	BELL	CA	90201	ARMY	RCRA 3016	6/11/1995
BLAIR HANGAR ARMY AIR SUPPORT FACILITY	ALEX HAMILTON AIRPORT	ST. CROIX	VI	00850	ARMY	RCRA 3016	6/11/1995
BOSTON DEFENSE SUPPORT ACTIVITY-BARNES BUILDING	495 SUMMER ST	BOSTON	MA	02210	ARMY	CERCLA 103	6/11/1995
CAMP ASHLAND	CAMP ASHLAND	ASHLAND	NE	68003	ARMY	RCRA 3016	6/11/1995
CAMP CLARK TRAINING SITE/UTES	4 MILES SO HWY 71, PO BOX 265	NEVADA	MO	64772	ARMY	RCRA 3016	6/11/1995
CAMP SWIFT (UTES #3)	RT 2, BOX 151X FM 973	BASTROP	TX	76802	ARMY	RCRA 3016	6/11/1995
CASWELL TRAINING SITE	5 MILES	CARIBOU	ME	04750	ARMY	RCRA 3016	6/11/1995
CHESTER ARMY RESERVE CENTER	ROUTE 11	CHESTER	VT		ARMY	CERCLA 103	6/11/1995
DOUGLAS RANGE	1401 EIGHTH ST	DOUGLAS	AZ	85607	ARMY	RCRA 3016	6/11/1995
ELWOOD 86TH RESERVE COMMAND	HOFF RD, BLDG 705	ELWOOD	IL	60421	ARMY	RCRA 3010	6/11/1995
FLORENCE MILITARY RESERVATION	1001 NORTH FLORENCE BLVD	FLORENCE	AZ	85232	ARMY	RCRA 3016	6/11/1995
FLOYD ANNEX SITE	KOENING ROAD	FLOYD	NY	13440	ARMY	CERCLA 103	6/11/1995
FORT CUSTER TRAINING CENTER	2501 26TH ST	AUGUSTA	MI	49012	ARMY	RCRA 3016	6/11/1995
FORT DOUGLAS (FORT CARSON SUBINSTALLATION)	AFZC-D-DEH	SALT LAKE CITY	UT	84113	ARMY	CERCLA 103	6/11/1995
FORT RITCHIE	603 LAKESIDE DR	FORT RITCHIE	MD	21719	ARMY	RCRA 3016	12/12/1991
FORT WILLIAM HENRY HARRISON	WILLIAMS STREET	HELENA	MT	59604	ARMY	RCRA 3016	6/11/1995
FRESNO (SHIELDS) ORGANIZATIONAL MAINTENANCE SHOP	5575 EAST SHIELDS AVENUE	FRESNO	CA	93727	ARMY	RCRA 3016	6/11/1995
GALVESTON FEDERAL ARMORY	5301 AVENUE SOUTH	GALVESTON	TX	77550	ARMY	RCRA 3016	6/11/1995
GATESVILLE (MATES)	N FORT HOOD SH 36 & 28TH ST	GATESVILLE	TX	76528	ARMY	RCRA 3016	6/11/1995
GRENIER FIELD ARMY RESERVE CENTER	GALAXY DRIVE	MANCHESTER	NH		ARMY	CERCLA 103	6/11/1995
HOUSTON ORGANIZATIONAL MAINTENANCE SHOP #36	15150 WESTHEIMER PKY	HOUSTON	TX	77082	ARMY	RCRA 3016	6/11/1995
JOLIET TRAINING AREA	JOLIET TNG AREA C/O DMAIL	JOLIET	IL		ARMY	RCRA 3016	6/11/1995
KEENE ARMY RESERVE CENTER	682 MAIN STREET	KEENE	NH		ARMY	CERCLA 103	6/11/1995
KENT NATIONAL GUARD BUREAU	24410 MILITARY ROAD	KENT	WA	98032	ARMY	CERCLA 103	6/11/1995
LEXINGTON ARMED FORCES RESERVE CENTER	151 VOTECH DRIVE	LEXINGTON	KY	40510	ARMY	RCRA 3010	6/11/1995
MIDDLETOWN ARMY RESERVE CENTER	MILE LANE	MIDDLETOWN	CT		ARMY	CERCLA 103	6/11/1995
MILFORD ARMY RESERVE CENTER	26 SEAMANS LANE	MILFORD	CT		ARMY	CERCLA 103	6/11/1995

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NEW CASTLE TRAINING SITE-RIFLE RANGE	12 PENNSWAY GREATER WILMINGTON AIRPORT	NEW CASTLE	DE	19720	ARMY	RCRA 3016	6/11/1995
NEWPORT	800 E. NEWPORT	NEWPORT	MI	48166	ARMY	RCRA 3016	6/11/1995
NORTH KINGSTOWN ARMY AIR SUPPORT FACILITY	QUONSET STATE AIRPORT	NORTH KINGSTOWN	RI	02852	ARMY	RCRA 3016	6/11/1995
POINT PLEASANT ORGANIZATIONAL MAINTENANCE SHOP #6	RTE 62, N 6 MI (OLD ORD WKS)	POINT PLEASANT	WV	25550	ARMY	RCRA 3016	6/11/1995
REDMOND NATIONAL GUARD BUREAU	17230 NE 95TH STREET	REDMOND	WA	98052	ARMY	CERCLA 103	6/11/1995
REHOBOTH NIKE BATTERY MISSILE CONTROL AREA 19	FIRE TOWER RD, GREAT MEADOW HILL	REHOBOTH	MA	02769	ARMY	RCRA 3016	6/11/1995
SAFFORD RANGE	4001 FIRST AVE	SAFFORD	AZ	85546	ARMY	RCRA 3016	6/11/1995
SAGINAW (CSMS #1)	855 E. INDUSTRIAL	SAGINAW	TX	76131	ARMY	RCRA 3016	6/11/1995
SANDSTON ARMY AIR SUPPORT FACILITY	700 PORTUGEE RD	SANDSTON	VA	23150	ARMY	RCRA 3016	6/11/1995
SANDSTON ORGANIZATIONAL MAINT. SHOPS #1 & #2	6041 BEULAH RD	SANDSTON	VA	23150	ARMY	RCRA 3016	6/11/1995
T.S. ETHAN ALLEN AIR FORCE BASE, RS	BLDG. #5, CAMP JOHNSON	COLCHESTER	VT	05446	ARMY	RCRA 3016	6/11/1995
TARHEEL ARMY MISSILE PLANT	204 GRAHAM-HOPEDALE ROAD	BURLINGTON	NC	27215	ARMY	CERCLA 103	6/11/1995
TRUMAN RESERVOIR T.S	P.O. BOX 1247	SEDALIA	MO	65302	ARMY	RCRA 3016	6/11/1995
TS RACINE COUNTY LINE RANGE	6 MI NORTHWEST RACINE	RACINE	WI	53403	ARMY	RCRA 3016	6/11/1995
VANCOUVER NATIONAL GUARD BARRACKS	HQ. VANCOUVER BARRACKS B-638	VANCOUVER	WA	98661	ARMY	RCRA 3010	6/11/1995
WARWICK ORGANIZATIONAL MAINTENANCE SHOP #3	AIRPORT ROAD	WARWICK	RI	02886	ARMY	RCRA 3016	6/11/1995
WATERCRAFT SUPPORT NATIONAL GUARD MAINTENANCE CTR	321 E. ALEXANDER	TACOMA	WA	98421	ARMY	RCRA 3016	6/11/1995
WAVERLY WETS	2 MILES SOUTH	WAVERLY	IA	50677	ARMY	RCRA 3016	6/11/1995
NOAA-MANCHESTER FIELD STATION	7305 BEACH DRIVE EAST	PORT ORCHARD	WA	98366	COMMERCE	CERCLA 103	6/11/1995
ARKADELPHIA SITE-DEGRAY LAKE	30 IP CIRCLE	ARKADELPHIA	AR	71923	CORPS OF ENGINEERS, CIVIL	RCRA 3010	6/11/1995
FORMER AIR FORCE PLANT 39	7400 S CICERO AVE	CHICAGO	IL	60629	CORPS OF ENGINEERS, CIVIL	RCRA 3010	6/11/1995
GARRISON DAM & LAKE SAKAKAWEA	T146N R84W SEC 6	RIVERDALE	ND	58545	CORPS OF ENGINEERS, CIVIL	CERCLA 103	6/11/1995
HASTINGS TRAINING SITE	R.R. 2, P.O. BOX 178	HASTINGS	NE	68901	CORPS OF ENGINEERS, CIVIL	RCRA 3016	6/11/1995
NORTH RIVERSIDE ARMY MAINTENANCE CENTER	8660 WEST CERMAK RD	NORTH RIVERSIDE	IL	60546	CORPS OF ENGINEERS, CIVIL	RCRA 3016	6/11/1995
GREENSPRING-LAUNCH	RIDGE RD	GREENSPRING	MD	21117	DEFENSE	CERCLA 103	6/11/1995
FORT MORGAN SUBSTATION	INTERSECTION OF I-76 & CO HWY 52	FT MORGAN	CO	80701	ENERGY	CERCLA 103	6/11/1995
ROCK SPRINGS OIL SHALE RETORT PROJECT	392 PURPLE SAGE ROAD	ROCK SPRINGS	WY	82901	ENERGY	CERCLA 103	6/11/1995
TEXACO SECTION 8 CENTRAL SOLID WASTE SITE	T32S/R24E MBD&M	TAFT	CA	93268	ENERGY	CERCLA 103	6/11/1995
TEXACO SECTION 8 GAS PLANT	T32S/R24E MDB&M	TAFT	CA	93268	ENERGY	CERCLA 103	6/11/1995
PARR WAREHOUSES	GSA BLDG B	SPRINGFIELD	VA	22150	GENERAL SERVICES ADMINISTRATION	RCRA 3010	6/11/1995
ST. LOUIS FEDERAL COURTHOUSE SITE	111 S 11TH ST	ST. LOUIS	MO	63102	GENERAL SERVICES ADMINISTRATION	RCRA 3010	6/11/1995
WATER & POWER RESOURCES	DENVER FEDERAL CENTER, BLDG 56	DENVER	CO	80225	GENERAL SERVICES ADMINISTRATION	CERCLA 103	6/11/1995
ST. JOSEPH NORTH PIER HEAD LIGHT	18535 LITE LIST	ST. JOSEPH	MI	49417	HOMELAND SECURITY	RCRA 3010	6/11/1995
YUMA BORDER PATROL SECTOR	350 FIRST ST	YUMA	AZ	85364	HOMELAND SECURITY	RCRA 3010	6/11/1995
AMERICAN ANTIMONY CORPORATION	T 26N R. 34E SECTION 28	LOVELOCK	NV	89419	INTERIOR	CERCLA 103	6/11/1995
BIA-RED LAKE	RED LAKE AGENCY	RED LAKE	MN	56671	INTERIOR	RCRA 3010	6/11/1995
BLM-FEATHER RIVER AIRSTRIP	T7S R37W S34&35 & T8S R37W S2&3	NOME	AK	99762	INTERIOR	CERCLA 103	6/11/1995
BLM-NIPTON UNAUTHORIZED LANDFILL	1 MI NW OF NIPTON	NIPTON	CA	92624	INTERIOR	CERCLA 103	6/11/1995
BLM-O'BRIAN CREEK DUMP	T7S R32E S9 NW\1/ 4\, 50 MI S OF CITY	EAGLE	AK	99738	INTERIOR	CERCLA 103	6/11/1995
BLM-SAN BERNARDINO COUNTY LANDFILL-APPLE VALLEY	SEC 29, T.5N, R.2W	APPLE VALLEY	CA	92307	INTERIOR	CERCLA 103	6/11/1995
BLM-WALKER FORK DUMP	T26N R22E S4 N\1/ 2\ N\1/2\, 49 MI N OF CITY	CHICKEN	AK	99732	INTERIOR	CERCLA 103	6/11/1995
FWS-ALASKA MARITIME NWR: CAPE THOMPSON	MILVIKSAAQAQ DR	POINT HOPE	AK	99766	INTERIOR	CERCLA 103	6/11/1995
KAISER EAGLE MOUNTAIN	N OF HWY 10 8M OFF KAISER RD	DESERT CENTER	CA	92239	INTERIOR	CERCLA 103	6/11/1995
NPS-DENALI NATIONAL PARK: BANJO MINE	LAT 63 33 10N, LONG 150 51 47W	DENALI NATIONAL PARK	AK	99755	INTERIOR	CERCLA 103	6/11/1995
NPS-DENALI NATIONAL PARK: RED TOP MINE	DENALI NATIONAL PARK	DENALI PARK	AK	99755	INTERIOR	CERCLA 103	6/11/1995
NPS-DENALI NP&P: STAMPEDE	63D43M05SN, 150D24M00SW	DENALI NATIONAL	AK	99755	INTERIOR	CERCLA 103	6/11/1995

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
CREEK MINE		PARK & PRESERV					
NPS-GRAND TETON NAT. PARK: BEAVER CREEK BONEYARD	GRAND TETON NATIONAL PARK	MOOSE	WY	83012	INTERIOR	CERCLA 103	6/11/1995
NPS-KATMAI NP&P: NAKNEK RECREATION SITE #2	T17S R44W S25 & T18S R44W S4	KING SALMON	AK	99613	INTERIOR	CERCLA 103	6/11/1995
NPS-LAKE MEAD NAT. REC. AREA: BOULDER BEACH LANDFL	LAKE MEAD NATIONAL RECREATION AREA	BOULDER CITY	NV		INTERIOR	CERCLA 103	6/11/1995
NPS-MORNING STAR MINE	15M NE OF CIMA	CIMA	CA	92323	INTERIOR	CERCLA 103	6/11/1995
NPS-WRANGELL ST. ELIAS NP&P: NABESNA MINE	T7N R13E S21	GLENNALLEN	AK	99588	INTERIOR	CERCLA 103	6/11/1995
RCA ANTENNA FARM	451 MESA RD	BOLINAS	CA	94924	INTERIOR	CERCLA 103	6/11/1995
BP-LITTLETON FEDERAL CORRECTION INSTITUTE	9595 WEST QUINCY AVENUE	LITTLETON	CO	80123	JUSTICE	CERCLA 103	6/11/1995
COMSPAWARSYSCOM SAN DIEGO	4301 PACIFIC HWY	SAN DIEGO	CA	92110	NAVY	RCRA 3010	6/11/1995
LIBERTYVILLE TRAINING SITE	HALF DAY RD AND MILWAUKEE AVE	VERNON HILLS	IL	60061	NAVY	RCRA 3010	6/11/1995
NAVAL POSTGRADUATE SCHOOL-ANNEX	1 GRACE HOPPER AVE	MONTEREY	CA	93943	NAVY	RCRA 3010	6/11/1995
POINT MCINTYRE DEWLINE SITE	15 MI NW OF CITY	DEADHORSE	AK	99734	NAVY	CERCLA 103	6/11/1995
SALTON SEA TEST BASE	HYW 86	SALTON CITY	CA	92275	NAVY	CERCLA 103	6/11/1995
SAN JUAN NAS HANGER 21	PORT OF SAN JUAN HARBOR	SAN JUAN	PR	00906	NAVY	RCRA 3016	6/11/1995
SAN NICOLAS ISLAND OUTLYING LANDING FIELD		SAN NICOLAS ISLAND	CA	93042	NAVY	RCRA 3010	6/11/1995
SANTA CRUZ NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT	16020 EMPIRE GRADE RD	SANTA CRUZ	CA	95060	NAVY	CERCLA 103	6/11/1995
FAA-PETERSBURG FACILITY	UNMANNED SITE MITKOF ISLAND	PETERSBURG	AK	99833	TRANSPORTATION	CERCLA 103	6/11/1995
FAA-SHUYAK STATION	SHUYAK ISLAND 60M N OF KODIAK	KODIAK	AK	99615	TRANSPORTATION	CERCLA 103	6/11/1995
FAA-SLANA FACILITY	SLANA ARPRT COPPER RV LOWLAND	SLANA	AK	99586	TRANSPORTATION	CERCLA 103	6/11/1995
IRS-OGDEN	183 WEST 30TH STREET	OGDEN	UT	84401	TREASURY	RCRA 3010	6/11/1995
IRS-WASHINGTON	1111 CONSTITUTION AVE, NW	WASHINGTON	DC	20032	TREASURY	CERCLA 103	6/11/1995
AURORA POST OFFICE SITE	N BROADWAY (RT. 25) AND INDIANA CIRCLE	AURORA	IL	60505	USPS	CERCLA 103	6/11/1995
CITY OF INDUSTRY POSTAL SERVICE	15421 E. GALE AVE	CITY OF INDUSTRY	CA	91745	USPS	CERCLA 103	6/11/1995
DAYTON MEDICAL CENTER	4100 WEST 3RD STREET, BUILDING 330	DAYTON	OH	45428	VETERANS ADMINISTRATION	CERCLA 103	6/11/1995
HOUSTON MEDICAL CENTER	2002 HOLCOMBE BOULEVARD	HOUSTON	TX	77030	VETERANS ADMINISTRATION	CERCLA 103	6/11/1995
BESSEY NURSERY-USDA/FOREST SERVICE	SPUR 86B	HALSEY	NE	69142	AGRICULTURE	RCRA 3016	6/27/1997
BOISE NF: MONARCH MINE STAMP MILL	T5N R11E S3 BOISE MERIDIAN	ATLANTA	ID	83601	AGRICULTURE	CERCLA 103	6/27/1997
BOISE NF: RIVERSIDE CAMPSITE	T6N R11E S34 BOISE MERIDIAN	ATLANTA	ID	83601	AGRICULTURE	CERCLA 103	6/27/1997
BOISE NF: URANIUM MILL TAILINGS SITE	CLEAR CREEK RD, #582 AT MP 20 N OF CITY	LOWMAN	ID	83637	AGRICULTURE	CERCLA 103	6/27/1997
CHUGACH NF: GRANTIE MINE	T10N R7E S9, SM, NR PORT WELLS BAY, 20 MI N OF	WHITTIER	AK	99693	AGRICULTURE	CERCLA 103	6/27/1997
FREMONT NF: SILVER LAKE R.D. PENTA SITE	HWY 31, 55 MI NW OF PAISLEY	SILVER LAKE	OR	97638	AGRICULTURE	CERCLA 103	6/27/1997
FS-DRINKWATER GULCH MINE	T31N R12W S6 SE1/4 OD	HAYFORK	CA	96041	AGRICULTURE	CERCLA 103	6/27/1997
FS-GOLDEN JUBILEE MINE	T37N R8W S4 NE1/4	TRINITY CENTER	CA	96091	AGRICULTURE	CERCLA 103	6/27/1997
FS-HOBUCK GUARD STATION	1 MI W OF BONDURANT ON HWY 189	BONDURANT	WY	82922	AGRICULTURE	RCRA 3010	6/27/1997
FS-LAKE KOOCANUSA BRIDGE	14 MI SW OF EUREKA	EUREKA	MT	59917	AGRICULTURE	RCRA 3010	6/27/1997
FS-LAZY C H RANCH	STAR RT 1, 15 MI SW OF CITY	MONTPELIER	ID	83254	AGRICULTURE	RCRA 3010	6/27/1997
FS-LUCERNE VALLEY	10 MI E OF MANILA	MANILA	UT	84046	AGRICULTURE	RCRA 3010	6/27/1997
FS-STOCKMORE RANGER STATION	JUNCTION OF RD 35 & RD 44	HANNA	UT	84031	AGRICULTURE	RCRA 3010	6/27/1997
HIAWATHA NF: BAY MILLS LANDFILL	3 MI NW OF BRIMLEY	SUPERIOR TOWNSHIP	MI	49829	AGRICULTURE	CERCLA 103	6/27/1997
IDAHO PANHANDLE NF: BIG CREEK BRIDGE	FS RD 2354, 8 MI SE OF CITY	KELLOGG	ID	83837	AGRICULTURE	RCRA 3010	6/27/1997
IDAHO PANHANDLE NF: HUDLOW CAMP DUMP	FS RD 392, 30 MI NNE OF CITY	COEUR D'ALENE	ID	83814	AGRICULTURE	RCRA 3016	6/27/1997
IDAHO PANHANDLE NF: PRIEST LAKE RS DUMP	SR 57, 4 MI S OF CITY	NORDMAN	ID	83848	AGRICULTURE	CERCLA 103	6/27/1997
IDAHO PANHANDLE NF: SHOSHONE WORK CENTER DUMP	FS RD 208, 25 MI N OF CITY	KINGSTON	ID	83839	AGRICULTURE	CERCLA 103	6/27/1997
MT. HEBRON WORK CENTER	T46N R7E S32	MACDOEL	CA	96058	AGRICULTURE	CERCLA 103	6/27/1997
MT. HOOD NF: BORROW PIT	3 MI SE OF CITY, T1N R6E S31	BRIDAL VEIL	OR	97010	AGRICULTURE	CERCLA 103	6/27/1997
MT. HOOD NF: SITE B	T1N R6E S7, FS RD 1509, 3 MI SE OF CITY	BRIDAL VEIL	OR	97010	AGRICULTURE	CERCLA 103	6/27/1997
NICOLET NF: PAYA LAKE DUMP	T32N R16E S10	RIVERVIEW TOWNSHIP	WI	54138	AGRICULTURE	CERCLA 103	6/27/1997
NICOLET NF: PINE LAKE	T37N R12E S16 NE1/4 SW1/4	HILES	WI	54511	AGRICULTURE	CERCLA 103	6/27/1997
NICOLET NF: TIPLER DUMP	0.51 MI E ON SHANNON RD & HWY 139	TIPLER TOWNSHIP	WI	54542	AGRICULTURE	CERCLA 103	6/27/1997
SAWTOOTH NF: BASSETT GULCH MILL SITE	T4N R17E S20 NE1/4 SE1/4	KETCHUM	ID	83340	AGRICULTURE	CERCLA 103	6/27/1997
SAWTOOTH NF: BLACK PINE HISTORIC MINE TAILINGS	65 MI SE OF CITY/15 MI W OF I84 EXIT 263	BURLEY	ID	83318	AGRICULTURE	CERCLA 103	6/27/1997

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
SIERRA NF: BIG CREEK PESTICIDE BUILDING	T8S R25E S28 SW1 4	BIG CREEK	CA	93605	AGRICULTURE	CERCLA 103	6/27/1997
TONGASS NF: BOKAN MOUNTAIN MINE AKA ROSS ADAMS MINE	PRINCE OF WALES IS, 33 MI SE OF CY	HYDABURG	AK	99922	AGRICULTURE	CERCLA 103	6/27/1997
TONGASS NF: DUNCAN CANAL FORMER WACS SITE	APPROXIMATELY 9 MI WSW OF CITY	PETERSBURG	AK	99833	AGRICULTURE	CERCLA 103	6/27/1997
TONGASS NF: GOLD STANDARD MINE	W SIDE HELM BAY, 10 MI SE OF MEYERS CHUCK ON	MEYERS CHUCK	AK	99903	AGRICULTURE	CERCLA 103	6/27/1997
TONGASS NF: SALT CHUCK MINE	PRINCE OF WALES ISLAND, 12 MI FROM CITY	THORNE BAY	AK	99919	AGRICULTURE	CERCLA 103	6/27/1997
WENATCHEE NF: CHINOOK PASS WORK CENTER	T16N R15E S7 SE1/4 NW1/4	NACHES	WA	98937	AGRICULTURE	CERCLA 103	6/27/1997
WENATCHEE NF: VEHICLE WASH SUMP	600 SHERBOURNE ST	LEAVENWORTH	WA	98826	AGRICULTURE	CERCLA 103	6/27/1997
WENATCHEE NF: WHITE PASS WORK CENTER	T14N R14E S28 NE1/4 NE1/4	NACHES	WA	98937	AGRICULTURE	CERCLA 103	6/27/1997
WILLAMETTE NF: SWEET HOME WORK CENTER	4431 HWY 20	SWEET HOME	OR	97386	AGRICULTURE	CERCLA 103	6/27/1997
151ST REFUELING UNIT, UTAH AIR NATIONAL GUARD	151 ARG/EM, BLDG 1624	SALT LAKE CITY	UT	84116	AIR FORCE	CERCLA 103	6/27/1997
PAINE FIELD AIR NATIONAL GUARD STATION	2701 112TH ST SW	EVERETT	WA	98204	AIR FORCE	CERCLA 103	6/27/1997
SEATTLE AIR NATIONAL GUARD STATION	6736 ELLIS AVE S, KING CNTY INT'L AIRPRT	SEATTLE	WA	98108	AIR FORCE	CERCLA 103	6/27/1997
SMOKEY HILL WEAPONS RANGE	8429 W FARRELLY RD	SALINA	KS	67401	AIR FORCE	RCRA 3010	6/27/1997
STATE COLLEGE AIR NATIONAL GUARD	131 W NITTANY AVE	STATE COLLEGE	PA		AIR FORCE	CERCLA 103	6/27/1997
BARSTOW NATIONAL TRAINING CENTER	T9N R1E S16 SW1/4	BARSTOW DAGGET AIRPORT	CA	92329	ARMY	RCRA 3010	6/27/1997
CAMP CROWDER TRAINING SITE	762 LINN ST	NEOSHO	MO	64850	ARMY	RCRA 3016	6/27/1997
CORTEZ ORGANIZATIONAL MAINTENANCE SHOP	PO BOX E	CORTEZ	CO	81321	ARMY	RCRA 3016	6/27/1997
FORT GREELY	T11S R10E S2 FM	FORT GREELY	AK	99737	ARMY	RCRA 3005	6/27/1997
GREEN RIVER LAUNCH COMPLEX	1.2 MI SE OF GREEN RIVER	GREEN RIVER	UT	84525	ARMY	CERCLA 103	6/27/1997
MEAD TRAINING SITE	RR 1, PO BOX 1048	MEAD	NE	68041	ARMY	RCRA 3016	6/27/1997
ROCHESTER COMBINED SUPPORT SHOP & US FISCAL OFFICE	1500 HENRIETTA RD	ROCHESTER	NY	14623	ARMY	CERCLA 103	6/27/1997
YOUNGSTOWN WEEKEND TRAINING SITE	BALMER RD	YOUNGSTOWN	NY	14174	ARMY	CERCLA 103	6/27/1997
CHIEF JOSEPH DAM PROJECT	HWY 17 & HWY 173	BRIDGEPORT	WA	98813	CORPS OF ENGINEERS, CIVIL	CERCLA 103	6/27/1997
ELK CREEK DAM PROJECT	ELK CREEK RD, 4.8 MI NE OF, TRAIL	TRAIL	OR	97541	CORPS OF ENGINEERS, CIVIL	CERCLA 103	6/27/1997
WALLA WALLA DISTRICT HEADQUARTERS	CHERRY ST & SUMAC ST, 3RD AVE & 4TH AVE	WALLA WALLA	WA	99362	CORPS OF ENGINEERS, CIVIL	CERCLA 103	6/27/1997
CG-CROOKED RIVER LIGHT	RT 98	CARRABELLE	FL	33131	HOMELAND SECURITY	RCRA 3010	6/27/1997
CG-EDNA BAY ENTRANCE LIGHT	EDNA BAY, 32 MI NW OF CITY	CRAIG	AK	99921	HOMELAND SECURITY	RCRA 3010	6/27/1997
CG-KURE ATOLL	300 ALA MOANA BLVD, STE 8122	HONOLULU	HI	96850	HOMELAND SECURITY	CERCLA 103	6/27/1997
BIA-BLACKFEET INDIAN RESERVATION	200 FT NE OF BIA OFFICE	BROWNING	MT	59417	INTERIOR	RCRA 3010	6/27/1997
BIA-NORTHERN CHEYENNE RESERVATION	STORAGE NEAR BIA OFFICE	LAME DEER	MT	59043	INTERIOR	RCRA 3010	6/27/1997
BLM-CHANDALAR DUMP	T16S R11E S9 UM, 155 MI SE OF BARROW	BARROW	AK	99723	INTERIOR	CERCLA 103	6/27/1997
BLM-COURIER GULCH	0.3 MI N OF CITY, T4N R18E S25 NE\1/4\ SW\1/4\	TRIUMPH	ID	83333	INTERIOR	RCRA 3010	6/27/1997
BLM-CREAM CAN JUNCTION PESTICIDE	T5S R26E S35 SW\1/4\ SW\1/4\ BM	MINIDOKA	ID	83343	INTERIOR	RCRA 3010	6/27/1997
BLM-DOBSON PASS	T48N R4E S1 LOT 9	WALLACE	ID	83873	INTERIOR	RCRA 3010	6/27/1997
BLM-MIDDLE CREEK BATTERY DUMP SITE	T27S R11W S13	NORTH BEND	OR	97459	INTERIOR	CERCLA 103	6/27/1997
BLM-MONITE DYNAMITE SITE	T20N R20E S28 SW\1/4\ MDW	SPARKS	NV	89436	INTERIOR	CERCLA 103	6/27/1997
BLM-OSAGE MILL SITE	T24S R57E S27 NE1/4 SW1/4	SANDY VALLEY	NV	89019	INTERIOR	CERCLA 103	6/27/1997
BLM-RED TOP RETORT SITE	T10S R55W S29 SEWARD MERIDIAN	ALEKNAGIK	AK	99555	INTERIOR	CERCLA 103	6/27/1997
BLM-SEARCHLIGHT LANDFILL	T29S R63E S12	SEARCHLIGHT	NV	89046	INTERIOR	CERCLA 103	6/27/1997
BR-LEADVILLE TREATMENT PLANT	749 HWY 91 N	LEADVILLE	CO	80461	INTERIOR	RCRA 3010	6/27/1997
FWS-ALASKA MARITIME NWR: AGATTU ISLAND AWR/NAV AID	20 MI SW OF SHEMYA	SHEMYA	AK	99546	INTERIOR	CERCLA 103	6/27/1997
FWS-ALASKA MARITIME NWR: ATTU ISLAND	30 MI NW OF EARECKSON AFB	SHEMYA	AK	99546	INTERIOR	CERCLA 103	6/27/1997
FWS-ALASKA MARITIME NWR: CATON ISLAND	55 MI S OF CITY	COLD BAY	AK	99571	INTERIOR	CERCLA 103	6/27/1997
FWS-ALASKA MARITIME NWR: KISKA ISLAND	300 MI W OF ATKA	ATKA	AK	99547	INTERIOR	CERCLA 103	6/27/1997

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
FWS-ALASKA MARITIME NWR: LITTLE KISKA ISLAND	300 MI W OF ATKA	ATKA	AK	99547	INTERIOR	CERCLA 103	6/27/1997
FWS-ALASKA MARITIME NWR: SEMISOPOCHNOI ISLAND	300 MI W OF ATKA	ATKA	AK	99547	INTERIOR	CERCLA 103	6/27/1997
FWS-ALASKA MARITIME NWR: TANAGA ISLAND	65 MI W OF ADAK NAVAL FACILITY	ADAK	AK	99546	INTERIOR	CERCLA 103	6/27/1997
FWS-ALASKA MARITIME NWR:GREAT SITKIN ISLAND	51 DEG. 59' 05" N, 176 DEG. 06' 26" W, 25 MI NE OF ADAK	ADAK	AK	98546	INTERIOR	CERCLA 103	6/27/1997
FWS-ARCTIC NWR: GRIFFIN POINT DEWLINE STAGING SITE	70D04M00SN, 142D54M00SW, 18 MI E OF CITY	KAKTOVIK	AK	99747	INTERIOR	CERCLA 103	6/27/1997
FWS-ARCTIC NWR: LAKE PETERS & MARSH FORK NARL SITE	70 MI SW OF KAKTOVIK	KAKTOVIK	AK	99747	INTERIOR	CERCLA 103	6/27/1997
FWS-NECEDAH WILDLIFE REFUGE	W7996 20TH STREET WEST	NECEDAH	WI	54646-7531	INTERIOR	RCRA 3010	6/27/1997
NPS-CRATERS OF THE MOON NM: MARTIN MINE	15 MI SW OF CITY ON HWY 93	ARCO	ID	83213	INTERIOR	CERCLA 103	6/27/1997
NPS-KENAI FJORDS NP&P: BEAUTY BAY MINE	59D33MOOSN, 150D40MOOSW	SEWARD	AK	99664	INTERIOR	CERCLA 103	6/27/1997
BAYVIEW NAV SURFACE WARFARE CTR/CARDEROCK DIV DET	HWY 54 & MAIN AVE	BAYVIEW	ID	83803	NAVY	CERCLA 103	6/27/1997
EVERETT NAVAL STATION	2000 W MARINE VIEW DR	EVERETT	WA	98201	NAVY	RCRA 3016	6/27/1997
HARVEY POINT DEFENSE TESTING ACTIVITY	RT 5	HERTFORD	NC	27944	NAVY	CERCLA 103	6/27/1997
NAVAL HOUSING S. FINEGAYAN-FORMER CB LANDFILL	NEAR PARK RD & CORAL TREE DR	DEDEDO	GU	96929	NAVY	CERCLA 103	6/27/1997
TIN CITY WHITE ALICE SITE	1.25 MI N OF AIRPORT	TIN CITY	AK	99783	NAVY	CERCLA 103	6/27/1997
APPALACHA HYDRO PLANT	HWY 68, HIWASSEE RIVER	FARNER	TN		TENNESSEE VALLEY AUTHORITY	CERCLA 103	6/27/1997
FAA-ANIAK STATION	ANIAK AIRPORT	ANIAK	AK	99557	TRANSPORTATION	CERCLA 103	6/27/1997
FAA-GALENA STATION	64D44M10SN, 156D56M04SW, GALENA AIRPORT NAV AIDS	GALENA	AK	99741	TRANSPORTATION	CERCLA 103	6/27/1997
FAA-KENAI STATION	KENAI MUNICIPAL AIRPORT	KENAI	AK	99611	TRANSPORTATION	RCRA 3010	6/27/1997
CARIBOU NF: S MABEY CANYON	T8S R44E S10, 11, 14 & 15 BM	CONDA	ID	83230	AGRICULTURE	CERCLA 103	11/23/1998
CHEROKEE NF: BATTERY DUMP	RTE 1, HYW 64	BENTON	TN	37307	AGRICULTURE	RCRA 3010	11/23/1998
FDA-KANSAS CITY SITE	1009 CHERRY ST	KANSAS CITY	MO	64106	AGRICULTURE	RCRA 3010	11/23/1998
FREMONT NF: ANGEL PEAK MINE SITE	T37S R17E S32, 30 MI W OF LAKEVIEW	LAKEVIEW	OR	97630	AGRICULTURE	CERCLA 103	11/23/1998
FREMONT NF: ANGEL PEAK ROADS	42D22M30SN, 120D45M00SW	LAKEVIEW	OR	97630	AGRICULTURE	CERCLA 103	11/23/1998
FS-MEYERS LANDFILL	870 EMERALD BAY RD	SOUTH LAKE TAHOE	CA	96150	AGRICULTURE	CERCLA 103	11/23/1998
MENDOCINO NF: EEL RIVER WORK CENTER WASTE SUMP	T.23 N., R. 11 W., NE\1/4\ OF SECTION 28	WILLITS	CA	95490	AGRICULTURE	CERCLA 103	11/23/1998
MOORE AIR BASE	RTE 3, BLD 6017, BOX 1004	MISSION	TX	78539	AGRICULTURE	CERCLA 103	11/23/1998
PLUMAS NF WHITEHORSE LANDFILL	T23N R8AE S6, TA24N R8E S7	QUINCY	CA	95971	AGRICULTURE	CERCLA 103	11/23/1998
CAMP ROBERTS TRAINING SITE	HWY 101	CAMP ROBERTS	CA	93451	AIR FORCE	RCRA 3010	11/23/1998
CONNECTICUT AIR NATIONAL GUARD ORANGE BASE	RTE 1	ORANGE	CT	06477	AIR FORCE	CERCLA 103	11/23/1998
LOS ALAMITOS AIR FORCE RESERVE CENTER	LEXINGTON AVE	LOS ALAMITOS	CA	90720	AIR FORCE	RCRA 3010	11/23/1998
MASSACHUSETTS AIR NATIONAL GUARD WORCESTER	SKYLINE DR	WORCESTER	MA	01605	AIR FORCE	CERCLA 103	11/23/1998
NEW HAMPSHIRE AIR NATIONAL GUARD NEWINGTON BASE	NEWINGTON ST	NEWINGTON	NH	03801	AIR FORCE	RCRA 3010	11/23/1998
STANLEY R MICKELSON SAFEGUARD COMPLEX	ONE HALF MILE NORTH OF NEKOMA	NEKOMA	ND	58355	AIR FORCE	CERCLA 103	11/23/1998
U.S. CAPITOL COMPLEX	U.S. CAPITOL BUILDING	WASHINGTON	DC	20515	ARCHITECT OF THE CAPITOL	RCRA 3010	11/23/1998
101ST AIRBORNE DIVISION (AIR ASSAULT)	WEST OF U.S. 41A; AT TN-KY BORDER	BORDER	TN	03700	ARMY	RCRA 3005	11/23/1998
ARIZONA ARMY NATIONAL GUARD FLORENCE RANGE	1001 N FLORENCE BLVD	FLORENCE	AZ	85232	ARMY	CERCLA 103	11/23/1998
BOSTON AREA NIKE BATTERY	OXBOW ST	WAYLAND	MA	01778	ARMY	CERCLA 103	11/23/1998
CONNECTICUT ARMY NATIONAL GUARD BRADLEY BASE	RTE 20	WINDSOR LOCKS	CT	06096	ARMY	CERCLA 103	11/23/1998
LT JOHN A. FERRA US ARMY RESERVE CENTER	NORTH ST	DANVERS	MA	01923	ARMY	CERCLA 103	11/23/1998
MAINE ARMY NATIONAL GUARD BANGOR BASE	RTE 222-BANGOR INTERNATIONAL AIRPORT	BANGOR	ME	04401	ARMY	CERCLA 103	11/23/1998
PHOENIX NATIONAL GUARD-PAPAGO PARK	5636 E MCDOWELL RD	PHOENIX	AZ	85008	ARMY	RCRA 3010	11/23/1998
SAC CITY ARMY RESERVE CENTER	1801 GISHWILLER RD	SAC CITY	IA	50583	ARMY	RCRA 3010	11/23/1998
ST LOUIS (EX) ORDNANCE PLANT	4300 GOODFELLOW BLVD, HANLEY AREA	ST LOUIS	MO	63120	ARMY	CERCLA 103	11/23/1998
OTTER BROOK LAKE PROPERTY	OLD CONCORD RD	KEENE	NH	03431	CORPS OF ENGINEERS, CIVIL	CERCLA 103	11/23/1998
PITTSBURGH SITE	3500 GRAND AVE	PITTSBURGH	PA	15225	CORPS OF ENGINEERS, CIVIL	RCRA 3010	11/23/1998

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
SURRY MOUNTAIN SHOOTING RANGE	EAST SURRY RD	SURRY	NH	03431	CORPS OF ENGINEERS, CIVIL	CERCLA 103	11/23/1998
NGA-WASHINGTON NAVY YARD	1ST ST & M ST SE	WASHINGTON	DC	20374	DEFENSE	RCRA 3010	11/23/1998
NORTH LAS VEGAS FACILITY	2621 LOSEE RD	NORTH LAS VEGAS	NV	89030	ENERGY	RCRA 3010	11/23/1998
SALMON SITE	OFF HWY 13	BAXTERVILLE	MS	11111	ENERGY	RCRA 3010	11/23/1998
SHOAL SITE	ST RTE 839	FALLON	NV	89406	ENERGY	RCRA 3010	11/23/1998
NYANZA CHEMICAL WASTE DUMP	MEGUNKO RD	ASHLAND	MA	01721	EPA	RCRA 3010	11/23/1998
ATLANTA FEDERAL CENTER PROJECT	45 BROAD ST	ATLANTA	GA	30303	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
CLARKSON FISHER FEDERAL BUILDING & COURTHOUSE	402 E STATE ST	TRENTON	NJ	08608	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
DENVER ARMY MEDICAL DEPOT	3800 YORK ST	DENVER	CO	80205	GENERAL SERVICES ADMINISTRATION	CERCLA 103	11/23/1998
DIRKSEN FEDERAL OFFICE BUILDING	219 S DEARBORN	CHICAGO	IL	60604	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
FALLON BUILDING	31 HOPKINS PLAZA	BALTIMORE	MD	21201	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
KLUCZYNSKI FEDERAL OFFICE BUILDING	230 S DEARBORN	CHICAGO	IL	60604	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
PALMETTO SITE	8400 TATUM RD	PALMETTO	GA	30268	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
SAN JUAN POST OFFICE AND COURTHOUSE	COMERICO ST AND TANCA ST	SAN JUAN	PR	00906	GENERAL SERVICES ADMINISTRATION	RCRA 3010	11/23/1998
NIOSH-FORMERLY ATLAS E MISSILE FACILITY S-9 SITE	T27N R39E S36, 9 MI N OF REARDAN	REARDAN	WA	99029	HEALTH AND HUMAN SERVICES	CERCLA 103	11/23/1998
CHARLESTON COAST GUARD GROUP	196 TRADD ST	CHARLESTON	SC	29401	HOMELAND SECURITY	RCRA 3010	11/23/1998
BLM-BOSTIK INC HOOSIER CREEK	80 MI NW OF FAIRBANKS, 65 DEG.26'54'' N, 150 DEG.04'31'' W	RAMPART	AK	99767	INTERIOR	RCRA 3010	11/23/1998
BLM-CLEVEAND MINE & MILL SITE	T30N R38E S9, 9MI E OF HUNTERS	HUNTERS, STEVENS COUNTY	WA	99137	INTERIOR	CERCLA 103	11/23/1998
BLM-SAGUACHE MILL SITE	2 MI NW OF SAGUACHE	SAGUACHE	CO	81149	INTERIOR	CERCLA 103	11/23/1998
BR-GOLDEN FALCON INT SITE	23RD ST AT AVE C	SAN LUIS	AZ	85349	INTERIOR	RCRA 3010	11/23/1998
FWS-ARCTIC NWR: PORCUPINE RVR DEWLINE STAGING AREA	T14S R48E S33 NE1/4 NE1/4	ARCTIC VILLAGE	AK	99722	INTERIOR	CERCLA 103	11/23/1998
FWS-KLAMATH FOREST NWR: TOXAPHENE COW DIP PIT	T30S R10E S19 WILLAMETTE MERIDIAN	CHILOQUIN	OR	97624	INTERIOR	CERCLA 103	11/23/1998
FWS-RED ROCK LAKES NATIONAL WILDLIFE REFUGE	27820 SOUTHSIDE CENTENNIAL ROAD	LIMA	MT	59739-9709	INTERIOR	RCRA 3010	11/23/1998
NPS-BARNEY CIRCLE FACILITY	19TH ST & H ST	WASHINGTON	DC	20032	INTERIOR	CERCLA 103	11/23/1998
NPS-NAGS HEAD SITE	S OLD NAGS HEAD RD	NAGS HEAD	NC	27959	INTERIOR	RCRA 3010	11/23/1998
NPS-NOLAND HOUSE	216 N DELAWARE	INDEPENDENCE	MO	64052	INTERIOR	RCRA 3010	11/23/1998
ANTHONY FEDERAL CORRECTIONAL INSTITUTION	15 MI W. OF EL PASO	ANTHONY	TX	79821	JUSTICE	RCRA 3010	11/23/1998
DANBURY FEDERAL CORRECTIONAL INSTITUTION	PEMBROKE STATION-RTE 37	DANBURY	CT	06811	JUSTICE	CERCLA 103	11/23/1998
PHILADELPHIA FEDERAL DETENTION CENTER	7TH ST & ARCH ST	PHILADELPHIA	PA	19106	JUSTICE	RCRA 3010	11/23/1998
BOEING NORTH AMERICAN, INC	12214 LAKEWOOD BLVD	DOWNEY	CA	90241	NASA	RCRA 3010	11/23/1998
CHESAPEAKE BEACH DETACHMENT-NAVAL	5812 BAYSIDE RD	CHESAPEAKE	MD	20732	NAVY	RCRA 3010	11/23/1998
DETROIT MARINE CORPS RESERVE CENTER	7600 E JEFFERSON AVE	DETROIT	MI	48214	NAVY	RCRA 3010	11/23/1998
MEMPHIS NAVAL SURFACE WARFARE CENTER-CARDEROCK LCC	2700 CHANNEL AVE	MEMPHIS	TN	38113	NAVY	RCRA 3005	11/23/1998
NORRIS HYDRO PLANT	2 MI N OF NORRIS	JEFFERSON CITY	TN	37760	TENNESSEE VALLEY AUTHORITY	RCRA 3010	11/23/1998
BELLMAWR VEHICLE MAINTENANCE FACILITY	421 BENIGNO BLVD & HAAG AVE	BELLMAWR	NJ	08099	USPS	RCRA 3010	11/23/1998
MADISON POST OFFICE	3902 MILWAUKEE ST	MADISON	WI	53714	USPS	RCRA 3010	11/23/1998
MONROE POST OFFICE	210 W FRONT ST	MONROE	MI	48161	USPS	RCRA 3010	11/23/1998
BOSTON VETERANS AFFAIRS HOSPITAL	150 SOUTH HUNTINGTON AVE	BOSTON	MA	02130	VETERANS ADMINISTRATION	CERCLA 103	11/23/1998
CHARLESTON MEDICAL CENTER	109 BEE ST	CHARLESTON	SC	29401	VETERANS ADMINISTRATION	RCRA 3005	11/23/1998
KANSAS CITY HOSPITAL	4801 LINWOOD BLVD	KANSAS CITY	MO	64128	VETERANS ADMINISTRATION	RCRA 3010	11/23/1998
VA PALO ALTO HEALTH CARE SYSTEM	3801 MIRANDA AVE	PALO ALTO	CA	94304	VETERANS ADMINISTRATION	RCRA 3010	11/23/1998
FORMER BLACK HILLS ARMY DEPOT	IGLOO	IGLOO	SD	57735	AGRICULTURE	CERCLA 103	6/12/2000
FS-BALDWIN ADMIN SITE	650 N MICHIGAN AVE	BALDWIN	MI	49304	AGRICULTURE	RCRA 3010	6/12/2000
FS-TONGASS NF: BOHEMIA BASIN EXPLORATION CAMPS	T45S R56E S8 & T45S R55E S12, CRM 6 MI W OF CY	PELICAN	AK	99832	AGRICULTURE	CERCLA 103	6/12/2000
FORMER BADLANDS BOMBING RANGE (IMPACT AREA)	15 MILES NORTH OF KYLE	KYLE	SD	57752	AIR FORCE	CERCLA 103	6/12/2000
SUNDANCE PM-1 SITE	7 MILES NORTH OF SUNDANCE	SUNDANCE	WY	82729	AIR FORCE	CERCLA 103	6/12/2000

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
LTA, MARION ENGR. DEPOT EAST	1/2 MILE EAST OF PATTON PIKE	MARION	OH	43302	ARMY	CERCLA 103	6/12/2000
DEPARTMENT OF COMMERCE	PO BOX 6-F16	ARLINGTON	VA	22202	COMMERCE	CERCLA 103	6/12/2000
BRADFORD ISLAND LANDFILL	T2N R7E S22 SW1/4, WILLAMETTE MERIDIAN	CASCADE LOCKS	OR	97014	CORPS OF ENGINEERS, CIVIL	CERCLA 103	6/12/2000
PBS DLA DNSC VOORHEESVILLE DEPOT	5850 DEPOT RD	ALTAMONT	NY	12009	GENERAL SERVICES ADMINISTRATION	RCRA 3010	6/12/2000
FDA NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH	3900 NCTR RD	JEFFERSON	AR	72079	HEALTH AND HUMAN SERVICES	RCRA 3010	6/12/2000
NIH ANIMAL CENTER	ELMER SCHOOL ROAD	POOLESVILLE	MD	20837	HEALTH AND HUMAN SERVICES	RCRA 3010	6/12/2000
U.S. BORDER PATROL STATION	225 KENNEY	EL CAJON	CA	92020	HOMELAND SECURITY	CERCLA 103	6/12/2000
U.S. COAST GUARD ACADEMY	MOHEGAN AVE	NEW LONDON	CT	06320	HOMELAND SECURITY	RCRA 3005	6/12/2000
U.S. COAST GUARD SHORE SIDE DETACHMENT PAR	700 COAST GUARD RD	BUCHANAN	TN	38222	HOMELAND SECURITY	RCRA 3010	6/12/2000
U.S. COAST GUARD SUPPORT	427 COMMERCIAL ST	BOSTON	MA	02109	HOMELAND SECURITY	RCRA 3010	6/12/2000
BLM-SOURDOUGH LITTLE BEAR CAMP AKA SOURDOUGH ARMY CAMP	35 MI N OF GLENNALLEN, W OF RICHARDSON HWY	GLENNALLEN	AK	99588	INTERIOR	CERCLA 103	6/12/2000
FLAMINGO BAY ARMY TEST AREAS-FORMER FORT	WATER ISLAND	ST. THOMAS	VI	00802	INTERIOR	CERCLA 103	6/12/2000
FWS-ALASKA MARITIME NWR: TIGALDA ISLAND AWS	30 MI E OF AKUTAN, 54 DEG.04'48'' N, 165 DEG. 03'27'' W	AKUTAN	AK	99553	INTERIOR	CERCLA 103	6/12/2000
NPS-CAPE KRUSENSTERN NM: MULGRAVE AFS	30 MI NW OF KOTZEBUE 67-35-00- N, 163-59-00- W 188 NORTHWEST ARCTIC	KOTZEBUE	AK	99752	INTERIOR	CERCLA 103	6/12/2000
NPS-KATMAI NP: BROOKS CAMP	32 MI E OF KING SALMON, NAKNEK LAKE, 55 DEG.33'17'' N,	KING SALMON	AK	99613	INTERIOR	CERCLA 103	6/12/2000
NPS-NOATAK NP&P: BURIAL LAKE MILITARY CAMP 7 LANDFILL	T12S R31 W NORTH BOUNDARY, UMIAT MERIDIAN (IN NORTH SLOPE BOROUGH) 68-26-00- N, 159-10-00- W 188 NOR	NOATAK	AK	99761	INTERIOR	CERCLA 103	6/12/2000
NPS-NOATAK NP&P: DESPERATION LAKE MILITARY CAMP AND LANDFILL	T34N R1W&R1E ON SEC LINE, KATEEL RIVER MERIDIAN 68-19-40- N, 158-44-53- W 188 NORTHWEST ARCTIC	NOATAK	AK	99761	INTERIOR	CERCLA 103	6/12/2000
NPS-NOATAK NP&P: FENIAK LAKE MILITARY CAMP & LANDFILL	T33N R2E&R3E ON SEC LINE, KATEEL RIVER MERIDIAN (IN NORTH SLOPE BOROUGH) 68-15-07- N, 158-18-38- W 1	NOATAK	AK	99761	INTERIOR	CERCLA 103	6/12/2000
GODDARD SPACE FLIGHT CENTER WALLOPS FLIGHT FACILITY-ISLAND	ROUTE 803	WALLOPS ISLAND	VA	23337	NASA	RCRA 3010	6/12/2000
FORT LOGAN NATIONAL CEMETERY	SHERIDAN AND HAMPDEN AVENUE	DENVER	CO	80236	VETERANS ADMINISTRATION	CERCLA 103	6/12/2000
FS-OKANOGAN-WENATCHEE NF: LOWER WINTHROP COMPOUND	19284 HWY 20, 300 W OF DOWNTOWN CY, +48.481111 DEG. N, -120.186668	WINTHROP	WA	98862	AGRICULTURE	CERCLA 103	12/29/2000
FS-OKANOGAN-WENATCHEE NF: NORTH CASCADES SMOKE JUMPER BASE	23 INTERCITY AIRPORT RD, 3 MI SE OF CY, +48.4206667 DEG	WINTHROP	WA	98862	AGRICULTURE	CERCLA 103	12/29/2000
ORE HILL MINE SITE, WHITE MOUNTAIN NATIONAL FOREST	719 MAIN STREET	LACONIA	NH	03246	AGRICULTURE	CERCLA 103	12/29/2000
PALZO MINE SITE-SHAWNEE	SPRINGHILL CHURCH ROAD	STONEFORT	IL	62987	AGRICULTURE	CERCLA 103	12/29/2000
U.S. FOREST SERVICE NEMO WORK STATION SITE	NEMO T: 3N, R: 5E, SEC: 27	NEMO	SD	57759	AGRICULTURE	CERCLA 103	12/29/2000
POLE MOUNTAIN FORMER TARGET AND MANEUVER AREA	7 MILES EAST OF LARAMIE	LARAMIE	WY	82070	AIR FORCE	CERCLA 103	12/29/2000
"NEW" ARMY AVIATION SUPPORT	ISLA GRANDE ROAD OFF HACIA FERNANDEZ	SAN JUAN	PR		ARMY	CERCLA 103	12/29/2000
ARMY RESERVE PERSONNEL COMMAND	EAST OF INTERSECTION OF D ST & 1ST ST	GRANITE CITY	IL	62040	ARMY	RCRA 3010	12/29/2000
GUS KEFURT ARMY RESERVE CENTER	399 MILLER STREET	YOUNGSTOWN	OH	44507-1591	ARMY	RCRA 3010	12/29/2000
HARTWELL PROJECT	6961 ANDERSON HWY	HARTWELL	GA	30643	ARMY	RCRA 3010	12/29/2000
KINGS MILLS MILITARY RESERVATION	6195 STRIKER ROAD	HAMILTON TOWNSHIP	OH	45034	ARMY	CERCLA 103	12/29/2000
US ARMY CORPS OF ENGINEERS	1000 IDAHO STREET	GREENVILLE	SC	29605	ARMY	RCRA 3010	12/29/2000
WYOMING ARNG OMS NO. 4	5500 BISHOP BOULEVARD	CHEYENNE	WY	82009-3320	ARMY	CERCLA 103	12/29/2000
SAYLORVILLE RESERVOIR AND RECREATION AREA	5600 NW 78TH AVE	JOHNSTON	IA	50131	CORPS OF ENGINEERS, CIVIL	CERCLA 103	12/29/2000
BELTON COMMUNICATION FACILITY	SE\1/4\ & PART SW\1/ 4\, SEC 25, T46N, R33W	BELTON	MO	64012	ENERGY	CERCLA 103	12/29/2000
DLA/DNSC SCOTIA DEPOT	ROUTE 5	SCOTIA	NY	12302-1039	GENERAL SERVICES ADMINISTRATION	CERCLA 103	12/29/2000
FEDERAL OFFICE BUILDING NO 2	ROOM 1090 BUILDING MANAGER'S OFFICE	ARLINGTON	VA	20370	GENERAL SERVICES ADMINISTRATION	RCRA 3010	12/29/2000
GENERAL SERVICES ADMINISTRATION	DENVER FEDERAL CENTER BUILDING 41	LAKEWOOD	CO	80225	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
GENERAL SERVICES ADMINISTRATION	212 S THIRD AVE	MINNEAPOLIS	MN	55401	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
KANSAS CITY RECORDS CENTER	601-607 HARDESTY	KANSAS CITY	MO	64124	GENERAL SERVICES ADMINISTRATION	CERCLA 103	12/29/2000

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
AIR FORCE (EX) PLANT #84	LAMBERT AIRPORT	ST LOUIS	MO		NAVY	CERCLA 103	12/29/2000
US POSTAL SERVICE-JAF BLDG	8TH AVE & 33RD STREET	NEW YORK	NY	10199	USPS	RCRA 3010	12/29/2000
DESCHUTES NF: DELL SPRINGS FORMER FS WORK CAMP	11 AIR MI WNW OF CRESCENT T23S R7E S35 SW SE	CRESCENT	OR	97733	AGRICULTURE	CERCLA 103	10/2/2001
ATLAS "E" MISSILE SITE #10	31/2 MILES NORTHWEST OF BRIGGSDALE	BRIGGS DALE	CO	80611	AIR FORCE	CERCLA 103	10/2/2001
ALASKA TOK FUEL TERMINAL	7 MI W OF TOK, ALASKA HWY 2	TOK	AK	99780	ARMY	RCRA 3010	10/2/2001
ARMY AVIATION SUPPORT FACILITY	624 MUNICIPAL AIRPORT	LINCOLN	NE	68524	ARMY	CERCLA 103	10/2/2001
NATIONAL GUARD STONE'S RANCH MILITARY RESERVATION	ROUTE 1 (BOSTON POST ROAD) AND STONE'S RANCH ROAD	EAST LYME	CT		ARMY	CERCLA 103	10/2/2001
USARMY PARKS R F T A	5TH ST BLDG. 790	DUBLIN	CA	94568-5201	ARMY	RCRA 3010	10/2/2001
BLM-GLASS BUTTES MINE & RETORTS SITE	3 MI S OF MILEPOST 82 OFF HWY 20, T23S R23E S27&34, & T24S R23E S3, WM, 20 MI	BROTHERS	OR	97712	INTERIOR	CERCLA 103	10/2/2001
BLM-RAWLINS LANDFILL	P.O. BOX 953	RAWLINS	WY	82301	INTERIOR	CERCLA 103	10/2/2001
FWS-BOZEMAN FISH TECHNOLOGY CENTER	4050 BRIDGER CANYON ROAD	BOZEMAN	MT	59715-4050	INTERIOR	RCRA 3010	10/2/2001
FS-TONGASS NF: EAST 12 MILE SITE	W SIDE OF FS RD 1220, 35 MI SE OF CRAIG, T75S R83E S13, COPPER RIVER MERIDIAN	CRAIG	AK	99927	AGRICULTURE	CERCLA 103	7/1/2002
NEW JERSEY AIR NATIONAL GUARD 177FW	400 LANGLEY RD	EGG HARBOR TWP	NJ	08234-9500	AIR FORCE	RCRA 3010	7/1/2002
STANLEY R MICKELSEN SAFEGUARD COMPLEX-(RSL-1) REMOTE SPRING LA	3 MILES EAST OF HAMPDEN	HAMPDEN	ND	58338	AIR FORCE	CERCLA 103	7/1/2002
STANLEY R MICKELSEN SAFEGUARD COMPLEX-(RSL-2) REMOTE SPRINT LA	6 MILES NORTH OF LANGDON	LANGDON	ND	58249	AIR FORCE	CERCLA 103	7/1/2002
STANLEY R MICKELSEN SAFEGUARD COMPLEX-(RSL-3) REMOTE SPRINT LA	19 MILES EAST OF LANGDON	LANGDON	ND	58249	AIR FORCE	CERCLA 103	7/1/2002
STANLEY R MICKELSEN SAFEGUARD COMPLEX-(RSL-4) REMOTE SPRINT LA	1 MILE SOUTHWEST OF FAIRDALE	FAIRDALE	ND	58229	AIR FORCE	CERCLA 103	7/1/2002
MAJ J O'DONOVAN AFR CENTER	90 N MAIN AVE	ALBANY	NY	12203	ARMY	RCRA 3010	7/1/2002
TOOELE ARMY DEPOT (NORTH AREA)	3 MI S OF TOOELE ON HWY 36	TOOELE	UT	84074	ARMY	CERCLA 103	7/1/2002
GASCONADE (EX) BOAT YARD	CONFLUENCE OF GAS-CONADE AND MISSOURI RIVER	GASCONADE	MO	65036	CORPS OF ENGINEERS, CIVIL	CERCLA 103	7/1/2002
NATIONAL ENERGY TECHNOLOGY LABORATORY-PITTSBURGH	POB 10940	PITTSBURGH	PA	15236	ENERGY	RCRA 3016	7/1/2002
NATIONAL WIND TECHNOLOGY CENTER	18200 STATE HIGHWAY 128	GOLDEN	CO	80403	ENERGY	RCRA 3016	7/1/2002
U.S. COAST GUARD (OUACHITA) SHORESIDE	3551 OLD HARRISON PIKE	CHATTANOOGA	TN	37416-2825	HOMELAND SECURITY	RCRA 3010	7/1/2002
BLM-BALM CREEK-POORMAN MINE COMPLEX	E SIDE OF MOTHERLOAD RD, 6 MI NE OF KEATING, T7S R43E S32, W.M., +44 55'01 N, 117 29'25 W	BAKER CITY	OR	97814	INTERIOR	CERCLA 103	7/1/2002
US GOVERNMENT DEA	1716 W PERISHING RD	CHICAGO	IL	60609	JUSTICE	RCRA 3010	7/1/2002
US MEDICAL CENTER FEDERAL PRISON SPRINGFIELD	1900 W SUNSHINE	SPRINGFIELD	MO	65801	JUSTICE	CERCLA 103	7/1/2002
FORT SHERIDAN NAVAL PROPERTY	FORT SHERIDAN NAVAL PROPERTY	FORT SHERIDAN	IL	60037	NAVY	RCRA 3010	7/1/2002
NAVAL RADIO STATION #2	RANDALL ROAD, OFF STATE ROAD 21	SUGAR GROVE	WV	26815	NAVY	CERCLA 103	7/1/2002
APPALACHIAN SMELTING AND REFINERY	SOUTH HOLSTON LAKE	BRISTOL	TN	37620	TENNESSEE VALLEY AUTHORITY	CERCLA 103	7/1/2002
TVA WILSON 500 KV SUBSTATION	2280 BECKWITH ROAD	MOUNT JULIET	TN	37122	TENNESSEE VALLEY AUTHORITY	RCRA 3010	7/1/2002
KIRKSVILLE (EX) AFS P- 64	6 MILES NORTH OF KIRKSVILLE, WEST	KIRKSVILLE	MO	63501	TRANSPORTATION	CERCLA 103	7/1/2002
FS-TARGHEE NF: CHEMICAL WARFARE SERVICE TEST SITE	FREMONT COUNTY	ISLAND PARK	ID	83429	AGRICULTURE	CERCLA 103	1/2/2003
FS-TONGASS NF: TONKA LOG TRANSFER FACILITY	7.75 MI SW OF PETERSBURG	PETERSBURG	AK	99833	AGRICULTURE	RCRA 3010	1/2/2003
FORMER LOWRY TRAINING ANNEX AIR FORCE EOD RANGE	1/2 MILE NORTH OF EAST QUINCY AVE ON WATKINS ROAD	AURORA	CO	80019	AIR FORCE	CERCLA 103	1/2/2003
SUNDANCE AIR FORCE STATION-GATR SITE	SEVEN MILES NORTH BY NORTH-WEST OF SUNDANCE	SUNDANCE	WY	82729	AIR FORCE	CERCLA 103	1/2/2003
SUNDANCE AIR FORCE STATION OPERATIONS AREA	7 MILES NORTH BY NORTHWEST OF SUNDANCE	SUNDANCE	WY	82729	AIR FORCE	CERCLA 103	1/2/2003
BIA-COEUR D'ALENE FIELD OFFICE	AGENCY RD 4 MI W OF HWY 95	PLUMMER	ID	83851-0408	INTERIOR	RCRA 3010	1/2/2003
BLM-GLLENNS FERRY STRYCH-NINE SITE	T5S R10E SEC20 NESE	GLENNS FERRY	ID	83623	INTERIOR	RCRA 3010	1/2/2003
FWS-AK MARITIME NWR: CAPE YAKAK AWS SITE	YAKAK PENINSULA SW ADAK ISL	ADAK	AK	99546	INTERIOR	CERCLA 103	1/2/2003
JEFFERSON BARRACKS (EX) TARGET RANGE	90 MILES SOUTH OF ST. LOUIS 2 MILES SE OF ARCADIA	ARCADIA	MO	63621	AGRICULTURE	CERCLA 103	7/11/2003
VIRGINIA ORDNANCE WORKS	CALLIS MINES ROAD	GLEN WILTON	VA	24438	AGRICULTURE	CERCLA 103	7/11/2003
ANG-FOUR LAKES STATION	12414 ANDREWS RD, T24N R42E S30	CHENEY	WA	99004	AIR FORCE	CERCLA 103	7/11/2003

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
MCCONNELL TITAN II-12	2 MILES S OF CONWAY SPRINGS STATE HWY 49	CONWAY	KS	67031	AIR FORCE	CERCLA 103	7/11/2003
MCCONNELL TITAN II-15	2.5 MILES SE OF RAGO & 1/2 MILE E OF STA	RAGO	KS	67128	AIR FORCE	CERCLA 103	7/11/2003
MCCONNELL TITAN II-17	4 MILES NE OF KINGMAN	KINGMAN	KS	67068	AIR FORCE	CERCLA 103	7/11/2003
MCCONNELL TITAN II-18	2 MILES W OF ST. JOE, E OF CHENEY RESERV	ST. JOE	KS	67543	AIR FORCE	CERCLA 103	7/11/2003
MCCONNELL TITAN II-2	7 MILE N OF EL DORADO	EL DORADO	KS	67042	AIR FORCE	CERCLA 103	7/11/2003
MCCONNELL TITAN II-8	9 MILES E OF WINFIELD ON U.S. HWY 160	TESDALE	KS	67156	AIR FORCE	CERCLA 103	7/11/2003
CEDAR RAPIDS (EX) NATIONAL GUARD TARGET	4 MILES N OF IOWA CITY, 19 MILES S/SW OF CEDAR RAPIDS	CEDAR RAPIDS	IA	52401	CORPS OF ENGINEERS, CIVIL	CERCLA 103	7/11/2003
FORBES (EX) SURVIVAL TRAINING ANNEX	5 MILES N/NW OF LYNDON	LYNDON	KS	66451	CORPS OF ENGINEERS, CIVIL	CERCLA 103	7/11/2003
FORK-CONTROL	END OF HUTSCHENREUTER RD	GLEN ARM	MD	21057	DEFENSE	CERCLA 103	7/11/2003
MILITARY PERSONNEL RECORDS CENTER (EX)	9700 PAGE AVENUE	ST LOUIS	MO	63132	GENERAL SERVICES ADMINISTRATION	CERCLA 103	7/11/2003
FWS-AROOSTOOK NATIONAL WILDLIFE REFUGE	97 REFUGE ROAD	LIMESTONE	ME	04750	INTERIOR	RCRA 3016	7/11/2003
FWS-ARTHUR R. MARSHALL LOXAHATCHEE NATIONAL WILDLIFE REFUGE-BONEYARD SITE	10216 LEE ROAD	BOYNTON BEACH	FL	33437	INTERIOR	RCRA 3016	7/11/2003
FWS-ASSABET RIVER NATIONAL WILDLIFE REFUGE	73 WEIR HILL ROAD	SUDBURY	MA	01776	INTERIOR	RCRA 3016	7/11/2003
FWS-COKEVILLE MEADOWS NATIONAL WILDLIFE REFUGE	C/O SEEDSKADEE NATIONAL WILDLIFE REFUGE, P.O. BOX 700	GREEN RIVER	WY	82935	INTERIOR	RCRA 3016	7/11/2003
FWS-CULEBRA NATIONAL WILDLIFE REFUGE	P.O. BOX 190	CULEBRA	PR	00775	INTERIOR	RCRA 3016	7/11/2003
FWS-CURRITUCK NATIONAL WILDLIFE REFUGE	P.O. BOX 39	KNOTTS ISLAND	NC	27950	INTERIOR	RCRA 3016	7/11/2003
FWS-DESECHEO NATIONAL WILDLIFE REFUGE	P.O. BOX 510	BOQUERON	PR	00622- 0510	INTERIOR	RCRA 3016	7/11/2003
FWS-GREAT BAY NATIONAL WILDLIFE REFUGE	100 MERRIMAC DRIVE	NEWINGTON	NH	03801	INTERIOR	RCRA 3016	7/11/2003
FWS-LITTLE PEND OREILLE NWR: LANDFILL	1310 BEAR CREEK RD	COLVILLE	WA	99114	INTERIOR	CERCLA 103	7/11/2003
FWS-MALHEUR NWR: BUENA VISTA STN	E OF HWY 205 AT 35 MI S OF BURNS, 25 MI SE OF PRINCETON	PRINCETON	OR	97721	INTERIOR	CERCLA 103	7/11/2003
FWS-MATAGORDA ISLAND NATIONAL WILDLIFE REFUGE	P.O. BOX 100	AUSTWELL	TX	77950- 010	INTERIOR	RCRA 3016	7/11/2003
FWS-NOMANS LAND ISLAND NATIONAL WILDLIFE REFUGE	73 WEIR HILL ROAD	SUDBURY	MA	01776- 1420	INTERIOR	RCRA 3016	7/11/2003
FWS-OXBOW NATIONAL WILDLIFE REFUGE	73 WEIR HILL ROAD	SUDBURY	MA	01776- 1420	INTERIOR	RCRA 3016	7/11/2003
FWS-STUTTGART ARMY AIRFIELD	6 MILES N. OF STUTTGART	STUTTGART	AR	72160	INTERIOR	CERCLA 103	7/11/2003
FWS-TURNBULL NWR: SMITH ROAD SITE	26010 S SMITH RD, 3.5 MI S OF CHENEY	CHENEY	WA	99004	INTERIOR	CERCLA 103	7/11/2003
FWS-UMATILLA NWR: WHITCOMB ISLAND UNIT	WHITCOMB ISL, OFF HWY 14, 2 MI E OF WHITCOMB, 9 MI W OF	PATERSON	WA	99345	INTERIOR	CERCLA 103	7/11/2003
FWS-WILLAPA NWR: SE LONG ISLAND AREA SITE	SE LONG ISLAND, 8.5 MI NE OF ILWACO +46.42 N,- 123.933 W	ILWACO	WA	98624	INTERIOR	CERCLA 103	7/11/2003
FS-OCHOCO NF: AMITY MINE	FS RD 42 & FS RD 152 T14S R20E S15, W.M	PRINEVILLE	OR	97754	AGRICULTURE	CERCLA 103	12/15/2003
FS-OCHOCO NF: BLUE RIDGE MINE	FS RD 42 & FS RD 200 T14S R20E S15, W.M	PRINEVILLE	OR	97754	AGRICULTURE	CERCLA 103	12/15/2003
FWS-GRAYS LAKE NATIONAL WILDLIFE REFUGE: GRAYS	74 GRAYS LAKE RD 30 MI N OF SODA SPRINGS	WAYAN	ID	83285	INTERIOR	RCRA 3010	12/15/2003
FS-OCHOCO NF: CHAMPION MINE	T14S R19E S3 20 MI NE OF PRINEVILLE +44-23'22.1" N,	PRINEVILLE	OR	97754	AGRICULTURE	CERCLA 103	7/19/2004
FS-OCHOCO NF: LITTLE HAY CREEK	T13S R19E S27 24 MI NE OF PRINEVILLE +44-25'12" N, 120-	PRINEVILLE	OR	97754	AGRICULTURE	CERCLA 103	7/19/2004
FS-OCHOCO NF: OCHOCO MINE	T13S R20E S20 35 MI NE OF PRINEVILLE +44- 25'37.6" N,	PRINEVILLE	OR	97754	AGRICULTURE	CERCLA 103	7/19/2004
FS-TONGASS NF: APEX MINE	T45S R56E S13,23,24 +57- 57'01" N,136- 17'45" W	PELICAN	AK	99832	AGRICULTURE	CERCLA 103	7/19/2004
FS-TONGASS NF: EL NIDO MINE	T45S R56E S13,13,24+57- 56'56" N,136- 17' 01" W	PELICAN	AK	99832	AGRICULTURE	CERCLA 103	7/19/2004
HARVARD (EX) PRECISION BOMBING RANGE #5	25 MILES S.W. OF VALENTINE	VALENTINE	NE	69201	AGRICULTURE	CERCLA 103	7/19/2004
USDA-FGIS TECHNICAL CENTER	10383 N AMBASSADOR DR	KANSAS CITY	MO	64153	AGRICULTURE	RCRA 3016	7/19/2004
USFS SANTAQUIN MUDSLIDE	324 25TH ST	SANTAQUIN	UT	84655	AGRICULTURE	CERCLA 103	7/19/2004
ME ARNG OMS#1	772 STEVENS AVENUE	PORTLAND	ME	04103-2696	ARMY	RCRA 3010	7/19/2004
U.S. ARMY FT. DOUGLAS TOXIC EXERCISE AREA	AFZC-D-DEH	SALT LAKE CITY	UT	84113	ARMY	CERCLA 103	7/19/2004
USA CHARLESTON ARMY DEPOT	REMOUNT ROAD	NORTH CHARLESTON	SC	29406	ARMY	CERCLA 103	7/19/2004
BLM-ABANDONED GRAVEL PIT	2370S. 2300W	SALT LAKE CITY	UT	84119	INTERIOR	CERCLA 103	7/19/2004
BLM-BUCKHORN WAS UNDERGROUND EXPLOSIVE SITE	2370S. 2300W	SALT LAKE CITY	UT	84119	INTERIOR	CERCLA 103	7/19/2004

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
BLM-CARRINGTON ISL. PRECISION BOMBING RANGE	2370S. 2300W	SALT LAKE CITY	UT	84119	INTERIOR	CERCLA 103	7/19/2004
BLM-DUGWAY UNDERGROUND EXPLOSIVE SITE #5	2370S. 2300W	SALT LAKE CITY	UT	84119	INTERIOR	CERCLA 103	7/19/2004
BLM-OSBORNE MINE	T7N R2E S33 NW1/4 NE1/4 +43-32'44.2" N, 116-7'	HORSESHOE BEND	ID	83629	INTERIOR	CERCLA 103	7/19/2004
BLM-WENDOVER BOMBING & GUNNERY RANGE	2370S. 2300W	SALT LAKE CITY	UT	84119	INTERIOR	CERCLA 103	7/19/2004
BLM-WENDOVER SPECIAL WEAPONS BOMBING RANGE	2370S. 2300W	SALT LAKE CITY	UT	84119	INTERIOR	CERCLA 103	7/19/2004
FWS-DETROIT RIVER INTERNATIONAL WILDLIFE	W/IN DETROIT RIVER, 10 MILES DOWNSTREAM DETROIT, E OF 6975 MOWER ROAD	WYANDOTTE	MI	48192	INTERIOR	RCRA 3016	7/19/2004
FWS-DON EDWARDS SAN FRANCISCO BAY NATIONAL	P.O. BOX 524	NEWARK	CA	94560-0524	INTERIOR	RCRA 3016	7/19/2004
FWS-GUAM NATIONAL WILDLIFE REFUGE-RITIDIAN UNIT	RITIDIAN POINT	DEDEDO	GU	96912	INTERIOR	RCRA 3016	7/19/2004
FWS-HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE	FRENCH FRIGATE SHOALS, TERN ISLAND		HI		INTERIOR	RCRA 3016	7/19/2004
FWS-HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE	LAYSAN ISLAND		HI		INTERIOR	RCRA 3016	7/19/2004
FWS-HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE-PEARL	PEARL AND HERMES REEF		HI		INTERIOR	RCRA 3016	7/19/2004
FWS-JAMES CAMPBELL NATIONAL WILDLIFE REFUGE-KII	OAHU NATIONAL WILDLIFE REFUGE COMPLEX, P.O. BOX 340	HALEIWA	HI	96712-0340	INTERIOR	RCRA 3016	7/19/2004
FWS-JARVIS ISLAND NATIONAL WILDLIFE REFUGE	JARVIS ISLAND		PI		INTERIOR	RCRA 3016	7/19/2004
FWS-PALMYRA ATOLL NATIONAL WILDLIFE REFUGE	PALMYRA ATOLL		PI		INTERIOR	RCRA 3016	7/19/2004
FWS-PRIME HOOK NATIONAL WILDLIFE REFUGE-SHOOTING	11978 TURKLE POND ROAD	MILTON	DE	19968-9751	INTERIOR	RCRA 3016	7/19/2004
FWS-ROSE ATOLL NATIONAL WILDLIFE REFUGE	ROSE ATOLL		AS		INTERIOR	RCRA 3016	7/19/2004
FWS-SAN DIEGO NATIONAL WILDLIFE REFUGE-SOUTH SAN	13910 LYONS VALLEY ROAD, SUITE R	JAMUL	CA	91935-3805	INTERIOR	RCRA 3016	7/19/2004
FWS-SHELDON NATIONAL WILDLIFE REFUGE	HUMBOLT AND WASHOE COUNTIES		NV		INTERIOR	RCRA 3016	7/19/2004
FWS-SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE	906 WEST SINCLAIR ROAD	CALIPATRIA	CA	92233-9744	INTERIOR	RCRA 3016	7/19/2004
FWS-SWEETWATER MARSH NATIONAL WILDLIFE REFUGE		CHULA VISTA AND NATIONAL CITY	CA		INTERIOR	RCRA 3016	7/19/2004
JACKSON HOMER (EX) BEACON ANNEX	E. OF JACKSON ON A GRAVEL ROAD, SOUTH OF SIOUX CITY JUST NORTH OF HWY 20	JACKSON	NE	68743	TRANSPORTATION	CERCLA 103	7/19/2004
VETERANS AFFAIRS MEDICAL CENTER	50 IRVING ST NW CODE 138E IH	WASHINGTON	DC	20422	VETERANS ADMINISTRATION	RCRA 3010	7/19/2004
FS-CHUGACH NF: MINERAL KING MINE	T10N R6E SEC 14, 15, 23	WHITTIER	AK	99693	AGRICULTURE	CERCLA 103	12/20/2004
FS-TONGASS NF: NORTH SAGI-	LAT 56 51.57 N KUIU ISLAND W	KAKE	AK	99830	AGRICULTURE	RCRA 3010	12/20/2004
FS-TONGASS NF: RATZ HARBOR SHOP SITE	T69S R84E S18	THORNE BAY	AK	99919	AGRICULTURE	CERCLA 103	12/20/2004
NAW BAY LTF AND CAMP FS-TONGASS NF: MAHONEY MINE	OF T74S R91E S25	KETCHIKAN	AK	99901	AGRICULTURE	CERCLA 103	12/20/2004
USDA FS TONGASS NF: EAST SIDE SITKOH BAY LTF	T50S R66E SEC23, COPPER RIVER MERIDIAN, SITKOH BAY, CHICHAGOF ISL., NEAR ANGOON	SITKA	AK	99835	AGRICULTURE	CERCLA 103	12/20/2004
US DOI BIA COOK CREEK FIELD STATION	32 SHOP ROAD	HUMPTULIPS	WA	98552	INTERIOR	RCRA 3010	12/20/2004
NAVAL RESERVE STATION, DUBUQUE	10677 AIRPORT ROAD	DUBUQUE	IA	52003	NAVY	CERCLA 103	12/20/2004
OMAHA (EX) AF STA Z-71	4 MILES NORTHWEST OF OMAHA, NE	OMAHA	NE	68108	TRANSPORTATION	CERCLA 103	12/20/2004
FS-TONGASS NF: APC SAGINAW BAY LOG TRANSFER	MILE 0 FSR 6448	KUIU ISLAND	AK	99830	AGRICULTURE	RCRA 3010	10/25/2005
FS-TONGASS NF: SEALEVEL MINE	R94E T75S S18	KETCHIKAN	AK	99919	AGRICULTURE	CERCLA 103	10/25/2005
BLM-JOSEPHINE MILL #2 SITE	1 MI NW OF PEND OREILLE VILLAGE, T39N R43E SEC 16	METALINE FALLS	WA	99153	INTERIOR	CERCLA 103	10/25/2005
COLVILLE NF: ORIOLE MINE	T39N R43E SEC19 SE CORNER, +48-51'36.69" N, -117-24'46.42" W	METALINE	WA	99152	AGRICULTURE	OTHER	8/17/2007
MALHEUR NF: ROBA WESTFALL MINE	T16S R29E SEC6, +44-12'37" N,-119- 16' 57" W	JOHN DAY	OR	97845	AGRICULTURE	OTHER	8/17/2007
MALHEUR NF: YORK & RANNELS MINES	T16S R29E SEC7, +44-11'49" N,-119-17'14" W	JOHN DAY	OR	97845	AGRICULTURE	OTHER	8/17/2007
UMATILLA NF: AJAX MINE	T8S R35E.SEC22, +44-51'25" N,-118-24'16" W	GRANITE	OR	97877	AGRICULTURE	OTHER	8/17/2007
UMATILLA NF: BLACKJACK MINE	T9S R35E SEC14, +44-47'09" N,-118-27'59" W	GRANITE	OR	97877	AGRICULTURE	OTHER	8/17/2007
UMATILLA NF: BLUEBIRD MINE	T9S R35E SEC11, +44-45'59" N,-118-29'37" W	GRANITE	OR	97877	AGRICULTURE	OTHER	8/17/2007
UMATILLA NF: MAGNOLIA MINE	T8S R35E SEC22, +44-51'32" N, -118-	GRANITE	OR	97877	AGRICULTURE	OTHER	8/17/2007

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
	24'08" W						
UMPQUA NF: CHAMPION MINE	T23S R1E SEC13, +43-34'50" N, -122-37'49" W	COTTAGE GROVE	OR	97424	AGRICULTURE	OTHER	8/17/2007
USAF ANG KINGSLEY AIR FIELD, 173 FW EM	KINGSLEY FIELD, 211 ARNOLD AVE	KLAMATH FALLS	OR	97603-0210	AIR FORCE	RCRA 3010	8/17/2007
EPA REGION 7 SCIENCE & TECH CTR	300 MINNESOTA AVE	KANSAS CITY	KS	66101	EPA	RCRA 3010	8/17/2007
GENERAL SERVICES ADMINISTRATION	1900 RIVER ROAD	BURLINGTON	NJ	8016	GENERAL SERVICES ADMINISTRATION	RCRA 3010	2/12/1988
CAMP LONELY LANDFILL SITE	PITT POINT, 1 MI W OF PT. LONELY, W EDGE OF GRAVEL PATH, T18N R5W, SEC18 SE1/4, UMIAT MERIDIAN	NIUIQSUIT	AK	99789	INTERIOR	RCRA 3010	8/17/2007
ELLIS ISLAND NATIONAL MONUMENT	ELLIS ISLAND	JERSEY CITY	NJ	07305	INTERIOR	RCRA 3010	8/17/2007
KING EDWARD MINE	18 MI NW OF BLANDING	BLANDING	UT	84511	AGRICULTURE	CERCLA 103	11/25/2008
USDA FS BOISE NF: BELSHAZZAR MINE	GRANITE CREEK ROAD, 3 MI W OF PLACERVILLE, T7N R4E SEC 17, BOISE MERIDIAN	PLACERVILLE	ID	83666	AGRICULTURE	OTHER	11/25/2008
USDA FS CARIBOU-TARGHEE NF: SMOKY CANYON MINE SITE	SMOKY CANYON RD/FS RD 110, 24 MI E OF SODA SPRINGS, T8S R45E SEC 24, 25 & 36; T8S R46E SEC 17, 18, 1	SODA SPRINGS	ID	83276	AGRICULTURE	OTHER	11/25/2008
USDA FS MT. BAKER-SNOQUALMIE NF: RAINY MINE & MILL SITE	FS RD 5640, 12 MI NE OF NORTH BEND, T24N R10E SEC 9 & 16, WILLAMETTE MERIDIAN	NORTH BEND	WA	98045	AGRICULTURE	OTHER	11/25/2008
UTTR SOUTH WENDOVER AFAR-AL501	5 MI SW OF WENDOVER	WENDOVER	UT	84083	AIR FORCE	OTHER	11/25/2008
ABERDEEN PROVING GROUND (MICHAELSVILLE LANDFILL)	OFF RTE 40	ABERDEEN	MD	21005	ARMY	CERCLA 103	11/25/2008
CAMP WILLIAMS	5 MI W OF LEHI	LEHI	UT	84043	ARMY	CERCLA 103	11/25/2008
LETTERKENNY ARMY DEPOT (PDO AREA)	N FRANKLIN STREET	FRANKLIN COUNTY	PA	17201	ARMY	CERCLA 103	11/25/2008
PERSHING PROJECT-BLANDING LAUNCH COMPLEX	7 MI SW OF BLANDING	BLANDING	UT	84511	ARMY	CERCLA 103	11/25/2008
USPFO FOR TENNESSEE ARNG	HQ (STARC) HOUSTON BARRACKS	NASHVILLE	TN	37204	ARMY	RCRA 3010	11/25/2008
COE-CIVIL LOWER GRANITE DAM	GRANITE-ALMOTA ROAD, 21 MI SW OF COLFAX, T14N R43E SEC 29	COLFAX	WA	99111	CORPS OF ENGINEERS, CIVIL	RCRA 3010	11/25/2008
U.S. ARMY CORPS OF ENGINEERS, CAPE COD CANAL, BOURNE BRIDGE LEAD ABATEMENT PROJE	40 ACADEMY DRIVE	BUZZARDS BAY	MA	02532	CORPS OF ENGINEERS, CIVIL	RCRA 3010	11/25/2008
TRANSPORTATION SECURITY ADMINISTRATION AT LAX	5757 W CENTURY BLVD	LOS ANGELES	CA	90045	HOMELAND SECURITY	RCRA 3010	11/25/2008
USCG BURROWS ISLAND LIGHT STATION	SW SIDE OF BURROWS ISLAND, 5 MI SW OF ANACORTES	ANACORTES	WA	98221	HOMELAND SECURITY	RCRA 3010	11/25/2008
USCG OLD SAINT LOUIS BASE	FOOT OF IRON ST. & MISSISSIPPI RIVER	ST LOUIS	MO	63111	HOMELAND SECURITY	CERCLA 103	11/25/2008
BR Quincy Illegal Dump Site	T19N R23E SEC 31, WILLAMETTE MERIDIAN, 25 MI W OF GEORGE, 35 MI SW OF QUINCY	QUINCY	WA	98848	INTERIOR	RCRA 3010	11/25/2008
KELLY SILVER MINE	HWY 395	RED MOUNTAIN	CA	93558	INTERIOR	CERCLA 103	11/25/2008
OVERTON GRAVEL PIT TRESPASS SITE	1/4 MI W OF HWY 169	OVERTON	NV	89040	INTERIOR	RCRA 3010	11/25/2008
POND MINE	SEC 3, T12N R10E MDBM	FOREST HILL	CA	95631	INTERIOR	CERCLA 103	11/25/2008
POORE MINE	BENEDICT CANYON LANE	NEVADA CO	CA		INTERIOR	CERCLA 103	11/25/2008
USDOI BIA SIGNAL PEAK RANGER STATION	BIA 140 RD-SIGNAL PEAK ROAD, 24 MI SW OF WHITE SWAN, T9N R13E SEC 25, WILLAMETTE MERIDIAN	WHITE SWAN	WA	98952	INTERIOR	RCRA 3010	11/25/2008
USDOI BLM IDORA MINE AND MILL SITE	CARBON CENTER ROAD, 10 MI SE OF PRITCHARD, 10 MI N OF WALLACE, T49N R5E SEC 30	WALLACE	ID	83873	INTERIOR	OTHER	11/25/2008
FEDERAL PRISON INDUSTRIES, INC. (UNICOR)	741 925 HERLONG ACCESS RD. A25	HERLONG	CA	96113	JUSTICE	RCRA 3010	11/25/2008
ST. JULIENS CREEK ANNEX (U.S. NAVY)	VICTORY BOULEVARD	CHESAPEAKE	VA	23323	NAVY	CERCLA 103	11/25/2008
USN UNDERSEA WARFARE CENTER	801 CLEMATIS ST	WEST PALM BEACH	FL	33401	NAVY	RCRA 3010	11/25/2008
USNAVY BOARDMAN NAVAL WEAPONS SYSTEMS TRAINING SITE	BOMBING RANGE ROAD, 6 MI S OF BOARDMAN	BOARDMAN	OR	97818	NAVY	OTHER	11/25/2008
U.S. VA MEDICAL CENTER BROCKTON	940 BELMONT ST	BROCKTON	MA	02401	VETERANS ADMINISTRATION	RCRA 3010	11/25/2008
VA MEDICAL CENTER	1400 VFW PARKWAY	WEST ROXBURY	MA	02132	VETERANS ADMINISTRATION	RCRA 3010	11/25/2008
VA MEDICAL CENTER-ST CLOUD	4801 VETERANS DR	ST. CLOUD	MN	56303	VETERANS ADMINISTRATION	RCRA 3010	11/25/2008
US DA FS OLYMPIC NF: SNIDER WORK CENTER OF PACIFIC RANGER DISTRICT-NORTH	553 W SNIDER RD	PORT ANGELES	WA	98363	AGRICULTURE	RCRA 3010	10/13/2010
USDA FS CARIBOU-TARGHEE NF: CENTRAL RASMUSSEN RIDGE MINE	T6S R42E	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
USDA FS CARIBOU-TARGHEE NF: CHAMP MINE	T9S R44E SEC 2	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010
USDA FS CARIBOU-TARGHEE NF: DIAMOND GULCH MINE	T9S R43E SEC 28	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010
USDA FS CARIBOU-TARGHEE NF: MOUNTAIN FUEL MINE	T9S R44E SEC 14,15,23,25,26,35,36	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010
USDA FS CARIBOU-TARGHEE NF: NORTH MAYBE CANYON MINE	T7S R44E SEC 20,21,27,28,33,34; T8S R44E SEC 3,4	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010
USDA FS CARIBOU-TARGHEE NF: SOUTH MAYBE CANYON MINE	T8S R44E SEC 4	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010
USDA FS CARIBOU-TARGHEE NF: WOOLEY VALLEY MINE	T6S R43E SEC 32,33; T7S R43E SEC 3,10,11,13,14,23,24,25; T7S R44E SEC 19	SODA SPRINGS	ID	83201	AGRICULTURE	OTHER	10/13/2010
USDA FS CHUGACH NF: CULROSS MINE & MILL SITE	SE SLOPE ABOVE CULROSS BAY	WHITTIER	AK	99693	AGRICULTURE	OTHER	10/13/2010
USDA FS COLVILLE NF: LONGSHOT MINE & MILL	T36N R41E SEC 18 E1/2, 11 MI NE OF COLVILLE	COLVILLE	WA	99114	AGRICULTURE	OTHER	10/13/2010
USDA FS MALHEUR NF: IDOL CITY MINE	FS ROAD 3935-630, T21S R32E SEC 4,9, 20 MI NE OF BURNS	BURNS	OR	97720	AGRICULTURE	OTHER	10/13/2010
USDA FS MT. HOOD NF: KIGGINS & NISBET MINE	FS ROAD 4630-024, T6S R7E SEC 5 SE1/4 NE1/4; T6S R7E SEC 5 NE1/4 SW1/4; 30 MI SE OF ESTACADA	ESTACADA	OR	97023	AGRICULTURE	OTHER	10/13/2010
USDA FS OKANOGAN-WENATCHEE NF: AZURITE MINE	GATED ROAD OFF SLATE CREEK RD OFF USFS RD 5400 OFF STATE ROUTE 20; T37N R17E SEC 30 NE1/4NE1/4, WM	MAZAMA	WA	98833	AGRICULTURE	OTHER	10/13/2010
USDA FS OLYMPIC NF: QUINAULT OFFICE OF PACIFIC RANGER DISTRICT-SOUTH	353 S SHORE RD	QUINAULT	WA	98575	AGRICULTURE	RCRA 3010	10/13/2010
USDA FS TONGASS NF: CASCADE PROSPECT	T74S R84E SEC 1	HOLLIS	AK	99921	AGRICULTURE	OTHER	10/13/2010
USDA FS TONGASS NF: COFFMAN COVE ROAD	FOREST SERVICE ROAD 3030	COFFMAN COVE	AK	99918	AGRICULTURE	OTHER	10/13/2010
USDA FS TONGASS NF: DUCK CREEK ADMINISTRATIVE SITE	9050 ATLIN RD, NW CORNER OF ATLIN DR & TESLIN ST	JUNEAU	AK	99801	AGRICULTURE	RCRA 3010	10/13/2010
USDA FS TONGASS NF: KHAYYAM STUMBLE-ON MINE	BETWEEN POLK INLET AND CHOMLEY SOUND, PRINCE OF WALES ISLAND	THORNE BAY	AK	99919	AGRICULTURE	OTHER	10/13/2010
USDA FS TONGASS NF: LUCKY NELL MINE	T73S R83E SEC 28	HOLLIS	AK	99921	AGRICULTURE	OTHER	10/13/2010
USDA FS TONGASS NF: PUYALLUP MINE	T73S R84E SEC 31	HOLLIS	AK	99921	AGRICULTURE	OTHER	10/13/2010
USDA FS WILLAMETTE NF: MORNING STAR MINE	FS ROAD 079, 10 MI W OF BOURNE	BOURNE	OR	97877	AGRICULTURE	OTHER	10/13/2010
USDA FS WILLAMETTE NF: RUTH MINE	FS ROAD 2209, 8 AIR MI NE OF ELKHORN T8S R5E SEC 27	ELKHORN	OR	97045	AGRICULTURE	OTHER	10/13/2010
UNITED LAUNCH ALLIANCE CCAFS DELTA IV PROGRAM	BEACH ROAD	CCAFS	FL	32920-9009	AIR FORCE	RCRA 3010	10/13/2010
FORT MCPHERSON	1322 COBB STREET SW	FORT MCPHERSON	GA	30330	ARMY	RCRA 3010	10/13/2010
US ARMY GARRISON CAMP MACKALL	1500 CAMP MACKALL PLACE	MARSTON	NC	28363	ARMY	RCRA 3010	10/13/2010
USA RADFORD AMMUNITION PLANT	STATE ROUTE 114	RADFORD	VA	24141	ARMY	OTHER	10/13/2010
USDOC NOAA NATIONAL MARINE FISHERIES: JUNEAU LAB	11305 GLACIER HWY	AUKE BAY	AK	99821	COMMERCE	RCRA 3010	10/13/2010
COE-CIVIL DETROIT DAM 960433	NF ROAD 2212 & N SANTIAM HWY 22,T10S R5E SEC 7 W1/2, WM	MILL CITY	OR	97360	CORPS OF ENGINEERS, CIVIL	RCRA 3010	10/13/2010
MOUNT MORRIS DAM AREA OF CONCERN	6103 VISITOR CENTER	MOUNT MORRIS	NY	14510	CORPS OF ENGINEERS, CIVIL	OTHER	10/13/2010
GSA-THURGOOD MARSHALL U.S. COURTHOUSE	40 CENTRE STREET	NEW YORK	NY	10007	GENERAL SERVICES ADMINISTRATION	RCRA 3010	10/13/2010
NIH CHEMICAL GEMONICS CENTER	9800 MEDICAL CENTER DR	ROCKVILLE	MD	20850	HEALTH AND HUMAN SERVICES	RCRA 3010	10/13/2010
TRANSPORTATION SECURITY ADMINISTRATION	6000 NORTH TERMINAL PKWY	ATLANTA	GA	30320	HOMELAND SECURITY	RCRA 3010	10/13/2010
TRANSPORTATION SECURITY ADMINISTRATION	3100 S TERMINAL RD	HOUSTON	TX	77032	HOMELAND SECURITY	RCRA 3010	10/13/2010
TRANSPORTATION SECURITY ADMINISTRATION	HANGAR #3	LA GUARDIA AIRPORT	NY	11371	HOMELAND SECURITY	OTHER	10/13/2010
TRANSPORTATION SECURITY ADMINISTRATION	MCNAMARA TERMINAL	ROMULUS	MI	48242	HOMELAND SECURITY	RCRA 3010	10/13/2010
TSA AT JFK INTERNATIONAL AIRPORT	230-59 ROCKAWAY BLVD	JAMAICA	NY	11413	HOMELAND SECURITY	RCRA 3010	10/13/2010
TSA AT LUIS M MARIN INTL AIRPORT-SJU	TERMINAL D STE 4010 AIRPORT STA	CAROLINA	PR	00979	HOMELAND SECURITY	RCRA 3010	10/13/2010
TSA ROTUNDA MEZ LEV TERM 2&3	10000 BESSIE COLEMAN DR	CHICAGO	IL	60666	HOMELAND SECURITY	RCRA 3010	10/13/2010
TSA-NEWARK INTERNATIONAL AIRPORT	614 FRELINGHYSEN AVE 3RD FLOOR	NEWARK	NJ	07114	HOMELAND SECURITY	RCRA 3010	10/13/2010
U.S. COAST GUARD SECTOR SAN DIEGO	2710 NORTH HARBOR DRIVE	SAN DIEGO	CA	92101	HOMELAND SECURITY	RCRA 3010	10/13/2010
POPLAR POINT NURSERY	1900 ANACOSTIA DRIVE	WASHINGTON	DC	20020	INTERIOR	CERCLA 103	10/13/2010

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
USDOI BLM JOHN RISHEL MINERAL INFORMATION CENTER	100 SAVIKKO RD, MAYFLOWER ISLAND-JUNEAU	DOUGLAS	AK	99824	INTERIOR	RCRA 3010	10/13/2010
USDOI BLM KOLMAKOF MINE	T17N R53W SEC 6 N1/2, SEWARD MERIDIAN, N. BANK OF KUSKOKWIM RIVR	ANIAK	AK	99557	INTERIOR	RCRA 3010	10/13/2010
USDOI BLM RED ELEPHANT MILL SITE	CROY ROAD, 7 MI SW OF HAILEY T2N R17E SEC 28 SE1/4 SE1/4, BOISE MERIDIAN	HAILEY	ID	83333	INTERIOR	OTHER	10/13/2010
USGS COLUMBIA RIVER RESEARCH LABORATORY	5501 COOK UNDERWOOD ROAD, STE A	COOK	WA	98605	INTERIOR	RCRA 3010	10/13/2010
COMMANDER NAVY REGION SOUTHEAST	8998 BLOUNT ISLAND BLVD	JACKSONVILLE	FL	32226-4033	NAVY	RCRA 3010	10/13/2010
US NAVY NUWC DIV NEWPORT DEADHORSE AIRPORT ERA HANGER	419 DALTON HIGHWAY	PRUDHOE BAY	AK	99734	NAVY	RCRA 3010	10/13/2010
BATH VETERANS AFFAIRS MEDICAL CENTER	76 VETERANS AVENUE	BATH	NY	14810	VETERANS ADMINISTRATION	RCRA 3010	10/13/2010
SIOUX FALLS VA MEDICAL CENTER	2501 WEST 22ND STREET	SIOUX FALLS	SD	57105	VETERANS ADMINISTRATION	RCRA 3010	10/13/2010
USVA PSHCS AMERICAN LAKE DIVISION	VETERANS DR., AMERICAN LAKE	TACOMA	WA	98493	VETERANS ADMINISTRATION	RCRA 3010	10/13/2010
USVA WILLIAM S MIDDLETON MEMORIAL HOSPITAL	2500 OVERLOOK TERRACE	MADISON	WI	53705-2254	VETERANS ADMINISTRATION	RCRA 3010	10/13/2010
VA CARIBBEAN HEALTHCARE SYSTEM	10 CASIA STREET	RIO PIEDRAS	PR	00921	VETERANS ADMINISTRATION	RCRA 3010	10/13/2010
VA MEDICAL CENTER	3001 GREEN BAY RD	NORTH CHICAGO	IL	60064	VETERANS ADMINISTRATION	RCRA 3010	11/25/2008
VAMC, SAN FRANCISCO (138ES)	4150 CLEMENT STREET	SAN FRANCISCO	CA	94121	VETERANS ADMINISTRATION	RCRA 3010	10/13/2010
FORMER RED ROCKS MINE MERCURY MINE	37 51' 23 N LAT 118 14' 34 W L.	DYER	NV	89010	AGRICULTURE	RCRA 3010	12/31/2012
U.S. ARMY	WARRIOR AVENUE	ALEXANDRIA	LA	71311	ARMY	RCRA 3010	12/31/2012
NIEHS & EPA WASTE HANDLING FACILITY	TW ALEXANDER DRIVE	DURHAM	NC		HEALTH AND HUMAN SERVICES	RCRA 3010	12/31/2012
US COAST GUARD AIR STATION CAPE COD	BLDG 5216 BRYAN RD	BOURNE	MA	02542	HOMELAND SECURITY	RCRA 3010	12/31/2012
US COAST GUARD TRAINING CENTER	1 MUNRO AVENUE	CAPE MAY	NJ	08204	HOMELAND SECURITY	RCRA 3010	12/31/2012
US SECRET SERVICE - ARIEL RIOS BLDG	PENNSYVANIA AVENUE NW	WASHINGTON	DC	20004	HOMELAND SECURITY	RCRA 3010	12/31/2012
NAVAL MEDICAL CENTER SAN DIEGO (BALBOA HOSPITAL)	BOB WILSON DRIVE	SAN DIEGO	CA	92147	NAVY	RCRA 3010	12/31/2012
US NAVY NAVAL STATION NEWPORT	1 SIMONPIETRI DRIVE	NEWPORT	RI	02841	NAVY	RCRA 3010	12/31/2012
AEX ARSR	FAA AVE	ALEXANDRIA	LA	71311	TRANSPORTATION	RCRA 3010	12/31/2012
TRANSPORTATION SECURITY ADMINISTRATION	E SKY HARBOR BLVD, STE 4206	PHOENIX	AZ	85034	TRANSPORTATION	RCRA 3010	10/13/2010
DEPARTMENT OF VETERAN AFFAIRS	E COLFAX	AURORA	CO	80045	VETERANS AFFAIRS	RCRA 3010	12/31/2012
SOUTHEAST LOUISIANA VETERANS HEALTHCARE SYSTEM/REPLACE NEW ORLEANS VA MEDICAL CE	CANAL STREET	NEW ORLEANS	LA	70119	VETERANS AFFAIRS	RCRA 3010	12/31/2012
US DEPARTMENT OF VETERANS AFFAIRS NEBRASKA-WESTERN IOWA HEALTH CARE SYSTEM	WOOLWORTH	OMAHA	NE	68105	VETERANS AFFAIRS	RCRA 3010	12/31/2012
VA CT HEALTH CARE SYSTEM	WILLARD AVE	NEWINGTON	CT	06111	VETERANS AFFAIRS	RCRA 3010	12/31/2012
VA LONG BEACH HEALTHCARE SYSTEM VALBHS	5901 E 7TH ST	LONG BEACH	CA	90822	VETERANS AFFAIRS	RCRA 3010	12/31/2012
USDA FS COLVILLE NF: KELLY CAMP MINE	ON 391 SPUR OF FSR # 2148, 11 MI N OF CY, T38N R32E SEC 9, SW 1/4	REPUBLIC	WA	98166	AGRICULTURE	RCRA 3010	3/18/2013
USDA FS MT BAKER-SNOQUALMIE NF: CASHMAN MILL/APEX MILL SITE	201 NE LOWE CREEK RD	BARING	WA	98224	AGRICULTURE	RCRA 3010	3/18/2013
USDA FS MT BAKER-SNOQUALMIE NF: KROMONA MINE & MILL SITE	ON MIDDLE FORK OF SOUTH FORK	SULTAN	WA	98294	AGRICULTURE	OTHER	3/18/2013
USDA FS MT BAKER-SNOQUALMIE NF: SUNSET MINE & MILL SITE	ON TROUT CREEK, 5 MI NE OF CY	INDEX	WA	98256	AGRICULTURE	OTHER	3/18/2013
USDA FS OKANOGAN-WENATCHEE NF: BETH LAKE PROSPECT	OROVILLE-TORODA CREEK RD/COUNTY RD 9480, 8 MI SE OF CY, T39N R30E SEC 23, SE1/4	CHESAW	WA	98844	AGRICULTURE	OTHER	3/18/2013
USDA FS WENATCHEE NF: COPPER CITY MILL	FROM BUMPING LAKE CAMPGROUND S 8 MI ON NFR 1800 & 1808, 2 MI S OF GRANITE LAKE PROSPECT, 30 MI W OF	NACHES	WA	98929	AGRICULTURE	OTHER	3/18/2013
USDA FS WENATCHEE NF: GRANITE LAKE PROS-PECT	FROM BUMPING LAKE CAMPGROUND S 2.3 MI ON NFR 1800, 4.2 MI SW ON NFR 1809, 30 MI W OF CY, T15N R12E S	NACHES	WA	98929	AGRICULTURE	OTHER	3/18/2013
182ND AIRLIFT WING AIR NATL GUARD	6915 W SMITHVILLE RD	PEORIA	IL	61607	AIR FORCE	RCRA 3010	3/18/2013

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
USAF ANG WALLA WALLA MILITARY DEPT	113 S COLVILLE ST	WALLA WALLA	WA	99362	AIR FORCE	RCRA 3010	3/18/2013
PORT ALLEN LOCK	2101 ERNEST WILSON DR	PORT ALLEN	LA	70767	ARMY	RCRA 3010	3/18/2013
COE-CIVIL MCNARY PROJECT	COLUMBIA RIVER MILE 292	UMATILLA	OR	97882	CORPS OF ENGINEERS, CIVIL	RCRA 3010	3/18/2013
USDOE OFFICE OF SCIENCE PNNL SITE	3335 Q AVENUE	RICHLAND	WA	99354	ENERGY	RCRA 3010	3/18/2013
GSA-ST ELIZABETH'S WEST CAMPUS	2701 MARTIN LUTHER KING AVE SE	WASHINGTON	DC	20032	GENERAL SERVICES ADMINISTRATION	RCRA 3010	3/18/2013
U.S. APPRAISERS BUILDING/ GSA	630 SANSOME STREET	SAN FRANCISCO	CA	94111	GENERAL SERVICES ADMINISTRATION	RCRA 3010	3/18/2013
BEAVER ISLAND HIGH LEVEL SITE	SOUTH END ROAD	PEAINE TOWNSHIP	MI	49782	HOMELAND SECURITY	OTHER	3/18/2013
CHEBOYGAN HOUSING VACANT LOT	900 S. WESTERN AVENUE	CHEBOYGAN	MI	49721	HOMELAND SECURITY	OTHER	3/18/2013
CHEBOYGAN RIVER RANGE FRONT LIGHT	606 WATER STREET	CHEBOYGAN	MI	49721	HOMELAND SECURITY	OTHER	3/18/2013
DETROIT ATWATER PROPERTY	2660 E. ATWATER STREET	DETROIT	MI	48207	HOMELAND SECURITY	OTHER	3/18/2013
JAMES J ROWLEY TRAINING CENTER	9200 POWDER MILL RD	LAUREL	MD	20708	HOMELAND SECURITY	RCRA 3010	3/18/2013
MENAGERIE ISLAND LIGHT STATION	ISLE ROYALE NATIONAL PARK	(UNINCORPORATED)	MI	49930	HOMELAND SECURITY	OTHER	3/18/2013
MIDDLE ISLAND LIGHT STATION	MIDDLE ISLAND	ALPENA TOWNSHIP	MI	49707	HOMELAND SECURITY	OTHER	3/18/2013
OLD STATION ASHTABULA	1 FRONT STREET	ASHTABULA	OH	44004	HOMELAND SECURITY	OTHER	3/18/2013
OLD STATION LUDINGTON	101 S. LAKESHORE DRIVE	LUDINGTON	MI	49431	HOMELAND SECURITY	OTHER	3/18/2013
OLD STATION MARQUETTE	N. LAKESHORE BLVD. & E. RIDGE STREET	MARQUETTE	MI	49855	HOMELAND SECURITY	OTHER	3/18/2013
OLD STATION PORTAGE	COAST GUARD ROAD	HANCOCK TOWNSHIP	MI	49930	HOMELAND SECURITY	OTHER	3/18/2013
OLD STATION PT. HURON/FT GRATIOT LIGHT	CONGER & OMAR STREETS	PORT HURON	MI	48060	HOMELAND SECURITY	OTHER	3/18/2013
PASSAGE ISLAND LIGHT STATION	ISLE ROYALE NATIONAL PARK	(UNINCORPORATED)	MI	49930	HOMELAND SECURITY	OTHER	3/18/2013
STURGEON POINT LIGHT	STURGEON POINT SCENIC ROAD	HAYNES TOWNSHIP	MI	48740	HOMELAND SECURITY	OTHER	3/18/2013
THUNDER BAY ISLAND LIGHT STATION	MICHIGAN ISLANDS NAT'L WILDLIFE REFUGE	ALPENA TOWNSHIP	MI	49707	HOMELAND SECURITY	OTHER	3/18/2013
TRANSPORTATION SECURITY ADMINISTRATION	300 ROGERS BLVD	HONOLULU	HI	96819	HOMELAND SECURITY	RCRA 3010	10/13/2010
USDHS CG GRAYS HARBOR LIGHTHOUSE	OCEAN DR & LIGHTHOUSE DRIVE	WESTPORT	WA	98595	HOMELAND SECURITY	RCRA 3010	3/18/2013
GREAT KILLS PARK -GATEWAY NATIONAL RECREATION AREA	210 NEW YORK AVENUE	STATEN ISLAND	NY	10305-5019	INTERIOR	CERCLA 103	3/18/2013
OXON COVE LANDFILL	OXON HILL ROAD	OXON HILL	MD	20745	INTERIOR	CERCLA 103	3/18/2013
US GEOLOGICAL SURVEY-MARINE FACILITY (MARFAC)	599 SEAPORT BLVD	REDWOOD CITY	CA	94063	INTERIOR	RCRA 3010	3/18/2013
USDOI BLM RED TOP MINE	T10S R55W S29, SEWARD MERIDIAN	ALEGNAGIK	AK	99555	INTERIOR	OTHER	3/18/2013
FBI ACADEMY	15 HOGANS ALLEY	QUANTICO	VA	22135	JUSTICE	RCRA 3010	3/18/2013
FEDERAL CORRECTIONAL COMPLEX VICTORVILLE	1377 AIR EXPRESSWAY BLVD	VICTORVILLE	CA	92394	JUSTICE	RCRA 3010	3/18/2013
POTTER STEWART US COURTHOUSE	100 E 5TH ST	CINCINNATI	OH	45202	JUSTICE	RCRA 3010	3/18/2013
DLA Disposition Services	P.O. Box 140	JBPHH	HI	96890	NAVY	RCRA 3010	3/18/2013
MANSFIELD NAVAL RESERVE CENTER	170 ASHLAND RD	MANSFIELD	OH	44902	NAVY	RCRA 3010	3/18/2013
NAVAL WPNS STATION SEAL BEACH DET. CORON	2300 5TH ST	NORCO	CA	92860	NAVY	RCRA 3010	3/18/2013
NAVY REMEDIATION AT TELEDYNE TURBINE ENG	1330 LASKEY RD	TOLEDO	OH	43612	NAVY	RCRA 3010	3/18/2013
SUPERVISOR OF SHIPBUILDING, USN	505 HOWMET DRIVE	HAMPTON	VA	23661	NAVY	RCRA 3010	3/18/2013
UNIFORMED SERVICES UNIV/ HEALTH SCIENCES	4301 JONES BRIDGE RD	BETHESDA	MD	20814	NAVY	RCRA 3010	3/18/2013
USNAVY TRANSIENT FAMILY ACCOMMODATION EASTPARK	90 MAGNUSON WAY	BREMERTON	WA	98310	NAVY	RCRA 3010	3/18/2013
YOUNGSTOWN NAVAL RESERVE CENTER	315 E LACLEDE AVE	YOUNGSTOWN	OH	44507	NAVY	RCRA 3010	3/18/2013
SMITHSONIAN INST-NATURAL HISTORY BLDG	10TH & CONSTITUTION AVENUE NW	WASHINGTON	DC	20560	Smithsonian Board of Regents	RCRA 3010	3/18/2013
UNITED STATES MERCHANT MARINE ACADEMY	300 STEAMBOAT ROAD	KINGS POINT	NY	11024	TRANSPORTATION	RCRA 3010	3/18/2013
TRANS SECURITY ADMINISTRATION (CLT)	5501 JOSH BIRMINGHAM PKWY STE	CHARLOTTE	NC	28208	TREASURY	RCRA 3010	3/18/2013
TRANSPORTATION SECURITY ADMIN PHIL INTL	8500 ESSINGTON AVE	PHILADELPHIA	PA	19153	TREASURY	RCRA 3010	3/18/2013
UNITED STATES MINT	155 HERMAN STREET	SAN FRANCISCO	CA	94102	TREASURY	RCRA 3010	3/18/2013

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
US POSTAL SERVICE-GMF	5640 E TAFT RD	SYRACUSE	NY	13220	USPS	RCRA 3010	3/18/2013
ALVIN C YORK VA MEDICAL CENTER	3400 LEBANON RD	MURFREESBORO	TN	37130	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
DEPARTMENT OF VETERANS AFFAIRS	1 V A CENTER	AUGUSTA	ME	4330	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
FORT HOWARD VETERANS AFFAIRS MEDICAL CENTER	9600 NORTHPOINT RD	FORT HOWARD	MD	21052	VETERANS ADMINISTRATION	OTHER	3/18/2013
MIAMI VA HEALTHCARE SYSTEM	1201 NW 16TH ST	MIAMI	FL	33125	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
US VA HUDSON VALLEY HEALTH CARE SYSTEM	2094 ALBANY POST ROAD	MONTROSE	NY	10548	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
USVA PORTLAND MEDICAL CENTER	3710 SW US VETERANS HOSPITAL, R	PORTLAND	OR	97239	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
USVA PSHCS SEATTLE DIVISION	1660 S COLUMBIAN WAY	SEATTLE	WA	98108	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
USVA ROSEBURG HEALTHCARE SYSTEM	913 NW GARDEN VALLEY BLVD	ROSEBURG	OR	97471	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
VA GULF COAST VETERANS HEALTH CARE SYSTEM	400 VETERANS AVENUE	BILOXI	MS	39531	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
VA MEDICAL CENTER	1030 JEFFERSON AVE	MEMPHIS	TN	38104	VETERANS ADMINISTRATION	RCRA 3010	11/25/2008
VACHS VETERANS ADMIN CT HEALTHCARE SYSTEM	950 CAMPBELL AVE BLDG 15	WEST HAVEN	CT	06516	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
VETERANS ADMINISTRATION MEDICAL CENTER	1310 24TH AVE S	NASHVILLE	TN	37212	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
VETERANS ADMINISTRATION MEDICAL CENTER N	79 MIDDLEVILLE ROAD	NORTHPORT	NY	11768	VETERANS ADMINISTRATION	RCRA 3010	3/18/2013
NATL COLDWATER AQUACULTURE CTR	11861 LEETOWN RD	KEARNEYSVILLE	WV	25430	AGRICULTURE	RCRA 3010	1/6/2014
USDA APHIS WS Pocatello Supply Depot	238 E Dillon Street	Pocatello	ID	83201	AGRICULTURE	RCRA 3010	1/6/2014
US CUSTOMS HOUSE	19TH ST	DENVER	CO	80202	GENERAL SERVICES ADMINISTRATION	RCRA 3010	1/6/2014
US FDA OFFICE OF CRIMINAL INVESTIGATION	11750 BELTSVILLE DR SUITE 200	BELTSVILLE	MD	20705	HEALTH AND HUMAN SERVICES	RCRA 3010	1/6/2014
TRANSPORTATION SECURITY ADMINISTRATION (MIA)	NW 20TH ST BLDG 3050	MIAMI	FL	33142	HOMELAND SECURITY	RCRA 3010	1/6/2014
TSA ORLANDO INTERNATIONAL AIRPORT	JEFF FUQUA BLVD	ORLANDO	FL	32822	HOMELAND SECURITY	RCRA 3010	1/6/2014
TSA PORTLAND INTERNATIONAL AIRPORT	7000 NE AIRPORT WY LWR LVL S E	PORTLAND	OR	97218	HOMELAND SECURITY	RCRA 3010	1/6/2014
TSA SEATAC AIRPORT	17801 INTL BLVD, RM 6631	SEATTLE	WA	98158	HOMELAND SECURITY	RCRA 3010	1/6/2014
USDHS CG Alki Point Lighthouse	3201 ALKI AVE SW	SEATTLE	WA	98116	HOMELAND SECURITY	RCRA 3010	1/6/2014
USDHS CG North Head Lighthouse	N North Head Lighthouse Road, 2 mi SW of Ilwaco / 46.29891 N, 124.07805 W	ILWACO	WA	98624	HOMELAND SECURITY	OTHER	1/6/2014
NASA ELLINGTON FIELD	SW 36TH ST	HOUSTON	TX	77058	NASA	RCRA 3010	1/6/2014
CANANDAIGUA VA MEDICAL CENTER	400 FOOT HILL AVENUE	CANANDAIGUA	NY	14424	VETERANS AFFAIRS	RCRA 3010	1/6/2014
LOUIS STOKES CLEVELAND VAMC	10701 EAST BLVD	CLEVELAND	OH	44106	VETERANS AFFAIRS	RCRA 3010	1/6/2014
LOUISVILLE VETERANS AFFAIRS MEDICAL CENTER	800 ZORN AVENUE	LOUISVILLE	KY	40202	VETERANS AFFAIRS	RCRA 3010	1/6/2014
SAN DIEGO V.A. HEALTHCARE SYSTEM	LA JOLLA VILLAGE DRIVE	SAN DIEGO	CA		VETERANS AFFAIRS	RCRA 3010	1/6/2014
VA MT HLTH CARE SYSTEMS FORT HARRISON	VETERANS DR	FORT HARRISON	MT	59636	VETERANS AFFAIRS	RCRA 3010	1/6/2014
Gila National Forest: Catron County Shooting Range - Reserve	PO BOX 170	RESERVE	NM	87830	AGRICULTURE	RCRA 3010	12/31/2014
AIR FORCE PLANT NO 4 (LOCKEED MARTIN)	PO BOX 748	FORT WORTH	TX	76108	AIR FORCE	RCRA 3010	12/31/2014
USACE - PORTUGUES DAM	PR Road 10 km 5.5	Ponce	PR	00731	ARMY	RCRA 3010	12/31/2014
USARMY Fort Pierce Biorka Island	15 mi SW of Sitka on Biorka Island	Sitka	AK	99835	ARMY	OTHER	12/31/2014
HERBERT C. HOOVER BUILDING (AKA: MAIN COMMERCE)	1401 CONSTITUTION AVENUE NW ROOM 7603	WASHINGTON	DC	20230	GENERAL SERVICES ADMINISTRATION	RCRA 3010	12/31/2014
FLETC - DEPARTMENT OF HOMELAND SECURITY	9000 COMMO ROAD	CHELTENHAM	MD	20623	HOMELAND SECURITY	RCRA 3010	12/31/2014
TRANSPORTATION SECURITY ADMINISTRATION (DFW)	510 AIRLINE DR	COPPELL	TX	75019	HOMELAND SECURITY	RCRA 3010	12/31/2014
US BORDER PATROL SAN DIEGO FIRING RANGE	2301 McCain Road	San Diego	CA	92101	HOMELAND SECURITY	RCRA 3010	12/31/2014
USDHS CG Fort Pierce former USNAVY Site Biorka Island	15 mi SW of Sitka on Biorka Island	Sitka	AK	99835	HOMELAND SECURITY	OTHER	12/31/2014
USDHS CGPORT HIGGINS RADIO STATION	14700 N Tongass Hwy, approx. 13 mi N of Ketchikan, T74S R90E Sec 7, Copper River Meridian	Ketchikan	AK	99901	HOMELAND SECURITY	OTHER	12/31/2014
BR—Benton City Site	39307 W Kelly Rd	Benton City	WA	99320	INTERIOR	RCRA 3010	12/31/2014
BR—Chandler Power & Pumping Plant	Old Inland Empire Hwy	Benton City	WA	99320	INTERIOR	RCRA 3010	12/31/2014
BR—Redding	Shasta Office CVP	Redding	CA	96003	INTERIOR	RCRA 3010	12/31/2014

Facility Name	Address	City	State	Zip	Agency	Reporting Mechanism	Date
NATIONAL PARK SVC/DE WATER GAP	Pioneer Trail	Pahaquarry	NJ	07825	INTERIOR	RCRA 3010	12/31/2014
Southwest Polytechnic Institute	9169 Coors Rd NW	Albuquerque	NM	87196	INTERIOR	RCRA 3010	12/31/2014
GLENMONT JOB CORPS CENTER	822 River Road	Glenmont	NY	12077-0993	LABOR	RCRA 3010	12/31/2014
USMC SUPPORT FACILITY - BLOUNT ISLAND	5880 CHANNEL VIEW DR	JACKSONVILLE	FL	32226	NAVY	RCRA 3010	12/31/2014
USDOT FAA SUNSET COVE	N BONIFACE PKWY	ANCHORAGE	AK	99506	TRANSPORTATION	RCRA 3010	12/31/2014
US POSTAL SERVICE BACON STATION	STRATFORD DR	BLOOMINGDALE	IL	60117-7000	USPS	RCRA 3010	12/31/2014
US POSTAL SERVICE VEHICLE MAINTENANCE FACILITY	STRATFORD DR	BLOOMINGDALE	IL	60117-7000	USPS	RCRA 3010	12/31/2014
VA MEDICAL CENTER	1540 Spring Valley Drive	Huntington	WV	25704	VETERANS AFFAIRS	RCRA 3010	11/25/2008
AIR FORCE MEDICAL OPERATIONS AGENCY AFMOA	601 DAVY CROCKETT RD	SAN ANTONIO	TX	78226	AIR FORCE	RCRA 3010	8/17/2015
JOINT BASE LANGLEY-EUSTIS	SWEENEY BLVD	HAMPTON	VA	23665-2769	AIR FORCE	RCRA 3010	8/17/2015
U.S.ARMY, FORT POLK	WARRIOR TRAIL, BLDG 350	FORT POLK	LA	71459	ARMY	RCRA 3010	8/17/2015
US ARMY RESERVE CENTER	18960 S HALSTED ST	HOMEWOOD	IL	60430	ARMY	RCRA 3010	8/17/2015
US ARMY CORPS OF ENGINEERS WHITNEY POINT LAKE AND DAM	10 SOUTH HOWARD STREET	BALTIMORE	MD	21201	CORPS OF ENGINEERS, CIVIL	RCRA 3010	8/17/2015
U.S. EPA, REGION 3, ENVIRONMENTAL SCIENCE CENTER	MAPES ROAD	FORT MEADE	MD	20755	EPA	RCRA 3010	8/17/2015
FEDERICO DEGETAU FEDERAL OFFICE BUILDING - INDOOR FIRING RANGE					GENERAL SERVICES ADMINISTRATION	RCRA 3010	8/17/2015
CENTERS FOR DISEASE CONTROL AND PREVENTION	CLIFTON RD MS-F05	ATLANTA	GA	30333	HEALTH AND HUMAN SERVICES	RCRA 3010	8/17/2015
US ARMY, WARRENTON TRAINING CENTER, STATION C	PO BOX 700	WARRENTON	VA	20186	HOMELAND SECURITY	RCRA 3010	8/17/2015
USCG Gull Rock Light Station	2.5 miles E of Keweenaw Point on Keweenaw Peninsula..	Copper Harbor	MI	49918	HOMELAND SECURITY	OTHER	8/17/2015
USCG Manitou Island Light Station	5.1 miles E of Keweenaw Point on Keweenaw Peninsula	Copper Harbor	MI	49918	HOMELAND SECURITY	OTHER	8/17/2015
QUESTAR PIPELINE COMPANY EAKIN STATION	HIGHWAY 189 N	KEMMERER	WY	83101	INTERIOR	RCRA 3010	8/17/2015
FEDERAL BUREAU OF INVESTIGATION	935 PENNSYLVANIA AVENUE, NW	WASHINGTON	DC	20535	JUSTICE	RCRA 3010	8/17/2015
GAINESVILLE JOB CORPS CENTER	N. E. 40TH TERRACE	GAINESVILLE	FL	32609	LABOR	RCRA 3010	8/17/2015
NASA-JOHNSON SPACE CENTER, BUILDING 319	2101 NASA PARKWAY	HOUSTON	TX	77058	NASA	CERCLA 103	8/17/2015
SMITHSONIAN INSTITUTION	EAST 91ST ST	NEW YORK	NY	10128	Smithsonian Board of Regents	RCRA 3010	8/17/2015
US DOT ST LAWRENCE SEAWAY DEVELOPMENT CORP EISENHOWER LOCK	180 ANDREWS ST	MASSENA	NY	13662	TRANSPORTATION	RCRA 3010	8/17/2015
DEPARTMENT OF VETERANS AFFAIRS KERRVILLE	BABCOCK RD STE 324	SAN ANTONIO	TX	78240	VETERANS AFFAIRS	RCRA 3010	8/17/2015
DEPT OF VETERANS AFFAIRS NY HARBOR HEALTHCARE SYSTEM MANHATTAN CAMPUS	423 E 23RD ST	NEW YORK	NY	10010	VETERANS AFFAIRS	RCRA 3010	8/17/2015
JAMES J PETERS VA MEDICAL CENTER	130 WEST KINGSBRIDGE ROAD ROOM GC-100	BRONX	NY	10468	VETERANS AFFAIRS	RCRA 3010	8/17/2015
USAF - AIR NATIONAL GUARD CAMP MURRAY	118 Infantry	CAMP MURRAY	WA	98430	AIR FORCE	OTHER	Update #29
TRANSPORTATION SECURITY ADMINISTRATION (DEN)	8400 PENA BOULEVARD, PO B0X 492125	DENVER	CO	80249	HOMELAND SECURITY	RCRA 3010	Update #29
TRANSPORTATION SECURITY ADMINISTRATION (FLL)	690 SW 34TH STREET	FORT LAUDERDALE	FL	33315	HOMELAND SECURITY	RCRA 3010	Update #29
TRANSPORTATION SECURITY ADMINISTRATION (LAS)	6750 VIA AUSTI PARKWAY SUITE 200	LAS VEGAS	NV	89119	HOMELAND SECURITY	RCRA 3010	Update #29
TRANSPORTATION SECURITY ADMINISTRATION (SAN)	3665 NORTH BARBOR DRIVE, TERMINAL 1	SAN DIEGO	CA	92106	HOMELAND SECURITY	RCRA 3010	Update #29
TRANSPORTATION SECURITY ADMINISTRATION (TPA)	4200 GEORGE BEAN PARKWAY, SUITE 2112	TAMPA	FL	33607	HOMELAND SECURITY	RCRA 3010	Update #29
VETERANS ADMINISTRATION MEDICAL CENTER	1892 Fort Road	Sheridan	WY	82801	VETERANS AFFAIRS	OTHER	Update #29

[FR Doc. 2016–04692 Filed 3–2–16; 8:45 am]
BILLING CODE 6560–50–C

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 10, 2016, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the

meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- February 11, 2016

B. New Business

- Final Rule: Capital—Tier 1/Tier 2 Framework
- Bookletter: Lending to Similar Entities

Dated: March 1, 2016.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2016–04814 Filed 3–1–16; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10504, Eastside Commercial Bank, Conyers, Georgia

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Eastside Commercial Bank, Conyers, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Eastside Commercial Bank on July 18, 2014. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 29, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–04661 Filed 3–2–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10260 Olde Cypress Community Bank, Clewiston, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Olde Cypress Community Bank, Clewiston, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Olde Cypress Community Bank on July 16, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 29, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–04658 Filed 3–2–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10421, First Guaranty Bank and Trust Company of Jacksonville, Jacksonville, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for First Guaranty Bank and Trust Company of Jacksonville, Jacksonville, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of First Guaranty Bank and Trust Company of Jacksonville on January 27, 2012. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 29, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–04660 Filed 3–2–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10279 Community National Bank At Bartow; Bartow, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Community National Bank At Bartow, Bartow, Florida (''the Receiver'') intends to terminate its receivership for said institution. The

FDIC was appointed receiver of Community National Bank At Bartow on August 20, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation; Division of Resolutions and Receiverships; Attention: Receivership Oversight Department 32.1; 1601 Bryan Street; Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 29, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–04659 Filed 3–2–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2016–N–02]

Privacy Act of 1974; Systems of Records

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of complete revision to an existing system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a (Privacy Act), the Federal Housing Finance Agency (FHFA) gives notice of a complete revision to an existing Privacy Act system of records.

The existing system is Correspondence Tracking System (FHFA–3) and is being revised in its entirety. The system is being revised to clarify and update the categories of individuals covered by the system, the categories of records in the system, and the purposes of the system; to reduce the number of routine uses of the information; and to update where to send notifications, and requests or appeals. The revised System will contain information that FHFA will use for tracking and responding to general Correspondence, Consumer Complaints, Congressional correspondence, and inquiries to FHFA's Ombudsman.

DATES: To be assured of consideration, comments should be received on or before April 4, 2016. This revised system of records will become effective on April 12, 2016 without further notice unless comments necessitate otherwise. FHFA will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received.

ADDRESSES: Submit comments to FHFA *only once,* identified by ''2016–N–02,'' using any one of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency. Please include ''Comments/No. 2016–N–02'' in the subject line of the message.
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/No. 2016–N–02, Federal Housing Finance Agency, Eight Floor, 400 7th Street SW., Washington, DC 20219. The package should be delivered to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/No. 2016–N–02, Federal Housing Finance Agency, Eighth Floor, 400 7th Street SW., Washington, DC 20219. Please note that all mail sent to FHFA via the U.S. Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximate two weeks.

See **SUPPLEMENTARY INFORMATION** for additional information on submission and posting of comments.

FOR FURTHER INFORMATION CONTACT: Megan Moore, Special Advisor, Office of the Director at (202) 649–3018; or David A. Lee, Senior Agency Official for Privacy, *privacy@fhfa.gov,* (202) 649–3803 (not toll free numbers), Federal Housing Finance Agency, 400 7th Street SW., Washington DC 20219. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

Instructions: FHFA seeks public comments on the revised system of records and will take all comments into consideration before issuing the final notice. *See* 5 U.S.C. 552a(e)(4) and (11). In addition to referencing ''Comments/No. 2016–N–02,'' please reference the title and number of the system of records your comment addresses: ''Correspondence Tracking System (FHFA–3).''

Posting and Public Availability of Comments: All comments received will be posted without change on the FHFA Web site at *http://www.fhfa.gov,* and will include any personal information provided, such as your name, address (home and email) telephone number and any other information you provide. In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, 400 7th Street SW., Washington DC 20219. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

II. Introduction

This notice informs the public of FHFA's proposal to revise in its entirety an existing system of records. This notice satisfies the Privacy Act requirement that an agency publish a system of records notice in the **Federal Register** when there is an addition to the agency's system of records. It has been recognized by Congress that application of all requirements of the Privacy Act to certain categories of records may have an undesirable and often unacceptable effect upon agencies in the conduct of necessary public business. Consequently, Congress established general exemptions and specific exemptions that could be used to exempt records from provisions of the Privacy Act. Congress also required that exempting records from provisions of the Privacy Act would require the head of an agency to publish a determination to exempt a record from the Privacy Act as a rule in accordance with the Administrative Procedure Act. The Director of FHFA has determined that records and information in this revised system of records are not exempt from requirements of the Privacy Act.

As required by the Privacy Act, 5 U.S.C. 552a(r), and pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (61 FR 6428, 6435

(February 20, 1996)), FHFA has submitted a report describing the revised system of records covered by this notice, to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

The revised system of records described above is set forth in its entirety below.

Dated: February 25, 2016.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

FHFA–3

SYSTEM NAME:

Correspondence Tracking System.

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

Federal Housing Finance Agency, 400 7th Street SW., Washington, DC 20219, and any alternate work site utilized by employees of the Federal Housing Finance Agency (FHFA) or by individuals assisting such employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

An individual or entity who submits a request or inquiry to FHFA. This does not include inquiries or requests made under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974, as amended (5 U.S.C. 552a) which are covered by FHFA's System of Records Notice *FHFA–13 Freedom of Information and Privacy Act Records.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Contact information such as name, address (home, property, mailing, and/or business), telephone numbers including cellular telephone numbers (personal and business), email (personal and business), and any other personally identifiable information an individual or entity voluntarily provides to FHFA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended (12 U.S.C. 4501 *et seq.*).

PURPOSE(S):

The purpose of the system is to capture and track correspondence that FHFA receives from external sources (the general public, Congress, FHFA regulated entities, other federal entities, and state and local governments). The system will capture information about the sender of the correspondence and the nature of the correspondence. The system will help ensure FHFA responds to the inquiry in a timely and accurate manner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside FHFA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) When (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) FHFA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by FHFA or another agency or entity) that rely upon the compromised information; and (c) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with FHFA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(2) Records in this system may, in the discretion of FHFA, be disclosed to any individual during the course of any inquiry or investigation conducted by FHFA, or in connection with civil or administrative litigation, if FHFA has reason to believe that the individual to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

(3) A record or information in this system may be disclosed to any individual with whom FHFA contracts to reproduce, by typing, photocopy or other means, any record within this system for use by FHFA and its employees in connection with their official duties or to any individual who is utilized by FHFA to perform clerical or stenographic functions relating to the official business of FHFA.

(4) To appropriate federal, state, and local authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(5) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when FHFA is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary.

(6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

(7) To contractor personnel, interns, and others performing or working on a contract or project for FHFA.

(8) To a regulated entity for the purposes of responding to an inquiry or request.

(9) To another Federal agency if the records are relevant and necessary to carry out FHFA's authorized functions, or if the other Federal agency is the proper agency to respond to the individual submitting an inquiry or request to FHFA.

(10) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(b), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic format, paper form, and magnetic disk or tape. Electronic records are stored in computerized databases. Paper and magnetic disk, or tape records are stored in locked file rooms, locked file cabinets and/or safes.

RETRIEVABILITY:

Records may be retrieved by any of the following: Name, telephone number, street address, email address, or assigned file number.

SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-

hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked file rooms, locked file cabinets, and/or safes. Access to the records is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules and FHFA Retention Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Congressional Affairs and Communications, Federal Housing Finance Agency, 400 7th Street SW., Washington, DC 20219.

NOTIFICATION PROCEDURES:

Direct inquiries as to whether this system contains a record pertaining to an individual to the Privacy Act Officer. Inquiries may be mailed to the Privacy Act Officer, Federal Housing Finance Agency, 400 7th Street SW., Washington, DC 20219, or electronically at *http://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Privacy.aspx* in accordance with the procedures set forth in 12 CFR part 1204.

RECORD ACCESS PROCEDURES:

Direct requests for access to a record to the Privacy Act Officer. Requests may be mailed to the Privacy Act Officer, Federal Housing Finance Agency, 400 7th Street SW., Washington, DC 20219, or can be submitted electronically at *http://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Privacy.aspx* in accordance with the procedures set forth in 12 CFR part 1204.

CONTESTING RECORD PROCEDURES:

Direct requests to contest or appeal an adverse decision for a record to the Privacy Act Appeals Officer. Requests may be mailed to the Privacy Act Appeals Officer, Federal Housing Finance Agency, 400 7th Street SW., Washington, DC 20219, or can be submitted electronically at *http://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Privacy.aspx* in accordance with the procedures set forth in 12 CFR part 1204.

RECORD SOURCE CATEGORIES:

Information is provided by individuals and entities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2016–04744 Filed 3–2–16; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Acting Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

Report title: Retail Payment Surveys.

Agency form number: FR 3066a, b, c, and d.

OMB Control number: 7100–0351.

Frequency: FR 3066a and b: Triennial (once every three years) with an annual component; FR 3066c: Triennial: and FR 3066d: Annual and on occasion.

Respondents: Depository and financial institutions, payment networks, payment processors, and payment instrument issuers.

Estimated annual burden hours: For 2016 surveys: FR 3066a: 43,200 hours; FR 3066b: 1,000 hours; FR 3066c: 450 hours; FR 3066d: 600 hours. For 2017 and 2018 surveys: FR 3066a: 1,700 hours; FR 3066b: 150 hours; FR 3066d: 1,200 hours.

Estimated average hours per response: For 2016 surveys: FR 3066a: 32 hours; FR 3066b: 8 hours; FR 3066c: 3 hours; FR 3066d: 12 hours. For 2017 and 2018 surveys: FR 3066a: 10 hours; FR 3066b: 5 hours; FR 3066d: 12 hours.

Number of respondents: FR 3066a: 1,350; FR 3066b: 125; FR 3066c: 150; FR 3066d: 50.

General description of report: The FR 3066 series is broadly authorized under sections 2A and 12A of the Federal Reserve Act. Section 2A requires that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee (FOMC) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the Federal Reserve Act, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to the regulations' bearing upon the general credit situation of the country (12 U.S.C. 263). The authority of the Federal Reserve to collect economic data to carry out the requirements of these provisions is implicit. Accordingly, the Federal Reserve is generally authorized to collect the information called for by the FR 3066 series by sections 2A and 12A of the Federal Reserve Act.

In addition, the Board is responsible for implementing and drafting regulations, interpretations, and other guidance for various payments, consumer protection, and other laws (including provisions of the Federal Reserve Act other than those cited above). The information obtained from the Federal Reserve Payments Study may be used in support of the Board's development and implementation of regulations, interpretations, and supervisory guidance for these laws. Therefore, the survey questions in the FR 3066 are authorized pursuant to the Board's authority under one or more of the following statutes:

- Expedited Funds Availability Act section 609 (12 U.S.C. 4008)

- Electronic Fund Transfer Act section 904 (15 U.S.C. 1693b) and section 920 (15 U.S.C. 1693o–2)
- Truth In Lending Act section 105 (15 U.S.C. 1604)
- The Check Clearing for the 21st Century Act section 15 (12 U.S.C. 5014)
- Federal Reserve Act section 11 (Examinations and reports, Supervision over Reserve Banks, and Federal Reserve Note provisions, 12 U.S.C. 248); section 11A (Pricing of Services, 12 U.S.C. 248a); section 13 (FRB deposits and collections, 12 U.S.C. 342); and section 16 (Issuance of Federal Reserve Notes, par clearance, and FRB clearinghouse, 12 U.S.C. 248–1, 360, and 411)

Additionally, depending upon the survey respondent, the information collection may be authorized under a more specific statute. Specifically, the Board is authorized to collect information from state member banks under section 9 of the Federal Reserve Act (12 U.S.C. 324); from bank holding companies (and their subsidiaries) under section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)); from savings and loan holding companies under 12 U.S.C. 1467a(b) and 5412, from Edge and agreement corporations under sections 25 and 25A of the Federal Reserve Act (12 U.S.C. 602 and 625); and from U.S. branches and agencies of foreign banks under section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)), and under section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)).

Participation in the survey is voluntary. Although the Board has the authority to require participation by state member banks, bank holding companies (and their subsidiaries), savings and loan holding companies, Edge and agreement corporations, and U.S. branches and agencies of foreign banks supervised by the Federal Reserve, it has not done so.

Respondents to the various surveys are requested to report confidential business information, such as information requested in the FR 3066a (for depository and financial institutions) about the number and value of deposits in various customer accounts, broken out by type; image check deposits vs. paper check deposits, ACH entries, wire transfers, debit and prepaid card transactions, credit card transactions, mobile payments, and third-party fraud. The other surveys request similar types of confidential ''number and value'' information appropriate to the surveyed entities: *e.g.,* for the Network, Processor and Issuer Payments Survey (FR 3066b), the number, value and type of transactions involving credit cards (both general purpose and private label), debit cards, and prepaid cards from each of the respondents (card networks, retail merchants, and processors). Only aggregate data from the surveys, such as estimated volumes and trends in cash usage, noncash payments, check distribution, and established and emerging payment instruments, are proposed to be publicly released.

Under exemption 4 of the Freedom of Information Act (''FOIA''), 5 U.S.C. 552(b)(4), ''trade secrets and commercial or financial information obtained from a person and privileged or confidential'' may be excluded from disclosure. The confidential business information collected voluntarily from individual respondents may be withheld, as release of such information would impair the Board's ability to collect such information in the future. Moreover, disclosure of such confidential business information could cause substantial competitive harm to the survey respondents. *See National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765, 770 (D.C. Cir. 1974).

Abstract: The FR 3066a, FR 3066b, FR 3066c, and FR 3066d are the latest iteration of the Federal Reserve Payments Study (FRPS), which has been conducted by FRB Atlanta and the Board since 2000. The FRPS originated from a system-wide effort to improve the measurement and public availability of information on volumes and trends in checks and other noncash payments. Despite the retail payments system's critical importance in supporting everyday commerce, there was a significant gap in quantitative information on U.S. retail payments before 2000. The FRPS filled this gap by providing a reliable and transparent non-mandatory survey-based approach to collecting payments industry data on retail payment volumes and trends.

The FR 3066a currently collects information on the national volume (number and value) of major categories and subcategories of established and emerging methods of payment from a nationally representative stratified random sample of depository institutions.[1] Most questions in the surveys consist of payment and related transactions organized as number-value pairs. The FR 3066b currently comprises 15 different surveys, each specific to a particular payment instrument and/or respondent type (respondents only answer surveys that apply to their organizations). It collects information from a census of payment networks, processors, and issuers. The FR 3066c currently collects data from samples of individual checks obtained from a set of depository institutions. The FR 3066d is an ad-hoc supplement to the other FR 3066 surveys.

Current Actions: On November 25, 2015 the Federal Reserve published a notice in the **Federal Register** (80 FR 73760) requesting public comment for 60 days on the extension, with revision, of the FR 3066a, b, c, and d. The comment period for this notice expired on January 25, 2016. The Federal Reserve received four comment letters addressing this information collection, which are summarized and addressed below.

Summary Discussion of Public Comments and Responses

The Federal Reserve received written comments from one payment industry association, one merchant trade association, one payment card network, and one private citizen. All commenters supported the data collection effort, and noted that the information is widely used by payment system participants as a benchmark and to gain insights into payment system trends. Commenters believed that providing the data requested in the surveys would generally not be burdensome to respondents.

At the Federal Reserve's request, contractors assisting with the survey design conducted industry outreach calls to obtain comments on the clarity of the survey forms and the feasibility of providing the requested data items. Institutions represented in the calls included financial institutions, networks, and processors of several types and sizes. Specific questions were not included in the initial request for public comment.

A variety of revisions to the surveys resulted from outreach discussions with participants as well, and generally involved clarifications or restatements of questions in order to address issues brought up in these discussions. The detailed discussion below addresses the specific substantive issues that arose from the written comments and outreach efforts, and the Federal Reserve's modifications to the surveys in response to the comments. In addition to these modifications, minor clarifications would be made to the surveys in response to the comments.

[1] To obtain comprehensive coverage of total national volumes the survey may also include non-depository financial institutions.

Detailed Discussion of Public Comments and Responses

Depository and Financial Institution Payments Survey (FR 3066a)

The Federal Reserve proposed to collect annual 2015 data instead of one month as in the 2013 version, as the resulting data can be more easily compared with data collected in the FR 3066b, and avoid concerns about seasonal effects. While some institutions noted an inability to report a full calendar year of information for some items, others reported no difficulty or even a reduction in burden. The survey will provide instructions on how to respond when annual data is difficult to report, and will accommodate the reporting of best available information from institutions experiencing difficulty reporting the full year. For example, the survey will accommodate the reporting of an alternative time period, indicated via a notes field provided at the end of each section.

Substantial clarifications have been added throughout the surveys, based on discussions with outreach participants. These discussions led to a comprehensive set of revisions specifically made to clarify the surveys, and thereby reduce the burden of response. A glossary of terms, frequently asked questions document, user-friendly Web tools, and an 800-number help line will be provided to ease response. Materials will continue to be developed and clarified as necessary to help facilitate response.

Written comments directed at the 3066a primarily discussed the ACH and the Unauthorized Third-Party Payment Fraud sections. In particular, one comment argued that the institution originating the payment is ''in the best position to monitor and report on transaction volume, value, and returns.'' This argument suggested that questions about ACH debit payments should be collected from the perspective of the originating depository financial institution (ODFI), or the payee's depository institution. In order to be responsive to this concern, questions were added to collect ACH debits from this perspective. In addition, to address concerns with the reporting of unauthorized third-party fraud payments, questions on the number of returned ACH debits, along with a breakdown of various categories of returns were also added from the ODFI perspective.

Consistent with the design of the sampling and estimation methods, past surveys collected ACH debit payments and related information from the perspective of the receiving depository financial institution (RDFI). In order to preserve comparability with past surveys and compatibility with the sampling and estimation methods, these questions were retained. One comment suggested that surveying RDFIs would not generate reliable data. Collecting information from both parties to the transaction should shed light on these concerns and help to improve understanding of the ACH data overall.

One comment requested that a ''near real-time'' line item be added to the ACH section. Meanwhile, as discussed above, concerns about the ability of depository institutions to respond to ACH questions resulted in additional questions in the ACH section. Also, the related ''same-day'' settlement question was removed given the *de minimis* amount of such activity known to have occurred through ACH operators in 2015. The Federal Reserve believes that, for the 2015 version of the survey, questions regarding new payment initiation methods remain in other parts of the surveys. While settlement speed is not currently addressed in the surveys, some alternative payment initiation methods, such as account-to-account products that may post relatively quickly and often settle through the ACH, are measured in other sections in 3066a and 3066b.

Additional comments expressed concerns with some ACH definitions in the survey that may appear confusing. These definitions have been used in past surveys, however, and participants have generally found them clear. In part, confusion about these questions may have stemmed from the omission of some descriptive information from the posted surveys. A glossary and fuller descriptive information on these terms are published in the detailed report and surveys from 2013. As in past surveys, the glossary and fuller descriptions of the questions, revised appropriately, will be provided in the complete survey distributed to participants.

One comment suggested adding questions about mobile debit card routing options provided on debit cards. These questions were not added in the present survey, in part because the materiality of the question has not been established. Questions about the provisioning of mobile wallets are new to the survey, and additional questions may be added in the future if a baseline can be established.

Networks, Processors, and Issuers Payments Surveys (FR 3066b)

Substantial clarifications have been added to the surveys, based on discussions with outreach participants. In addition, some questions were deleted and some added based on feedback received.

In a sweeping change affecting most surveys, a new question allowing the option to select the preferred basis to use for allocations of detailed payments data and, separately, fraud data was added. In the previous version of the survey, participants were asked to allocate details on the basis of Net, Authorized and Settled transactions (NAST). NAST will remain the default selection, but participants may choose Total authorized transactions, or Net Purchase Transactions as the basis instead. This change is expected to substantially reduce the burden of providing details for some respondents.

Allocations between contact and contactless payments were dropped, based on comments suggesting such allocations would be difficult or impossible to provide.

Revisions to the general-purpose prepaid card surveys were made to make the data and terminology more consistent with the FR 3063a Government-Administered, General Use Prepaid Card Survey.

Some comments addressed specific concerns with the ability to distinguish or report certain requested items in the survey. Our survey process is designed to accommodate such concerns, and we will work with participants to collect those data participants can report.

The deferred payment processor survey was discontinued.

General-Purpose Cards

One comment requested that a question be designed to capture net chargebacks from the general-purpose card networks. The Federal Reserve believes that the current question ''chargebacks (issuer-initiated)'' is equivalent to the requested item, and could be contrasted with the question ''adjustments and returns (acquirer-initiated).'' A more detailed examination of chargebacks is beyond the scope of the current surveys.

Another comment suggested the omission of the question to identify the volumes of ''3-D secure'' authentication, which is typically provided by the card networks. As an alternative, the comment suggested including a variety of other types of authentication that might not be tracked by or reported to the networks. Discussions with card networks suggested that the ability to report the use of alternative authentication methods was not possible. The Federal Reserve will retain this question, but notes that the ''Online Payment Authentication Methods Processor'' survey (formerly the ''Secure Online Payment Processor

survey) is designed to collect information on such other authentication methods.

Another comment addressed concerns about the collection of information on the ''tokenization'' of payments from card networks. Such solutions can be implemented in various ways by parties to the transaction. It would be difficult to comprehensively measure the variety of tokenization schemes being used. The Federal Reserve believes it is important to collect information from survey respondents that is feasible, even when the universe of competing methods cannot be measured in the survey. Given that the surveys sometimes collect partial information, it is important to recognize any limitations on new and emerging trends, especially at the analysis and reporting stages.

A comment suggested collecting ''counterfeit'' fraud for remote payments. The survey collects counterfeit card fraud, which, according to card network definitions, means that a fake version of the card is created and used at a merchant's point-of-sale card terminal, an in-person situation. Remote payment fraud is classified by the card networks as an ''unauthorized use of account number.'' The Federal Reserve believes this definition will capture the type of fraud requested in the comment.

A comment requested some detail on mobile wallet provisioning. As mobile wallet questions are new for this survey, the Federal Reserve will not expand mobile wallet questions until a baseline can be established.

Private-Label Cards

One comment requested the addition of questions on the number of cards in force with multi-factor authentication mechanisms. The revised survey includes a question on the use of chips for private-label cards for the first time. Additional questions may be considered once a baseline is established.

EBT

A comment suggested collecting additional detail on authentication methods used for EBT payments. The Federal Reserve believes that EBT payments are almost exclusively PIN authenticated. Past survey efforts have not been successful in obtaining much detail underlying EBT payments, and the survey detail already requested may be difficult to obtain. No additional questions concerning authentication methods will be added at this time. If the situation improves, the Federal Reserve will seek to collect additional relevant detail in the future.

Mobile Wallet

A comment requested clarity with respect to the definition of a remote mobile transaction. Across all surveys, a remote payment is one in which the payment transaction is performed remotely, regardless of where or how the good or service is obtained. In an example with a remote card preauthorization, but with a payment made in person, the survey definition is that the payment is an in-person payment.

A comment suggested breaking out fraudulent mobile wallet transactions into person-present and remote categories. This requested breakout was added to the final proposed survey.

A comment suggested tracking the number of fraudulently provisioned cards to mobile wallets. The Federal Reserve does not know how such a question should fit into the present survey framework at this time, but believes that information on the number of fraudulent mobile wallet transactions may serve as a useful alternative measure.

Board of Governors of the Federal Reserve System, February 29, 2016.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2016–04654 Filed 3–2–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 17, 2016.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Leis Family Group comprised of The Revocable Trust of Dorvin D. Leis, Garland, Texas; Charles S. Leis, Eagle, Idaho, Stephen T. Leis, Kihie, Hawaii, and Edward B. Tomlinson, II, Rowlett, Texas, as trustees and in their individual capacity; and Stanley B. Leis, Eagle, Idaho;* to retain voting shares of Texas Brand Bancshares, Inc., and therefore indirectly retain additional voting shares of Texas Brand Bank, both of Garland, Texas.

Board of Governors of the Federal Reserve System, February 26, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–04622 Filed 3–2–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 18, 2016.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Andrew R. Clements and Aaron M. Clements,* both of Elmwood, Nebraska; to become members of the Clements Family control group and to acquire voting shares of American Exchange Company, and thereby indirectly acquire voting shares of American Exchange Bank, both in Elmwood, Nebraska.

Board of Governors of the Federal Reserve System, February 29, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–04666 Filed 3–2–16; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; CMS Computer Match No. 2016–11; HHS Computer Match No. 1601; Effective Date—April 2, 2016; Expiration Date—October 2, 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the establishment of a computer matching program that CMS plans to conduct with the State-based Administering Entities.

DATES: Comments are invited on all portions of this notice. Submit public comments on or before April 1, 2016. The computer matching program will become effective no sooner than 40 days after the report of the computer matching program is sent to the Office of Management and Budget (OMB) and copies of the agreement are sent to Congress, or 30 days after publication in the **Federal Register,** whichever is later.

ADDRESSES: The public should send comments to: CMS Privacy Officer, Division of Security, Privacy Policy and Governance, Information Security and Privacy Group, Office of Enterprise Information, CMS, Room N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Elizabeth Kane, Acting Director, Verifications Policy & Operations Division, Eligibility and Enrollment Policy and Operations Group, Center for Consumer Information and Insurance Oversight, CMS, 7501 Wisconsin Avenue, Bethesda, MD 20814, Office Phone: (301) 492–4418, Facsimile: (443) 380–5531, Email: *Elizabeth.Kane@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that their records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

Walter Stone,

CMS Privacy Officer, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2016–11

HHS Computer Match No. 1601

Name: ''Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services and the State-Based Administering Entities for Determining Eligibility for Enrollment in Applicable State Health Subsidy Programs under the Patient Protection and Affordable Care Act.''

SECURITY CLASSIFICATION:

Unclassified.

PARTICIPATING AGENCIES:

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and the State-Based Administering Entities.

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ACA) require the Secretary of HHS to establish a program for applying for and determining eligibility for enrollment in applicable State health subsidy programs and authorizes the use of secure, electronic interfaces and an on-line system for the verification of eligibility.

The Computer Matching and Privacy Protection Act of 1988 (CMPPA) (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching will be conducted. CMS has determined that status verification checks to be conducted by the Federally-facilitated Exchange (FFE), and State-based Administering Entities using the data transmitted through the CMS Federal Data Services Hub constitute a ''computer matching program'' as defined in the CMPPA.

PURPOSE(S) OF THE MATCHING PROGRAM:

The purpose of the Computer Matching Agreement is to establish the terms, conditions, safeguards, and procedures under which CMS will disclose certain information to State-based Administering Entities in accordance with the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act (Pub. L. 111–152), which are referred to collectively as the Affordable Care Act (ACA), amendments to the Social Security Act made by the ACA, and the implementing regulations. The Administering Entities will use the data, accessed through the Hub, to make eligibility determinations for enrollment in an applicable State health subsidy program. This Computer Matching Agreement also establishes the terms, conditions, safeguards, and procedures under which State Medicaid/CHIP agencies shall provide data to CMS (as the Federally-facilitated Marketplace (FFM)), State-based Marketplaces (SBMs) and BHPs to verify whether an applicant or enrollee who has submitted an application to the FFM or a SBM has current eligibility or enrollment in a Medicaid/CHIP program.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:

This computer matching program will be conducted with data maintained by CMS in the Health Insurance Exchanges Program, CMS System No. 09–70–0560, as amended. The system is described in the System of Records Notice published at 78 FR 63211 (Oct. 23, 2013).

INCLUSIVE DATES OF THE MATCH:

The matching program will become effective no sooner than 40 days after the report of the matching program is sent to the Office of Management and Budget and copies of the agreement are sent to Congress, or 30 days after

publication in the **Federal Register,** whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016–04732 Filed 3–2–16; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS Computer Match No. 2016–08; HHS Computer Match No. 1605]

Privacy Act of 1974; Effective Date—April 2, 2016; Expiration Date—October 2, 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS)

ACTION: Notice of Computer Matching Program.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the establishment of a computer matching program that CMS plans to conduct with the Department of Veterans Affairs, Veterans Health Administration (VHA).

DATES: *Effective Dates:* Comments are invited on all portions of this notice. Submit public comments on or before April 1, 2016. This computer matching program will become effective no sooner than 40 days after the report of the computer matching program is sent to the Office of Management and Budget (OMB) and copies of the agreement are sent to Congress, or 30 days after publication in the **Federal Register**, whichever is later.

ADDRESSES: The public should send comments to: CMS Privacy Officer, Division of Security, Privacy Policy and Governance, Information Security and Privacy Group, Office of Enterprise Information, CMS, Room N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Elizabeth Kane, Acting Director, Verifications Policy & Operations Division, Eligibility and Enrollment Policy and Operations Group, Center for Consumer Information and Insurance Oversight, CMS, 7501 Wisconsin Avenue, Bethesda, MD 20814, Office Phone: (301) 492–4418, Facsimile: (443) 380–5531, E-Mail: *Elizabeth.Kane@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that their records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

Walter D. Stone,

CMS Privacy Officer, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2016–07

HHS Computer Match No. 1605

Name: ''Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services and the Department of Veterans Affairs, Veterans Health Administration for the Verification of Eligibility for Minimum Essential Coverage under the Patient Protection and Affordable Care Act through a Veterans Health Administration Health Benefits Plan.''

SECURITY CLASSIFICATION:

Unclassified.

PARTICIPATING AGENCIES:

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and the Department of Veterans Affairs, Veterans Health Administration.

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ACA) require the Secretary of HHS to establish a program for applying for and determining eligibility for applicable State health subsidy programs and authorize the use of secure, electronic interfaces and an on-line system for the verification of eligibility.

The Computer Matching and Privacy Protection Act of 1988 (CMPPA) (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) and requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching will be conducted. CMS has determined that status verification checks to be conducted by the CMS Federal Data Services Hub and Federally-facilitated Exchange using the data source provided to CMS by VHA constitute a ''computer matching program'' as defined in the CMPPA.

PURPOSE(S) OF THE MATCHING PROGRAM:

The purpose of the Computer Matching Agreement is to establish the terms, conditions, safeguards, and procedures under which the VHA will provide records, information, or data to CMS for verifying eligibility for minimum essential coverage through a Veterans Health Care Program. A Veterans Health Care Program constitutes minimum essential coverage as defined in Section 5000A(f) of the Internal Revenue Code of 1986, 26 U.S.C. 5000A, as amended by § 1501 of the ACA. The VHA data will be used by (1) CMS in its capacity as a Federally-facilitated Exchange and the Federal eligibility and enrollment platform, and (2) agencies administering applicable State health subsidy programs. These entities will receive the results of verifications using information received by CMS through the CMS Federal Data Services Hub from Applicants and Enrollees that will be matched with the VHA data.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:

The computer matching program will be conducted with data maintained by CMS in the Health Insurance Exchanges Program, CMS System No. 09–70–0560, as amended. The system is described in System of Records Notice published at 78 FR 63211 (Oct. 23, 2013).

The computer matching program also will be conducted with data maintained in a VHA system of records. The VHA system of records for this matching program is titled ''Enrollment and Eligibility Records (VA) (147VA16); published at 74 FR 44901 (August 31, 2009) under Routine Use #14; and the Health Administration Center Civilian Health Medical Record—VA (CHAMPVA) (54VA16) using routine use No. 25, and Spina Bifida Healthcare Program published at 74 FR 34398 (July 15, 2009) using routine use No. 13.

INCLUSIVE DATES OF THE MATCH:

This computer matching program will become effective no sooner than 40 days after the report of the computer matching program is sent to the Office of Management and Budget and copies of the agreement are sent to Congress, or 30 days after publication in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016–04735 Filed 3–2–16; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; CMS Computer Match No. 2016–07; HHS Computer Match No. 1602; Effective Date—April 2, 2016; Expiration Date—October 2, 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of Computer Matching Program.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the establishment of a computer matching program that CMS plans to conduct with the Defense Enrollment Eligibility Reporting System (DEERS), Defense Manpower Data Center (DMDC), Department of Defense (DoD).

DATES: Comments are invited on all portions of this notice. Submit public comments on or before April 1, 2016. This computer matching program will become effective no sooner than 40 days after the report of the computer matching program is sent to the Office of Management and Budget (OMB) and copies of the agreement are sent to Congress, or 30 days after publication in the **Federal Register**, whichever is later.

ADDRESSES: The public should send comments to: CMS Privacy Officer, Division of Security, Privacy Policy and Governance, Information Security and Privacy Group, Office of Enterprise Information, CMS, Room N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Elizabeth Kane, Acting Director, Verifications Policy & Operations Division, Eligibility and Enrollment Policy and Operations Group, Center for Consumer Information and Insurance Oversight, CMS, 7501 Wisconsin Avenue, Bethesda, MD 20814, Office Phone: (301) 492–4418, Facsimile: (443) 380–5531, E-Mail: *Elizabeth.Kane@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;

2. Obtain the Data Integrity Board approval of the match agreements;

3. Furnish detailed reports about matching programs to Congress and OMB;

4. Notify applicants and beneficiaries that their records are subject to matching; and,

5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This computer matching program meets the requirements of the Privacy Act of 1974, as amended.

Walter Stone,

CMS Privacy Officer, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2016–07

HHS Computer Match No. 1602

Name: ''Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services and the Department of Defense, Defense Manpower Data Center, for Verification of Eligibility For Minimum Essential Coverage Under The Patient Protection And Affordable Care Act Through a Department of Defense Health Benefits Plan.''

SECURITY CLASSIFICATION:

Unclassified.

PARTICIPATING AGENCIES:

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and the Department of Defense (DoD), Defense Manpower Data Center (DMDC).

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ACA) require the Secretary of HHS to establish a program for applying for and determining eligibility for applicable State health subsidy programs and authorize the use of secure, electronic interfaces and an on-line system for the verification of eligibility.

The Computer Matching and Privacy Protection Act of 1988 (CMPPA) (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) and requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching will be conducted. CMS has determined that status verification checks to be conducted by the CMS Federal Data Services Hub and Federally-facilitated Exchange using the data source provided to CMS by DoD constitute a ''computer matching program'' as defined in the CMPPA.

PURPOSE(S) OF THE MATCHING PROGRAM:

The purpose of the Computer Matching Agreement is to establish the terms, conditions, safeguards, and procedures under which the DoD will provide records, information, or data to

CMS for verifying eligibility for minimum essential coverage through a TRICARE Health Care Program. A TRICARE Health Care Program constitutes minimum essential coverage as defined in Section 5000A(f) of the Internal Revenue Code of 1986, 26 U.S.C. 5000A, as amended by § 1501 of the ACA. The DoD data will be used by (1) CMS in its capacity as a Federally-facilitated Exchange and the Federal eligibility and enrollment platform, and (2) agencies administering applicable State health subsidy programs. These entities will receive the results of verifications using information received by CMS through the CMS Federal Data Services Hub from Applicants and Enrollees that will be matched with the DoD data.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:

This computer matching program will be conducted with data maintained by CMS in the Health Insurance Exchanges Program, CMS System No. 09–70–0560, as amended. The system is described in System of Records Notice published at 78 FR 63211 (Oct. 23, 2013).

This computer matching program will also be conducted with data maintained in the Defense Enrollment Eligibility Reporting Systems (DEERS), System No. DMDC 02 DoD, published November 04, 2015, 80 FR 68304, located at the DISA DECC Columbus in Columbus, OH. Routine Use 6f supports DoD's disclosure to CMS.

INCLUSIVE DATES OF THE MATCH:

This computer matching program will become effective no sooner than 40 days after the report of the computer matching program is sent to the Office of Management and Budget and copies of the agreement are sent to Congress, or 30 days after publication in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016–04734 Filed 3–2–16; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; Announcement of Requirements and Registration for ''Provider User-Experience Challenge''

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice.

SUMMARY: Like the Consumer Health Data Aggregator Challenge, the Provider User-Experience Challenge incents the development of applications for health care providers that use open, standardized APIs to enable innovative ways for providers to interact with patient health data. This challenge will focus on demonstrating how data made accessible to apps through Application Programming Interfaces (APIs) can positively impact providers' experience with EHRs by making clinical workflows more intuitive, specific to clinical specialty, and actionable. The statutory authority for this challenge competition is Section 105 of the America COMPETES Reauthorization Act of 2010 (Pub. L. 111–358).

DATES:

Phase 1

- Challenge launch: March 1, 2016
- Submissions due: May 30
- Evaluation period: May 31–June 28
- Phase 1 winners announced: June 30

Phase 2

- Submission period begins: May 31
- Submissions due: November 7
- Evaluation period: November 14–December 14
- Phase 2 winners announced: December 15, 2016

FOR FURTHER INFORMATION CONTACT: Adam Wong, *adam.wong@hhs.gov* (preferred), 202–720–2866.

SUPPLEMENTARY INFORMATION:

Award Approving Official

Karen DeSalvo, National Coordinator for Health Information Technology.

Subject of Challenge Competition

The Provider User-Experience Challenge is intended to spur development of third-party applications for use by clinicians and use FHIR to pull various patient health data into a dashboard. The challenge has two phases—the first requiring submission of technical and business plans for the application (app), the second a working app that is available for providers. Phase 2 of the competition will not be limited to only those who won Phase 1—all Phase 1 competitors, and those who did not participate in Phase 1, can submit a final app at the end of Phase 2.

The final application must meet the following requirements:

- Uses FHIR Draft Standard for Technical Use 2 (DSTU2)
- Aggregate all data as specified in the 2015 Edition Common Clinical Data Set (Data column in *https://www.healthit.gov/sites/default/files/commonclinicaldataset_ml_11-4-15.pdf*)
- Verified compatibility with different health IT developer systems implemented in production settings, 1 of which must be from the top 10 systems measured by Meaningful Use attestation per HealthIT.gov. Apps must be integrated with a minimum of 3 unique health IT developer systems in 2 unique provider settings
- Has been tested with patients and used in production settings
- Available to providers through at least one of the following modes: Direct from Web, iOS Store, or Android stores

Phase 1

Participants interested in competing for Phase 1 awards will need to submit an app development plan that must include:

- Mockup/wireframes
- Technical specifications, including but not limited to planned data sources, system architecture
- Business/sustainability plan
- Provider partnership

To augment technical development and enhance the likelihood of a successful app that will continue to exist beyond the end of the challenge, a progress update/matchmaking event will be held that will seek to connect participants with provider partners. Up to five app proposals will be recognized as winners and awarded up to $15,000 each.

Phase 2

The second phase will entail the actual development of the apps, verification of technical capabilities, user testing/piloting, and public release of the apps. This will include remote testing with providers and health IT developers to test the technical abilities of the apps to connect to in-production systems. Participants will submit:

- Working prototype of the app
- Video demonstrating the app (maximum of 5 minutes, on YouTube or Vimeo)
- Slide deck describing app (maximum of 10 slides)

The grand prize winner will receive $50,000 and a second place winner will receive $25,000. There will be an additional $25,000 prize for the app that connects to the greatest number of unique health IT developer systems implemented in production settings, which can be won by the grand or 2nd place winner.

Eligibility Rules for Participating in the Competition: To be eligible to win a prize under this challenge, an individual or entity:

1. Shall have registered to participate in the competition under the rules promulgated by the Office of the National Coordinator for Health Information Technology.

2. Shall have complied with all the requirements under this section.

3. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States.

4. May not be a Federal entity or Federal employee acting within the scope of their employment.

5. Shall not be an HHS employee working on their applications or submissions during assigned duty hours.

6. Shall not be an employee of the Office of the National Coordinator for Health IT.

7. Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

8. Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Entrants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from my participation in this prize contest, whether the injury, death, damage, or loss arises through negligence or otherwise.

Entrants must also agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities.

Submission Requirements

In order for a submission to be eligible to win this Challenge, it must meet the following requirements:

1. No HHS or ONC logo—The product must not use HHS' or ONC's logos or official seals and must not claim endorsement.

2. Functionality/Accuracy—A product may be disqualified if it fails to function as expressed in the description provided by the user, or if it provides inaccurate or incomplete information.

3. Security—Submissions must be free of malware. Contestant agrees that ONC may conduct testing on the product to determine whether malware or other security threats may be present. ONC may disqualify the product if, in ONC's judgment, the app may damage government or others' equipment or operating environment.

Registration Process for Participants: To register for this Challenge, participants can access *http://www.challenge.gov* and search for ''Provider User-Experience Challenge.''

Prize

- Phase 1: Up to 5 winners each receive up to $15,000.
- Phase 2: One final winner receives $50,000; 2nd place receives $25,000; and an additional $25,000 connector prize.
- Total: Up to $175,000 in prizes.

Payment of the Prize: Prize will be paid by contractor.

Basis Upon Which Winner Will Be Selected: The review panel will make selections based upon the following criteria:

Phase 1

- Technical feasibility of plan, including number of EHR sources targeted.
- Adherence to data privacy and security best practices.
- Strength of business/sustainability plan.
- Impact potential in clinical setting.
- Provider and/or health IT developer partnerships.

Phase 2

- Number, sources, and types of data aggregation using FHIR.
- Functionality and quality of data aggregation.
- Privacy and security of patient data.
- Impact potential in clinical setting.
- User experience and visual appeal.

Additional Information

General Conditions: ONC reserves the right to cancel, suspend, and/or modify the Contest, or any part of it, for any reason, at ONC's sole discretion.

Intellectual Property: Each entrant retains title and full ownership in and to their submission. Entrants expressly reserve all intellectual property rights not expressly granted under the challenge agreement. By participating in the challenge, each entrant hereby irrevocably grants to Sponsor and Administrator a limited, non-exclusive, royalty-free, worldwide license and right to reproduce, publically perform, publically display, and use the Submission to the extent necessary to administer the challenge, and to publically perform and publically display the Submission, including, without limitation, for advertising and promotional purposes relating to the challenge.

Authority: 15 U.S.C. 3719.

Dated: February 23, 2016.

Karen DeSalvo,

National Coordinator for Health Information Technology.

[FR Doc. 2016–04466 Filed 3–1–16; 11:15 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; Announcement of Requirements and Registration for ''Consumer Health Data Aggregator Challenge''

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice.

SUMMARY: The Consumer Health Data Aggregator Challenge is intended to spur the development of third-party, consumer-facing applications that use open, standardized Application Programming Interfaces (APIs) to help consumers aggregate their data in one place and under their control. This challenge will focus on solving the problem that many consumers have today—the ability to easily and electronically access their health data from different health care providers using a variety of different health IT systems.

The statutory authority for this challenge competition is Section 105 of the America COMPETES Reauthorization Act of 2010 (Pub. L. 111–358).

DATES:

Phase 1

- Challenge launch: March 1, 2016
- Submissions due: May 30
- Evaluation period: May 31–June 28
- Phase 1 winners announced: June 30

Phase 2

- Submission period begins: May 31
- Submissions due: November 7
- Evaluation period: November 14–December 14
- Phase 2 winners announced: December 15, 2016

FOR FURTHER INFORMATION CONTACT: Adam Wong, *adam.wong@hhs.gov* (preferred), 202–720–2866.

SUPPLEMENTARY INFORMATION:

Award Approving Official

Karen DeSalvo, National Coordinator for Health Information Technology.

Subject of Challenge Competition

The Consumer Health Data Aggregator Challenge is intended to spur development of third-party applications for consumers that use FHIR to pull their health data into one place. The challenge has two phases. Phase 1 requires the submission of technical and business plans for the application (app) while Phase 2 requires that a working app be available for consumers. Phase 2 of the competition will not be limited to only those who won Phase 1—all Phase 1 competitors, and those who did not participate in Phase 1, can submit a final app at the end of Phase 2.

The final application must meet the following requirements:

- Uses FHIR Draft Standard for Technical Use 2 (DSTU2).
- Aggregate all data as specified in the 2015 Edition Common Clinical Data Set (Data column in *https://www.healthit.gov/sites/default/files/commonclinicaldataset_ml_11-4-15.pdf*).
- Verified compatibility with different health IT developer systems implemented in production settings, 1 of which must be from the top 10 systems measured by Meaningful Use attestation per HealthIT.gov. Apps must be integrated with a minimum of 3 unique health IT developer systems in 2 unique provider settings.
- Has been tested with patients and used in production settings.
- Available to consumers through at least one of the following modes: mobile Web, iOS Store, or Android Store.

Phase 1

Participants interested in competing for Phase 1 awards will need to submit an app development plan that must include:

- Mockup/wireframes
- Technical specifications, including but not limited to planned data sources, system architecture
- Business/sustainability plan
- Provider partnership

To augment technical development and enhance the likelihood of a successful app that will continue to exist beyond the end of the challenge, a progress update/matchmaking event will be held that will seek to connect participants with provider partners. Up to five app proposals will be recognized as winners and awarded up to $15,000 each.

Phase 2

The second phase will entail the actual development of the apps, verification of technical capabilities, user testing/piloting, and public release of the apps. This will include remote testing with providers and health IT developers to test the technical abilities of the apps to connect to in-production systems. Participants will submit:

- Working prototype of the app
- Video demonstrating the app (maximum of 5 minutes, on YouTube or Vimeo)
- Slide deck describing app (maximum of 10 slides)

The grand prize winner will receive $50,000 and a second place winner will receive $25,000. There will be an additional $25,000 prize for the app that connects to the greatest number of unique health IT developer systems implemented in production settings, which can be won by the grand or 2nd place winner.

Eligibility Rules for Participating in the Competition

To be eligible to win a prize under this challenge, an individual or entity:

1. Shall have registered to participate in the competition under the rules promulgated by the Office of the National Coordinator for Health Information Technology.

2. Shall have complied with all the requirements under this section.

3. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States.

4. May not be a Federal entity or Federal employee acting within the scope of their employment.

5. Shall not be an HHS employee working on their applications or submissions during assigned duty hours.

6. Shall not be an employee of the Office of the National Coordinator for Health IT.

7. Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

8. Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Entrants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from my participation in this prize contest, whether the injury, death, damage, or loss arises through negligence or otherwise.

Entrants must also agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities.

Submission Requirements

In order for a submission to be eligible to win this Challenge, it must meet the following requirements:

1. No HHS or ONC logo—The product must not use HHS' or ONC's logos or official seals and must not claim endorsement.

2. Functionality/Accuracy—A product may be disqualified if it fails to function as expressed in the description provided by the user, or if it provides inaccurate or incomplete information.

3. Security—Submissions must be free of malware. Contestant agrees that ONC may conduct testing on the product to determine whether malware or other security threats may be present. ONC may disqualify the product if, in ONC's judgment, the app may damage government or others' equipment or operating environment.

Registration Process for Participants

To register for this Challenge, participants can access *http://www.challenge.gov* and search for ''Consumer Health Data Aggregator Challenge.''

Prize

- Phase 1: Up to 5 winners each receive up to $15,000.
- Phase 2: One final winner receives $50,000; 2nd place receives $25,000; and an additional $25,000 connector prize.
- Total: Up to $175,000 in prizes.

Payment of the Prize

Prize will be paid by contractor.

Basis Upon Which Winner Will Be Selected

The review panel will make selections based upon the following criteria:

Phase 1

- Technical feasibility of plan, including number of EHR sources targeted.
- Adherence to data privacy and security best practices.
- Strength of business/sustainability plan.
- Provider and/or health IT developer partnerships.

Phase 2

- Number, sources, and types of data aggregation using FHIR.
- Functionality and quality of data aggregation.
- Privacy and security of patient data.
- User experience and visual appeal.

Additional Information

General Conditions: ONC reserves the right to cancel, suspend, and/or modify the Contest, or any part of it, for any reason, at ONC's sole discretion.

Intellectual Property: Each entrant retains title and full ownership in and to their submission. Entrants expressly reserve all intellectual property rights not expressly granted under the challenge agreement. By participating in the challenge, each entrant hereby irrevocably grants to Sponsor and Administrator a limited, non-exclusive, royalty-free, worldwide license and right to reproduce, publically perform, publically display, and use the Submission to the extent necessary to administer the challenge, and to publically perform and publically display the Submission, including, without limitation, for advertising and promotional purposes relating to the challenge.

Authority: 15 U.S.C. 3719.

Dated: February 23, 2016.

Karen DeSalvo,

National Coordinator for Health Information Technology.

[FR Doc. 2016–04596 Filed 3–1–16; 11:15 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Advisory Board *Ad Hoc* Subcommittee on Global Cancer Research.

The teleconference meeting will be open to the public.

Name of Committee: National Cancer Advisory Board; *Ad Hoc* Subcommittee on Global Cancer Research.

Date: March 23, 2016.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: Preview global cancer research outline for presentation at the June 2016 Joint BSA and NCAB Meeting.

Place: National Cancer Institute, Shady Grove Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850, (Telephone Conference Call)—Dial in number: 1–866–692–3158 and Passcode: 9875262.

Contact Person: Edward T. Trimble, M.D., M.P.H., Executive Secretary, NCAB *Ad Hoc* Subcommittee on Global Cancer Research, Director, Center for Global Health, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 3W562, Bethesda, MD 20892, 240–276–5796, *trimblet@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 29, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04671 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurological Epidemiology.

Date: March 10, 2016.

Time: 9:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Valerie Durrant, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 827–6390, *durrantv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pregnancy and Neonatology.

Date: March 23, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Antonello Pileggi, M.D., Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Heath, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892–7892, (301) 402–6297, *pileggia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Regeneration and Developmental Biology.

Date: March 23, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Raya Mandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, 301–402–8228, *rayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Basic Research on HIV Persistence.

Date: March 24, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892 (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS-associated Opportunistic Infections and Cancer Study Section.

Date: March 25, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street NW., Washington, DC 20037.

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk, Prevention and Health Behavior.

Date: March 28, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Language and Communication.

Date: March 28, 2016.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892 (301) 402–4411, *tianbi@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 25, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04630 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Limited Pilot for NIGMS Legacy Community-Wide Scientific Resources.

Date: April 4, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3An.12N, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Margaret J. Weidman, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18B, Bethesda, MD 20892, 301–594–3663, *weidmanma@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 29, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04673 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Multi-level Interventions in Cancer Care Delivery.

Date: April 6–7, 2016.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 3W034, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W244, Bethesda, MD 20892–9750, 240–276–6373, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Physical Sciences Oncology Centers (PSOC).

Date: April 13–14, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Blvd., Bethesda, MD 20817.

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750, 240–276–6384, *gravesr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project I (P01).

Date: June 1–2, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Shakeel Ahmad, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W112, Bethesda, MD 20892–8328, 240–276–6349, *ahmads@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project III (P01).

Date: June 9–10, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton Hotel Bethesda, 8120 Wisconsin Avenue Bethesda, MD 20814.

Contact Person: Sanita Bharti, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Rockville, MD 20850, 240–276–5909, *sanitab@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI SPORE I Review.

Date: June 15–16, 2016.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Majed M. Hamawy, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W120, Bethesda, MD 20892–8328, 240–276–6457, *mh101v@nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 29, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04672 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–345: Pediatric Formulations and Drug Delivery Systems.

Date: March 16, 2016.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 408–9756, *carsteae@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Brain Disorders and Clinical Neuroscience.

Date: March 23, 2016.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexei Kondratyev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–435–1785, *kondratyevad@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Abuse.

Date: March 24, 2016.

Time: 12:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person:

Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–435–1220, *crosland@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 26, 2016.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04629 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Allergy and Infectious Diseases Special Emphasis Panel, March 02, 2016, 10:00 a.m. to March 02, 2016, 01:00 p.m., National Institutes of Health, 5601 Fishers Lane, Rockville, MD, 20892 which was published in the **Federal Register** on February 09, 2016, 81FR6872.

This notice is being amended to change the date of the meeting from March 02, 2016 to March 16, 2016; and to change the start time from 10:00 a.m. to 1:00 p.m. and the end time from 4:00 p.m. to 6:00 p.m. The meeting is closed to the public.

Dated: February 26, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04628 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The review of loan repayment applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the review of loan repayment applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Clinical and Pediatric LRP Review.

Date: April 25, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate Loan Repayment applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Katrina L. Foster, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Room. 2019, Rockville, MD 20852, 301–443–4032, *katrina@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: February 29, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–04674 Filed 3–2–16; 8:45 am]

BILLING CODE 4140–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Proposed Policy Statement on Historic Preservation and Community Revitalization

AGENCY: Advisory Council on Historic Preservation.

ACTION: The Advisory Council on Historic Preservation seeks public comments on its draft Policy Statement on Historic Preservation and Community Revitalization.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) is planning on issuing a ''Policy Statement on Historic Preservation and Community Revitalization.'' A Working Group, comprised of ACHP members and other preservation organizations, has drafted a policy and invites your views and comments. The Working Group will use your comments to finalize the draft policy before it is presented to the full ACHP membership for consideration and adoption.

DATES: Submit comments on or before April 4, 2016.

ADDRESSES: Address all comments concerning this proposed policy to Charlene Dwin Vaughn, Assistant Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 401 F Street NW., Room 301, Washington, DC 20001. You may also submit comments by facsimile at 202–517–6384 or by electronic mail to *ACHPRightsizing@achp.gov.*

FOR FURTHER INFORMATION CONTACT: Charlene Dwin Vaughn, 202–517–0207

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency, created by the National Historic Preservation Act that promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and Congress on national historic preservation policy.

Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. 306108, requires federal agencies to consider the effects of their undertakings on historic properties and provide the ACHP a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which federal agencies comply with these duties. These regulations are codified under 36 CFR part 800.

I. Background on the Draft Policy Statement

In March 2013, the ACHP issued a report entitled *Managing Change: Preservation and Rightsizing in America.* It can be accessed at *http://www.achp.gov/RightsizingReport.pdf.* The report focused on communities that were addressing rightsizing. The concept of rightsizing applied to communities undergoing substantial change due to economic decline, population loss, increased amounts of vacancy and abandonment, decline in local services, increased homelessness and poverty, declining educational opportunities, and systemic blight. Rightsizing has been occurring in communities around the Nation for decades as they respond to transformative events. The report contained the findings and recommendations of extensive research, on-site visits, and ACHP participation on panels and seminars during which stakeholders shared their views regarding the effect of rightsizing on the community.

The primary findings of the report included the following observations:

—Historic preservation tools are not used to maintain the historic integrity of rightsizing communities;

—Historic preservation needs to be better integrated in local planning and economic development;

—Federal programs that can support rightsizing in a manner that builds on community historic resources are not readily available;

—The early initiation of project review under Section 106 of the National Historic Preservation Act (NHPA) can facilitate the analysis of alternative redevelopment strategies that can integrate historic properties; and

—Federal programs that are targeted to extensive demolition in a community do not always reflect the preference of the residents in a community.

As the ACHP explored options to implement the recommendations in the report, it was concluded that the development of a policy statement would be appropriate to advance historic preservation.

In 2006, the ACHP adopted a ''Policy Statement on Affordable Housing and Historic Preservation'' to assist stakeholders in utilizing historic properties for affordable housing projects with minimal delays. It can be accessed at *http://www.achp.gov/docs/fr7387.pdf.* This Policy Statement was well received by stakeholders. The principles outlined in the document are still used when conducting historic preservation reviews for affordable housing projects.

The purpose of developing the Policy Statement on Historic Preservation and Community Revitalization in 2016 is to ensure that preservation is considered as a tool that will assist federal, state and local governments plan and implement revitalization projects and programs in a manner that reuses and rehabilitates historic properties.

The Working Group convened by the ACHP to assist in developing the policy statement began meeting in December 2014. Representatives of the Working Group included, Brad White, Expert Member of the ACHP, as the Chairman, the US Department of Housing and Urban Development, US Department of Agriculture, Department of Health and Human Services, the National Park Service, the National Trust for Historic Preservation, the American Assembly, Cleveland Restoration Society, Preservation Research Office, Historic Districts Council, Rightsizing Network, Michigan State Historic Preservation Office, and Indiana Historic Preservation Office. After consulting for approximately one year to discuss the major problem areas that needed to be addressed in rightsizing and legacy cities, a working draft of the Policy Statement was drafted, and distributed to ACHP members for review.

The comments received from ACHP members resulted in revisions to the draft policy statement to achieve the following:

—Focus on rural and tribal communities as well as Legacy Cities;

—Emphasize the value of preparing local architectural and archeological surveys;

—Emphasize how the principles apply to Section 106 of the National Historic Preservation Act;

—Reference the role of field, regional, and state offices in preserving local assets;

—Address how Section 106 reviews can be expedited; and

—Define how creative mitigation measures can facilitate preservation in communities.

The ACHP invites comments from the public on the draft Policy Statement (see text at the end of this notice), particularly as it relates to the following questions:

1. How can the principles in the draft Policy Statement help communities balance the goal of historic preservation

and the revitalization of neighborhoods and communities?

2. How will the principles in the draft Policy Statement establish a framework for decision making when communities receive federal funding to assist distressed neighborhoods?

3. How will State Historic Preservation Officers and Certified Local Governments apply the principles in their review of local revitalization programs?

4. Will the draft Policy Statement assist federal, state and local officials, developers, residents, and other stakeholders to explore alternatives for preserving historic properties in planning revitalization projects?

5. How can the adoption of creative mitigation measures help a community to preserve its historic properties?

6. What form of guidance will be needed to implement the principles in this draft Policy Statement?

7. Are there any other major obstacles to using historic preservation tools in community revitalization projects that have not been addressed in this draft Policy Statement?

The ACHP appreciates receiving public input on the draft Policy Statement. Your comments will ensure that we have taken a holistic approach in advancing historic preservation as a viable tool that can help diverse communities who are recipients of federal, state, and local assistance.

II. Text of the Draft Policy

DRAFT ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) POLICY STATEMENT ON HISTORIC PRESERVATION AND COMMUNITY REVITALIZATION (February 19, 2016)

Introduction. The 2010 US Census revealed that, as a result of the decline in the economy beginning in 2008, an estimated 19 million properties were abandoned throughout the nation. As a result of the economic downturn, many buildings, in particular historic properties, became vacant and abandoned, resulting in severe blight around the Nation. Many economists compared the impacts of the economic downturn in 2008 to that of the Great Depression in the 1930s. Natural disasters, economic downturns, and the mortgage foreclosure crisis all occurred at the beginning of the 21st century and eroded urban, rural, and tribal communities. While these events resulted in significant economic impacts across the country, they accelerated declines in population, tax base, industry, jobs, and housing markets caused by structural changes to the economy in the Midwest, Northeast, and Mid-Atlantic regions. The estimated demolition of 200,000 properties annually during this period exemplified the extreme actions many communities took that resulted in the loss of homes, buildings, and even entire neighborhoods, many of which included older historic buildings that were listed in or eligible for listing in the National Register of Historic Places. Although older communities known as ''legacy cities'' have been confronted with these issues, research has revealed that suburban, rural, and tribal communities have dealt with similar problems.

One class of communities, many of which were located in industrial centers, was hit particularly hard, struggling with economic challenges that transcend market cycles such as the recent recession. These communities, marked by population loss exceeding 20 percent, require a holistic approach to bring about their revitalization. Many are older communities with historic architecture, social cohesiveness, and walkable neighborhoods—features which have increasingly grown more attractive in real estate markets that are in the process of recovering.

In 1966 when Congress passed the National Historic Preservation Act (NHPA), it determined that ''*the historical and cultural foundations of the nation should be preserved in order to give a sense of orientation to the American people.''* Further, it stated that ''*in the face of ever increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the nation's rich heritage.''*

The congressional findings in the NHPA remain applicable today, particularly since the economic crisis of 2008. The Advisory Council on Historic Preservation (ACHP), established by the NHPA to advise the President and Congress on matters relating to historic preservation, considers local community revitalization critical to stabilizing these economically depressed communities. In overseeing federal project reviews required by Section 106 of NHPA, patterns and trends have revealed that historic preservation reviews are often not completed before federal funds are allocated for redevelopment. Preservation options are not considered and opportunities to reuse existing assets are missed. Communities, therefore, need guidance that illustrates how historic preservation can help them to determine the disposition of vacant and abandoned properties, promote rehabilitation, create affordable housing, direct growth to target areas that have infrastructure, use new infill construction to stabilize neighborhoods, and develop mixed use projects.

The ACHP issued a report entitled, Managing Change: Preservation and Rightsizing in America, in March 2013, which focused on communities addressing ''rightsizing.'' Rightsizing applies when communities have shrinking populations, vacancy and abandonment, and systemic blight issues. The report defined it as ''*the process of change confronting communities that have drastically reduced population and excess infrastructure with a dwindling tax base, in need of planning to recalibrate.''* It also identified the role of historic preservation in rightsizing as well as noting relevant existing federal programs and policies. The extensive research, newspaper and journal articles, and organizational and institutional reports on rightsizing revealed that consideration of historic preservation issues in rightsizing decisions was often the exception. The ACHP report noted that rightsizing should include revitalization. Likewise, it noted that rightsizing is not uniquely an urban phenomenon. Rather, it encompasses diverse communities, including older suburbs and rural villages. All are in need of technical assistance, education, and outreach to help residents, developers, and local officials use historic preservation tools.

Purpose. In accordance with Section 202 of the NHPA, the ACHP is issuing this Policy Statement to provide federal agencies, the individuals, organizations, or governments that apply for federal assistance, and public and private partners with a flexible and creative approach to developing local revitalization plans that use historic properties. It is intended to help address the substantial challenges facing communities that have experienced significant population and job loss, as well as other communities requiring strategies for revitalization. The Policy Statement is designed to assist federal agencies and their grantees and applicants, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Certified Local Governments (CLGs), and local governments in complying with the requirements of Section 106 of the NHPA. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment. With a predictable and consistent policy framework, federal agencies and communities will be encouraged to integrate historic preservation in revitalization strategies. The policy acknowledges that consideration of alternatives to avoid or minimize harm to historic properties is essential when planning revitalization projects. Further, by engaging diverse stakeholders in the planning process, revitalization projects can achieve multiple community goals.

Consistent with previous work completed by the ACHP, the purpose of this policy is to ensure that historic preservation is considered as a tool to stabilize and enhance communities that have suffered from massive structural changes to their economy. It also recognizes that other communities, under less severe economic distress, will benefit from implementing the strategies described in the principles below.

The policy addresses the value of local communities developing historic property surveys, including those located in older neighborhoods with historic districts, to use as a tool in community revitalization. Only when local officials are aware of the historic significance of properties in a community can they make informed decisions about treatment and reuse. The National Register is also used to determine whether federal activities must comply with Section 106. Likewise, a property must first be listed on the National Register before it can qualify as a ''certified historic structure'' for receiving the 20 percent Federal Historic Preservation

Tax Credit for the rehabilitation of historic, income-producing buildings. Other tax incentives are often coupled with this credit to revitalize historic neighborhoods, such as the Federal Low-Income Housing Tax Credit and state historic preservation tax incentives. Recent studies have documented that these tax incentive programs contribute to economic development and job production. Further, they are one of the primary tools for revitalizing neighborhoods that were once considered blighted.

The ACHP is pleased to issue this Policy Statement on Historic Preservation and Community Revitalization as we celebrate the 50th Anniversary of the NHPA. The principles outlined above include sound guidance to assist communities in their efforts to incorporate historic preservation into project planning. As communities develop revitalization plans to improve local neighborhoods and target areas, they should work with federal and state agencies, SHPOs, THPOs, developers, residents, and other stakeholders to implement the following principles. While many are related to the Section 106 consultation, some can be applied independently of this review.

Implementing Principles

I. Historic preservation values should be considered in the revitalization of both rural and urban communities.

II. Historic preservation should be incorporated in local planning for sustainability, smart growth, and community resilience.

III. Historic property surveys, including those in historic districts, are tools that should be used by communities to provide for federal, state, and local planning and revitalization projects.

IV. Effective citizen engagement allows community residents to identify resources they care about and share their views on local history and cultural significance.

V. Indian tribes may have an interest in urban and rural community revitalization projects that may affect sites of historic, religious, and cultural significance to them.

VI. Private resources can contribute to local revitalization efforts and leverage public funds.

VII. Tax credits can be used to promote historic preservation projects that preserve local assets.

VIII. Early consideration of alternatives to avoid or minimize adverse effects to historic properties is essential to ensure proper integration of historic properties in revitalization plans.

IX. Development of flexible and programmatic solutions can help expedite historic preservation reviews as well as more effectively and proactively address situations involving recurring loss of historic properties.

X. Creative mitigation can facilitate future preservation in communities.

These principles are interpreted below to provide context for stakeholders who may consider applying them to their communities.

I. Historic preservation values should be considered in the revitalization of both rural and urban communities.

The NHPA was established in 1966 to ensure that local revitalization and economic development projects were responsive to historic preservation values. Unfortunately, the provisions of the NHPA requiring consideration of historic properties in project planning have not been applied consistently by federal, state, and local governments. This is particularly the case when federal funds are allocated to local communities to address substantial amounts of vacancies, abandonments, and the related blight afflicting communities. Historic properties should be viewed as community assets and their treatment should be informed by an analysis of alternatives, including stabilization, rehabilitation, new infill construction, and demolition. Suburban, rural, and tribal communities have experienced many of the same or similar issues as urban areas over the past decades. Historic preservation tools can assist many of these communities, particularly when integrated in project planning as prescribed by Section 106 of the NHPA. The adaptation and reuse of historic properties is a viable alternative that should be given due consideration by federal, state, and local officials when renewing communities. Although historic preservation is often ignored by stakeholders who assume that redevelopment will allow them to spend project funds exclusively on new construction, decades of historic preservation projects affirm that historic assets can also revive a community. Therefore, historic preservation should be an option that is regularly considered by officials, in planning the revitalization of neighborhoods, target areas, and communities in urban, rural, and tribal areas where there is considerable economic decline and blight.

II. Historic preservation should be incorporated in local planning for sustainability, smart growth, and community resilience.

The core principles in sustainability, smart growth, and community resilience programs administered by federal government have been embraced by urban and rural communities nationwide during the past decade. Smart growth is a cohesive group of planning tools that are focused on creating a development pattern that can be replicated throughout a region or locality, while sustainable communities are focused on conserving and improving existing resources, including making historic assets such as buildings, neighborhoods and communities greener, stronger and more livable. Both smart growth and sustainability embrace historic preservation, emphasizing the value in reusing historic properties. Successful historic preservation techniques often bring together both historic properties and sensitive new construction to create a dynamic and attractive environment. Preserving historic properties and neighborhoods in a community not only retains streetscapes and original settings, but also can create a focal point for a community to embrace its history, culture, and sense of place, all of which benefit revitalization efforts and promote community stability.

In the aftermath of natural disasters, climate change events, and unanticipated emergencies, recovery projects are designed to revitalize and rebuild resilient communities. Achieving these goals requires aligning federal funding with local rebuilding visions, cutting red tape for obtaining assistance, developing region-wide plans for rebuilding; and ensuring that communities are rebuilt to better withstand future disasters, climate events and unanticipated emergencies. Maintaining, rehabilitating, and reusing existing historic buildings can contribute to stabilizing and revitalizing neighborhoods. Community recovery and revitalization plans should be specific in the use and treatment of historic properties, coordinated with plans for new construction and infrastructure. Recognizing that historic preservation strategies are compatible with smart growth, sustainability, and resilient community principles will enable planners to create housing choices, foster a sense of place, generate jobs, maintain walkable neighborhoods, and preserve open spaces, thereby promoting a holistic community environment.

III. Historic property surveys, including those in historic districts, are tools that should be used by communities to provide a foundation for federal, state, and local planning and revitalization projects.

City-wide surveys that are incomplete or nonexistent may cause the unnecessary loss of historic properties as well as delays in project planning and implementation. Without the historical context explaining the evolution of neighborhoods and the significance of existing building stock, decision making is uninformed. In contrast, communities that have completed historic property surveys that include historic context, identify architectural, archeological, and cultural resources, and define historic districts are able to develop more effective strategies for revitalization. Surveys conducted in advance can identify areas that should be given special attention in project planning and assist developers and local officials to designate areas for tax or other financial incentives. While funds for surveys are often challenging to identify, many States have used SHPO and federal Historic Preservation Funds to update surveys consistent with the scope of work outlined in State-wide plans. Additional survey information may be forthcoming during Section 106 reviews when federal agencies and applicants identify and evaluate properties listed in or eligible for listing in the National Register of Historic Places. Regulations for some federal programs allow administrative funds to be allocated for surveys, particularly when there is a need for long-term plans to be approved for a neighborhood or target area. Federal agencies should prioritize assistance to communities for such planning, where possible. In addition, local agencies are encouraged to incorporate historic preservation survey information in local Geographic Information Systems to expedite regulatory reviews required before projects can be approved for funding.

IV. Effective citizen engagement allows community residents to identify resources they care about and share their views on local historic and cultural significance.

The consultation process under Section 106 should be designed to elicit effective and authentic citizen engagement. Such engagement will help to identify places important to the community early in the consultation process. Special attention should be given to including communities that have been overlooked in prior efforts to identify historic properties, as is often the case with those places associated with diverse populations that have minimal representation in the National Register. Such information should be routinely sought by local officials when complying with Section 106 and evaluating properties for listing in the National Register or on state surveys. SHPOs and CLG's can assist in providing historic context statements for such properties. Involving local academic institutions, civic organizations, and professional associations in the work of local preservation commissions and architectural review boards can help ensure that the views of all segments of the community inform the identification and evaluation of historic properties. Citizen engagement is also critical in the analysis of project alternatives to deal with adverse effects of redevelopment on historic properties. Many of the outcomes from Section 106 reviews are shaped by recommendations from citizens that participate as consulting parties in the process. Federal and local officials, therefore, should provide guidance and technical assistance to facilitate citizen engagement in surveys and project planning.

V. Indian tribes may have an interest in urban and rural community revitalization projects that may affect sites of historic, religious, and cultural significance to them.

As indigenous peoples of the Nation, Indian tribes have lived in many places before they became cities and towns. Accordingly, Indian tribes often have a stake in the effects of new development on their history and culture. It therefore is important to involve Indian tribes in the Section 106 reviews, particularly in the identification and evaluation of historic properties and assessment of effects. Since Indian tribes are required to be invited to participate in Section 106 as consulting parties, federal and local officials should become familiar with those Indian tribes that have ancestral and historic associations with their communities. When planning projects and conducting Section 106 reviews, planners need to look beyond archaeologists in assessing potential development sites and involve Indian tribes to ensure that cultural resources important to them inform the siting and design of projects. Indian tribes can also contribute to local sustainability efforts based on their ecological and environmental knowledge of specific geographic areas to which they attach religious and cultural significance. Involving Indian tribes early in Section 106 consultations allows them to advise the federal agency on protocols that should be followed in the event of unanticipated discoveries of sites of traditional religious and cultural significance during project implementation. Finally, Indian tribes can provide relevant input to the agency in developing mitigation measures when sites cannot be avoided.

VI. Private resources can contribute to local revitalization efforts and leverage public funds.

Private resources are instrumental in ensuring community revitalization efforts are successful and transformative. Federal grant and loan programs can be used in conjunction with private resources for local revitalization efforts such as the Department of Transportation's TIGER Program and the Environmental Protection Agency's Brownfield Grants. These programs require local communities to provide matching funds, which are often solicited from the private sector. Local institutions such as universities, hospitals, foundations, banks, land banks, and local businesses frequently provide matching funds to local governments. In addition, they often partner with developers on multi-use historic projects that benefit the community as a whole. Banking institutions are able to get credit under the Community Reinvestment Act (CRA) Program when they contribute to local revitalization efforts. A bank's CRA performance record is taken into account when evaluating their overall performance. Therefore, advance meetings with local banking institutions to discuss strategies regarding loans for commercial and residential community revitalization projects is a good approach to identifying resources to leverage public funds.

VII. Tax credits can be used to promote historic preservation projects that preserve local assets.

Recent research conducted on the impacts of using Federal Historic Tax Credits have revealed that investments in historic rehabilitation have greater positive impact on employment, state and local taxes, and the financial strength of the state than new construction. The use of federal Historic Tax Credits (HTC), Low Income Housing Tax Credits (LIHTC), and State Historic Tax Credits can often be combined to provide neighborhoods with financial, social, and economic benefits. Local governments should consider how these incentives can be used to fund not only major projects but also smaller and mid-size neighborhood projects. SHPOs are uniquely situated to leverage federal HTC projects, having worked closely with the National Park Service and the developer. After completing Part 1 of the federal HTC application, local officials should be encouraged to work closely with federal regional and field offices, land banks, SHPOs, and local realtors to identify other vacant and abandoned buildings that are candidates for rehabilitation. By stabilizing an entire neighborhood, these sites can be used for affordable housing and transit oriented development projects. NPS and SHPOs can share cases studies and best management practices on federal HTC and applicability of the *Secretary of Interior's Standards for the Treatment of Historic Properties,* and meet with local officials and developers to discuss strategies for preserving local historic properties.

VIII. Early consideration of alternatives to avoid or minimize adverse effects to historic properties is essential to ensure proper integration of historic properties in revitalization plans.

Effective utilization of historic properties to support community revitalization goals requires that preservation be an integral part of local planning from the outset. Strategic efforts to stabilize local neighborhoods in communities experiencing substantial population loss should consider alternatives that can have a positive impact. Comprehensive neighborhood plans should disclose the criteria and processes local officials use to determine specific treatment for a building. SHPOs can also provide technical assistance when resources are available. Likewise, communities that have CLG's that work closely with SHPOs can participate in local administrative reviews and provide advice regarding how historic properties may be affected by revitalization plans. SHPOs and CLG's can coordinate with land banks to determine how they can facilitate building preservation, rehabilitation, and revitalization plans, as well as those proposed for substantial demolitions in target areas or community-wide.

IX. Flexible programmatic solutions help expedite historic preservation reviews and address situations involving recurring loss of historic properties.

Revitalization projects with federal involvement require compliance with Section 106 and other federal environmental review laws. Frequently, programmatic solutions can expedite compliance with regulatory requirements, improving the efficiency of project delivery. Section 106 Programmatic Agreements can respond to local conditions, foster larger community preservation goals, and expedite project reviews. Such agreements often clarify that plans and specifications developed for local revitalization projects, which adhere to the *Secretary of Interior's Standards for the Treatment of Historic Properties,* qualify for simplified review and achieve desirable preservation results. The public interest in preservation should guide planning, such as focusing reviews on exterior features and important interior spaces open to the public, which is included in the ACHP's Policy Statement on Affordable Housing and Historic Preservation, published in 2005. Planning for larger revitalization projects in advance of receiving federal monies could allow local officials to target resources for micro grants and loans that can stabilize residential and commercial properties on an interim basis. CLGs can participate in project planning and reviews and share with stakeholders local best management practices.

X. Creative mitigation that can facilitate future preservation in communities.

''Creative mitigation'' is a concept that is used in environmental reviews when it is challenging, if not impossible, to avoid adverse effects or offset them using standard mitigation approaches. In Section 106 reviews, standard mitigation measures are customarily directed at the affected historic property and may include recordation, data recovery, or curation. Often the public benefit of using these standard measures is minimal and mitigation funds might be better invested in other preservation activities. Because the Section 106 process does not

preordain a preservation outcome for affected historic properties, federal and local officials should consider creative mitigation measures that promote historic preservation goals even though they do not minimize harm to the impacted historic resource. For example, a neighborhood stabilization project may call for selective demolition of contributing structures within a historic district. To offset the loss, the project planners might commit funds for the renovation of other buildings within the district or fund a historic resources survey of a nearby neighborhood as the basis for future preservation planning. The activities proposed in creative mitigation measures should leverage the federal assistance to allow for broader public benefits. Discussions about creative mitigation should be initiated early in the Section 106 review process when options can be objectively evaluated and include consulting parties, representatives of the affected areas, as well as local officials, to ensure all views are considered. A desirable goal of creative mitigation measures is to advance community-wide preservation. They might include the development of local historic preservation ordinances, acquisition and relocation of historic properties to alternate sites in a historic district, or funding for landscaping and streetscape improvements in a district.

Federal, state, and local officials, applicants, and residents are encouraged to use these principles as plans are developed and Section 106 reviews coordinated. Please visit the ACHP's Web site, achp.gov, to view helpful case studies and best management practices that can further expand your knowledge of historic preservation tools, and how they are being used to revitalize and stabilize communities throughout the Nation.

Authority: 54 U.S.C. 304102(a).

Dated: February 26, 2016.

John M. Fowler,

Executive Director.

[FR Doc. 2016–04640 Filed 3–2–16; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0080]

Agency Information Collection Activities: Deferral of Duty on Large Yachts Imported for Sale

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Deferral of Duty on Large Yachts Imported for Sale. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 4, 2016 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 68326) on November 4, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Deferral of Duty on Large Yachts Imported for Sale.

OMB Number: 1651–0080.

Abstract: This collection of information is required to ensure compliance with 19 U.S.C. 1484b which provides that an otherwise dutiable yacht that exceeds 79 feet in length, is used primarily for recreation or pleasure, and had been previously sold by a manufacturer or dealer to a retail customer, may be imported without the payment of duty if the yacht is imported with the intention to offer for sale at a boat show in the United States. The statute provides for the deferral of payment of duty until the yacht is sold but specifies that the duty deferral period may not exceed 6 months. This collection of information is provided for by 19 CFR 4.94a which requires the submission of information to CBP such as the name and address of the owner of the yacht, the dates of cruising in the waters of the United States, information about the yacht, and the ports of arrival and departure.

Action: CBP proposes to extend the expiration date of this information collection with no change to the estimated burden hours or to the information collected.

Type of Review: Extension (with no change).

Affected Public: Businesses and Individuals.

Estimated Number of Respondents: 50.

Estimated Number of Total Annual Responses: 50.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 50.

Dated: February 24, 2016.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2016–04747 Filed 3–2–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0099]

Agency Information Collection Activities: Application for T Nonimmigrant Status; Application for Immediate Family Member of T–1 Recipient; and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, Form I–914 and Supplements A and B; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 2, 2016.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0099 in the subject box, the agency name and Docket ID USCIS–2006–0059. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0099;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0099 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status; Application for Immediate Family Member of T–1 Recipient; and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–914 and Supplements A and B; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–914 permits victims of severe forms of trafficking and their immediate family members to demonstrate that they qualify for temporary nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), and to receive temporary immigration benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form I–914, 1,062 responses at 2 hours and 15 minutes (2.25 hours) per response; Supplement A, 1,162 responses at 1 hour per response; Supplement B, 250 responses at 30 minutes (.50 hours) per response. Biometric processing 2,224 respondents requiring Biometric Processing at an estimated 1 hour and 10 minutes (1.17 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 6,278 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is 0.

Dated: February 29, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–04769 Filed 3–2–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0124]

Agency Information Collection Activities: Consideration of Deferred Action for Childhood Arrivals, Form I–821D; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 2, 2016.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0124 in the subject box, the agency name and Docket ID USCIS–2012–0012. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2012–0012;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2012–0012 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Consideration of Deferred Action for Childhood Arrivals.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–821D; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. The information collected on this form is used by USCIS to determine eligibility of certain individuals who were brought to the United States as children and meet the following guidelines to be considered for deferred action for childhood arrivals:

1. Were under the age of 31 as of June 15, 2012;

2. Came to the United States before reaching their 16th birthday, and established residence at that time;

3. Have continuously resided in the United States since June 15, 2007, up to the present time;

4. Were present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;

5. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;

6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These individuals will be considered for relief from removal from the United States or from being placed into removal proceedings as part of the deferred action for childhood arrivals process. Those who submit requests with USCIS and demonstrate that they meet the threshold guidelines may have removal action in their case deferred for a period of two years, subject to renewal (if not terminated), based on an individualized, case by case assessment of the individual's equities. Only those individuals who can demonstrate, through verifiable documentation, that they meet the threshold guidelines will

be considered for deferred action for childhood arrivals, except in exceptional circumstances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 58,314 respondents responding for initial request at 3 hours per response and 200,306 respondents responding for renewal request at 3 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 775,860 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $44,353,330.

Dated: February 25, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–04663 Filed 3–2–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–SARA–19331; PS.SSARA0003.00.1]

Minor Boundary Revision at Saratoga National Historical Park

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of Saratoga National Historical Park is modified to include approximately 169 acres of land, more or less, located in Saratoga County, New York, immediately adjoining the boundary of Saratoga National Historical Park. Subsequent to the boundary revision, the National Park Service will acquire the land by purchase from Open Space Conservancy, Inc., a nonprofit conservation organization.

DATES: The effective date of this boundary revision is March 3, 2016.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Northeast Region, New England Office, 115 John Street, 5th Floor, Lowell, MA 01852, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Deputy Realty Officer Rachel McManus, National Park Service, Land Resources Program Center, Northeast Region, New England Office, 115 John Street, 5th Floor, Lowell, MA 01852, telephone (978) 970–5260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506(c), the boundary of Saratoga National Historical Park is modified to include an adjoining tract containing 169 acres of land. The boundary revision is depicted on Map No. 374/127824, dated February 5, 2015.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition will ensure preservation and protection of the park's scenic and historic resources.

Dated: January 6, 2016.

Michael A. Caldwell,

Regional Director, Northeast Region.

[FR Doc. 2016–04644 Filed 3–2–16; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–SAJU–19519; PPSESEROC3, PMP00UP05.YP0000]

Environmental Impact Statement for the San Juan Promenade Extension Project From El Morro Floating Battery Area to San Juan Bautista Plaza

AGENCY: National Park Service, Interior.

ACTION: Notice of termination.

SUMMARY: The National Park Service (NPS) is terminating preparation of an environmental impact statement (EIS) for the San Juan Promenade Extension project from El Morro Floating Battery Area to San Juan Bautista Plaza in San Juan National Historic Site, Puerto Rico. Instead, the NPS will be preparing an environmental assessment (EA) to assist the NPS in evaluating the impacts of the proposed extension of Paseo del Morro.

DATES: The EA for the extension of Paseo del Morro National Recreational Trail is expected to be distributed for public comment in the winter of 2016. The public comment period for the EA and the dates, times, and locations of public meetings will be announced through the NPS Planning, Environment, and Public Comment (PEPC) Web site *http://parkplanning.nps.gov/saju* the San Juan National Historic Site Web site, and in local media outlets.

ADDRESSES: San Juan National Historic Site, 501 Calle Norzagaray, San Juan, Puerto Rico 00901.

FOR FURTHER INFORMATION CONTACT: Walter J. Chavez, San Juan National Historic Site, 501 Calle Norzagaray, San Juan, Puerto Rico 00901, by phone at (787) 729–6777.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.,* NPS announces the termination of the EIS for the Paseo del Morro National Recreational Trail Extension, San Juan National Historic Site, San Juan, Puerto Rico. A Notice of Intent to prepare an EIS was published in the **Federal Register** on November 15, 2012 (77 FR 68146, Column 3). The NPS then engaged in a scoping process which included public meetings and consultation with federal agencies, and the initial development of a range of management alternatives with preliminary environmental impact assessment. Due to the results of the preliminary analysis of the alternatives and removal of a proposed project element, the NPS has determined that there is no potential for significant impacts to park resources and values. In addition, no concerns or issues were expressed during the public scoping process that would indicate the potential for highly controversial impacts. For these reasons, the NPS determined the proposal would not constitute a major federal action requiring an EIS.

The responsible official is the Regional Director, NPS Southeast Region, 100 Alabama Street SW., 1924 Building, Atlanta, Georgia 30303.

Dated: February 2, 2016.

Shawn T. Benge,

Acting Regional Director, Southeast Region.

[FR Doc. 2016–04645 Filed 3–2–16; 8:45 am]

BILLING CODE 4310–JD–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–556]

Generalized System of Preferences: Possible Modifications, 2015 Review

AGENCY: United States International Trade Commission.

ACTION: Change in scope of investigation.

SUMMARY: Following receipt of a letter on behalf of the United States Trade Representative (USTR) dated February 16, 2016, advising that several petitioners have withdrawn requests for waivers of the competitive need limitation under the Generalized System of Preferences (GSP) program and that USTR accordingly was withdrawing its request for advice regarding such petitions, the U.S. International Trade Commission (Commission) has amended the scope of its investigation and will not provide advice regarding the withdrawn petitions.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Mahnaz Khan, Project Leader, Office of Industries (202–205–2046 or *mahnaz.khan@usitc.gov*), Jessica Pugliese, Deputy Project Leader, Office of Industries (202–205–3064 or *jessica.pugliese@usitc.gov*), or Cynthia Foreso, Technical Advisor, Office of Industries (202–205–3348 or *cynthia.foreso@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background: The February 16, 2016, letter from USTR advised the Commission that several petitioners have withdrawn requests for waivers of the competitive need limitation (CNL) under the GSP program, and that in view of the withdrawals USTR is withdrawing its request for Commission advice as to whether any industry in the United States is likely to be adversely affected by the waiver of the CNLs, whether like or directly competitive products were being produced in the United States on January 1, 1995, and what would be the probable economic effect on total U.S. imports, as well as on consumers, of the subject CNL waivers. The letter asked that the Commission continue with its analysis of all other petitions cited in the December 30, 2015 and January 12, 2016 letters from Ambassador Michael Froman.

As a result, the Commission is terminating the portion of its investigation that concerns the waivers that are the subject of the withdrawn petitions and will not provide advice regarding them. The withdrawn petitions concern the following articles, HTS subheadings, countries, and petitioners:

HTS subheading	Brief description	Country	Petitioner
1509.10.40	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container 18 kg or over.	Tunisia	Government of Tunisia.
2804.29.00	Rare gases, other than argon	Ukraine	Government of Ukraine.
4202.92.04	Insulated beverage bag w/outer surface textiles, interior only flexible plastic container storing/dispensing beverage thru flexible tubing.	Philippines	Camelbak Products.
6911.10.37	Porcelain or china (o/than bone china) household table & kitchenware in sets in which aggregate val. of arts./US not 6 (b) o/$56 n/o $200.	Indonesia	Lenox Corporation.

In response to the USTR's letter of December 30, 2015, the Commission published its notice of institution of this investigation and the scheduling of a public hearing in connection therewith in the **Federal Register** on January 19, 2016 (81 FR 2904). As stated in that notice, the public hearing in this investigation (concerning the remaining articles) was held on February 24, 2016. In response to the USTR's letter of January 12, 2016, the Commission published a notice in the **Federal Register** on January 22, 2016 (81 FR 3819) to expand the scope of the investigation to provide probable economic effect advice with regard to certain handbags and travel goods products covered by five additional HTS statistical reporting numbers.

The hearing date and deadlines for filing pre-hearing and post-hearing briefs and all other written submissions in this investigation remain the same as previously announced, as does the information relating to the filing of those documents. As previously announced, the Commission expects to transmit its report in this investigation to the USTR by April 28, 2016.

By order of the Commission.

Issued: February 26, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–04649 Filed 3–2–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for Contractor Information Gathering, Extension Without Changes

AGENCY: Employment and Training Administration (ETA), Department of Labor (Department).

ACTION: Notice.

SUMMARY: The Department, as part of its continuing effort to reduce paperwork and respondent burden, is conducting a preclearance consultation to provide the public and Federal agencies with an opportunity to comment on continuing collection for contractor information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)].

The PRA helps ensure that the requested data collected by the Job Corps program can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Updates to this information collection include:

- The incorporation of the Workforce Innovation and Opportunity Act (WIOA) as Job Corps' statutory authority;
- The addition of two new Job Corps centers;
- Revised burden hours.

Currently, ETA is soliciting comments concerning the collection of data about contractor information gathering and reporting requirements (expiration date May 31, 2016).

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 2, 2016.

ADDRESSES: Submit written comments to Robert L. Mhoon, Office of Job Corps, Room N–4507, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3211 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 877–889–5627 (TTY/TDD). Fax: 202–693–3113. Email: *mhoon.robert@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Job Corps is the nation's largest residential, educational, and career technical training program for at-risk youth. Job Corps was established in 1964 by the Economic Opportunity Act and currently is authorized by WIOA. For over 50 years, Job Corps has helped prepare nearly 2.9 million at-risk youth between the ages of 16 and 24 for success in our nation's workforce. With 126 centers in 50 states, Puerto Rico, and the District of Columbia, Job Corps assists students across the nation in attaining academic credentials, including a High School Diploma (HSD) and/or High School Equivalency (HSE) attainment, and career technical training credentials, including industry-recognized certifications, state licensures, and pre-apprenticeship credentials.

Job Corps is a national program administered by the U.S. Department of Labor (Department) through the National Office of Job Corps and six Regional Offices. The Department awards and administers contracts for the recruiting and screening of new students, center operations, and the placement and transitional support of graduates and former enrollees. Large and small corporations and nonprofit organizations manage and operate 99 Job Corps centers under contractual agreements with the Department. These contract center operators are selected through a competitive procurement process that evaluates potential operators' technical expertise, proposed costs, past performance, and other factors, in accordance with WIOA, the Competition in Contracting Act and the Federal Acquisition Regulations. The remaining 27 Job Corps centers, called Civilian Conservation Centers, are operated by the U.S. Department of Agriculture—Forest Service, via an interagency agreement.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who respond, including through appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

III. Current Actions

The operation of the Job Corps program is such that many activities required of contractors must be coordinated with other organizations, both Federal and non-federal. Most of the information collection requirements of Job Corps center operators stem directly from operational needs or are necessary to ensure compliance with Federal requirements and the terms of the contract.

Job Corps contractors and operators are required to provide information which is used for, among other things, the generation of statistical reports by Federal Job Corps staff rather than the contractors. Reports are generated from data that is entered directly by contractors. Examples of this data includes ETA Forms 2110 (Center Financial Report), 2181 & 2181A (Center Operations Budget), 6–131A (Disciplinary Discharge), 6–131B (Review Board Hearings), 6–131C (Rights to Appeal), 6–40 (Student Profile), 6–61 (Notice of Termination) and 3–38 (Property Inventory Transcription.)

In addition, several forms pertain to student and facility administrative matters and are provided in Portable Data File (PDF) format. These forms include the OJC 6–37 (Inspection Residential & Educational Facilities), OJC 6–38 (Inspection Water Supply Facilities), and OJC 6–39 (Inspection of Waste Treatment Facilities).

Finally, the following are documents that center operators and other contractors are required to create, complete, or maintain according to the Job Corps Policy Requirements Handbook (PRH): Center Operations Plan, Center Maintenance Program, Annual Career Technical Skills Training (CTST), Annual Staff Training, Energy Conservation, Outreach/Public Education Plan, Health and Wellness Center Annual Program Description, Health Services Utilization Report, Alcohol Testing Report and Immunization Record.

Type of Review: Extension with minor changes.

Title: Standard Job Corps Contractor Information Gathering.

OMB Number: 1205–0219.

Affected Public: Businesses, for profit and not-for-profit institutions, and Tribal governments.

Recordkeeping: Data collection for the Center Financial and the Center Operations Budget Reports is made at least quarterly, and is essential to ensure contractor financial compliance with contractual requirements and to enable effective oversight of the program. The total burden associated with these activities is 4,536 hours.

Required activity	ETA form No.	Number of respondents	Submissions per year	Total annual submissions	Hours per submission	Total burden hours
Center Financial Report	2110	126	12	1,512	2	3,024

Required activity	ETA form No.	Number of respondents	Submissions per year	Total annual submissions	Hours per submission	Total burden hours
Center Operations Budget	2181	126	4	504	3	1,512
Total						4,536

Center staff members enter data utilizing a personal computer that transmits the data electronically to a centralized database. Many management and performance reports are created from this database.

Certain student personnel requirements such as student payroll information, student training and education courses received, student leave, disciplinary actions and medical information are also collected in an electronic information system. The initial data entry is maintained in the national database and used for multiple reporting purposes, therefore reducing the need to enter the data more than once. The total burden associated with the input of data is 36,145 hours.

Required activity	ETA form No.	Number of respondents	Submissions per year	Total annual submissions	Hours per submission	Total burden hours
Disciplinary Discharge	6–131A	126	86	10,895	1	10,895
Review Board Hearings	6–131B	126	86	10,895	1	10,895
Rights to Appeal	6–131C	126	86	10,895	1	10,895
Student Profile	6–40	126	412	51,945	0.01875	974
Notice of Termination	6–61	126	412	51,945	0.01875	974
Property Inventory	3–28	126	12	1,512	1	1,512
Total						36,145

Major record keeping and operational forms listed below that pertain to student facility matters are provided in PDF format. The total burden for processing these forms is 997 hours.

Required activity	ETA form No.	Number of respondents	Submissions per year	Total annual submissions	Hours per submission	Total burden hours
Inspection of Residential & Educational Facilities	OJC 6–37	126	4	504	0.5	252
Inspection of Water Supply Facilities	OJC 6–38	126	4	504	1.25	630
Inspection of Waste Treatment Facilities	OJC 6–39	23	4	92	1.25	115
Total						997

A total of 12,764 burden hours are estimated for the preparation of the Center Operating Plans listed below that are required for the operation of a Job Corps center.

Required activity	Collection method	Number of respondents	Submissions per year	Total annual submissions	Hours per submission	Total burden hours
Center Operation Plan	PRH Provided ...	126	1	126	30	3,780
Center Maintenance Plan	PRH Provided ...	126	1	126	5	630
Annual CTST	PRH Provided ...	126	1	126	24	3,024
Annual Staff Training	PRH Provided ...	126	1	126	1	126
Energy Conservation	PRH Provided ...	126	1	126	5	630
Outreach/Public Education Plan	PRH Provided ...	126	1	126	2	252
Health and Wellness Center Annual Program Description.	PRH Provided ...	126	1	126	0.5	63
Health Services Utilization Report	PRH Provided ...	126	12	1512	1	1,512
Alcohol Testing Report	PRH Provided ...	126	12	1512	0.08	126
Immunization Record	PRH Provided ...	126	416	52,410	0.05	2,621
Total						12,764

Total Estimated Burden: 54,442 hours.

Total Burden Cost (Capital/Startup): The Office of Job Corps has automated the data collection process for its centers. The Center Information System allows all centers to directly input data into a national database. The maintenance cost associated with the system is estimated to be $2.7 million per year for hardware and software.

Total Burden Cost (Operating/Maintaining): The costs to contractors for accomplishing record keeping

requirements are computed by the Federal government annually. While precise costs cannot be identified, at the present time and based on past experience, the annual related costs for contractor staff are estimated to be $1,524,376, which represents an average cost of $28.00 per hour.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2016–04631 Filed 3–2–16; 8:45 am]

BILLING CODE 4510–FT–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2015–7]

Section 512 Study: Extension of Comment Period

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The United States Copyright Office is extending the deadline for the submission of written comments in response to its December 31, 2015 Notice of Inquiry regarding the operation of section 512 of Title 17.

DATES: Initial written comments are now due no later than 11:59 p.m. Eastern Time on April 1, 2016.

ADDRESSES: The Copyright Office is using the regulations.gov system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through regulations.gov. Specific instructions for submitting comments are available on the Copyright Office Web site at *http://copyright.gov/policy/section512/comment-submission/*. If electronic submission of comments is not feasible, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, *jcharlesworth@loc.gov;* or Karyn Temple Claggett, Director of the Office of Policy and International Affairs and Associate Register of Copyrights, *kacl@loc.gov*. Each can be reached by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: The United States Copyright Office is undertaking a public study to evaluate the impact and effectiveness of the DMCA safe harbor provisions contained in section 512 of Title 17. On December 31, 2015, the Office issued a Notice of Inquiry seeking public input on several questions relating to that topic. *See* 80 FR 81862 (Dec. 31, 2015). To ensure that commenters have sufficient time to respond, the Office is extending the deadline for the submission of initial comments in response to the Notice to April 1, 2016, at 11:59 p.m. Eastern Time. Please note that in light of the expected time frame for this study, the Office is unlikely to grant further extensions for these comments.

Dated: February 25, 2016.

Maria A. Pallante,

Register of Copyrights, U.S. Copyright Office.

[FR Doc. 2016–04641 Filed 3–2–16; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–019)]

NASA Advisory Council; Technology, Innovation and Engineering Committee; Meeting

AGENCY: National Aeronautics and Space Administration

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Technology, Innovation and Engineering (TI&E) Committee of the NASA Advisory Council (NAC).

DATES: Tuesday, March 29, 2016, 8:00 a.m. to 5:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room MIC 6A, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Green, Space Technology Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4710, or *g.m.green@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting is also available telephonically and online via WebEx. Any interested person may call the USA toll-free conference number 1–844–467–6272, passcode 102421, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/*, the meeting number is 992 399 346, and the password is ''Technology16^''.

The agenda for the meeting includes the following topics:

—Space Technology Mission Directorate FY 2017 Budget and Update
—FY 2016–2017 Technology Plans for the Human Exploration and Operations Mission Directorate and the Science Mission Directorate and Discussion
—Office of the Chief Technologist Update
—Technology Demonstration Missions Program Update
—Restore-L Mission Overview and Discussion

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the ''List of the Acceptable Documents'' on Form I–9]. Non-compliant states/territories are: American Samoa, Illinois, Minnesota, Missouri, New Mexico, and Washington, Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Anyah Dembling via email at *anyah.dembling@nasa.gov* or by telephone at (202) 358–5195. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation no less than 3 working days prior to the meeting to Ms. Anyah Dembling. It is imperative that this meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2016–04766 Filed 3–2–16; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 187th Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held in Conference Room 3063/3064 and Conference Rooms A & B at Constitution Center, 400 7th St. SW., Washington, DC 20506. Agenda times are approximate.

DATES: Wednesday, March 23, 2016 from 12:30 p.m. to 2:30 p.m. and Thursday, March 24, 2016 from 9:00 a.m. to 11:30 a.m.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

SUPPLEMENTARY INFORMATION: The meeting on March 23rd from 12:30 p.m. to 2:30 p.m., will be in Conference Room 3063/3064 and will be closed for discussion of National Medal of Arts nominations. The meeting on March 24th, in Conference Rooms A & B from 9:30 a.m. to 11:30 a.m., will be open to the public on a space available basis. The tentative agenda is as follows: The meeting will begin at 9:00 a.m. with opening remarks and voting on recommendations for funding and rejection and guidelines, followed by updates from the Chairman. There also will be the following presentations (times are approximate): From 9:30 a.m. to 9:45 a.m.—*Presentation on 50th Anniversary videos* (Jessamyn Sarmiento, Director of Public Affairs, NEA); from 9:45 a.m. to 10:15 a.m.—*Presentation on IMPart at the Art League of Alexandria* (Suzanne Bethel, Executive Director of the Art League of Alexandria); from 10:15 a.m.–10:45 a.m.—*Presentation on ''All the Way Home*'' (Marty Pottenger, Executive Director, Terra Moto Inc.); and from 10:45 a.m.–11:15 a.m.—*Presentation on Hot Shop for Heroes Program* (Deborah Lenk, Executive Director, Museum of Glass). From 11:00–11:15 there will be concluding remarks from the Chairman and announcement of voting results. The meeting will adjourn at 11:30 a.m.

The Thursday, March 24th session also will be webcast. To register to watch the webcasting of this open session of the meeting, go to *http://artsgov.adobeconnect.com/nca-march2016-webcast/event/registration.html*.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the February 15, 2012 determination of the Chairman. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5733, Voice/T.T.Y. 202/682–5496, at least seven (7) days prior to the meeting.

Dated: February 29, 2016.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 2016–04665 Filed 3–2–16; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Vogtle Electric Generating Station, Units 3 and 4; Southern Nuclear Operating Company; Addition of Instruments to Design Reliability Assurance Program (D–RAP)

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 43 to Combined Licenses (COLs), NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company, Inc., (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia (together ''the licensee''); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: March 3, 2016.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site*: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.* ''For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated October 7, 2014 (ADAMS Accession No. ML14280A391) and supplemented by letter dated September 4, 2015 (ADAMS Accession No. ML15247A515).
- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ruth C. Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3249; email: *Ruth.Reyes@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Tier 1 information in the certified DCD incorporated by reference in part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), appendix D, ''Design Certification Rule for the AP1000 Design,'' and issuing License Amendment No. 43 to COLs, NPF–91 and NPF–92, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought a change to the feedwater controller program so it will respond as required to plant transients while minimizing the potential for actuation when it is not desirable.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML15258A559.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML15258A536 and ML15258A550, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML15258A479 and ML15258A530, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to Vogtle Units 3 and 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated October 7, 2014, and supplemented by letter dated September 4, 2015, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D as part of license amendment request 14–006, ''Addition of Instruments to Design Reliability Assurance Program (D–RAP).''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation that supports this license amendment, which can be found at ADAMS Accession No. ML15258A559, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1, as described in the licensee's request dated October 7, 2014, and supplemented by letter dated September 4, 2015. This exemption is related to, and necessary for, the granting of License Amendment No. 43, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation that supports this license amendment (ADAMS Accession No. ML15258A559), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated October 7, 2014, and supplemented by letter dated September 4, 2015, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I, above.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on July 7, 2015 (80 FR 38761). The September 4, 2015, supplement had no effect on the no significant hazards consideration determination, and no comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on October 7, 2014, as supplemented by letter dated September 4, 2015. The exemption and amendment were issued on January 12, 2016 as part of a combined package to the licensee (ADAMS Accession No. ML15258A465).

Dated at Rockville, Maryland, this 25th day of February 2016.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2016–04754 Filed 3–2–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1035: EA–16–005: NRC–2016–0046]

In The Matter of Duke Energy Corporation, Crystal River Nuclear Generating Station, Independent Spent Fuel Storage Installation: Order Modifying License (Effective Immediately)

AGENCY: Nuclear Regulatory Commission.

ACTION: Order; modification.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a general license to the Duke Energy Corporation (Duke), authorizing the operation of the Crystal River Nuclear Generating Plant Independent Spent Fuel Storage Installation (ISFSI), in accordance with its regulations. The Order is being issued to Duke to impose additional security requirements because Duke has identified near term plans to store spent fuel in an ISFSI under the general license provisions of the NRC's regulations. The Order was issued February 24, 2016, and became effective immediately.

ADDRESSES: Please refer to Docket ID NRC–2016–0046 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0046. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: L. Raynard Wharton, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7497; email: *Raynard.Wharton@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Introduction

Pursuant to section 2.106 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is providing notice, in the matter of Duke Energy Corporation's Independent Spent Fuel Storage Installation (ISFSI) Order Modifying License (Effective Immediately). The text of the Order (w/o attachments, which contain Safeguards Information) is as follows:

I

The NRC has issued a general license to Duke Energy Corporation, (Duke), authorizing the operation of an ISFSI, in accordance with the Atomic Energy Act of 1954, as amended, and 10 CFR part 72. This Order is being issued to Duke because DUKE has identified near-term plans to store spent fuel in an ISFSI under the general license provisions of 10 CFR part 72. The Commission's regulations at 10 CFR 72.212(b)(5), 10 CFR 50.54(p)(1), and 10 CFR 73.55(c)(5) require licensees to maintain safeguards contingency plan procedures to respond to threats of radiological sabotage and to protect the spent fuel against the threat of radiological sabotage, in accordance with 10 CFR part 73, appendix C. Specific physical security requirements are contained in 10 CFR 73.51 or 73.55, as applicable.

Inasmuch as an insider has an opportunity equal to, or greater than, any other person, to commit radiological sabotage, the Commission has determined these measures to be prudent. Comparable Orders have been issued to all licensees that currently store spent fuel or have identified near-term plans to store spent fuel in an ISFSI.

II

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and near Washington, DC, using large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility. On October 16, 2002, the Commission issued Orders to the licensees of operating ISFSIs, to place the actions taken in response to the Advisories into the established regulatory framework and to implement additional security enhancements that emerged from NRC's ongoing comprehensive review. The Commission has also communicated with other Federal, State, and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of security measures at licensed facilities. In addition, the Commission has conducted a comprehensive review of its safeguards and security programs and requirements.

As a result of its consideration of current safeguards and security requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain additional security measures (ASMs) are required to address the current threat environment, in a consistent manner throughout the nuclear ISFSI community. Therefore, the Commission is imposing requirements, as set forth in Attachments 1 and 2 of this Order, on all licensees of these facilities. These requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the public health and safety, and the environment, continue to be adequately protected, and that the common defense and security continue to be adequately protected, in the current threat environment. These requirements will remain in effect until the Commission determines otherwise.

The Commission recognizes that licensees may have already initiated many of the measures set forth in Attachments 1 and 2 to this Order, in response to previously issued Advisories, or on their own. It also recognizes that some measures may not be possible or necessary at some sites, or may need to be tailored to accommodate the specific circumstances existing at Duke's facility, to achieve the intended objectives and avoid any unforeseen effect on the safe storage of spent fuel.

Although the ASMs implemented by licensees in response to the Safeguards and Threat Advisories have been sufficient to promote the common defense and security and to provide reasonable assurance of adequate protection of public health and safety, in light of the continuing threat environment, the Commission concludes that these actions should be embodied in an Order, consistent with the established regulatory framework.

To provide assurance that Duke is implementing prudent measures to achieve a consistent level of protection to address the current threat environment, Duke's general license issued pursuant to 10 CFR 72.210 shall be modified to include the requirements identified in Attachments 1 and 2 to this Order. In addition, pursuant to 10 CFR 2.202, I find that, in light of the common defense and security circumstances described above, the public health, safety, and interest require that this Order be effective immediately.

III

Accordingly, pursuant to Sections 53, 103, 104, 147, 149, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the

Commission's regulations in 10 CFR 2.202 and 10 CFR parts 50, 72, and 73, *it is hereby ordered, effective immediately, that your general license is modified as follows:*

A. Duke shall comply with the requirements described in Attachments 1 and 2 to this Order, except to the extent that a more stringent requirement is set forth in the Crystal River Nuclear Generating Plant's physical security plan. Duke shall demonstrate its ability to comply with the requirements in Attachments 1 and 2 to the Order no later than 365 days from the date of this Order or 90 days before the first day that spent fuel is initially placed in the ISFSI, whichever is earlier. Duke must implement these requirements before initially placing spent fuel in the ISFSI. Additionally, Duke must receive written verification from the NRC (Office of Nuclear Material Safety and Safeguards) that it has adequately demonstrated compliance with these requirements before initially placing spent fuel in the ISFSI.

B. 1. Duke shall, within twenty (20) days of the date of this Order, notify the Commission: (1) If it is unable to comply with any of the requirements described in Attachments 1 and 2; (2) if compliance with any of the requirements is unnecessary, in its specific circumstances; or (3) if implementation of any of the requirements would cause Duke to be in violation of the provisions of any Commission regulation or the facility license. The notification shall provide Duke's justification for seeking relief from, or variation of, any specific requirement.

2. If Duke considers that implementation of any of the requirements described in Attachments 1 and 2 to this Order would adversely impact the safe storage of spent fuel, Duke must notify the Commission, within twenty (20) days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in Attachments 1 and 2 requirements in question, or a schedule for modifying the facility, to address the adverse safety condition. If neither approach is appropriate, Duke must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications, as required under Condition B.1.

C. 1. Duke shall, within twenty (20) days of this Order, submit to the Commission a schedule for achieving compliance with each requirement described in Attachments 1 and 2.

2. Duke shall report to the Commission when it has achieved full compliance with the requirements described in Attachments 1 and 2.

D. All measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise.

Duke's response to Conditions B.1, B.2, C.1, and C.2, above, shall be submitted in accordance with 10 CFR 72.4. In addition, submittals and documents produced by Duke as a result of this Order, that contain Safeguards Information as defined by 10 CFR 73.22, shall be properly marked and handled, in accordance with 10 CFR 73.21 and 73.22.

The Director, Office of Nuclear Material Safety and Safeguards, may, in writing, relax or rescind any of the above conditions, for good cause.

IV

In accordance with 10 CFR 2.202, Duke must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of its publication in the **Federal Register**. In addition, Duke and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made, in writing, to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

The answer may consent to this Order. If the answer includes a request for a hearing, it shall, under oath or affirmation, specifically set forth the matters of fact and law on which Duke relies and the reasons as to why the Order should not have been issued. If a person other than Duke requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web

site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a hearing is requested by Duke or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Duke may, in addition to requesting a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the grounds that the Order, including the need for immediate effectiveness, is not based on adequate evidence, but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions as specified in Section III shall be final twenty (20) days from the date this Order is published in the **Federal Register**, without further Order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions of this Order, as specified in Section III, shall be final when the extension expires, if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated at Rockville, Maryland, this 24th day of February 2016.

For the Nuclear Regulatory Commission.

Scott W. Moore,

Acting Director, Office of Nuclear Material Safety and Safeguards.

Attachment 1—Additional Security Measures (ASMs) for Physical Protection of Dry Independent Spent Fuel Storage Installations (ISFSIs) Contains Safeguards Information and Is Not Included in the Federal Register Notice

Attachment 2—Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations, Dated February 4, 2016

A. General Basis Criteria

1. These additional security measures (ASMs) are established to delineate an independent spent fuel storage installation (ISFSI) licensee's responsibility to enhance security measures related to authorization for unescorted access to the protected area of an ISFSI in response to the current threat environment.

2. Licensees whose ISFSI is collocated with a power reactor may choose to comply with the U.S. Nuclear Regulatory Commission (NRC)-approved reactor access authorization program for the associated reactor as an alternative means to satisfy the provisions of sections B through G below. Otherwise, licensees shall comply with the access authorization and fingerprinting requirements of section B through G of these ASMs.

3. Licensees shall clearly distinguish in their 20-day response which method they intend to use in order to comply with these ASMs.

B. Additional Security Measures for Access Authorization Program

1. The licensee shall develop, implement and maintain a program, or enhance its existing program, designed to ensure that persons granted unescorted access to the protected area of an ISFSI are trustworthy and reliable and do not constitute an unreasonable risk to the public health and safety for the common defense and security, including a potential to commit radiological sabotage.

a. To establish trustworthiness and reliability, the licensee shall develop, implement, and maintain procedures for conducting and completing background investigations, prior to granting access. The scope of background investigations must address at least the past three years and, as a minimum, must include:

i. Fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check (CHRC). Where an applicant for unescorted access has been previously fingerprinted with a favorably completed CHRC, (such as a CHRC pursuant to compliance with orders for access to safeguards information) the licensee may accept the results of that CHRC, and need not submit another set of fingerprints, provided the CHRC was completed not more than three years from the date of the application for unescorted access.

ii. Verification of employment with each previous employer for the most recent year from the date of application.

iii. Verification of employment with an employer of the longest duration during any calendar month for the remaining next most recent two years.

iv. A full credit history review.

v. An interview with not less than two character references, developed by the investigator.

vi. A review of official identification (*e.g.,* driver's license; passport; government identification; state-, province-, or country-of-birth issued certificate of birth) to allow comparison of personal information data provided by the applicant. The licensee shall maintain a photocopy of the identifying document(s) on file, in accordance with ''Protection of Information,'' in Section G of these ASMs.

vii. Licensees shall confirm eligibility for employment through the regulations of the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, and shall verify and ensure, to the extent possible, the accuracy of the provided social security number and alien registration number, as applicable.

b. The procedures developed or enhanced shall include measures for confirming the term, duration, and character of military service for the past three years, and/or academic enrollment and attendance in lieu of employment, for the past five years.

c. Licensees need not conduct an independent investigation for individuals employed at a facility who possess active ''Q'' or ''L'' clearances or possess another active U.S. Government-granted security clearance (*i.e.,* Top Secret, Secret, or Confidential).

d. A review of the applicant's criminal history, obtained from local criminal justice resources, may be included in addition to the FBI CHRC, and is encouraged if the results of the FBI CHRC, employment check, or credit check disclose derogatory information. The scope of the applicant's local criminal history check shall cover all residences of record for the past three years from the date of the application for unescorted access.

2. The licensee shall use any information obtained as part of a CHRC solely for the purpose of determining an individual's suitability for unescorted access to the protected area of an ISFSI.

3. The licensee shall document the basis for its determination for granting or denying access to the protected area of an ISFSI.

4. The licensee shall develop, implement, and maintain procedures for updating background investigations for persons who are applying for reinstatement of unescorted access. Licensees need not conduct an independent reinvestigation for individuals who possess active ''Q'' or ''L'' clearances or possess another active U.S. Government granted security clearance, *i.e.,* Top Secret, Secret or Confidential.

5. The licensee shall develop, implement, and maintain procedures for reinvestigations of persons granted unescorted access, at intervals not to exceed five years. Licensees need not conduct an independent reinvestigation for individuals employed at a facility who possess active ''Q'' or ''L'' clearances or possess another active U.S. Government granted security clearance, *i.e.,* Top Secret, Secret or Confidential.

6. The licensee shall develop, implement, and maintain procedures designed to ensure that persons who have been denied unescorted access authorization to the facility are not allowed access to the facility, even under escort.

7. The licensee shall develop, implement, and maintain an audit program for licensee and contractor/vendor access authorization programs that evaluate all program elements and include a person knowledgeable and practiced in access authorization program performance objectives to assist in the overall assessment of the site's program effectiveness.

C. Fingerprinting Program Requirements

1. In a letter to the NRC, the licensee must nominate an individual who will review the results of the FBI CHRCs to make trustworthiness and reliability determinations for unescorted access to an ISFSI. This individual, referred to as the ''reviewing official,'' must be someone who requires unescorted access to the ISFSI. The NRC will review the CHRC of any individual nominated to perform the reviewing official function. Based on the results of the CHRC, the NRC staff will determine whether this individual may have access. If the NRC determines that the nominee may not be granted such access, that individual will be prohibited from obtaining access.[1] Once the NRC approves a reviewing official, the reviewing official is the only individual permitted to make access determinations for other individuals who have been identified by the licensee as having the need for unescorted access to the ISFSI, and have been fingerprinted and have had a CHRC in accordance with these ASMs. The reviewing official can only make access determinations for other individuals, and therefore cannot approve other individuals to act as reviewing officials. Only the NRC can approve a reviewing official. Therefore, if the licensee wishes to have a new or additional reviewing official, the NRC must approve that individual before he or she can act in the capacity of a reviewing official.

2. No person may have access to Safeguards Information (SGI) or unescorted access to any facility subject to NRC regulation, if the NRC has determined, in accordance with its administrative review process based on fingerprinting and an FBI identification and CHRC, that the person may not have access to SGI or unescorted access to any facility subject to NRC regulation.

3. All fingerprints obtained by the licensee under this Order, must be submitted to the Commission for transmission to the FBI.

4. The licensee shall notify each affected individual that the fingerprints will be used to conduct a review of his/her criminal history record and inform the individual of the procedures for revising the record or including an explanation in the record, as specified in the ''Right to Correct and Complete Information,'' in section F of these ASMs.

5. Fingerprints need not be taken if the employed individual (*e.g.,* a licensee employee, contractor, manufacturer, or supplier) is relieved from the fingerprinting requirement by 10 CFR 73.61, has a favorably adjudicated U.S. Government CHRC within the last five

[1] The NRC's determination of this individual's unescorted access to the ISFSI, in accordance with the process, is an administrative determination that is outside the scope of the Order.

(5) years, or has an active Federal security clearance. Written confirmation from the Agency/employer who granted the Federal security clearance or reviewed the CHRC must be provided to the licensee. The licensee must retain this documentation for a period of three years from the date the individual no longer requires access to the facility.

D. Prohibitions

1. A licensee shall not base a final determination to deny an individual unescorted access to the protected area of an ISFSI solely on the basis of information received from the FBI involving: an arrest more than one (1) year old for which there is no information of the disposition of the case, or an arrest that resulted in dismissal of the charge, or an acquittal.

2. A licensee shall not use information received from a CHRC obtained pursuant to this Order in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall the licensee use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, sex, or age.

E. Procedures for Processing Fingerprint Checks

1. For the purpose of complying with this Order, licensees shall, using an appropriate method listed in 10 CFR 73.4, submit to the NRC's Division of Facilities and Security, Mail Stop T–03B46M, one completed, legible standard fingerprint card (Form FD–258, ORIMDNRCOOOZ) or, where practicable, other fingerprint records for each individual seeking unescorted access to an ISFSI, to the Director of the Division of Facilities and Security, marked for the attention of the Division's Criminal History Check Section. Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by calling (630) 829–9565, or by email to *forms@nrc.gov.* Practicable alternative formats are set forth in 10 CFR 73.4. The licensee shall establish procedures to ensure that the quality of the fingerprints taken results in minimizing the rejection rate of fingerprint cards because of illegible or incomplete cards.

2. The NRC will review submitted fingerprint cards for completeness. Any Form FD–258 fingerprint record containing omissions or evident errors will be returned to the licensee for corrections. The fee for processing fingerprint checks includes one re-submission if the initial submission is returned by the FBI because the fingerprint impressions cannot be classified. The one free re-submission must have the FBI Transaction Control Number reflected on the re-submission. If additional submissions are necessary, they will be treated as initial submittals and will require a second payment of the processing fee.

3. Fees for processing fingerprint checks are due upon application. The licensee shall submit payment of the processing fees electronically. To be able to submit secure electronic payments, licensees will need to establish an account with Pay.Gov (*https://www.pay.gov*). To request an account, the licensee shall send an email to *det@nrc.gov.* The email must include the licensee's company name, address, point of contact (POC), POC email address, and phone number. The NRC will forward the request to Pay.Gov; who will contact the licensee with a password and user lD. Once the licensee has established an account and submitted payment to Pay.Gov, they shall obtain a receipt. The licensee shall submit the receipt from Pay.Gov to the NRC along with fingerprint cards. For additional guidance on making electronic payments, contact the Facilities Security Branch, Division of Facilities and Security, at (301) 415–7513. Combined payment for multiple applications is acceptable. The application fee (currently $26) is the sum of the user fee charged by the FBI for each fingerprint card or other fingerprint record submitted by the NRC on behalf of a licensee, and an NRC processing fee, which covers administrative costs associated with NRC handling of licensee fingerprint submissions. The Commission will directly notify licensees who are subject to this regulation of any fee changes.

4. The Commission will forward to the submitting licensee all data received from the FBI as a result of the licensee's application(s) for CHRCs, including the FBI fingerprint record.

F. Right To Correct and Complete Information

1. Prior to any final adverse determination, the licensee shall make available to the individual the contents of any criminal history records obtained from the FBI for the purpose of assuring correct and complete information. Written confirmation by the individual of receipt of this notification must be maintained by the licensee for a period of one (1) year from the date of notification.

2. If, after reviewing the record, an individual believes that it is incorrect or incomplete in any respect and wishes to change, correct, or update the alleged deficiency, or to explain any matter in the record, the individual may initiate challenge procedures. These procedures include either direct application by the individual challenging the record to the agency (*i.e.,* law enforcement agency) that contributed the questioned information, or direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Assistant Director, Federal Bureau of Investigation Identification Division, Washington, DC 20537–9700 (as set forth in 28 CFR 16.30 through 16.34). In the latter case, the FBI forwards the challenge to the agency that submitted the data and requests that agency to verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in accordance with the information supplied by that agency. The licensee must provide at least 10 days for an individual to initiate an action challenging the results of a FBI CHRC after the record is made available for his/her review. The licensee may make a final access determination based on the criminal history record only upon receipt of the FBI's ultimate confirmation or correction of the record. Upon a final adverse determination on access to an ISFSI, the licensee shall provide the individual its documented basis for denial. Access to an ISFSI shall not be granted to an individual during the review process.

G. Protection of Information

1. The licensee shall develop, implement, and maintain a system for personnel information management with appropriate procedures for the protection of personal, confidential information. This system shall be designed to prohibit unauthorized access to sensitive information and to prohibit modification of the information without authorization.

2. Each licensee who obtains a criminal history record on an individual pursuant to this Order shall establish and maintain a system of files and procedures, for protecting the record and the personal information from unauthorized disclosure.

3. The licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, his/her representative, or to those who have a need to access the information in performing assigned duties in the process of determining suitability for

unescorted access to the protected area of an ISFSI. No individual authorized to have access to the information may re-disseminate the information to any other individual who does not have the appropriate need to know.

4. The personal information obtained on an individual from a CHRC may be transferred to another licensee if the gaining licensee receives the individual's written request to re-disseminate the information contained in his/her file, and the gaining licensee verifies information such as the individual's name, date of birth, social security number, sex, and other applicable physical characteristics for identification purposes.

5. The licensee shall make criminal history records, obtained under this section, available for examination by an authorized representative of the NRC to determine compliance with the regulations and laws.

[FR Doc. 2016–04749 Filed 3–2–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0006]

Operator Licensing Examination Standards for Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; extension of comment period.

SUMMARY: On February 5, 2016, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on draft NUREG, NUREG–1021, Revision 11, ''Operator Licensing Examination Standards for Power Reactors.'' The public comment period was originally scheduled to close on March 21, 2016. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The due date of comments requested in the document published on February 5, 2016 (81 FR 6301) is extended. Comments should be filed no later than April 5, 2016. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0006. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Maurin Scheetz, telephone: 301–415–2758, email: *Maurin.Scheetz@nrc.gov;* or Timothy Kolb, telephone: 703–462–3957, email: *Timothy.Kolb@nrc.gov.* Both are staff of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0006 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0006.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft NUREG is available in ADAMS under Accession No. ML16028A409.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0006 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Dated at Rockville, Maryland, this 25th day of February, 2016.

For the Nuclear Regulatory Commission.

Scott Sloan,

Chief, Operator Licensing and Training Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–04748 Filed 3–2–16; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. R2013–11; Order No. 3103]

Rate Adjustment

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the removal of the exigent surcharge from existing rates on Sunday, April 10, 2016. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 16, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On February 25, 2016, the Postal Service, in accordance with Order No. 1926, filed notice of its intention to remove the exigent surcharge from existing rates on Sunday, April 10, 2016.[1] The removal date is based on the Postal Service's estimate that the surcharge-related revenue limitation will be reached on Saturday, April 9, 2016, as well as past practice with respect to rate changes and other implementation considerations. *Id.* at 2–4.

The Notice includes Attachment A, which updates the Market Dominant section of the Mail Classification Schedule with the prices that will take effect upon removal of the exigent surcharge. *Id.* Attachment A at 1. The Postal Service represents that the Commission approved these prices in Docket No. R2015–4.[2] The Postal Service states that the prices were made available to mailers on Postal Explorer and RIBBS on February 5, 2016. Notice at 4.

II. Commission Action

Establishment of public comment period. The Commission acknowledges that the removal of the exigent surcharge does not meet the definition of any of the typical Type 1 rate adjustments identified in 39 CFR part 3010. Because this removal is a follow-on from a previous Type 3 rate adjustment, the rules applicable to the annual limitation are not applicable to this rate adjustment. However, the Commission finds it appropriate to provide a period of 20 days from the date of the Postal Service's filing for public comment, consistent with Type 1 rate adjustments. *See* 39 CFR 3010.11(a)(5). Comments by interested persons are due no later than March 16, 2016. Commenters may address the consistency of the prices and product descriptions in Attachment A to the Notice with the prices and product descriptions in the Attachment to Order No. 2472, and any other relevant issues concerning the Postal Service's filings. Interested persons are encouraged to review the Postal Service's Notice and Attachment A in their entirety.

Participation and designated filing method. Interested persons may submit comments electronically via the Commission's Filing Online system, unless a waiver is obtained. Instructions for obtaining an account to file documents online may be found on the Commission's Web site (*http://www.prc.gov*), or by contacting the Commission's Docket Section staff at 202–789–6846. Persons without access to the Internet or otherwise unable to file documents electronically may request a waiver of the electronic filing requirement by filing a motion for waiver with the Commission. The motion may be filed along with any comments the person may wish to submit in this docket. Persons requesting a waiver may file hardcopy documents with the Commission either by mailing or by hand delivery to the Office of the Secretary, Postal Regulatory Commission, 901 New York Avenue NW., Suite 200, Washington, DC 20268–0001 during regular business hours by the date specified for such filing. Any person needing assistance in requesting a waiver may contact the Docket Section at 202–789–6846. Hardcopy documents filed in this docket will be scanned and posted on the Commission's Web site.

Appointment of Public Representative. Pursuant to 39 U.S.C. 505, James Waclawski will continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

Continuation of bi-weekly reporting. Pursuant to Order No. 3030, the Postal Service is to continue filing bi-weekly estimates of the incremental and cumulative surcharge revenue.[3]

III. Ordering Paragraphs

It is ordered:

1. Interested persons are invited to comment on the Postal Service's removal of the exigent surcharge no later than March 16, 2016.

2. James Waclawski will continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–04621 Filed 3–2–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Notice of the United States Postal Service of Removal of the Exigent Surcharge, February 25, 2016 (Notice). The Postal Service conditions removal on the absence of Congressional action or the courts making the exigent surcharge part of the base rate or extending it. Notice at 1.

[2] *Id. See* Docket No. R2015–4, Order on Revised Price Adjustments for Standard Mail, Periodicals, and Package Services Products and Related Mail Classification Changes, May 7, 2015 (Order No. 2472), Attachment.

[3] Second Order on Surcharge Revenue Reporting, January 15, 2016, at 2 (Order No. 3030).

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–25; Order No. 3105]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an amendment to Priority Mail Contract 105 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 4, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On February 25, 2016, the Postal Service filed notice that it has agreed to an amendment to the existing Priority Mail Contract 105 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the amendment.

The Postal Service also filed the unredacted amendment under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. Notice at 1.

The amendment modifies the contract's price clause and the associated price adjustment mechanism.

The Postal Service intends for the amendment to become effective one

[1] Notice of United States Postal Service of Amendment to Priority Mail Contract 105, with Portions Filed Under Seal, February 25, 2016 (Notice).

business day after the date that the Commission completes its review of the Notice. *Id.* The Postal Service asserts that the amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.*

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than March 4, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Nina Yeh to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2015–25 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Nina Yeh to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than March 4, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–04632 Filed 3–2–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Monday, March 21, 2016, at 4:00 p.m.

PLACE: via Teleconference.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Monday, March 21 2016, at 4:00 p.m.

1. Strategic Issues.
2. Financial Matters.
3. Pricing/Product Development Matters.
4. Personnel Matters and Compensation Issues.
5. Executive Session—Discussion of prior agenda items and Board governance.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Requests for information about the meeting should be addressed to the Secretary of the Board, Julie S. Moore, at 202–268–4800.

Julie S. Moore.

Secretary, Board of Governors.

[FR Doc. 2016–04904 Filed 3–1–16; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–32007]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 26, 2016.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2016. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 22, 2016, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Hae-Sung Lee, Attorney-Adviser, at (202) 551–7345 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE., Washington, DC 20549–8010.

Aberdeen Global Select Opportunities Fund Inc. [File No. 811–06017]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Aberdeen Global Equity Fund, a series of Aberdeen Funds, and, on February 25, 2015, made a final distribution to its shareholders based on net asset value. Expenses of $248,555 incurred in connection with the reorganization were paid by applicant's investment adviser.

Filing Date: The application was filed on December 31, 2015.

Applicant's Address: 1735 Market Street, 32nd Floor, Philadelphia, PA 19103.

Stratton Mid Cap Value Fund, Inc. [811–02297]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Sterling Capital Stratton Mid Cap Value Fund and, on November 13, 2015, made a final distribution to its shareholders based on net asset value. Total expenses of $541,000 incurred by Stratton Mid Cap Value Fund, Inc., Stratton Funds, Inc., and Stratton Real Estate Fund, Inc. in connection with their reorganizations were paid by applicant's investment adviser.

Filing Dates: The application was filed on January 20, 2016, and amended on February 5, 2016.

Applicant's Address: 150 South Warner Road, Suite 460–A, King of Prussia, PA 19406.

Stratton Funds, Inc. [811–07434]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Sterling Capital Stratton Small Cap Value Fund and, on November 13, 2015, made a final distribution to its shareholders based on net asset value. Total expenses of $541,000 incurred by Stratton Mid Cap Value Fund, Inc., Stratton Funds, Inc., and Stratton Real Estate Fund, Inc. in connection with their reorganizations were paid by applicant's investment adviser.

Filing Dates: The application was filed on January 20, 2016, and amended on February 5, 2016.

Applicant's Address: 150 South Warner Road, Suite 460–A, King of Prussia, PA 19406.

Stratton Real Estate Fund, Inc. [811–02240]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Sterling Capital Stratton Real Estate Fund and, on November 13, 2015, made a final distribution to its shareholders based on net asset value. Total expenses of $541,000 incurred by Stratton Mid Cap Value Fund, Inc., Stratton Funds, Inc., and Stratton Real Estate Fund, Inc. in connection with their reorganizations were paid by applicant's investment adviser.

Filing Dates: The application was filed on January 20, 2016, and amended on February 5, 2016.

Applicant's Address: 150 South Warner Road, Suite 460–A, King of Prussia, PA 19406.

Arden Sage Triton Fund, L.L.C. [File No. 811–21472]; Arden Sage Multi-Strategy TEI Institutional Fund, L.L.C. [File No. 811–22225]; Arden Sage Multi-Strategy Institutional Fund, L.L.C. [File No. 811–22224]; Arden Sage Multi-Strategy Fund, L.L.C. [File No. 811–21778]

Summary: Applicants, closed-end investment companies and feeder funds in a master/feeder structure, seek an order declaring that they have each ceased to be an investment company. On February 4, 2016, the master fund in which each applicant invested transferred its remaining assets to a liquidating trust, based on net asset value. Each applicant's investors received cash and a pro rata interest in the liquidating trust based on the number of each applicant's units owned by the investor. Expenses of $7,000 incurred by each applicant in connection with the liquidations were paid by applicants' investment adviser.

Filing Dates: The applications were filed on February 10, 2016, and amended on February 19, 2016 and February 24, 2016.

Applicant's Address: 375 Park Avenue, 32nd Floor, New York, NY 10152.

Arden Sage Multi-Strategy Master Fund, L.L.C. [File No. 811–22223]

Summary: Applicant, a closed-end investment company and master fund in a master/feeder structure, seeks an order declaring that it has ceased to be an investment company. On February 4, 2016, applicant transferred its remaining assets to a liquidating trust, based on net asset value. Each of applicant's feeder funds received a pro rata interest in the liquidating trust, which was distributed to the shareholders of each of the feeder funds. Expenses of $21,667 incurred in connection with the liquidation were paid by applicant's investment adviser.

Filing Dates: The application was filed on February 19, 2016, and amended on February 24, 2016.

Applicant's Address: 375 Park Avenue, 32nd Floor, New York, NY 10152.

Lincoln Advisors Trust [File No. 811–22583]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 15, 2015, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately $489 incurred in connection with the liquidation were paid by applicant's investment adviser.

Filing Date: The application was filed on February 19, 2016.

Applicant's Address: 1300 South Clinton Street, Fort Wayne, IN 46802.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04639 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77246; File No. SR–ISE–2015–30]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Rule 804(g)

February 26, 2016.

I. Introduction

On November 10, 2015, the International Securities Exchange, LLC (''ISE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to require Clearing Member [3] approval for a market maker to resume trading after the activation of a market-wide speed bump under ISE Rule 804(g). The proposed rule change was published for comment in the **Federal Register** on November 30, 2015.[4] On January 13, 2016, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change to February 28, 2016.[5] The Commission did not receive any comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

Pursuant to ISE Rule 804(g)(1), the Exchange requires market makers [7] to provide parameters according to which the Exchange will automatically remove a market maker's quotations in all series of an options class. Additionally, the Exchange requires market makers to provide a market-wide parameter according to which the Exchange will automatically remove a market maker's quotes in *all* classes when, during a time period established by the market maker, the total number of quote removal events (or ''curtailment events'') specified in Rule 804(g)(1) and in Supplementary Material .04 to Rule 722 exceed such specified market-wide parameter.[8] The latter market-wide risk management functionality is known as a ''market-wide speed bump'' and is available for quotes only on ISE or across both ISE and ISE's affiliated exchange, ISE Gemini, LLC.[9]

Currently, if ISE's trading system removes all of a market maker's quotes because a market-wide speed bump is triggered, the market maker may re-enter the market and resume trading upon notification to the Exchange's Market Operations.[10] The Exchange now proposes to amend ISE Rule 804(g)(2) to require Clearing Member approval

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Clearing Member'' is a Member that is self-clearing or an Electronic Access Member that clears transactions executed on or through the facilities of the Exchange for other Members of the Exchange. *See* ISE Rule 100(a)(8). An ''Electronic Access Member'' is an Exchange Member that is approved to exercise trading privileges associated with EAM Rights. *See* Article XIII, Section 13.1(l) of the Second Amended and Restated Constitution of ISE.

[4] *See* Securities Exchange Act Release No. 76506 (November 23, 2015), 80 FR 74829 (November 30, 2015) (''Notice'').

[5] *See* Securities Exchange Act Release No. 76893 (January 13, 2016), 81 FR 3217 (January 20, 2016).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] ISE has two categories of market makers: Primary Market Makers (''PMMs'') and Competitive Market Makers (''CMMs''). A PMM is appointed to each options class traded on the Exchange but a CMM may or may not be appointed to each such options class. *See* ISE Rule 802.

[8] *See* ISE Rule 804(g)(2).

[9] *Id.*

[10] *See* Notice, *supra* note 4, at 74830.

before a market maker can resume trading.[11] Specifically, following a market-wide speed bump, the proposed rule requires a market maker to notify its Clearing Member(s) when it is ready to resume trading and requires each applicable Clearing Member to inform the Exchange directly when its authorization has been given for the market maker to resume trading.[12] In order to ''facilitate a better response time'' from Clearing Members, so that a market maker can re-enter the market, the proposal also allows Exchange staff to notify Clearing Member(s) when a market maker's quotes have been removed pursuant to the market-wide speed bump.[13]

The Exchange believes that it is appropriate to require Clearing Member approval before a market maker can re-enter the market after a market-wide speed bump because the Clearing Member guarantees the market maker's trades and bears the ultimate financial risk associated with those transactions. The Exchange notes that, while not all market makers are Clearing Members, all market makers require a Clearing Member's consent to clear transactions on their behalf in order to conduct business on the Exchange.[14] According to the Exchange, the proposed rule change will permit Clearing Members to better monitor and manage the potential risks assumed by a market maker and provide Clearing Members with greater control and flexibility over their risk tolerance and exposure.[15]

III. Proceedings To Determine Whether To Approve or Disapprove SR–ISE–2015–30 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[16] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings because the proposal raises important issues that warrant further public comment and Commission consideration. Specifically, the Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with Section 6(b)(5) of the Act,[17] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Under ISE's current rules, a market maker must enter continuous quotations for the options classes to which it is appointed.[18] In return, the market maker receives certain benefits, including participation entitlements[19] and an exception from the prohibition in Section 11(a) of the Act.[20] As the Commission has stated in the past, a market maker must be subject to sufficient and commensurate affirmative obligations, including the obligation to hold itself out as willing to buy and sell options for its own account on a regular or continuous basis, to justify favorable treatment.[21] As discussed above, however, the Exchange now proposes to amend ISE Rule 804(g) to require Clearing Member approval before a market maker can resume trading after triggering a market-wide speed bump.

The Exchange justifies the change as appropriate because, ''[w]hile in some cases this may result in a minimal delay for a market maker that wants to reenter the market quickly following a market-wide speed bump, the Exchange believes that Clearing Member approval . . . ensure[s] that the market maker does not prematurely enter the market without adequate safeguards . . .''[22] The Exchange, however, does not provide any basis for its statement that the proposed rule would result in only a ''minimal delay'' for a market maker seeking to resume quoting. Moreover, the Exchange does not address how the proposal impacts the continuous quoting obligations of market makers. The Commission accordingly believes the proposed rule change raises questions regarding the ability of market makers to meet their quoting obligations and, therefore, whether the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(5)[23] or any other provision of the Act, or the rules and regulations thereunder. Although there does not appear to be any issue relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[24] any request for an opportunity to make an oral presentation.[25]

Interested persons are invited to submit written data, views, and arguments regarding whether the

[11] *See* proposed Rule 804(g)(2).

[12] *See id.*

[13] *See id.*

[14] Each market maker authorized to trade on the Exchange must obtain from a Clearing Member a ''Market Maker Letter of Guarantee'' wherein the Clearing Member accepts financial responsibility for all Exchange transactions made by the market maker. *See* ISE Rule 808.

[15] *See* Notice, *supra* note 4, at 74830. Under ISE's current rules, the Exchange may share any Member-designated risk settings in the trading system with the Clearing Member that clears transactions on behalf of the Member. *See* ISE Rule 706(a).

[16] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. *See id.*

[17] 15 U.S.C. 78f(b)(5).

[18] *See* ISE Rule 804(e).

[19] *See, e.g.,* ISE Rule 713.

[20] 15 U.S.C. 78k(a).

[21] *See, e.g.,* Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065, 73076 (December 7, 2012) (approving the application of Miami International Securities Exchange, LLC for registration as a national securities exchange); Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (approving the application of Topaz Exchange, LLC for registration as a national securities exchange); Securities Exchange Act Release No. 76998 (January 29, 2016), 81 FR 6066 (February 4, 2016) (approving the application of ISE Mercury, LLC for registration as a national securities exchange).

[22] *See* Notice, *supra* note 4, at 74830.

[23] 15 U.S.C. 78f(b)(5).

[24] 17 CFR 240.19b–4.

[25] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

proposal should be approved or disapproved by March 24, 2016. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 7, 2016. In light of the concerns raised by the proposed rule change, as discussed above, the Commission invites additional comment on the proposed rule change as the Commission continues its analysis of the proposed rule change's consistency with Sections 6(b)(5) and 6(b)(8),[26] or any other provision of the Act, or the rules and regulations thereunder. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposed rule change, in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2015–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2015–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal 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–ISE–2015–30 and should be submitted by March 24, 2016. Rebuttal comments should be submitted by April 7, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04637 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

[26] 15 U.S.C. 78f(b)(5), (b)(8).

[27] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77245; File No. SR–Phlx–2016–23]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Kill Switch

February 26, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 16, 2016, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to relocate language in current Rule 1035, entitled ''Acceptable of Bid or Offer'' [sic] to Phlx Rule 1019 and adopt an optional Kill Switch protection. The Kill Switch will allow Phlx members to remove quotes and cancel open orders and prevent new order submission.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a new risk protection, a Kill Switch, applicable to all Phlx members and member organizations (hereinafter ''member(s)''). The Kill Switch will allow Phlx members to remove quotes and cancel open orders and prevent new order submission. This feature provides firms with a powerful risk management tool for immediate control of their quote and order activity.

The Exchange proposes to relocate current Rule 1035, entitled ''Acceptable of Bid or Offer'' [sic] to currently reserved Rule 1019, title revised Rule 1019 ''Acceptance of Bid or Offer,'' and add a new section (b) to Rule 1019. The Phlx Options Kill Switch will be an optional tool that enables Phlx members to initiate a message(s) [3] to the Phlx XL system (''System'') to: (i) Promptly remove quotes; and/or (ii) promptly cancel orders. Phlx members may submit a request to the System to remove/cancel quotes and/or orders based on certain identifiers on either a user or group level. Phlx members may elect to remove quotes and cancel orders by Exchange account, port, and/or badge or mnemonic (''Identifier'') or by a group (one or more Identifier combinations),[4] which are provided by such Phlx member to the Exchange. Phlx members may not remove quotes/orders by symbol. The System will send an automated message to the Phlx member when a Kill Switch request has

[3] Phlx members will be able to utilize an interface to send a message to the Exchange to initiate the Kill Switch or they may contact the Exchange directly.

[4] The type of group permissible would be within a broker-dealer. For example, this could be including but not limited to all market maker accounts or all order entry ports.

been processed by the Exchange's System.

If the Phlx member selects quotes to be cancelled utilizing the Kill Switch, the Phlx member must send a message to the Exchange to request the removal of all quotes requested for the specified Identifier(s).[5] The Phlx member will be unable to enter any additional quotes for the affected Identifier(s) until re-entry has been enabled pursuant to proposed section (b)(iii).[6]

If the Phlx member selects orders to be cancelled utilizing the Kill Switch, the Phlx member must send a message to the Exchange to request the cancellation of all orders requested for the certain specified Identifier(s).[7] The Phlx member will be unable to enter additional orders for the affected Identifier(s) until re-entry has been enabled pursuant to section (b)(iii).

Proposed section (b)(iii) stipulates that after quotes and/or orders are removed/cancelled by the Phlx member utilizing the Kill Switch, the Phlx member will be unable to enter additional quotes and/or orders for the affected Identifier(s) until the Phlx member has made a request to the Exchange and Exchange staff has set a re-entry indicator to enable re-entry.[8] Once enabled for re-entry, the System will send a Re-entry Notification Message to the Phlx member. The applicable Clearing member for that Phlx member also will be notified of the re-entry into the System after quotes and/or orders are removed/cancelled as a result of the Kill Switch, provided the Clearing member has requested to receive such notification.

The Exchange offers many risk mitigation and management tools today including, but not limited to, certain rapid fire risk controls,[9] Rule 15c3–5 risk controls,[10] Order Price Protections,[11] and cancel on disconnect and purge functionality for Specialized Quote Feed (SQF). The Kill Switch offers members a means to control their exposure, through an interface which is not dependent on the integrity of the member's own systems, should the member experience a failure.

The Exchange proposes to implement this rule within ninety (90) days of the implementation date. The Exchange will issue an Options Trader Alert in advance to inform market participants of such date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(5) of the Act[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by enhancing the risk protections available to Exchange members. The proposal promotes policy goals of the Commission which has encouraged execution venues, exchange and non-exchange alike, to enhance risk protection tools and other mechanisms to decrease risk and increase stability.

The individual firm benefits of enhanced risk protections flow downstream to counter-parties both at the Exchange and at other options exchanges, thereby increasing systemic protections as well. Additionally, because the Exchange offers this risk tool to all Phlx members, the Exchange believes this will allow Phlx members to enter quotes and orders without fear of inadvertent exposure to excessive risk, which in turn will benefit investors through increased liquidity for the execution of their orders, thereby protecting investors and the public interest.

This optional risk tool as noted above will be offered to all Phlx members. The Exchange further represents that its proposal will operate consistently with the firm quote obligations of a broker-dealer pursuant to Rule 602 of Regulation NMS and that the functionality is not mandatory. Specifically, any interest that is executable against a Phlx member's quotes and orders that are received[14] by the Exchange prior to the time the Kill Switch is processed by the System will automatically execute at the price up to the Phlx member's size. The Kill Switch message will be accepted by the System in the order of receipt in the queue and will be processed in that order so that interest that is already accepted into the System will be processed prior to the Kill Switch message.

A Market Makers' obligation to provide continuous two-sided quotes on a daily basis is not diminished by the removal of such quotes and/or orders by utilizing the Kill Switch. Market Makers will be required to provide continuous two-sided quotes on a daily basis. Market Makers that utilize the Kill Switch will not be relieved of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet the continuous quoting obligation each trading day.

With respect to providing information regarding the removal of quotes and/or cancellation of orders as a result of the Kill Switch to the Clearing Member, each Member that transacts through a Clearing Member on the Exchange executes a Letter of Guarantee wherein the Clearing Member accepts financial responsibility for all Exchange transactions made by the Phlx member on whose behalf the Clearing Member submits the Letter of Guarantee. The Exchange believes that because Clearing Members guarantee all transactions on behalf of a member, and therefore bear the risk associated with those transactions, it is appropriate for Clearing members to have knowledge of the utilization by the member of the Kill Switch, should the Clearing member request such notification.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal does not impose an undue burden on intra-market competition because all Phlx members may avail themselves of the Kill Switch. The Kill Switch functionality is optional. The proposed rule change is meant to protect Phlx members in the event the Phlx member is suffering from a systems issue or from the occurrence of unusual or unexpected market activity that would require them to withdraw from the market in order to protect investors. The ability to control risk at either the user or group level will permit the Phlx member to protect itself from inadvertent exposure to excessive risk at each level. Reducing such risk will enable Phlx members to enter quotes and orders without fear of inadvertent exposure to excessive risk, which in turn will benefit investors through increased liquidity for the execution of their orders. Such increased liquidity

[5] *See* note 3.

[6] PIXL Orders will not be cancelled. PIXL℠ is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. *See* Rule 1080(n). Of note, sweeps will be cancelled. A sweep is a one-sided electronic quote submitted over the Specialized Quote Feed, which is the market making quoting interface.

[7] *See* note 3.

[8] The Phlx member must directly and verbally contact the Exchange to request the re-set.

[9] *See* Phlx Rule 1095.

[10] *See* § 240.15c3–5.

[11] *See* Phlx Rule 1084.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] The time of receipt for an order or quote is the time such message is processed by the Exchange Order Book.

benefits investors because they receive better prices and because it lowers volatility in the options market. For these reasons, the Exchange does not believe this proposal imposes an undue burden on inter-market competition because other exchanges offer the same functionality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2016–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2016–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal 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–Phlx–2016–23, and should be submitted on or before March 24, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04636 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(a)(iii).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Monday, March 7, 2016, at 3:30 p.m., in the Auditorium (L–002) at the Commission's headquarters building, to hear oral argument in an appeal from an initial decision of an administrative law judge by respondents J.S. Oliver Capital Management, L.P. (''J.S. Oliver''), and Ian O. Mausner (''Mausner'').

On August 5, 2014, the law judge found that, beginning in 2008, J.S. Oliver, a registered investment adviser, and Mausner, its principal, violated antifraud provisions of the securities laws by cherry picking profitable trades for favored accounts and by failing to disclose uses of soft dollar commissions to their clients. The initial decision also found related compliance and recordkeeping violations. For their violations, the law judge barred Mausner from the securities industry, revoked J.S. Oliver's investment adviser registration, issued cease-and-desist orders against them, and ordered respondents to disgorge $1,376,440. The law judge also imposed civil money penalties of $3,040,000 on Mauser and $14,975,000 on J.S. Oliver.

Respondents appealed the civil money penalties imposed in the initial decision. The oral argument is likely to address what penalties, if any, are appropriate in the public interest. Also likely to be considered at oral argument is whether these administrative proceedings violate the U.S. Constitution.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 29, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–04792 Filed 3–1–16; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77247; File No. SR–ISE Gemini–2015–17]

Self-Regulatory Organizations; ISE Gemini, LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Rule 804(g)

February 26, 2016.

I. Introduction

On November 12, 2015, the ISE Gemini, LLC (''ISE Gemini'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] a proposed rule change to require Clearing Member [3] approval for a market maker to resume trading after the activation of a market-wide speed bump under ISE Gemini Rule 804(g). The proposed rule change was published for comment in the **Federal Register** on November 30, 2015.[4] On January 13, 2016, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change to February 28, 2016.[5] The Commission did not receive any comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

Pursuant to ISE Gemini Rule 804(g)(1), the Exchange requires market makers [7] to provide parameters according to which the Exchange will automatically remove a market maker's quotations in all series of an options class. Additionally, the Exchange requires market makers to provide a market-wide parameter according to which the Exchange will automatically remove a market maker's quotes in *all* classes when, during a time period established by the market maker, the total number of quote removal events (or ''curtailment events'') specified in Rule 804(g)(1) exceed such specified market-wide parameter.[8] The latter market-wide risk management functionality is known as a ''market-wide speed bump'' and is available for quotes only on ISE Gemini or across both ISE Gemini and ISE Gemini's affiliated exchange, International Securities Exchange, LLC.[9]

Currently, if ISE Gemini's trading system removes all of a market maker's quotes because a market-wide speed bump is triggered, the market maker may re-enter the market and resume trading upon notification to the Exchange's Market Operations.[10] The Exchange now proposes to amend ISE Gemini Rule 804(g)(2) to require Clearing Member approval before a market maker can resume trading.[11] Specifically, following a market-wide speed bump, the proposed rule requires a market maker to notify its Clearing Member(s) when it is ready to resume trading and requires each applicable Clearing Member to inform the Exchange directly when its authorization has been given for the market maker to resume trading.[12] In order to ''facilitate a better response time'' from Clearing Members, so that a market maker can re-enter the market, the proposal also allows Exchange staff to notify Clearing Member(s) when a market maker's quotes have been removed pursuant to the market-wide speed bump.[13]

The Exchange believes that it is appropriate to require Clearing Member approval before a market maker can re-enter the market after a market-wide speed bump because the Clearing Member guarantees the market maker's trades and bears the ultimate financial risk associated with those transactions. The Exchange notes that, while not all market makers are Clearing Members, all market makers require a Clearing Member's consent to clear transactions on their behalf in order to conduct business on the Exchange.[14] According to the Exchange, the proposed rule change will permit Clearing Members to better monitor and manage the potential risks assumed by a market maker and provide Clearing Members with greater control and flexibility over their risk tolerance and exposure.[15]

III. Proceedings To Determine Whether To Approve or Disapprove SR–ISE Gemini–2015–17 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [16] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings because the proposal raises important issues that warrant further public comment and Commission consideration. Specifically, the Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with Section 6(b)(5) of the Act,[17] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Under ISE Gemini's current rules, a market maker must enter continuous quotations for the options classes to which it is appointed.[18] In return, the market maker receives certain benefits, including participation entitlements [19] and an exception from the prohibition in Section 11(a) of the Act.[20] As the Commission has stated in the past, a market maker must be subject to sufficient and commensurate affirmative obligations, including the obligation to hold itself out as willing to buy and sell options for its own account on a regular or continuous basis, to justify favorable

[2] 17 CFR 240.19b–4.

[3] A ''Clearing Member'' is a Member that is self-clearing or an Electronic Access Member that clears transactions for other members of the Exchange. *See* ISE Gemini Rule 100(a)(9). An ''Electronic Access Member'' is an Exchange Member that is approved to exercise trading privileges associated with EAM Rights. *See* Article XIII, Section 13.1(j) of the Constitution of ISE Gemini.

[4] *See* Securities Exchange Act Release No. 76505 (November 23, 2015), 80 FR 74824 (November 30, 2015) (''Notice'').

[5] *See* Securities Exchange Act Release No. 76894 (January 13, 2016), 81 FR 3218 (January 20, 2016).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] ISE Gemini has two categories of market makers: Primary Market Makers (''PMMs'') and Competitive Market Makers (''CMMs''). A PMM is appointed to each options class traded on the Exchange but a CMM may or may not be appointed to each such options class. *See* ISE Gemini Rule 802.

[8] *See* ISE Gemini Rule 804(g)(2).

[9] *Id.*

[10] *See* Notice, *supra* note 4, at 74824.

[11] *See* proposed Rule 804(g)(2).

[12] *See id.*

[13] *See id.*

[14] Each market maker authorized to trade on the Exchange must obtain from a Clearing Member a ''Market Maker Letter of Guarantee'' wherein the Clearing Member accepts financial responsibility for all Exchange transactions made by the market maker. *See* ISE Gemini Rule 808.

[15] *See* Notice, *supra* note 4, at 74825. Under ISE Gemini's current rules, the Exchange may share any Member-designated risk settings in the trading system with the Clearing Member that clears transactions on behalf of the Member. *See* ISE Gemini Rule 706(a).

[16] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. *See id.*

[17] 15 U.S.C. 78f(b)(5).

[18] *See* ISE Gemini Rule 804(e).

[19] *See, e.g.,* ISE Gemini Rule 713.

[20] 15 U.S.C. 78k(a).

treatment.[21] As discussed above, however, the Exchange now proposes to amend ISE Gemini Rule 804(g) to require Clearing Member approval before a market maker can resume trading after triggering a market-wide speed bump.

The Exchange justifies the change as appropriate because, ''[w]hile in some cases this may result in a minimal delay for a market maker that wants to reenter the market quickly following a market-wide speed bump, the Exchange believes that Clearing Member approval . . . ensure[s] that the market maker does not prematurely enter the market without adequate safeguards . . .'' [22] The Exchange, however, does not provide any basis for its statement that the proposed rule would result in only a ''minimal delay'' for a market maker seeking to resume quoting. Moreover, the Exchange does not address how the proposal impacts the continuous quoting obligations of market makers. The Commission accordingly believes the proposed rule change raises questions regarding the ability of market makers to meet their quoting obligations and, therefore, whether the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(5) [23] or any other provision of the Act, or the rules and regulations thereunder. Although there does not appear to be any issue relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[24] any request for an opportunity to make an oral presentation.[25]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by March 24, 2016. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 7, 2016. In light of the concerns raised by the proposed rule change, as discussed above, the Commission invites additional comment on the proposed rule change as the Commission continues its analysis of the proposed rule change's consistency with Sections 6(b)(5) and 6(b)(8),[26] or any other provision of the Act, or the rules and regulations thereunder. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposed rule change, in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE Gemini–2015–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE Gemini–2015–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal 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–ISE Gemini–2015–17 and should be submitted by March 24, 2016. Rebuttal comments should be submitted by April 7, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04638 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

[21] *See, e.g.,* Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065, 73076 (December 7, 2012) (approving the application of Miami International Securities Exchange, LLC for registration as a national securities exchange); Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (approving the application of Topaz Exchange, LLC for registration as a national securities exchange); Securities Exchange Act Release No. 76998 (January 29, 2016), 81 FR 6066 (February 4, 2016) (approving the application of ISE Mercury, LLC for registration as a national securities exchange).

[22] *See* Notice, *supra* note 4, at 74825.

[23] 15 U.S.C. 78f(b)(5).

[24] 17 CFR 240.19b–4.

[25] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[26] 15 U.S.C. 78f(b)(5), (b)(8).

[27] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77241; File No. SR–NYSEMKT–2016–30]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adopting Investigation, Disciplinary, Sanction, and Other Procedural Rules Modeled on the Rules of the New York Stock Exchange LLC and Certain Conforming and Technical Changes

February 26, 2016.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 19, 2016, NYSE MKT LLC (''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to [sic] (1) investigation, disciplinary, sanction, and other procedural rules modeled on the rules of the New York Stock Exchange LLC (''NYSE''), and (2) certain conforming and technical changes. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes (1) investigation, disciplinary, sanction, and other procedural rules that are modeled on the rules of its affiliate New York Stock Exchange LLC (''NYSE''), and (2) certain conforming and technical changes.

Background and Description of Proposed Rule Change

On July 30, 2007, the National Association of Securities Dealers, Inc. (''NASD''), NYSE, and NYSE Regulation, Inc. (''NYSE Regulation''), a not-for-profit subsidiary of the NYSE,[4] consolidated their member firm regulation operations into a combined organization, the Financial Industry Regulatory Authority, Inc. (''FINRA''), and entered into a plan to allocate to FINRA regulatory responsibility for common rules and common members (''17d–2 Agreement'').[5] In 2007, the parties entered into a Regulatory Services Agreement (''RSA''), whereby FINRA was retained to perform certain regulatory services for non-common rules. Following its acquisition by NYSE Euronext in 2008, NYSE MKT amended certain of its disciplinary rules to make them substantially the same as NYSE's disciplinary rules, and NYSE MKT became a party to the RSA.[6]

On June 14, 2010, the RSA was amended to retain FINRA to perform the market surveillance and enforcement functions that had, up to that point, been performed by NYSE Regulation.[7] To facilitate FINRA's performance of these functions, the Exchange amended its rules to provide that Exchange rules that refer to NYSE Regulation or its staff, Exchange staff, and Exchange departments should be understood to also refer to FINRA staff and FINRA departments acting on behalf of the Exchange pursuant to the RSA.[8]

In 2013, the NYSE adopted disciplinary rules that are, with certain exceptions, substantially the same as the text of the FINRA Rule 8000 Series and Rule 9000 Series, and which set forth rules for conducting investigations and enforcement actions (the ''2013 NYSE Disciplinary Rule Filing'').[9] The new NYSE disciplinary rules were implemented on July 1, 2013.[10]

To achieve further rule harmonization among exchanges and to facilitate the reintegration of regulatory functions from FINRA,[11] the Exchange proposes to adopt, with certain changes, the text of the NYSE Rule 8000 and Rule 9000 Series, as modified to reflect amendments recently proposed by the NYSE and described in more detail below.

The Exchange notes that some of its member organizations, by virtue of their membership in other self-regulatory organizations (''SRO''), are already subject to rules that are similar to the proposed rules. All NYSE MKT member organizations that have equity trading licenses are also NYSE members pursuant to Rule 2—Equities. Several other NYSE MKT member organizations and NYSE Amex Trading Permit (''ATP'') Holders also are members of FINRA (''Dual Members''). As such, these Dual Members are already subject to their respective Rule 8000 Series and Rule 9000 Series. Certain member organizations that are not members of FINRA or NYSE are members of The NASDAQ Stock Market (''NASDAQ''), which has similar disciplinary rules to FINRA and are therefore also already subject to similar rules. The proposed rule change would result in the Exchange and NYSE having substantially the same disciplinary process, which would closely resemble FINRA's process.

Set forth below in this Purpose section are:

- A description of the Exchange's current disciplinary rules, Rules 475–477;
- a description of the proposed rule change and transition generally;
- a more detailed description of the proposed rules with a comparison to the current rules;
- a description of technical and conforming amendments; and
- a description of current rules that will not be carried over into the proposed rule set and the reasons therefor.

Current Rules 475–477 [12]

This section summarizes NYSE MKT's current disciplinary rules, which

[4] NYSE Regulation performs regulatory functions for the Exchange pursuant to an intercompany Regulatory Services Agreement (the ''Intercompany RSA'').

[5] *See* Securities Exchange Act Release No. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (File No. 4–544) (Notice of Filing and Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities).

[6] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–Amex–2008–62 & SR–NYSE–2008–60). Certain of these rules were transitional in nature, and the Exchange later deleted them because they were obsolete. *See* Securities Exchange Act Release No. 70294 (August 30, 2013), 78 FR 54943 (September 6, 2013) (SR–NYSEMKT–2013–72).

[7] *See* Securities Exchange Act Release No. 62355 (June 22, 2010), 75 FR 36729 (June 28, 2010) (SR–NYSE–2010–46); Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 36730 (June 28, 2010) (SR–NYSEAmex–2010–57).

[8] *See* Rule 0. Notwithstanding the RSA, the Exchange retains ultimate legal responsibility for, and control of, the Exchange's regulatory functions performed by FINRA. Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 36730 (June 28, 2010) (SR–NYSEAmex–2010–57).

[9] *See* Securities Exchange Act Release Nos. 68678 (January 16, 2013), 78 FR 5213 (January 24, 2013) (SR–NYSE–2013–02) (''2013 Notice''), 69045 (March 5, 2013), 78 FR 15394 (March 11, 2013) (SR–NYSE–2013–02) (''2013 Approval Order''), and 69963 (July 10, 2013), 78 FR 42573 (July 16, 2013) (SR–NYSE–2013–49).

[10] *See* NYSE Information Memorandum 13–8 (May 24, 2013).

[11] In October 2014, the Exchange announced that, upon expiration of the current RSA on December 31, 2015, certain market surveillance, investigation and enforcement functions performed on behalf of the Exchange would be reintegrated. It is anticipated that FINRA, under the new RSA, will continue to conduct, *inter alia,* the registration, testing and examination of broker-dealer members of the Exchange, and certain cross-market surveillance and related investigation and enforcement activities. On August 14, 2015, NYSE filed a proposed rule change to amend certain of its disciplinary rules to facilitate the reintegration of these regulatory functions from FINRA as of January 1, 2016, which filing was approved on November 13, 2015 (the ''NYSE Reintegration Facilitation Filing''). *See* Securities Exchange Act Release No. 75721 (Aug. 18, 2015), 80 FR 51334 (August 24, 2015) (''Notice'') and Exchange Act Release No. 76436 (November 13, 2015), 80 FR 72460 (November 19, 2015) (''Approval Order'') (SR–NYSE–2015–35).

[12] All references are to NYSE MKT rules unless otherwise noted. Further, where current or proposed NYSE MKT rules or NYSE rules use capitalized terms, descriptions of such rules herein follow those capitalization conventions.

are set forth in Section 9A of the Office Rules and apply to both the NYSE MKT equities market and the NYSE Amex options market.

Current Rule 475—Summary Proceedings

Rule 475 sets forth summary procedures under which the Exchange may prohibit or limit access to services. Under Rule 475(a), except as otherwise provided in Rule 475(b), the Exchange may not prohibit or limit any person with respect to access to services offered by the Exchange or any member or member organization thereof unless the Exchange has provided 15 days' prior written notice of, and an opportunity to be heard upon, the specific grounds for such prohibition or limitation. The Exchange must keep a record of any such proceeding. Any determination by the Exchange to prohibit or limit access to services must be supported by a statement setting forth the specific grounds for the prohibition or limitation.

Under Rule 475(b), the Exchange may summarily suspend persons subject to its jurisdiction that have been expelled or suspended by another SRO, or barred or suspended from being associated with a member or any such SRO, as long as any such summary suspension imposed by the Exchange does not exceed the termination of the suspension imposed by the other SRO. The Exchange also may suspend a member or member organization that is in such financial or operating difficulty that the Exchange determines, and so notifies the SEC, that the member or member organization cannot be permitted to continue to do business with safety to investors, creditors, other members or member organizations, or the Exchange. The Exchange also may limit or prohibit any person with respect to access to Exchange services if such person has been summarily suspended under this rule or, in the case of a person who is not a member or member organization, if the Exchange determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, member organizations, or the Exchange.

Any person subject to summary action must receive written notice and an opportunity to be heard by the Exchange upon the specific grounds for the action, and the Exchange must keep a record of any summary proceeding. Any determination by the Exchange with respect to such summary action must be supported by a statement setting forth the specific grounds on which the summary action is based. The Commission, by order, may stay any such summary action in accordance with the provisions of the Act.

Rule 475(c) governs hearings and proceedings pursuant to Rule 475(a) and (b). Hearings are conducted by a Hearing Officer, appointed by the Exchange Board of Directors, acting alone. The Hearing Officer schedules and conducts hearings promptly and, in doing so, provides such discovery to the person whose access or suspension is the subject of such a hearing and to the Exchange officers and employees. The Hearing Officer renders determinations based upon the record at such hearings. The Hearing Officer may modify, reverse, or terminate a summary action, unless within 10 days of such determination, a request for review is filed with the Secretary of the Exchange. Any member of the Exchange Board of Directors, any member of the Committee for Review (''CFR''),[13] and either the Exchange or the respondent may require a review by the Exchange Board of Directors of any determination by the Hearing Officer. The Exchange Board of Directors, with the advice of the CFR, may affirm, modify, or reverse any such determination, or remand the matter to the Hearing Officer for further proceedings. Unless the Exchange Board of Directors otherwise specifically directs, the determination and the penalty, if any, of the Exchange Board of Directors after review is final and conclusive, subject to the provisions for review under the Act.

Under Rule 475(d), whenever a member or member organization fails to perform its contracts, becomes insolvent, or is in such financial or operating difficulty that it cannot be permitted to continue to do business as a member or member organization with safety to investors, creditors, other members or member organizations, or the Exchange, such member or member organization must promptly give written notice thereof to the Secretary of the Exchange.

Under Rule 475(e), any person suspended under the provisions of the rule must, at the request of the Exchange, submit to the Exchange its books and records or the books and records of any employee thereof and furnish information to or appear or testify before or cause any such employee to appear or testify before the Exchange.

Under Rule 475(f), any person suspended under Rule 475 may, at any time, be reinstated by the Exchange Board of Directors.

Under Rule 475(g), any person suspended under Rule 475 may be disciplined in accordance with the Exchange's rules for any offense committed before or after the suspension.

Under Rule 475(h), a member suspended under Rule 475 is deprived during the term of the suspension of all rights and privileges of membership, and any suspension of a member or principal executive creates a vacancy in any office or position held by such member or principal executive.

Under Rule 475(i), the limitations on the Chief Executive Officer (''CEO'') of the Exchange contained in Rule 476(l) that prohibit the CEO from initiating a call for review apply to all matters under Rule 475.

Under Rule 475(j), any member of the Exchange Board of Directors, any member of the CFR, the Exchange, and the respondent may require a review by the Exchange Board of Directors of any determination under Rule 475 by filing with the Secretary of the Exchange a written request therefor within 10 days following such determination. The Exchange Board of Directors, with the advice of the CFR, shall have the power to affirm, modify, or reverse any such determination, or remand the matter for further proceedings. Unless the Exchange Board of Directors otherwise specifically directs, the determination and the penalty, if any, of the Exchange Board of Directors after review is final and conclusive, subject to the provisions for review under the Act.

Current Rule 476—Disciplinary Proceedings

Rule 476 governs disciplinary proceedings involving charges against members, member organizations, principal executives, approved persons, employees, or others subject to the Exchange's jurisdiction. Under Rule 476(a), if such a person is adjudged guilty of certain offenses in a proceeding under Rule 476, then a Hearing Panel or Hearing Officer, in accordance with the Sanctions Guidelines in Rule 476.10,[14]

[13] The CFR is a subcommittee of the Exchange's Regulatory Oversight Committee (''ROC''). *See* Securities Exchange Act Release No. 77008 (February 1, 2016) (NYSEMKT 2015–106).

[14] The Sanctions Guidelines in Rule 476.10 apply to certain options-related violations. *See* Securities Exchange Act Release Nos. 45412 (February 7, 2002), 67 FR 6770 (February 13, 2002); 45566 (March 15, 2002), 67 FR 13379 (March 22, 2002) (SR–Amex–2001–68). The Exchange filed this proposed rule change pursuant to the provisions of Section IV.B.i of the Commission's September 11, 2000 Order Instituting Public Administrative Proceedings Pursuant to Section 19(h)(1) of the Act, which required the Exchange to adopt rules

Continued

may impose disciplinary sanctions on such person, including expulsion; suspension; limitation as to activities, functions, and operations, including the suspension or cancellation of a registration in, or assignment of, one or more stocks; fine; censure; suspension or bar from being associated with any member or member organization; or any other fitting sanction. The list of offenses under Rule 476(a)(1)–(11) includes, for example, violating an Exchange rule or the Act, making a material misstatement, or engaging in manipulation.

Rule 476(b) describes the role of Hearing Panels and Hearing Officers. Under Rule 476(b), all proceedings under Rule 476, except for matters resolved by a Hearing Officer when authorized by the rule, are conducted at a hearing in accordance with the Rule and held before a Hearing Panel consisting of at least three persons of integrity and judgment: A Hearing Officer, who chairs the Hearing Panel, and at least two members of the Hearing Board, at least one of whom must be engaged in securities activities differing from that of the respondent or, if retired, was so engaged in differing activities at the time of retirement. In any disciplinary proceeding involving activities on the Floor of the Exchange, no more than one of the persons serving on the Hearing Panel may be, or if retired, may have been, active on the Floor of the Exchange. A Hearing Panel may include only one retired person.

The Chairman of the Exchange Board of Directors, subject to the approval of the Exchange Board of Directors, from time to time appoints a Hearing Board to be composed of persons of integrity and judgment who are members and principal executives of the Exchange who are not members of the Exchange Board of Directors, registered and non-registered employees of members and member organizations, and such other persons as the Chairman deems necessary. Former members, principal executives, or registered and non-registered employees of members and member organizations who have retired from the securities industry may be appointed to the Hearing Board within five years of their retirement. The members of the Hearing Board are appointed annually and serve at the pleasure of the Exchange Board of Directors.

The Chairman, subject to the approval of the Exchange Board of Directors, annually designates a Chief Hearing Officer and one or more other Hearing Officers who have no Exchange duties or functions relating to the investigation or preparation of disciplinary matters. Hearing Officers serve at the pleasure of the Exchange Board of Directors. An individual cannot be a Hearing Officer (including the Chief Hearing Officer) if he or she is, or within the last three years was, a member, principal executive, or registered or non-registered employee of a member or member organization.

Under the rule, the decision of a majority of the Hearing Panel is the decision of the Hearing Panel and is final and conclusive, unless a request to the Exchange Board of Directors for review is filed.

Rule 476(c) governs procedural matters and the conduct of the hearing. Under Rule 476(c), upon application to the Chief Hearing Officer by either party to a proceeding, the Chief Hearing Officer, or any Hearing Officer designated by the Chief Hearing Officer, resolves any and all procedural and evidentiary matters and substantive legal motions, and may require the Exchange to permit the respondent to inspect and copy documents or records in the possession of the Exchange that are material to the preparation of the defense or are intended for use by the Exchange as evidence in chief at the hearing. The respondent may be required to provide discovery of non-privileged documents and records to the Exchange. The rule does not authorize the discovery or inspection of reports, memoranda, or other internal Exchange documents prepared by the Exchange in connection with the proceeding. There is no interlocutory appeal to the Exchange Board of Directors of any determination as to which this provision applies.

Rule 476(d) governs Charge Memorandums, Answers, and motions. Under Rule 476(d), except as otherwise provided in Rule 476(g), which governs Stipulations and Consents, the specific charges against the respondent must be in the form of a written statement (a ''Charge Memorandum'') and signed by an authorized officer or employee of the Exchange, or an authorized employee of another SRO with which the Exchange has entered into an RSA pursuant to Rule 1B on behalf of the Exchange. A copy of such Charge Memorandum must be filed with the Hearing Board at the same time it is served upon the respondent. Service is deemed effective by personal service of such Charge Memorandum, or by leaving the same either at the respondent's last known office address during business hours or the respondent's last place of residence as reflected in Exchange records, or upon mailing same to the respondent at such office address or place of residence. The Hearing Board assumes jurisdiction upon receipt of the Charge Memorandum.

A written Answer to the Charge Memorandum must be filed not later than 25 days from the date of service or within such longer period of time as the Hearing Officer may deem proper. The Answer must be signed by or on behalf of the respondent and filed with the Hearing Board, with a copy served on the Exchange. The Answer must indicate specifically which assertions of fact and charges in the Charge Memorandum are denied and which are admitted, and also contain any specific facts in contradiction of the charges and any affirmative defenses. A general denial is insufficient. Any assertions of fact not specifically denied in the Answer may be deemed admitted and failure to file an Answer may be deemed an admission of any facts asserted in the Charge Memorandum.

The Hearing Board sets a schedule for the filing of motions and establishes hearing dates. If the respondent fails to file an Answer, the Exchange, by motion, accompanied by proof of notice to the respondent, may request a determination of guilt by default and may recommend a penalty to be imposed. If the respondent opposes the motion, the Hearing Officer, on a determination that the respondent had adequate reason to fail to file an Answer, may adjourn the hearing date and direct the respondent to promptly file an Answer. If the default motion is unopposed, or the respondent did not have adequate reason to fail to file an Answer, or the respondent failed to file an Answer after being given an opportunity to do so, the Hearing Officer, on a determination that the respondent has had notice of the charges and that the Exchange has jurisdiction in the matter, may find guilt and determine a penalty.

Notice of the hearing is served upon the Exchange and the respondent. The respondent is entitled to be personally present. The Hearing Officer determines the specific facts at issue, and with respect to those facts only, both the Exchange and the respondent may

establishing, or modifying existing, sanctioning guidelines such that they are reasonably designed to effectively enforce compliance with options order handling rules. *See* Securities Exchange Act Release No. 43268 (September 11, 2000), Administrative Proceeding File No. 3–10282. The Sanctions Guidelines, as under the current rules, would not apply to equities-related violations. As such, the CRO, Hearing Panel or Extended Hearing Panel, as applicable, would consider relevant Exchange precedent or such other precedent as it deemed appropriate in determining sanctions that should be imposed in connection with a decision pursuant to proposed Rule 9268 or 9269, or in connection with a settlement pursuant to proposed Rule 9216 or 9270.

produce witnesses and any other evidence and they may examine and cross-examine any witnesses so produced. After hearing all the witnesses and considering all the evidence, the Hearing Panel determines whether the respondent is guilty of the charges, and if so, may impose a penalty.

Rule 476(e) concerns the hearing record and time for appeal. Under Rule 476(e), the Exchange must keep a record of any hearing conducted and a written notice of the result must be served upon the respondent and the Exchange.

The determination of the Hearing Panel, or of the Hearing Officer on a determination of default, and any penalty imposed, is final and conclusive 25 days after notice has been served upon the respondent, unless a request to the Exchange Board of Directors for review of such determination and/or penalty is filed, in which case any penalty imposed is stayed pending the outcome of such review.

Rule 476(f) concerns appeals to the Exchange Board of Directors. Under Rule 476(f), the Exchange, the respondent, any member of the Exchange Board of Directors, and any member of the CFR may require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Hearing Officer. A written request for review must be filed with the Secretary of the Exchange within 25 days after notice of the determination and/or penalty is served upon the respondent. The Secretary of the Exchange gives notice of any such request for review to the Exchange and any respondent affected thereby.

Any review must be conducted by the Exchange Board of Directors or the CFR, in the sole discretion of the Exchange Board of Directors, and is based on oral arguments and written briefs and is limited to consideration of the record before the Hearing Panel or Hearing Officer. The CFR in turn can appoint an appeals panel to conduct the review and make a recommendation to the CFR.[15]

Upon review, and with the advice of the CFR, the Exchange Board of Directors, by majority vote, may sustain any determination or penalty imposed, or both; may modify or reverse any such determination; and may increase, decrease or eliminate any such penalty, or impose any penalty permitted under the provisions of this rule. Unless the Exchange Board of Directors otherwise specifically directs, the determination and penalty, if any, of the Exchange Board of Directors after review is final and conclusive, subject to the provisions for review under the Act.

Notwithstanding the foregoing, if either party upon review applies for leave to adduce additional evidence, and shows to the satisfaction of the Exchange Board of Directors, with the advice of the CFR, that the additional evidence is material and that there was reasonable ground for failure to adduce it before the Hearing Panel or Hearing Officer, the Exchange Board of Directors, with the advice of the CFR, may remand the case for further proceedings, in whatever manner and on whatever conditions the Exchange Board of Directors considers appropriate.

Rule 476(g) sets forth an alternative Stipulation and Consent procedure that may be used in lieu of the procedures set forth in Rule 476(d). Under Rule 476(g), a Hearing Officer acting alone may determine whether a person subject to the Exchange's jurisdiction has committed an offense on the basis of a written Stipulation and Consent entered into between the respondent and any authorized officer or employee of the Exchange or an authorized employee of another SRO with which the Exchange has entered into an RSA pursuant to Rule 1B on behalf of the Exchange. Any such Stipulation and Consent must contain a stipulation with respect to the facts, or the basis for findings of fact by the Hearing Officer; a consent to findings of fact by the Hearing Officer, including a finding that a specified offense had been committed; and a consent to the imposition of a specified penalty.

A Hearing Officer must convene a Hearing Panel if the Hearing Officer requires clarification or further information on the Stipulation and Consent, or if either party requests a hearing before a Hearing Panel. A Hearing Officer, acting alone, may not reject a Stipulation and Consent, but must convene a Hearing Panel to consider such action.

Notice of any hearing held for the purpose of considering a Stipulation and Consent is served upon the respondent as provided in Rule 476(d). In any such hearing, if the Hearing Panel determines that the respondent has committed an offense, it may impose the penalty agreed to in such Stipulation and Consent. In addition, a Hearing Panel may reject such Stipulation and Consent.

Such rejection does not preclude the parties to the proceeding from entering into a modified Stipulation and Consent or preclude the Exchange from bringing or presenting the same or different charges to a Hearing Panel in accordance with Rule 476(d). The Exchange must keep a record of any hearing conducted under this Rule and a written notice of the result setting forth the requirements contained in Section 6(d)(1) of the Act must be served on the parties to the proceeding.

The determination of the Hearing Panel or Hearing Officer and any penalty imposed are final and conclusive 25 days after notice thereof has been served upon the respondent, unless a request to the Exchange Board of Directors for review of such determination and/or penalty is filed, in which case any penalty imposed is stayed pending the outcome of such review.

Any member of the Exchange Board of Directors and any member of the CFR may require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Hearing Officer in connection with a Stipulation and Consent. The respondent or the Exchange Division that entered into the Stipulation and Consent may require a review by the Exchange Board of Directors of any rejection of such Stipulation and Consent by the Hearing Panel. A written request for review must be filed with the Secretary of the Exchange within 25 days after notice of the determination and/or penalty is served on the respondent. The Secretary of the Exchange gives notice of any such request for review to the Exchange Division involved in the proceeding and any respondent affected thereby.

Any review must be conducted by the Exchange Board of Directors, or the CFR, in the sole discretion of the Exchange Board of Directors, and consists of oral arguments and written briefs and is limited to consideration of the record before the Hearing Panel or Hearing Officer. Upon review, and with the advice of the CFR, the Exchange Board of Directors, by majority vote, may fix and impose the penalty agreed to in such Stipulation and Consent or any penalty that is less severe than the stipulated penalty, or may remand for further proceedings. Unless the Exchange Board of Directors otherwise specifically directs, the determination and penalty, if any, of the Exchange Board of Directors after review is final and conclusive, subject to the provisions for review under the Act.

[15] An appeals panel appointed by the CFR must consist of at least three and no more than five individuals. For equities matters, the panel must be composed of at least one director and one member or individual associated with an equities member organization. For options matters, the appeals panel must be composed of at least one director and one member or individual associated with an options member organization. *See* Rule 476(f).

Rule 476(h) concerns legal representation. Under the rule, a person subject to the Exchange's jurisdiction has the right to be represented by legal counsel or other representative in any hearing or review held under Rule 476 and in any investigation before any committee, officer, or employee of the Exchange. A Hearing Officer may impose a fine or any other appropriate sanction on any party or the party's representative for improper conduct in connection with a matter before the Hearing Board, and may, if appropriate, exclude any participant, including any party, witness, attorney or representative from a hearing on the basis of such conduct.

Under Rule 476(i), a member or principal executive of the Exchange who is associated with a member organization is liable to the same discipline and penalties for any act or omission of such member organization as for the member or principal executive's own personal act or omission. The Hearing Panel that considers the charges against such member, or principal executive, or the Exchange Board of Directors upon any review thereof, may relieve him from the penalty therefor or may remit or reduce such penalty on such terms and conditions as the Hearing Panel or the Exchange Board of Directors, with the advice of the CFR, deems fair and equitable.

Rule 476(j) governs suspensions. When a member is suspended under Rule 476, such member is deprived during the term of the member's suspension of all rights and privileges of membership. The expulsion of a member terminates all membership rights and privileges.

Rule 476(k) addresses non-payment of fines and other sums due to the Exchange. Under this rule, if any approved person or registered or non-registered employee fails to pay any fine within 45 days after the same is payable, such individual may, after written notice mailed to such individual at either the member's office or last place of residence as reflected in Exchange records, be summarily suspended from association in any capacity with a member organization or have the member's approval withdrawn until such fine is paid. The rule further provides that any member, member organization or principal executive that fails to pay a fine or any other sums due to the Exchange within 45 days is reported by the Exchange Treasurer to the Chairman of the Exchange Board of Directors and, after written notice mailed to such member, member organization or principal executive of such arrearages, may be suspended by the Exchange Board of Directors until payment is made.

An individual or organization may be proceeded against for any offense other than that for which such individual or organization was suspended. In addition, the suspension or expulsion of a member or principal executive under the provisions of this rule creates a vacancy in any office or position held by the member or principal executive. Similarly, current Rule 309—Equities provides that any member, member organization or principal executive that fails to pay a fee or any other sums due to the Exchange (excluding a fine) within 45 days after the same are payable shall be reported to the Chief Financial Officer of the Exchange or designee who, after notice has been given to such member, member organization or principal executive of such arrearages, may suspend access to some or all of the facilities of the Exchange until payment is made. Written suspension notices under both Rules 309—Equities and 476(k) are immediately effective upon such notice and the rules provide no further process; upon payment of the fine or amount due, the suspension is lifted.

Under Rule 476(l), the CEO may not require a review by the Exchange Board of Directors under Rule 476 and is recused from deliberations and actions of the Board with respect to such matters.

Rule 476.10 sets forth the Exchange's Sanctions Guidelines with respect to certain options-related violations.[16]

Current Rule 476A—Imposition of Fines for Minor Violations of Rules

Under Rule 476A(a), in lieu of commencing a disciplinary proceeding under Rule 476, the Exchange may impose a fine not to exceed $5,000 on any member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization for violation of the rules listed in Rule 476A. Any fine imposed pursuant to this rule and not contested is not publicly reported, except as may be required by SEC Rule 19d–1 and as may be required by any other regulatory authority.

Under Rule 476A(b), the person against whom a minor rule violation fine is imposed is served with a written statement, signed by an authorized officer or employee of the Exchange on behalf of the Division or Department of the Exchange taking the action, setting forth (i) the rule or rules alleged to have been violated; (ii) the act or omission constituting each such violation; (iii) the fine imposed for each such violation; and (iv) the date by which such determination becomes final and such fine becomes due and payable to the Exchange, or such determination must be contested as provided in Rule 476A(d). Such date may not be less than 25 days after the date of service of the written statement.

Under Rule 476A(c), if the person against whom a minor rule violation fine is imposed pays the fine, such payment is deemed to be a waiver by such person of such person's right to a disciplinary proceeding under Rule 476 and any review of the matter by a Hearing Panel or the Exchange Board of Directors.

Under Rule 476A(d), any person against whom a minor rule violation is imposed may contest the Exchange's determination by timely filing a written response meeting the requirements of an answer as provided in Rule 476(d), at which point the matter becomes a disciplinary proceeding subject to the provisions of Rule 476. In any such disciplinary proceeding, if the Hearing Panel determines that the person is guilty of the rule violation(s) charged, the Hearing Panel is free to impose any one or more of the disciplinary sanctions provided in Rule 476 and determine whether the rule violation(s) is minor in nature. NYSE Regulation, the person charged, any member of the Exchange Board of Directors, any member of the CFR, and any Executive Floor Governor may require a review by the Board of any determination by the Hearing Panel by proceeding in the manner described in Rule 476.

Under Rule 476A(e), the Exchange must prepare and announce to its members and member organizations from time to time a listing of the Exchange rules as to which the Exchange may impose minor rule violation fines. Such listing also indicates the specific dollar amount that may be imposed as a fine or may indicate the minimum and maximum dollar amounts that may be imposed by the Exchange with respect to any such violation. If the Exchange determines that any violation is not minor in nature, the Exchange can proceed under Rule 476 rather than under Rule 476A.

The remainder of Rule 476A sets forth the lists of rule violations that may be treated as minor rule violations and fines, which may not exceed $5,000. Part 1A sets forth a list of equities rule violations and fines applicable thereto, and Part 1C sets forth a list of options rule violations and fines applicable

[16] *See* note 14, *supra.*

thereto. Part 1D addresses certain late reports.

Current Rule 477—Retention of Jurisdiction and Failure To Cooperate

Under Rule 477(a), if, prior to termination, or during the period of one year immediately following the receipt by the Exchange of written notice of the termination, of a person's status as a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, the Exchange serves (as provided in Rule 476(d)) a written notice on such person that it is making inquiry into, or serves a Charge Memorandum on such person with respect to, any matter or matters occurring prior to the termination of such person's status, the Exchange may thereafter require such person to comply with any requests of the Exchange to appear, testify, submit books, records, papers, or tangible objects, respond to written requests and attend hearings in every respect in conformance with the Rules of the Exchange in the same manner and to the same extent as if such person had remained a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization.

Under Rule 477(b), prior to termination, or during the period of one year immediately following the receipt by the Exchange of written notice of the termination, of a person's status as a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, the Exchange may, through the exercise of its jurisdiction, as described in Rule 477(a), require such person to comply with any requests of an organization or association included in Rule 476(a)(11) to appear, testify, submit books, records, papers, or tangible objects, respond to written requests and attend hearings in every respect in conformance with the Exchange rules in the same manner and to the same extent as if such person had remained a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization with respect to any matter or matters occurring prior to the termination of such person's status.

Under Rule 477(c), if a former member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, provided such notice or Charge Memorandum is or has been served, is adjudged guilty in a proceeding under Rule 476 of having refused or failed to comply with any such requirement, such person may be barred permanently, or for such period of time as may be determined, or until such time as the Exchange has completed its investigation into the matter or matters specified in such notice or Charge Memorandum, has determined a penalty, if any, to be imposed, and until the penalty, if any, has been carried out.

Under Rule 477(d), following the termination of a person's status as a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, provided such notice or Charge Memorandum is or has been served, such person may also be charged with having committed, prior to termination, any other offense with which such person might have been charged had such status not been terminated. Any such charges shall be brought and determined in accordance with the provisions set forth in Rule 476.

Proposed Rule Change

The Exchange proposes to adopt new Rule 8000 and 9000 Series, under new Section 9B of the Office Rules titled ''Disciplinary Rules.'' [17] These proposed new rules would be identical to the NYSE Rule 8000 and 9000 Series [18] except that the Exchange would:

- Retain its currently applicable list of minor rule violations and accompanying fine levels in proposed Rules 9216(b) and 9217, rather than adopt the text of NYSE's minor rule violation plan; [19]
- retain its options-related Sanctions Guidelines in Rule 476.10, with certain updates, and continue to apply them in sanctions imposed under the proposed Rule 9000 Series (NYSE does not have sanctions guidelines); [20]
- retain recently adopted provisions in Rule 476(f) relating to appeals panels; and
- make certain technical and conforming changes, including changes to reflect the Exchange's equities and options membership.[21]

The Exchange also proposes to harmonize its rules for non-payment of fees or other sums due to the Exchange, other than fines or monetary sanctions, with the NYSE's rule by adopting new Rule 41. In particular, the Exchange proposes to amend current Rule 476(k) to delete the phrase ''or any other sums due to the Exchange,'' and thereby limit Rule 476(k) to fines. The Exchange also proposes to delete current Rule 309—Equities, which authorizes the Exchange's Chief Financial Officer to address non-payment of amounts due to the Exchange other than fines and monetary sanctions. The Exchange proposes to adopt a new Rule 41 in the General Rules that will mirror the text of Rule 309—Equities, except that proposed Rule 41 would reference proposed Rule 8320 and would apply to the Exchange's options and equities markets. Proposed Rule 41 would also specifically state that failure to pay any fine levied in connection with a disciplinary action shall be governed by Rule 476(k) or Rule 8320, as applicable. By adopting this new rule text, the Exchange would have a single rule applicable to both its equities and options markets that is consistent with the counterpart rule of its NYSE affiliate.

The new Rule 8000–9000 Series and new Rule 41 would apply to the Exchange's equities and options markets.[22]

Transition

The Exchange intends to announce the operative date of the new rules at least 30 days in advance in an

[17] Section 9A would be renamed ''Legacy Disciplinary Rules'' to distinguish the two sections.

[18] The NYSE Rule 8000 and 9000 Series was based on the FINRA Rule 8000 and 9000 Series. *See* 2013 Approval Order, 78 FR at 15394. Like the NYSE Rule 8000 and 9000 Series, the proposed rule change would provide for investigative and enforcement functions to be performed by personnel and departments reporting to the Chief Regulatory Officer (''CRO'') and by FINRA personnel and departments. *See* NYSE Reintegration Facilitation Filing, 80 FR at 72462. As discussed below, the proposed rule change also reflects modifications proposed in the NYSE Reintegration Facilitation Filing that the CRO rather than FINRA's Office of Disciplinary Affairs (''ODA'') would be responsible for: (i) Authorizing issuance of a complaint; (ii) accepting or rejecting acceptance, waiver, and consent letters and minor rule violation plan letters; and (iii) accepting or rejecting offers of settlement that are determined to be uncontested before a hearing on the merits has begun.

[19] As discussed below, the Exchange would also make certain technical and conforming changes to its rules relating to minor rule violations. *See* text accompanying notes 50 and 51, *infra.*

[20] *See* note 14, *supra.*

[21] These technical and conforming changes are to reference the Exchange hearing board, rather than the NYSE hearing board, in proposed Rule 9232; substitute the correct cross-references in proposed Rules 8130, 9120(n), 9610(a), and 9810(a); define the term ''Board of Directors'' in proposed Rule 9120(b); and include the terms ''member,'' ''member organization,'' ''ATP Holder,'' ''covered person,'' and ''person'' defined in the proposed rule change or elsewhere in the NYSE MKT rules where appropriate in the following proposed rules so as to reflect the Exchange's equities and options membership: 8110, 8130, 8210, 8211, 8310, 8311, 8320, 9001, 9110, 9120, 9216, 9232, 9268, 9310, 9521, 9522, 9551, 9552, 9554, 9555, 9556, 9558, 9559, 9610, and 9810.

[22] Rule references have been added to Rule 0—Equities to make clear that these proposed rules would apply to equities transactions on the Exchange.

Information Memorandum. To further facilitate an orderly transition from the current rules to the new rules, the Exchange proposes that certain matters already initiated under the current rules would be completed under such rules. The proposed transition is similar to the transition proposed when the NYSE adopted disciplinary rules based on the FINRA Rule 8000 and 9000 Series in 2013.[23]

Specifically, the Exchange proposes that current Rule 475 would continue to apply to proceedings for which a written notice had been issued prior to the effective date of the new rules. Current Rules 476 and 476A would continue to apply with respect to a proceeding for which a Charge Memorandum had been filed with the Hearing Board under Rule 476(d) prior to the effective date of the new rules. Current Rule 476 also would continue to apply to a matter for which a written Stipulation and Consent had been submitted to a Hearing Officer prior to the effective date of the new rules. Current Rules 475, 476, or 476A would continue to apply until any such proceeding was final. In all other cases, the proposed Rule 8000 and 9000 Series, as described below, would apply.

Until the effective date, the Exchange could issue a written notice of suspension for non-payment of a fine or other sum due to the Exchange under current Rule 476(k), which would remain in effect until payment was made. Thereafter, the Exchange would proceed against an individual or entity subject to its jurisdiction that failed to pay a fine or monetary sanction under proposed Rule 8320.

As noted above, current Rule 476(a)(1)–(11) also contains substantive elements in addition to procedural elements. Specifically, Rule 476(a)(1)–(11) contains a list of offenses for which the Exchange can take disciplinary action. The proposed rule change would not alter this substantive aspect of Rule 476(a). The Exchange could continue to take disciplinary action against a member organization or other person subject to its jurisdiction for committing any of these substantive violations; following the transition described above, the Exchange would bring disciplinary cases for such offenses under the proposed Rule 9000 Series.

The Sanctions Guidelines in Rule 476.10 relating to options rule violations would continue to apply to proceedings under both Rule 476 and the Rule 9000 Series. The Exchange proposes to amend Rule 476.10 to update certain cross-references to options rules.

Similarly, the retention of jurisdiction provisions of Rule 477 would continue to apply to any member or member organization that resigned or had its membership canceled or revoked and any person whose status as a person subject to the Exchange's jurisdiction was terminated or whose registration was revoked or canceled if such member organization or person had been served with a Charge Memorandum or written notice of inquiry pursuant to Rule 477 prior to the effective date of the new rules. As described above, current Rule 477 generally provides that the Exchange retains jurisdiction for one year after such status is terminated and such jurisdiction continues if during that one-year period the Exchange has provided written notice that it is making inquiry into matters that arose prior to termination. In all other cases, the retention of jurisdiction provisions of proposed Rule 8130 would apply, which would be substantially the same as the counterpart NYSE rule. Under the proposed rule change, as described below, the Exchange would retain jurisdiction to file a complaint against any entity or individual subject to its jurisdiction for two years after such status was terminated, and the proposed Rule 8000 Series and Rule 9000 Series generally would apply.[24]

The Exchange proposes to add italicized language to Rules 475, 476, 476A and 477 describing the proposed applicability and transition of each rule as described herein.

When the transition is complete and there are no longer any member organizations or persons who would be subject to Rules 475, 476, 476A, and 477, the Exchange intends to submit a proposed rule change that would delete any investigative and disciplinary provisions that are no longer needed. Other provisions would be retained and moved to an appropriate place in the Exchange's rules.

Terms and Definitions Used Throughout the Proposed Rule 8000 and 9000 Series

To continue the current coverage of the NYSE MKT disciplinary rules and conform to the NYSE rules' terminology, the proposed rule change would use the terms ''member,'' ''member organization'' and ''covered person'' to describe the persons to which the proposed Rule 8000 and 9000 Series apply. The term ''covered person,'' referenced in proposed Rule 8120(b) and defined in proposed Rule 9120(g), would include a member, principal executive, approved person, registered or non-registered employee of a member organization or an ATP Holder,[25] or other person (excluding a member organization) subject to the jurisdiction of the Exchange.[26] By defining and utilizing the term ''covered person'' in this manner, the Exchange would effect no substantive change in the scope of persons subject to the Exchange's disciplinary rules.[27]

[23] *See* 2013 Approval Order, 78 FR at 15395.

[24] In light of the proposed rule changes with respect to retention of jurisdiction and non-payment of monies due to the Exchange, the Exchange proposes to delete Rule 353A(b) of the Office Rules because it is no longer necessary. The rule provides that every ATP Holder and any successor-in-interest thereto, and each ATP Holder whose ATP is terminated due to expulsion, suspension without reinstatement, death, declaration of incompetency, dissolution, winding up, or other cessation of business, must be current in all filings and payments of dues, fees and charges relating to that ATP, including, without limitation, filing fees and charges required by the Commission and the Securities Investor Protection Corporation. The rule further provides that if any ATP Holder, or any successor-in-interest thereto, fails to make all such filings, or to pay all such dues, fees and charges, the Secretary of the Exchange retains such jurisdiction over such former ATP Holder to require such filings and collect such outstanding dues, fines and charges until such time as they have been filed and/or paid. The Exchange believes that it will retain sufficient authority over ATP Holders under the proposed rule change to address such situations.

[25] Current Rule 476(a) contains a reference to a registered or non-registered employee of a member. Under Rule 2(a)—Equities, however, a ''member'' is a natural person associated with a member organization; thus, equities members do not have employees. Such persons would be employees of the member organization and thus covered by the proposed definition of ''covered person.'' An ''ATP Holder,'' on the other hand, may be a natural person and may have registered or non-registered employees. *See* Rule 900.2NY(5). Therefore, to reflect the fact that equities members do not have employees but options members may, the Exchange proposes to use the phrase ''associated with a member organization or ATP Holder'' in the proposed definition of ''covered person.'' In addition, the Exchange proposes to use the term ''ATP Holder,'' which is defined in Rule 900.2NY(5), where appropriate in the proposed rules. As discussed below in connection with the proposed Rule 9520 Series, which governs eligibility proceedings for persons subject to statutory disqualifications, references to ATP Holders in the context of proposed Rules 9520 through 9527 would apply to those options members that have employees.

[26] References to ''member'' and ''member organization'' as those terms are used in the rules of the Exchange include ATP Holders. *See* Rules 18, 24 & 900.2NY(5). As such, ATP Holders would be covered by the proposed terminology.

[27] The Exchange notes that the term ''allied member,'' which historically referred to certain general partners, principal executives, or control persons of a member organization, has been replaced in the Exchange's rules with the term ''principal executive.'' *See* Securities Exchange Act Release Nos. 59022 (November 26, 2008), 73 FR 73683 (December 3, 2008) (SR–NYSEALTR–2008–10) and 69822 (June 21, 2013), 78 FR 38769 (June 27, 2013) (SR–NYSEMKT–2013–58). Former allied members are referenced in proposed Rule 9232 because they are eligible to serve on the Exchange hearing board.

Proposed Rule 8000 Series

Proposed Rule 8001 would include the effective date of the proposed rule change for the Rule 8000 Series, noting the exception for the retention of jurisdiction dates in proposed Rule 8130 and the transition from current Rule 476(k) to proposed Rule 8320, as described above. The text of NYSE Rules 8110 through 8330 would be adopted as Rules 8110 through 8330.[28]

Proposed Rule 8110 would require an NYSE MKT member or member organization to provide access to the Exchange's rules to its customers. Although there is no comparable requirement in the current rules, the Exchange currently makes available its rules on the Exchange's Web site.[29] Proposed Rule 8110 is the same as NYSE Rule 8110 except for the inclusion of ''member'' to reflect the Exchange's membership.

Proposed Rule 8120 would provide cross-references to definitions of the terms ''Adjudicator,'' ''covered person'' and ''Regulatory Staff'' in proposed Rule 9120. Similarly, NYSE Rule 8120 cross-references the same three definitions. Proposed Rule 8120 is simply technical in nature, and is the same as the NYSE Rule.

Proposed Rule 8130 would set forth retention of jurisdiction provisions that are substantially the same as NYSE Rule 8130, except for the following conforming changes: ''Member'' would be added to paragraph (d); the cross-references in paragraph (b)(1) would be conformed to NYSE MKT's rules; and ''ATP Holder'' [30] would be added to paragraphs (a), (b) and (c). Under the proposed rule change, the Exchange would retain jurisdiction to file a complaint against an entity or individual for two years after such person's status as a member organization or covered person is terminated. This differs from current Rule 477, which provides that the Exchange retains jurisdiction after the termination of status as long as a Charge Memorandum or written notice of inquiry is served within one year after termination of such status. The Exchange believes that the period under the proposed rule is appropriate because it would harmonize the Exchange's rule with NYSE's rule and would provide a fixed time period for a complaint to be brought, which provides repose to respondents while still providing Exchange staff with sufficient time to determine if a complaint should be brought.

Proposed Rule 8210 would set forth procedures for the provision of information and testimony and the inspection and copying of books by the Exchange, as amended by the NYSE in 2013.[31] Proposed Rule 8210 is the same as NYSE Rule 8210 except that references to ''member'' and ''ATP Holder'' would be added where appropriate to reflect the Exchange's membership.

Proposed Rule 8210(a) would require a member organization or covered person to provide information and testimony and permit the inspection of books, records, and accounts that are in such member organization's or covered person's possession, custody or control for the purpose of an investigation, complaint, examination, or proceeding authorized by the Exchange's rules. As noted above, under proposed Rule 8130, the Exchange would retain jurisdiction over a member organization or covered person to file a complaint or otherwise initiate a proceeding for two years after such member organization's or covered person's status is terminated [32] and as such can continue to obtain information and testimony during such period and thereafter if a complaint or proceeding is timely filed. Currently the Exchange also requires persons subject to its jurisdiction to provide books and records and appear and testify upon request under current Rules 475(e), 476(a)(11), and 477(a) and (b), and in Rule 31 in the General Rules. In addition, as noted above, the Exchange retains jurisdiction after termination of a registration as long as a Charge Memorandum or written notice of inquiry has been served within one year following termination of such status. The Exchange believes the proposed rule is appropriate because it would harmonize the Exchange's rules with respect to jurisdiction and obtaining books and records from member organizations and covered persons with the NYSE's rules.

The Exchange also proposes new rule text in Rule 8210(a), recently proposed by NYSE, providing that in performing functions under the disciplinary code, the CRO and Regulatory Staff would function independently of the commercial interests of the Exchange and the commercial interests of the members and member organizations.[33] This requirement is consistent with longstanding policies and practices at the Exchange. The proposed provision would also be consistent with rules currently in effect for the equities and options markets of the Exchange's affiliate NYSE Arca, Inc., and would reflect the Exchange's commitment to performing its regulatory functions under its disciplinary rules in an independent and impartial manner.[34]

Proposed Rule 8210(b) would authorize Exchange staff to enter into regulatory cooperation agreements with a domestic federal agency or subdivision thereof or a foreign regulator. Current Rule 27—Equities permits the Exchange to enter into agreements with domestic or foreign SROs or associations, contract markets and registered futures associations, but does not specify domestic federal agencies or subdivisions thereof or foreign regulators; because the scope of current Rule 27—Equities is different, the Exchange would retain it along with proposed Rule 8210(b).[35] Similarly, current Commentary .02 of Rule 31 in the General Rules provides that the Exchange may enter into agreements with domestic and foreign SROs providing for the exchange of information and other forms of mutual assistance for market surveillance, investigative, enforcement and other regulatory purposes. Because current Rule 31.02 differs in scope from proposed Rule 8210(b), the Exchange would retain it along with the proposed rule.[36]

The remainder of proposed Rule 8210 would set forth certain procedures for investigations. Proposed Rule 8210(c) would require member organizations and covered persons to comply with information requests under the Rule.

[28] NYSE does not have a Rule 8212, 8213, or 8312. In order to maintain consistency with NYSE's rule numbering, the Exchange proposes to designate proposed Rules 8212, 8213, and 8312 as ''Reserved.''

[29] The Exchange's rules are available at *http://wallstreet.cch.com/MKT/Rules/*.

[30] *See* notes 24–26, *supra,* and accompanying text.

[31] *See* Securities Exchange Act Release No. 69963 (July 10, 2013), 78 FR 42573 (July 16, 2013) (SR–NYSE–2013–49).

[32] This would include individual members since the definition of ''covered person'' in proposed Rule 9120 includes ''members.''

[33] *See* NYSE Reintegration Facilitation Filing, 80 FR at 51337. The inclusion of ''members and member organizations'' would conform the proposed rule to the Exchange's membership.

[34] *See* NYSE Arca Equities Rule 10.2(a); NYSE Arca Options Rule 10.2(a).

[35] Rule 27—Equities also cross-references Rule 476(a)(11), which enumerates certain violations, including the violation of refusing or failing to comply with a request of the Exchange, or a domestic or foreign SRO or association, contract market, or registered futures association with which the Exchange has entered into an agreement or to furnish information to or to appear or testify before the Exchange or such other organization or association. The proposed rule change would not alter this substantive aspect of Rule 476(a)(11) and as such the cross-reference in current Rule 27—Equities would not be amended.

[36] As discussed below, the rest of Rule 31, which concerns requests for books and records and testimony as well as extensions of time to comply, would be deleted and Rule 31 would be re-named ''Regulatory Cooperation.''

This requirement is substantially the same as current Rules 475(e), 476(a)(11), and 477(a) and (b), as noted above.

Proposed Rule 8210(d) would provide that a notice under this Rule would be deemed received by the member organization or covered person (including a currently or formerly registered person) to whom it is directed by mailing or otherwise transmitting the notice to the last known business address of the member organization or the last known residential address of the covered person as reflected in the Central Registration Depository (''CRD''). With respect to a person currently associated with a member organization or ATP Holder in an unregistered capacity, a notice under this Rule would be deemed received by the person by mailing or otherwise transmitting the notice to the last known business address of the member organization or ATP Holder as reflected in the CRD. With respect to a person subject to the Exchange's jurisdiction who was formerly associated with a member organization or ATP Holder in an unregistered capacity, a notice under this Rule would be deemed received by the person upon personal service, as set forth in Rule 9134(a)(1).

If the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice to the member organization or covered person had actual knowledge that the address in the CRD is out of date or inaccurate, then a copy of the notice would be mailed or otherwise transmitted to: (1) The last known business address of the member organization or the last known residential address of the covered person as reflected in the CRD; and (2) any other more current address of the member organization or covered person known to the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice. Current Rules 475(e), 476(a)(11), and 477(a) and (b), and Rule 31 in the General Rules, which require persons subject to the Exchange's jurisdiction to provide books and records and appear and testify upon the Exchange's request, do not specify the address to which a notice of such request must be directed. The additional specificity in proposed Rule 8210(d) would afford member organizations and covered persons additional procedural protections in that respect.

If the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice to the member organization or covered person knew that the member organization or covered person was represented by counsel regarding the investigation, complaint, examination, or proceeding that was the subject of the notice, then the notice would be served upon counsel by mailing or otherwise transmitting the notice to the counsel in lieu of the member organization or covered person, and any notice served upon counsel would be deemed received by the member organization or covered person.

Proposed Rule 8210(e) would provide that in carrying out its responsibilities under this Rule, the Exchange may, as appropriate, establish programs for the submission of information to the Exchange on a regular basis through a direct or indirect electronic interface between the Exchange and members or member organizations. Proposed Rule 8210(f) would permit a witness to inspect the official transcript of the witness's own testimony, and permit a person who has submitted documentary evidence or testimony in an Exchange investigation to get a copy of the person's documentary evidence or the transcript of the person's testimony under certain circumstances. Finally, proposed Rule 8210(g) would require any member organization or covered person who in response to a request pursuant to this Rule provided the requested information on a portable media device to ensure that such information was encrypted. The Exchange's current rules do not contain comparable provisions.

Proposed Supplementary Material 8210.01 would provide that the rule requires member organizations and covered persons to provide Exchange staff and Adjudicators with requested books, records and accounts. In specifying the books, records and accounts ''of such member organization or covered person,'' paragraph (a) of the rule would refer to books, records and accounts that the broker-dealer or its associated persons make [sic] or keep [sic] relating to its operation as a broker-dealer or relating to the person's association with the member organization or ATP Holder. This would include but is not limited to records relating to an Exchange investigation of outside business activities, private securities transactions or possible violations of just and equitable principles of trade, as well as other Exchange rules and the federal securities laws. It would not ordinarily include books and records that were in the possession, custody or control of a member organization or covered person, but whose bona fide ownership was held by an independent third party and the records were unrelated to the business of the member organization or covered person. The rule would require, however, that a member organization or covered person must make available its books, records or accounts when these books, records or accounts are in the possession of another person or entity, such as a professional service provider, but the member organization or covered person controlled or had a right to demand them. The Exchange's current rules do not have comparable provisions.

Proposed Rule 8211 would set forth the procedures for the automated submission of trading data requested by the Exchange (commonly referred to as ''blue sheet'' data) for transactions on the Exchange. The proposed Rule is the same as its NYSE counterpart except for the inclusion of ''ATP Holder.''

The procedures set forth in proposed Rule 8211 are substantially the same as current Rule 956.1NY and Rule 410A—Equities. Because FINRA performs surveillance functions based on the information gathered as a result of these rules, the Exchange believes that the procedures for the automated submission of trading data should be harmonized with the FINRA and NYSE rules. Therefore, the Exchange proposes to delete current Rule 956.1NY and Rule 410A—Equities and adopt proposed Rule 8211 instead, which is identical to NYSE Rule 8211.[37]

Proposed Rule 8310 would set forth the range of sanctions that could be imposed in connection with disciplinary actions under the proposed rule change. Such sanctions would include censure, fine, suspension, revocation, bar, expulsion, or any other fitting sanction. The sanctions also are substantially the same as the permitted sanctions set forth in current Rule 476(a)(11), which are expulsion; suspension; limitation as to activities, functions, and operations, including the suspension or cancellation of a registration in, or assignment of, one or more stocks; fine; censure; suspension or bar from being associated with any member or member organization; or any other fitting sanction. Although there is some difference between the text of the current and proposed rules, the Exchange believes that in practice the

[37] The Exchange is not proposing to adopt FINRA Rule 8213, which provides for the automated submission of trading data for non-exchange listed securities, and has marked it as ''Reserved.'' Because the Exchange does not have regulatory responsibility for trading in non-Exchange listed securities, it is not necessary for the Exchange to incorporate FINRA Rule 8213 into its rules. Moreover, the Exchange recently deleted Rule 410B—Equities, which required the reporting of off-Exchange transactions in Exchange-listed securities that are not reported to the Consolidated Tape, as duplicative of existing regulatory reporting requirements. *See* Securities Exchange Act Release No. 76982 (January 28, 2016) (SR–NYSEMKT–2015–80).

range of sanctions is the same due to the inclusion in both rules of the general category ''any other fitting sanction.''

Proposed Rule 8310 would also allow the Exchange to impose a temporary or permanent cease and desist order against a member organization or covered person. This new authority, not currently available under the Exchange's rules, is described in further detail below in the section concerning the proposed Rule 9800 Series. Proposed Rule 8310 is the same as NYSE Rule 8310 except for the inclusion of references to ''member'' and ''ATP Holders.''

Proposed Rule 8311 would provide that if the Commission or the Exchange imposed a suspension, revocation, cancellation or bar on a covered person, a member organization or ATP Holder may not permit such person to remain associated, and, in the case of a suspension, may not pay any remuneration that results from any securities transaction. The proposed rule is similar in result to current Rule 476(j), which provides that a member will be deprived of all rights and privileges of membership during a suspension and that an expulsion of a member terminates all rights and privileges arising out of the membership. However, the proposed rule is broader because it applies to all covered persons subject to a suspension, revocation, cancellation or bar and more explicitly prohibits the payment of compensation in the case of a suspension. Except for references to ATP Holders where appropriate, the proposed Rule is the same as NYSE Rule 8311.

Proposed Rule 8313 would provide that the Exchange will publish all final disciplinary decisions issued under the proposed Rule 9000 Series, other than minor rule violations, on its Web site.[38] This is the Exchange's longstanding practice, although it does not have a current rule with respect to it. The Exchange believes that its current practice is fair and non-discriminatory and as such proposes to continue it. The proposed Rule is identical to the NYSE Rule.

Proposed Rule 8320(a) would provide that all fines and other monetary sanctions shall be paid to the Treasurer of the Exchange. Such monies could not be used for commercial purposes.[39] Rather, the Exchange uses fine monies for regulatory purposes.[40]

Proposed Rule 8320(b) and (c) would permit the Exchange, after seven days' notice in writing, to suspend or expel a member or member organization from membership or revoke the registration of a covered person for failure to pay a fine. The text of the proposed rule is the same as the text of the NYSE's rule except for the inclusion of ''member'' in subpart (b) to reflect the Exchange's membership.

As noted above, under current Rule 476(k), a person may be summarily suspended for failing to pay a fine within a 45-day notice period; a membership cancellation or bar also could be imposed in a regular disciplinary proceeding for non-payment of a fine. FINRA's rules do not set forth a notice period but, as a matter of practice, FINRA typically provides a respondent at least 30 days to pay a fine after the conclusion of a proceeding. As the NYSE explained in proposing its Rule 8320, a 30-day period, along with the seven days' notice provided under NYSE Rule 8320, provides respondents with an adequate amount of time to pay a fine and avoid any further sanction by the Exchange.[41] The Exchange proposes to follow the same reasoning for its Rule 8320. For clarity regarding the transition, proposed Rule 8001 would provide that the Exchange may issue a written notice of suspension for non-payment of a fine under Rule 476(k) until the effective date of the proposed rule change, and thereafter proposed Rule 8320 would apply. In addition, Rule 8320(d) would provide that the Exchange may exercise the authority set forth in Rules 8320(b) and (c) with respect to non-payment of a fine, monetary sanction, or cost assessed in a disciplinary action initiated under Rule 476 for which a decision was issued on or after the transition date.

Proposed Rule 8330 would provide that a disciplined member organization or covered person may be assessed the costs of a proceeding. There is no comparable requirement in the current rules, although the Exchange may assess costs as a ''fitting sanction'' under current Rule 476(a)(11). The proposed Rule is the same as the text of the NYSE Rule.

Proposed Rule 9000 Series

As noted above, the text of the Rule 9000 Series would be based on the text of the NYSE Rule 9000 Series, with certain changes noted below.

Proposed Rules 9001 Through 9120

Proposed Rule 9001 would set forth the effective date of the rule, noting the transitional provisions described above. The text of proposed Rule 9001 would be based on the proposed introductory text of Rule 476, except that the transition with respect to proposed Rule 8320 would be reflected in proposed Rule 8001 as described above.

Proposed Rule 9110 would state the types of proceedings to which the proposed Rule 9000 Series would apply (each of which is described below) and the rights, duties, and obligations of member organizations and covered persons, and would set forth the defined terms and cross-references. The Exchange also proposes to adopt rule text in Rule 9110(a), providing that in performing functions under the disciplinary code, the CRO and Regulatory Staff would function independently of the commercial interests of the Exchange and the commercial interests of the members and member organizations. As discussed above, this requirement is already being met and is consistent with longstanding policies and practices at the Exchange, and the proposed provision would also be consistent with rules currently in effect for the equities and options markets of the Exchange's affiliate.[42] The Exchange does not have a comparable rule. Except for the inclusion of ''member,'' the proposed Rule is the same as NYSE Rule 9110.

Proposed Rule 9120 would set forth definitions. The definitions are identical to those in NYSE Rule 9120, except that the term ''Board of Directors'' would be defined in paragraph (b), rather than including a cross-reference to another rule; the term ''covered person'' in proposed paragraph (g) would include a reference to ATP Holders; the cross-reference in the definition of ''Exchange'' in proposed paragraph (n) would be conformed to NYSE MKT's rules; and the definition of ''Party'' in proposed paragraph (w) would include a reference to ''ATP Holder'' to conform to the proposed Rule 9520 Series. The Exchange also proposes to include definitions recently added to NYSE Rule 9120, including defined terms ''Enforcement'' and ''Regulatory

[38] Consistent with current practice, a determination in a statutory disqualification proceeding under the proposed Rule 9520 Series would not be considered a disciplinary decision and thus would not be subject to publication.

[39] *See* Article IV, Section 4.05 of the Seventh Amended and Restated Operating Agreement of NYSE MKT LLC, available at *https://www.nyse.com/publicdocs/nyse/regulation/nyse-mkt/Seventh_Amended_and_Restated_Operating_Agreement_of_NYSE_MKT_LLC.pdf*.

[40] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707, 57717 (October 3, 2008) (SR–NYSE–2008–60 and SR–Amex–2008–62) (approving merger whereby the Exchange's predecessor, the American Stock Exchange LLC, a subsidiary of The Amex Membership Corporation, became a subsidiary of NYSE Euronext).

[41] *See* 2013 Notice, 78 FR at 5222.

[42] *See* notes 33 and 34, *supra,* and accompanying text.

Staff.'' [43] More specifically, the Exchange proposes the following:

• The Exchange proposes to add definitions of ''Enforcement,'' referring to any department reporting to the CRO of the Exchange with responsibility for investigating or imposing sanctions on a member organization or covered person, in addition to FINRA's departments of Enforcement and Market Regulation; and ''Regulatory Staff,'' referring to any officer or employee reporting, directly or indirectly, to the CRO of the Exchange, in addition to FINRA staff acting on behalf of the Exchange in connection with the Rule 8000 and 9000 Series.[44]

• The Exchange proposes to include definitions of ''Interested Staff'' and ''Party'' in proposed Rules 9120(t) and 9120(w), which include the terms ''Regulatory Staff'' and ''Enforcement,'' respectively, and are identical to the definitions in the NYSE Rules.

• The Exchange proposes to number the definitions in Rule 9120 to correspond with the NYSE Rules.

Proposed Rules 9130 Through 9138

Proposed Rules 9130 through 9138 would govern the service of a complaint or other procedural documents under the rules. The proposed Rules are the same as NYSE Rules 9130 through 9138.

Proposed Rule 9131 would set forth the requirements for serving a complaint or document initiating a proceeding. Proposed Rule 9132 would cover the service of orders, notices, and decisions by an Adjudicator. Proposed Rule 9133 would govern the service of papers other than complaints, orders, notices, or decisions. Proposed Rule 9134 would describe the methods of service and the procedures for service. Proposed Rule 9135 would set forth the procedure for filing papers with an Adjudicator. Proposed Rule 9136 would govern the form of papers filed in connection with any proceeding under the proposed Rule 9200 and 9300 Series. Proposed Rule 9137 would state the requirements for and the effect of a signature in connection with the filing of papers. Finally, proposed Rule 9138 would establish the computation of time.

By comparison, current Rule 476(d), which governs service of process, is generally less detailed and, as noted above, provides that service is deemed effective by personal service of the Charge Memorandum, or by leaving the same either at the respondent's last known office address during business hours or the respondent's last place of residence as reflected in Exchange records, or upon mailing same to the respondent at such office address or place of residence.

Under proposed Rule 9134, papers served on a natural person could be served at the natural person's residential address, as reflected in CRD, if applicable. When a Party or other person responsible for serving such person had actual knowledge that the natural person's CRD address was out of date, duplicate copies would be required to be served on the natural person at the natural person's last known residential address and the business address in CRD of the entity with which the natural person is employed or affiliated. Papers could also be served at the business address of the entity with which the natural person is employed or affiliated, as reflected in CRD, or at a business address, such as a branch office, at which the natural person is employed or at which the natural person is physically present during a normal business day. The Hearing Officer could waive the requirement of serving documents (other than complaints) at the addresses listed in CRD if there were evidence that these addresses were no longer valid and there was a more current address available. If a natural person were represented by counsel or a representative, papers served on the natural person, excluding a complaint or a document initiating a proceeding, would be required to be served on the counsel or representative.

Similarly, under proposed Rule 9134, papers served on an entity would be required to be made by service on an officer, a partner of a partnership, a managing or general agent, a contact employee as set forth on Form BD, or any other agent authorized by appointment or by law to accept service. Such papers would be required to be served at the entity's business address as reflected in CRD, if applicable; provided, however, that when the Party or other person responsible for serving such entity had actual knowledge that an entity's CRD address was out of date, duplicate copies would be required to be served at the entity's last known address. If an entity were represented by counsel or a representative, papers served on such entity, excluding a complaint or document initiating a proceeding, would be required to be served on such counsel or representative.

The Exchange's current rules do not explicitly permit service of a Charge Memorandum or other document on a respondent's counsel or other authorized representative. The proposed rule change would accommodate respondents who have retained counsel and have authorized them to accept service. The proposed rule change also would harmonize the Exchange's rules with many states' Rules of Professional Conduct for attorneys, which generally require that, once a person retains an attorney, unless the attorney specifically provides otherwise, all communications be directed to such attorney.[45]

The Exchange believes that these more detailed procedures for service of process would increase the likelihood of successful service of process while providing appropriate due process protections to its member organizations and covered persons.

Proposed Rules 9140 Through 9148

Proposed Rules 9140 through 9148 would contain various rules relating to the conduct of disciplinary proceedings. The proposed Rules are the same as NYSE Rules 9140 through 9148.

Proposed Rule 9141 would govern appearances in a proceeding, notices of appearance, and representation. Proposed Rule 9141 would permit a respondent to represent himself or be represented by an attorney, just as is permitted under current Rule 476(h). Current Rule 476(h) is more general, in that it permits a respondent to be represented by an attorney or other representative, while proposed Rule 9141 is more specific in that it permits a respondent to be represented by an attorney admitted to practice in the United States, permits a partnership to be represented by a partner, and permits a corporation, trust, or association to be represented by an officer of such entity. Proposed Rule 9141 also requires an attorney or representative to file a notice of appearance, which is not required under current Exchange rules.

In addition, proposed Rule 9141, in conformance with a recent NYSE amendment and based on FINRA's

[43] *See* NYSE Reintegration Facilitation Filing Approval Order, 80 FR at 72461. The Exchange also proposes to incorporate those defined terms in proposed Rules 9131, 9146, 9211, 9212, 9213, 9215, 9216, 9251, 9253, 9264, 9269, 9270, 9551, 9552, 9554, 9556, 9810, 9820, and 9830.

[44] The proposed definition of ''Regulatory Staff'' provides that for purposes of the Rule 8000 Series and Rule 9000 Series (except for Rule 9557), the term ''Exchange staff'' shall have the same meaning as ''Regulatory Staff.''

[45] *See, e.g.,* American Bar Association Model Rule of Professional Conduct 4.2 (Communication with Person Represented by Counsel) (''ABA Rule 4.2''). ABA Rule 4.2 provides that ''[i]n representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.'' Many states have rules regarding communication with a person represented by counsel that are based on ABA Rule 4.2.

counterpart rule,[46] would provide that no former Regulatory Staff shall, within a period of one year immediately following termination of employment with the Exchange or FINRA, make an appearance before an Adjudicator on behalf of any other person in any proceeding under the Rule 9000 Series. The rule text is broader than FINRA's counterpart rule in that it covers not only former FINRA staff but also former Regulatory Staff that reported to the CRO, and covers both officers and employees. The Exchange believes that once Regulatory Staff reporting to the CRO directly perform market surveillance, investigation and enforcement functions following termination of the Intercompany RSA, such a prohibition would help prevent potential conflicts or appearance of conflicts of interest. Current Rule 476 does not address appearances by former staff.

Proposed Rule 9142 would require an attorney or representative to file a motion to withdraw. There is no current comparable Exchange rule.

Proposed Rule 9143(a) would prohibit certain ex parte communications. Under proposed Rule 9143(b), an Adjudicator participating in a decision with respect to a proceeding, or an Exchange employee participating or advising in the decision of an Adjudicator, who received, made, or knowingly caused to be made a communication prohibited by the Rule would be required to place in the record of the proceeding (1) all such written communications; (2) memoranda stating the substance of all such oral communications; and (3) all written responses and memoranda stating the substance of all oral responses to all such communications.

Under proposed Rule 9143(c), upon receipt of a prohibited communication made or knowingly caused to be made by any Party, any counsel to or representative of a Party, or any Interested Staff, the Exchange or an Adjudicator may order the Party responsible for the communication, or the Party who may benefit from the ex parte communication made, to show cause why the Party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected by reason of such ex parte communication. All participants in a proceeding could respond to any allegations or contentions contained in a prohibited ex parte communication placed in the record, and such responses would be placed in the record.

Under proposed Rule 9143(d), in a disciplinary proceeding governed by the Rule 9200 Series and the Rule 9300 Series, the prohibitions of the Rule would apply beginning with the authorization of a complaint as provided in Rule 9211, unless the person responsible for the communication had knowledge that the complaint would be authorized, in which case the prohibitions would apply beginning at the time of his or her acquisition of such knowledge. Under proposed Rule 9143(e), there would be a waiver of the ex parte prohibition in the case of an offer of settlement, letter of acceptance, waiver and consent, or minor rule violation plan letter. There is no current comparable rule.

Proposed Rule 9144 would establish the separation of functions for Interested Staff and Adjudicators and provide for waivers. There is no current comparable rule.

Proposed Rule 9145 would provide that formal rules of evidence would not apply in any proceeding brought under the proposed Rule 9000 Series. NYSE MKT does not have a current comparable rule that explicitly makes such a statement, although in practice the result is the same—formal rules of evidence do not apply to current NYSE MKT disciplinary proceedings.

Proposed Rule 9146 would govern motions a Party may make and requirements for responses and formatting. A Party would be permitted to make written and oral motions, although an Adjudicator could require that a motion be in writing. An opposition to a written motion would have to be filed within 14 days, but the moving Party would have no right to reply, unless an Adjudicator so permits, in which case such reply generally would be due within five days. Proposed Rule 9146 also would permit a Party to move for a protective order. There is no current comparable rule that contains such detail. Current Rule 476(c) simply provides that the Chief Hearing Officer or a Hearing Officer may resolve any substantive legal motions. The Exchange believes that the more detailed provisions of the proposed rule would provide additional clarity to all Parties to a proceeding.

Proposed Rule 9147 would provide that Adjudicators may rule on procedural matters. The proposed rule is similar to current Rule 476(c), which provides that the Chief Hearing Officer or a Hearing Officer may resolve any procedural matters. However, the Exchange's current rules do not explicitly provide for the Exchange Board of Directors (who are included in the proposed definition of ''Adjudicator'') ruling on procedural matters.

Finally, proposed Rule 9148 would generally prohibit interlocutory review, except as provided in proposed Rule 9280 for contemptuous conduct. Similarly, current Rule 476(c) provides that there is no interlocutory appeal to the Exchange Board of Directors.

Proposed Rule 9150

Proposed Rule 9150 would provide that a representative can be excluded by an Adjudicator for improper or unethical conduct. The proposed rule also is substantially the same as current Rule 476(h), which provides that the Hearing Board can exclude a representative for improper conduct in a proceeding, and is the same as NYSE Rule 9150.

Proposed Rule 9160

Proposed Rule 9160 would provide that no person may act as an Adjudicator if he or she has a conflict of interest or bias, or circumstances exist where his or her fairness could reasonably be questioned. In such case, the person must recuse himself or herself, or may be disqualified. The proposed rule would cover the recusal or disqualification of an Adjudicator, the Chair of the Exchange Board of Directors, or a Director. Current Rule 22—Equities similarly prohibits a person from participating in an adjudication or consideration of a matter if he or she has a personal interest, and would apply during the transition period to proceedings under the current rules. The Exchange believes that the broader text of the proposed rule could help to increase the fairness of its proceedings and also cover matters involving the Exchange's options market. Proposed Rules 9160(b), (c), and (d) are designated as ''Reserved'' to maintain consistency with NYSE's rule numbering. The proposed Rule is the same as the NYSE Rule.

Proposed Rules 9200 Through 9212

Proposed Rule 9200 would cover disciplinary proceedings. Proposed Rule 9211 would permit Enforcement to request the authorization of the CRO to issue a complaint against a member organization or covered person, thereby commencing a disciplinary proceeding. The proposed Rule is the same as NYSE Rule 9211. The complaint would replace the Charge Memorandum currently used under Rule 476(d), as described above, which requires that the specific charges against the respondent in the form of a written statement be

[46] *See* NYSE Reintegration Facilitation Filing Notice, 80 FR at 51337; Approval Order, 80 FR at 72462.

signed by an authorized officer or employee of the Exchange, or an authorized employee of another self-regulatory organization.

Proposed Rule 9212 would set forth the requirements of the complaint, amendments to the complaint, withdrawal of the complaint, and service of the complaint. The proposed rule would also permit the Chief Hearing Officer to select one Floor-Based Panelist, who would be a person who is, or, if retired, was, active on the Floor of the Exchange, to serve on a Hearing Panel if the complaint alleges at least one cause of action involving activities on the Floor of the Exchange. The proposed rule change would be consistent with the Exchange's practice under current Rule 476(b), which provides that in any disciplinary proceeding involving activities on the Floor of the Exchange, no more than one of the persons serving on the three-person Hearing Panel may be, or, if retired, may have been, active on the Floor of the Exchange. Proposed Rule 9212 is the same as the counterpart NYSE Rule.

Under the proposed rule change, the form of the complaint also would be more prescribed than under current Rule 476. Current Rule 476 also does not address the amendment or withdrawal of complaints.

Proposed Rules 9213 Through 9215

Proposed Rule 9213 would provide for the appointment of a Hearing Officer and Panelists by the Chief Hearing Officer. Current Rule 476(b) is similar in that it provides for the appointment of a Chief Hearing Officer by the Exchange Board of Directors and the utilization of three-person Hearing Panels led by a Hearing Officer.

Proposed Rule 9214 would permit the Chief Hearing Officer to sever or consolidate two or more disciplinary proceedings under certain circumstances and permit a Party to move for such action under certain circumstances. There is no rule comparable to proposed Rule 9214 for severing or consolidating proceedings. Under current Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all procedural matters and substantive legal motions.

Proposed Rule 9215 would set forth requirements for answering a complaint, including form, service, notice, content, defenses, amendments, default, and timing. An answer to a Charge Memorandum under current Rule 476(d) and an answer to a complaint under the proposed rule change have the same 25-day response deadline; however, proposed Rule 9215 would explicitly allow for an extension of time to answer an amended complaint.

Proposed Rules 9213 through 9215 are the same as NYSE Rules 9213 through 9215.

Proposed Rules 9216 and 9217

Proposed Rule 9216 would establish the acceptance, waiver, and consent (''AWC'') procedures by which a respondent, prior to the issuance of a complaint, may execute a letter accepting a finding of violation, consenting to the imposition of sanctions, and agreeing to waive such respondent's right to a hearing, appeal, and certain other procedures.[47] The proposed rule also would establish procedures for executing a minor rule violation plan letter.[48]

Enforcement could prepare and request that a member organization or covered person execute an AWC letter if Enforcement had reason to believe a violation had occurred and the member organization or covered person did not dispute the violation. The CRO would be authorized to accept or reject an AWC letter that has been executed by a member organization or covered person. If the AWC letter were accepted by the CRO, it would be deemed final and would constitute the complaint, answer, and decision in the matter 25 days after it is sent to each Director and each member of the Committee for Review, unless review by the Exchange Board of Directors is requested pursuant to proposed Rule 9310(a)(1)(B). Such review is consistent with the call for review process in connection with a Stipulation and Consent under current Rule 476(g) and the process set forth in the NYSE Rules.[49] The Exchange also believes that allowing AWC letters to be called for review by the Exchange Board of Directors provides an additional, appropriate check and balance to the settlement process. If the AWC letter were rejected by the CRO, the member organization or covered person who executed the letter would be notified in writing and the letter would be deemed withdrawn.

While the AWC process has some similarity to the Exchange's current Stipulation and Consent procedure in Rule 476(g) in that it provides a settlement mechanism, there are certain key differences. Under current Rule 476(g), a Hearing Officer must act on a Stipulation and Consent submitted by the parties and may choose to convene a Hearing Panel. No Hearing Officer would be involved in the process under the proposed rule.

The Exchange also proposes to adopt the NYSE's process for minor rule violations while retaining the specific fine levels and list of rules included in the Exchange's current minor rule violation plan, with certain technical and conforming amendments. Under the proposed rule, the CRO, on behalf of the SRO Board, would be authorized to accept or reject a minor rule violation plan letter. If the minor rule violation plan letter were accepted by the CRO, it would be deemed final. Proposed Rule 9216(b)(4) would further provide that any fine imposed pursuant to proposed Rule 9216(b) and not contested would not be publicly reported, except as may be required by Rule 19d–1 under the Exchange Act, and as may be required by any other regulatory authority. If the letter were rejected by the CRO, the Exchange would be permitted to take any other appropriate disciplinary action with respect to the alleged violation or violations. If the letter were rejected, the member organization or covered person would not be prejudiced by the execution of the minor rule violation plan letter, and such document could not be introduced into evidence in connection with the determination of the issues set forth in any complaint or in any other proceeding.

Unlike current Rule 476A, which is described above, the proposed rule would not permit a respondent to contest a minor rule violation letter by filing an answer and converting it into a regular disciplinary proceeding, nor would the proposed rule permit any person to require a review by the Board of any Hearing Panel determination in such a proceeding. Rather, under the proposed rule, if the respondent rejects the minor rule violation letter, then a complaint must be served and filed under proposed Rule 9211 in order to begin a disciplinary proceeding, and the minor rule violation letter may not be introduced into evidence. The Exchange believes that the proposed rule provides similar and sufficient procedural protections to respondents.

Proposed Rule 9217 would set forth the list of rules under which a member organization or covered person may be subject to a fine under a minor rule violation plan as described in proposed Rule 9216(b). The Exchange would

[47] Proposed Rule 9270 would address settlement procedures after the issuance of a complaint.

[48] As described in proposed Rules 9216(b) and 9217, a minor rule violation plan letter is a means by which a fine (not to exceed $5,000) and/or a censure may be imposed on a member organization or covered person with respect to certain specifically enumerated rules, provided that there is reason to believe a violation has occurred and the member organization or covered person does not dispute the violation.

[49] *See* NYSE Reintegration Facilitation Filing Approval Order, 80 FR at 72460.

retain the list of rules currently set forth in its own minor rule violation plan (found in Parts 1A, 1C, and 1D of current Rule 476A), and also insert them, with certain technical and conforming changes, into proposed Rule 9217, rather than adopt the list of rules in NYSE's plan.[50]

The technical and conforming changes relating to minor rule violations are as follows. The list of equities rules violations would be supplemented with references to proposed Rules 8210 and 8211. In particular, references to the failure to submit books and records or to furnish information on the date or within the time period that the Exchange requires under Rule 476(a)(11) would be supplemented with a reference to proposed Rule 8210. References to the submission of trading data under Rule 410A—Equities would be supplemented with a reference to proposed Rule 8211.

The list of options rules violations and accompanying fine levels chart would be similarly updated. Failure to submit trade data to the Exchange in a timely manner (item (ii)(1)) would be supplemented by references to proposed Rule 8211 in both places. Failure to furnish in a timely manner books, records or other requested information or testimony in connection with an examination of financial responsibility and/or operational conditions under Rule 31 (item (ii)(2)) would be supplemented in both places with a reference to proposed Rule 8210. Delaying, impeding or failing to cooperate in an Exchange investigation under Rule Section 9A (item (ii)(5)) would be supplemented in both places with references to proposed Rule 8210. Finally, the Exchange proposes to replace the reference to Rule 476A in the first paragraph under the heading ''List of Reports Required to be Filed with the Exchange by ATP Holders and Filing Deadlines'' relating to the Exchange's ability to impose a $100 per day fine on any ATP Holder failing to file an enumerated report with a reference to Rule 9216(b).

The current list of minor rules includes a reference to Rule 504(b)(6)—Equities, which was deleted in August 2012;[51] as such, the Exchange proposes to delete the rule from the list in Rule 476A and not include it in proposed Rule 9217. The current list of NYSE MKT minor rules also includes references to certain rules that have been removed from the rules as part of the FINRA rule harmonization process, including previous Rules 312(h)—Equities, 382(a)—Equities, 352(b) and (c)—Equities, 392—Equities, and 445(4)—Equities, as well as rules the Exchange is proposing to delete in the current rule filing, such as Rule 410A—Equities. The Exchange proposes to maintain the references to these former rules in its current list of minor rules in proposed Rule 9217. By doing so, the Exchange could continue to resolve violations of them that occurred prior to the harmonization via a minor rule violation letter.[52] For example, guarantees against loss were covered by Rule 352—Equities until December 2009, when Rule 2150—Equities was adopted.[53] The Exchange could resolve a guarantee against loss violation that occurred in November 2009 when Rule 352—Equities was effective, and Rule 2150—Equities was not effective, via a minor rule violation plan letter under proposed Rule 9217. The Exchange will determine at a later time when it is appropriate to remove these previous rule references from the list of minor rules.

Proposed Rules 9220 Through 9222

Proposed Rules 9220 and 9222 would describe how a respondent can request a hearing, the notice of a hearing, and timing considerations. The proposed rules are the same as NYSE Rules 9220 through 9222. Proposed Rule 9221 provides that a Hearing Officer generally must provide at least 28 days' notice of the hearing. Current Rule 476 does not have comparable provisions relating to how a hearing can be ordered and time for notices; rather, current Rule 476(b) states that all proceedings under the Rule, except as to matters that are resolved by a Hearing Officer when so authorized, are conducted at a Hearing in accordance with the provisions of Rule 476.

Proposed Rules 9230 Through 9235

Proposed Rules 9231 and 9232 would govern how a Hearing Panel, Extended Hearing Panel, Replacement Hearing Officer, Panelists, Replacement Panelists, and Floor-Based Panelists are appointed and their composition and criteria for selection. Proposed Rules 9231 and 9232 are the same as the counterpart NYSE rules, except for the substitution of ''Exchange'' for ''NYSE'' before ''hearing board'' and the use of ''ATP Holders'' in proposed Rule 9232 to reflect the Exchange's membership.

Under the proposed rule change, the Exchange would use FINRA's Chief Hearing Officer and Hearing Officers from FINRA's Office of Hearing Officers, rather than have the Exchange Board of Directors appoint such persons as it does under current Rule 476(b). To harmonize the Exchange's rules with the hearing process under NYSE rules, the Exchange believes that it is reasonable to utilize FINRA's Office of Hearing Officers as described in the proposed rule change.

The Exchange would continue to draw Panelists appointed from an Exchange hearing board. The hearing board would be composed of members of the Exchange who are not members of the Exchange Board of Directors and registered employees and non-registered employees of member organizations or ATP Holders, as well as former members, allied members, or registered and non-registered employees of member organizations or ATP Holders who have retired from the securities industry.[54] As is the case under current Rule 476(b), Panelists would be required to be persons of integrity and judgment. The proposed rule would provide that the hearing board would be appointed by the Exchange Board of Directors. Under current Rule 476(b), the Hearing Board is selected by the Chairman of the Exchange Board of Directors, subject to the approval of the Board of Directors. The Exchange believes that because the approval of the Exchange Board of Directors is required for appointment of the hearing board, it is not necessary to specify that the Chairman of the Exchange Board shall appoint the hearing board subject to such approval.[55]

There would be one change in hearing board eligibility in the proposed rule as compared to the current rule. Currently, the Exchange requires that a Panelist cannot have been retired from the securities industry for more than five years. In order to have the largest number of potential retired Panelists available following the proposed rule change, the Exchange proposes to drop

[50] The proposed rule also would retain the Exchange's maximum fine for minor rule violations which, under current Rule 476A, is $5,000. NYSE's maximum fine for minor rule violations is $2,500. *See* NYSE Rule 9216(b).

[51] *See* Securities Exchange Act Release No. 67740 (August 28, 2012), 77 FR 53952 (September 4, 2012) (SR–NYSEMKT–2012–37).

[52] This rationale for maintaining references to former rules in the list of minor rule violations was noted in Securities Exchange Act Release No. 62940 (September 20, 2010), 75 FR 58452 (September 24, 2010) (SR–NYSE–2010–66).

[53] *See* Securities Exchange Act Release No. 61157 (December 11, 2009), 74 FR 67939 (December 21, 2009) (SR–NYSEAmex–2009–88).

[54] As noted above, the Exchange no longer has allied members, but former allied members would continue to be eligible to be appointed to the Hearing Board, and the text of proposed Rule 9232 reflects this. *See* note 27, *supra.*

[55] The proposed rule is based on NYSE's recent amendment to NYSE Rule 9232. *See* NYSE Reintegration Facilitation Filing Approval Order, 80 FR at 72464.

the five-year restriction. The Exchange believes that there are well-qualified persons, in particular retirees, who continue to stay abreast of industry developments and rules after more than five years of retirement and that such persons would be valuable additions to the hearing board.

In addition, as noted above, the Exchange proposes to permit the Chief Hearing Officer to select one Floor-Based Panelist to serve on a Hearing Panel if the complaint alleges at least one cause of action involving activities on the Floor of the Exchange, consistent with the Exchange's practice under current Rule 476(b).

Proposed Rule 9232 would include Panelist selection criteria, which are expertise, absence of any conflict of interest or bias or any appearance thereof, availability, and the frequency with which a person has served as a Panelist in the last two years, favoring the selection of a person as a Panelist who has never served or who has served infrequently as a Panelist during the period. Rule 476(b) currently does not include these criteria.

Proposed Rules 9233 and 9234 would establish the processes for recusal and disqualification of Hearing Officers, Hearing Panels, or Extended Hearing Panels. Current Rule 22—Equities similarly prohibits a person from participating in an adjudication if he or she has a personal interest but does not specifically provide for recusals and disqualifications in the manner in which the comparable NYSE rule does. The options market does not have a comparable rule. Proposed Rules 9233 and 9234 are the same as the NYSE rules.

Proposed Rule 9235 would set forth the Hearing Officer's duties and authority in detail. The proposed rule change is similar to current Rule 476(c), which gives the Hearing Officer general authority in procedural and evidentiary matters. The proposed rule is the same as NYSE Rule 9235.

Proposed Rules 9240 Through 9242

Proposed Rules 9241 and 9242 would govern the substantive and procedural requirements for pre-hearing conferences and pre-hearing submissions. In addition, proposed Rule 9242, in conformance with the current NYSE rule based on FINRA's counterpart rule, would provide that no former Regulatory Staff shall, within a period of one year immediately following termination of employment with the Exchange or FINRA, provide expert testimony on behalf of any other person under the Rule 9000 Series.[56] Nothing in this Rule would prohibit former Regulatory Staff from testifying as a witness on behalf of the Exchange or FINRA. The rule text in proposed Rule 9242(b) is broader than FINRA's counterpart rule in that it covers not only former FINRA staff but also former Regulatory Staff that reported to the CRO, and covers both officers and employees. Given the Exchange's resumption of certain regulatory functions earlier this year, the Exchange believes that a prohibition on former Regulatory Staff providing expert testimony would help prevent potential conflicts or appearance of conflicts of interest. The Exchange also believes that, consistent with FINRA Rule 9242(b), permitting a former Regulatory Staff member to testify as a witness on behalf of the Exchange does not pose potential conflicts of interest.

As stated above, current Rule 476(c) gives Hearing Officers general authority in procedural matters, but there are no specific provisions in the current rules relating to pre-hearing conferences and submissions, nor do the current rules address expert testimony by former staff.

Proposed Rules 9250 Through 9253

Proposed Rules 9250 through 9253 would address discovery, including the requirements and limitations relating to the inspection and copying of documents in the possession of Exchange staff, requests for information and limitations on such requests, and the production of witness statements and any harmless error relating to the production of such witness statements. The proposed rules are the same as NYSE Rules 9250 through 9253.

Proposed Rule 9251 would generally require Enforcement to make available to a respondent any documents prepared or obtained in connection with the investigation that led to the proceedings, except that certain privileged or other internal documents, such as examination or inspection reports or documents that would reveal an examination, investigation, or enforcement technique or confidential source, or documents that are prohibited from disclosure under federal law, are not required to be made available. A Hearing Officer may require that a withheld document list be prepared. Proposed Rule 9251 also sets forth procedures for inspection and copying of produced documents. In addition, if a Document required to be made available to a respondent pursuant to the proposed Rule was not made available by Enforcement, no rehearing or amended decision of a proceeding already heard or decided would be required unless the respondent establishes that the failure to make the Document available was not harmless error. The Hearing Officer, or, upon review under proposed Rule 9310, the Exchange Board of Directors, would determine whether the failure to make the document available was not harmless error, applying applicable Exchange, FINRA, SEC, and federal judicial precedent. The proposed Rule would not establish any preference for Exchange versus other precedent in this respect; rather, the Adjudicators could determine in their discretion what precedent to apply.

Current Rule 476(c) contains provisions that address the same subject. As described above, under that rule the Chief Hearing Officer, or any Hearing Officer designated by the Chief Hearing Officer, may require the Exchange to permit a respondent to inspect and copy documents or records in the possession of the Exchange that are material to the preparation of the defense or are intended for use by the Exchange as evidence in chief at the hearing; however, the rule does not authorize the discovery or inspection of reports, memoranda, or other internal Exchange documents prepared by the Exchange in connection with the proceeding. Under the proposed rule, there would be no materiality standard. The Exchange believes that eliminating the materiality standard will ease administration of the rule while still providing appropriate protections for internal Exchange documents.

In addition, under current Rule 476(c), the respondent may be required to provide discovery of non-privileged documents and records to the Exchange. There is no explicit counterpart in the proposed NYSE MKT or current NYSE rules, but the Exchange notes that proposed Rule 8210 may always be used to obtain non-privileged documents from a respondent. Thus, in that respect, there is no substantive difference in the result under the current or proposed rules.

Under proposed Rule 9252, a respondent could request that the Exchange invoke proposed Rule 8210 to compel the production of Documents or testimony at the hearing if the respondent can show that certain standards are met, *e.g.,* that the information sought is relevant, material, and non-cumulative. Current Rule 476 provides that a respondent may be required to provide discovery of non-privileged documents to the Exchange.

[56] *See id.,* 80 FR at 51338.

Under proposed Rule 9253, a respondent could file a motion to obtain certain witness statements. The Exchange's current rules do not contain such a provision.

Proposed Rules 9260 Through 9269

Proposed Rules 9260 through 9269 would govern hearings and decisions. The proposed rules are the same as the counterpart NYSE rules except for the inclusion of ''ATP Holder'' and ''member'' in Rule 9268.

Proposed Rule 9261 would generally require the Parties to submit a list of documentary evidence and witnesses no later than 10 days before the hearing. The Exchange's current rules do not contain such a provision.

Proposed Rule 9262 would require persons subject to the Exchange's jurisdiction to testify under oath or affirmation at a hearing. The Exchange's current rules do not contain such a provision.

Proposed Rule 9263 would authorize the Hearing Officer to exclude irrelevant, immaterial, or unduly repetitious or prejudicial evidence and a Party to object; excluded evidence would be attached to the record as a supplemental document. Under current Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all evidentiary issues. There is no explicit provision in the Exchange's current rules for excluded evidence to be attached to the record.

Proposed Rule 9264 would allow Parties to file a motion for summary disposition under certain circumstances and would describe the procedures for filing and ruling on such a motion. Under current Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all procedural matters, but the Rule does not specifically address motions for summary disposition. In practice, however, Hearing Panels accept and rule on motions for summary disposition.

Proposed Rule 9265 would require that the hearing be recorded by a court reporter, that a transcript be prepared and made available for purchase, and that a Party be permitted to seek a correction of the transcript from the Hearing Officer. Current Rule 476(e) provides generally that the Exchange must keep a record of hearings.

Proposed Rule 9266 would authorize the Hearing Officer to require a post-hearing brief or proposed findings of fact and conclusions of law and would outline the form and timing for such submissions. Under current Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all procedural matters, but the rule does not specifically address such post-hearing activities.

Proposed Rule 9267(a) would detail the required contents of the hearing record and Rule 9267(b) would describe treatment of supplemental documents attached to the record. The Exchange's current rules do not contain such a provision.

Proposed Rule 9268 would set forth the timing and the contents of a decision of the Hearing Panel or Extended Hearing Panel and the procedures for a dissenting opinion, service of the decision, and any requests for review. Other than a reference to ''ATP Holder'' in subparagraph (d), the proposed Rule is the same as NYSE Rule 9268.

The Exchange notes that it has a member organization affiliate.[57] As such, in proposed Rule 9268(e)(2), the Exchange proposes to include text providing that a disciplinary decision concerning an Exchange member or member organization that is an affiliate of the Exchange would not be subject to review under proposed Rule 9310 but instead would be treated as a final disciplinary action subject to SEC review. The Exchange does not believe that an appeal by an affiliate to the Exchange Board of Directors is appropriate, but rather such affiliate should be permitted to appeal directly to the SEC. The Exchange notes that NASDAQ, which also has an affiliate, has a rule that is substantially the same as the Exchange's proposed rule and NYSE's current rule.[58] Because the Exchange's affiliates will still have a right to appeal to the SEC, the Exchange believes that the proposed rule is not unfairly discriminatory.

Finally, proposed Rule 9269 would establish the process for the issuance and review of default decisions by a Hearing Officer when a respondent fails to timely answer a complaint or fails to appear at a pre-hearing conference or hearing where due notice has been provided. A Party may, for good cause shown, file a motion to set aside a default decision. A default decision would become the final disciplinary action of the Exchange if a request for review by the Exchange Board of Directors is not filed within 25 days after the date the decision is served on the Parties. The proposed rule is the same as NYSE Rule 9269.

Current Rule 476(d) provides a similar mechanism for default decisions as the proposed rule change. As described above, under the current rule, if the respondent has failed to file an Answer, the Exchange, by motion, accompanied by proof of notice to the respondent, may request a determination of guilt by default, and may recommend a penalty to be imposed. If the respondent opposes the motion, the Hearing Officer, on a determination that the respondent had adequate reason to fail to file an Answer, may adjourn the hearing date and direct the respondent to promptly file an Answer. If the default motion is unopposed, or the respondent did not have adequate reason to fail to file an Answer, or the respondent failed to file an Answer after being given an opportunity to do so, the Hearing Officer, on a determination that the respondent has had notice of the charges and that the Exchange has jurisdiction in the matter, may find guilt and determine a penalty. Unlike the proposed rule, the current rule does not contain a provision for setting aside a default decision that has been rendered.

Proposed Rule 9270

Proposed Rule 9270 would provide for a settlement procedure for a respondent who has been notified that a proceeding has been instituted against him or her. The proposed settlement procedure would be different from the Stipulation and Consent procedure under current Rule 476(g), which is described above. The proposed rule would be the same as NYSE Rule 9270, except as described below.

Under proposed Rule 9270(a), a respondent notified of the institution of a disciplinary proceeding could make a written offer of settlement at any time, but the proposal would not stay the proceeding unless the Hearing Officer determined otherwise. The proposed rule differs from current Rule 476(g), which requires that a Stipulation and Consent be agreed to by both the respondent and Exchange staff.

Under proposed Rule 9270(b), a respondent would be prohibited from making a frivolous settlement offer or one that was inconsistent with the seriousness of the violations. Current Rule 476(g) does not contain a similar provision.

Proposed Rule 9270(c) would set forth the required content of the proposal, which would include a statement consenting to findings of fact and violations and a proposed sanction. The proposed rule would be the same as NYSE's rule, except that, like FINRA Rule 9270(c)(5), the proposed rule would also require that the proposed

[57] The Exchange has one member organization, Archipelago Securities LLC, that is an affiliate of the Exchange and that is used for inbound and outbound routing of certain orders. *See* Rule 1, Rule 17(c)—Equities & Rule 993NY.

[58] *See* NASDAQ Rule 9268(e)(2); NYSE Rule 9268(e)(2).

sanction be consistent with the Exchange's sanctions guidelines, if applicable, or, if inconsistent with the sanction guidelines, include a detailed statement supporting the proposed sanction. The NYSE does not have sanctions guidelines, so this requirement was not included in NYSE's rules.[59] As noted above, the Exchange's Sanctions Guidelines apply only to matters involving violations of the options rules. In connection with matters not covered by the Sanctions Guidelines, the CRO, Hearing Panel or Extended Hearing Panel, as applicable, would consider relevant Exchange precedent or such other precedent as it deemed appropriate in determining whether to accept a settlement offer. Current Rule 476(g) similarly requires that a Stipulation and Consent contain proposed findings of fact, violations, and a specified penalty.

Proposed Rule 9270(d) would provide that submission of a settlement offer waives a respondent's right to a hearing, the right to claim bias or ex parte communication violations, and the right to review by the Exchange Board of Directors, the Commission, or the courts. This differs from current Rule 476(g), which allows either party to request a hearing on a Stipulation and Consent or a Hearing Officer to convene a hearing on a Stipulation and Consent in certain circumstances.

Proposed Rule 9270(e) would address contested settlement offers. Under the proposed rule, if a respondent made an offer of settlement and Enforcement opposed it, the offer of settlement would be contested and thereby deemed rejected, and thus the proceeding would continue to completion under the proposed Rule 9200 Series. The contested offer of settlement would not be transmitted to the Office of Hearing Officers, the CRO, or Hearing Panel or Extended Hearing Panel, and would not constitute a part of the record in any proceeding against the respondent making the offer. The Exchange has determined that if the Parties cannot reach agreement on the offer of settlement, then the matter should proceed under the proposed Rule 9200 Series. The Exchange believes that its proposed rule would encourage respondents to make reasonable offers of settlement that will be acceptable to Enforcement and is consistent with the Exchange's current process under Rule 476(g), which does not contemplate contested settlement offers but rather requires that both the respondent and Exchange staff agree on the Stipulation and Consent.

[59] *See* 2013 Notice, 78 FR at 5229.

Proposed Rule 9270(f) and (h) would address uncontested offers of settlement. Under the proposed rule, an offer of settlement would be uncontested if Enforcement does not oppose it. If a hearing on the merits had not begun, the CRO could accept the settlement offer; if a hearing on the merits had begun, the Hearing Panel or Extended Hearing Panel could accept the settlement offer.[60] If they did not, the offer would be deemed withdrawn and the matter would proceed under the proposed Rule 9200 Series and the settlement offer would not be part of the record. As described below, if the offer of settlement were accepted by the CRO, Hearing Panel or Extended Hearing Panel, it would become final 25 days after being sent, together with an order of acceptance, to each Director and each member of the Committee for Review, unless review by the Exchange Board of Directors is required pursuant to proposed Rule 9310(a)(1)(A) or (B).

The Exchange anticipates that the required acceptance by the CRO, Hearing Panel, or Extended Hearing Panel would help ensure objectivity and consistency among offers of settlement that are issued. The proposed rule change would also allow an offer of settlement to be called for review by the Exchange Board of Directors. The Exchange believes that this review mechanism provides an additional, appropriate check and balance to the proposed settlement process.

While the offer of settlement process has some similarity to the Exchange's current Stipulation and Consent procedure in Rule 476(g) in that it provides a settlement mechanism, there are certain key differences. Under current Rule 476(g), a Hearing Officer must act on a Stipulation and Consent submitted by the parties and may choose to convene a Hearing Panel. Under the proposed rule change, as under NYSE Rule 9270, a Hearing Officer would be required to act on an offer of settlement only if a hearing on the merits had already begun. In addition, under Rule 476(g), all determinations and penalties imposed in connection with a Stipulation and Consent are final and conclusive 25 days after notice has been served upon the respondent. As discussed below in connection with proposed Rule 9310(a)(1)(B), an offer of settlement issued before a hearing on the merits has begun would become final 25 days after being sent to each Director and member of the Committee for Review, if not called for review by the Exchange Board of Directors.

[60] In determining whether to accept a settlement offer, the CRO, Hearing Panel or Extended Hearing Panel, as applicable, would consider Exchange precedent or such other precedent as it deemed appropriate, in addition to considering the Sanctions Guidelines, if applicable.

Proposed Rule 9270(i) would address disciplinary proceedings with multiple respondents and permit settlement offers to be accepted or rejected as to any one or all of such respondents. Current Rule 476(g) does not have a similar provision.

Proposed Rule 9270(j) would provide that a respondent may not be prejudiced by a rejected offer of settlement nor may such an offer of settlement be introduced into evidence. The current rules do not have a similar provision.

Proposed Rule 9280

Proposed Rule 9280 would set forth sanctions for contemptuous conduct by a Party or attorney or other representative, which may include exclusion from a hearing or conference, and sets forth a process for reviewing such exclusions. The Exchange proposes to have the Chief Hearing Officer review exclusions. The Exchange believes that respondents and their attorneys and representatives will have adequate procedural protections with a review by the Chief Hearing Officer. Current Rule 476 does not have similar procedures for contemptuous conduct generally, but Rule 476(h) does allow for a fine or sanction for improper conduct before a Hearing Board. The proposed Rule is the same as NYSE Rule 9280.

Proposed Rule 9290

Under proposed Rule 9290, for any disciplinary proceeding the subject matter of which also is subject to a temporary cease and desist proceeding initiated pursuant to proposed Rule 9810 or a temporary cease and desist order, hearings would be required to be held and decisions rendered at the earliest possible time. The Exchange currently does not have a similar rule. The proposed rule is the same as NYSE Rule 9290.

Proposed Rules 9300 and 9310

The Exchange's appellate and call for review processes would be set forth in the Rule 9300 Series, specifically proposed Rule 9310. The text is substantially similar to current Rule 476(f), (g) and (l), with certain differences that are described below. The text of proposed Rule 9310 is the same as NYSE Rule 9310, except as described below.

Under proposed Rule 9310(a)(1)(A), any Party, any Director, and any member of the Committee for Review could require a review by the Exchange

Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Extended Hearing Panel under the proposed Rule 9200 Series, except that none of the aforementioned persons could request a review by the Exchange Board of Directors of a decision concerning an Exchange member or member organization that is an affiliate. Under the proposed rule, a request for review would be made by filing with the Secretary of the Exchange a written request therefor, which states the basis and reasons for such review, within 25 days after notice of the determination and/or penalty was served upon the respondent. The Secretary of the Exchange would give notice of any such request for review to the Parties.

Proposed Rule 9310(a)(1)(B) would govern the call for review process in connection with AWC letters and offers of settlement determined to be uncontested before a hearing on the merits has begun. Under the proposed rule, any Director and any member of the Committee for Review could require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed in connection with an AWC letter under Rule 9216 or an offer of settlement determined to be uncontested before a hearing on the merits has begun under Rule 9270(f), except that none of those persons could request a review by the Exchange Board of Directors of a determination or penalty concerning an Exchange member or member organization that is an affiliate of the Exchange. A request for review pursuant to proposed paragraph (a)(1)(B)(i) would be made by filing with the Secretary of the Exchange a written request stating the basis and reasons for such review, within 25 days after the AWC letter or offer of settlement has been sent to each Director and each member of the CFR. The Secretary of the Exchange would give notice of any such request for review to the Parties.

In addition, the Exchange proposes that any party could require a review by the Exchange Board of Directors of any rejection by the CRO of an AWC letter under Rule 9216 or an offer of settlement determined to be uncontested before a hearing on the merits has begun under Rule 9270(f), except that no party could request Board review of a rejection of an AWC letter or offer of settlement concerning an Exchange member or member organization that is an affiliate of the Exchange. Under subparagraph (B)(ii) of proposed Rule 9310(a)(1), such a request for review would be made by filing with the Secretary of the Exchange a written request therefor, which states the basis and reasons for such review, within 25 days after notification pursuant to Rule 9216(a)(3) or Rule 9270(h) that an AWC letter or uncontested offer of settlement or order of acceptance is not accepted by the CRO. The Exchange proposes that the Secretary of the Exchange would give notice of any such request for review to the parties.

The text of proposed Rule 9310(a)(1) differs from Rule 476 in order to align it with terms used in the remainder of the proposed Rule 9000 Series. The call for review process described in proposed Rule 9310(a)(1)(A) is consistent with the process described in Rule 476(f) and (g) regarding review of a determination or penalty imposed by a Hearing Panel. The call for review process described in Rule 9310(a)(1)(B) for AWC letters and offers of settlement before a hearing on the merits has begun differs from Rule 476 because it describes a process for reviewing determinations and penalties imposed without involvement of a Hearing Officer or Hearing Panel. No such process exists under the Exchange's current rules because Rule 476(g) provides that a Hearing Officer must act on a Stipulation and Consent submitted by the parties and may choose to convene a Hearing Panel.

The Exchange believes that allowing AWC letters and offers of settlement accepted by the CRO to be called for review by the Exchange Board of Directors, together with the proposed rule permitting parties to request Board review of a determination to reject an uncontested offer of settlement, provides an additional, appropriate check and balance to the settlement process. Allowing for such review would provide an additional layer of review for determinations made by the CRO. It would also permit all AWC letters and offers of settlement to be subject to review if requested by a Director or a member of the Committee for Review. The Exchange believes that the 25-day period in proposed Rule 9310(a)(1)(B) is reasonable and sufficient. The proposed 25-day period is consistent with the 25-day period for Board review of a Stipulation and Consent (or rejection thereof) set forth in current Rule 476(g). The proposed rule change is also consistent with the period applicable to review of a determination or penalty imposed by a Hearing Panel or Extended Hearing Panel in NYSE Rule 9310(a)(1). Similarly, the proposed rule change is consistent with the 25-day period for requesting review of a default decision under proposed Rule 9269(d).

Under proposed Rule 9310(a)(2), the Secretary of the Exchange would direct the Office of Hearing Officers, in connection with any review under paragraph (a)(1)(A), to complete and transmit a record of the disciplinary proceeding in accordance with Rule 9267. Within 21 days after the Secretary of the Exchange gives notice of a request for review to the Parties, or at such later time as the Secretary of the Exchange could designate, the Office of Hearing Officers would assemble and prepare an index to the record, transmit the record and the index to the Secretary of the Exchange, and serve copies of the index upon all Parties. The Hearing Officer who participated in the disciplinary proceeding, or the Chief Hearing Officer, would certify that the record transmitted to the Secretary of the Exchange was complete. Current Rule 476(f) does not contain such requirements.

Under proposed Rule 9310(b), any review by the Exchange Board of Directors would be based on oral arguments and written briefs and limited to consideration of the record before the Hearing Panel or Extended Hearing Panel. Proposed Rule 9310(b) also incorporates Rule 476(f)'s provision relating to appeals panels.[61] Specifically, under proposed Rule 9310(b), the CFR may, but is not required to, appoint an appeals panel to conduct a review under this subsection and make a recommendation to the CFR. An appeals panel appointed by the CFR would consist of at least three and no more than five individuals. An appeals panel appointed by the CFR for equities matters would be composed of at least one director and one member or individual associated with an equities member organization. An appeals panel appointed by the CFR for options matters would be composed of at least one director and one member or individual associated with an options member organization. NYSE Rule 9310(b) does not contain a similar provision relating to appeals panels.

Upon review, and with the advice of the CFR, the Exchange Board of Directors, by the affirmative vote of a majority of the Exchange Board of Directors then in office, could sustain any determination or penalty imposed, or both; could modify or reverse any such determination; and could increase, decrease or eliminate any such penalty, or impose any penalty permitted under the Exchange's rules, as it deems appropriate. Unless the Exchange Board of Directors otherwise specifically directed, the determination and penalty,

[61] *See* note 15, *supra.*

if any, of the Exchange Board of Directors after review would be final and conclusive, subject to the provisions for review under the Act. The proposed rule is substantially the same as provided in current Rule 476(f), other than conforming and technical changes to align it with terms used in the remainder of the proposed Rule 9000 Series.

Under proposed Rule 9310(c), notwithstanding the foregoing, if either Party upon review applied to the Exchange Board of Directors for leave to adduce additional evidence, and showed to the satisfaction of the Exchange Board of Directors that the additional evidence was material and that there were reasonable grounds for failure to adduce it before the Hearing Panel or Extended Hearing Panel, the Exchange Board of Directors could remand the case for further proceedings, in whatever manner and on whatever conditions the Exchange Board of Directors considered appropriate. The proposed rule is substantially the same as provided in current Rule 476(f), other than conforming and technical changes to align it with terms used in the remainder of the proposed Rule 9000 Series.

Under proposed Rule 9310(d), notwithstanding any other provisions of the proposed Rule 9000 Series, the CEO could not require a review by the Exchange Board of Directors under this Rule and would be recused from deliberations and actions of the Exchange Board of Directors with respect to such matters. The proposed rule is substantially the same as provided in current Rule 476(l), other than conforming and technical changes to align it with terms used in the remainder of the proposed Rule 9000 Series.

Proposed Rules 9500 Through 9527

The proposed Rule 9520 Series would govern eligibility proceedings for persons subject to statutory disqualifications that are not FINRA members. The Exchange does not currently have any rules governing this subject matter and proposes to adopt the NYSE Rule 9520 Series.[62] The Exchange intends for the scope of the proposed Rule 9520 Series to be the same as the NYSE Rule 9520 Series, and as such, intends to issue a notice to that effect.

Proposed Rule 9521 would add certain definitions relating to eligibility proceedings that are not currently part of the Exchange's rules, including definitions of ''Application,'' ''disqualified member organization,'' ''disqualified person,'' and ''sponsoring member organization.'' Proposed Rule 9521 is the same as NYSE Rule 9521 except that it includes ''ATP Holder'' in subparagraph (a) describing the rule's purpose and in the definition of ''disqualified member organization'' in subparagraph (b)(2). As noted previously, the references to ATP Holders in the proposed Rule 9520 Series relate solely to options members that have employees and not ATP Holders without employees or those associated with an options member organization.

Proposed Rule 9522 would govern the initiation of an eligibility proceeding by the Exchange and the obligation for a member organization or covered person to file an application to initiate an eligibility proceeding if it has been subject to certain disqualifications. Further, under the proposed rule, FINRA's Department of Member Regulation could approve a written request for relief from the eligibility requirements under certain circumstances. Once again, the proposed Rule is the same as its NYSE counterpart except for references to ''ATP Holder'' to reflect the Exchange's membership.

Proposed Rule 9523 would allow the Department of Member Regulation to recommend a supervisory plan to which the disqualified member organization, sponsoring member organization, and/or disqualified person, as the case may be, may consent and by doing so, waive the right to hearing or appeal if the plan is accepted and the right to claim bias or prejudgment, or prohibited ex parte communications. If such a supervisory plan were rejected, proposed Rule 9524 would allow a request for review by the applicant to the Exchange Board of Directors. Proposed Rule 9524 is the same as the NYSE Rule. Proposed Rule 9527 would provide that a filing of an application for review would not stay the effectiveness of final action by the Exchange unless the Commission otherwise ordered. Proposed Rule 9527 is the same as the NYSE Rule. To maintain consistency with NYSE's rule numbering, proposed Rules 9525 and 9526 would be designated ''Reserved.''

Proposed Rules 9550 Through 9559

Proposed Rules 9551 through 9559 would govern expedited proceedings.[63]

Under proposed Rule 9551, Regulatory Staff could issue a written notice requiring a member or member organization [64] to file communications with the Exchange's Advertising Regulation Department at least 10 days prior to use if the staff determined that the member or member organization had departed from the standards of Rule 2210—Equities or Rule 991.[65] The notice would state the specific grounds and include the factual basis for the action as well as the effective date. The member or member organization could file a written request for a hearing with the Office of Hearing Officers pursuant to proposed Rule 9559. A member or member organization would be required to set forth with specificity any and all defenses to the action in its request for a hearing. Pursuant to proposed Rules 8310(a) and 9559(n), a Hearing Officer or, if applicable, Hearing Panel, could approve, modify or withdraw any and all sanctions or limitations imposed by the staff's notice, and impose any other fitting sanction. A member or member organization subject to a pre-use filing requirement also could file a written request for modification or termination of the requirement. The Exchange currently uses FINRA Rule 9551 and 9559, which are the same, to carry out these procedures.

Proposed Rule 9552 would establish procedures in the event that a member organization or covered person failed to provide any information, report, material, data, or testimony requested or required to be filed under the Exchange's rules, or failed to keep its membership application or supporting documents current. In the event of the foregoing, under proposed Rule 9552, the member organization or covered person could be suspended if corrective action were not taken within 21 days after service of notice. A member organization or covered person served with a notice could request a hearing within the 21-day period. A member organization or covered person subject to a suspension could file a written request for termination of the suspension on the ground of full compliance. A member organization or covered person suspended under the

[62] The NYSE Rule 9520 Series was based on the FINRA Rule 9520 Series, and the scope of the NYSE Rule 9520 Series was intended to be the same as FINRA Rule 9520 Series. *See* 2013 Approval Order, 78 FR at 15399. FINRA has been processing statutory disqualification applications on behalf of the Exchange since 2009. *See* Securities Exchange Act Release No. 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (File No. 4–587).

[63] Proposed Rule 9553 would be designated ''Reserved'' to maintain consistency with NYSE's rule numbering.

[64] *See* notes 25 and 26, *supra.*

[65] Proposed Rule 9551 is the same as NYSE Rule 9551 except for the inclusion of references to Exchange rules, and the inclusion of ''member'' before ''member organization'' to reflect the Exchange's membership.

proposed rule change that failed to request termination of the suspension within three months of issuance of the original notice of suspension would automatically be expelled or barred.[66]

There is no provision for such an expedited proceeding under the Exchange's current rules. Under current Rule 476(a)(11), a member organization or covered person is subject to a regular, as opposed to expedited, disciplinary proceeding for failure to submit books and records or provide testimony upon request of the Exchange and for failure to update a Form BD. Proposed Rule 9552 is the same as its NYSE counterpart except for references to ''ATP Holder'' to reflect the Exchange's membership.

Proposed Rule 9554, relating to failures to comply with an arbitration award or related settlement or an Exchange order of restitution or Exchange settlement agreement providing for restitution, would contain similar procedures and consequences as proposed Rule 9552. Under proposed Rule 9554, if a member organization or covered person failed to comply with an arbitration award or a settlement agreement related to an arbitration or mediation under the Exchange's rules, or an Exchange order of restitution or Exchange settlement agreement providing for restitution, Regulatory Staff could provide written notice to such member organization or covered person stating that the failure to comply within 21 days of service of the notice will result in a suspension or cancellation of membership or a suspension from associating with any member organization or ATP Holder. Under current Rule 600(c)—Equities and Rule 624 of the Exchange's Arbitration Rules applicable to options members, the failure to honor an arbitration award subjects a member organization, member, or registered person to a regular disciplinary proceeding under Rule 476. Proposed Rule 9554 is also the same as its NYSE counterpart except for references to ''ATP Holder.''

Proposed Rule 9555 would govern the failure to meet the eligibility or qualification standards or prerequisites for access to services offered by the Exchange. Under proposed Rule 9555, if a member organization or covered person did not meet the eligibility or qualification standards set forth in the Exchange's rules, Exchange staff could provide written notice to such member organization or covered person stating that the failure to become eligible or qualified will result in a suspension or cancellation of membership or a suspension or bar from associating with any member organization or ATP Holder.

Similarly, if a member organization or covered person did not meet the prerequisites for access to services offered by the Exchange or a member or member organization thereof or could not be permitted to continue to have access to services offered by the Exchange or a member or member organization thereof with safety to investors, creditors, members or member organizations, or the Exchange, Exchange staff could provide written notice to such member organization or covered person limiting or prohibiting access to services offered by the Exchange or a member or member organization thereof. The limitation, prohibition, suspension, cancellation, or bar referenced in the notice would become effective 14 days after service of the notice unless the member organization or covered person requested a hearing during that time, except that the effective date for a notice of a limitation or prohibition on access to services would be upon service of the notice. As described above, under Rule 475(a), the Exchange currently may prohibit or limit access to services offered by the Exchange or any member or member organization thereof if the Exchange has provided 15 days' prior written notice of, and an opportunity to be heard upon, the specific grounds for such prohibition or limitation, and provides a written decision. Proposed Rule 9555 is the same as its NYSE counterpart except for references to ''member'' and ''ATP Holder'' as appropriate to reflect the Exchange's membership.

Proposed Rule 9556 would provide procedures and consequences for a failure to comply with temporary and permanent cease and desist orders, which would be authorized by proposed Rule 9810. The Exchange currently does not issue temporary or permanent cease and desist orders and, as such, there is no counterpart in the Exchange's current rules. The proposed rule is the same as its NYSE counterpart except for references to ''ATP Holder.''

Proposed Rule 9557 would allow the Exchange to issue a notice directing a member or member organization to comply with the provisions of Rule 470 (Capital Requirements for Members and Member Organizations), Rule 471 (Business Expansion Restrictions and Business Reduction Requirements), Rule 4110—Equities (Capital Compliance), 4120—Equities (Regulatory Notification and Business Curtailment), or 4130—Equities (Regulation of Activities of Section 15C Member Organizations Experiencing Financial and/or Operational Difficulties) or otherwise directing it to restrict its business activities. The notice would be immediately effective, except that a timely request for a hearing would stay the effective date for 10 business days (unless the Exchange's CRO determined otherwise) or until an order was issued by the Office of Hearing Officers, whichever was earlier. The notice could be withdrawn upon a showing that all the requirements were met. Currently, if a member organization fails to comply with Rule 4110—Equities, 4120—Equities, or 4130—Equities (which are substantially the same as FINRA Rules 4110, 4120, and 4130), the Exchange issues a notice pursuant to FINRA Rule 9557. Summary suspensions are also authorized pursuant to Rule 475(b), as described above, for any equities or options member or member organization that is in such financial or operating difficulty that the member or member organization cannot be permitted to continue to do business with safety to investors, creditors, other members or member organizations, or the Exchange. The proposed rule is the same as its NYSE counterpart except for the inclusion of references to ''member'' to reflect the Exchange's membership.

Proposed Rule 9558 would allow the Exchange's CRO to provide written authorization to Exchange staff to issue a written notice for a summary proceeding for an action authorized by Section 6(d)(3) of the Act. Such notice would be immediately effective. Such summary proceedings are currently authorized under Rule 475(b), under which the Exchange has authority to summarily suspend a member organization that is expelled or suspended by another SRO or a covered person that is barred or suspended by an SRO or limit or prohibit any person with respect to access to Exchange services in certain circumstances; while this rule also provides for notice and an opportunity for a hearing, it does not set forth a specific time limit for requesting a hearing. The proposed rule is the same

[66] The Exchange believes that the provision for automatic expulsion or bar after three months is consistent with Section 6 of the Act because the respondent would have ample notice and opportunity to be heard under proposed Rule 9552, the proposed rule is substantially the same as FINRA's counterpart rule, and the Commission has upheld at least one bar under a prior version of FINRA's rule. *See, e.g.,* Dennis A. Pearson, Jr., Securities Exchange Act Rel. Nos. 54913 (December 11, 2006) (dismissing application for review by associated person barred under NASD Rule 9552(h)) & 55597A (April 6, 2007) (denying motion for reconsideration).

as its NYSE counterpart except for references to ''ATP Holder.''

Proposed Rule 9559 would set forth uniform hearing procedures for all expedited proceedings under the proposed Rule 9550 Series. Currently, the Exchange does not have a rule comparable to FINRA Rule 9559. The proposed rule is the same as its NYSE counterpart except for references to ''ATP Holder.''

Proposed Rule 9600 Series

The Exchange proposes to adopt a new Rule 9600 Series, which would set forth procedures by which a member or member organization could seek exemptive relief from current Rule 341.05 of Section 4 of the Office Rules and Rule 345.15—Equities (examination requirements); Rule 2210—Equities (communications with the public pre-filing requirements); Rule 3170—Equities (tape recording of registered persons by certain firms); Rule 4311—Equities (carrying agreements); Rule 4360—Equities (fidelity bonds); and proposed Rule 8211 (submission of electronic trading data). Under proposed Rule 9610, a member or member organization seeking exemptive relief would be required to file a written application with the appropriate department or staff of the Exchange and provide a copy of the application to the CRO. Under proposed Rule 9620, after considering the application, Exchange staff would be required to issue a written decision setting forth its findings and conclusions. The decision would be served on the Applicant pursuant to proposed Rules 9132 and 9134. Under proposed Rule 9630, an Applicant that wished to appeal the decision would be required to file a written notice of appeal with the Exchange's CRO within 15 calendar days after service of the decision. Under proposed Rule 9630(e), the CRO would affirm, modify, or reverse the decision issued under proposed Rule 9620 and issue a written decision setting forth his or her findings and conclusions and serve the decision on the Applicant. The decision would be served pursuant to proposed Rules 9132 and 9134, would be effective upon service, and would constitute final action of the Exchange.

Currently, Rule 410A(d)—Equities permits a member or member organization to seek an exception from the data format elements for submitting electronic trading data for transactions effected on the Exchange, but the Rule does not set forth specific procedures for doing so. Similarly, current Rule 345.15—Equities and Rule 341.05 of Section 4 of the Office Rules and Rule 4311—Equities permit exemptions but do not set forth specific procedures. Current Rules 2210—Equities and 4360—Equities reference FINRA's exemptive process; these rules would be amended to delete the reference to the FINRA Rule 9600 Series as the Exchange would now have its own such provisions.

The proposed Rule 9600 Series is the same as the NYSE Rule 9600 Series, except for the list of rules providing exemptive relief and references to ''member'' and ''ATP Holder'' to reflect the Exchange's membership.

Proposed Rule 9700 Series

The Rule 9700 Series would be marked ''Reserved'' to maintain consistency with NYSE's rule numbering conventions. In adopting FINRA's Rule 9000 Series in 2013, the NYSE did not adopt FINRA's Rule 9700 Series, which provides redress for persons aggrieved by the operations of any automated quotation, execution, or communication system owned or operated by FINRA, as inapplicable to the NYSE. For the same reasons, the Exchange does not propose to adopt the FINRA Rule 9700 Series. The Exchange notes that under current Rule 18—Equities, if a member organization suffers a loss related to an Exchange system failure, it can submit a claim pursuant to the procedures of that rule.[67] ATP Holders can submit similar claims for damages arising out of the use of the NYSE Amex Options trading platform under Rule 905NY, subject to the limitations set forth in that rule.

Proposed Rule 9800 Series

The Exchange proposes to adopt a new Rule 9800 Series to set forth procedures for issuing temporary cease and desist orders. The Exchange does not currently have a comparable rule.

Under proposed Rule 9810, with the prior written authorization of the Exchange's CRO or such other senior officers as the CRO may designate, Enforcement could initiate a temporary cease and desist proceeding with respect to alleged violations of Section 10(b) of the Act, SEC Rules 10b–5 and 15g–1 through 15g–9, Rule 476(a)(6) or Rule 2010—Equities (if the alleged violation is unauthorized trading, or misuse or conversion of customer assets, or is based on violations of Section 17(a) of the Securities Act of 1933) or Rule 476(a)(5) or Rule 2020—Equities. Proposed Rule 9820 would govern the appointment of a Hearing Officer and Panelists.

Under proposed Rule 9830, the hearing would be held not later than 15 days after service of the notice and filing initiating the temporary cease and desist proceeding, unless otherwise extended by the Hearing Officer with the consent of the Parties for good cause shown. Proposed Rule 9830 would govern how the hearing was conducted.

Under proposed Rule 9840, the Hearing Panel would be authorized to issue a written decision stating whether a temporary cease and desist order would be imposed. The Hearing Panel would be required to issue the decision not later than 10 days after receipt of the hearing transcript, unless otherwise extended by the Hearing Officer with the consent of the Parties for good cause shown. Under proposed Rule 9850, at any time after the Office of Hearing Officers served the respondent with a temporary cease and desist order, a Party could apply to the Hearing Panel to have the order modified, set aside, limited, or suspended. The Hearing Panel generally would be required to respond to the request in writing within 10 days after receipt of the request. Proposed Rule 9860 would authorize the initiation of a suspension or cancellation of a respondent's association or membership under proposed Rule 9556 if the respondent violated a temporary cease and desist order.

Finally, proposed Rule 9870 would provide that temporary cease and desist orders issued under the proposed Rule 9800 Series would constitute final and immediately effective disciplinary sanctions imposed by the Exchange, and that the right to have any action under this rule series reviewed by the Commission would be governed by Section 19 of the Act. The filing of an application for review would not stay the effectiveness of the temporary cease and desist order, unless the Commission otherwise ordered.[68]

The proposed Rule 9800 Series is the same as the NYSE Rule 9800 Series,

[67] The NYSE referenced its counterpart rule, NYSE Rule 18, in the 2013 NYSE Disciplinary Rule Filing. *See* 2013 Approval Order, 78 FR at 15400.

[68] FINRA recently amended its Rule 9800 Series to lower the evidentiary standard for finding a violation to ''a showing of likelihood of success on the merits.'' FINRA also amended Rule Series 9100, 9200, 9300, and 9550 to adopt a new expedited proceeding for failure to comply with a temporary cease and desist order or a permanent cease and desist order; to harmonize the provisions governing how documents are served in temporary cease and desist proceedings and related expedited proceedings; to clarify the process for issuing permanent cease and desist orders; to ease FINRA's administrative burden in temporary cease and desist proceedings; and to make conforming changes. *See* Securities Exchange Act Release No. 75629 (Aug. 6, 2015), 80 FR 48379 (August 12, 2015) (SR–FINRA–2015–019). The Exchange is not proposing to incorporate similar amendments into its proposed Rule Series 9100, 9200, 9300, 9550, and 9800 at this time.

except that proposed Rule 9810(a) references violations of Exchange rules rather than violations of similar NYSE rules.

Technical and Conforming Changes

The Exchange proposes the following technical and conforming changes.

General Rules

Rule 0 in the Definitions under the General and Floor Rules would be amended so that it correctly cross-references the current and proposed disciplinary rule sets.

Rule 31 of the General Rules and Supplementary Material .01 would be deleted. This rule contains text that concerns requests for books and records and testimony that is duplicative of current Rule 476(a)(11) and proposed Rule 8210. Supplementary Material .02 relating to regulatory cooperation is not duplicative of proposed Rule 8210(b) and would be retained. Rule 31 would be renamed ''Regulatory Cooperation.''

Rule 40 of the General Rules, which concerns denial of an ATP, would be deleted. It is a legacy rule that is duplicative of current Rule 475 and would be covered by proposed Rule 9558.

Contracts in Securities Rules

Rule 781, which concerns insolvency, cross-references current Rule 475, so a cross-reference to proposed Rule 9558 would be added.

Equities Rules Rule 0—Equities and Rule 500—Equities would be amended so that they correctly cross-reference the current and proposed disciplinary rule sets.

Rule 2A—Equities would be amended to specify that the list of disciplinary sanctions currently set forth in that rule would apply to proceedings under current Rules 475 and 476, and the list of disciplinary sanctions set forth in proposed Rule 8310(a) would apply to proceedings initiated under the proposed Rule 9000 Series.

Rule 36—Equities would be amended to include a reference to proposed Rule 9558, which relates to summary proceedings for actions authorized by Section 6(d)(3) of the Act.

Rule 103B—Equities, which sets forth certain security allocation and reallocation procedures when a Designated Market Maker unit loses its registration in a specialty stock due to disciplinary proceedings, would be amended to include references to the proposed Rule 8000 Series and Rule 9000 Series.

Rule 308—Equities, which sets forth procedures for member and member organization acceptability proceedings, would be amended to reference the Chief Hearing Officer as defined in proposed Rule 9120, and delete the reference to a Chief Hearing Officer designated under legacy Rule 476(b).

The text of Rule 309—Equities would be deleted and the rule marked ''Reserved'' because new Rule 41 would replace it, as described above.

Rule 345A—Equities would be amended to delete a reference to recently deleted Rule 346(f)—Equities and replace it with a reference to Rule 342(e) of the Office Rules.[69]

Rule 410A—Equities, concerning electronic trading data, would be deleted as described above.

Rule 600—Equities would be amended to include references to the disciplinary proceedings of the proposed Rule 8000 Series and Rule 9000 Series for failure to honor an arbitration award.

As the Exchange proposes to adopt Rules 9551 and 9559 and the Rule 9600 Series, Rule 2210—Equities would be amended to revise the cross-references to ''FINRA,'' ''FINRA Rules 9551 and 9559,'' and the ''FINRA Rule 9600 Series.'' These cross-references were adopted as part of a prior harmonization of Rule 2210—Equities with FINRA's rules and would be obsolete.[70]

Rule 3170—Equities, concerning tape recording of registered persons by certain firms, would be amended to add a reference to the proposed Rule 9600 Series, pursuant to which exemptive relief may be sought.

Rules 4110—Equities, 4120—Equities, and 4130—Equities would be amended to revise a cross-reference to FINRA Rule 9557 as the Exchange proposes to adopt Rule 9557. Rule 4110—Equities would also be corrected to add the missing paragraph designation for paragraph (e) of the rule.

Rule 4360—Equities would be amended to provide that any request for an exemption would be processed under the proposed Rule 9600 Series rather than FINRA rules.

Options Rules

Rules 972, 902NY, 921NY, 923NY, 927.1NY, 927.2NY, 931NY, 955NY and 957NY contain cross-references to the current disciplinary rules. Corresponding references to the proposed disciplinary rules would be added.

Rule 991 would be amended to revise cross-references to FINRA Rules 9551 and 9559 as the Exchange proposes to adopt Rules 9551 and 9559.[71]

Finally, as noted above, Rule 956.1NY, which concerns electronic trading data, would be deleted and marked ''Reserved.''

Certain Current Exchange Rules Not Included in Proposed Rule Text

Certain aspects of current Exchange rules described above would not be included in the proposed Rule 8000–9000 Series, because either the Exchange does not believe they are necessary or the authority is implicit in the proposed rule change.

First, under current Rule 475(f), any person suspended under Rule 475 may, at any time, be reinstated by the Exchange Board of Directors. The Exchange does not believe that it would continue to be appropriate for the Exchange Board of Directors to have the authority to overturn a suspension imposed by another Adjudicator in light of the detailed procedural rules,

[69] Rule 346(f)—Equities provided that unless otherwise permitted by the Exchange, no member, member organization, approved person, employee or any person directly or indirectly controlling, controlled by or under common control with a member or member organization shall have associated with him or it any person who is known, or in the exercise of reasonable care should be known, to be subject to any ''statutory disqualification'' defined in Section 3(a)(39) of the Exchange Act. *See* 15 U.S.C. 78c(a)(39). Rule 346—Equities was based on NYSE Rule 346 (Limitations—Employment and Association with Members and Member Organizations). FINRA deleted Incorporated NYSE Rule 346 in 2010 after adopting NASD Rule 3030 (Outside Business Activities of an Associated Person) as FINRA Rule 3270 (Outside Business Activities of Registered Persons). *See* Securities Exchange Act Release No. 62762 (August 23, 2010), 75 FR 53362 (August 31, 2010) (order approving SR–FINRA–2009–042). FINRA deleted NYSE Rule 346(f) as redundant given that FINRA had amended its definition of disqualification in its By-Laws to align with the Exchange Act definition, thereby incorporating additional categories of statutory disqualification, including certain affiliated relationships. *See id.,* 75 FR at 53363.

The Exchange deleted Rule 346(f)—Equities in its entirety and adopted a new Rule 3270—Equities (Outside Business Activities of Registered Persons), to correspond with rule changes filed by FINRA. *See* Securities Exchange Act Release No. 64130 (March 28, 2011), 76 FR 18283 (April 1, 2011) (SR–NYSEAmex–2011–17). Rule 3270—Equities, however, does not contain a provision comparable to Rule 346(f)—Equities and in fact makes no mention of statutory disqualification. The comparable provision to Rule 346(f)—Equities in the Exchange's rules can be found in Rule 342(e) of the Office Rules, which provides that no member, member organization, allied member, approved person, employee, or any person directly or indirectly controlling, controlled by or under common control with a member or member organization shall have associated with him or it any person who is known, or in the exercise of reasonable care should be known, to be subject to any ''statutory disqualification'' defined in Section 3(a)(39) of the Exchange Act. The Exchange accordingly proposes to replace the reference to Rule 346(f)—Equities in Rule 345A—Equities with a reference to Rule 342(e).

[70] *See* Securities Exchange Act Release No. 70963 (November 29, 2013), 78 FR 73223 (December 5, 2013) (SR–NYSEMKT–2013–95).

[71] *See id.*

comprehensive protections to respondents, and continued availability of the Exchange's appeals process under the proposed rule change.

Second, under current Rules 475(g) and 476(k), any person suspended under such rules may be disciplined in accordance with the Exchange's rules for any offense committed before or after the suspension. The Exchange believes that such authority is implicit in proposed Rule 9211 and need not be expressed in the proposed rule change.

Under current Rules 475(h) and 476(j) and (k), a suspended person is deprived during the term of the suspension of all rights and privileges of membership, and any suspension of a member or principal executive creates a vacancy in any office or position held by such member or principal executive. The Exchange believes that this is implicit in the concept of a suspension and need not be expressed in the proposed rule change.

Under current Rule 476(i), a member or principal executive of the Exchange who is associated with a member organization is liable to the same discipline and penalties for any act or omission of such member organization as for the member or principal executive's own personal act or omission. The Hearing Panel that considers the charges may relieve him from the penalty therefor or may adjust the penalty on such terms and conditions as the Hearing Panel or the Exchange Board of Directors deems fair and equitable. The Exchange believes that this authority is contained in the proposed rule change because complaints may be brought against both member organizations and covered persons and are subject to review by the Hearing Panel and the Exchange Board of Directors.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[72] in general, and furthers the objectives of Section 6(b)(5) of the Act,[73] in particular, because it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, the Exchange believes that the proposed rule change furthers the objectives of Section 6(b)(7) of the Act,[74] in particular, in that it provides fair procedures for the disciplining of members and persons associated with members,[75] the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a member thereof.

The proposed changes will provide greater harmonization between Exchange, NYSE, and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for common members. As previously noted, the proposed rule text is substantially the same as the NYSE's rule text. The proposed rule change will enhance the Exchange's ability to have a direct and meaningful impact on the end-to-end quality of its regulatory program, from detection and investigation of potential violations through the efficient initiation and completion of disciplinary measures where appropriate. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Certain key aspects of the Exchange's disciplinary proceedings would be retained. In particular, the Exchange would retain its current selection process for Hearing Panelists. The Exchange believes that it is necessary to do so in order to provide a fair procedure to its member organizations and covered persons, some of which are not subject to NYSE or FINRA jurisdiction. As such, the Exchange's Hearing Panelists cannot be drawn solely from a pool of NYSE or FINRA members and associated persons but rather must include NYSE MKT-only member organizations and persons with experience in NYSE MKT Floor matters in order for the Exchange's members to have a fair representation in its affairs. For the same reasons, the Exchange also believes that its Board of Directors remains the appropriate body for appeals or reviews of initial disciplinary decisions because its Board of Directors includes fair representation candidates from its membership.

The Exchange further believes that the proposed processes for settling disciplinary matters both before and after the issuance of a complaint are fair and reasonable. While such proposed rules differ both from certain aspects of the Exchange's current Stipulation and Consent process and FINRA's current settlement processes, the Exchange believes that the proposed rule change nonetheless provides adequate procedural protections to all parties and promotes efficiency.

The Exchange would retain its list of minor rule violations, which have already been approved by the Commission,[76] with certain technical and conforming amendments, while adopting NYSE's and FINRA's process for imposing minor rule violation fines, which also have already been approved by the Commission.[77]

Finally, the Exchange believes that its proposed transition plan would allow for a more orderly and less burdensome transition for the Exchange's members and member organizations. The proposed delayed implementation of the new rule set would provide a clear demarcation between matters that would proceed under the new rules and those that would be completed under the legacy rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues, but rather it is designed to (i) provide greater harmonization among Exchange, NYSE, and FINRA rules of similar purpose for investigations and disciplinary matters; and (ii) enhance the quality of the Exchange's regulatory program, from detection of violations through disciplinary actions, resulting in less burdensome and more efficient regulatory compliance and facilitating performance of regulatory functions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[72] 15 U.S.C. 78f(b).

[73] 15 U.S.C. 78f(b)(5).

[74] 15 U.S.C. 78f(b)(7).

[75] Under the Exchange's equities rules, the equivalent to the term ''member'' in this context is ''member organization.'' *See* notes 25–26, *supra,* and accompanying text.

[76] The most recent amendments to the Exchange's minor rule violation plan were approved in Securities Exchange Act Release No. 66809 (April 13, 2012), 77 FR 23532 (April 19, 2012) (SR–NYSEAmex–2012–10).

[77] *See* NYSE Rule 9216(b) and FINRA Rule 9216(b).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[78] and Rule 19b–4(f)(6) thereunder.[79]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NYSEMKT–2016–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NYSEMKT–2016–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal 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 No. SR–NYSEMKT–2016–30, and should be submitted on or before March 24, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[80]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04633 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

[78] 15 U.S.C. 78s(b)(3)(A).

[79] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[80] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77242; File No. SR–EDGX–2016–12]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees as They Apply to the Equity Options Platform

February 26, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 18, 2016, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to EDGX Rules 15.1(a) and (c) (''Fee Schedule'').

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's current approach to routing fees is to set forth in a simple manner certain sub-categories of fees that approximate the cost of routing to other options exchanges based on the cost of transaction fees assessed by each venue as well as costs to the Exchange for routing (*i.e.,* clearing fees, connectivity and other infrastructure costs, membership fees, etc.) (collectively, ''Routing Costs''). The Exchange then monitors the fees charged as compared to the costs of its routing services and adjusts its routing fees and/or sub-categories to ensure that the Exchange's fees do indeed result in

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

a rough approximation of overall Routing Costs, and are not significantly higher or lower in any area. The Exchange proposes to adopt a routing fee in connection with the launch of the new options exchange, ISE Mercury, LLC (''ISE Mercury'') consistent with this approach.

The Exchange proposes to adopt fee code YC which would be appended to orders routed to ISE Mercury beginning February 16, 2016, which is the same date that ISE Mercury initiated trading.[6] Orders that yield fee code YC would be charged a fee of $0.99 per contract. Proposed fee code YC would be applied to all orders routed to ISE Mercury regardless of the capacity of the order [7] or whether the order is in a Penny Pilot Security [8] or not.

The Exchange anticipates that the proposed fee structure will approximate the cost of routing orders to ISE Mercury. The Exchange also notes that the proposed fee for fee code YC is higher than the fees charged by ISE Mercury and is designed to approximate Routing Costs based on the highest rate ISE Mercury charges.[9] As it has done historically in connection with the fee structure for routing to other options exchanges, the Exchange is proposing the charge set forth above to maintain a simple Fee Schedule with respect to routing fees that approximates the total cost of routing, including Routing Costs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[10] in general, and furthers the objectives of Section 6(b)(4),[11] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. As explained above, the Exchange generally attempts to approximate the cost of routing to other options exchanges, including other applicable costs to the Exchange for routing. While the proposed fee for fee code YC is higher than the fees charged by ISE Mercury, the Exchange believes it is reasonable as it takes into account Routing Costs based on the highest rate charged by ISE Mercury. The Exchange believes that a pricing model based on approximate Routing Costs is a reasonable, fair and equitable approach to pricing. Specifically, the Exchange believes that its proposal to adopt routing fees to ISE Mercury is fair, equitable and reasonable because the fees are generally an approximation of the anticipated cost to the Exchange for routing orders to ISE Mercury. The Exchange notes that routing through the Exchange is voluntary. The Exchange also believes that the proposed fee structure for orders routed to and executed at ISE Mercury is fair and equitable and not unreasonably discriminatory in that it applies equally to all Members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

These proposed rule changes do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that any of these changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange does not believe that its proposed pricing for routing to ISE Mercury burdens competition, as such rates are intended to approximate the cost of routing to ISE Mercury. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels to be excessive or providers of routing services if they deem routing fee levels to be excessive. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–EDGX–2016–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2016–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

[6] *See* SEC Approves ISE's Form 1 Application for Third Options Exchange, dated February 1, 2016, *available at http://www.ise.com/press-room/press-releases/2016/february/ise-mercury-to-launch-on-february-16-2016/*. The Exchange initially filed the proposed fee change on February 16, 2016 (SR–EDGX–2016–11). On February 18, 2016, the Exchange withdrew that filing and submitted this filing.

[7] Order capacities include Customer, Professional, Firm, Broker-Dealer, Joint Back Office, Market Maker, and Non-BATS Market Maker. As defined in the Exchange's Fee Schedule.

[8] As defined in the Exchange's Fee Schedule.

[9] ISE Mercury's standard rates range from a rebate of $0.18 to a fee of $0.90 per contract. *See* ISE Mercury Fee Notice dated February 5, 2016 *available at http://www.ise.com/assets/mercury/documents/OptionsExchange/legal/fee/2016/ISE%20Mercury%20Fee%20Announcement$20160205.pdf.*

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal 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–EDGX–2016–12 and should be submitted on or before March 24, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04634 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77243; File No. SR–FINRA–2016–009]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rule 7620A (FINRA/Nasdaq Trade Reporting Facility Reporting Fees)

February 26, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 2016, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''establishing or changing a due, fee or other charge'' under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

FINRA is proposing to adjust one of the thresholds required to qualify for the Media/Contra fee cap under FINRA Rule 7620A (FINRA/Nasdaq Trade Reporting Facility Reporting Fees).

Below is the text of the proposed rule change. Proposed new language is in *italics;* proposed deletions are in brackets.

* * * * *

7000. CLEARING, TRANSACTION AND ORDER DATA REQUIREMENTS, AND FACILITY CHARGES

* * * * *

7600. DATA PRODUCTS AND CHARGES FOR TRADE REPORTING FACILITY SERVICES

7600A. DATA PRODUCTS AND CHARGES FOR FINRA/NASDAQ TRADE REPORTING FACILITY SERVICES

* * * * *

7620A. FINRA/Nasdaq Trade Reporting Facility Reporting Fees

The following charges shall be paid by participants for use of the FINRA/Nasdaq Trade Reporting Facility. In the case of trades where the same market participant is on both sides of a trade report, applicable fees assessed on a ''per side'' basis will be assessed once, rather than twice, and the market participant will be assessed applicable Non-Comparison/Accept (Non-Match/Compare) Charges as the Executing Party side only.

Non-Comparison/Accept (Non-Match/Compare) Charges	
Tape:	Daily Average Number of Media/Executing Party Trades During the Month Needed to Qualify for Cap:
A	2500.
B	2500.
C	2500.
Media/Executing Party	
Monthly Charge: ($0.018) × (Number of Media/Executing Party Reports During the Month).	Maximum Monthly Charge if Capped: ($0.018) × (Required Daily Average Number of Media/EP Trades for Tape A, B or C) × (Number of Trading Days During the Month).
Non-Media/Executing Party	
Monthly Charge: ($0.018) × (Number of Non-Media/Executing Party Reports During the Month).	Maximum Monthly Charge if Capped: ($0.018) × 2500 for Tape A, B or C × (Number of Trading Days During the Month).
Media/Contra	
Monthly Charge: ($0.013) × (Number of Media/Contra Reports During the Month)	Maximum Monthly Charge if Capped: ($0.013) × 2500 for Tape A, B or C × (Number of Trading Days During the Month).

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

Media/Contra Cap	
Participants making markets in alternative trading systems registered pursuant to Regulation ATS will qualify for a fee cap applied to all trades under Rule 7620A if they meet the following criteria on a monthly basis: • Participant's percentage of contra media trades must represent at least [5]*3*5% of their total [TRF] *FINRA/Nasdaq Trade Reporting Facility* volume. • Participant must be contra to a minimum of 1,000,000 trades in Tape A, 500,000 trades in Tape C and 250,000 trades in Tape B. • Participant must complete an attestation form stating that they maintain a two-sided quote in each symbol traded on an alternative trading system registered pursuant to Regulation ATS and display a quotation size of at least one normal unit of trading (specific for each security) thereon. Participants will be audited by Nasdaq, Inc. periodically.	
Maximum Monthly Charge if Capped	$5,000 per Tape (A, B or C).
Non-Media/Contra	
Monthly Charge: ($0.013) × (Number of Non-Media/Contra Reports During the Month).	Maximum Monthly Charge if Capped: ($0.013) × 2500 for Tape A, B or C x (Number of Trading Days During the Month).
Standard Fees:	
Clearing report to transfer a transaction fee charged by one member to another member pursuant to Rule 7230A(h).	$0.03/side.
Comparison/Accept	$0.0144/side per 100 shares (minimum 400 shares; maximum 7,500 shares).
Late Report—T+N	$0.288/trade (charged to the Executing Party).
Query	$0.50/query.
Corrective Transaction Charge	$0.25/Cancel, Error, Inhibit, Kill, or 'No' portion of No/Was transaction, paid by reporting side; $0.25/Break, Decline transaction, paid by each party.

• • • Supplementary Material:

.01 through .02 No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The FINRA/Nasdaq Trade Reporting Facility (''TRF'') is a facility of FINRA that is operated by Nasdaq, Inc. (''NASDAQ'')[5] and utilizes Automated Confirmation Transaction (''ACT'') Service technology. In connection with the establishment of the FINRA/Nasdaq TRF, FINRA and NASDAQ entered into a limited liability company agreement (the ''LLC Agreement''). Under the LLC Agreement, FINRA, the ''SRO Member,'' has sole regulatory responsibility for the FINRA/Nasdaq TRF. NASDAQ, the ''Business Member,'' is primarily responsible for the management of the FINRA/Nasdaq TRF's business affairs, including establishing pricing for use of the FINRA/Nasdaq TRF, to the extent those affairs are not inconsistent with the regulatory and oversight functions of FINRA. Additionally, the Business Member is obligated to pay the cost of regulation and is entitled to the profits and losses, if any, derived from the operation of the FINRA/Nasdaq TRF.

Pursuant to the FINRA Rule 7600A Series, FINRA members that are FINRA/Nasdaq TRF participants are charged fees and may qualify for fee caps (Rule 7620A) and also may qualify for revenue sharing payments for trade reporting to the FINRA/Nasdaq TRF (Rule 7610A). These rules are administered by NASDAQ, in its capacity as the Business Member and operator of the FINRA/Nasdaq TRF on behalf of FINRA,[6] and NASDAQ collects all fees on behalf of the FINRA/Nasdaq TRF.

Pursuant to Rule 7620A, FINRA members are charged fees for ''Non-Comparison/Accept (Non-Match/Compare)'' trades. Such trades are defined as transactions that are not subject to the ACT Comparison process, and they may be submitted as media or non-media,[7] clearing or non-clearing, AGU (automated give-up), QSR (Qualified Service Representative), one-sided or internalized crosses.[8] Under the fee schedule there are four categories of fees, each of which is applicable to transactions of the three Tapes: [9] (1) Media/Executing Party; (2) Non-Media/Executing Party; (3) Media/Contra; (4) Non-Media/Contra.[10]

FINRA recently filed a proposed rule change [11] that would allow FINRA

[5] As approved by its board of directors and the Commission, effective September 8, 2015, NASDAQ changed its legal name from The NASDAQ OMX Group, Inc. to Nasdaq, Inc. *See* Nasdaq, Inc. Form 8–K Current Report (filed September 8, 2015) (available at *www.sec.gov/Archives/edgar/data/1120193/000119312515314459/d48431d8k.htm*).

FINRA and NASDAQ are in the process of amending the LLC Agreement to reflect the name change, and FINRA will file a separate proposed rule change to update the FINRA manual accordingly.

[6] FINRA's oversight of this function performed by the Business Member is conducted through a recurring assessment and review of TRF operations by an outside independent audit firm.

[7] Media eligible trade reports are those that are submitted to the FINRA/Nasdaq TRF for public dissemination by the Securities Information Processors. By contrast, non-media trade reports are not submitted to the FINRA/Nasdaq TRF for public dissemination, but are submitted for regulatory and/or clearance and settlement purposes.

[8] *See* FINRA Rule 7620A.01.

[9] Market data is transmitted to three tapes based on the listing venue of the security: New York Stock Exchange securities (''Tape A''), American Stock Exchange and regional exchange securities (''Tape B''), and Nasdaq Stock Market securities (''Tape C''). Tape A and Tape B are generally referred to as the Consolidated Tape.

[10] Pursuant to the rule's Supplementary Material, the ''Executing Party (EP)'' is defined as the member with the trade reporting obligation under FINRA rules, and the ''Contra (CP)'' is defined as the member on the contra side of a trade report. These positions formerly were identified in FINRA rules as the ''Market Maker'' or ''MM'' side and the ''Order Entry'' or ''OE'' side, respectively. *See* FINRA Rule 7620A.01.

[11] *See* Securities Exchange Act Release No. 76556 (December 4, 2015), 80 FR 76724 (December 10,

members that are a Contra Party to qualify for a monthly fee cap of $5,000 per Tape applied to trades in each fee category. Eligibility for the Media/Contra fee cap is based on a FINRA member's trade reporting of Media/Contra trades to the TRF and its participation on an alternative trading system registered pursuant to Regulation ATS [12] (an ''ATS'') as a market maker. Specifically, the FINRA member must make markets on an ATS by maintaining a two-sided quote. The member also must complete and provide a form to NASDAQ, in which the member attests that (1) it maintains two-sided quotes for each security that the member maintains interest in within each ATS and displays a quotation size of at least one normal unit of trading (specific for each security), and (2) it will continue to meet the ATS-based requirements to be eligible for the fee cap. In addition, to qualify a FINRA member must have its Media/Contra trades equal, or exceed, 55% of its total FINRA/Nasdaq TRF volume. Lastly, the FINRA member must be contra to a minimum of 1 million trades in Tape A, 500,000 trades in Tape C, and 250,000 trades in Tape B to qualify for the fee cap in the securities of the Tapes, respectively. NASDAQ, as the Business Member, set the required level of trades reported for each of the Tapes based on the differing levels of overall trades reported to the FINRA/Nasdaq TRF as Contra Party.

Proposed Adjustment

In proposing the Media/Contra fee cap, NASDAQ, as the Business Member, advised FINRA that following implementation, it would monitor the fees paid by Contra Parties and would consider whether any adjustments to the fee cap or qualifying thresholds would be appropriate. Since adopting the Media/Contra fee cap, no FINRA member has achieved the level of Media/Contra trades to equal, or exceed, 55% of its total FINRA/Nasdaq TRF volume. NASDAQ, as the Business Member, designed the Media/Contra fee cap to make pricing more competitive to attract and retain participants on the FINRA/Nasdaq TRF, and because no FINRA member currently qualifies for the Media/Contra fee cap, NASDAQ has determined to reduce the level of Media/Contra trades required to qualify for the fee cap. Specifically, NASDAQ has determined to reduce the level from 55% of the member's total FINRA/Nasdaq TRF volume to 35%. NASDAQ believes that reducing the level of Media/Contra trades required to qualify will make the fee cap more attainable for FINRA members.

Accordingly, FINRA, as the SRO Member, is proposing to amend Rule 7620A to reflect the proposed reduction in the level of Media/Contra trades required to qualify for the Media/Contra fee cap. FINRA also is proposing a technical amendment to clarify that the reference to a member's ''total TRF volume'' means its total FINRA/Nasdaq TRF volume.

FINRA has filed the proposed rule change for immediate effectiveness. The effective date will be the date of filing, February 23, 2016.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[13] which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. NASDAQ, as the Business Member, proposed the $5,000 per tape Media/Contra fee cap for FINRA members that could not qualify for a fee cap under the then-current rules. However, as noted, NASDAQ has determined that the level of Media/Contra trades required to qualify for [sic] fee cap is set too high, resulting in no FINRA member qualifying for the fee cap since its adoption. By reducing this level from 55% to 35% of total FINRA/Nasdaq TRF trades, NASDAQ has advised FINRA that it believes that more FINRA members will be able to qualify for the Media/Contra fee cap and thus the proposed reduction is reasonable. The proposed reduction in the level of Media/Contra trades required to qualify for the Media/Contra fee cap is equitably allocated because it will apply to all FINRA members that use the FINRA/Nasdaq TRF. Any FINRA member that meets the reduced level of Media/Contra trades together with the other requirements under the Rule will qualify for the capped fee.

As discussed in SR–FINRA–2015–053, NASDAQ, as the Business Member, advised FINRA that the Media/Contra fee cap is not unfairly discriminatory because the fee cap would most benefit those Contra Parties that have significant volume on the FINRA/Nasdaq TRF and thus may pay larger trade reporting fees than firms with comparable ''Executing Party'' volume that qualify for a fee cap. NASDAQ anticipates that the proposed rule change will make the fee cap more attainable for these Contra Parties. In addition, FINRA members that are not subject to capped fees can choose to report trades to a competing TRF (or, in this instance, a market maker may elect to route its orders to an ATS that reports to a competing TRF).

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would not impose new fees or fee rate increases on any member firm, and will reduce the fees paid by some members to the extent they qualify under the new, lower criteria. NASDAQ, as the Business Member, has advised FINRA that the estimated fee savings to member firms that qualify for the Media/Contra fee would be in the range of $0–$20,000 per month per firm based on overall market and participant activity and number of trading days in the month. NASDAQ has further advised FINRA that, based on current trading practices, NASDAQ estimates that approximately three to eight member firms may be able to take advantage of the fee reductions associated with the Media/Contra fee cap with the proposed reduction in the level of trades required to qualify.

As discussed in SR–FINRA–2015–053, FINRA members have trade reporting alternatives other than the FINRA/Nasdaq TRF, so to the extent the proposed rule change is viewed as burdensome among market participants, those participants may choose not to avail themselves of the fee cap and maintain the status quo with respect to fees or adjust their trading practices. This would permit members to mitigate any direct or indirect costs imposed by this proposal. Moreover, by making the fee cap more attainable, the proposed rule change may promote competition among FINRA members by reducing the fee burden on certain FINRA members who are unable to qualify for the existing fee cap, and FINRA members can choose their trading partners, which determination may in part be based on the fees of the particular TRF applicable to Contra Parties. Lastly, FINRA does not believe that the proposed rule change burdens competition among reporting facilities because each is free to adjust their [sic] respective fees to remain competitive with the FINRA/Nasdaq TRF, to the extent the proposed rule change makes the FINRA/Nasdaq

2015) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2015–053).

[12] 17 CFR 242.300–303.

[13] 15 U.S.C. 78*o*–3(b)(5).

TRF a more attractive facility on which to report trades.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f)(2) of Rule 19b–4 thereunder.[15] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2016–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2016–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2016–009, and should be submitted on or before March 24, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–04635 Filed 3–2–16; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Women-Owned Small Business Federal Contract Program; Identification of Eligible Industries

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: In order to carry out the Women-Owned Small Business Federal Contract Program (WOSB Program), the U.S. Small Business Administration (SBA) was required by section 825 of the National Defense Authorization Act of 2015 to conduct a new study identifying the industries in which women-owned small businesses are underrepresented in Federal contracting and to report to Congress on the results of that study by January 2, 2016. In accordance with this statutory mandate, SBA has provided this report to Congress and with this notice, notifies the public of the results of this study and identifies the industries designated by SBA as eligible for the WOSB Program.

DATES: This notice is effective March 3, 2016. The designations of industries contained in this notice apply to all solicitations issued on or after the effective date.

FOR FURTHER INFORMATION CONTACT: Mr. Leo Sanchez, Office of Government Contracting, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416; (202) 619–1658; *wosb@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under section 8(m) of the Small Business Act, 15 U.S.C. 637(m), SBA is responsible for implementing and administering the WOSB Program, which went into effect on February 4, 2011. The purpose of the WOSB Program is to ensure that women-owned small businesses (WOSBs) have an equal opportunity to participate in Federal contracting and to help attain the Federal government's goal of awarding five percent of its prime contract dollars to WOSBs. The WOSB Program authorizes Federal contracting officers to restrict competition for an acquisition to WOSBs if there is a reasonable expectation that at least two WOSBs will submit offers that meet the requirements of the acquisition at a fair and reasonable price and if the acquisition is for a good or service assigned a North American Industry Classification System (NAICS) code in which SBA has determined that WOSBs are ''substantially underrepresented.'' The WOSB Program also authorizes contracting officers to award a sole source contract assigned such a NAICS code to a WOSB if only one WOSB can be identified that can perform the contract at a fair and reasonable price. In addition, Economically Disadvantaged Women-Owned Small Businesses (EDWOSBs) can likewise receive set-asides and sole source awards similar to those described above for WOSBs, and in a larger set of industries where SBA has determined that WOSBs are ''underrepresented'' but not substantially so.

In order to identify the industries eligible for set-asides under the WOSB Program, the Small Business Act required the SBA Administrator to conduct a study to identify those industries in which small business concerns owned and controlled by women are underrepresented in Federal contracting. 15 U.S.C. 637(m)(4). SBA awarded a contract to the Kauffman-RAND Institute for Entrepreneurship Public Policy (RAND) to complete a study of the underrepresentation of WOSBs in Federal prime contracts by industry code. RAND published the study in April 2007.[1] Prior to the

[1] The RAND study is available to the public at *http://www.RAND.org/pubs/technical_reports/TR442.*

effective date of this notice, SBA used the results of the RAND study to designate 83 four-digit NAICS industry groups as either underrepresented or substantially underrepresented by WOSBs. SBA published the designated NAICS codes on the WOSB Program's Web page on SBA's Web site, at *www.sba.gov/wosb.*

In 2014, Congress amended the Small Business Act to require SBA to submit a report to Congress reflecting the results of a new study by January 2, 2016, and then continue to conduct a new study every five years. Public Law 113–291 825(c) (Dec. 19, 2014). In response to this statutory mandate, SBA asked the Office of the Chief Economist (OCE) of the U.S. Department of Commerce for assistance in conducting a new study on the WOSB Program, which would analyze data to help SBA determine those NAICS codes in which WOSBs are underrepresented and substantially underrepresented in Federal contracting. OCE looked at whether, holding constant various factors that might influence the award of a contract, the odds of winning Federal prime contracts by firms that were owned by women were greater or less than the odds of winning contracts by otherwise similar businesses.

II. Overview of Study and Results

In its analysis, OCE controlled for the size and age of the firm; its membership in various categories of firms for which the Federal government has government-wide prime contracting goals; its legal form of organization; its level of government security clearance; and its Federal prime contracting past performance ratings. OCE also looked at whether women-owned businesses typically have significantly different experiences in winning contracts depending on their industry. OCE performed this analysis at the four-digit NAICS industry group level. OCE included each firm in its sample in an industry analysis if the firm had registered as being able to perform work in that industry or if the firm had won a contract assigned to that industry.

OCE found that women-owned businesses were less likely to win Federal contracts in 254 of the 304 industries included in the study.

In 109 out of the 304 industries, OCE found that women-owned businesses have statistically significant lower odds of winning Federal contracts than otherwise similar non-women-owned businesses at the 95% confidence level. SBA has determined that the finding by OCE of a statistically significant lower likelihood of winning contracts demonstrates that WOSBs are substantially underrepresented in these 109 NAICS codes. However, of these industries, 17 are in sectors 42 and 44–45, which are not applicable to Federal contracts under SBA's regulations. 13 CFR 121.201. These 17 industry group NAICS codes are set forth in Table 1, Industries Part of Sectors 42 and 44–45, Not Applicable to Federal Contracts Under SBA Regulations.

TABLE 1—INDUSTRIES PART OF SECTORS 42 AND 44–45, NOT APPLICABLE TO FEDERAL CONTRACTS UNDER SBA REGULATIONS

NAICS code	NAICS U.S. industry title
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers.
4233	Lumber and Other Construction Materials Merchant Wholesalers.
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers.
4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers.
4238	Machinery, Equipment, and Supplies Merchant Wholesalers.
4239	Miscellaneous Durable Goods Merchant Wholesalers.
4242	Drugs and Druggists' Sundries Merchant Wholesalers.
4246	Chemical and Allied Products Merchant Wholesalers.
4249	Miscellaneous Nondurable Goods Merchant Wholesalers.
4251	Wholesale Electronic Markets and Agents and Brokers.
4411	Automobile Dealers.
4421	Furniture Stores.
4422	Home Furnishings Stores.
4441	Building Material and Supplies Dealers.
4442	Lawn and Garden Equipment and Supplies Stores.
4512	Book, Periodical, and Music Stores.
4543	Direct Selling Establishments.

Since the industry groups above cannot be used to classify Federal contracts, SBA has excluded them from the list of industries designated as substantially underrepresented.

In addition, OCE found that in 145 out of the 304 industries, the odds of women-owned businesses winning contracts were lower than those of otherwise similar non-women-owned businesses, but there was not a statistically significant difference between the odds of winning for the two groups. Although there was not a finding of statistical significance for these industries, 21 of them were previously found by the RAND study to be industries in which WOSBs are underrepresented or substantially underrepresented. Thus, SBA has information showing historical underrepresentation of women-owned businesses in these 21 industries, which is consistent with the OCE finding that women-owned businesses are less likely to win contracts. As a result, SBA finds that it possesses sufficient data to determine that WOSBs are underrepresented in these 21 industries. SBA also believes that this decision fulfills the intent of the Small Business Act, which demonstrates the intent that the designations of eligible industries be based on at least five years of data.

The full OCE study is available on SBA's Web site at *www.sba.gov/wosb.*

III. Eligible Industries

Based on the above, SBA finds a total of 113 industry groups eligible for Federal contracting under the WOSB Program. This includes 21 4-digit NAICS industry groups in which WOSBs are underrepresented (meaning contracting officers can make EDWOSB set-aside and sole source awards in these industries) and 92 4-digit NAICS industry groups in which WOSBs are substantially underrepresented (meaning contracting officers can make WOSB set-aside and sole source awards in these industries). EDWOSB concerns are eligible to be considered for both WOSB and EDWOSB set-aside and sole

source awards for the 113 NAICS industry groups.

The 21 NAICS codes in which WOSBs are underrepresented are set forth in Table 2, NAICS Codes in which WOSBs are Underrepresented.

TABLE 2—NAICS CODES IN WHICH WOSBS ARE UNDERREPRESENTED

NAICS code	NAICS U.S. industry title
3152	Cut and Sew Apparel Manufacturing.
3219	Other Wood Product Manufacturing.
3259	Other Chemical Product and Preparation Manufacturing.
3333	Commercial and Service Industry Machinery Manufacturing.
3342	Communications Equipment Manufacturing.
3353	Electrical Equipment Manufacturing.
3359	Other Electrical Equipment and Component Manufacturing.
3372	Office Furniture (including Fixtures) Manufacturing.
4841	General Freight Trucking.
4885	Freight Transportation Arrangement.
4889	Other Support Activities for Transportation.
5171	Wired Telecommunications Carriers.
5311	Lessors of Real Estate.
5414	Specialized Design Services.
5611	Office Administrative Services.
5614	Business Support Services.
5621	Waste Collection.
6115	Technical and Trade Schools.
6243	Vocational Rehabilitation Services.
7223	Special Food Services.
8114	Personal and Household Goods Repair and Maintenance.

The 92 NAICS codes in which WOSBs are substantially underrepresented are set forth in Table 3, NAICS Codes in which WOSBs are Substantially Underrepresented.

TABLE 3—NAICS CODES IN WHICH WOSBS ARE SUBSTANTIALLY UNDERREPRESENTED

NAICS code	NAICS U.S. industry title
1153	Support Activities for Forestry.
2213	Water, Sewage and Other Systems.
2361	Residential Building Construction.
2362	Nonresidential Building Construction.
2371	Utility System Construction.
2373	Highway, Street, and Bridge Construction.
2379	Other Heavy and Civil Engineering Construction.
2381	Foundation, Structure, and Building Exterior Contractors.
2382	Building Equipment Contractors.
2383	Building Finishing Contractors.
2389	Other Specialty Trade Contractors.
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing.
3118	Bakeries and Tortilla Manufacturing.
3141	Textile Furnishings Mills.
3149	Other Textile Product Mills.
3231	Printing and Related Support Activities.
3241	Petroleum and Coal Products Manufacturing.
3323	Architectural and Structural Metals Manufacturing.
3324	Boiler, Tank, and Shipping Container Manufacturing.
3325	Hardware Manufacturing.
3328	Coating, Engraving, Heat Treating, and Allied Activities.
3329	Other Fabricated Metal Product Manufacturing.
3331	Agriculture, Construction, and Mining Machinery Manufacturing.
3334	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing.
3335	Metalworking Machinery Manufacturing.
3339	Other General Purpose Machinery Manufacturing.
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing.
3346	Manufacturing and Reproducing Magnetic and Optical Media.
3363	Motor Vehicle Parts Manufacturing.
3369	Other Transportation Equipment Manufacturing.
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing.
3391	Medical Equipment and Supplies Manufacturing.
3399	Other Miscellaneous Manufacturing.
4831	Deep Sea, Coastal, and Great Lakes Water Transportation.
4842	Specialized Freight Trucking.
4884	Support Activities for Road Transportation.
4931	Warehousing and Storage.

TABLE 3—NAICS CODES IN WHICH WOSBS ARE SUBSTANTIALLY UNDERREPRESENTED—Continued

NAICS code	NAICS U.S. industry title
5111	Newspaper, Periodical, Book, and Directory Publishers.
5112	Software Publishers.
5121	Motion Picture and Video Industries.
5122	Sound Recording Industries.
5151	Radio and Television Broadcasting.
5172	Wireless Telecommunications Carriers (except Satellite).
5174	Satellite Telecommunications.
5179	Other Telecommunications.
5182	Data Processing, Hosting, and Related Services.
5191	Other Information Services.
5241	Insurance Carriers.
5242	Agencies, Brokerages, and Other Insurance Related Activities.
5321	Automotive Equipment Rental and Leasing.
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing.
5411	Legal Services.
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services.
5413	Architectural, Engineering, and Related Services.
5415	Computer Systems Design and Related Services.
5416	Management, Scientific, and Technical Consulting Services.
5417	Scientific Research and Development Services.
5418	Advertising, Public Relations, and Related Services.
5419	Other Professional, Scientific, and Technical Services.
5612	Facilities Support Services.
5615	Travel Arrangement and Reservation Services.
5616	Investigation and Security Services.
5617	Services to Buildings and Dwellings.
5619	Other Support Services.
5622	Waste Treatment and Disposal.
5629	Remediation and Other Waste Management Services.
6113	Colleges, Universities, and Professional Schools.
6114	Business Schools and Computer and Management Training.
6116	Other Schools and Instruction.
6117	Educational Support Services.
6211	Offices of Physicians.
6214	Outpatient Care Centers.
6215	Medical and Diagnostic Laboratories.
6219	Other Ambulatory Health Care Services.
6221	General Medical and Surgical Hospitals.
6231	Nursing Care Facilities.
6242	Community Food and Housing, and Emergency and Other Relief Services.
7112	Spectator Sports.
7113	Promoters of Performing Arts, Sports, and Similar Events.
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures.
7115	Independent Artists, Writers, and Performers.
7211	Traveler Accommodation.
7212	RV (Recreational Vehicle) Parks and Recreational Camps.
7225	Restaurants and Other Eating Places.
8111	Automotive Repair and Maintenance.
8112	Electronic and Precision Equipment Repair and Maintenance.
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance.
8121	Personal Care Services.
8123	Drycleaning and Laundry Services.
8129	Other Personal Services.
8131	Religious Organizations.
8139	Business, Professional, Labor, Political, and Similar Organizations.

SBA has posted the list of designated NAICS codes on its Web site at *www.sba.gov/wosb* and they are effective as set forth in this notice.

Dated: February 29, 2016.

A. John Shoraka,

Associate Administrator, Government Contracting and Business Development.

[FR Doc. 2016–04762 Filed 3–2–16; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9461]

Culturally Significant Objects Imported for Exhibition Determinations: ''Pergamon and the Hellenistic Kingdoms of the Ancient World'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Pergamon

and the Hellenistic Kingdoms of the Ancient World,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about April 11, 2016, until on or about July 17, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects to which this notice pertains, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: February 25, 2016.

Mark Taplin,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–04834 Filed 3–2–16; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 35874]

Lone Star Railroad, Inc. and Southern Switching Company—Track Construction and Operation Exemption—in Howard County, Texas

AGENCY: Surface Transportation Board.

ACTION: Notice of construction and operation exemption.

SUMMARY: The Board is granting an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for Lone Star Railroad, Inc., to construct and operate a new line of railroad in Howard County, Tex. The Line would be used to provide rail service to an industrial park near Big Spring, Tex., via a connection with an existing Union Pacific Railroad Company mainline that extends between Dallas and El Paso, Tex. This exemption is subject to environmental mitigation conditions.

The Board, however, is denying, without prejudice, the petition for exemption with respect to Southern Switching Company's proposed operation of the newly constructed line because the record does not support the authority requested.

DATES: The exemption with respect to the proposed construction by Lone Star Railroad, Inc., will be effective on April 2, 2016; petitions to reconsider or reopen must be filed by March 23, 2016.

ADDRESSES: An original and 10 copies of all pleadings, referring to Docket No. FD 35874 must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each filing in this proceeding must be served on petitioners' representative: Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1112.

FOR FURTHER INFORMATION CONTACT: Allison Davis at (202) 245–0378. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339. Copies of written filings will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2016–04668 Filed 3–2–16; 8:45 am]

BILLING CODE 4915–01–P

TENNESSEE VALLEY AUTHORITY

Environmental Impact Statement—Multiple Reservoirs Land Management Plans

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: The Tennessee Valley Authority (TVA) intends to prepare an environmental impact statement (EIS) addressing the impacts of alternative plans for managing public lands on eight TVA reservoirs in Alabama, Kentucky and Tennessee: Chickamauga, Fort Loudoun, Great Falls, Kentucky, Nickajack, Normandy, Wheeler and Wilson. TVA also proposes to use the information included in these eight reservoir land management plans (RLMP) to revise its Comprehensive Valleywide Land Plan. Public comment is invited concerning the scope of the EIS, including the appropriate uses for TVA-managed public lands on these reservoirs and environmental issues that should be addressed as a part of this EIS.

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Written comments should be sent to Matthew Higdon, Tennessee Valley Authority, 400 West Summit Hill Drive (WT11D), Knoxville, Tennessee 37902. Comments may also be emailed to *mshigdon@tva.gov* or submitted on the TVA Web site at: *https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews.*

FOR FURTHER INFORMATION CONTACT: For information on the EIS process, contact Matthew Higdon, NEPA Specialist, by email at *mshigdon@tva.gov,* or by phone at (865) 632–8051. For information about the reservoir land plans, contact Heather Montgomery by email at *hlmcgee@tva.gov* or by phone at (256) 386–3803.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508) and TVA's procedures for implementing the National Environmental Policy Act (NEPA), and Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR part 800).

TVA is a corporate agency and instrumentality of the United States, established by an act of Congress in 1933, to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. Shortly after its creation, TVA began a dam and reservoir construction program that required the purchase of approximately 1.3 million acres of land for the creation of 46 reservoirs within the Tennessee Valley region. Most of these lands are located underneath the water of the reservoir system or have since been sold by TVA or transferred to other state or federal agencies. Today, approximately 293,000 acres of land along TVA reservoirs are managed by TVA for the benefit of the public.

Reservoir Land Management Plans

TVA's eight RLMPs will address management of approximately 138,222 acres of TVA-managed public lands surrounding the following reservoirs: Chickamauga, Fort Loudon, Great Falls, Nickajack and Normandy in Tennessee; Wheeler and Wilson in Alabama; and Kentucky in Tennessee and Kentucky. In the EIS, TVA will consider the potential environmental impacts of the eight RLMPs and the allocation of

reservoir parcels to one of seven land use zones: Non-TVA Shoreland, Project Operations, Sensitive Resource Management, Natural Resource Conservation, Industrial, Developed Recreation and Shoreline Access. These allocations will then be used to guide the types of activities that will be considered on each parcel of land. Proposed allocations will take into account past land use allocations, current land uses, existing land rights (easements, leases, etc.), public needs, the presence of sensitive environmental resources, and TVA policies. The RLMPs and parcel allocations would establish clear blueprints for future management of the public land TVA manages on these reservoirs.

TVA has developed a proposed RLMP for each reservoir and made initial land use zone allocations for each reservoir parcel. These proposed RLMPs are the result of TVA's initial review of the suitable uses of parcels at each reservoir and will be considered as an Action Alternative in the EIS. TVA invites the public to review the proposed plans and parcel allocations on the TVA Web site during the scoping period and to submit comments, questions or suggestions on its proposal. Additional Action Alternative(s) may be developed based on public input submitted to TVA during the scoping period. If multiple Action Alternatives are considered, the primary difference between alternatives would be the amount of land allocated to each of these zones. Typically, lands currently committed to a specific use would be allocated in the RLMP to that current use; however, changes that support TVA goals and objectives will be considered. Committed lands include those subject to existing long-term easements, leases, licenses and contracts; lands with outstanding land rights; and lands that are necessary for TVA project operations.

In the EIS, TVA will also consider a No Action alternative, under which TVA would continue to rely on previous land planning designations or current management of parcels. Of the eight reservoirs, seven have land use plans that were developed using different methodology and land use categories. Two reservoirs (Fort Loudoun and Normandy) were planned using TVA's Forecast System in the 1960s or 1970s; four reservoirs (Chickamauga, Kentucky, Nickajack, and Wheeler) were planned in the 1980s and 1990s under the Multiple-Use Tract Allocation Methodology. A land plan has never been developed for Great Falls Reservoir, and only a portion of Wilson Reservoir has been planned previously. TVA will apply the single-use allocation methodology in developing new RLMPs for the eight reservoirs. Once completed, all TVA land plans will be based on the same methodology, ensuring that future management policies can be consistently applied across the region, as intended under TVA's 2011 Natural Resource Plan.

Comprehensive Valleywide Land Plan

In its Natural Resource Plan, TVA established a Comprehensive Valleywide Land Plan (CVLP) to guide uses of the 293,000 acres of TVA-managed property on 46 reservoirs. The CVLP identifies target ranges for different types of land use allocations for the region. When establishing the CVLP in 2011, TVA based these ranges on parcel allocations from existing plans as well as ''rapid assessments,'' which were initial allocation designations of reservoir parcels conducted in order to establish an initial CVLP target range. Since 2011, TVA has conducted more thorough assessments of parcels on the eight reservoirs and found in many cases that the initial allocations do not accurately reflect actual uses of parcels, the presence of sensitive resources, or existing land rights or restrictions for parcels. Incorporating these corrections into the proposed RLMPs would necessitate minor revisions to the CVLP target ranges. Therefore, as part of this planning effort, TVA proposes to revise the CVLP ranges accordingly to the zone allocations proposed in the Action Alternative(s). The proposed revisions to the CVLP target ranges do not reflect a change to any other decisions made by TVA in its Natural Resource Plan. TVA remains committed to implementing its Natural Resource Plan and meeting the goals and objectives of the CVLP.

In addition to the Natural Resource Plan, this planning process is necessary to comply with TVA's Land Policy (2006), which governs the planning, retention and disposal of land under TVA's stewardship. The reservoir land planning process provides a consistent method of evaluating suitable uses of TVA public land in a manner that systematically incorporates information, analyses, and input from the public, stakeholders, partners and TVA specialists, and protects significant resources (including threatened and endangered species, cultural resources, wetlands, unique habitats, natural areas, water quality and the visual character of the reservoir). This planning effort is also consistent with TVA's Shoreline Management Initiative (SMI). The EIS will tier from the Final EIS for the SMI (1998), which evaluated alternative policies for managing residential shoreline development on TVA reservoirs. Residential shoreline properties occur on the eight reservoirs, and the proposed RLMPs will not affect the policies for their management.

Scoping Process

Public scoping is integral to the process for implementing NEPA and ensures that issues are identified early and properly studied; issues of little significance do not consume substantial time and effort; and analysis is thorough and balanced. TVA's NEPA procedures require that the scoping process commence soon after a decision has been reached to prepare an EIS to ensure an early and open process for determining the scope and for identifying the significant issues related to a proposed action. TVA anticipates that the major issues addressed in the EIS include water quality, water supply, aquatic and terrestrial ecology, endangered and threatened species, wetlands, prime farmlands, floodplains, recreation, aesthetics including visual resources, land use, historic and archaeological resources and socioeconomic resources.

TVA invites members of the public as well as Federal, state, and local agencies and Native American tribes to comment on the scope of the EIS. Comments on the scope should be submitted no later than the date given under the **DATES** section of this notice. Pursuant to the regulations of the Advisory Council on Historic Preservation implementing Section 106 of the NHPA, TVA also solicits comments on the potential of the proposed Plan to affect historic properties. This notice also provides an opportunity under Executive Orders 11990 and 11988 for early public review of the potential for TVA's Plan to affect wetlands and floodplains, respectively. Please note, any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection.

After consideration of the public's input and analyzing the environmental consequences of each alternative, TVA will issue a draft EIS for public review and comment. TVA will notify the public of the draft EIS' availability and plans to hold public meetings during the review period. TVA expects to release the draft EIS and associated RLMPs in late 2016 and the final EIS and RLMPs in 2017. Once the NEPA review is completed, the final RLMPs and revised CVLP allocations will be submitted to the TVA Board of Directors for approval and adopted as guidelines for management of TVA public land consistent with the agency's

responsibilities under the TVA Act of 1933.

Authority: 40 CFR 1501.7.

Wilbourne (Skip) C. Markham,

Director, Environmental Permitting and Compliance.

[FR Doc. 2016–04745 Filed 3–2–16; 8:45 am]

BILLING CODE 8120–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver for Aeronautical Land-Use Assurance at Fort Worth Spinks Airport, Fort Worth, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent for Waiver of Aeronautical Land-Use.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to nonaeronautical use and to authorize the conversion of the airport property. The proposal consists of one parcel of land containing a total of approximately 2.583.

The property was acquired using City and FAA funds through the AIP Program from 1983–1987. The land comprising this parcel is outside the forecasted need for aviation development and, thus, is no longer needed for indirect or direct aeronautical use. The airport wishes to develop this land for compatible commercial, nonaeronautical use. The income from the conversion of this parcel will benefit the aviation community by reinvestment in the airport.

Approval does not constitute a commitment by the FAA to financially assist in the conversion of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the conversion of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. In accordance with Section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Send comments on this document to Mr. Cameron Bryan, Federal Aviation Administration, Acting Manager, Texas Airports Development Office, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Welstead, Aviation Director, City of Fort Worth, 4201 N. Main St. Suite 200, Fort Worth, TX 76106, telephone (817) 392–5400, or Mr. Anthony Mekhail, Federal Aviation Administration, Texas Airports Development Program Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177, telephone (817) 222–5663, FAX (817) 222–5989. Documents reflecting this FAA action may be reviewed at the above locations.

Issued in Fort Worth, Texas, on 15 January, 2016.

Ignacio Flores,

Manager, Airports Division, FAA, Southwest Region.

[FR Doc. 2016–04737 Filed 3–2–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice, Lafayette Regional Airport, Lafayette, Louisiana

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Lafayette Airport Commission under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On April 4, 2012, the FAA determined that the noise exposure maps submitted by Lafayette Airport Commission under Part 150 were in compliance with applicable requirements. On November 23, 2015, the FAA approved the Lafayette Regional Airport noise compatibility program. Both of the recommendations of the program were approved.

DATES: The effective date of the FAA's approval of the Lafayette Regional Airport noise compatibility program is November 23, 2015.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Tim Tandy, Environmental Protection Specialist, ASW–640D, 10101 Hillwood Parkway, Fort Worth, Texas 76177. Telephone (817) 222–5644.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Lafayette Regional Airport, effective November 23, 2015.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise

compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action.

Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Fort Worth, Texas.

The Lafayette Airport Commission submitted to the FAA on November 29, 2011 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from August 14, 2013 through August 6, 2014. The Lafayette Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on April 4, 2012. Notice of this determination was published in the **Federal Register** on April 13, 2012.

The Lafayette Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from August 6, 2014 to the year 2017. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on May 25, 2015 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained two proposed actions for noise mitigation off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective November 23, 2015.

Outright approval was granted for both of the specific program elements. A preventive land use mitigation measure would offer owners of vacant residential parcels located within the existing DNL 65 contour the opportunity to participate in the Avigation Easement Acquisition Program. A remedial measure would offer owners of residential properties located within the DNL 65 contour the opportunity to participate in the Avigation Easement Acquisition Program.

These determinations are set forth in detail in a Record of Approval signed by the FAA Southwest Region Airports Division Manager on November 23, 2015. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Lafayette Airport Commission. The Record of Approval also will be available on-line at *http://www.faa.gov/arp/environmental/14cfr150/index14.cfm.*

Issued in Fort Worth, Texas, February 4, 2016.

Ignacio Flores,

Manager, Airports Division.

[FR Doc. 2016–04763 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Gainesville Municipal Airport in Gainesville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Gainesville Municipal Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Cameron Bryan, Acting Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW–650, 10101 Hillwood Parkway, Fort Worth, Texas 76177.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Barry Sullivan, City Manager, at the following address: 2300 Airport Drive, Gainesville, Texas 76240.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Mekhail, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW–650, 10101 Hillwood Parkway, Fort Worth, TX 76177, Telephone: (817) 222–5663, email: *Anthony.Mekhail@faa.gov.*

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Gainesville Municipal Airport under the provisions of the AIR 21.

The following is a brief overview of the request: City of Gainesville requests the release of 20 acres of non-aeronautical airport property. The property is located on the southeast side of the airport, bordered by US HWY 82 to the south. The property to be released will be sold and revenues shall be used to enhance development, operations and maintenance of the airport. Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents relevant to the application in person at the Gainesville Municipal Airport, telephone number (940) 668–4500.

Issued in Fort Worth, Texas on February 2, 2016.

Ignacio Flores

Manager, Airports Division.

[FR Doc. 2016–04764 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0180]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated February 9, 2016, the Denton County Transportation Authority (DCTA) has petitioned the Federal Railroad Administration (FRA) for an extension of its existing waiver of compliance from certain provisions of the Federal railroad safety regulations. Specifically, DCTA is requesting an extension of its existing relief from the following parts and specific regulations of 49 CFR part 238, Passenger Equipment Safety Standards (Sections 238.115, 238.121, 238.223, 238.305, 238.309, and Appendix D); Part 229, Railroad

Locomotive Safety Standards (Sections 229.31, 229.51, 229.47, 229.71, 229.135, and Appendix D); Part 231, Railroad Safety Appliance Standards (Section 231.14); and Part 239, Passenger Train Emergency Preparedness (Section 239.101). FRA assigned the petition Docket Number FRA–2010–0180.

DCTA operates its ''A-train'' commuter rail service along a 21.3–mile corridor adjacent to and parallel with Interstate 35 between Dallas, TX, and Denton, TX, featuring six station stops. The commuter rail operation is contracted to Herzog for vehicle and right-of-way maintenance, dispatching services, dispatching, and operations. The corridor also has a currently active freight operation served by the Dallas Garland and Northeastern Railroad, which provides freight service to customers in the Lewisville, TX, area. The passenger operations are temporally separated from freight operations through a plan on file with FRA using interlocked derails on the southern terminus and stub-end track on the northern terminus. In its extension request, DTCA states that a real-time shunt monitoring system is being installed in conjunction with Positive Train Control.

DCTA operates Stadler diesel multiple-unit (DMU) vehicles constructed to meet European safety standards for crashworthiness and related safety measures. As asserted in its original petition, DCTA chose these vehicles because DCTA believes that they offer an equivalent or higher level of safety, security, and performance to the passenger and crew than conventional FRA-compliant equipment.

In a July 13, 2011, decision letter, FRA granted relief from the Federal railroad safety regulations listed above. Additionally, FRA invoked its authority under 49 U.S.C. 20306 to exempt DCTA from the requirements of 49 U.S.C. 20302 for sill steps and end handholds. The current waiver expires on July 13, 2016.

FRA notes that this docket number includes a separate permanent decision letter dated May 31, 2012, which was granted in accordance with FRA's October 2011 final report and guidelines on ''Technical Criteria and Procedures for Evaluating the Crashworthiness and Occupant Protection Performance of Alternatively Designed Passenger Rail Equipment for Use in Tier I Service,'' issued by the Engineering Task Force (ETF). This letter, known as the ''Alternatively Designed Vehicle (AVT)'' waiver, was granted to DCTA for use of its Stadler GTW 2/6 DMUs, finding that they are in compliance with crashworthiness criteria contained in the ETF guidelines. DCTA is not requesting any modification of the conditions contained in that decision letter.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 18, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–04670 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket Number: FTA–2016–0013]

Notice of Proposed Equal Employment Opportunity Program Circular

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of proposed revisions to circular and request for comment.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site proposed guidance in the form of a Circular to assist grantees in complying with various Equal Employment Opportunity regulations and statutes. The purpose of this Circular is to provide recipients of FTA financial assistance with instructions and guidance necessary to carry out the U.S. Department of Transportation's Equal Employment Opportunity regulations (*****). FTA is updating its ''Equal Employment Opportunity (EEO) Program Guidelines for Grant Recipients'' to clarify the requirements for compliance. By this notice, FTA invites public comment on the proposed circular.

DATES: Comments must be submitted by May 2, 2016. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by docket No. FTA–2016–0013. All electronic submissions must be made to the U.S. Government electronic site at *http://www.regulations.gov*.

(1) *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

(2) *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.

(3) *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

(4) *Fax:* (202) 493–2251.

Instructions: You must include the agency name (Federal Transit

Administration) and Docket number (FTA–2016–0013) for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided and will be available to Internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477) or *http://DocketsInfo.dot.gov*.

Docket: For access to the docket to read background documents and comments received, go to *http://www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Anita Heard, Office of Civil Rights, Federal Transit Administration, 1200 New Jersey Avenue SE., Room E54–420, Washington, DC 20590, phone: (202) 493–0318, or email, *anita.heard@dot.gov.* For legal questions, Gwendolyn Franks, Office of Chief Counsel, 915 2nd Avenue, Suite 3142, Seattle, WA 98174, phone: 206–220–7954, or email: *gwendolyn.franks@dot.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview

FTA is updating its EEO Circular to clarify what recipients must do to comply with Titles VI and VII of the Civil Rights Act of 1964, Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), 49 U.S.C. Chapter 53 (the Federal Transit law), other Federal civil rights statutes, and the U.S. Department of Transportation (DOT) regulations in 49 CFR part 21 . The EEO Circular, last revised in 1988 when the Federal Transit Administration (FTA) was called the Urban Mass Transportation Administration (UMTA), requires changes to bring EEO-related guidance up to date. This notice provides a summary of proposed changes to Circular 4704.1, ''Equal Employment Opportunity Program Guidelines for Grant Recipients.'' The final Circular, when adopted, will supersede the existing circular.

The proposed Circular incorporates the Department of Labor's standards for an affirmative action program; the Equal Employment Opportunity Commission (EEOC) regulations; the guidelines for an effective implementation of Executive Order 11246, as amended; section 503 of the Rehabilitation Act of 1973, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), and the Americans with Disabilities Act of 1990; and other civil rights statutes related to employment practices. These laws ban discrimination and require Federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, age, national origin, disability, veteran status, or genetic information. Additionally, since the existing Circular went into effect, legislation and court cases have transformed affirmative action policies and affected recipients' and beneficiaries' responsibilities. The proposed Circular would incorporate these changes in law and judicial interpretations. Also, the proposed Circular would incorporate lessons learned from FTA administered oversight activities, including triennial and state management reviews, and discretionary EEO compliance reviews. During these reviews, FTA identified problems related to ambiguous language in the existing Circular. These problems included failure to conduct utilization analyses, failure to develop effective and measurable goals and timetables, and failure to execute a written plan for internal and external dissemination of its EEO Policy. The proposed circular reorganizes, clarifies, and provides examples of the information that must be included in a compliant EEO program. This document does not include the proposed circular on which FTA seeks comment; however, an electronic version may be found on FTA's Web site at *http://www.fta.dot.gov,* and in the docket, at *http://www.regulations.gov.* Paper copies of the proposed Circular may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366–4865.

II. Chapter-by-Chapter Analysis

Readers familiar with the existing FTA Circular 4704.1 will notice a number of changes to the proposed circular.

The proposed circular eliminates outdated nomenclature, such as references to ''UMTA,'' references to the ''Urban Mass Transit Act,'' and removes references to statutory provisions such as the ''Federal Aid Urban System Program.'' The title of the proposed circular has been change to ''Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients.''

We have also reorganized the proposed circular for ease-of-read. The existing Circular is organized as follows:

Chapter I—General;
Chapter II—Coverage;
Chapter III—EEO Program Components;
Chapter IV—Types of Compliance Reviews;
Chapter V—Remedial Actions and Enforcement Procedures; and
Chapter VI—Discrimination Complaints.

The proposed circular is organized as follows:

Chapter 1—Introduction and Applicability;
Chapter 2—EEO Program Requirements; and
Chapter 3—EEO Compliance Oversight, Complaints, and Enforcement

Proposed Chapter 1 includes existing Chapters 1 and 2, excluding the ''Frequency of Update'' subsection from existing Chapter II. Proposed Chapter 2 includes the ''Frequency of Update'' subsection and existing Circular Chapter III. The Proposed Chapter 3 includes Chapters IV, V, and VI from the existing Circular.

FTA seeks comments on the scope and content of the proposed Circular, specifically as to whether there are areas that need more clarification or explanation, or topics that were overlooked. FTA also seeks suggestions for resources that should be included in the proposed Circular, including good practices and sample materials. Additional items FTA seeks comment on are included in the chapter-by-chapter analysis below.

A. Chapter 1—Introduction and Applicability

Chapter 1 of the proposed circular is an introductory chapter that reviews the organization of the circular, the authority for establishing the circular, and applicability to grantees.

The proposed circular chapter includes added sections entitled Introduction, Organization of this Circular, and Authorities. The content of the Introduction and Authorities sections contain updated information currently covered in Chapter I of the existing circular. The authority for the EEO program requirements includes

statutes, regulations, and executive orders that establish the context for ensuring nondiscrimination in employment on the basis of a protected class. The proposed Organization of this Circular section is new and intended to assist the reader's understanding of the proposed circular structure. The proposed State Administered Programs section contains updated references and includes the most recent information about the MOU between FTA and FHWA on this subject. The proposed Definitions section is significantly updated.

Where the current circular definitions reference UMTA, the proposed definitions reference FTA. We have proposed new definitions where current law has created new terminology or where terms are unclear or undefined in the existing circular. Some definitions have been updated to comply with existing law or to increase clarity. Where applicable, we have used the same definitions found in rulemakings or other circulars to ensure consistency.

Proposed new definitions include: Adverse impact, Complainant, Disability, Disparate impact, Disparate treatment, Employee, Equal Employment Opportunity Program (EEOP), Equal Employment Opportunity statutes and regulations, Federal financial assistance, FTA activity, One-person rule, Programs or activities, Protected class, and Transit-related employee. Proposed updated definitions include: Applicant, Compliance, Contractor, Discrimination, Good faith efforts, Minority persons, Noncompliance, Primary recipient, Recipient or Grantee, and Secretary. Two definitions have been removed in the proposed circular: Affirmative Action Plan and Probable Noncompliance.

FTA seeks comment on potential changes to the Memorandum of Understanding (MOU) between FTA and the Federal Highway Administration (FHWA). Currently, FTA has the responsibility for reviewing, monitoring, and approving state DOT's EEO Programs in accordance with FTA's regulations, policies, and guidance, while FHWA has the responsibility for reviewing, monitoring and approving state DOT's EEO Programs in accordance with FHWA's regulations, policies, and guidance. Although FHWA currently requires an annual to multiyear program submission, FTA requires EEOP submissions on a triennial basis. FTA seeks comments on developing an updated MOU between FTA and FHWA, which would allow state DOTs to submit a single EEO program that will satisfy both FTA and FHWA requirements.

FTA also seeks comment regarding a potential change to the threshold for Equal Employment Opportunity Program submission from the current standard of grantees with 50 transit-related employees, to grantees with 100 transit-related employees.

FTA seeks comment on establishing a Memorandum of Understanding between FTA and the Department of Labor (DOL) with regard to EEO program submissions and approval. The MOU would allow the agency to submit an EEO Program that would satisfy both FTA and DOL submission requirements.

FTA seeks comment on the content of Chapter 1.

B. Chapter 2—EEO Program Requirements

Chapter 2 of the proposed Circular discusses how frequently a grantee must submit an updated Equal Employment Opportunity Program (EEOP). The proposed Frequency of Update section is moved from the current Chapter II—Coverage and combined with the components of the current Chapter III—EEO Program Requirements. The Frequency of Update section proposes to remove the discretion of the FTA Office of Civil Rights to request less information from a recipient when the previous EEO program has not changed significantly in the intervening three years.

Proposed Chapter 2 primarily explains the seven required elements of an EEOP for FTA review. The chapter details proposed required language, required supporting documentation, the type of analysis that must be conducted, and the acceptable methods to report the results of the analysis. The seven elements proposed are:

(1) Statement of Policy
(2) Dissemination
(3) Designation of Personnel Responsibility
(4) Utilization Analysis
(5) Goals and Timetables
(6) Assessment of Employment Practices
(7) Monitoring and Reporting

A majority of proposed Chapter 2 has been relocated from Chapters II and III of the existing circular. However, those familiar with the EEOP will notice a few changes in these sections.

Proposed subsection 2.2.2, ''Dissemination,'' increases the frequency requirement for meeting with top management officials to discuss the EEOP from a minimum of ''semiannually'' to a minimum of ''quarterly.'' This section also proposes simplification of and updated language for External Dissemination requirements.

Impartiality is important to the EEOP's credibility. Specifically, the separation of functions would entail separating the EEO Officer position from human resources positions and other positions that serve defensive functions in an agency, such as the legal office. With regards to ''Designation of Personnel Responsibility'' in proposed subsection 2.2.3, FTA proposes to add a requirement that agencies must ''ensure that no conflicts of position or conflicts of interest occur or appear to occur with respect to the EEO Officer's role.'' The proposed Circular would require ''the functional unit that reviews EEO matters be separate and apart from the unit that represents the agency in EEO complaints.'' This proposed section also adds requirements for the EEO Officer's EEOP Responsibilities, including reviewing the agency's nondiscrimination plan with all managers and supervisors, periodic reviews of policies, procedures, and union agreements, providing training for employees and managers, advising employees and applicants of training and development opportunities, and auditing of EEO Policy statement postings to ensure compliance. The section also proposes to alter existing responsibilities, including a requirement for reporting ''quarterly'' instead of ''periodically'' on each department's progress toward goals, and ''investigating'' complaints of discrimination instead of ''processing'' such complaints. FTA proposes to remove the requirement that the EEO Officer concur in all hires and promotions.

In the area of Agency EEO Responsibilities, the proposed circular updates and streamlines some of the enumerated requirements in the existing circular and adds two responsibilities. FTA proposes requirements to add and update a personnel database, and to encourage employee participation to support the advancement of the EEOP. The proposed section removes explicit requirements for assisting in the identification of problem areas, active involvement in affinity groups and community organizations, career counseling of employees, and participation in periodic audits to ensure each agency unit is compliance. FTA believes the concepts in the removed items are captured elsewhere in Chapter 2.

Proposed subsection 2.2.4, ''Utilization Analysis,'' requires agencies to use EEO–4 reporting categories. This proposal changes the approach to Utilization Analysis in the

current circular. Additionally, this section discusses a new MOU between EEOC and FTA which allows FTA to obtain the agency's EEO–4 utilization numbers. As a result, the transit agency or grantee will be able to access their current utilization numbers and complete the required utilization in FTA's electronic database under the proposed language. For agencies under 100 employees that do not submit reports to EEOC, this proposed section also includes links to a Microsoft Excel spreadsheet template (with instructions) for use in completing the utilization and availability analysis. The proposed language adds requirements for Availability Analysis, including explanation of and requirements for explaining why agencies selected particular areas for the analysis and quantifying plans when underutilization is identified.

Proposed subsection 2.2.5, ''Goals and Timetables,'' proposes to require agencies to set long term and short term numerical goals and timetables for each individual minority group, broken down by specific racial/ethnic subcategories for men and women. This section includes changes to the guidelines for goal setting, including a guideline to set goals that are realistic and measurable. The proposed requirements reduce the long term goal period from 4–5 years to 2 or more years. FTA also proposes to add a requirement that agencies collect reports from unit managers on a scheduled basis to determine what goals are being met and to review these reports with all levels of management.

Proposed subsection 2.2.6, ''Assessment of Employment Practices,'' removes reference to ''Affirmative Action'' in the heading. It also proposes to move discussion of self-analysis from the Goals and Timetables section of the current circular to proposed subsection 2.2.6. We propose to add a requirement that statistical data show any potential impact of an agency's employment practices on persons with disabilities and veterans. This includes the number of applicants for employment, the number hired, and the number promoted, cross-references by sex and race. Having this data will assist in measuring the effectiveness of outreach and recruitment efforts for persons with disabilities and veterans. The proposed section also adds requirements for a description of the agency's training programs, review of wage and salary structure, establishment of privacy protocols, and collection of reports from unit managers on a scheduled basis in a manner similar to Goals and Timetables requirements.

Proposed subsection 2.2.7, ''Monitoring and Reporting,'' updates the description of the purposes of the monitoring and reporting system. The proposed section adds a requirement for agencies to describe the complaint process and maintain a log of complains. The proposed section also requires agencies to maintain records on applicants, hires, transfers, promotions, training and termination. Finally, the proposed section adds a list of Required EEOP Attachments.

FTA seeks comment on the content of Chapter 2. With regards to the EEOP process, FTA seeks comment on the paperwork burdens for carrying out the requirements set forth in the proposed circular. Specifically FTA seeks comment on how long it will take to develop an EEO Program with the requirements set out in Chapter 2 of the proposed Circular. FTA also seeks suggestions from grantees regarding how to use information technology to decrease the amount of time it takes to develop an EEO Program.

C. Chapter 3—EEO Compliance Oversight, Complaints, and Enforcement

Chapter 3 of the proposed circular combines topics covered in chapters IV, V, and VI of the existing circular. It explains how FTA carries out its EEO oversight and enforcement responsibilities. This includes a discussion of factors that lead to FTA conducting a compliance review such as lawsuits, complaints, or investigations conducted by organizations other than FTA, insufficient EEO program submissions, EEO findings, or recommendations from prior triennial, state management reviews that are deficient. The chapter explains the EEO compliance review process and the required steps for implementing corrective actions for any deficiencies found during the review. The chapter also covers the complaint process and how grantees can file a complaint.

Proposed section 3.1, ''Compliance Oversight,'' updates the description of types of oversight reviews and authorities for such reviews. FTA proposes to change the description of compliance reviews to encompass all reviews and remove the distinction between ''Application Reviews'' and ''Post-Approval Reviews'' in the existing circular. Further, FTA proposes to change the frequency requirement for compliance reviews outside of the Triennial Review or State Management Review cycle. The current circular requires these reviews ''at least once every 3 years.'' FTA proposes to change the frequency to allow FTA to determine the frequency and scope of the reviews at its discretion and on a case-by-case basis.

Proposed section 3.1.3 removes the explanation of Remedial Action Plans.

Proposed section 3.2, ''Complaints,'' is reorganized and proposes to add significantly more detail to the complaint process. In proposed subsection 3.2.6, FTA proposes to add an Administrative Closure option.

FTA seeks comment on the content of Chapter 3.

D. Appendix A—References

Proposed Appendix A adds a list of references to the proposed circular. A similar list is contained on the cover page of the existing circular. The proposed list of references in Appendix A updates and adds references based on the current state of the law and guidance.

FTA seeks comment on the content of Appendix A.

Issued in Washington, DC.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2016–04648 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

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

ACTION: Denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for denying a petition (DP15–007) submitted to NHTSA under 49 U.S.C. 30162 and 49 CFR part 552, requesting that the agency ''have Toyota correct software defects in their electronic throttle control software'' and then ''issue a national recall of all effected [sic] vehicles and have Toyota replace the old faulty code with the new safer code.''

FOR FURTHER INFORMATION CONTACT: Mr. Stephen McHenry, Vehicle Control Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone 202–366–4883. Email *stephen.mchenry@dot.gov.*

SUPPLEMENTARY INFORMATION:

1.0 Introduction

Interested persons may petition NHTSA requesting that the agency initiate an investigation to determine

whether a motor vehicle or item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR 552.1. Upon receipt of a properly filed petition, the agency conducts a technical review of the petition, material submitted with the petition, and any additional information. 49 U.S.C. 30162(c); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the agency, or it may include the collection of information from the motor vehicle manufacturer and/or other sources. After considering the technical review and taking into account appropriate factors, which may include, among others,, agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect, and the likelihood of success in any necessary enforcement litigation, the agency will grant or deny the petition. *See* 49 U.S.C. 30162(d); 49 CFR 552.8.

2.0 Petition Background Information

In a letter dated September 15, 2015, Dr. James Stobie (the petitioner) requested that NHTSA ''have Toyota correct software defects in their electronic throttle control software'' and then ''issue a national recall of all effected [sic] vehicles and have Toyota replace the old faulty code with the safer code.'' Dr. Stobie references two previous defect petitions related to unintended acceleration in Toyota vehicles that NHTSA recently evaluated and denied. The petitioner stated that his petition contains new information affecting NHTSA's conclusions in the previous petition evaluations. This includes: (1) Information related to a crash that occurred as his wife was attempting to park their model year 2010 Lexus HS250H; (2) the source of EDR data in Toyota vehicles; (3) alleged defects in the Toyota Electronic Throttle Control (ETC) software; and (4) a recall conducted by Honda in Japan. NHTSA has reviewed the material cited by the petitioner. The results of this review and our evaluation of the petition are set forth in the DP15–007 Petition Analysis Report, published in its entirety as an appendix to this notice.

After a thorough assessment of the material submitted by the petitioner, the information already in NHTSA's possession, and the potential risks to safety implicated by the petitioner's allegations, it is unlikely that an order concerning the notification and remedy of a safety-related defect would result from any proceeding initiated by granting Dr. Stobie's petition. After full consideration of the potential for finding a safety related defect in the vehicle, and in view of NHTSA's enforcement priorities and its previous investigations into this issue, the petition is denied.

Appendix—Petition Analysis—DP15–007

1.0 Introduction

On September 23, 2015, the National Highway Traffic Safety Administration (NHTSA) received a September 15, 2015 letter from Dr. James Stobie, Ph.D. (the petitioner), petitioning the agency to ''have Toyota correct software defects in their electronic throttle control software'' and then ''issue a national recall of all effected [sic] vehicles and have Toyota replace the old faulty code with the safer code.'' The petition cites a crash that occurred as his wife was attempting to park their model year 2010 Lexus HS250H in an angled parking space facing a brick building and references two previous Toyota unintended acceleration defect petitions that NHTSA evaluated and denied. Dr. Stobie's petition also alleges that new information not considered by the Agency in those prior petitions should be evaluated by NHTSA. This new information includes: (1) The facts and circumstances of a crash that occurred as his wife was attempting to park their model year 2010 Lexus HS250H; (2) the source of EDR data in Toyota vehicles; (3) alleged defects in the Toyota Electronic Throttle Control (ETC) software; and (4) a recall conducted by Honda in Japan.

2.0 Petition Analysis

2.1 Background

2.1.1 EDR Data Limitations

The Toyota EDR collects pre-trigger data (vehicle speed, engine speed, brake switch status, and accelerator pedal position sensor #1 voltage) from the vehicle's High Speed Controller Area Network (HS–CAN), which is refreshed either periodically or immediately by the respective control modules.

TABLE 1—EDR PRE-CRASH PARAMETERS, BY REFRESH RATE

Parameter	Refresh rate	Resolution
Brake Switch	Immediately	On/Off.
Engine RPM	24 ms	400 RPM.[1]
Vehicle Speed.	500 ms	2 km/h.[2]
Accelerator Rate.	512 ms	0.039 volts.

The EDR continuously performs 1 Hz sampling of HS–CAN pre-trigger data and stores the data in a temporary buffer. The EDR only saves this data, along with the trigger data, when it detects a triggering event such as a crash.[2] Table 1 shows the refresh rates and resolutions for the pre-crash data signals. Any analysis of EDR data for Toyota vehicles should apply these data time tolerances and resolutions at each of the pre-crash data points.

In 2010, NHTSA's Vehicle Research and Test Center (VRTC) conducted testing to validate the EDR pre-crash data used in NHTSA field investigations.[3] The testing found that the pre-crash data recorded by the Toyota EDR were accurate within the known limitations resulting from the data resolution and sampling rates. The testing also demonstrated that the EDR does not necessarily capture all accelerator pedal applications during an event and the accelerator pedal voltage recorded at each EDR time interval may not be the actual accelerator pedal voltage at that interval. Subsequent studies have confirmed the limitations of stored EDR pre-crash data in capturing the entire crash event due to the data refresh rates, data resolutions and EDR sampling rates.[4] [5] [6]

The EDR download report clearly notes these issues in the first two items of Data Limitations section on page one of the report:

- *Due to limitations of the data recorded by the airbag ECU, such as the resolution, data range, sampling interval, time period of the recording, and the items recorded, the information provided by this data may not be sufficient to capture the entire crash.*
- *Pre-Crash data is recorded in discrete intervals. Due to different refresh rates within the vehicle's electronics, the data recorded may not be synchronous to each other.*

2.1.2 National Research Council Report

In 2012, the National Research Council released a report that included a review of NHTSA's processes for investigating allegations of sudden unintended acceleration in Toyota and other vehicles.[7] As noted in the agency's denial of DP14–003, the report concluded that NHTSA's decision to close its investigations of Toyota's ETC were justified based on the initial investigations, complaint analyses, field investigations using EDR data and NASA's examination of the Toyota ETC. With regard to allegations of low-speed surging with ineffective brakes, the report stated:

Reports of braking ineffectiveness in controlling a vehicle experiencing the onset of unintended acceleration from a stopped position or when moving slowly requires an explanation for the ineffectiveness, such as

[1] EDR recorded data are rounded down in the indicated resolution increments.

[2] An event is triggered by detection of a deceleration of approximately 2 g's.

[3] ''Event Data Recorder—Pre Crash Data Validation of Toyota Products,'' NHTSA–NVS–20ll–ETC–SR07, February 2011.

[4] Brown, R., White, S., ''Evaluation of Camry HS–CAN Pre-Crash Data,'' SAE Technical Paper 2012–01–0996, 2012, doi: 10.4271/2012–01–0996.

[5] Brown, R., Lewis, L., Hare, B., Jakstis, M. et al., ''Confirmation of Toyota EDR Pre-crash Data,'' SAE Technical Paper 2012–01–0998, 2012, doi: 10.4271/2012–01–0998.

[6] Ruth, R., Bartlett, W., Daily, J., ''Accuracy of Event Data in the 2010 and 2011 Toyota Camry During Steady State and Braking Conditions,'' SAE Technical Paper 2012–01–0999, 2012, doi: 10.4271/2012–01–0999.

[7] NRC. 2011. TRB Special Report 308: The Safety Challenge and Promise of Automotive Electronics: Insights from Unintended Acceleration. Washington, DC: National Academies Press, (164).

physical evidence of damage to the brake system. Under these circumstances, investigating for phenomena other than pedal misapplication absent an explanation for the ineffectiveness of the brakes, which are independent of the throttle control system and are designed to dominate engine torque, is not likely to be useful.

2.2 Crash Incident

The crash identified by the petitioner involved a sudden acceleration incident experienced by his wife as she attempted to park the family's 2010 Lexus HS250H on June 20, 2015, while on the grounds of the United States Naval Academy.

2.2.1 Driver's Statement

Mrs. Stobie described the sudden unintended acceleration incident in several complaints submitted to ODI from June 21, 2015 to August 17, 2015 (VOQ's 10726415, 10726781, and 10749195). She provided the following statement in the most recent complaint (VOQ 10749195):

My accident was caused by unintended acceleration. As I was slowly turning right into a parking place, the car suddenly accelerated and crashed into a brick building. The force of the crash caused the air bags to deploy. There was so much damage to the car that it was a total loss. After the crash I obtained the event data recorder (EDR) reading from a contractor hired by Toyota. It showed that for the last 5 seconds before the crash, I was applying very light pressure to the gas pedal up until the last .8 seconds. For the last .8 second the EDR shows that my foot was on the brake and the throttle was at nearly maximum value. During the last .8 seconds the car went from 5 mph to 9.9 mph and the engine rpm went from 1200 to 2800. I did not apply pressure to the gas pedal at this time. I was applying pressure to the brake pedal . . .

2.2.2 Event Data Recorder Data

The petitioner provided a copy of the EDR download data (Table 2).

TABLE 2—PRE-CRASH DATA FOR VOQ 10749195

Time (sec)	−4.8	−3.8	−2.8	−1.8	−0.8	0 (TRG)
Vehicle Speed (MPH [km/h])	2.5 [4]	1.2 [2]	2.5 [4]	3.7 [6]	5 [8]	9.9 [16].
Brake Switch	OFF	OFF	OFF	OFF	OFF	ON.
Accelerator Rate (V [% full apply])	0.78 [0]	0.98 [8]	1.45 [27]	1.41 [26]	1.33 [22]	3.32 [106].
Engine RPM (RPM)	800	800	800	1,200	1,200	2,800.

The EDR data shows that at the most recent EDR sample prior to impact (t = −0.8 s), the vehicle is nominally within 10 ft. of the building, travelling approximately 7 ft./s, the accelerator is at approximately 22 percent of full apply and the brake is not applied. The recorded data at the airbag trigger point (t = 0 s), shows that the accelerator pedal was fully applied [8] at sometime within 0.512 seconds prior to the trigger point (see *Section 2.1.1 EDR Data Limitations* for the source and refresh rate of Accelerator Rate) and the brake switch is ''On.''

In support of his allegation that data provided to the EDR was corrupted by an undefined software error, the petitioner notes that the EDR erroneously states that the brake pedal and accelerator were both being pressed at the same time. Other vehicle data shows that they were not: This information does not validate the conclusion adopted in the petition. Separate data downloaded from the Hybrid Control Unit (HCU) for the petitioner's vehicle indicates that the brake pedal and the accelerator pedal were not applied simultaneously at any time during the key cycle in which the petitioner's accident occurred.[9] As noted above, the EDR reads the position of the brake light switch instantaneously while there can be a time lag as long as 0.512 seconds in writing accelerator position to the EDR. Since the brake light switch was in the ON state at the air bag trigger point, this indicates that the brake was not applied until after the accelerator pedal was released, which must have occurred in the final half second of travel.

In addition, as noted by the petitioner, brake testing conducted by Toyota field inspectors after the incident found that the system performed normally and was capable of stopping a vehicle at full throttle:

During the test drive they floored the accelerator and then quickly slammed on the brakes. The car behaved as expected. Nowhere did they find a safety defect.

Based on the recorded vehicle speeds, the vehicle was inside the parking space when the most significant acceleration occurred. At this time and distance from impact, a driver would normally be applying the brake or coasting and not applying the accelerator to full throttle. Although the driver alleged that the brakes were not effective during the incident, the brakes had no prior history of malfunction and the post-incident inspection did not identify any issues with the brake system. Review of the EDR and HCU data indicate very late activation of the Brake Stop Lamp Switch after full application of the accelerator pedal. These data do not support the driver's statement that the brake was applied when the acceleration occurred. Based on the foregoing information, this incident appears to be a case of pedal misapplication.

2.3 Source of EDR Data

The petitioner correctly notes that the EDR receives the Accelerator Rate voltage from the engine computer and not directly from the pedal and asserts that this is ''new critical information about EDR data.'' In the petitioner's view, the analog to digital conversion of the accelerator pedal signal and subsequent processing by the engine computer creates a potential pathway for an unknown software error to create erroneous accelerator position data. However, this is not ''new'' information about the source of the accelerator pedal position data sampled and recorded by the EDR. All prior work by the agency related to Toyota EDR data dating back to the joint NHTSA/NASA study, including the two previous petitions and other studies referenced in that work, recognized and reported that the EDR samples Accelerator Rate voltage data from the HS–CAN bus. Further, as discussed below, the engine computer software has been exhaustively examined, including analysis in the NHTSA/NASA study, and no one, even consultants who have offered testimony asserting the software is defective, has identified a specific and reproducible mechanism or set of conditions that produces unintended acceleration or the ''false'' data phenomenon put forward in the petition. As noted in the prior work and in Section 2.1.1 of this report, the HS–CAN bus receives the Accelerator Rate data from the engine control module, which refreshes the data every 512 ms (see Table 1).

The EDR continuously samples the HS–CAN data once per second and stores the data in a temporary buffer. The EDR only saves this data, along with the trigger data, when it detects a triggering event such as a crash. Because of the manner in which the ECM updates/refreshes the data to the HS–CAN, the ''recorded'' Accelerator Rate data saved by the EDR is not necessarily the ''actual'' data at the precise time intervals captured by the EDR. For example, the Accelerator Rate recorded by the EDR for the petitioner's crash at the trigger point (t = 0 s) is not necessarily the actual data at the trigger point, but the most recent value refreshed to the HS–CAN over the prior 512 ms. This explains why it is possible for the EDR data to show that the accelerator appeared to be applied fully at the same time the brake switch was in the ON position when the HCU data shows that the brake and the accelerator were not applied simultaneously.

2.4 Alleged Software Defects

The petitioner states that software defect theories posited by plaintiff experts in

[8] According to Toyota, an Accelerator Rate of 3.188 volts corresponds with a 100% accelerator pedal application resulting in wide-open throttle. Any further application of the pedal may produce higher voltage, but will not result in any additional throttle opening.

[9] The HCU receives data directly from the Accelerator Pedal Position Sensor and Brake Stop Lamp Switch and records any instance in which the pedals are applied at the same time in a particular drive cycle. Hybrid motor protection logic will override accelerator pedal signals that occur when the brake is applied.

unintended acceleration litigation against Toyota is new evidence since the joint NHTSA/NASA study. However, ODI has previously reviewed this information during its evaluation of DP14–003. The petitioner does not provide any new information about the theories or his allegations of defects in the Toyota ETC software. As noted in ODI's denial report for DP14–003, the software defect theories failed to identify a precise cause for sudden acceleration, the software experts did not reproduce the alleged software defects in testing, and the theorized conditions did not result in sudden acceleration when artificially simulated. We find no basis for concluding that the software defect theories constitute scientifically valid evidence or could explain the incident alleged by the petitioner.

ODI's assessment of the software defect theories is not substantially different from that of one of the plaintiff attorneys who hired the software experts. These plaintiff attorneys provided the following characterization of the software experts' work and findings in a document related to the Toyota SUA property loss settlement in 2013:

While Plaintiffs' software experts raised certain software design and architecture issues, they have not been able to identify a defect that is responsible for the vast array of SUAs reported to Toyota and NHTSA by vehicle owners. More specifically, Plaintiffs have been unable to reproduce a UA in a Subject vehicle under driving conditions.[10]

In addition, an October 2013 order from the presiding judge in the Toyota ETC multi-district litigation provided the following characterization of the software defect theories cited by the petitioner when issuing a ruling in a sudden acceleration case:

Toyota's Motion for Summary Judgment is premised on the uncontroverted fact that Plaintiff has been unable to identify a precise software design or manufacturing defect and point to physical or otherwise traceable evidence that the defect actually caused the Camry throttle to open from an idle position to a much wider angle without analog input from the driver via the accelerator pedal. To a lesser extent, it is also premised upon the fact that Plaintiff cannot prove the actual failure of Toyota's fail-safe mechanisms in the Camry on the day of the collision.

2.5 The Honda Example

The petitioner references a 2014 recall of 175,000 Honda Fit vehicles in Japan as an example of a software defect causing unintended acceleration accidents (Honda Foreign Campaign Number 14F–057). The Honda recall addressed programming flaws that may result in unintended acceleration during specific operating conditions. Honda's Foreign Recall Report to NHTSA described the programming flaws and operating conditions:

The vehicle may lurch forward due to excessive driving force generated by the motor if the accelerator pedal is pressed strongly when the vehicle is in Engine mode and shifted into Drive or Reverse, or the vehicle is in EV mode and being operated on a slope. The vehicle may also lurch forward momentarily due to excessive driving force generated by the motor when switching from EV mode to Engine mode after being in stop and go traffic.

Honda was able to reproduce the conditions described in the recall and develop a software update to address the ''lurching'' concerns. The conditions addressed by the Honda recall are associated with brief surges that occur when the accelerator pedal is being applied under specific operating conditions and, thus, are not related to the petitioner's incident or allegations (which claim sustained acceleration during brake application), nor have they been observed in the general population of Toyota ETC vehicles. Finally, ODI is not aware of any vehicle defect theories, from the software experts cited by the petitioner or anyone else, that have similarly documented and reproduced a sudden unintended acceleration condition in the Toyota vehicles that would be attributable to the electronic throttle control software in those vehicles.

3.0 Conclusion

The petitioner does not provide any new evidence in support of his petition. In our view, a defects investigation is unlikely to result in a finding that a defect related to motor vehicle safety exists, or a NHTSA order for the notification and remedy of a safety related defect as alleged by the petitioner, at the conclusion of the requested investigation. Therefore, given a thorough analysis of the potential for finding a safety related defect in the vehicle, and in view of NHTSA's enforcement priorities and its previous investigations into this issue, the petition is denied. This action does not constitute a finding by NHTSA that a safety related defect does not exist. The agency will take further action if warranted by future circumstances.

Authority: 49 U.S.C. 30162(d); delegations of authority at 49 CFR 1.50 and 501.8.

Frank S. Borris II,

Acting Associate Administrator for Enforcement.

[FR Doc. 2016–04605 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–59–P

[10] Berman, S., Seltzer, M., and Pitre,. F. (2013, April 23). Plaintiff's Memorandum in Support of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Compensation to Named Plaintiffs, page 12. *In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation. United States District Court, Central District of California. Case No. 8:10ML2151.* Retrieved from *https://www.toyotaelsettlement.com/Home/CaseDocs.*

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0109, Notice 2]

Decision That Certain Nonconforming Model Year 2006–2007 European Market Ferrari 599 GTB Passenger Cars Manufactured Prior to September 2007 Are Eligible for Importation

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

ACTION: Grant of petition.

SUMMARY: This document announces a decision by the National Highway Traffic Safety Administration (NHTSA) that certain model year (MY) 2006–2007 European market Ferrari 599 GTB passenger cars (PCs) manufactured prior to September 2007 that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States that were certified by their manufacturer as complying with the safety standards (the U.S. certified version of the MY 2007 Ferrari 599 GTB PC), and they are capable of being readily altered to conform to the standards.

DATES: This decision became effective on February 26, 2016.

ADDRESSES: For further information contact George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified as required under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register**

of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC, of Baltimore, Maryland (''JK'') (Registered Importer# RI–90–006), petitioned NHTSA to decide whether MY 2006–2007 European market Ferrari 599 GTB PCs manufactured prior to September 2007 are eligible for importation into the United States. NHTSA published a notice of the petition on March 24, 2014 (79 FR 16099) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

Comments

On April 23, 2014, NHTSA received comments from Ferrari North America, Inc. (FNA), on behalf of Ferrari SpA, the vehicle's original manufacturer. In its comments, Ferrari stated that while it agreed that the U.S.- and the non-U.S.-certified versions of the vehicle are ''substantially similar'' within the meaning of 49 U.S.C. 30141(a)(1)(A)(i), it strongly disputed JK's assertions that the non-U.S.-certified version could be readily altered to comply with all applicable FMVSS. FNA elaborated by presenting detailed reasons for its assertions with respect to specific FMVSS.

On May 21, 2014, NHTSA forwarded FNA's comments to JK to accord it an opportunity to respond and asked it to submit its response by June 4, 2014. By letter dated June 10, 2014, JK requested a 45-day extension in order to gather engineering data to adequately address the concerns raised by FNA. NHTSA approved JK's request for extension. JK provided its initial response on August 17, 2014 and submitted supplemental information on February 17, 2015.

A summary of FNA's comments, JK's responses, and the conclusions that NHTSA has reached with regard to the issues raised by the parties is set forth below.

Analysis of Comments and Agency Conclusions

NHTSA has reviewed the petition, FNA's comments and JK's responses to those comments, and has concluded that only the nonconforming European Market versions of the vehicles described in the petition are substantially similar to the U.S.-certified version of the MY 2006 and 2007 Ferrari 599 GTB PC and are capable of being readily altered to comply with all applicable FMVSS. NHTSA has also decided that an RI who imports or modifies one of these vehicles must include in the statement of conformity and associated documents (referred to as a ''conformity package'') it submits to NHTSA under 49 CFR 592.6(d) specific proof, as described below, to show that the vehicle was manufactured to conform to, or was successfully altered to conform to, each of the following standards:

FMVSS No. 101 *Controls and Displays:* FNA commented that the Electronic Control Unit (''ECU'') for the instrument cluster would have to be ''reflashed'' with a ''Proxy'' file from the Ferrari factory to ensure that all of the other ECUs on the Control Area Network (''CAN'') are aware of the new ECU and are communicating properly. FNA additionally commented that the necessary reprogramming to achieve conformity to the standard can only be completed with proprietary hardware and software which is not available to RI's and can only be obtained from Ferrari and/or FNA.

JK responded that it has the Ferrari tools and the required access to reflash all computers as required.

NHTSA has decided that a description of how the programming changes were completed and how compliance with the standard was verified must be included in each conformity package. Photographs, printouts, and/or images of the installation computer's monitor (''screenshots''), as practicable, must also be submitted as proof that the reprogramming was carried out successfully.

FMVSS No. 108 *Lamps, Reflective Devices, and Associated Equipment:* FNA commented that the reprogramming identified by JK would necessitate reflashing the control system with a ''Proxy'' file from the Ferrari Factory in order to assure that all aspects of the lighting system perform in accordance with this standard.

JK responded that it has the Ferrari tools and the required access to reflash all computers as required.

NHTSA has decided that a description of how the programming changes were accomplished and how compliance with FMVSS No. 108 is verified must accompany each conformity package. Photographs, printouts, and/or screenshots, as practicable, must also be submitted as proof that the reprogramming was carried out successfully.

FMVSS No. 111 *Rearview Mirrors:* FNA commented that in addition to the modifications noted in the petition, the driver's outside rearview mirror would need to be replaced.

JK responded that no comment is necessary.

NHTSA has decided that proof, including photographs, must be submitted with each conformity package to show that the vehicle is equipped with a driver's side rear view mirror that allows the vehicle to meet the applicable requirements of FMVSS No. 111.

FMVSS No. 114 *Theft Protection and Rollaway Prevention:* As was the case with FMVSS Nos. 101 and 108, FNA contended that reprogramming could only be completed with proprietary hardware and software that is not available to RIs and can only be obtained from Ferrari and/or FNA.

JK responded that it has the Ferrari tools and the required access to reflash all computers as required.

NHTSA has decided that a description of how the programming changes were completed and how compliance was verified must accompany each conformity package. Additionally, photographs, printouts, and/or screenshots, as practicable, must be submitted as proof that the reprogramming was carried out successfully.

FMVSS No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* FNA commented that the reprogramming identified by JK is not necessary for the vehicles to conform to the standard.

Despite FNA's comment, NHTSA has decided that a description of how the vehicle's conformity was determined must accompany each conformity package. If any modifications were necessary to achieve conformity, a description of those modifications must be included in the conformity package.

FMVSS No. 138 *Tire Pressure Monitoring Systems:* In its petition, JK claimed that the subject non-U.S.-certified vehicles conform to FMVSS No. 138 as originally manufactured. FNA commented that tire pressure monitoring systems (TPMS) are not standard equipment on all European Ferrari 599 GTB vehicles and that substantial work would be required to bring vehicles into compliance with the standard. FNA further asserted that because of the extent and complexity of the required changes, vehicles not originally equipped with TPMS cannot be ''readily altered'' to comply with the standard.

JK responded that it has access to the appropriate equipment and has experience in installing TPMS and the

equipment to make sure those systems are working properly.

NHTSA notes that because the subject nonconforming vehicles were manufactured prior to September 1, 2007, the date on or after which 100% of passenger cars must meet the requirements of FMVSS No. 138, compliance of the subject vehicles with FMVSS No. 138 is not an issue. An RI only needs to conform a vehicle to standards that are fully phased in by the vehicle's date of manufacture.

FMVSS No. 205 *Glazing Materials:* FNA commented that JK's assertion that the glazing material complies with the standard was incorrect. FNA states that the rear corner glazing directly behind the B-Pillar on both sides of the vehicle is made of plastic, which does not comply with the standard.

JK responded that the vehicle it inspected was equipped with compliant glazing, as it is properly labeled. JK states that each vehicle imported will be inspected and if not in compliance, will be brought into compliance by adding the appropriate glass.

NHTSA has decided that photographic evidence of the required markings to demonstrate that the glazing complies with the standard must be submitted with each conformity package.

FMVSS No. 207 *Seating Systems:* FNA commented that replacement of the driver and passenger seats with U.S.-model components would not be physically possible in the European market model due to differences in the chasses. Specifically, FNA stated that the chassis in the U.S.-model vehicles ''dips down in order to accommodate the weight sensors needed to comply with the requirements of FMVSS No. 208.''

JK disagreed with FNA's claim that there is a ''dip'' in the chassis, but noted that some of the chasses have ''different seat mounts.'' JK provided parts listings and diagrams showing the different mounts.

JK also responded that the seat frames and mounting points are the same in the U.S.-model and European market vehicles, but observed that there are four brackets that are welded to the [chasses] of the European market vehicles on the passenger side only that could be removed, and U.S.-model seats and seat runners installed onto the resulting flat surface of the [chassis].

Ferrari also commented that, ''JKT acknowledges that both driver and passenger seating systems in the European vehicle must be replaced with U.S. seats.''

JK responded:

> The reason the seats need to be replaced is NOT a safety issue. It's a leather matching issue. If you ''choose'' to replace the passenger seat so that you get the U.S. seat with the baby seat tether hole, then you must replace the driver's seat to match the leather color [in the a replaced passenger seat].
>
> If you choose to make a template and cut the hole for the baby seat tether [in the passenger seat] then you do not need to replace either seat. There is NO difference in the design or mounting points between the European seats and the U.S. seats. There are differences in the levels of the leather and options in both the U.S. seats and the European seats.

NHTSA has decided that a description of the seating systems present on the vehicle at the time of importation, including all differences from the U.S.-model, with part numbers and diagrams where applicable, and a description of all modifications necessary to conform the vehicle to the standard must accompany each conformity package. Additionally, photographs, as practicable, must be submitted as proof that modifications were carried out successfully.

FMVSS No. 208 *Occupant Protection:* FNA commented that JK did not identify all components that need to be replaced in order to bring the airbag system into compliance. FNA specifically notes that the European versions of the subject vehicles are not equipped with a ''PASS AIR BAG OFF'' telltale, which is required for compliance. Additionally, FNA stated that JK did not identify certain portions of the instrument panel that differ from those on the U.S.-certified version of the vehicle and that would have to be changed to assure compliance with the unbelted crash requirements of the standard.

JK responded that the installation of the U.S. version instrument panel and reprogramming will ensure that a compliant system is installed providing the telltales that meet the requirements of FMVSS No. 208.

JK further stated that after the brackets are removed, it can install the rails and seats properly with the software and systems. JK states that it will program, reset, and test the systems, bringing them into compliance with the standard.

JK later clarified that the European vehicle it inspected was equipped with the proper parts as well as the proper programs and systems to meet the requirements of the standard in the same manner as the U.S.-version of the vehicle, including the complete instrument systems, dash, and ''passenger airbag off'' light.

NHTSA has decided that each conformity package must include a detailed description of the occupant protection system in place on the vehicle at the time it was delivered to the RI and a similarly detailed description of the occupant protection system in place after the vehicle is altered, including photographs of all required labeling. The description must also include assembly diagrams and associated part numbers for all components that were removed from and installed on the vehicle, a description of how the programming changes were completed, and a description of how compliance was verified. Additionally, photographs (*e.g.,* screenshots) or report printouts, as practicable, must be submitted as proof that the reprogramming was carried out successfully. Proof must also be furnished that all portions of the instrument panel in the vehicle, after all conformance modifications are performed, are identical to the U.S. version instrument panel, or proof in the form of dynamic test results showing that the vehicle, as altered, conforms to the unbelted occupant requirements of FMVSS No. 208.

FMVSS No. 209 *Seat Belt Assemblies:* FNA commented that, as JK acknowledged in the petition, some European market vehicles are equipped with four-point seat belt assemblies that do not comply with this standard. FNA contends that the belts could not simply be replaced by a registered importer, due to the absence of an anchorage on the B-pillar.

JK responded that the vehicle it inspected was equipped with ''the correct belts.'' JK indicated that if a vehicle is equipped with the non-compliant four-point seat belts it can make the appropriate tools to install the correct belts, using a U.S.-model vehicle as a guide.

NHTSA has decided that each conformity package must include photographic evidence that conforming safety belts have been installed in the vehicle. Safety belt anchorages are addressed in the following discussion of FMVSS No. 210.

FMVSS No. 210 *Seat Belt Assembly Anchorages:* In the petition, JK claims that the subject non-U.S. certified vehicles conform to FMVSS No. 210 as originally manufactured. FNA commented that European market vehicles that were equipped with optional four-point harnesses lack b-pillar anchorages that are necessary for the installation of compliant three-point harnesses. FNA expressed concern about the ability of an RI to install this anchorage and ensure that it meets the performance requirements of the standard without Ferrari's templates

and tools, which are only used during production.

JK responded that any vehicle found to be equipped with the optional belts and lacking the aforementioned anchorage would have to be modified to meet this standard. JK further states that it will draw a template from a U.S. donor vehicle and that, as a result, all parts and engineering of the anchorage would be identical to the Ferrari mounting point. JK asserts that less than one percent of production is equipped with the optional belts.

NHTSA has decided that conformity packages for vehicles that require modification must include a detailed description of the alterations made to achieve conformity with the standard. The description must include sufficient information to validate how the alterations allowed the vehicle to meet the requirements of the standard. This information must include photographic evidence that the modification was carried out, as well as testing and/or engineering analysis reports documenting how the RI has verified that the alterations will allow the vehicle to meet all applicable requirements of the standard.

FMVSS No. 225 *Child Restraint Anchorage Systems:* FNA stated that European market vehicles do not include a top tether anchor plate that is included on U.S. market vehicles. FNA further expressed doubts about an anchorage installed by an RI being able to meet the strength requirements of the standard.

JK responded that it has the parts and tools to install the anchorage properly.

NHTSA has decided that conformity packages for vehicles that require modification must include a detailed description of the alterations made to achieve conformity with the standard. The description must include sufficient information to validate how the alterations allowed the vehicle to meet the requirements of the standard. This information must include photographic evidence that the modification was carried out, as well as testing and/or engineering analysis reports documenting how the RI has verified that the alterations will allow the vehicle to meet all applicable requirements of the standards.

FMVSS No. *301 Fuel System Integrity:* FNA stated that the modifications to the fuel system that JK identified in the petition, while necessary to comply with emissions requirements, have no bearing on compliance with FMVSS No. 301. However, FNA additionally stated its belief that the addition of rear bumper reinforcements is necessary to insure compliance with FMVSS No. 301.

JK responded that no comment was necessary.

NHTSA has decided that the fuel system modifications identified in the petition are necessary to bring the vehicles into compliance with the standard. Additionally, NHTSA has decided that each conformity package must include a detailed description of all modifications made to achieve conformity with the standard. This description must include part numbers for each part replaced and be supported with photographic evidence of the modifications made to achieve conformity.

FMVSS No. 401 *Interior Trunk Release:* FNA expressed agreement that the modifications described in the petition are necessary to conform the vehicle to the standard. The company noted, however, that the reprogramming could only be completed with proprietary hardware and software, which is not available to RIs and can only be obtained from Ferrari and/or FNA.

JK responded that it has access to all of the parts and programming necessary to bring the vehicle into compliance.

NHTSA has decided that each conformity package must include a description of how the programming changes were completed and how compliance was verified. Additionally, photographs, printouts, and/or screenshots, as practicable, must be submitted as proof that the reprogramming was carried out.

49 CFR part 581 *Bumper Standard:* FNA commented that in addition to the modifications described by JK in its petition, additional bumper reinforcements would have to be installed in both the front and the rear of the vehicle.

JK responded that no comment was necessary.

NHTSA has decided that each conformity package must include a detailed description of all modifications made to achieve conformity with the standard, including necessary modifications to the bumper reinforcements. This description must include part numbers for each part replaced and be supported with photographic evidence of the modifications made to achieve conformity.

In addition to the information specified above, each conformity package must include evidence showing how the RI verified that the changes it made in loading or reprograming vehicle software to achieve conformity with each FMVSS did not also cause the vehicle to fall out of compliance with any other applicable FMVSS.

NHTSA's Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that model year 2006 and 2007 European market Ferrari 599 GTB passenger cars not originally manufactured to comply with all applicable FMVSS and manufactured from September 1, 2006 to August 31, 2007 are substantially similar to model year 2007 Ferrari 599 GTB passenger cars manufactured prior to September 1, 2007 for importation into and/or sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal Motor Vehicle Safety Standards.

Vehicle Eligibility Numbers: Ferrari stated in its comments on the subject petition that it did not certify any Ferrari 599 GTB passenger cars as model year 2006 for the U.S.-market. The agency notes that it previously decided that model year 2006 Ferrari 599 [GTB [1]] passenger cars not originally manufactured to comply with all applicable FMVSS manufactured prior to September 1, 2006 are eligible for importation as model year 2006 vehicles under VSP–518 (75 FR 34524). At the time, NHTSA relied on Ferrari's submission of VIN deciphering information under 49 CFR part 565, dated February 22, 2006, which indicated that the company planned to apply the model year 2006 designation to Ferrari 599 GTB passenger cars manufactured for sale in the United States. The agency also took note of the fact that Ferrari did not comment on the petition that resulted in eligibility number VSP–518 with regard to the model year designation.

After the original 2006 Ferrari 599 GTB petition was granted on July 7, 2009, NHTSA amended the definition of the term ''model year'' in 49 CFR 593.4 for the purpose of import eligibility decisions. The amendment was made to eliminate much of the confusion confronting RIs over the issue of whether a given vehicle manufactured for sale abroad has a substantially similar U.S.-certified counterpart of the same model year. The amendment, made in a final rule published on August 25, 2011 (76 FR 53072), deleted ''the calendar year that begins on September 1 and ends on August 31 of the next calendar year,'' as one of the alternative definitions of the term

[1] At the time the decision was made, the full model name was abbreviated in the grant notice for the petition. The full model name is included here for consistency.

''model year.'' In place of the deleted text, the amendment added the following alternative definition: ''The calendar year (*i.e.,* January 1 through December 31) in which manufacturing operations are completed on the vehicle at its place of main assembly.''

In light of this change in the definition of ''model year,'' as well as Ferrari's failure to raise any issue regarding the model year designation in response to the original model year 2006 599 GTB petition, NHTSA considers Ferrari's comment on this issue in the subject petition to be moot.

Consequently, NHTSA reaffirms that nonconforming Ferrari 599 GTB passenger cars manufactured between January 1, 2006 and August 31, 2006 continue to be eligible under VSP–518.

NHTSA has also decided that nonconforming model year 2006 European market Ferrari 599 GTB passenger cars manufactured from September 1, 2006 through December 31, 2006 and nonconforming model year 2007 European market Ferrari 599 GTB passenger cars manufactured from September 1, 2006 through December 31, 2007, are admissible under vehicle eligibility number VSP–576. This number must be indicated on the form HS–7 accompanying entry of the vehicles eligible for entry.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2016–04616 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0126; Notice 1]

Supreme Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of petition.

SUMMARY: Supreme Corporation (Supreme), has determined that certain model year (MY) 2015–2016 Supreme Classic American Trolley buses manufactured between October 1, 2014 and November 2, 2015, do not fully comply with paragraph S6 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* Supreme filed a report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Supreme then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

DATES: The closing date for comments on the petition is April 4, 2016.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated above will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. Overview

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Supreme submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Supreme's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Buses Involved

Affected are approximately 21 MY 2015–2016 Supreme Classic American Trolley buses manufactured between October 1, 2014 and November 2, 2015.

III. Noncompliance

Supreme explains that the noncompliance is that the windshields on the subject Trolley's do not contain the ''AS1'' markings as required by paragraph S6 of FMVSS No. 205.

IV. Rule Text

Paragraph S6 of FMVSS No. 205 requires in pertinent part:

S6. Certification and marking.

S6.1 A prime glazing material manufacturer, must certify, in accordance with 49 U.S.C. 30115, each piece of glazing material to which this standard applies that is designed—

(a) As a component of any specific motor vehicle or camper; or

(b) To be cut into components for use in motor vehicles or items of motor vehicle equipment.

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1–1996, in letters and numerals of the same size, the symbol ''DOT'' and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. The request must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer as defined in S4.

In addition, paragraph S5.1 of FMVSS No. 205 incorporates by reference ANSI Z26.1–1996 and other industry

standards. Specifically, Section 7 (Marking of Safety Glazing Materials) of ANSI Z26.1–1996 requires that:

> In addition to any other markings required by law, ordinance, or regulation, all safety glazing materials manufactured for use in accordance with this standard shall be legibly and permanently marked in letters and numerals . . . with the words American National Standard or the characters AS and . . . In addition to the preceding markings and immediately adjacent to the words American National Standard or the characters AS, each piece of glazing material shall further be marked . . . if complying with the requirements of Section 4, Application of Tests, Item 1 with the numeral 1; . . .

V. Summary of Supreme's Analyses

Supreme stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) Supreme stated that the subject windshields meet all performance and other requirements of FMVSS No. 205 with the exception of the subject noncompliance.

(2) Supreme stated its belief that repair services for the subject windshields will not be affected because replacement windshields are typically obtained through Supreme distributors who have the correct and compliant replacement glazing.

(3) Supreme also stated that they have not received any consumer complaints, claims, or warranty claims related to this noncompliance.

(4) Supreme additionally made mention of similar inconsequential noncompliance petitions that were granted by the agency relating noncompliances that Supreme believes are similar to the subject FMVSS No. 205 noncompliance.

Supreme has informed NHTSA that for all affected vehicles that remain in Supreme's inventory and the inventory of Supreme's distributors, permanent markings in compliance with FMVSS No. 205 will be added to the vehicle windshields before delivery under a sale or lease.

In summation, Supreme believes that the described noncompliance of the subject windshields is inconsequential to motor vehicle safety, and that its petition, to exempt Supreme from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject buses that Supreme no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant buses under their control after Supreme notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2016–04617 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Exec Air Inc. of Naples D/B/A Execair for Commuter Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 2016–2–23); Docket DOT–OST–2014–0149.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order tentatively finding Exec Air Inc. of Naples d/b/a ExecAir fit, willing, and able to provide scheduled passenger service as a commuter air carrier using small aircraft pursuant to Part 135 of the Federal Aviation Regulations.

DATES: Persons wishing to file objections should do so no later than March 11, 2016.

ADDRESSES: Objections and answers to objections should be filed in Docket DOT–OST–2014–0149 and addressed to U.S. Department of Transportation, Docket Operations, (M–30, Room W12–140), 1200 New Jersey Avenue SE., West Building Ground Floor, Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Catherine J. O'Toole, Air Carrier Fitness Division (X–56, Room W86–489), U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–9721.

Dated: February 26, 2016.

Brandon M. Belford,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2016–04676 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinic Grant Program; Availability of 2016 Supplemental Grant Application Period

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document contains a Notice that the IRS is accepting applications from qualified organizations for a part-year Low Income Taxpayer Clinic (LITC) matching grant to provide representation to low income taxpayers and education about taxpayer rights and responsibilities to individuals who speak English as a second language in certain identified geographic areas. The grant will cover the last six months of the 2016 grant year, from July 1, 2016, through December 31, 2016. The supplemental application period shall run from March 1, 2016, to April x1, 2016.

Despite the IRS's efforts to foster parity in availability and accessibility in the selection of organizations receiving LITC matching grants and the continued increase in clinic services nationwide, there remain communities that are underrepresented by clinics.

For the supplemental application period, the IRS will focus on geographic areas where there is limited or no clinic representation.

The IRS will award up to $1.28 million in funding to qualifying organizations, subject to the limitations of Internal Revenue Code section 7526. A qualifying organization may receive a matching grant of up to $100,000 per year. Organizations currently receiving a grant are not eligible to apply during this supplemental application period. Grant funds may be awarded for start-up expenditures incurred during the grant year. The selection process for these part-year grants may not be complete before the beginning of the application period for the 2017 grant year; thus, applicants for a part-year grant will be expected to submit a separate application for full-year funding for the 2017 grant year during

the 2017 grant application period, when announced later this year.

Below is a list that contains the identified underserved geographic areas:

State or territory	Areas
Alabama	Statewide.
California	El Dorado, Imperial, Nevada, Placer, Riverside, Sacramento, San Bernardino, Sutter, Yolo, and Yuba counties.
Colorado	Statewide.
Georgia	Statewide.
Illinois	Southern Part of the State.
Mississippi	Statewide.
Nevada	Statewide.
New Mexico	Statewide.
New York	Nassau and Suffolk counties.
North Carolina	Statewide.
North Dakota	Statewide.
Oklahoma	Statewide.
Puerto Rico	Commonwealth-wide.
South Carolina	Statewide.
Tennessee	Eastern Part of the State.
Texas	Statewide.
Utah	Statewide.
Washington	Central Part of the State.

Qualifying organizations that provide representation to low income taxpayers involved in a tax controversy with the IRS and educate individuals for whom English is a second language (ESL) regarding their taxpayer rights and responsibilities under the Internal Revenue Code are eligible for a grant. An LITC must provide services for free or for no more than a nominal fee.

Examples of qualifying organizations include: (1) Clinical programs at accredited law, business or accounting schools whose students represent low income taxpayers in tax controversies with the IRS and (2) organizations exempt from tax under I.R.C. § 501(a) whose employees and volunteers represent low income taxpayers in tax controversies with the IRS.

In determining whether to award a grant, the IRS will consider a variety of factors, including: (1) The number of taxpayers who will be assisted by the organization, including the number of ESL taxpayers in that geographic area; (2) the existence of other LITCs assisting the same population of low income and ESL taxpayers; (3) the quality of the program offered by the organization, including the qualifications of its administrators and qualified representatives, and its record, if any, in providing representation services to low income taxpayers; (4) the quality of the application, including the reasonableness of the proposed budget; (5) the organization's compliance with all federal tax obligations (filing and payment); (6) the organization's compliance with all federal non-tax obligations (filing and payment); (7) whether debarment or suspension (31 CFR part 19) applies, or whether the organization is otherwise excluded from or ineligible for a federal award; and (8) alternative funding sources available to the organization, including amounts received from other grants and contributions, and the endowment and resources of the institution sponsoring the organization.

DATES: Grant applications for the last six months of the 2016 grant year must be electronically filed at *www.grants.gov* by April 1, 2016. Funding decisions will be made by July 1, 2016, and funds awarded must be spent by December 31, 2016.

ADDRESSES: The LITC Program Office is located at: Internal Revenue Service, Taxpayer Advocate Service, LITC Grant Program Administration Office, TA:LITC, 1111 Constitution Avenue NW., Room 1034, Washington, DC 20224. Copies of the *2016 Grant Application Package and Guidelines,* IRS Publication 3319 (Rev. 5–2015), can be downloaded from the IRS Internet site at *www.irs.gov/advocate* or ordered by calling the IRS Distribution Center toll-free at 1–800–829–3676.

FOR FURTHER INFORMATION CONTACT: The LITC Program Office at (202) 317–4700 (not a toll-free number) or by email at *L/TCProgramOffice@irs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 7526 of the Internal Revenue Code authorizes the IRS, subject to the availability of appropriated funds, to award qualified organizations matching grants of up to $100,000 per year for the development, expansion, or continuation of qualified low income taxpayer clinics. A qualified organization is one that represents low income taxpayers in controversies with the IRS and informs individuals for whom English is a second language of their taxpayer rights and responsibilities, and does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred).

Mission Statement

Low Income Taxpayer Clinics ensure the fairness and integrity of the tax system for taxpayers who are low income or speak English as a second language by providing *pro bono* representation on their behalf in tax disputes with the IRS, by educating them about their rights and responsibilities as taxpayers, and by identifying and advocating for issues that impact low income taxpayers.

Selection Consideration

Applications that pass the eligibility screening process will undergo a two-tier evaluation process. Applications will be subject to both a technical evaluation and a Program Office evaluation. The final funding decision is made by the National Taxpayer Advocate, unless recused. The costs of preparing and submitting an application (or a request for continued funding) are the responsibility of each applicant. Each application will be given due consideration and the LITC Program Office will notify each applicant once funding decisions have been made.

Nina E. Olson,

National Taxpayer Advocate, Internal Revenue Service.

[FR Doc. 2016–04720 Filed 3–2–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–161919–05 (FINAL)]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning TD 9451, Guidance Necessary to Facilitate Business Election Filing.

DATES: Written comments should be received on or before May 2, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: T.D. 9451—Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules (T.D. 9329).

OMB Number: 1545–2019.

Regulation Project Number: REG–161919–05.

Abstract: This regulation provides guidance to taxpayers for determining which corporations are included in a controlled group of corporations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 225,000.

Estimated Time per Respondent: 1 hr., 40 minutes.

Estimated Total Annual Burden Hours: 375,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 24, 2016.

Sara Covington,

IRS Tax Analyst.

[FR Doc. 2016–04761 Filed 3–2–16; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 81 Thursday,
No. 42 March 3, 2016

Part II

Department of Homeland Security

Transportation Security Administration

49 CFR Part 1540

Passenger Screening Using Advanced Imaging Technology; Final Rule

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1540

[Docket No. TSA–2013–0004]

RIN 1652–AA67

Passenger Screening Using Advanced Imaging Technology

AGENCY: Transportation Security Administration, DHS.

ACTION: Final rule.

SUMMARY: The Transportation Security Administration (TSA) is amending its civil aviation security regulations to specify that TSA may use advanced imaging technology (AIT) to screen individuals at security screening checkpoints. This rule is issued to comply with a decision of the U.S. Court of Appeals for the District of Columbia Circuit, which ordered TSA to engage in notice-and-comment rulemaking on the use of AIT for passenger screening.

DATES: Effective May 2, 2016.

FOR FURTHER INFORMATION CONTACT: Chawanna Carrington, Acting Passenger Screening Program Portfolio Section Lead-Checkpoint Solutions and Integration Division, Office of Security Capabilities—Transportation Security Administration, *OSCCSI-PSP@tsa.dhs.gov,* 571–227–2958 (phone), 571–227–1931 (fax).

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;* or

(2) Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at *https://www.sba.gov/category/advocacy-navigation-structure/regulatory-policy/regulatory-flexibility-act/sbrefa.*

Abbreviations and Terms Used in This Document

AIT Advanced Imaging Technology
ANSI American National Standards Institute
APA Administrative Procedure Act
ATR Automatic Target Recognition
ATSA Aviation and Transportation Security Act
CAPPS Computer-Assisted Passenger Prescreening System
CDRH Center for Devices and Radiological Health
CFR Code of Federal Regulations
DHS Department of Homeland Security
DOJ Department of Justice
DNA Deoxyribonucleic acid
EAJA Equal Access to Justice Act
E.O. Executive Order
ETD Explosives Trace Detection Devices
FAA Federal Aviation Administration
FDA Food and Drug Administration
FR **Federal Register**
GAO Government Accountability Office
HPS Health Physics Society
ICAO International Civil Aviation Organization
IEEE International Electronic and Electrical Engineers
IRFA Initial Regulatory Flexibility Analysis
LCCE Life Cycle Cost Estimate
NEPA National Environmental Policy Act of 1969
NPRM Notice of Proposed Rulemaking
OCRL/OTE Office of Civil Rights and Liberties, Ombudsman and Traveler Engagement
OMB Office of Management and Budget
OSC Office of Security Capabilities
PIA Privacy Impact Assessment
PMIS Performance Management Information System
PMO Program Management Office
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act of 1996
RIA Regulatory Impact Analysis
SAM Screener Allocation Model
SOP Standard Operating Procedure
SSI Sensitive Security Information
THz Terahertz
TSA Transportation Security Administration
TSL Transportation Security Laboratory
TSO Transportation Security Officer
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code
WTMD Walk Through Metal Detector

Table of Contents

I. Background

A. Summary of the Final Rule

Congress has charged the Transportation Security Administration (TSA), a component of the U.S.

Department of Homeland Security (DHS), with responsibility for civil aviation security, 49 U.S.C. 114(d), including combatting the threat posed by al Qaeda and other terrorists. The Administrator of TSA must ''assess current and potential threats to the domestic air transportation system'' and take ''necessary actions to improve domestic air transportation security,'' including by providing for ''the screening of all passengers and property'' before boarding an aircraft to ensure that no passenger is ''carrying unlawfully a dangerous weapon, explosive, or other destructive substance.'' *See* 49 U.S.C. 44904(a) and (e); 44901(a); 44902(a)(1).

By Federal regulation, ''[n]o individual may enter a sterile area or board an aircraft without submitting to the screening and inspection of his or her person and accessible property in accordance with the procedures being applied to control access to that area or aircraft. . . .'' 49 CFR 1540.107(a). The final rule amends this regulation to specify that the screening and inspection of a person may include the use of advanced imaging technology (AIT).

Congress has directed the Secretary of Homeland Security to ''give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives.'' 49 U.S.C. 44925(a).[1] In June 2008, the Senate Appropriations Committee encouraged TSA to expand the use of AIT.[2] TSA began deploying AIT in 2008 after laboratory and operational testing.

The AIT currently deployed by TSA is a millimeter wave imaging technology that can detect metallic and non-metallic objects on an individual's body or concealed in his clothing without physical contact. The technology bounces electromagnetic waves off the body to detect anomalies. If an anomaly is detected, a pat-down of the area where the anomaly is located is usually performed to determine if a threat is present.

AIT addresses a critical weakness in aviation security regarding the inability of walk-through metal detectors (WTMDs) to screen for non-metallic explosives and other non-metallic threat items. AIT provides detection capability for weapons, explosives, and other objects concealed under a person's clothing that may not trigger a metal detector. TSA has determined that use of AIT is the most effective technology currently available to detect both metallic and non-metallic threat items concealed on passengers, such as the non-metallic explosive used by the so-called ''Christmas Day bomber'' in 2009 in his attempt to blow up an American passenger aircraft.

AIT is an essential component of TSA's risk-based security approach. This approach relies on a comprehensive security system including state-of-the-art technologies (such as AIT), a highly-trained frontline workforce, intelligence analysis and information sharing, behavior detection, explosives detection canine teams, Federal Air Marshals (FAMS), and regulatory enforcement.

In 2012, Congress enacted the FAA Modernization and Reform Act of 2012, Public Law 112–95, which required TSA to ensure that all AIT used to screen passengers must be equipped with and employ automatic target recognition (ATR) software. 49 U.S.C. 44901(l). That software eliminates passenger-specific (*i.e.,* individual) images and instead indicates the location of potential threats on a generic outline. Since May 2013, all AIT units deployed by TSA have been equipped with ATR capability. The final rule adopts the statutory definitions of AIT and ATR, and requires that any AIT equipment used to screen passengers be equipped with and employs ATR software.

There are approximately 793 AIT machines deployed at nearly 157 airports nationwide. AIT screening is safe for all passengers and the technology meets all national health and safety standards. Passengers generally may decline AIT screening and opt instead for a pat-down.

B. Purpose of the Final Rule

The final rule is adopted to comply with a ruling of the United States Court of Appeals for the District of Columbia Circuit. In *Electronic Privacy Information Center (EPIC)* v. *U.S. Department of Homeland Security,* 653 F.3d 1 (D.C. Cir. 2011), the court directed TSA to conduct notice-and-comment rulemaking on the use of AIT to screen passengers. TSA published a notice of proposed rulemaking (NPRM) on March 26, 2013, to obtain public comment on its proposal to revise civil aviation security regulations to codify that TSA may use AIT for passenger screening. 78 FR 18287. The final rule defines AIT, states that AIT may be used to screen passengers, and requires that AIT be equipped with and employ the use of ATR software.

C. Costs and Benefits

When estimating the cost of a rulemaking, agencies typically estimate future expected costs imposed by a regulation over a period of analysis. As the AIT unit life cycle is 10 years from deployment to disposal, the period of analysis for estimating the cost of the rule is 10 years. TSA has revised the NPRM Regulatory Impact Analysis (RIA) assumption of an 8-year life cycle for AIT units to 10 years based on a recent life cycle cost estimate (LCCE) report.[3] AIT deployment began in 2008 and TSA, therefore, includes costs that have already been borne by TSA, the traveling public, the screening systems industry, and airports. Consequently, this RIA takes into account costs that have already occurred—in years 2008–2014—in addition to the projected costs in years 2015 [4]–2017. By reporting the costs that have already occurred and estimating future costs in this manner, TSA accounts for the full life cycle of AIT machines.

TSA estimates the total cost of the rule from 2008–2017 to be $2,146.31 million (undiscounted). TSA incurs over 98 percent of all costs.

AIT generates benefits by reducing security risks because it is capable of detecting both metallic and non-metallic weapons and explosives.[5] Terrorists continue to test our security measures in an attempt to find and exploit vulnerabilities. The threat to aviation security has evolved to include the use of non-metallic explosives. Since it began using AIT, TSA has been able to detect many kinds of non-metallic items, small items, and items concealed on parts of the body that would not have been detected using the WTMD. TSA also considered the added benefit of deterrence—the effect of would-be

[1] *See also* Presidential Memorandum Regarding 12/25/2009 Attempted Terrorist Attack'' (Jan. 7, 2010), available at *http://www.whitehouse.gov/the-press-office/presidential-memorandum-regarding-12252009-attempted-terrorist-attack* (charging DHS with aggressively pursuing enhanced screening technology in order to prevent further such attempts while at the same time protecting passenger privacy).

[2] S. Rep. No. 110–396, at 60 (2008).

[3] TSA's Office of Security Capabilities (OSC), ''Life Cycle Cost Estimate for Passenger Screening Program,'' March 10, 2014. This is a TSA acquisition sensitive report based on OSC technology assessments.

[4] The 2015 cost estimates used historical data when available. Please see the RIA for the complete description of the 2015 cost estimates.

[5] Metal detectors and AITs are both designed to detect metallic threats on passengers, but do so in different ways. Metal detectors rely on the inductance that is generated by the metal, while AIT relies on the metal's reflectivity properties to indicate an anomaly. AIT detection capabilities exceed that of metal detectors because AIT can detect metallic and non-metallic weapons, non-metallic bulk explosives, and non-metallic liquid explosives.

attackers becoming discouraged because of increased security measures—from the use of AIT. Morral and Jackson (2009) stated, ''Deterrence is also a major factor in the cost-effectiveness of many security programs. For instance, even if a radiation-detection system at ports never actually encounters weapon material, if it deters would-be attackers from trying to smuggle such material into the country, it could easily be cost-effective even if associated program costs are very high.'' [6] Given the demonstrated ability of AIT to detect concealed metallic and non-metallic objects, it is reasonable to assume that AIT acts as a deterrent to attacks involving the smuggling of a metallic or non-metallic weapon or explosive on board a commercial airplane. As an essential component in TSA's comprehensive security system because it can detect both non-metallic and metallic threats concealed under a person's clothing, AIT plays a vital role in decreasing the vulnerability of civil aviation to a terrorist attack.

To describe further the security benefits from AIT, TSA performed a break-even analysis to compare the potential direct costs of an averted terrorist attack to the net cost of AIT. Agencies use a break-even analysis when quantification of benefits is not possible. According to OMB Circular No. A–4, ''Regulatory Analysis,'' such an analysis answers the question, ''How small could the value of the non-quantified benefits be (or how large would the value of the nonquantified costs need to be) before the rule would yield zero net benefits?'' [7] Based upon the results from the break-even analysis, TSA estimates that AIT will need to prevent an attack between once every 5.25 years to once every 23.5 years—depending on the size of the aircraft—for the direct cost of an averted attack to equal the annualized cost of AIT. The break-even analysis does not include the difficult to quantify indirect costs of an attack or the macroeconomic impacts that could occur due to a major attack. See Section III of this preamble for more detailed results of the economic analyses.

D. Changes From the NPRM

In the NPRM, TSA proposed to amend 49 CFR 1540.107 by adding a new paragraph to specify that the screening and inspection of an individual prior to entering a sterile area of an airport or boarding an aircraft may include the use of AIT. TSA defined AIT as ''screening technology used to detect concealed anomalies without requiring physical contact with the individual being screened.'' TSA received many comments stating that the definition was too broad. Commenters also expressed confusion and uncertainty regarding the use of the word ''anomalies.'' Some commenters suggested privacy safeguards be included in the final rule.

In response to those comments, TSA changed the definition in the final rule. TSA is adopting the definition of AIT created by Congress in the FAA Modernization and Reform Act of 2012.[8] That legislation, codified at 49 U.S.C. 44901(l), defines AIT as ''a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning machines'.'' Further, in response to privacy concerns, TSA is adopting the statutory language that requires any AIT used for passenger screening to be equipped with and employ ATR software and comply with such other requirements TSA determines are necessary to address privacy considerations. Finally, consistent with the statute, TSA is defining ATR as, ''software installed on an advanced imaging technology device that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.''

In response to public comments, TSA also revised the RIA published with the NPRM to include a break-even analysis and pertinent data that has become available since the publication of the NPRM, including an updated AIT deployment schedule. TSA's major changes to the RIA from the NPRM are:

- Revising the airport listings to include 460 airports instead of 448. The updated airport list includes new, previous, and former airports that operated AIT units and are regulated under 49 CFR part 1542.
- Updating the AIT life cycle and period of analysis from 8 to 10 years based on a recent LCCE report from the TSA Office of Security Capabilities (OSC). Using the information from this report, TSA also revised its previous assumption about the share of Passenger Screening Program expenditures spent on AIT technology.
- Revising the number of AIT units to be deployed from 821 to 793 throughout the period of analysis (2008–2017) based on new data.
- Revising the total wait time for a passenger that opts-out of AIT screening from 80 to 150 seconds to include passenger time spent waiting for a same gender Transportation Security Officer (TSO) to perform the pat-down.
- Revising the calculation of utilities costs to incorporate new data on the hours of AIT operation from the TSA's Performance Management Information System (PMIS) database.
- Refining the calculation of personnel costs by using information on specific labor hours dedicated to AIT operation in response to new data on hours of AIT operation.
- Revising the calculation of training costs to incorporate newly available historical data on the hours of participation for each training course required for AIT operation and new training and development costs.
- Including a break-even analysis to answer the question, ''How small could the value of the non-quantified benefits be (or how large would the value of the non-quantified costs need to be) before the rule would yield zero net benefits?''
- Revising language within the RIA and final rule to state that passengers ''may generally opt-out of AIT screening'' to reflect current DHS policy.[9]

Table 1 presents a summary of the effects of these changes. In the table, NPRM and final rule costs have been annualized due to the different periods of analysis.

[6] Andrew R. Morral, Brian A. Jackson, ''Understanding the Role of Deterrence in Counterterrorism Security,'' 2009, Rand Homeland Security Program, *http://www.rand.org/content/dam/rand/pubs/occasional_papers/2009/RAND_OP281.pdf.*

[7] *http://www.whitehouse.gov/omb/circulars_a004_a-4/.*

[8] Public Law 112–95 (126 Stat. 11, Feb. 14, 2012).

[9] *See* Privacy Impact Assessment Update for TSA Advanced Imaging Technology (DHS/TSA/PIA–032(d)) December 18, 2015, *https://www.dhs.gov/sites/default/files/publications/privacy-tsa-pia-32-d-ait.pdf.*

TABLE 1—CHANGES IN AIT ESTIMATES FROM THE NPRM TO THE FINAL RULE

[Annualized at a 7% discount rate in 2014 dollars]

Variables	NPRM and FR comparison			Description of changes
	NPRM	Final rule	Difference	
Annualized Industry Costs ($millions)				
Airport Utilities Cost	$0.19	$0.15	−$0.04	This estimate decreased due to incorporation of newly available historical data on AIT hours of operation from the TSA's PMIS database.
Backscatter AIT Removal	0.21	0.18	−0.03	Total cost in constant dollars remained the same, but annualized cost decreased because of the different periods of analysis between NPRM and final rule.
Annualized Passenger Costs ($millions)				
Opportunity Costs (Delay Costs).	2.08	2.60	0.52	This estimate increased because the estimated duration of a pat-down increased from 80 to 150 seconds to include passenger wait time to be handed off to a same gender TSO.
Annualized TSA Costs ($millions)				
Personnel	216.40	117.17	−99.22	TSA refined this estimate to account for labor hours dedicated to AIT operation. TSA used AIT operational hours recorded in PMIS as a basis for this estimate.
Training	5.81	27.68	21.87	TSA revised the calculation of training costs to incorporate newly available historical data on the hours of participation for each training course required for AIT operation and new training and development costs.
Equipment	70.62	56.53	−14.08	TSA revised its cost estimates in 2014–2017 to reflect the most recent LCCE document by OSC. TSA also revised some assumptions for cost estimates from 2008–2013 based on the recent LCCE.
TSA Utilities Cost	0.25	0.26	0.01	This change reflects the revised estimate on AIT operation time and an increase of airport enrollment in TSAs utilities reimbursement program.
Total Costs	[10] 295.56	204.57	−90.99	The total cost decreased from the NPRM, primarily from the reduction in personnel costs.
Benefits				
Break-Even Analysis	Prevent 1 attack per 5.25 to 23.52 years considering only the major direct costs of an averted attack.			Per public comment, TSA has included a break-even analysis in the RIA.

II. Public Comments on the NPRM and TSA Responses

A. Summary

TSA published the NPRM on March 26, 2013, and requested comments be submitted by June 24, 2013. Private citizens, industry associations, advocacy groups, and non-profit organizations submitted comments in docket TSA 2013–0004. The discussion below groups the submissions by the primary issues raised in the public comments.

[10] There was a calculation error in the NPRM's presentation of annualized costs. TSA has resolved this error and presented the correct annualized amounts in Table 1. The error in annualized cost did not affect any other cost estimates in the NPRM, including the estimated total cost of the rule and the estimated itemized costs presented in the NPRM.

B. Support for AIT

Comments: A number of submissions included a statement of general support for the continued use of AIT without offering additional, substantive rationale. Commenters also expressed approval for AIT for a variety of reasons. Several individual commenters stated they have medical conditions (*e.g.,* metallic implants, metallic artificial joints, and prostheses) which cause them to alarm the WTMD, and they prefer the ease and quickness of AIT to the pat-down procedure, which would be required to resolve an alarm of the WTMD. Several other commenters noted that the need to ensure the safety of airline passengers and other American targets against terrorist threats outweighs possible privacy concerns associated with AIT. In supporting AIT use, many commenters referenced the terrorist attacks on September 11, 2001. Individual commenters also stated they did not have any concerns related to the use of AIT. In response to other public comments opposed to AIT, several individual commenters questioned the significance of the alleged impact of AIT on privacy or safety. Several individual commenters also expressed a preference for AIT over a pat-down.

TSA Response: TSA agrees with these commenters that AIT provides the most effective and least intrusive means currently available to detect both metallic and non-metallic threats concealed under a person's clothing.

C. Opposition to AIT

Comments: Many submissions included statements of opposition to the continued use of AIT. Of these, individual commenters expressed concerns pertaining to efficacy, privacy,

health, cost, and civil liberties. TSA addresses each of these topics in subsequent comment responses in this preamble. Some individual commenters also expressed criticism of TSA and its staff. Some comments included statements requesting the elimination of AIT.

Other commenters made statements regarding the impact of AIT screening on their travel choices. Many of these commenters indicated they no longer travel by air because of the use of AIT. Some said they limit their airline travel as much as possible because of AIT screening. An individual commenter cited a news article that highlights increasing ridership of Amtrak over airline travel. Several other individual commenters noted that international travelers no longer want to visit the United States because of AIT screening. According to another individual commenter, the AIT scanners have created an ''adversarial tension'' between TSOs and travelers that is detrimental to security.

A few commenters discussed TSA's statement in the NPRM that the public generally approves of the AIT scanners. For example, an individual commenter stated this claim was not supported by data regarding the public's approval. Other commenters suggested that TSA should not assume the lack of complaints about AIT to be support for the use of AIT. For example, a privacy advocacy organization stated that TSA has not taken into consideration the number of passengers who choose AIT over a pat-down because it is faster and potentially less invasive of personal privacy, not because they support the use of AIT. Another individual commenter, however, acknowledged that National ABC and CBS news polls indicated that the majority of poll participants favored full body scanners at airports.

TSA Response: The information TSA receives from intelligence-gathering agencies confirms that civil aviation remains a favored target for extremists and terror organizations. AIT is an essential tool to address that threat by helping TSA to detect both metallic and nonmetallic explosives and other dangerous items concealed under clothing. AIT screening generally is optional and passengers are advised that they may choose to undergo a pat-down instead of AIT.

TSA takes the issues raised in the comments regarding the screening experience seriously and has instituted changes in its policies to address these concerns. New risk-based policies have transformed the agency from one that screens every passenger in the same manner to one that employs a more effective, risk-based, intelligence-driven approach. Adopting a risk-based approach permits much-needed flexibility to adjust to changing travel patterns and shifting threats.

For example, beginning in 2011, after analyzing intelligence reports, TSA instituted new screening procedures for passengers under the age of 12 and those ages 75 and older to expedite screening and reduce the need for a pat-down to resolve alarms.[11] TSA also instituted TSA Pre✓™ (a known and trusted traveler program) based on the rationale that most passengers do not pose a risk to aviation security.[12] This program increases passenger throughput at the security checkpoint and improves the screening experience of frequent, trusted travelers.[13] In addition, TSA Pre✓™ reduces the amount of time TSOs devote to screening low-risk travelers, thereby increasing the resources available to deter or detect the next attack. TSA is working to expand the population of passengers eligible for the program, the number of participating air carriers, and the airports where it is available. In December 2013, TSA launched its TSA Pre✓™ application program that allows U.S. citizens and lawful permanent residents to apply for TSA Pre✓™. As of February 2015, TSA Pre✓™ is available at 120 airports and eleven airlines participate in the program. Millions of passengers have undergone expedited screening through the program. Finally, TSA has instituted a new protocol at certain airports that allow passengers who are not registered in TSA Pre✓™ to undergo a real-time threat assessment at the airport so that they may be randomly selected for expedited screening. TSA will always incorporate random and unpredictable security measures throughout the airport, and no individual is guaranteed expedited screening. TSA encourages all potential passengers to learn about the TSA Pre✓™ program by going to its Web site at *www.tsa.gov.*

As explained in the NPRM, in order to address privacy concerns and meet the statutory requirement to install and employ ATR software on all AIT units, TSA removed all backscatter AIT machines from screening checkpoints, and only millimeter wave AIT machines equipped with ATR are used to screen passengers. The ATR displays a generic outline on which boxes appear where an anomaly is detected. The outline is displayed on the AIT machine so that the passenger and the TSO are able to see the boxes. No specific image of an individual is created.

TSA disagrees with statements that use of AIT has had a material impact on U.S. air travel and the comments did not contain data in support. TSA was unable to find empirical evidence that air travel is reduced due to AIT. TSA notes that based on PMIS data collected from 2009, the first full year of data collection, through 2013, the last full year of data available at the time TSA began drafting this final rule, approximately one percent of passengers have selected a pat-down over AIT screening.[14] TSA agrees with a commenter that independent polling on AIT acceptance shows strong public support for and understanding of the need for AIT.[15]

D. TSA Authority To Use AIT

Comments: Many individual commenters stated that TSA has overstepped its authority by deploying AIT and that the agency itself should be eliminated or that AIT should be eliminated as a screening technology. Additionally, many individual commenters stated that responsibility for airport security and the costs should be returned to either the owners of airports or the airlines.

A non-profit organization referenced 49 U.S.C. 44903(b)(2)(A) and 49 U.S.C. 44903(b)(2)(B) to support its statement that the proposed rule is inconsistent with statutory requirements to protect passengers and the public interest in promoting air transportation. The organization stated that TSA is not authorized ''to sexually assault passengers'' under current statutes or regulations. An individual commenter stated that TSA, as a Federal agency, has no jurisdiction over public airports, which the commenter stated are mostly on state land. Another individual commenter alleged that the

[11] These individuals currently can receive some form of expedited screening, are permitted to leave their shoes, light jackets, and headwear on for screening, and are screened primarily by the Walk-Through Metal Detector (WTMD). *See https://www.tsa.gov/travel/special-procedures, https://www.tsa.gov/travel/special-procedures/traveling-children.*

[12] *https://www.tsa.gov/tsa-precheck.*

[13] *https://www.tsa.gov/tsa-precheck. See also Ruskai* v. *Pistole,* 775 F.3d 61, 64 (1st Cir. 2014) (''Additionally, TSA has opted to impose more limited screening burdens on passengers whom it confirms are part of TSA's PreCheck program. As described in the briefing, PreCheck offers passenger members 'expedited screening in designated lanes if they have been cleared for such screening based on certain background checks conducted prior to their arrival at the airport,' and a more limited pat-down in the event that the passenger alarms a WTMD.'').

[14] PMIS is a database used to track checkpoint operations. The database contains information on AIT use.

[15] 78 FR 18296 at footnote 62.

Administrator of TSA acted illegally implementing AIT and stated he should be removed from office and charged accordingly.

TSA Response: TSA has the statutory authority to deploy AIT. The Administrator of TSA has overall responsibility for civil aviation security, and Congress has conferred on the Administrator authority to carry out that responsibility.[16] Federal law requires that the Administrator ''assess threats to transportation,'' and ''develop policies, strategies, and plans for dealing with threats to transportation security.'' [17]

Prior to the terrorist attacks of September 11, 2001, and the enactment of the Aviation and Transportation Security Act (ATSA),[18] air carriers were required to conduct the screening of passengers and property and did so in accordance with regulations issued by the Federal Aviation Administration (FAA) and security programs approved by the FAA.[19] The security programs were sensitive security information (SSI) and were not shared with the public.[20] The ATSA transferred that responsibility to TSA, as codified at 49 U.S.C. 44901(a), and required the TSA Administrator to provide for the screening of all passengers and property that will be carried aboard a passenger aircraft. Federal law also requires the TSA Administrator to prescribe regulations to require air carriers to refuse to transport a passenger or the property of a passenger who does not consent to a search, and to protect passengers and property on an aircraft against an act of criminal violence or aircraft piracy.[21] As commenters noted, when prescribing certain regulations, the Administrator is required to consider whether the regulation is consistent with protecting passengers and the public interest in promoting air transportation.[22] Air transportation security is essential to ensure the freedom of movement for people and commerce. As the U.S. Court of Appeals for the First Circuit wrote in *Ruskai,* ''[p]lanes blown out of the sky in Russia and attempted bombings on U.S. airliners in recent years have warned TSA that its screening procedures must be capable of detecting both metallic and nonmetallic threats.'' [23] TSA has determined that AIT is the best method currently available to screen passengers for both metallic and nonmetallic threats concealed under clothing.

As explained in the NPRM, Congress has directed that TSA prioritize the development and deployment of new technologies to detect all types of terrorist weapons at airport screening checkpoints, including the submission of a strategic plan to promote the optimal utilization and deployment of a range of detection technologies, including, ''backscatter x-ray scanners.'' [24] TSA has complied with this statute and with the subsequent statutory requirement that all AIT units used for passenger screening be equipped with ATR software, which eliminates passenger-specific images and only produces a generic outline.[25] Since May 16, 2013, all AIT units deployed by TSA have been equipped with ATR software; AIT units that could not accommodate ATR software have been removed from the airports.

E. Congressional Directive To Deploy AIT

Comments: Some commenters addressed the 2004 congressional directive discussed in the NPRM regarding the development and deployment of new screening equipment. An individual commenter noted that this congressional direction specifically included the investment in and deployment of AIT. Other commenters, however, stated that TSA's implementation of AIT is inconsistent with congressional direction. Specifically, a privacy advocacy group stated that TSA's deployment of AIT is inconsistent with a qualifier in the congressional directive—that the agency develop equipment to detect threats that terrorists would likely try to smuggle aboard an air carrier aircraft.[26] The commenter stated that TSA has demonstrated an overly broad interpretation of the congressional authorization and that, although the agency repeatedly cites AIT's abilities to identify weapons, the NPRM does not establish how such weapons are likely to be smuggled aboard planes by terrorists. The commenter further stated that TSA must analyze and evaluate AIT and alternatives regarding the ability to detect weapons and explosives likely to be used by terrorists, and demonstrate that AIT best achieves that goal with concrete evidence. The commenter stated that the analysis on which TSA currently relies fails to do either satisfactorily.

One individual commenter stated that a congressional directive is insufficient to supplant TSA's duty to make a reasoned decision regarding the use of AIT. An individual commenter expressed concern that TSA did not act in accordance with the congressional direction because the agency acted without either public input or independent testing, and pursued a technology the commenter stated was purchased as part of a ''corrupt deal.'' Another individual commenter stated that Congress authorized TSA to procure and deploy AIT only as a secondary screening tool at security checkpoints—not as a primary means of screening. Other individual commenters stated that even if Congress has authorized the proposed deployment of AIT, the proposed use of AIT is not necessarily legal or the appropriate course of action, and TSA was not performing the agency's own due diligence in trying to restrain the executive and legislative branches subsequent to congressional direction.

TSA Response: TSA is in compliance with Federal law, as well as congressional directives to pursue the development of new, advanced detection technology.[27] AIT addresses a critical vulnerability in aviation security. While WTMD and hand-held metal detectors are unable to screen for nonmetallic items, AIT can detect non-metallic explosives and other non-metallic threats, such as plastic firearms and knives. Explosives Trace Detection Devices (ETD) screen for nonmetallic explosives, but the process is too slow to perform on the same number of passengers as are currently screened by AIT. Congress clearly recognized this issue when it directed TSA to ''give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property.'' [28] There is no requirement in the statute or in any of the congressional reports to limit the use of AIT to secondary screening.

AIT provides greater detection capability for weapons, explosives, and other threats concealed on a passenger's body that may not trigger a metal

[16] 49 U.S.C. 114(d).

[17] 49 U.S.C. 114(f).

[18] Public Law 107–71 (115 Stat. 597, Nov. 19, 2001).

[19] 14 CFR part 108, 66 FR 37330 (July 17, 2001). The FAA Administrator prescribed regulations requiring air carriers to screen all passengers and property before boarding.

[20] *See* 14 CFR 191.7(a) (2001).

[21] 49 U.S.C. 44902(a) and 44903(b).

[22] 49 U.S.C. 44903(b)(1),(2), and (3).

[23] *Ruskai* v. *Pistole,* 775 F.3d, 61, 63 (1st Cir. 2014).

[24] 49 U.S.C. 44925(a) and (b). ''Detection Equipment at Airport Screening Checkpoints,'' Report to Congress, Aug. 9, 2005. *See also* 78 FR 18292.

[25] 49 U.S.C. 44901(l).

[26] 49 U.S.C. 44925(a).

[27] *See* 49 U.S.C. 44925(a) and 44901(l).

[28] 49 U.S.C. 44925(a).

detector. Concealed threat items, including nonmetallic explosives, pose a substantial threat to aviation security. As the former TSA Administrator explained in an August 2013 speech to the Airports Council International/North America, ''With respect to the evolving security challenges we all face today, one of the principal concerns we have is the continued migration to more nonmetallic threats such as liquid and plastic explosives.'' [29] As explained in the NPRM, on December 25, 2009, a bombing plot by Al Qaeda in the Arabian Peninsula (AQAP) culminated in Umar Farouk Abdulmutallab's attempt to blow up an American aircraft over the United States using a non-metallic explosive device hidden in his underwear. 78 FR 18291. More recently, in the spring of 2012, AQAP developed another concealed, nonmetallic explosive that had a new level of redundancy in the event the primary system failed. Fortunately, this plot was thwarted.[30] Additionally, open source information shows that terrorists currently plan to conduct attacks against the United States. Terrorists test the limits of TSA's ability to detect nonmetallic explosives concealed under clothing; the destruction of passenger aircraft remains a terrorist priority.

F. Compliance With the Administrative Procedure Act

Comments: Some commenters addressed concerns related to the Administrative Procedure Act (APA). Generally, commenters stated that TSA has not complied with the APA's procedural requirements. Non-profit organizations, a privacy advocacy group, and individual commenters stated that TSA did not comply with APA requirements prior to initial deployment of AIT. A privacy advocacy group stated that the agency received two petitions signed by numerous civil liberties organizations to institute a rulemaking proceeding, yet failed to initiate such a proceeding. A few individual commenters stated that if TSA had initially complied with rulemaking procedures, the public likely would have rejected the proposed action, and TSA would not have been able to deploy the technology. A privacy advocacy group and an individual commenter raised further concerns regarding the money spent on the deployment of AIT despite the lack of opportunity for public comment.

Commenters stated that the proposed rule and justification provided in the NPRM would not meet the arbitrary and capricious standard applied to agency actions under the APA. A privacy advocacy group stated that factors regarding effectiveness, alternatives, and health risks were not considered and the term ''anomaly'' was not adequately explained.

Commenters also stated that the proposed regulatory language effectively failed to provide the public with adequate notice and denied the public the opportunity to provide meaningful comment because the rule is too broad and vague, and descriptive information on the program was omitted.

An individual commenter wrote that noncompliance with APA requirements indicated TSA acts as it chooses without accountability. Another individual commenter requested TSA to commit to complying with APA requirements in the future. A non-profit organization requested that TSA hold public hearings in the future before imposing new procedures and policies, but specified that the agency should retain the authority to declare emergency regulations and procedures without public hearings or a comment period. Further, an individual commenter suggested that TSA withdraw the proposed rule and issue an advance notice of proposed rulemaking to allow TSA to gather missing information in order to receive comments that are more meaningful. An advocacy group and an individual commenter stated that TSA only issued a NPRM because it was court-ordered. Other commenters wrote that TSA had the option to request public input prior to implementing and deploying AIT scanners.

TSA Response: As discussed above, TSA deployed AIT consistent with its statutory authority and as directed by Congress. TSA issued the NPRM consistent with the opinion of the U.S. Court of Appeals for the DC Circuit in *EPIC* v. *DHS,* 653 F.3d 1 (D.C. Cir. 2011). In that case, TSA contended it had properly processed letters it received from EPIC and other groups regarding the initiation of a rulemaking proceeding. TSA also described how the deployment of AIT was consistent with statutory exceptions to the notice-and-comment requirements of the APA. The court did not agree. ''None of the exceptions urged by the TSA justifies its failure to give notice of and receive comments upon such a rule.'' [31] The court explained that,

> [d]espite the precautions taken by the TSA, it is clear that by producing an image of the unclothed passenger, an AIT scanner intrudes upon his or her personal privacy in a way a magnetometer does not. Therefore, regardless whether this is a 'new substantive burden,'. . . the change substantively affects the public to a degree sufficient to implicate the policy interests animating notice-and-comment rulemaking.[32]

A subsequent decision by the same court, however, indicates that TSA's decision not to engage in rulemaking prior to deploying AIT was not unreasonable. Following the court's APA ruling, EPIC petitioned the court to recover attorney's fees under the Equal Access to Justice Act (EAJA). 28 U.S.C. 2412(d). The EAJA allows attorney's fees to be recovered unless the position of the government ''was substantially justified or . . . special circumstances make an award unjust.'' [33] In denying EPIC's request to recover attorney's fees, the court stated, ''[t]he TSA's position regarding the only issue on which EPIC prevailed—whether the agency improperly bypassed notice and comment in adopting the new screening technology—was substantially justified.'' [34]

Federal regulation stipulates that no individual may enter the sterile area of an airport or board an aircraft without submitting to the screening and inspection of his or her person and accessible property ''in accordance with the procedures being applied to control access to that area or aircraft. . . .'' 49 CFR 1540.107(a). This requirement was originally promulgated by the FAA through notice and comment rulemaking and then transferred to TSA by ATSA.[35]

Although TSA acknowledges that it did not engage in notice and comment rulemaking related to the deployment of AIT specifically prior to its use, TSA does not agree with statements by commenters that there was no public notice of TSA's use of AIT. Prior to the deployment of AIT, TSA conducted years of testing on the safety, effectiveness, and efficiency of the

[29] John S. Pistole, TSA Administrator, address at the Airports Council International–North America (Aug. 14, 2013). Text available at *https://www.tsa.gov/news/speeches/airports-council-international-%E2%80%93-north-america-tsa-administrator-john-s-pistole-0.*

[30] *Id.* Note that these examples occurred on flights originating outside of the United States. Therefore, TSA's AIT would not have been in place to detect the devices.

[31] *EPIC,* 653 F.3d at 11.

[32] *Id.* at 6.

[33] 28 U.S.C. 2412(d)(1)(A).

[34] *EPIC* v. *DHS,* No. 10–1157 (Order filed Feb. 15, 2012).

[35] *See* 62 FR 41730, 63 FR 19691, and 66 FR 37330, 37360. The ATSA transferred that authority from FAA to TSA in 2001. On February 22, 2002, the TSA and FAA published a final rule titled ''Civil Aviation Security Rules,'' 67 FR 8340, transferring the regulations at 14 CFR parts 107, 108, 109 and 191 to 49 CFR parts 1540, 1542, 1544, 1548, and 1520, and §§ 129.25 and 129.26 to part 1546.

technology.[36] Contrary to the assertion of a commenter regarding the purchase of AIT equipment, the AIT equipment was obtained in accordance with all government procurement requirements, which includes the public solicitation of bids.[37] TSA also considered alternatives to AIT and these are discussed in the NPRM and the RIA. In 2007, TSA initiated the first pilot test of AIT in the secondary screening position. In January 2008, TSA published a Privacy Impact Assessment (PIA), which encompassed AIT screening of all passengers, both as a primary and secondary form of passenger screening.[38] The PIA provided notice to the public regarding TSA's use of the technology. It stated that TSA published extensive information on the technology on its Web site beginning in February 2007 and conducted outreach with national press and with privacy advocacy groups to explain the evaluation of the technology. The PIA explained that informational brochures were made available to the public at each pilot site showing the image that the technology created. The cover page of each PIA includes a point of contact for the public to reach out to with questions or concerns. In 2009, TSA began to test AIT as the primary screening equipment. In 2010, TSA submitted a Report to Congress on privacy protections and deployment of AIT.[39] TSA also published information on its Web site to inform passengers of AIT procedures at the checkpoint at *www.tsa.gov.* The public may provide comments or concerns regarding AIT by contacting the TSA Contact Center.[40]

As directed by the court, TSA issued the NPRM and invited public comment on its proposed regulation regarding the use of AIT for primary screening of passengers. The NPRM invited public comment on a variety of issues related to the use of AIT, including the threat to aviation security, types of AIT equipment, privacy safeguards, safety, AIT procedures and items discovered using AIT. TSA received thousands of comments on these issues. In response to comments and to avoid confusion, TSA has altered the regulatory text in the final rule. TSA has determined not to define AIT using the term ''anomaly''; instead, TSA has adopted the statutory definition of AIT, *i.e.,* a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body. In addition, TSA has clarified the final rule by adopting the statutory provision to deploy AIT equipped with ATR software. Thus, AIT equipment must produce a generic image of the individual being screened that is the same as the images produced for all other screened individuals. These changes are in response to the concerns of commenters regarding the breadth of the regulatory text, and significantly mitigate any privacy concerns associated with the use of AIT as a primary screening method. Accordingly, and consistent with TSA's obligation to complete this rulemaking and TSA's discretion to prioritize its rulemaking resources, TSA does not intend to issue a supplemental NPRM or hold public hearings on this matter. TSA addresses issues regarding effectiveness and safety in subsequent responses.

G. Adherence to the Court Decision in EPIC v. DHS

Comments: Commenters also discussed the court's decision in *EPIC* v. *DHS.* Several individual commenters specifically supported EPIC's position that AIT scanners are invasive of individual privacy. Another individual commenter opposed the court's decision to allow TSA to continue use of AIT. A privacy advocacy group wrote that the NPRM incorrectly stated the holding of the case. A privacy advocacy group and many individual commenters pointed out the length of time that elapsed between the court decision and the issuance of the NPRM. A privacy advocacy group stated that it filed three mandamus petitions during the elapsed 2-year period. An advocacy group stated that the constitutional issue raised by EPIC was not ripe for decision because the court did not have a rulemaking record before it and speculated that the court might invalidate its holding regarding the Fourth Amendment in a future judicial review of this rulemaking.

TSA Response: TSA is in compliance with the court's directive to engage in notice-and-comment rulemaking on the use of AIT to screen passengers. TSA notes that all of EPIC's other constitutional and statutory challenges to the use of AIT, including its Fourth Amendment claims, were rejected by the court. The court also rejected EPIC's petition for rehearing (including the Fourth Amendment ruling), as well as three subsequent petitions that EPIC filed demanding immediate issuance of the NPRM. TSA notes that the court issued its decision before TSA instituted ATR software on all of the millimeter wave AIT units and removed all of the backscatter units from service. The ATR software does not produce an individual image of a passenger that must be reviewed by a TSO, but instead reveals a generic outline that is visible to the passenger as well as the TSO. In a recent case decided after these changes in AIT equipment were implemented, the U.S. Court of Appeals for the First Circuit held that a constitutional challenge to AIT body scanners that depict revealing images of bodies and pat-downs procedures for passengers who opted out of screening using AIT became moot following the installation of ATR software on all millimeter wave units and the removal of backscatter machines.[41]

H. Fourth Amendment Issues

Comments: Commenters also addressed concerns related to the Fourth Amendment. The vast majority of these commenters stated that use of AIT constitutes a violation of Fourth Amendment rights. Individual commenters stated that AIT fails to meet the standard of a constitutionally permissible search. Specifically, some individual commenters stated that TSA could not conduct such searches without a warrant. Individual commenters also stated that neither the purchase of an airline ticket nor a desire to travel is sufficient to give TSA ''probable cause'' to conduct a search.

Others stated that AIT is impermissible under Federal case law. Several individual commenters cited the holding in *U.S.* v. *Davis,* in which the U.S. Court of Appeals for the Ninth Circuit held that administrative searches must be ''no more extensive nor intensive than necessary, in the light of current technology, to detect the presence of weapons or explosives, that it is confined in good faith to that purpose, and that potential passengers may avoid the search by electing not to

[36] *See, e.g.,* ''Detection Equipment at Airport Screening Checkpoints,'' Report to Congress, Aug. 9, 2005. The report describes TSA's ongoing research and development program to develop technologies to increase its ability to detect explosives on passengers, including body imaging systems, *i.e.,* backscatter x-ray.

[37] *See* The TSA is seeking sources for Imaging Technology systems, Solicitation No. HSTS04–08–R–CT2056, *https://www.fbo.gov/index?s=opportunity&mode=form&id=be7cd5b087bd3d28ce6bee81f7644141&tab=core&_cview=1.*

[38] ''Privacy Impact Assessment for TSA Whole Body Imaging,'' Jan. 2, 2008. Updates to the initial AIT PIA were conducted on Oct. 17, 2008, Jul. 23, 2009, and Jan. 25, 2011. See *http://www.dhs.gov/publication/dhstsapia-032-advanced-imaging-technology.* All TSA PIA reports are available at *http://www.dhs.gov/privacy-documents-transportation-security-administration-tsa.*

[39] ''Advanced Imaging Technologies: Passenger Privacy Protections,'' Fiscal Year 2010 Report to Congress, Feb. 25, 2010.

[40] *https://www.tsa.gov/contact.*

[41] *Redfern* v. *Napolitano,* 727 F.3d 77, 83–85 (1st Cir. 2013).

fly.'' [42] Several individual commenters stated that the AIT screening process fails to meet this standard because elements of the scan and the opt-out alternative are too intrusive, and the scope of the scan is not tailored narrowly enough to exclusively identify weapons, explosives, and incendiaries (*e.g.,* AIT is able to identify items such as adult diapers and women's sanitary products, which commenters stated are outside the scope of threats TSA is trying to identify). Individual commenters recommended alternative search methods that they thought were less invasive and better suited to meet TSA's need, such as x-raying suitcases, using WTMD, and only using AIT as a secondary means of screening.

Other court cases cited in the comments to support claims that AIT violates the Fourth Amendment include: *U.S.* v. *Pulido-Baquerizo,* 800 F.2d 899 (9th Cir. 1986), *U.S.* v. *Skipwith* 482 F.2d. 1272 (5th Cir. 1973), *U.S.* v. *Hartwell,* 436 F.3d 174 (3d Cir. 2006), *Camara* v. *Municipal Court,* 387 U.S. 523 (1967), *Missouri* v. *McNeely,* 133 S.Ct. 1552 (2013), *Katz* v. *U.S.,* 389 U.S. 347 (1967). An individual commenter also cited a court decision pertaining to virtual strip searches, *Reynolds* v. *City of Anchorage,* 379 F.3d 358 (6th Cir. 2004) to support opposition to AIT.

An individual commenter observed that, even though AIT use was not found to be in violation of the Fourth Amendment in *EPIC* v. *DHS,* the subsequent issuance of an NPRM, which does not specify the degree to which AIT will be used to promote the government's interest, may result in TSA's failure to meet the balancing test applied to Fourth Amendment rights cases.

TSA Response: The court in *EPIC* held that the use of AIT as a primary screening method at an airport security checkpoint does not violate the Fourth Amendment.[43] This decision is consistent with decisions by the U.S. Supreme Court and the Federal circuits that have upheld airport security screening as a valid administrative search that does not require a warrant, probable cause, reasonable suspicion, or the consent of the passenger.[44] More than 30 years ago, the U.S. Court of Appeals for the Third Circuit recognized that the government ''unquestionably has the most compelling reasons,'' including ''the safety of hundreds of lives and millions of dollars' worth of private property for subjecting airline passengers to a search for weapons and explosives.'' *Singleton* v. *Comm'r of Internal Revenue,* 606 F.2d 50, 52 (3d Cir. 1979). ''[T]he events of September 11, 2001, only emphasize the heightened need to conduct searches at this nation's international airports,'' *U.S.* v. *Yang,* 286 F.3d 940, 944 n.1 (7th Cir. 2002). In a recent opinion issued by the U.S. Court of Appeals for the Eleventh Circuit, the Court concluded that AIT ''is a reasonable administrative search under the Fourth Amendment.'' [45]

Like other exceptions created by courts for searches that do not require a warrant, the administrative search within the airport context reflects the careful balancing of the public's privacy interests against the compelling goal of protecting the traveling public. As explained by the D.C. Circuit in *EPIC,* because the primary goal of airport screening is ''not to determine whether any passenger has committed a crime but rather to protect the public from a terrorist attack,'' airport screening is permissible under the Fourth Amendment without individualized suspicion so long as the government's interest in conducting screening outweighs the degree of intrusion on an individual's privacy.[46] The court made clear that this standard does not require the government to use the least intrusive search method possible.[47] In fact, the U.S. Supreme Court has held that the scope of the administrative search must be ''reasonably related to [its] objectives'' and ''not excessively intrusive.'' [48] In *EPIC,* the court found that the—

> balance clearly favors the Government here. The need to search airline passengers 'to ensure public safety can be particularly acute,' and, crucially, an AIT scanner, unlike a magnetometer, is capable of detecting, and therefore of deterring, attempts to carry aboard airplanes explosives in liquid or powder form. On the other side of the balance, we must acknowledge the steps TSA has already taken to protect passenger privacy, in particular distorting the image created using AIT and deleting it as soon as the passenger has been cleared.[49] [Citations omitted]

With the addition of ATR software and the elimination of any individual image, the balance tips even more in favor of the government. Courts have also held that, ''absent a search, there is no effective means of detecting which airline passengers are reasonably likely to hijack an airplane.'' [50]

Commenters' claims and citations to support the position that the least intrusive search method must be adopted are contrary to U.S. Supreme Court precedent in *Quon,* as well as the *EPIC* decision. In fact, the court in *EPIC* specifically rejected the argument that *U.S.* v. *Hartwell,* cited in many of the comments, stands for the proposition that AIT scanners must be minimally intrusive to be consistent with the Fourth Amendment.[51] Moreover, especially following the universal deployment of ATR software, TSA believes that the use of AIT as a primary screening method is not intrusive. The scan and the results require just a few seconds. Passengers are not subjected to any physical intrusion. The only potential for invasiveness occurs when AIT alarms, thereby requiring additional screening to verify whether a threat item is present.[52] Passengers are instructed through TSA's Web site and cautioned before they enter the AIT unit to remove all items from their pockets to prevent an alarm.

TSA is not required to use any of the alternatives to AIT mentioned in the comments to achieve the legal requirements of a valid search. For example, all baggage, whether checked or carry-on, is already screened as required under 49 U.S.C. 44901. Limiting an airport search to baggage, however, would not address the threat that a person could conceal an explosive on his or her person. The government has latitude under the Fourth Amendment to choose among

---

[42] 482 F.2d 893, 913 (9th Cir. 1973).

[43] *EPIC,* 653 F.3d at 10.

[44] *Chandler* v. *Miller,* 520 U.S. 305, 323 (1997) (''We reiterate, too, that where the risk to public safety is substantial and real, blanket suspicionless searches calibrated to the risk may rank as 'reasonable'–for example, searches now routine at airports''), *Nat'l Treasury Emps. Union* v. *Von Raab,* 489 U.S. 656, 675 n.3 (1989) (''The point [of valid suspicionless searches] is well illustrated also by the Federal Government's practice of requiring the search of all passengers seeking to board commercial airlines . . . without any basis for suspecting any particular passenger of an untoward motive.''), *U.S.* v. *Aukai,* 497 F.3d 955, 960 (9th Cir. 2007) (en banc) (''The constitutionality of an airport screening search, however, does not depend on consent.'').

[45] *Corbett* v. *TSA,* 767 F.3d 1171, 1180 (11th Cir. 2014) (''The scanners at airport checkpoints are a reasonable administrative search because the governmental interest in preventing terrorism outweighs the degree of intrusion on . . . privacy and the scanners advance that public interest.'').

[46] *EPIC,* 653 F.3d at 10.

[47] *Id.* at 10–11.

[48] *City of Ontario* v. *Quon,* 560 U.S. 746, 761 (2010) (internal quotation marks omitted).

[49] *EPIC,* 653 F.3d at 10.

[50] *See Singleton* v. *Comm'r of Internal Revenue,* 606 F.2d 50, 52 (3d Cir. 1979). *See also U.S.* v. *Marquez,* 410 F.3d 612, 616 (9th Cir. 2005) (''Little can be done to balk the malefactor after weapons or explosives are successfully smuggled aboard, and as yet there is no foolproof method of confining the search to the few who are potential hijackers.'' (quoting *Davis,* 482 F.2 at 910)).

[51] *EPIC,* 653 F.3d at 10–11.

[52] In other limited circumstances, based on the particular item of clothing, TSA may require additional screening even if the AIT does not alarm.

reasonable alternatives for conducting an administrative search.[53] AIT is the only technology that will find both metallic and non-metallic items, and will find both explosives and non-explosives items. The WTMD only finds metallic items, thus does not find such threats as explosive devices made without metal, or other non-metallic items. The ETD will find only explosives, not metallic items (such as firearms) or non-metallic items that are not explosives (such as ceramic knives); the same is true for explosives detection canines. Pat-down screening is useful for finding both metallic and non-metallic items, and will find both explosives and non-explosives items, however, that method is slower than AIT and many persons consider pat downs to be more intrusive than AIT.

The other cases cited in the comments, particularly those relating to whether consent is required for airport screening, are inapplicable. Both *U.S.* v. *Davis,* 482 F.2d 893 (9th Cir. 1973) and *U.S.* v. *Pulido-Baquerizo,* 800 F.2d 899 (9th Cir. 1986) regarding whether a passenger must consent to a search, have been superseded by the decision of the U.S. Court of Appeals for the Ninth Circuit in *U.S.* v. *Aukai.*[54] In *Aukai,* the court confirmed that airport screening searches are constitutionally reasonable administrative searches and clarified that the reasonableness of such searches does not depend, in whole or in part, upon the consent of the passenger being searched.[55] *U.S.* v. *Skipwith,* 482 F.2d 1272 (5th Cir. 1973), deals with a law enforcement search based on suspicion, which is not required for the administrative search performed by TSA. Neither *Camara* v. *Municipal Court,* 387 U.S. 523 (1967), *Missouri* v. *McNeely,* 133 S. Ct. 1552 (2012), nor *Katz* v. *U.S.,* 389 U.S. 347 (1967) involves the administrative search conducted by TSA at airport security checkpoints, which courts have consistently found is justified by the compelling government interest in protecting the traveling public.[56]

Finally, the reference to strip search cases by a commenter is not applicable to AIT given the privacy restrictions TSA used when it first deployed AIT and even more so now that all AIT units are equipped with ATR software and do not display an individual image. In addition, the AIT units do not have the ability to store, print, or transmit any images. As noted previously, a TSO does not usually touch a passenger's body unless the AIT alarms. With ATR, there is no individual image of a traveler; the generic outlines produced are so innocuous that they are displayed publicly at the airport.

I. Other Legal Issues

Comments: Commenters raised other legal issues in opposing AIT. Several individual commenters, a non-profit organization, and several advocacy groups stated that AIT scanning and/or opt-out process violates rights guaranteed by the First, Second, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments, respectively. Commenters did not generally provide further substantive legal arguments in support of these constitutional claims. An advocacy group, however, cited a Supreme Court case, *Aptheker* v. *Sec'y of State,* 378 U.S. 500, 505 (1964), which held that if a law ''too broadly and indiscriminately restricts the right to travel'' it ''thereby abridges the liberty guaranteed by the Fifth Amendment.'' The commenter further stated that the court considered relevant ''that Congress has within its power 'less drastic' means of achieving the congressional objective of safeguarding our national security.'' An individual commenter cited *U.S.* v. *Guest,* 383 U.S. 745 (1966) and *Shapiro* v. *Thompson,* 394 U.S. 618 (1969) in opposing the use of AIT. Another advocacy group cited 49 U.S.C. 40101, 40103, and the International Covenant on Civil and Political Rights, a treaty that the U.S. has ratified, as further reinforcing the right to travel. The commenter remarked that the NPRM does not recognize that travel by air and, specifically, by common carrier, is a right and that TSA must evaluate its proposed actions within that context. Similarly, an individual commenter stated that TSA's use of AIT involves limitations on constitutional rights and, therefore, strict scrutiny should be the judicial review standard applied. Another individual commenter stated that implementation of AIT scanners assumes travelers' guilt, which is in violation of the principle of the presumption of innocence.

One individual commenter stated that it is outside of TSA's mission to identify and confiscate items that are not a threat (*e.g.,* illegal drugs) and that such ''mission creep'' is an inappropriate use of Federal funds and distracts TSA staff from their actual mission. Other individual commenters stated that AIT and pat-downs violate laws prohibiting sexual molestation. A non-profit organization suggested that TSA review and modify its policies to ensure that they do not conflict with existing state law procedures protecting children from physical and sexual assault or with existing child protective services legislation.

TSA Response: As to the claims of violations of the Constitution, as explained in the response to the previous grouping of comments, in recognition of the importance of the safety concerns at issue, courts have regularly upheld airport screening procedures against constitutional challenges. Thus, it is well settled as a matter of law that an airport screening search conducted to protect the safety of air travelers is a legitimate exercise of government authority and does not impinge on any of the constitutional amendments listed in the comments. Passengers are on notice that their persons and their property are subject to search prior to entering the sterile area of the airport or boarding an aircraft. Federal law requires ''the screening of all passengers and property'' before boarding an aircraft to ensure no passenger is ''carrying unlawfully a dangerous weapon, explosive, or other destructive substance.'' 49 U.S.C. 44901(a) and 44902(a). Federal law also requires commercial air carriers to prevent anyone from boarding who does not submit to security screening. 49 U.S.C. 44902(a).

The use of AIT to conduct passenger screening does not implicate any constitutional rights in the manner described in the comments. Passengers are not restricted regarding their speech or right to assemble so long as they do not interfere with screening.[57]

[53] *Quon,* 560 U.S. at 764 (''Even assuming there were ways that [the government] could have performed the search that would have been less intrusive, it does not follow that the search conducted was unreasonable.'').

[54] *U.S.* v. *Aukai,* 497 F.3d 955 (9th Cir. 2007) (en banc).

[55] *Aukai,* 497 F.3d at 957.

[56] *See generally Marquez,* 410 F.3d 612,618 (''It is hard to overestimate the need to search air travelers for weapons and explosives'') and *Singleton,* 606 F.2d 50, 52 (''the government unquestionably has the most compelling reasons . . . for subjecting airline passengers to a search for weapons or explosives that could be used to hijack an airplane.''). The facts in *Camara* involved the attempted search of a home without a warrant. The Supreme Court found that the government was not able to articulate a special need or legitimate public interest to justify dispensing with the requirement to obtain a warrant. In *McNeely,* a blood test of a person suspected of driving while intoxicated was obtained without a warrant. In *Katz,* the Supreme Court held that electronically listening to and recording an individual's conversation at a public telephone booth without a warrant violated the Fourth Amendment.

[57] Interference with screening is prohibited by 49 CFR 1540.109. TSA defines interference in part as that which ''might distract or inhibit a screener from effectively performing his or her duties,'' to include verbal abuse of screeners by passengers or air crew, but not good-faith questions from individuals seeking to understand the screening of

Continued

Passengers may transport unloaded firearms in checked baggage in a locked, hard-sided container, thus, there is no infringement of Second Amendment rights. 49 CFR 1540.111. In general, the Fifth, Sixth, and Eighth Amendments have to do with the rights of persons accused of a crime and have no relevance to airport security screening conducted by TSA. Federal law requires that screening be conducted on all passengers and property prior to boarding an aircraft, and rights reserved for citizens or the states, discussed in the Ninth and Tenth Amendments respectively, are not impacted by airport screening. Comments invoking the Fourteenth Amendment generally did so without specifying which clause of the Amendment is at issue the or how it was implicated by AIT, or invoked it in connection with non-AIT aspects of TSA screening.

Federal courts have long held that airport screening searches do not violate a traveler's right to travel.[58] ''Air passengers choose to fly, and screening procedures . . . have existed in every airport in the country since at least 1974.'' [59] The holding in *Aptheker,* cited by a commenter, pertained to whether Section 6 of the Subversive Activities Control Act of 1950, which restricted members of Communist organizations in obtaining or using a passport, was constitutional. It has no application to the use of AIT to conduct airport screening, which does not restrict a person's right to travel, the ability to obtain a passport, or the ability to obtain documentation necessary to enter a country legally. Further, the Ninth Circuit Court of Appeals has held that TSA's regulation requiring passengers to present identification prior to entering a sterile area or boarding an aircraft, 49 CFR 1540.107(b), does not violate any Constitutional rights.[60]

As to the comment regarding the confiscation of items that are not a security threat such as illegal drugs, the purpose of TSA screening is to prevent weapons, explosives, and other items that could pose a security threat (prohibited items) from being carried into the sterile area of the airport or onboard an aircraft in order to ensure the freedom of movement for people and commerce. 49 CFR 1540.111. TSA's mission has not changed. TSOs do not search for other illegal items. When searching for prohibited items, however, it is not unusual for TSOs to uncover items that may be evidence of criminal activity. When that happens, the TSO turns such matters over to law enforcement officers to resolve, consistent with applicable criminal statutes. TSOs do not take possession of such items. In addition, once an anomaly is detected by AIT, or a metal object is detected by a WTMD, or either screening system misalarms, additional screening must take place to determine whether there is an item, and if so, if the item detected is a threat to aviation security. As the court in *Hartwell* noted, ''Even assuming that the sole purpose of the checkpoint was to search only for weapons or explosives, the fruits of the search need not be suppressed so long as the search itself was permissible. . . . Since the object in Hartwell's pocket could have been a small knife or bit of plastic explosives, the TSA agents were justified in examining it.'' [61]

TSA's pat-down procedures are designed to ensure that any touching of the body by a TSO is minimally intrusive while effectively screening for prohibited items. A TSO does not touch a passenger's body unless necessary to resolve an AIT alarm, or unless the passenger has opted for a pat-down, and the procedures are largely similar to those employed to resolve WTMD alarms. Touching of the body to perform this essential security function is fully within the scope of TSA's authority, and TSA's procedures are consistent with civil and criminal state laws. Sexual molestation or inappropriate touching of a passenger by an employee is strictly prohibited and TSA has procedures in place to investigate any allegations of such conduct thoroughly. TSA takes all allegations of misconduct seriously.

Passengers who believe they have experienced unprofessional conduct at a security checkpoint may request to speak to a supervisor at the checkpoint or write to the TSA Contact Center at *TSA-ContactCenter@dhs.gov.* Passengers who believe they have been subject to discriminatory treatment at the checkpoint may file a complaint with TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (OCRL/OTE) at *TSA–CRL@tsa.dhs.gov, or submit an online complaint at https://www.tsa.gov/contact-center/form/complaints.*[62] The Office of Inspection, in addition to OCRL/OTE and management, may investigate misconduct allegations. Travelers may also file discrimination complaints concerns with the DHS Office for Civil Rights and Civil Liberties (CRCL) via CRCL's Web site at *http://www.dhs.gov/complaints.* In addition, as discussed further below, TSA has amended its screening procedures to modify the pat-down used when necessary to screen children age 12 and under and adults age 75 and older and has reduced the instances where such passengers would be subject to a pat-down.

J. Evolving Threats to Security

Comments: Commenters also addressed the evolving threats to aviation security discussed by TSA in the NPRM. Some commenters stated that TSA's screening efforts are not linked to the decrease in aircraft-related terror attempts since September 11, 2001. For example, individual commenters and a non-profit organization stated that the threat attempts listed in the NPRM were thwarted by intelligence efforts, not TSA screening. Other individual commenters, however, supported TSA's efforts to deploy tools like AIT scanners to detect and deter future attacks. Individual commenters credited secured cockpits and stricter policies for cockpit access with preventing terrorist attacks on commercial airlines since September 11, 2001. Furthermore, a few individual commenters suggested that in addition to enhanced cockpit security, passengers' awareness and willingness to fight back deters terrorists from targeting planes.

Several commenters discussed the evolving threat from nonmetallic explosives. A few individual commenters suggested that TSA's response to the increased threat of nonmetallic explosives is not sustainable because terrorists will find other ways to hide devices. A few individual commenters disagreed with TSA's focus on nonmetallic threats, because these types of weapons have been used for several decades.

their persons or property. *See* 67 FR 8340, 8344 (Feb. 22, 2002). Interference with screening might also include passenger activity that requires a screener to ''turn away from his or her normal duties to deal with the disruptive individual,'' or might ''discourage the screener from being as thorough as required.'' *See id.;* 49 CFR 1540.109; *Rendon* v. *TSA,* 424 F.3d 475 (6th Cir. 2005) (constitutional rights not infringed when penalty was imposed on traveler who became loud and belligerent after he set off metal detector alarm which required screener to shut down his line and call over his supervisor).

[58] *U.S.* v. *Davis,* 482 F.2d 893 (9th Cir. 1973).

[59] *Hartwell,* 436 F.3d at 174.

[60] *Gilmore* v. *Gonzales,* 435 F.3d 1125, 1136–1137 (9th Cir. 2006) (''We reject Gilmore's right to travel argument because the Constitution does not guarantee the right to travel by any particular form of transportation . . . . Gilmore does not possess a fundamental right to travel by airplane even though it is the most convenient mode of travel for him.'').

[61] *Hartwell,* 436 F.3d at 181 n.13. *See also Marquez,* 410 F.3d at 617 (''The screening at issue here is not unreasonable simply because it revealed that Marquez was carrying cocaine rather than C–4 explosives.'').

[62] More information on TSA Civil Rights is available at *https://www.tsa.gov/travel/passenger-support/civil-rights.*

A few individual commenters suggested that the long lines at checkpoints, which the commenters stated are caused by TSA screening, are more attractive targets to terrorists than airplanes. Lastly, several individual commenters stated there is no evidence indicating that terrorist threats similar in magnitude to September 11, 2001, are increasing.

TSA Response: TSA agrees that the threat to aviation security by terrorists continues to evolve as terrorists test current security measures to uncover vulnerabilities to exploit. Terrorist groups remain focused on attacking commercial aviation. The primary threat from these groups is from explosive devices, as we have seen in incidents originating abroad, such as the non-metallic bomb used by the Christmas Day bomber in 2009, the toner cartridge printer bombs from Yemen placed on two cargo aircraft destined for Chicago in 2011, and the improved ''next generation'' underwear bomb also from Yemen, recovered by a foreign intelligence service in April 2012. The incidents abroad inform us of terrorists' intentions and capabilities, and are lessons that TSA must learn from to prevent terrorists from attempting such an act here. These examples show that terrorists continue to attack aviation, are capable of constructing non-metallic explosive devices, and continue to develop new ways to do so. Open source information indicates that terrorists continue to intend violence against aviation within the United States. TSA does not agree that intelligence reporting alone is responsible for thwarting terrorist threats. TSA agrees that improvements in intelligence gathering and sharing such information, along with other layers of security, including as mentioned in the comments, hardened cockpit doors and assistance from passengers, contribute greatly to aviation security. The combination of security layers, both seen and unseen, provides the best opportunity to detect and deter a terrorist attack.

TSA also agrees that security procedures and equipment must continue to evolve as the threat evolves. As discussed above, AIT is the most effective technology currently available to detect both metallic and nonmetallic threats, both explosive and non-explosive, concealed under passenger clothing, TSA continues to research and test new equipment and procedures to stay ahead of evolving threats.

TSA agrees that long lines at the checkpoints could pose a security risk and has taken steps to address long lines by monitoring throughput. However, TSA remains focused on the fundamentals of security, and strives to strike a balance between security effectiveness and line efficiency. Passengers can obtain information before they leave for the airport on what items are prohibited; acceptable ID; rules for liquids, gels and aerosols; and traveling with children. Guidance for travelers with disabilities, medical conditions or medical devices, tips for dressing and packing, and information on traveling with food and gifts is provided. In addition, as noted in the NPRM, the Web site contains instructions on AIT screening procedures. 78 FR 18296. Preparing in advance for security screening and following the instructions of the TSOs are the most effective ways to reduce lines at the checkpoint.

K. TSA's Layers of Security

Comments: Commenters addressed the TSA layers of security discussed in the NPRM. A privacy advocacy group suggested that the layered approach discussed by TSA is not supported by data and, therefore, does not justify the need for AIT. The commenter also recommended that TSA revise the layered approach so weaknesses in security can be identified. Furthermore, a few commenters suggested that TSA focus on other security methods, such as profiling, interviewing, and ''Pre-check'' screening programs to identify dangerous individuals. An individual stated that the efficacy of AIT screening has not been scientifically proven. The commenter further suggested that since there are other approaches used by TSA to identify potential threats, AIT would be most useful as a secondary screening method instead of as the primary screening method. A professional association, however, stated that because of the advanced methodologies of adversaries, technologies like AIT scanners are needed to secure air travel. The commenter suggested that techniques involving human intervention, such as Screening Passengers by Observation Techniques, the Behavioral Detection Officer program, and passenger screening canines would also be useful. Many commenters mentioned their support for the use of racial profiling tactics instead of AIT, and argued that such measures would be more efficient and effective.

An advocacy group alleged that TSA's ''trusted traveler program'' approach would weaken security because it can eliminate entire classes of passengers from AIT screening. The commenter recommended that TSA consider other, less invasive and cost-effective screening procedures that would allow TSA to implement AIT as a secondary, rather than a primary, screening tool. Furthermore, the commenter suggested that TSA enhance layers of security by testing canine bomb detection, face recognition, and explosives residue machines, in an effort to reduce the need for AIT scanning.

TSA Response: TSA believes that a comprehensive security system is the most effective means to address potential terrorist threats, since no single security measure may be sufficient by itself. TSA also agrees that ETD, behavior detection and passenger screening canine are valuable tools to address terrorist threats, and TSA uses these at airports.

TSA does not agree with commenters that using AIT, as a secondary screening method, would be as effective as currently deployed. Limiting its use to resolve alarms of the WTMD, which can only detect metallic threats, would severely restrict our ability to prevent adversaries from smuggling non-metallic weapons and explosives on board an aircraft.

As discussed above, AIT is the best technology currently available to detect both metallic and nonmetallic threats, and explosives as well as non-explosives. TSA has tested the effectiveness of the technology, and the equipment must meet TSA detection standards to be deployed in an airport. In addition, testing is conducted by the DHS Transportation Security Laboratory (TSL). The TSL Independent Test and Evaluation group provides certification and qualification tests and laboratory assessments on explosive detection capability. TSA procurement specifications require that any AIT system must meet certain thresholds with respect to the detection of items concealed under a person's clothing. While the detection requirements of AIT are classified, the procurement specifications state that any approved system must be sensitive enough to detect smaller items.

Regarding the comments recommending racial profiling, transportation security screening is regulated by the Constitution, federal law, and applicable DHS and component policies setting forth the appropriate limits on use of race, ethnicity, and other characteristics. In addition, racial profiling is not an effective security measure and can easily be defeated. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. In addition to being ineffective,

profiling violates DHS policies and ultimately undermines the public trust. TSA disagrees with the commenter who wrote that TSA's trusted traveler program would weaken security. The TSA Pre✓™ program is based on the premise that most passengers do not pose a risk to aviation security. This program will permit those passengers who voluntarily provide information for a security risk assessment to undergo expedited screening and allow TSOs to devote more time to screening unknown passengers.

L. Effectiveness of AIT Screening

Comments: Many commenters made general statements that AIT scanners are not effective in addressing security threats. An individual commenter stated that because TSA has not released data regarding the effectiveness of AIT scanners and the number of prohibited items detected by AIT, the NPRM would not be taken seriously. Some commenters, including a privacy advocacy organization and a community organization, stated that TSA has not provided enough information about what AIT can detect. The commenter stated that the agency has not made a distinction between an ''anomaly'' and a ''threat.'' Commenters also stated that the use of AIT scanners makes air travel more vulnerable to terrorism.

Many submissions discussed the efficacy of AIT to detect anomalies concealed under the clothing of a passenger. Some commenters stated that AIT scanners are not effective because they cannot detect items that are concealed under fake skin, under skin folds, or under shoes, implanted bombs, and objects hidden inside of a person. A few individuals stated that objects are not detected if concealed on the side of the body. A commenter stated that a passenger was able to bring an empty metal box concealed under clothing through AIT units without detection. The commenter believed that the metal box was not detected because the rate at which the AIT beams reflect off the metal is the same rate at which beams reflect the background. The commenter stated that if an object like the metal box were placed at the side of a body, the object beam reflection would look no different from the blackened background. According to another individual commenter, a peer-reviewed publication in the Journal of Homeland Security stated that explosives with low ''Z'' like plastics look like flesh to the scanner because flesh is also low ''Z.'' A few individual commenters referred to a video posted by a blogger that the commenters stated portrayed a man who was able to conceal objects (both metal and nonmetal) from an AIT scanner by sewing the objects into the lining of his shirt.

Some commenters discussed the ability of AIT to detect plastic, powder, and liquid explosives. One individual commenter stated that a 2007 government audit found that agents were able to pass through security checkpoints with explosives and bomb parts. Commenters stated that the explosives used by the ''underwear bomber'' and ''shoe bomber'' would not be detected by AIT. A commenter stated that a 2010 Government Accountability Office (GAO) report indicated that it remains unclear whether the AIT would have detected the weapon used in the December 2009 Christmas Day bomber incident based on the preliminary information GAO had received. An advocacy group also expressed concern that AIT scanners cannot detect pentaerythritol tetranitrate (the powder explosive the group states was used by the Christmas Day bomber), and claimed that this chemical continues to be used in other domestic and international terror attempts. An individual commenter alleged AIT could not detect explosives molded into specific shapes. Another individual commenter stated that since there are claims that AIT cannot detect powder explosives, AIT scanners are not fulfilling the statutory provision at 49 U.S.C. 44925 which TSA has used as justification for deploying AIT.

An individual commenter suggested that, although the AIT scanners can adequately detect metal in firearms and concealed knives, security screening should also be able to detect explosives with negligible false negative rates and low false positive rates. The commenter recommended that a reasonable detection limit would be no lower than 20 percent of the amount of the explosive needed to bring an airplane down. The commenter suggested that systems that detect significant quantities of explosives or detonators should be used for screening baggage and items concealed under clothing.

A few individuals expressed concern that because AIT on its own cannot differentiate between threatening objects and non-threatening objects, passengers carrying non-threatening objects are subject to more intrusive, secondary searches including pat-downs. A community organization stated that travelers of the Sikh religion are often subject to secondary searches even when the AIT scanner did not identify any anomalies. Similarly, an individual commenter stated that, although AIT scanners can detect anomalies, often times a pat-down could not resolve whether the anomaly is a threat. An individual commenter, however, remarked that continued use of AIT would reduce the number of pat-downs as well as enhance detection of nonmetallic weapons, because AIT is effective in detecting threats. The commenter suggested that AIT checkpoints be re-designed to minimize the level of intrusion and embarrassment associated with scanned images.

Many commenters wrote that AIT scanners are no more effective at addressing security threats than other, less invasive screening methods. A few individual commenters and advocacy groups suggested that the NPRM has not adequately justified the ability of AIT to reduce significantly the threat of terror attacks on aircraft compared to alternative screening practices. Some individual commenters stated that the WTMD is more effective at detecting metallic items than AIT. A few of these individual commenters remarked that WTMD is as effective as AIT overall, but they preferred WTMD because it is less invasive than AIT. An advocacy group suggested that a cost-benefit analysis of AIT would certainly justify the scanners if they were effective in deterring terrorism compared to screening alternatives. An individual commenter also stated there is not enough evidence of increased threats using nonmetallic objects to justify the need for body scanners. The commenter explained that prior to AIT, nonmetallic objects were addressed by less-invasive means including WTMDs, bomb-sniffing dogs, Federal Air Marshals, and explosives detection machines. The commenter also stated that nonmetallic weapons that are small enough to conceal on the body do not pose a threat. One individual commenter, however, discussed examples where the use of the AIT scanner was instrumental in identifying weapons concealed under clothing. The commenter stated that there is no alternative technology that can assist in detecting explosives and other harmful objects that can be used to harm travelers.

Many commenters, including a non-profit organization, an advocacy group, and individual commenters, made general statements that AIT scanners are ineffective because of reported high false positive rates. An individual commenter stated that travelers might be more accepting of the invasiveness of AIT scanners if TSA revealed data regarding the effectiveness of the technology (*i.e.,* false positives and false positive rates). Several commenters, including a non-profit organization and a community organization, stated that

the false detection of non-threatening objects leads to pat-downs where passengers are subjected to unnecessary, invasive screening. An individual referenced incidents which, the commenter stated, caused passengers embarrassment when their medical device raised a false positive. An individual commenter argued that the high rate of false positives causes security checkpoint lines to move slowly, which subsequently requires TSA to use WTMDs to relieve the backup. A few individuals expressed concern regarding a false sense of security created for TSA officers and passengers by the large volume of false alarms caused by AIT scanners. The commenters concluded that this false sense of security weakens security. Similarly, an individual commenter remarked that the process of responding to false positives (searching for non-threatening objects) takes TSA's focus off identifying actual threats.

An individual commenter stated that AIT scanners are not effective in identifying a passenger with a threatening weapon because passengers can travel from airports or terminals that do not use AIT scanners. The commenter stated that passengers could also avoid detection by placing a weapon on a companion passenger under 12 years of age or on a pet. The commenter also stated that AIT scanners are ineffective at making air travel safer because the long lines make passengers more vulnerable to terror attacks. An individual commenter, however, wrote that the AIT scanners are more effective as a deterrent to terrorists than random pat-downs or profiling because of the expectation that the AIT will scan all passengers entering the sterile area.

TSA Response: TSA cannot fully address the specific detection capabilities of AIT in the final rule, because much of the information is classified. As explained in the NPRM, AIT is able to detect both metallic and nonmetallic items concealed under an individual's clothing. The NPRM describes some of the items concealed under clothing that have been detected by AIT. 78 FR 18297. AIT equipment must meet detection specifications and overall performance standards established by TSA. The AIT machines are tested regularly to ensure that the detection capabilities and performance standards are maintained. After years of testing and operational experience at the airport, TSA maintains that AIT provides the best opportunity currently available to detect both metallic and nonmetallic threats concealed under a person's clothing. TSA procurement specifications require that any AIT system must meet certain thresholds with respect to the detection of items concealed under a person's clothing. While the detection requirements of AIT are classified, the procurement specifications require that any approved system be sensitive enough to detect smaller items. Prior to deployment, the machines are tested in the laboratory and in the field to certify that the detection standards are met. In addition, the DHS Transportation Security Laboratory (TSL) also tests the equipment to verify detection capability. After deployment, testing continues as TSA regularly conducts both overt and covert detection tests. In addition, AIT detection capability has been tested by DHS and the GAO.

The millimeter wave AIT equipment currently deployed at airports to screen passengers uses ATR software that enables the AIT automatically to identify irregularities on passengers using imaging analysis techniques based on contour, pattern, and shape. The AIT is designed to detect irregularities concealed under clothing; therefore, commenters are correct that it may detect items that do not pose a threat. Commenters also are correct that in order to determine whether AIT has alarmed on a threat item, a TSO will conduct further screening at the location where the AIT has indicated that there is an anomaly, thereby eliminating the need to pat-down the entire body. Generally, a passenger is only touched if an anomaly is indicated by AIT, and only the part of the body where the machine has indicated an anomaly is located is touched during the pat-down. At times, ETD or other forms of additional screening may be employed to resolve an alarm and to clear a passenger for entry into the sterile area after AIT screening. Passengers are advised to avoid wearing clothing with large metal embellishments and large metal jewelry and to remove all items in their pockets to reduce the possibility that the AIT will alarm on innocuous items.

TSA is aware of the audits conducted by the GAO on the effectiveness of screening measures. However, AIT was not in use at the checkpoint when the GAO tested security procedures described in the 2007 report cited by a commenter.[63] The 2010 report cited by a commenter did not contain any recommendations regarding the use of AIT, but did state that a cost/benefit analysis would be beneficial.[64] The RIA includes an extensive analysis of the costs of AIT and a qualitative discussion of its benefits. In addition, the RIA discusses the alternatives to AIT considered by TSA.

TSA disagrees with the comments alleging that because there is no direct evidence that AIT has prevented a terrorist attack on its own, the technology is not effective. As the Supreme Court pointed out in rejecting a similar argument in *Von Raab,* the validity of a screening program does not turn on ''whether significant numbers of putative air pirates are actually discovered by the searches conducted under the program.'' Given the government's interest ''in deterring highly hazardous conduct,'' the Supreme Court emphasized, ''a low incidence of such conduct, far from impugning the validity of the scheme . . . is more logically viewed as a hallmark of success.'' 489 U.S. at 675 n.3.[65] In *Corbett,* the Court of Appeals upheld the use of AIT and found that ''the scanners effectively reduce the risk of air terrorism . . . the Fourth Amendment does not require that a suspicionless search be fool-proof or yield exacting results.'' [66]

Further, the fact that AIT, or any single security measure, may not be completely foolproof does not mean that it is ineffective and should not be used at all. A discussion of the alternatives to AIT considered by TSA is included in the RIA. TSA has always maintained that AIT is the best technology currently available to detect the threat of nonmetallic and other dangerous items and that a comprehensive security system is the best means to detect and deter terrorist attacks as no single layer by itself, including AIT, may be sufficient. Accordingly, TSA agrees with commenters that other security measures, including those mentioned in the comments such as canine, Federal Air Marshalls, and explosive detection systems, should also be deployed to increase the chance that a threat will be detected. TSA does in fact employ all of those measures. However, TSA does not

[63] U.S. Government Accountability Office, ''Aviation Security Vulnerabilities Exposed Through covert Testing of TSA's Passenger Screening Process,'' GAO–08–48T (Nov. 15, 2007).

[64] U.S. Government Accountability Office, ''Aviation Security TSA is Increasing Procurement and Deployment of the Advanced Imaging Technology, but Challenges to This Effort and Other Areas of Aviation Security Remain,'' GAO–10–484T (Mar. 17, 2010).

[65] *See also MacWade* v. *Kelly,* 460 F.3d 260, 274 (2d Cir. 2006) (holding that the deterrent effect of an anti-terrorism screening program in the New York subway system ''need not be reduced to a quotient'' to satisfy 4th Amendment balancing.'') and *Cassidy* v. *Chertoff,* 471 F.3d 67, 83 (2d Cir. 2006) (government is not required to ''adduce a specific threat'' to ferry system before engaging in suspicionless searches).

[66] *Corbett,* 767 F.3d at 1181.

agree that any of those measures should replace AIT because AIT provides stand-alone value as well.

In response to a comment regarding the redesign of the checkpoint to minimize embarrassment of passengers during the screening process, TSA points out that since May 2013, TSA has only deployed AIT with ATR software at the airport. ATR eliminates the individual image and produces a generic outline that is visible to the passenger and the TSO. In addition, TSA offers passengers who must undergo a pat-down the opportunity to have the pat-down conducted in a private screening location that is not visible to the traveling public.

Currently there are approximately 793AIT machines located at almost 157 airports nationwide. Given limited resources, TSA uses a risk-based approach to deploy AIT and continues to assess and test ''next generation'' AIT systems, which TSA anticipates will improve anomaly detection capability, decrease processing time, and better suit the physical constraints of airport checkpoints.

M. Screening Measures Used in Other Countries

Comments: Commenters discussed screening measures used in foreign countries. The majority of these comments recommended that TSA consider implementing a screening system similar to the one used by Israel. In addition to individual commenters, a privacy advocacy group stated that in 2011 the European Union (EU) issued a ruling banning the use of backscatter body scanners in all airports; that Italy discontinued its use of millimeter wave scanners because they were found to be slow and ineffective; and that Germany and Ireland discontinued use of AIT because of concerns regarding efficacy. A few individual commenters stated that the AIT scanners were removed from other countries because of health and safety concerns.

TSA Response: AIT is used in airports and mass transit systems in many countries, including in Canada, the Netherlands, Australia, Nigeria, and the United Kingdom.[67] TSA works directly with foreign governments and through the International Civil Aviation Organization (ICAO) to share information on AIT as well as other security measures.[68] TSA continues to believe that AIT provides the most effective technology currently available to detect metallic and nonmetallic threats. As was explained in the NPRM and discussed below, AIT has been tested for safety by both TSA and independent entities. The results confirm that AIT is safe for individuals being screened, equipment operators, and bystanders. *See* 78 FR 18294–18296.

TSA is aware that the European Commission adopted a legal framework on security scanners.[69] That framework states that the use of security scanners is optional, and that only security scanners which do not use ionizing radiation can be deployed and used for passenger screening. It also specifies that the scanners shall not store, retain, copy, print, or retrieve images. However, the Commission also found that ''[s]ecurity scanners are an effective method of screening passengers as they are capable of detecting both metallic and non-metallic items carried on a person. The scanner technology is developing rapidly and has the potential to significantly reduce the need for manual searches (''pat downs'') applied to passengers, crews and airport staff.'' [70]

N. Laboratory and Operational Testing of AIT Equipment

Comments: Some submissions discussed testing of AIT scanners for operational effectiveness. Several commenters stated that no testing has been conducted by independent parties, or they expressed concern that TSA did not publicly release the results of AIT equipment testing. A few individual commenters objected to having TSA test the scanners on the traveling public. An individual commenter suggested that validation tests should include evidence of attempts to defeat a screening technique and recommended that if the results indicate that AIT is less effective for screening than other devices, TSA should discontinue use of AIT in favor of technology that the results favor.

An individual commenter stated the need for long-term studies, including potential effects of the AIT equipment if it were to malfunction, become ''out of spec,'' or suffer from poor maintenance.

TSA Response: The FAA began testing AIT when it was responsible for passenger screening at airports prior to the creation of TSA. TSA continued laboratory testing of AIT as the threat from nonmetallic substances increased. To better assess the application of AIT to the airport environment, TSA conducted limited field trials of different types of AIT equipment at several airports. Throughout 2007 and 2008, AIT was piloted in the secondary position for these trials. In 2009, in response to the Christmas Day bomber, TSA began to evaluate using AIT in the primary screening position since there are no other currently deployed technologies in the primary screening position that can detect nonmetallic threats concealed under a passenger's clothing. When conducting tests both in the laboratory and in the field, TSA evaluated the equipment for safety, detection capability, operational efficiency, and passenger impact. Because of the successful results observed during testing and the need to address the threat from nonmetallic explosives concealed under clothing, TSA decided to procure AIT units for use in the primary position at airport checkpoints.

All of the AIT units are regularly inspected by the manufacturer to ensure that they operate effectively and meet TSA specifications. In addition, the units are tested each day prior to use at the checkpoint. If the equipment does not meet operational specifications, it cannot be used.

The GAO released a report, ''Advanced Imaging Technology: TSA Needs Additional Information before Procuring Next-Generation Systems,'' in March 2014 describing the types of tests TSA conducts on AIT.[71] As explained in the report, TSA conducts the following five tests to evaluate the performance of AIT equipment: (1) Qualification testing in a laboratory setting at the TSA Systems Integration Facility to evaluate the technology's capabilities against TSA's procurement specification and detection standard to include testing of false alarm rates; (2) Operational testing at airports to evaluate system effectiveness and suitability for the airport environment; (3) Covert testing to identify vulnerabilities in the technology, operator use, and TSO compliance with procedures; (4) Performance Assessments to test TSO compliance with Standard Operating Procedures (SOPs); and (5) Checkpoint drills to assess TSO compliance with SOPs and ability to resolve anomalies

[67] *http://science.howstuffworks.com/millimeter-wave-scanner4.htm*; *http://cnsnews.com/news/article/us-paid-full-body-scanners-nigeria-s-four-international-airports-2007.*

[68] ICAO recognizes that AIT may be used as a primary screening measure for passengers. ICAO ''Aviation Security Manual,'' Doc 8973/8 Restricted (2011).

[69] European Commission, Press Release, ''Aviation Security: Commission Adopts New Rules on the Use of Security Scanners at European Airports,'' Brussels, Belgium (Nov. 14, 2011). The countries referenced by several commenters (Germany, Ireland, and Italy) are members of the European Union.

[70] *Id.*

[71] U.S. Government Accountability Office Report to Congressional Requesters, ''Advanced Imaging Technology: TSA Needs Additional Information before Procuring Next-Generation Systems,'' GAO–14–357, March 2014.

identified by AIT.[72] Qualification testing is conducted when a technology is first considered for deployment and for subsequent upgrades to the technology. The TSL also conducts certification testing on detection capability. In addition to these tests, the actual units are subjected to a factory acceptance test at the manufacturer's facility and a site acceptance test at the airport. TSA also tests the units for radiation exposure as described in the NPRM and in response to additional comments described below. Covert testing is also conducted by the Inspector General of DHS and GAO.[73] TSA studies the results of laboratory and covert tests closely, and modifies procedures as appropriate. TSA believes that the testing described above adequately supports the use of AIT as a primary screening mechanism.

O. Radiation Exposure

Comments: The effects of radiation associated with AIT use was also addressed by commenters. A professional association stated its belief that AIT emissions present a negligible health risk to passengers, airline crewmembers, airport employees, and TSA staff. Numerous commenters, however, expressed concern regarding exposure to radiation. Some of these commenters suggested that no dose of radiation is safe. Many individual commenters and an advocacy group expressed concern about the radiation from backscatter scanners, which they stated could lead to the development of cancer. Many individuals also warned that exposure to millimeter wave radiation could hold the potential for long-term health effects and that additional studies are needed. Some commenters concluded that, even if the current x-ray scanners were removed, the proposed rule would not prevent their reintroduction should software become available to address privacy issues.

Several commenters, including a privacy advocacy organization, a non-profit organization, and individual commenters, cautioned that TSA screeners could be at risk and should be provided with dosimeters to ensure that their exposure is within acceptable limits. An individual commenter stated that, although TSA claimed that the radiation scan only affects the surface of the skin, skin cancer is the largest incidence of cancer in the world, and it is caused by radiation exposure on the skin. Another commenter stated that eyes are particularly susceptible to radiation. A few individuals suggested that imaging technology using radiation should not be used at all since alternatives exist. Other commenters stated that the question that needs to be asked with respect to the safety of AIT scanning is not whether the increase in deaths is below some arbitrary value, but whether the lives saved through avoiding a terrorist attack are greater than the lives lost through an increased incidence of cancer or other diseases arising from the use of AIT scanners. Lastly, a few individuals mentioned that because of their exposure to radiation for medical treatment, they are not comfortable getting further, unnecessary exposure from AIT scanners.

TSA Response: In compliance with the statutory requirement that all AIT machines used for screening be equipped with and employ ATR software, TSA removed the general-use backscatter AIT units from the checkpoint.[74] TSA notes that it is adopting the statutory requirement mandating the use of ATR software on AIT used to conduct screening in the regulatory text.

Contrary to assertions by some commenters and as discussed in the NPRM, general-use backscatter units were independently evaluated and found to be within national standards for acceptable radiation exposure by the Food and Drug Administration (FDA)'s Center for Devices and Radiological Health (CDRH), the National Institute of Standards and Technology, the Johns Hopkins University Applied Physics Laboratory and the U.S. Army Public Health Command.[75] A report issued by the DHS Office of Inspector General in 2012 confirms that prior to the deployment of general-use backscatter units, TSA conducted four radiation safety assessments and the results of each study concluded that the level of radiation emitted was below ANSI's acceptable limits.[76]

In addition, in June 2013, the American Association of Physicists in Medicine released the results of an independent study of the general-use backscatter units previously used by TSA for screening passengers.[77] The study measured exposures across multiple scanners in both the factory and in real-time use at airports, including organ doses. This study also found that radiation doses were below the ionizing radiation limits set by the American National Standards Institute and Health Physics Society (ANSI/HPS) and were safe for employees and passengers, including children, pregnant women, frequent flyers and individuals with medical implants.

In the NPRM, TSA noted that DHS had requested the National Academies of Sciences, Engineering, and Medicine to review previous studies as well as current processes to estimate radiation exposure resulting from the general-use backscatter equipment. That study was released in October 2015 and confirms that radiation doses did not exceed the ANSI/HPS standard.[78]

As explained in the NPRM, the ANSI/HPS standard takes into consideration individuals who may be more susceptible to radiation health effects, such as pregnant women, children, and persons who receive radiation treatments, as well as the general exposure to ionizing radiation present in the environment. 78 FR 18295. In fact, the radiation emissions from the general-use backscatter equipment were so low that they were below the environmental radiation emissions that individuals are exposed to every day, and individuals would have to be screened more than 200 times a year to exceed the negligible individual dose, which is still below the ANSI/HPS standard.[79] 78 FR 18296.

[72] The report also contained recommendations to improve TSO performance on AIT and resource effectiveness, and to ensure that next generation AIT units meet mission needs. TSA generally concurred in the recommendations and noted that it will review its screening assessment programs, monitor, update and report efforts to capture operational data on screening, improve its assessment of overall effectiveness of next-generation AIT and complete a more comprehensive technology roadmap.

[73] The Inspector General of DHS recently conducted covert testing of TSA aviation security screening and the Secretary has directed TSA to undertake a number of steps to enhance security capabilities and techniques. *See, e.g.,* Statement by Secretary Jeh C. Johnson On Inspector General Findings on TSA Security Screening, Press Release, Jun. 1, 2015. TSA's response to the Inspector General's findings and the changes TSA has implemented to address those findings were discussed in the testimony of TSA Administrator, Peter V. Neffenger, before the Senate Committee on Appropriations, Subcommittee on Homeland Security on Sep. 29, 2015. *See https://www.tsa.gov/news/testimony/2015/09/29/testimony-tsa-efforts-address-oig-findings.*

[74] 49 U.S.C. 44901(l).

[75] 78 FR 18295. *See also https://www.tsa.gov/FOIA.*

[76] Department of Homeland Security, Office of Inspector General, ''Transportation Security Administration's Use of Backscatter Units,'' OIG–12–38, Feb. 2012 at p. 5.

[77] ''Radiation Dose from Airport Scanners,'' American Association of Physicists in Medicine, AAPM Report No. 217 (2013). Available at *http://www.aapm.org/pubs/reports.*

[78] National Academies of Sciences, Engineering, and Medicine. Airport Passenger Screening Using Backscatter X-Ray Machines: Compliance with Standards (2015), available at *http://www.nap.edu/21710.*

[79] TSA disagrees with the comments that attempted to link AIT to skin cancer, for the reasons explained in this preamble. TSA notes that according to the Stanford Medicine Cancer Institute, ultraviolet radiation from the sun is the

Continued

As explained in the NPRM, the millimeter wave equipment uses non-ionizing radio frequency energy. 78 FR 18294–18295. The millimeter wave equipment used by TSA must comply with the 2005 Institute of Electrical and Electronics Engineers, Inc. Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields (IEEE Std. C95.1™—2005) as well as the International Commission on Non-Ionizing Radiation Protection Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic, and Electromagnetic Fields, Health Physics 74(4); 494–522, published April 1998. The equipment also is consistent with Federal Communications Commission and Health Canada Safety Code regulations. 78 FR 18295. The FDA confirmed that millimeter wave security systems that comply with the IEEE Std.C95.1™—2005 cause no known health effects.[80] TSA has posted a compilation of emission safety reports of the millimeter wave technology system.[81]

TSA implemented safety protocols to ensure that AIT is safe for passengers and the TSA workforce. When backscatter machines were still in use, each individual AIT machine was tested once a year to verify that radiation emitted fell within the national safety standards. Regular testing is also conducted on checkpoint machines that use x-ray technology, such as baggage scanners. This testing is performed by the manufacturers or maintenance providers in accordance with their TSA contracts. Because of the regular testing of TSA equipment, there is no need for operators to wear dosimeters to measure radiation emissions. In the event that a radiation test was to reveal that the emission was above the standard, the machine would be immediately taken out of service and TSA would conduct a system-wide review.

P. Other Health and Safety Issues

Comments: Commenters also mentioned other safety and health concerns related to AIT. Numerous individual commenters generally stated that they consider the safety of the AIT scanners to be uncertain and that they are concerned that AIT is harmful to their health. Some individuals suggested that the machines amount to a medical examination performed by someone who is not a trained medical professional. A few individual commenters expressed concern about the maintenance and calibration of the scanners. According to another individual commenter, the AIT scanners and pat-downs are a physical and psychological attack on an individual, and the passenger must restrain himself or herself from natural instincts to move away from harmful physical contact to ensure their privacy and to avoid health risks.

TSA Response: All AIT units are tested for safety, detection capability, operational efficiency, and impact on passengers prior to deployment. The millimeter wave units currently in use at the airports do not use ionizing radiation. Federal law requires that all AIT units be equipped with ATR software, which does not produce an individual image, only a generic outline that is visible on the machine. TSA permits passengers generally to opt out of AIT screening and receive a thorough pat-down instead. TSA has also instituted the TSA Pre✓™ program, which allows known and trusted travelers an opportunity to undergo expedited screening, which sometimes includes screening by WTMD. This program increases throughput (among other changes) and improves the screening experience of frequent, trusted travelers. Of course, in order to maintain comparable security, no passenger is guaranteed expedited screening, and program participants may be required to undergo regular screening on a random basis.

Q. Backscatter Technology

Comments: Some submissions specifically addressed backscatter technology. Many individual commenters opposed the use of backscatter technology because of the alleged health impact. According to several commenters, x-ray radiation is cumulative, and the effects over a lifetime are not well known. A few individual commenters added that the people who may be most at risk are TSA personnel working near the scanners and frequent flyers, who are already exposed to radiation from high altitude flying. In addition, another individual commenter suggested that, even if the risk to one individual is small, when the machines are used on hundreds of millions of people, the probability that some set of individuals acquire cancer is significant.

One commenter warned that ionizing radiation might cause deoxyribonucleic acid (DNA) damage that leads to carcinogenesis and that a model used by the health physics community would predict the probability of a fatal cancer about the same as the probability of being killed by a terrorist in an airplane. However, the commenter expressed the belief that the real danger is very high local radiation exposures if the mechanical scanning mechanism and associated systems for shutting off the x-ray beam fail. Another individual disputed TSA's statement that independent tests had been conducted on backscatter technology, and the commenter stated that subsequent information showed that the tests were flawed, their results were misused, or they were not conducted by truly independent entities.

A few commenters, including an individual commenter and a privacy advocacy group, remarked on the ineffectiveness of backscatter machines. One of them suggested that the x-ray beam might not be able to distinguish between explosives and tissue when an explosive package is shaped to fit in with natural body contours. An individual commenter stated that even though TSA is removing backscatter scanners from airports, until the process is complete, they would continue to be used at some airports. Another individual recommended that TSA investigate the bad management decision that led to a waste of tax dollars on what the commenter described as an obviously unacceptable technology. Another commenter suggested that backscatter technology was adopted because of lobbying by politically connected individuals with a financial interest in the machines. A few commenters discussed TSA's selection to use Rapiscan as the vendor for AIT scanners. According to some individual commenters, the choice of using Rapiscan as the vendor is inappropriate because a former DHS Secretary was reported to have lobbied for Rapiscan and AIT prior to his departure from the agency.

TSA Response: As discussed above, the general-use backscatter AIT equipment deployed by TSA was tested for safety, detection capability, operational efficiency, and passenger impact before deployment.[82] Independent testing confirmed that the x-ray emissions from the general-use backscatter units were so low as to

main cause of skin cancer. *http://stanfordhealthcare.org/medical-conditions/cancer/skin-cancer/causes-skin-cancer/ultraviolet-radiation.html.* There is no evidence that AIT is related to the incidence of skin cancer.

[80] FDA, ''Products for Security Screening of People,'' available at *http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/SecuritySystems/ucm227201.htm.*

[81] *https://www.tsa.gov/FOIA.*

[82] All general-use backscatter AIT units were removed from screening checkpoints as of May 16, 2013, to comply with the statutory requirement that any AIT used to screen passengers be equipped with and employ ATR software. 49 U.S.C. 44901(l). The backscatter AIT units in use at the time were unable to employ ATR software.

present a negligible risk to passengers, airline crew, airport employees, and TSA employees. 78 FR 18294–18296. Any future backscatter AIT units would also be tested to ensure compliance with applicable safety standards.

Regarding the marginal effects of x-ray radiation, as TSA noted in the NPRM, 78 FR 18295–18296, the ANSI/HPS standard reflects the standard for a negligible individual dose of radiation established by the National Council on Radiation Protection and Measurements at 10 microsieverts per year. Efforts to reduce radiation exposure below the negligible individual dose are not warranted because the risks associated with that level of exposure are so small as to be indistinguishable from the risks attendant to environmental radiation that individuals are exposed to every day. The level of radiation emitted by the Rapiscan Secure 1000 is so low that most passengers would not have exceeded even the negligible individual dose. The European Commission released a report conducted by the Scientific Committee on Emerging and Newly Identified Health Risks on the risks related to the use of security scanners for passenger screening that use ionizing radiation such as the general-use backscatter AIT machines.[83] The health effects of ionizing radiation include short-term effects occurring as tissue damage. Such deterministic effects cannot result from the doses delivered by security scanners. In the long term, it found that the potential cancer risk cannot be estimated, but is likely to remain so low that it cannot be distinguished from the effects of other exposures including both ionizing radiation from other natural sources, and background risk due to other factors.

Regarding commenters' concerns that ionizing radiation might cause deoxyribonucleic acid (DNA) damage, as TSA noted in the NPRM, the annual dose limits in ANSI/HPS N43.17 are based on dose limit recommendations for the general public published by the National Council on Radiation Protection and Measurements in Report 116, ''Limitations of Exposure to Ionizing Radiation.'' The dose limits were set with consideration given to individuals, such as pregnant women, children, and persons who receive radiation treatments, who may be more susceptible to radiation health effects. Further, the standard also takes into consideration the fact that individuals are continuously exposed to ionizing radiation from the environment. ANSI/HPS N43.17 sets the maximum permissible dose of ionizing radiation from a general-use system per security screening at 0.25 microsieverts. The standard also requires that individuals should not receive 250 microsieverts or more from a general-use x-ray security screening system in a year.

Regarding comments about whether AIT can distinguish between explosives and tissue when an explosive package is shaped to fit in with natural body contours, the AIT equipment is designed and tested to find such items.

Regarding comments about the procurement of backscatter technology and Rapiscan, all TSA acquisitions were in compliance with Federal procurement standards. TSA issued a competitive solicitation for companies to submit AIT machines for qualification testing, and while competitive pricing was submitted by two vendors, only Rapiscan was qualified and placed on the Qualified Product List before the planned award date of September 2009. The award was then made to Rapiscan for the initial order.

R. Millimeter Wave Technology

Comments: Some submissions specifically addressed millimeter technology. Many commenters, including individual commenters and non-profit organizations, stated that although TSA claims that millimeter wave scanners are safe, they were unconvinced. Several of these commenters stated TSA had not conducted long-term, independent testing of millimeter wave equipment. Others noted that the scanners still emit a form of radiation and may be harmful. A non-profit organization added that babies, small children, pregnant women, the elderly, and people with impaired immunity would be at a higher risk from non-ionizing radiation than others would. An individual commenter remarked that studies have shown a trend toward higher rates of brain and other tumors in those who use cell phones, which produce a similar form of non-ionizing radiation. Two other individuals suggested that millimeter wave exposure could be harmful to human DNA because of resonance effects.

Although some commenters supported the use of millimeter wave technology over backscatter technology, an individual and an advocacy organization stated they were disinclined to take the government at its word with regard to health assurances because the government has been wrong before, including TSA assurances about Rapiscan machines. An individual commenter stated that millimeter wave machines are no more acceptable than other scanners, but those who must fly will choose them to avoid a pat-down.

One individual commenter recommended another technology for detecting explosives—passive Terahertz (THz) imaging. According to the commenter, there would be no probing radiation, but the warm body emits sufficient THz radiation to form an image, with high explosives standing out in the image as a dark patch.

TSA Response: As discussed in the NPRM, millimeter wave imaging technology used by TSA to screen passengers meets all known national and international health and safety standards. 78 FR 18295. Millimeter wave units are tested for electromagnetic emissions prior to acceptance. The FDA examined the exposure to non-ionizing electromagnetic energy and found that the short duration of screening, approximately 1.5 seconds, and the very low levels of emissions showed that the energy emitted by millimeter wave technology systems is approximately a thousand times less than the limit set by the Institute of Electrical and Electronics Engineers (IEEE). FDA evaluated the Millimeter Wave AIT to determine if the RF emissions met the safety levels established for the general public in C95.1–2005. The exposure a person receives during one scan at a worst-case distance of 10 cm from the inner wall of the unit is on the order of 1000 times less than the IEEE standard's limit for the public exposure. IEEE Std 95.1 defines general public as ''individuals of all ages and varying health status . . . Generally, unless specifically provided for as part of an RF safety program, the general public includes, but is not limited to, children, pregnant women, individuals with impaired thermoregulatory systems, individuals equipped with electronic medical devices, and persons using medications that may result in poor thermoregulatory system performance.'' [IEEE Std 95.1–2005, page 7, 3.1.26]. TSA has posted a report on its Web site that includes the evaluation performed by the FDA.[84]

[83] The SCENIHR is an independent committee that provides the European Commission with the scientific advice it needs when preparing policy and proposals relating to consumer safety, public health, and the environment. The committee is made up of external experts. *See* SCENIHR (Scientific Committee on Emerging and Newly Identified Health Risks), Health effects of security scanners for passenger screening (based on X-ray technology), 26 April 2012.

[84] ''Compilation of Emission Safety Reports on the L3 Communications, Inc. ProVision 1000 Active Millimeter Wave Advanced Imaging Technology (AIT) System,'' Sept. 2012. *See, www.dhs.gov/advanced-imaging-technology-documents.*

TSA is aware of the paper cited by commenters that reportedly found that THz radiation could affect biological function, but only under specific conditions and extended exposure. The paper, ''DNA Breathing Dynamics in the Presence of a Terahertz Field,'' was published by scientists from the Theoretical Division and Center for Nonlinear Studies at Los Alamos National Laboratory in 2010. The millimeter wave machines deployed by TSA do not operate in the THz range, or at the power level referenced in the paper, and the exposure time for passengers screened by AIT is approximately 1,000 times less than the exposure time referenced in the paper.

TSA has evaluated other technologies to assess whether they are safe, meet all applicable government and industry standards, are effective against known and anticipated threats, and require the least disruption and intrusion on passenger privacy possible. For example, TSA has tested passive THz systems in the past and found that they were not effective in detecting explosive threats in an airport environment. Likewise, TSA considered Infrared technology but found that detection capability and operational effectiveness were limited. However, TSA continues to research and assess engineering developments and new technologies for use in the airport.

S. Concerns Regarding Privacy

Comments: Many submissions addressed concerns related to privacy. Many individual commenters, a non-profit organization, and advocacy groups expressed the opinion that the devices should be called ''Nude Body Scanners'' or ''Naked Body Scanners'' to indicate specifically how TSA uses them, and other commenters preferred ''Electronic Strip Searches'' or ''virtual strip searches'' or ''nude-o-scopes.'' Numerous individuals insisted that AIT scanners violate an individual's right to privacy, that TSA's privacy safeguards are inadequate, and that the scanners should not be used on children. Some commenters stated that if scanners are viewing anything under a person's clothing, then that person's privacy is not being protected, because anything under the clothing is intentionally hidden and not meant to be viewed by man or machine. An advocacy group agreed that AIT defeats the privacy-protecting function of clothing and allows an image of the unclothed person to be created. An individual commenter remarked that the problem with TSA's use of AIT for primary screening is it teaches people it is normal and acceptable for the government to use technology to look under their clothing. The commenter added that the body beneath one's clothing and the contents of one's pockets traditionally have been understood as among the most important and intimate zones of privacy.

One commenter noted that passengers must reveal private medical conditions to TSA officers who are not trained in medicine, and others stated that investigating private details of passengers' bodies is deeply offensive and has no security value. A community organization agreed that privacy is invaded when a passenger is forced to share personal secrets that are not otherwise observable in public—especially sensitive medical and gender identity issues. One commenter, however, expressed the opinion that over the years, TSA staff has become more respectful of individual passenger privacy.

A privacy advocacy group pointed out that since January 2008, TSA has published four Privacy Impact Assessments (PIAs) regarding the agency's deployment of body scanners at U.S. airports. The commenter opined that all of these have failed to identify the numerous privacy risks to air travelers. An individual commenter suggested that TSA should be required to regularly report to Congress about its efforts to discover weaknesses in its mechanisms to protect the privacy of individuals scanned by its systems.

Some submissions suggested other technologies and procedures for safeguarding privacy. Among the procedures recommended by one individual were: (1) Providing a generic image of all scanned passengers and (2) allowing a person to leave if selected for a manual search, provided the person exhibits no other suspicious behavior. One commenter suggested that if the AIT screening procedures detect potentially dangerous objects hidden in passengers' private areas, the passengers should be allowed to remove the suspicious objects, show them to TSA officers, and be rescreened using AIT. Another individual suggested developing technology to combat scanner fatigue, providing oversight in screening rooms, and addressing the threat of privacy or security breaches when the status of a passenger is relayed by two-way radio.

TSA Response: As stated previously, Federal law requires that all AIT equipment used to screen passengers must be equipped with and employ the use of ATR. The ATR software produces a generic outline that is publicly displayed on the equipment. The use of ATR mitigates privacy concerns because there is no individual image of a passenger's body, only a generic outline that is the same for passengers based on gender. The AIT equipment used by TSA is not able to store, transmit, or print any images. After each passenger is screened using the AIT, the TSO clears the generic outline of any alarms so that the next passenger may be screened. Signs are posted at the checkpoint and information is available on TSA's Web site showing a sample of the ATR generic outline and advising passengers that they may decline AIT and receive a thorough pat-down. The court in *Corbett* found that the ''scanners pose only a slight intrusion on an individual's privacy, especially in the light of the automated target recognition software installed in every scanner. The scanners now create only a generic outline of an individual, which greatly diminishes any invasion of privacy.'' [85]

TSA has posted information on AIT technologies and ATR on its Web site, and published a PIA in January 2008 with subsequent updates. TSA also conducted outreach with national press and privacy advocacy groups to discuss AIT. While most PIAs are required on information systems that collect information in identifiable form, which AIT does not, DHS nevertheless conducted PIAs on TSA's use of AIT. As explained in the PIA, ''the operating protocols of remote viewing for AIT machines that were not equipped with ATR software, coupled with no image retention, are strong privacy protections . . . ATR software provides even greater privacy protections by eliminating the human image . . . .'' [86]

TSA disagrees with the alternate procedures suggested by some of the commenters. Federal courts have upheld TSA's procedure to require passengers to complete the screening process once it has been initiated by the passenger. As the U.S. Court of Appeals for the Ninth Circuit explained in *Aukai*,

> The constitutionality of an airport search, however, does not depend on consent . . . and requiring that a potential passenger be allowed to revoke consent to an ongoing airport security search makes little sense in a post-9/11 world. Such a rule would afford terrorists multiple opportunities to attempt to penetrate airport security by 'electing not to fly' on the cusp of detection until a vulnerable portal is found. This rule would also allow terrorists a low-cost method of detecting systematic vulnerabilities in airport

[85] *Corbett*, 767 F.3d at 1181.

[86] Privacy Impact Assessment Update for TSA Advanced Imaging Technology, Jan. 25, 2011, *www.dhs.gov/xlibrary/assets/privacy/privacy-pia-tsa-ait.pdf.*

security, knowledge that could be extremely valuable in planning future attacks.

U.S. v. *Aukai*, 497 F.3d 955, 960–61 (9th Cir. 2007) (en banc) (internal citations omitted). Finally, TSA's procedures permit passengers generally to opt out of AIT screening and receive a thorough pat-down instead, which may be conducted in private and in the presence of a companion of the passenger's choosing.

T. Use of ATR Software

Comments: Some submissions discussed TSA's use of ATR software. Numerous submissions from individual commenters remarked that even though ATR software displays a generic outline on the screen at the checkpoint, ATR does not eliminate air travelers' privacy concerns. Many of these commenters, including individuals and advocacy groups, expressed opposition to the use of ATR because, according to the commenters, ATR can be disabled and the scanners are capable of producing explicit, nude pictures that may be viewed by TSA staff. Individual commenters and an advocacy group stated that ATR does not alleviate concerns about the intrusiveness of scanning, its ineffectiveness, the violation of privacy, and possible health effects. A few individuals and a professional association, however, expressed support for the use of ATR because the technology helps mitigate passengers' privacy concerns. An individual commenter stated that TSA took a year longer than legally allowed to cease use of AIT scanners without ATR software.

TSA Response: TSA's deployment of ATR software was completed in accordance with Federal law and before the established deadline. TSA agrees with commenters that the use of ATR software addresses privacy concerns since there is no individual image, and there is no need for a TSO to view an individual image. In addition, TSA believes that the ATR detection capability is commensurate to that of a TSO review and is likely faster, thereby decreasing the amount of time passengers must spend at the checkpoint. TSOs are not able to disable the software, and each AIT unit is delivered to the airport with software that precludes placing the unit into a mode that would allow TSOs to obtain unfiltered, passenger-specific images. Further, the equipment cannot store, transmit, or print individual images, and TSOs are not able to install or activate any such capability on the equipment.

U. Protection of Images

Comments: Commenters also addressed the issue of image protection controls. Numerous individual commenters suggested that they were not convinced by TSA's assertions regarding image protection. Several individual commenters mentioned reports of incidents involving recorded and leaked images from scanners, such as the reported release of 35,000 images created by a Rapiscan machine at a courthouse in Florida. Other individuals and advocacy groups warned that because the scanners have the capability to store and transmit images, at least some storage of images by TSA and viewing by others is likely. Some of these commenters alleged that TSA had falsely stated that previous imaging machines could not store, transmit, or print images.

A privacy advocacy group pointed out that the scanners were designed to include Ethernet connectivity, Universal Serial Bus access, and hard disk storage, but the proposed rule does not include safeguards against storing, copying, or otherwise circulating images. An advocacy group added that the scanners are worse than a physical strip-search because they produce an image that can be stored indefinitely, transferred around the globe in seconds, and copied an infinite number of times without the copies degrading. According to an individual commenter, law enforcement officers can record images without the passenger's knowledge. Some commenters, including individuals and a privacy advocacy association, recommended that TSA clarify what happens to the images captured, who gets to see them, and whether the practice of deleting the image after each screening is absolute. A couple of individual commenters also suggested that TSA should show the public exactly how detailed the image seen in the screening room is, or allow passengers being scanned to observe the personnel monitoring the images. A few individuals, however, expressed support for TSA's efforts to protect passenger privacy by ensuring that the images are anonymous and are automatically deleted from the system after the remotely located security officer clears them.

TSA Response: Federal law requires that all AIT equipment used to screen passengers be equipped with and employ ATR. TSA removed all AIT equipment that could not use ATR software by May 16, 2013, in advance of the statutory deadline. The ATR software does not produce an individual image but instead produces a generic outline that is publicly displayed on the equipment. A picture of the generic outline is posted at the checkpoint and on TSA's public Web site.[87] Consequently, the individual image has been eliminated and there is no longer any need for a TSO in a remote location to view the image.

Initial versions of AIT were manufactured with storage and transmittal functions that TSA required manufacturers to disable prior to installation at airports. TSA confirmed that these functions were disabled during factory acceptance testing and site acceptance testing. The TSOs were not able to activate the functions. As explained in the NPRM, images were transmitted securely between the unit and the viewing room so they could not be lost, modified, or disclosed.[88] The images produced were encrypted during this transmission and were completely deleted in the viewing room once the individual was cleared. The TSO in the viewing room was prohibited from bringing electronic devices such as cameras, cell phones or other recording devices into the viewing room. Violations of these procedures would subject the TSO to disciplinary action, up to and including termination. Note that the current versions of AIT do not have the capability to create an image; rather, they create internal code of the passenger using proprietary software that it analyzes and uses to show an alarm box on the generic outline, if appropriate.

The AIT devices at airports do not have the ability to transmit, store, or print images. While use of AIT in other locations, such as courthouses, was discussed in the comments, TSA does not operate AIT in those locations. AIT that is equipped with ATR software does not produce an individual image; even prior to the use of ATR, TSA's privacy safeguards, detailed in the NPRM, would have prevented the production, let alone release, of images described in the comments.[89]

V. Conducting a Pat-Down as the Alternative to AIT

Comments: Comments also addressed the use of the pat-down as the alternative to AIT. Many individual commenters and an advocacy group stressed the importance of having TSA retain the option to undergo a pat-down instead of AIT; although some pointed out that many passengers select the pat-down over AIT only because they consider it the lesser of two evils. Many

[87] *https://www.tsa.gov/travel/travel-tips.*

[88] 78 FR 18294.

[89] 78 FR 18294.

individual commenters expressed a strong preference for the pat-down; many also stated that they always request a pat-down in lieu of AIT screening. Some individual commenters, however, expressed strong opposition and criticism of current pat-down procedures. Some individual commenters expressed their preference to receive a pat-down, but stated that they feel ''punished'' by TSA staff when requesting the alternative screening measure. Several commenters opined that TSA screeners deliberately make the opt-out unpleasant so that passengers will use the AIT scanners.

Submissions included remarks about the adequacy of information and signs at screening checkpoints about the AIT screening process. For example, multiple commenters stated that TSA currently lists the scanner as optional, in small print on an 11 x 14 inch poster at a crowded checkpoint. Commenters suggested there is a lack of adequate signage informing passengers of the right to opt-out of AIT. One of these individual commenters suggested that, in order to allow passengers adequate time to read about their right to opt-out of AIT, these signs should be posted throughout the security waiting area instead of in the area where passengers are being called forward for screening. A commenter stated that different airports want people to indicate that they are opting out at different times, but passengers have no way of knowing when to opt out. An advocacy group stated that notification of the opt-out option is not large enough and is placed in an area where passengers will not see the notice. A non-profit organization stated that passengers continue to report that signs are not available, even though TSA stated in the NPRM that detailed explanation of AIT procedures is available on its Web site, and signs are posted at checkpoints.

Other individuals and a privacy advocacy group emphasized that the pat-down is not a reasonable alternative. Many individual commenters remarked that when they choose to opt-out of AIT, they are treated with suspicion, public ridicule, hostility, and retaliation (*e.g.*, long and intentional delays) by the screener, and often are unable to monitor their belongings. Other individuals and advocacy groups objected to the manner in which some TSA staff conduct pat-downs, stating they are more invasive and intrusive than necessary to detect weapons or explosives.

Numerous commenters, including a community organization, a non-profit organization, and individual commenters, characterized the pat-down as groping or sexual assault that involves touching or rubbing of the breasts and genitals of passengers. The pat-downs were referred to as rough, painful, invasive, offensive, intrusive, humiliating, demeaning, and degrading. Some commenters provided anecdotal accounts related to their experiences being screened by TSA. The majority of these comments referred to personal accounts of pat-downs, including statements that the pat-downs were abusive and extended wait times. Other individual commenters stated that because of their negative pat-down experiences, they have cancelled air travel plans. A number of individual commenters stated that in their experience, TSA employees generally treat passengers in a courteous and professional manner.

Commenters also expressed concerns regarding profiling. A few individual commenters, for example, stated that TSA staff intentionally chose young, female travelers for pat-downs at a higher rate than other travelers. Other commenters suggested that TSA staff discriminate against children and elderly women. It was the concern of an individual commenter that an enhanced pat-down of a child can be detrimental to the child's understanding of the appropriateness of an adult touching them. Furthermore, the individual commenter remarked that the separation of the child from their parent for screening results in distress for both the parent and child. Several individuals, a non-profit organization, and an advocacy group expressed concern for children that must undergo touching during pat-downs. Many individuals and an advocacy group also mentioned psychological trauma caused by pat-downs, particularly for rape survivors and victims of sexual abuse. A few individual commenters noted that pat-downs impose unnecessary risks, given that most TSA screeners do not change their gloves often enough to prevent the spread of disease.

TSA Response: TSA allows individuals generally to opt out of AIT screening and undergo a thorough pat-down instead. TSA has no requirement as to when a passenger should indicate that he or she does not wish to undergo AIT screening. Generally, passengers should make their request for a pat-down when they are directed to the AIT and prior to entering the AIT machine. Such requests can also be made earlier in the screening process. While AIT has been used to conduct primary passenger screening since 2009 and millions of passengers are aware of and have been screened by AIT, TSA posts signs to inform passengers that they may opt-out of AIT screening. TSA places these signs in the checkpoint prior to the AIT machine. Generally, the signs are 11 x 14 inches to avoid impeding the flow of passengers, because the signs are located in an area where passengers walk to enter the AIT unit. However, TSA permits signs that are 22 x 28 inches. TSA appreciates the commenters' input on the placement and font size associated with the signs, and may in the future revise signage practices to make this information even more prominent to passengers.

While commenters wrote that the thoroughness of the pat-down is inappropriate, it would not make sense to allow passengers to opt out of AIT unless the alternative has similar ability to detect both metallic and non-metallic threat items. The pat-downs are tailored to address the known threat posed by concealed metallic or non-metallic explosives or other weapons, including those concealed on culturally sensitive areas of the body in order to evade detection. The court in the *Corbett* decision upheld the constitutionality of the pat-down. ''The pat-downs also promote the governmental interest in airport security because security officers physically touch most areas of passengers' bodies . . . . Undeniably, a full-body pat-down intrudes on privacy, but the security threat outweighs that invasion of privacy.'' [90] The court noted that TSA's procedures when conducting a pat-down reduce the invasion of privacy.[91]

The pat-down procedures are described on TSA's Web site.[92] A pat-down is performed if a passenger cannot undergo WTMD or opts out of AIT screening. A pat-down is also performed to resolve alarms or anomalies. A less invasive pat-down may be performed on a random basis. TSA advises individuals entering the checkpoint to divest all items on their person and in their pockets to reduce the likelihood that an alarm will occur. A pat-down is conducted by a TSO of the same gender as the passenger. A passenger may request that the pat-down be performed in private. During a private screening, another TSA employee will always be present and a companion of his or her choosing may accompany the passenger. In addition, the passenger is permitted to bring his carry-on baggage to the location where the pat-down will take place, including any private screening area. A passenger may ask for a chair if he or she needs to sit down. Ordinarily

[90] *Corbett*, 767 F. 3d at 1182.

[91] *Id.*

[92] *https://www.tsa.gov/travel/frequently-asked-questions.*

a passenger will not be asked to remove or lift any article of clothing to reveal a sensitive body area. TSA has modified its pat-down procedures for children age 12 and under and adults age 75 and over to be less invasive and to reduce the likelihood that a pat-down is performed.[93] Further, TSA will not separate parents from their children during the screening process. Passengers may request that TSOs change their gloves before performing a pat-down. Since a pat-down is conducted to determine whether prohibited items are concealed under clothing, sufficient pressure must be applied in order to ensure detection. TSOs are trained to inquire whether a passenger has an injury or tender area prior to initiating the pat-down so that such areas are treated accordingly.

TSOs are trained to be courteous and respectful to all passengers and to provide assistance to facilitate the screening process. TSA will make every effort to be respectful of passengers' concerns, including those who have particular sensitivities to physical touching and to accommodate a person's needs. TSOs may not deliberately delay or modify a pat-down in order to convince passengers to choose AIT screening; such activity may subject a TSO to discipline, up to and including termination.

As explained on TSA's Web site, TSA has established a national hotline for passengers with disabilities, medical conditions, or other circumstances to assist passengers to prepare for the screening process prior to flying.[94] TSA recommends that passengers call the toll-free TSA Cares hotline, at 1–855–787–2227, 72 hours in advance of their flight for information about what to expect during screening.

Passengers who believe they have experienced unprofessional conduct at a security checkpoint may request to speak to a supervisor at the checkpoint or write to the TSA Contact Center at *TSA-ContactCenter@dhs.gov.* Passengers who believe they have been subject to discriminatory treatment at the checkpoint may file a complaint with TSA's Office of Civil Rights and Liberties, Ombudsman and Traveler Engagement at *TSA–CRL@tsa.dhs.gov*, or submit an online complaint at *https://www.tsa.gov/contact-center/form/complaints.*[95] Finally, travelers may also file discrimination complaints with DHS CRCL via CRCL's Web site at *http://www.dhs.gov/complaints.*

W. AIT Screening Procedures at the Checkpoint

Comments: Many submissions discussed AIT screening procedures at security checkpoints. Some comments suggested that AIT screening increases the wait time at security checkpoints. Specifically, a few individual commenters stated that the requirement to remove shoes, articles of clothing, belts, and other items slows the process of screening. Commenters generally stated that AIT machines are slow.

According to an individual commenter, screening procedures are not implemented consistently at checkpoints and airports because TSA employees are not familiar with the procedures. Another individual commenter stated that since metal detectors and pat-downs are the screening methods used for TSA employees and passengers using TSA's ''Pre-Check'' screening process, the general public should be screened in the same manner. Similarly, a few individuals suggested there are several loopholes in the AIT screening process (groups of passengers that are ineligible for AIT) that render AIT useless.

Others provided comments regarding the non-public nature of TSA's Standard Operating Procedures (SOPs). Most commenters questioned why information about screening procedures is not released to the public. An individual commenter stated that because the AIT scanners have been deployed, and ''enhanced pat-downs'' are in effect, TSA should be able to release procedures for the screening process. An advocacy group stated that, if TSA does not provide its SOPs to the public, the public will be unaware of the checkpoint requirements and what, if any, guidelines there are for decision-making by TSA staff or contractors as to what constitutes a screening. The commenter suggested that TSA has kept the SOPs from the public so screening practices can be varied and unpredictable. The commenter stated that as a result, travelers could not distinguish legitimate demands from illegitimate or unauthorized demands.

An individual commenter suggested that the majority of passengers are uninformed about the risks associated with AIT and the screening process. This commenter, as well as another individual, stated that passengers need to know what is expected of them at TSA checkpoints before they can give consent to how they will be searched. Similarly, another commenter stated that because TSA has the authority to fine passengers for refusing to complete screening, it is incumbent upon TSA to publish the details about the screening process.

A community organization stated that those with medical issues are often chosen for secondary screening at a higher rate than those without medical issues. According to a community organization, although the TSA Web site explains that the head coverings of travelers, including Sikh turbans, could be subject to additional security screening, TSA staff has advised Sikh travelers that screening of the turbans is mandatory, even if the screening device has not alarmed during screening. The same commenter also stated that Sikh travelers continue to experience disparate rates of secondary screening despite TSA's Web site stating that AIT scanners can detect threats under layers of clothing without physical inspection of the traveler. The commenter concluded that TSA should conduct public, independent audits of TSA screening practices to determine the extent of profiling based on race, ethnicity, religion and national origin. A non-profit organization, however, suggested that failure to profile passengers based on ethnicity, religion, and national origin would undermine risk-based security strategies.

Some commenters, including individuals and non-profit organizations, expressed concern regarding the potential theft of personal items during AIT screening. Several of these commenters suggested that alternatives like WTMD allow the passenger to maintain control of their non-metallic valuables during screening and that control is relinquished when a passenger is separated from their possessions to be screened by AIT.

TSA Response: TSA's procedures for checkpoint screening are described on TSA's Web site.[96] The description includes a specific explanation of AIT and pat-down procedures.[97] TSA uses AIT because it is the best technology currently available to address the known threat of nonmetallic explosives being concealed under clothing. Because the AIT alarms when it detects what it registers as an anomaly, at times additional screening must be performed to determine whether there is a threat. TSA advises passengers to remove all items from pockets to reduce the likelihood that the AIT will detect an item and that additional screening will be required. Passengers do not experience additional wait time due to

[93] *https://www.tsa.gov/travel/special-procedures/traveling-children* and *https://www.tsa.gov/travel/special-procedures/screening-passengers-75-and-older.*

[94] *https://www.tsa.gov/travel/passenger-support.*

[95] More information on TSA Civil Rights is available at *https://www.tsa.gov/travel/passenger-support/civil-rights.*

[96] *https://www.tsa.gov/travel/security-screening.*

[97] *Id.*

use of AIT equipment because the x-ray screening of carry-on baggage affects the overall screening process; in sum, passengers wait for their personal belongings regardless of which passenger screening technology is used. TSA encourages passengers to prepare for screening in advance by packing all personal items in their carry-on bag prior to entering the checkpoint in order to reduce the time spent in screening and to avoid the chance that such items will be left behind. As noted on the Web site, AIT screening is safe for all passengers and is generally available to all passengers.

TSA's SOPs are internal documents that contain instructions for TSOs on how to operate equipment and conduct screening. TSOs receive extensive training to perform screening as described in the SOPs. These documents are SSI and cannot be shared with the public. 49 CFR part 1520. The SSI status of these documents has been upheld by the courts and is outside the scope of this rulemaking.[98] However, public procedures and information regarding the screening process are described on TSA's Web site.

TSA's Pre✓™ program offers expedited screening for passengers identified as low-risk through pre-screening. For example, passengers who have a Known Traveler Number issued by TSA or U.S. Customs and Border Protection are considered lower risk because they have undergone a vetting process or background check. Because of the pre-screening, they are more likely to be eligible for expedited screening than passengers who have not undergone any type of pre-screening. TSA is encouraging all passengers to consider joining the program, and additional information is available on TSA's Web site.[99]

TSA does not engage in any type of religious profiling. Special consideration is given to passengers who wear religious head coverings. As explained on TSA's Web site, persons wearing any type of head covering may be subject to additional screening of the head covering if the TSO cannot reasonably determine that the head area is free of a threat item.[100] If it is necessary to remove the head covering, the passenger may request to remove it in a private screening area. All TSA employees are required to take religious and cultural awareness training, which includes information concerning certain types of head coverings. TSA's Web site also describes procedures for passengers with medical conditions.[101] While all passengers and items, including medical devices, must be screened prior to entering the sterile area of the airport, some medical devices must undergo additional screening in order to ensure that a threat item is not present. All such devices are permitted once cleared. Passengers with medical conditions may call the TSA Cares hotline to receive specific screening information.

TSA makes every effort to ensure that passengers are able to maintain sight of their carry-on baggage except while it is inside the x-ray machine. Generally, carry-on baggage is being x-rayed while the passenger undergoes AIT screening and usually the passenger completes AIT screening before the baggage screening is complete. TSA will cooperate with State and local law enforcement if a theft occurs. TSA has a zero-tolerance policy for theft by its officers. Any allegation of such activity is investigated, and if infractions are proven, offenders are disciplined, which can include removal from the agency's employment.[102]

X. AIT Technology Screening Procedures for Families and Individuals With Medical Issues

Comments: Some commenters discussed the adequacy of AIT screening procedures as they relate to families. Some individual commenters recommended that TSA not allow adults to conduct a pat-down on children. Furthermore, one of these commenters also stated that it is inappropriate for children under the age of 18 to be exposed to the AIT scanner. Although one individual commenter stated that children should never be separated from their parents, another individual commenter suggested that all travelers, including children and their families, should be subject to AIT because all other travelers are subject to AIT.

Many submissions addressed passengers with disabilities or medical conditions that make them ineligible for AIT screening. Several commenters expressed their general opposition to the use of AIT for those with medical conditions. Individual commenters explained that because of their insulin pumps they do not have a choice but to opt-out of AIT and therefore are subjected to invasive pat-downs and longer screening periods. Other commenters stated that the AIT scanners discriminate against those with a physical disability or medical issue. Some commenters suggested that travelers with physical disabilities should not be made to go through the often-taxing process of pat-down procedures. A privacy advocacy group stated that TSA has not considered the negative impact the proposed rule has on travelers with special needs, particularly those with medical devices. The commenter stated that aside from pat-downs, which the commenter described as embarrassing or humiliating, no alternative screening is discussed for those travelers who have medical devices, like prosthetics and pacemakers, which prevent them from being screened using an AIT scanner. An individual commenter expressed fear that the electromagnetic field of the AIT scanners may be calibrated to a level that would cause their heart pump to malfunction. An individual commenter stated that because the proposed rulemaking has not addressed the potential impacts that TSA screening activities may have on rape victims, TSA should stop using body imaging technology, cease the practice of pat-downs, and rely on the use magnetometers. An advocacy group and individual commenters expressed concern for the emotional effect that both pat-downs and body imaging technology can have on travelers who have experienced past emotional and physical trauma due to sexual assaults.

A number of individual commenters expressed concern regarding the AIT screening procedures and related privacy issues for transgender individuals. An advocacy group provided information regarding the term ''transgender'' and referred to Office of Personnel Management guidance on the process of gender transition. Several commenters, including advocacy groups, stated that transgender individuals are concerned that the screening process will lead to discrimination, the revelation of their gender status to screeners and others at the checkpoint, and humiliation. An individual commenter stated that transgender people often receive heightened scrutiny of their bodies and documents because of a lack of education and prejudice by TSA screeners. Some individual commenters and advocacy groups explained that the screening process for transgender individuals with prosthetics could be difficult because the prosthetics are detected as anomalies by the AIT scanners, which leads to a more extensive search of their person and questioning from TSA staff. Some individual commenters and advocacy

[98] *Blitz* v. *Napolitano*, 700 F.3d 733, 737 (4th Cir. 2012) (stating that ''the specifics of [TSA's checkpoint screening] procedures constitute SSI).

[99] *https://www.tsa.gov/tsa-precheck.*

[100] *https://www.tsa.gov/travel/frequently-asked-questions.*

[101] *https://www.tsa.gov/travel/special-procedures.*

[102] Since 2005, approximately 380 employees have been disciplined or terminated for theft.

groups discussed the need for an alternative to pat-downs and AIT screening for transgender individuals.

Some commenters, however, expressed support for the use of AIT. For example, travelers with joint replacements stated a preference for AIT because a full body search would otherwise be required with WTMD screening. An individual commenter who expressed support for AIT also recommended that the scanners be enlarged to accommodate medical equipment carried by travelers.

TSA Response: TSA's Web site contains information regarding screening procedures for children, travelers with disabilities and medical conditions, and transgender individuals. TSA has implemented procedures to make it easier for children under 12 to complete the screening process. For example, as explained on TSA's Web site at *www.tsa.gov/travel/special-procedures/traveling-children*, TSA will not separate adults from their children during screening. Children age 12 and under are allowed to leave their shoes on during screening. TSA has revised its pat-down procedures for children to be less invasive and its screening procedures more generally, to reduce the likelihood that a pat-down must be performed.[103] Absent extraordinary circumstances, pat-downs are only performed by TSOs of the same gender as the passenger. As discussed previously, the AIT has been tested and is safe for all passengers, including children.

TSA has specific screening procedures for passengers with disabilities and medical conditions, and those procedures are described on TSA's Web site.[104] These passengers are screened by the same technology as passengers without disabilities and medical conditions; however, additional screening of a passenger's equipment may also be required. As explained previously, the TSA Cares hotline can provide specific information for persons with disabilities and medical conditions. Depending upon the complexity of a passenger's needs, TSA Cares may forward a caller to disability experts at TSA who may arrange assistance at the airport, if necessary. TSA suggests that passengers with disabilities or medical conditions inform the TSO prior to undergoing screening. Passengers who prefer not to discuss their condition can obtain a Notification Card for discrete communications. The card is available at *www.tsa.gov/sites/default/files/disability_notification_card_508.pdf.* Passengers who have an insulin pump may be screened using AIT or may opt for a pat-down. The FDA millimeter wave report posted on TSA's Web site includes personal medical electronic device test results.[105] The FDA found that no effects were observed for any of the devices tested, including insulin pumps, pacemakers, neurostimulators, implantable cardio defibrillators, and blood glucose monitors, and that the risks that non-ionizing millimeter wave emissions could disrupt the function of the tested devices is very low.[106] TSA's Web site also advises that passengers with internal medical devices, such as a pacemaker or a defibrillator, should not be screened by a metal detector and should instead request to be screened using AIT or a pat-down. *See www.tsa.gov/travel/special-procedures.*

TSA advises passengers to remove all items from their pockets to lessen the possibility that a pat-down will be needed to resolve an anomaly detected by AIT. All AIT units used for screening are equipped with ATR software, which eliminates the individual image and only reveals a generic outline.

TSA recognizes the concerns of the transgender community and provides information on the screening process for transgender travelers on its Web site at *www.tsa.gov/travel/frequently-asked-questions.* TSA regularly meets with organizations representing the transgender community and works with them to discuss the screening process for transgender travelers. TSA notes that travelers may request a private screening with a witness or companion of the traveler's choosing at any point in the screening process. For travelers who have sensitivities to being touched, the majority of passengers can be screened without a pat-down so long as there is no need to resolve alarms. TSA is enhancing its training regarding the screening of transgender individuals to ensure that screening is conducted in a dignified and respectful manner.

TSA trains its officers to be courteous and to treat passengers with dignity and respect. Travelers who believe they have experienced unprofessional conduct at a security checkpoint are encouraged to request a supervisor at the checkpoint to discuss the matter immediately or to submit a concern to TSA's Contact Center at *TSA-ContactCenter@dhs.gov.* Travelers who believe they have experienced discriminatory conduct because of a protected basis may file a concern with TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (OCRL/OTE) at *TSA-CRL@tsa.dhs.gov*, or submit an online complaint at *https://www.tsa.gov/contact-center/form/complaints.*[107] Finally, travelers may also file discrimination complaints with DHS CRCL via CRCL's Web site at *http://www.dhs.gov/complaints.*

Y. Comments on the Proposed Regulatory Text

Comments: Many commenters addressed the regulatory text proposed in the NPRM. Many made the general assertion that the proposed rule is vague. Multiple commenters stated that the NPRM is not clear regarding a passenger's right to screening methods other than AIT. A few individual commenters suggested that, by not discussing alternative screening options, TSA is implying that passengers do not have a right to opt-out and be screened by a pat-down inspection. Further, an advocacy group requested that the language in the proposed rule should codify that all pat-down searches are to be conducted by officers of the same self-identified gender as the traveler, and not the gender listed on the identification document or the gender assigned to the passenger at birth. One of these commenters recommended that text be added to the regulation to specify alternatives for those with medical or other sensitive needs. An advocacy group stated that the failure to include information regarding an opt-out alternative in the proposed rule is in violation of the APA. An individual commenter suggested that text also be included to require appropriate notice to passengers about the use of AIT and information about the opt-out option be more extensive and posted. One of these commenters stated that the NPRM suggests that a passenger who opts-out of AIT screening is perceived as disrupting the security system. An advocacy group and individual commenters stated that the NPRM language stating AIT screening is currently optional indicates that TSA may impose mandatory AIT screening for all passengers in the future.

[103] TSA's screening procedures may be modified to respond to emerging threats and system vulnerabilities.

[104] *https://www.tsa.gov/travel/special-procedures.*

[105] 78 FR 18295. *See also https://www.tsa.gov/FOIA.*

[106] Compilation of Emission Safety Reports on the L3 Communications, Inc. ProVision 100 Active Millimeter Wave Advanced Imaging Technology (AIT) System, Version 2, DHS/ST/TSL–12/118, page v, September 1, 2012, available at *http://www.dhs.gov/sites/default/files/publications/tsa-compilation-of-emission-safety-reports-on-the-l3-communications-inc-ait-system.pdf.*

[107] More information on TSA Civil Rights is available at *https://www.tsa.gov/travel/passenger-support/civil-rights.*

A few individual commenters and advocacy groups stated that TSA should clarify key terms in the NPRM, including ''anomaly.'' A commenter stated that in the absence of any definitions of ''submit'' or ''screening,'' the rule would be unconstitutionally vague and overbroad. The commenter implied that such definitions are required in order for travelers to understand ''what is prohibited or what is forbidden'' by TSA. Similarly, an individual commenter and an advocacy group noted that the lack of details regarding screening and inspection leaves passengers uninformed regarding TSA's authority and what options passengers have. The advocacy group suggested that the lack of clarity leaves TSA checkpoint procedures unpredictable and inconsistent. An advocacy group recommended that if the word ''anomalies'' were changed to the detection of prohibited foreign items that pose special risks of creating physical danger in the aviation environment, the public's trust in TSA would increase.

Several commenters generally stated that the definition of AIT is ambiguous. A few commenters, including a privacy advocacy group, suggested that the definition of AIT was vague because it did not state that AIT involves the production of images. Similarly, a non-profit organization stated the definition of AIT is too broad in that it allows TSA to use other tools and technologies in addition to AIT. An individual commenter noted that the vagueness of the regulation leaves the reader with limited understanding of the intention of the NPRM. One individual commenter stated that the proposed regulatory text in the NPRM is unconstitutionally vague.

Similarly, an advocacy group suggested that the proposed rule should be revised to clarify the rights and responsibilities of passengers and TSA with regard to AIT scanning. The commenter stated that the *EPIC* opinion provides more information about TSA policy than the proposed rule and that the proposed rule does not fulfill the court order. This commenter concluded that the rulemaking process for AIT scanning should begin anew. According to an advocacy group, clarifying the limits of screening objectives will enhance the public's trust in TSA's screening program. Another individual commenter stated that the *EPIC* decision required TSA to develop written rules for screening at checkpoints. The commenter stated that the terminology used in these rules should be more descriptive of what will, and will not, occur during pat-downs.

Some commenters provided suggestions as to how the proposed rule could include protections for passengers. A non-profit organization requested that a ''code of conduct'' towards passengers and a ''passenger bill of rights'' be included in the regulations. Furthermore, an advocacy group suggested that (1) passengers have the option to be screened in private and with a witness of the passenger's choosing; (2) there be a limitation on the requirement for a passenger to lift or remove clothing; and (3) pat-downs be limited to the areas on the body where an anomaly was detected by the AIT scanner. The same advocacy group recommended that the TSA Traveler's Civil Rights Policy be codified in the final rule and should include nondiscrimination based on gender identity.

Some commenters recommended specific wording to be added to the proposed regulatory text to (1) allow TSA to search locations that are likely targets; (2) protect the Fourth Amendment concerns of private citizens; (3) eliminate costs associated with legal challenges; and (4) lower operational costs.

An individual commenter proposed adding text to clarify that screening to detect anomalies will be conducted using the least intrusive means. A community organization recommended expanding the proposed regulation to include specifics regarding how and when AIT can be used; when enhanced pat-down searches are to be conducted; that information on AIT be provided to passengers prior to AIT screening; to codify a pat-down search option; and to address the images generated by AIT. A non-profit organization suggested that the proposed rule define AIT as ''active'' imaging technology as opposed to ''advanced'' so the technology can be differentiated from ''passive'' imaging technology.

An advocacy group suggested that in order to assure passengers that images from the AIT scanners will not be retained, the definition of the AIT scanners should describe the technology as one that allows screening without subsequent retention of individual passenger image data. The same commenter proposed that training regarding how to work with diverse populations be required in the final rule.

A few commenters, including individual commenters and a non-profit organization, stated that TSA's summary of the proposed rule was a misrepresentation of the facts and screening options.

TSA Response: To address many of the comments on the proposed regulatory text, TSA is adopting the statutory definition of AIT codified at 49 U.S.C. 44901(l). The statute defines AIT more narrowly as ''a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning machines'.'' The definition of AIT in the final rule now refers specifically to ''a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body . . . .'' In addition, in recognition of privacy concerns, TSA is adopting the statutory language requiring the use of ATR software on any AIT used to screen passengers. The regulatory text now specifies that AIT must be equipped with and use ATR software. The regulatory text defines ATR as software that produces a generic image that is the same as the image produced for all individuals. Consistent with many comments received, this definition ensures that there are no passenger-specific images. TSA believes that the final rule's definition of AIT is more specific than the proposed definition in the NPRM and better ensures that the regulation is consistent with existing law. This definition also obviates the need for further requirements related to the potential storage and transfer of images, as the rule now requires images produced by AIT to be generic.

TSA declines to make a number of other changes to the regulatory text proposed by commenters. TSA does not refer to the option to undergo a pat-down instead of AIT in the regulatory text. As noted throughout this preamble, AIT use generally is optional. TSA recognizes that some passengers do not wish to be screened by AIT and generally, they may choose to undergo a pat-down. Other screening options are not permitted as the pat-down has the similar capability to detect both metallic and non-metallic threats. TSA also recognizes that some passengers are ineligible for AIT (for example, they are not able to stand unattended or raise their arms in the manner required for AIT screening). These passengers must undergo a pat-down in lieu of AIT. TSA also notes that it may require AIT use, without the opt-out alternative, as warranted by security considerations in order to safeguard transportation

security. Thus, TSA has not codified an opt-out alternative in this rule.

As discussed above, in response to comments, TSA has removed the term ''anomaly'' from the regulatory text to avoid confusion regarding the meaning of the term. However, TSA is not adopting comments regarding the use of the terms ''screening'' and ''submit.'' These terms are used throughout TSA regulations; in the NPRM, TSA did not propose to modify any other regulatory provisions that use these terms, and TSA believes that it could be confusing to add a general definition that would affect those provisions. Nor does TSA believe that a definition specific to this section would be particularly useful, given that relatively few commenters found material ambiguity in the terms ''screening'' and ''submit.'' TSA notes that a definition of ''screening function'' is contained in 49 CFR 1540.5. TSA does not intend to alter that definition in this rulemaking. TSA's changes to the regulatory text are intended to maintain consistency with the definition of AIT developed by Congress to limit the use of AIT for screening passengers and to address privacy concerns. TSA believes that using a different definition or including terminology not used by Congress, such as ''active'' or ''passive,'' would not meaningfully enhance the clarity of the provision, and could create confusion about what is meant by ''active'' and ''passive.'' In addition, by adopting the statutory definitions in the regulation, TSA will deploy the types of AIT equipment that Congress intended to be used to conduct passenger screening.

As discussed in previous responses and in the NPRM, TSA's Web site provides a public description of AIT procedures for passengers. *See* 78 FR 18296–18297. The Web site also describes when a pat-down is performed, that a passenger may request private screening with a companion of the passenger's choosing, and that ordinarily a passenger will not be requested to remove or lift clothing to reveal a sensitive body area. TSA's screening procedures are sensitive security information, 49 CFR 1520.5(b)(9), and cannot be publicly divulged in significant additional detail. TSA strives to provide information on its Web site so that travelers will generally know what to expect when they arrive at an airport.

Congress has vested TSA with broad authority to use the equipment, measures and procedures TSA deems necessary to protect transportation security.[108] Current regulations already specify the responsibilities of passengers and other individuals who seek to enter the sterile area of an airport or board an aircraft. Regulations provide that ''[n]o individual may enter a sterile area or board an aircraft without submitting to the screening and inspection of his or her person and accessible property in accordance with the procedures being applied to control access to that area or aircraft.'' *See* 49 CFR 1540.107(a). These regulations do not detail every particular screening method, policy, or technology that TSA employs at the checkpoint.[109]

In the NPRM, TSA proposed to codify the use of AIT to conduct security screening to comply with the ruling in *EPIC.* TSA is not adopting comments requesting that TSA also codify alternative screening options in the final rule. TSA may be unable to disclose details about some alternative screening options publicly. Federal law requires TSA to promulgate regulations to prohibit the disclosure of information obtained or developed in carrying out security that TSA decides would be detrimental to the security of transportation. 49 U.S.C. 114(r). TSA cannot publicly disclose all the information that would be necessary to allow for complete public discussion of security procedures and equipment, as some of the relevant information is SSI as specified in TSA regulations. *See* 49 CFR part 1520. In addition, some relevant information is classified and further restricted from public disclosure. It would not be practical for TSA to make every security measure public, as that would certainly make it easier for terrorists to circumvent such measures in order to carry out an attack.

In addition, codification of alternative screening options would seriously impede the flexibility needed to respond to security threats. TSA's procedures and equipment are designed to assist in the detection of concealed items that individuals are attempting to smuggle into the sterile area or on board an aircraft.[110] Depending on the circumstance, changes in certain procedures may be necessary on a global or case-by-case basis to respond in real-time to a threat, resolve an alarm, deal with equipment malfunctions, accommodate individuals with disabilities or other unique needs, or address other situations that could arise at the security checkpoint. For instance, sometimes types of clothing or physical attributes present particular challenges that require changes to screening techniques in order to conduct the thorough screening required to detect concealed items.

In short, TSA could not operate effectively if it was required to conduct notice and comment rulemaking whenever a change in a security equipment, policy, or procedure was needed. The APA generally does not require TSA to amend or issue regulations for most checkpoint screening equipment, policy, and procedure changes; for TSA to voluntarily submit to such a requirement would undermine TSA's ability to adapt quickly to new security threats and ''mire the agency in fruitless delay, expense, and inefficiency.'' [111] Moreover, any additional regulatory text with sufficient flexibility for TSA to adapt quickly to new security threats would severely undercut the usefulness to the public of additional regulatory text. Instead, consistent with longstanding practice and the *EPIC* decision, TSA's regulations establish the requirement to undergo screening, and set the parameters under which TSA has the flexibility, within the bounds of its

[108] *See* 49 U.S.C. 114(e) (listing TSA's responsibilities to include ''day-to-day Federal security screening operations for passenger air transportation . . .''); 49 U.S.C. 114(f) (describing other TSA duties and powers to include ''develop policies, strategies, and plans for dealing with threats to transportation security . . . enforce security-related regulations and requirements . . . identify and undertake research and development activities necessary to enhance transportation security . . . inspect, maintain, and test security facilities, equipment, and systems . . . and oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities''); and 49 U.S.C. 44925 (directing DHS to give a high priority to ''developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property.'').

[109] Before TSA was established, the FAA operated under a very similar broad regulatory framework that also afforded discretion with respect to the specifics of checkpoint screening. *See, e.g.,* Airport and Airplane Operator Security Rules, 51 FR 1350 (Jan. 10, 1986) (final rule) (issuing former 14 CFR 107.20, which provided that ''[n]o person may enter a sterile area without submitting to the screening of his or her person and property in accordance with the procedures being applied to control access to that area''). In addition, just as TSA does now, the FAA typically responded to evolving threats by making changes to checkpoint screening procedures under its broad regulatory authority rather than by issuing new regulations. *Nader* v. *Butterfield*, 373 F. Supp. 1175, 1177 (D.D.C. 1974) (explaining that the FAA responded to ''an alarming rash of bomb threats and airplane seizures'' in 1972 by implementing new checkpoint screening procedures through a telegram emergency order to the agency's Regional Directors).

[110] *See George* v. *Rehiel*, 738 F.3d 562, 578 (3d Cir. 2013) (noting that TSA operates in ''a world where air passenger safety must contend with such nuanced threats as attempts to convert underwear into bombs and shoes into incendiary devices'').

[111] *Guardian Fed. Sav. & Loan Ass'n* v. *Fed. Sav. & Loan Ins. Corp.*, 589 F.2d 658, 668 (D.C. Cir. 1978).

statutory mandate as well as other applicable Federal laws and policies, to choose screening equipment, adopt specific screening policies, and ''prescribe the screening process.'' [112]

In addition, although TSA has determined not to codify additional policies and procedures in the regulatory text, TSA advises the public on what to expect at the checkpoint, and constantly strives to improve the screening experience. When TSA policies affecting screening are modified, TSA provides additional information to the public through its Web site as appropriate. TSA acknowledges the concerns expressed by commenters seeking assurance that they are being treated in accordance with established policies and procedures. TSA has posted screening information on its Web site to facilitate the secure and efficient processing of passengers when they arrive at an airport.[113] As explained above, TSA also provides various opportunities for individuals to obtain help in understanding the screening process, to express concerns regarding screening, and to submit complaints regarding unprofessional conduct by TSA personnel. Finally, TSA's training and procedures already require officers to treat every passenger with dignity and respect and make every effort to accommodate passengers' needs while processing through screening. Violations of these standards subject officers to discipline, up to and including termination.

Finally, regulatory text is not needed to address commenters' stated constitutional concerns as multiple courts of appeal have found that TSA's airport screening protocols do not violate the Fourth Amendment. For example, the *EPIC* decision holds that TSA's use of AIT is constitutional and meets legal requirements; although TSA's screening operations are of course subject to certain legal constraints, TSA is not required to describe or interpret every such constraint in this regulatory text. TSA has also explained its adherence to federal law and DHS policies regarding the use of race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity in agency operations. To the extent that such generally applicable policies have applications in the checkpoint screening context, it would be unnecessary, unduly cumbersome, and outside the scope of this rule to reiterate such policies in the instant rulemaking in particular. Similarly, TSA adheres to the statutory requirements regarding the conduct of screening of persons and property and will not include SSI in its public rules. In response to the commenter who identified certain costs for TSA to include in the regulation, TSA notes that costs are described in the RIA accompanying this final rule.

Z. Costs of the Proposed Rule

Comments: Dozens of submissions addressed the overall costs associated with the proposed rule. Several individual commenters and a non-profit organization stated that AIT scanners would be too costly, and suggested that TSA invest in other, less expensive screening methods. Another individual commenter stated that the cost analysis should have included a rigorous probability and statistical analysis to estimate ''difficult to compute'' costs for sub-populations. For example, the commenter suggested that TSA include costs for travelers who are more vulnerable to radiation, immune-suppressed, or suffering from skin cancer. With regard to the RIA posted in the docket, an individual commenter asked TSA to clarify the units for the cost data included in Summary Tables 4 through 6.

TSA Response: TSA estimated the costs of AIT and compared to four and five other alternatives in the RIA for both the NPRM and final rule RIA, respectively. TSA determined that AIT has a number of advantages over the other alternatives. AIT maintains lower personnel cost and a higher passenger throughput rate than other alternatives considered (for detailed description of alternatives see Chapter 3 in both the NPRM and final rule RIAs). After weighing the qualitative advantages and disadvantages of each alternative, TSA elected to maintain AIT as a means of screening passengers to mitigate the vulnerability that exists with the inability of WTMDs to detect non-metallic threats.

TSA performed its cost analysis using the most recent, comprehensive and readily available data. Federal law and regulations require all passengers to be screened prior to boarding an aircraft. There was no need to perform a probabilistic or statistical analysis to estimate the populations affected as TSA used its actual passenger screening records in its estimates. Furthermore, data used to determine AIT capabilities are based on years of tests on detection capabilities and performance standards. TSA did not include radiation-related costs in the RIA because the level of radiation from AIT was determined to be so low as to present a negligible risk to passengers, airline crew, airport employees, and TSA employees. The machines were tested, and doses were found to be below the ANSI/HPS standards. The standards consider the impact of radiation on individuals, such as pregnant women, children, and persons who receive radiation treatments, who may be more susceptible to radiation health effects. AIT equipment has been subject to extensive, independent testing that has confirmed that it is safe for individuals being screened, equipment operators, and bystanders. The exposure to ionizing x-ray beams emitted by the backscatter machines that were removed pursuant to statute, as well as the non-ionizing electromagnetic waves from the millimeter wave machines are well below the limits allowed under relevant national health and safety standards [114] (See Chapter 2, page 104 of the NPRM RIA).

The cost estimates in the NPRM RIA Summary Tables 4 through 6 are displayed in thousands of dollars, as presented in the table titles as ''Costs in $1,000s.'' For example, $1 shown in Table 4 represents one thousand dollars. In the final rule RIA, costs are presented in millions of dollars throughout the document to avoid confusion.

AA. Passenger Opportunity Costs

Comments: Dozens of submissions directly addressed passenger opportunity costs associated with the proposed rule. Individual commenters and advocacy groups stated that TSA did not include adequate costs for passenger delays due to AIT. Using average time lost passing through security and average wage rates, several of these commenters estimated additional passenger opportunity costs ranging from $450 million per year to $15.2 billion per year. One commenter estimated the additional delay in terms of lost lifetimes and stated the proposed rule would lead to 18 lifetimes lost per year due to waiting in passenger screening lines. An advocacy group cited a 2008 report that found TSA security increased delays by 19.5 minutes in 2004. A commenter also suggested that TSA estimate other opportunity costs associated with opt-outs, including the cost of enduring the

[112] *EPIC*, 653 F.3d at 3.

[113] *See* for example, *www.tsa.gov/travel/security-screening* and *www.tsa.gov/travel/special-procedures.*

[114] The FDA has found that millimeter wave is safe and states on its Web site ''[m]illimeter wave security systems which comply with the limits set in the applicable national non-ionizing radiation safety standard . . . cause no known adverse health effects.'' *http://www.fda.gov/Radiation-Emitting Products/RadiationEmittingProductsand Procedures/SecuritySystems/ucm227201.htm.*

pat-down itself, because both the passenger and the TSA agent would prefer to avoid the pat-down.

Many other commenters, including a non-profit organization and individuals, suggested that the proposed rule would increase wait times at the security checkpoints, leading to passenger delays. At least one comment referenced an examination of AIT use in Australia that found that passenger screening time through the trial lane took slightly longer than the passenger screening time through a standard screening lane, most likely caused by the higher alarm rate, with the data suggesting that the average passenger is six times more likely to alarm in the body scanner than the standard lane. Some commenters estimated that the process of opting out—including waiting for a TSO of the same-sex to perform the pat-down—from AIT would delay a passenger by at least 15 minutes. The commenters urged TSA to account for the additional time spent by passengers waiting to pass through airport security. An individual commenter suggested that AIT would reduce wait times for screening, particularly for passengers with joint replacements that would otherwise trigger WTMDs.

TSA Response: Overall passenger screening system times do not increase with AIT. Passengers currently experience delays at the checkpoint attributable to the screening of carry-on luggage and personal belongings, which has been a Federal requirement even before the creation of TSA, and which was included as part of the baseline for the passenger opportunity cost assessment. For more information on equipment throughput rate, see Regulatory Impact Analysis Chapter 2: AIT Deployment Costs. Although the AIT with ATR (current AIT technology being used) throughput rate is lower than the WTMD, the passenger screening system and passengers are constrained by the x-ray machines that screen carry-on baggage and personal belongings. With regard to examination of AIT in Australia, the commenter failed to cite the full context of the findings which stated ''This [additional seconds of delay] was caused by a number of factors, some of which can be mitigated through refining the process and procedures, and some of which will be minimized as screening officers and passengers becoming more familiar with the new technology.'' [115] Additionally, TSA's security checkpoints and standard operating procedures may differ from the logistics exercised in the trial in Australia. TSA relies on its own findings from the field to make a determination of wait times in the RIA. The small percentage of passengers who choose to opt out of AIT screening will incur opportunity costs due to the additional screening time needed to receive a pat-down. In the NPRM RIA, TSA estimated that 1.8 percent of all passengers opt-out of AIT and receive a pat-down. Only a small percentage of passengers will experience an increased wait time. TSA agrees that it should add additional time to account for waiting for a same gender TSO to perform the pat-down. However, TSA disagrees that an average wait would be as long as 15 minutes. TSA has added an additional 70 seconds to the total pat down procedure time to account for the time spent waiting for the same gender TSO. In some instances, a same gender TSO is only seconds away from the passenger and in other cases, the wait is longer. Based on TSA field tests, TSA estimates an average additional wait of 70 seconds. TSA already estimates that the pat-down procedure itself takes 80 seconds. In total, TSA estimates that, on average, a passenger that opts-out of AIT screening will incur an additional wait time of 150 seconds (70 second average wait time for the same gender TSO to meet the passenger and 80 seconds to complete the pat-down procedure). TSA estimated per passenger opportunity cost of opting out of AIT by multiplying the additional wait time by the average passenger value of time,[116] estimated at $43.44 per hour in the NPRM RIA. TSA used expected wage rates to base the value of a person's opportunity cost, which is widely accepted as an appropriate valuation of a person's value of time. The Passenger Opportunity Cost section, found in Chapter 2, page 49 of the NPRM RIA, explains in further detail the opportunity cost estimate and methodology. TSA was unable to quantify or monetize other intangible costs relating to opting out of AIT screening and receiving a pat-down (*e.g.,* personal preference). In the final rule RIA, the opt-out rate and passenger value of time have been revised to reflect the most recent data.

BB. Airport Utility Costs

Comments: A commenter suggested that TSA underestimated airport utility costs because the analysis uses a constant utility cost per unit installed over the 8-year lifecycle. The commenter stated that since electricity prices have increased at an average rate of 1.53 percent annually, if the analysis allowed for the price of electricity to grow at this rate, the total estimated utility cost would increase.

TSA Response: Energy cost fluctuations are driven by two factors: Real changes in costs and inflation. In the NPRM RIA, TSA accounted for real changes in utility costs by averaging prices for years 2007–2011 as reported by the U.S. Energy Information Administration. TSA used this average to estimate utility costs for the years 2012–2015. TSA did not incorporate annual inflation increases for any costs in the RIA in accordance with Office of Management and Budget (OMB) Circular A–4 guidelines.[117] In the final rule RIA, TSA once again used the U.S. Energy Information Administration for its historical energy prices in 2008–2012 and used their projections for real energy prices for 2013–2017.

CC. TSA Costs

Comments: Many comments addressed TSA's costs associated with the proposed rule. A commenter stated that by incurring $1.5 billion in costs to-date without following the proper protocol under the APA, TSA has committed a gross breach of its fiduciary responsibility. Other commenters suggested that TSA's AIT-related costs are unjustifiably high. Another commenter urged TSA to document and disclose all AIT-related costs, including purchase price, maintenance costs, and personnel costs.

Some submissions addressed TSA's personnel costs associated with the proposed rule. Some commenters stated that AIT operation requires more TSOs than the WTMD, which results in larger payroll costs. Another commenter disputed TSA's estimates of personnel costs. Specifically referencing the constant salary used to estimate personnel costs in the RIA, the commenter stated that using a salary level that grows over time by 1.15 percent would increase personnel costs by $33 million.

Many submissions addressed TSA's equipment costs associated with the proposed rule. A few commenters identified equipment costs that they stated were missing from the RIA. An individual commenter and a non-profit

[115] Department of Infrastructure and Transport, Australian Government, ''Optimal Technologies Proof of Concept Trial Report,'' Feb. 28, 2012.

[116] U.S. Department of Transportation, ''Revised Departmental Guidance on Valuation of Travel Time in Economic Analysis,'' Sep. 28, 2011. DOT estimates an hourly rate of $42.10 in table 4 of this report and TSA inflated this estimate to 2011 dollars at $43.44. *http://www.dot.gov/sites/dot.dev/files/docs/vot_guidance_092811c.pdf.*

[117] Page 32 of OMB Circular A–4 states: ''In presenting the stream of benefits and costs, it is important to measure them in constant dollars to avoid the misleading effects of inflation in your estimates.''

organization asked TSA to clarify whether the analysis accounts for the cost of installing AIT scanners in every security lane. One commenter compared TSA's equipment costs to independent estimates and concluded that TSA's lower cost estimates do not include an estimate of the number of AIT scanners needed nationwide. Another commenter stated that the analysis does not include the cost associated with replacing the AIT scanners every 8 years. An individual commenter asked TSA to provide detail on the maintenance cost assumptions in the analysis. The commenter urged TSA to base AIT maintenance costs on actual experience (*e.g.*, total service calls required in recent years). Another commenter declared that the AIT machines are expensive and recommended other security-related equipment that TSA could invest in instead (*e.g.*, improved sensors for baggage).

TSA Response: With respect to comments regarding TSA's fiduciary responsibility, TSA has deployed AIT consistent with its statutory authority and as directed by Congress and the President. All costs incurred to deploy AIT have been accounted for and approved in the Federal budgeting process.

TSA estimated all personnel costs associated with the deployment of AIT. For the RIA, which accompanied the NPRM, TSA estimated this cost using assumptions from TSA's Screener Allocation Model (SAM) that dictates the allocation of personnel to each airport. The SAM takes into account the number of personnel it takes to operate WTMDs and AITs and also the different configurations (or ''modsets'') in which these machines are implemented. TSA based its estimation of personnel costs on the number of AIT machines that were forecasted to be deployed nationwide for years 2012–2015 and the number of personnel required to operate each machine. Finally, TSA applied the average TSO's fully loaded wage rate to estimate costs.[118] TSA did not incorporate annual increases in inflation for any costs in the RIA, including personnel costs, in accordance with OMB Circular A–4 guidelines. A full description of these costs is in Chapter 2 in both the NPRM and final rule RIA.

TSA estimated the full life cycle costs relating to the use and deployment of AIT. TSA divided the cost components into four categories: Acquisition, installation, and integration; maintenance; test and evaluation; and program management office (PMO) costs. With respect to the comment on the replacement costs, replacement costs are not included in a life-cycle analysis. The RIA analyzes costs and benefits for one life-cycle of AIT and therefore does not include replacement costs.

A full description of these costs is in Chapter 2 of both the NPRM and final rule RIA.

TSA compared AIT to other alternatives and concluded that AIT is the alternative that represents the best technology, currently available, to detect metallic and nonmetallic threats to commercial air travel.

DD. Other Costs

Comments: Hundreds of submissions addressed other costs associated with the proposed rule. Several commenters identified additional costs that they stated should have been included in the RIA. A few commenters, including an individual commenter and advocacy groups, suggested that the use of AIT would have a cost impact on the aviation and travel industries, which the RIA does not quantify. Some commenters cited a 2007 study that shows demand for air travel could decline by 6 percent on all flights and by about 9 percent on flights departing from the nation's 50 busiest airports, reduce airline revenue, and increase airline costs and passenger fees. Approximately 80 submissions addressed other travel impacts associated with the proposed rule. Many commenters, including non-profit organizations, an advocacy group, and individual commenters stated that the traveling public would avoid air travel, causing individuals to drive or take the train. Some of these commenters stated that there would be increased roadway fatalities because of the increase in motor vehicle travel (some estimated as many as 500 additional deaths per year). The commenters suggested that the analysis should account for the cost associated with these additional fatalities. Other commenters indicated that reduced air travel, including from international tourists, would affect the airline industry, and TSA should estimate these financial impacts.

Other commenters recommended that TSA include estimates for legal costs in the cost-benefit analysis because of the likelihood of further litigation regarding the use of AIT. An individual commenter suggested that AIT scanners would result in medical equipment costs to passengers (*e.g.*, damage to insulin pumps). An advocacy group urged TSA to include costs associated with infringement on civil liberties and on privacy, but acknowledged that these costs are not easily quantifiable. An advocacy group urged TSA to include passenger privacy impacts in the cost-benefit analysis.

A commenter requested that TSA provide clarification on the assumptions used to develop the AIT program management costs (*e.g.*, 10 percent of passenger screening costs). Another individual commenter suggested that TSA consider using a random selection AIT screening process in order to reduce the costs of the rule.

TSA Response: With respect to quantifying any loss from a decline in the demand for travel, TSA reviewed the study [119] cited in the comments. The study was published in 2007—before AIT was deployed—and therefore did not provide estimated impacts on airline revenues and passenger demand related to AIT. The study's results appear to have been based on security measures well outside the scope of AIT, such as the federalization of passenger security screening at all U.S. commercial airports and the requirement to begin screening all checked baggage in 2002. As TSA previously explained, the baseline from which the costs and benefits of this rule are estimated is not ''no TSA screening'' or ''no screening at all.'' The baseline of this rule is how TSA would accomplish screening without AIT. TSA used WTMD as the primary passenger screening technology at passenger screening checkpoints prior to the deployment of AIT. Therefore, the costs and benefits of this rule are compared to WTMD as the primary screening tool. Although it is possible that a security measure could be implemented that would have a measurable impact on the commercial aviation demand, in this case, TSA has not seen credible evidence that AIT is such a security measure.

TSA analyzed the potential cost impacts associated with the implementation of AIT in its cost analysis. TSA concluded that there are no additional legal costs to stakeholders for the deployment and use of AIT pursuant to TSA regulatory requirements. Litigation costs are not a direct cost of the rule because such costs do not result from compliance with the rule. Additionally, any estimate of litigation expenses would be highly speculative and would not inform TSA's decision of AIT deployment. However,

[118] A ''fully loaded'' wage rate includes the cost of wages paid to the employee plus the costs of employee benefits such as paid leave and health care.

[119] Blalock, Garrick, Kadiyali, Vrinda, Simon, and Daniel H., ''The Impact of Post 9/11 Airport Security Measures on the Demand for Air Travel,'' Journal of Law and Economics, Apr. 30, 2007, *http://dyson.cornell.edu/faculty_sites/gb78/wp/JLE_6301.pdf.*

TSA acknowledges that to the extent parties choose to enter into litigation on AIT, there are indirect costs associated with that litigation.

The most significant advantage of using AIT is the enhancement of air transportation security because AIT can detect nonmetallic threats concealed under clothing. It also reduces the need for a pat-down, which would be required with the WTMD for individuals with medical implants such as a pacemaker or a metal knee replacement. Thus, AIT reduces the cost and inconvenience to passengers with this medical equipment. As explained in a previous response, the FDA tested the effect of AIT on different types of medical devices, including insulin pumps, and found no impact. Thus, TSA does not include costs of medical devices in the analysis.

Before the development of the ATR software, TSA instituted rigorous safeguards to protect the privacy of individuals who are screened using AIT. The DHS Chief Privacy Officer conducted several PIAs to ensure that TSA adequately addressed privacy concerns related to AIT screening. The PIA describes the strict measures TSA uses to protect privacy. While TSA was unable to produce a quantitative impact of perceived privacy issues, TSA included a thorough qualitative discussion regarding this issue in the NPRM RIA (Chapter 2, page 99). Additionally, TSA did not receive any public comments providing a methodology to be used on the economic valuation of how perceived privacy issues could be calculated. Finally, the use of AIT to screen passengers has been upheld by the courts as reasonable under the Fourth Amendment, even prior to the mandatory use of ATR.

To run the passenger screening program, TSA provides internal PMO support and contractor support. Because PMO support reflects the day-to-day support of the entire screening program, TSA is unable to identify PMO spending allocated to AIT specifically. To account for these costs to AIT, TSA assumed that the PMO cost was 10 percent of the total cost of AIT in the NPRM RIA, based on subject matter expert estimates from other technology contracts. For the final rule, TSA revised this estimate to 15 percent based on an internal Life Cycle Cost Estimate analysis of the passenger screening program.

Finally, TSA addresses the use of random selection in its discussion of alternatives considered, apart from AIT, in Chapter 3 of the final rule's RIA.

EE. Benefits of the Proposed Rule

Comments: Approximately 20 submissions directly addressed the benefits associated with the proposed rule. Many individual commenters and a non-profit organization stated that TSA did not quantify the benefits of AIT or provide documentation to support the claims made in the benefits analysis. One of the commenters stated that it is not acceptable for TSA to keep its risk-based benefits analysis confidential, and urged TSA to assess the risk of a terrorist attack relative to the risks associated with AIT (*e.g.,* cancer and increased roadway fatalities). Another commenter recommended that TSA provide an estimate of how much AIT reduces the probability of a successful terrorist attack, or provide a break-even analysis that would estimate the number of terrorist threats that must be prevented in order to cover the costs of the AIT. A non-profit organization stated that the risk reduction benefits that TSA claims in the analysis are not attributable to AIT because there have been no successful terrorist attacks originating from U.S. airports since September 11, 2001, even before TSA began deploying AIT scanners. Another commenter stated that AIT scanners provide negligible security benefits.

Several individual commenters and a non-profit organization discussed benefits in terms of the number of attacks that need to be thwarted in order to justify the costs of the AIT rule. Some of these commenters, including two non-profit organizations, cited a research study that concluded AIT would need to avert more than one attack originating from a U.S. airport every 2 years in order to justify the cost of the scanners. The commenters stated that AIT would not achieve this threshold. An individual commenter suggested that had AIT scanners been used over the last 12 years, only two attacks would have been avoided. The commenter stated this would not have justified the cost. Another individual commenter stated that people are more at risk of dying in motor vehicle accidents than in a terrorist attack on an airplane originating in the United States. The commenter concluded that AIT would not be the most efficient approach to reducing risk. Other commenters stated that AIT would not increase security to the degree TSA claims until deployed in every airport and every security lane. A commenter argued that because ''a potential terrorist intent on downing an airliner with body-borne explosives would need only to observe which airports or security areas lack [AIT] scanners to defeat the security measure.'' The commenter suggested that the absence of an attack could not be attributed to AIT.

Some commenters recommended types of benefits that should be analyzed. An individual commenter suggested that TSA quantify the benefits of the rule in terms of lives saved and avoided disruptions to the economy. Another commenter stated that the analysis should consider the potential benefits of reallocating the costs associated with AIT to other screening methods.

TSA Response: TSA disagrees that AIT provides no security benefits. Contrary to commenters' belief that the lack of successful attacks shows AIT offers no security benefits, TSA believes the lack of successful attacks actually lends support to the opposite conclusion. Given the continued threat to commercial aviation from terrorist attacks, and the fact that the shift to nonmetallic explosives by terrorists presents a serious threat to homeland security, TSA needs technology capable of detecting non-metallic objects. AIT is a proven technology based on laboratory testing and field experience that provides the best opportunity to detect metallic and non-metallic anomalies concealed under clothing without the need to touch the passenger. In addition to AIT's ability to detect concealed objects, TSA also believes AIT offers a powerful deterrence effect. Morral and Jackson (2009) stated, ''Deterrence is also a major factor in the cost-effectiveness of many security programs. For instance, even if a radiation-detection system at ports never actually encounters weapon material, if it deters would be attackers from trying to smuggle such material into the country, it could easily be cost-effective even if associated program costs are very high.''[120] Given the demonstrated ability of AIT to detect concealed metallic and non-metallic objects, it is reasonable to assume that AIT acts as a deterrent to attacks involving the smuggling of a metallic or non-metallic weapon or explosive on board a commercial airplane. As an essential component in airports' compressive security system that can detect a non-metallic weapon or explosive concealed under a person's clothing, AIT plays a vital role in decreasing the vulnerability of

[120] Andrew R. Morral, Brian A. Jackson., ''Understanding the Role of Deterrence in Counterterrorism Security,'' 2009, Rand Homeland Security Program, *http://www.rand.org/content/dam/rand/pubs/occasional_papers/2009/RAND_OP281.pdf.*

commercial air travel to a terrorist attack.

Other commenters stated that AIT might provide some level of security benefits, but that it was not worth the cost. Commenters stated the risk reduction benefits of AIT in particular made it a poor investment and that people are more at risk of dying in motor vehicle accidents than in a terrorist attack on an airplane originating in the United States. One commenter stated that risk of a terrorist attack to commercial aviation is so low that it is a risk that can be endured by the public. TSA disagrees that the risk reduction attributable to AIT does not make AIT worth using. TSA is charged with safeguarding the travelling public with respect to aviation and fulfilling legal mandates. Risk and national security are complex issues and commenters may not be considering that a perceived low level of risk may be due to deterrence provided by AIT or other national security efforts to prevent such attacks.

Another commenter stated that the benefits from AIT would not be fully realized until AIT is deployed at every airport and in every checkpoint lane. While TSA did not provide monetized benefits or ''degree of benefits,'' TSA did describe the fact that AIT is the only technology currently available for field deployment that can detect both metallic and non-metallic weapons and explosives. Additionally, implementing an ''all or nothing'' strategy for airport security ignores the fact that some airports are at a higher risk for a terrorist attack than others are. TSA uses a risk-based approach to deploy AIT machines in airports that are considered higher-risk in order to try to minimize risk to commercial air travel given TSA's finite resources. Other commenters stated that AIT is a poor investment for screening and that TSA should use its funds in another technology or manner altogether. Another commenter argued that the baseline security infrastructure (pre-AIT) is capable of handling the current level of risk to commercial air travel. Both conclusions discount the fact that currently, AIT is the only screening technology able to detect a non-metallic weapon or explosives concealed under a person's clothing. Eliminating AIT would increase the risk to successful terrorist attacks than what is currently incurred because it would leave commercial air travel more vulnerable to an attack with a non-metallic weapon or explosive. The commenters also stated that the risk of a terrorist attack to commercial air travel was less than that of a fatal motor vehicle accident. It is unclear to TSA how the risk associated with motor vehicles should influence TSA's decision making on airport screening practices. Regardless of the safety or security risks associated with other modes of transportation, TSA should pursue the most effective security measures reasonably available so that the vulnerability of commercial air travel to terrorist attacks is reduced.

Commenters that consider only the most easily quantifiable impacts of a terrorist attack, such as the direct cost of an airplane crashing, are only considering a portion of the impacts of an attack. As TSA explained in the NPRM's Initial RIA, terrorist attacks not only cause direct costs in lives lost and property damage, but also cause substantial indirect effects and social costs (such as fear) that are harder to measure but which must also be considered by TSA when deciding whether an investment in security is cost-beneficial. For example, Ackerman and Heinzerling state ''. . . terrorism 'works' through the fear and demoralization caused by uncontrollable uncertainty. Efforts to offset this fear by attaching necessarily arbitrary numbers to the probabilities of being harmed by a terrorist seem, especially in a post-September 11 world, ridiculous.'' [121] In addition, Pidgeon, Kasperson and Slovic state the 9/11 attacks had consequences that spanned ''a range of behavioral, economic, and social impacts.'' [122]

In addition, AIT use is fully consistent with TSA's mandate. The Administrator of TSA has overall responsibility for civil aviation security, and Congress has conferred on him authority to carry out that responsibility.[123] Federal law requires that he ''assess threats to transportation,'' and ''develop policies, strategies, and plans for dealing with threats to transportation security.'' [124] TSA agrees that it should incorporate consideration of costs and other factors into its risk management practices, *see, e.g.,* 49 U.S.C. 44903(b), but notwithstanding the suggestion of a number of commenters, it would be plainly contrary to congressional intent for TSA to ignore known terrorism risks to aviation security by relying on outdated screening practices until the next attack proves the commenters wrong. Based on TSA's experience using AIT in the airport environment, TSA believes that the use of AIT satisfies the express mandate of Congress.

TSA has added break-even analysis to the benefits section in the final rule. According to OMB Circular No. A–4, ''Regulatory Analysis,'' the break-even analysis answers the question, ''How small could the value of the non-quantified benefits be (or how large would the value of the non-quantified costs need to be) before the rule would yield zero net benefits?'' [125] In both the NPRM and final rule RIAs, TSA also provided a qualitative assessment of the benefits of AIT. Low probability, high consequence events such as terrorist attacks are difficult to measure with any level of certainty. TSA analyzed the threats to the aviation sector and found that the use of AIT reduces the risk of metallic and non-metallic threats to airport security as described in Chapter 4 in both the NPRM and final rule RIAs. Both RIAs also qualitatively described some of the indirect impacts from a successful attack on commercial air travel. Specifically, TSA noted how the 9/11 attacks caused a negative impact on gross domestic product growth and that fear, a social cost, can lead to other social costs which would cause the economy to suffer if people are afraid to fly.

FF. Other Impacts of the Proposed Rule

Comments: Many submissions addressed health impacts associated with the proposed rule. Several individual commenters identified alleged health impacts that TSA should have accounted for in the cost-benefit analysis. The commenters suggested that the analysis should include costs or risk information for radiation-related illness, emotional distress, and special medical conditions.

Commenters also stated that using AIT scanners would lead to lost or stolen property. Another commenter stated that the RIA failed to account for decreases in economic productivity because of the rule. Further, an individual commenter suggested that the proposed rule is not justified because the investment in AIT scanners would not reduce mortality by as much as other government programs or initiatives. In particular, the commenter suggested that AIT would not prevent terror attacks but would instead redirect them to alternate locations. Another commenter stated that the analysis should consider the use of newer

[121] Frank Ackerman and Lisa Heinzerling, ''Priceless: On Knowing the Price of Everything and the Value of Nothing,'' 136–137 (2004).

[122] Nick Pidgeon, Roger E. Kasperson, and Paul Slovic, ''The Social Amplification of Risk,'' p. 16, 2003.

[123] 49 U.S.C. 114(d).

[124] 49 U.S.C. 114(f).

[125] *http://www.whitehouse.gov/omb/circulars_a004_a-4/.*

technologies that might work better and cost less.

TSA Response: With regard to comments on health concerns, the millimeter wave AIT systems used by TSA comply with the 2005 IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields (IEEE Std.C95.1TM–2005) as well as the International Commission on Non-Ionizing Radiation Protection Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic, and Electromagnetic Fields, Health Physics 74(4); 494–522, published April 1998. TSA's millimeter wave units are also consistent with Federal Communications Commission OET Bulletin 65, Health Canada Safety Code, and RSS–102 Issue 3 for Canada. The FDA also confirmed that millimeter wave security systems that comply with the IEEE Std. C95.1TM–2005 cause no known adverse health effects.

TSA also addressed potential health concerns regarding the ionizing radiation emitted by general-use backscatter technology. The radiation dose a passenger receives from a general-use backscatter AIT screening has been independently evaluated by the FDA's Center for Devices and Radiological Health, the National Institute for Standards and Technology, the Johns Hopkins University Applied Physics Laboratory, and the American Association of Physicists in Medicine. All results affirmed that the radiation dose for individuals being screened, operators, and bystanders was well below the dose limits specified by ANSI/HPS N43.17.

TSA does not believe, and no compelling evidence has been submitted, that AIT increases the risk of lost or stolen property. Passengers are able to monitor their bags prior to submission into the x-ray machine and after x-ray screening is completed. The deployment of AIT does not create vulnerabilities in the security system since testing and experience have shown that AIT is the best technology currently available to detect metallic and nonmetallic threats (see Chapter 4 of both the NPRM and final rule RIA).

TSA does not believe, and no credible evidence has been submitted, that AITs reduce economic productivity. With regard to comments that AIT does not reduce mortality rates as much as other government programs or initiatives, the funding of other government programs is beyond the scope of this rule. Regardless of the effectiveness of other governments programs, TSA should pursue the most effective security measures so that the vulnerability of commercial air travel to terrorist attacks is reduced. TSA conducted an alternatives analysis and found AIT to be the most effective countermeasure for both metallic and non-metallic items concealed under a person's clothing. With respect to AIT redirecting attacks to other targets, TSA does not believe that the existence of other targets precludes TSA from ensuring the security of commercial air travel, which has a high level of risk. TSA included the costs of research and development for AIT and for the deployment of AIT technology (see Chapter 2 in both the NPRM and final rule RIA). TSA will continue to conduct research and evaluate new technologies to enhance transportation security.

GG. Regulatory Alternatives

Comments: Some submissions commented on Alternative 1 (no action). Several individual commenters and non-profit organizations expressed support for Alternative 1, and urged TSA to revert to the use of metal detectors as the primary screening method.

Multiple submissions also commented on Alternative 2 (combination of WTMD and pat-down). Several commenters suggested that screening consisting of pat-downs and metal detectors would be sufficient. A few commenters suggested that because AIT scanners are not effective and are intrusive, a combination of WTMD and pat-down screening should be used instead.

Many submissions commented on Alternative 3 (combination of WTMD and ETD screening). Individual commenters, a non-profit organization, and advocacy groups expressed support for Alternative 3 without providing additional substantive comment. Commenters suggested that the use of ETDs and WTMDs are more effective, less costly, and less intrusive.

Many submissions discussed other alternatives for TSA consideration. A non-profit organization, a privacy advocacy group, and individual commenters recommended that TSA return to using WTMDs and hand-wand metal detectors during the screening process. Other commenters urged TSA to rely on traditional police and intelligence work and canine explosives detection teams to detect and deter threats. A commenter recommended that TSA use mass spectrometry methods to detect threats in air samples. Other commenters suggested TSA explore other technologies to reduce reliance on AIT and pat-downs and to be able to detect explosives within body cavities. A non-profit organization recommended that TSA consider testing face recognition, explosives residue machines, and suspicious behavior systems for secondary screening. Another non-profit organization urged TSA to use less invasive screening technologies such as infrared imaging.

TSA Response: With regard to Alternative 1, recent events demonstrating that terrorists may use nonmetallic explosives to take down an aircraft highlight the need for a technology capable of detecting non-metallic threats concealed on passengers. Alternative 1 fails to address that threat. It also fails to meet the instruction provided in the Presidential Memorandum Regarding 12/25/2009 Attempted Terrorist Attack, issued January 7, 2010 as well as congressional directives. While this alternative imposes no additional cost burden, it does not mitigate the threat to aviation security posed by nonmetallic explosives and weapons. For this reason, TSA rejected this alternative in favor of deploying AIT to screening checkpoints.

Alternative 2 is more physically intrusive than AIT, significantly increases the wait times and opportunity costs for the traveling public, and is more costly with respect to personnel because it requires more TSOs to meet the high volume of passengers. In addition, this alternative does not provide the same level of screening as AIT in detecting nonmetallic threats because not every passenger would receive a pat-down, particularly when used only on a random basis. Based on field tests, TSA estimates the pat-down procedure takes 150 seconds to perform (70 second average wait time for the same gender TSO to meet the passenger and 80 seconds to complete the pat-down procedure). Therefore, performing pat-downs on a significant number of passengers necessitates either a substantial increase in staffing levels to maintain the current passenger throughput level (approximately 150 passengers per hour per lane) or abandonment of that throughput target altogether, with the attendant consequences for passengers described above. Finally, AIT is a machine-based methodology for detecting non-metallic threat items, which provides a more consistent outcome over time. TSA anticipates future advancements to AIT in detection capability, throughput, and privacy protection. Due to the reasons outlined above, TSA rejected Alternative 2.

With regard to Alternative 3, although ETDs would help reduce the risk of nonmetallic explosives being taken

through the checkpoint, ETDs cannot detect other dangerous items such as weapons and improvised explosive device components made of ceramics or plastics, whereas AIT is capable of detecting anomalies concealed under clothing. Second, incorporating ETD screening into the current checkpoint screening process would negatively affect the passenger's screening experience. ETD screening—from swab to test results—takes approximately 20–30 seconds. The mid-point of this range (25 seconds) would slow passenger throughput levels below the current rate of 150 passengers per hour per lane, thereby possibly increasing passenger wait times and the associated opportunity cost. Third, while mechanical issues with ETDs are rare, throughput depends on the reliability and mechanical consistency of these machines. Additionally, alarms can and do occur from some innocuous products that may contain trace amounts of chemicals found in explosive materials, which may also impede throughput until the alarm is resolved. Finally, this alternative requires an increase in ETD consumables, including swabs and gloves. This imposes costs to keep sufficient amounts of these consumables in stock at all airports where TSA conducts screening. The logistical concerns of implementing this alternative, in addition to the limited capability of ETD screening to detect other non-explosive threats, are the reasons TSA rejected this alternative in favor of deploying AIT to mitigate the threat to aviation security posed by both metallic and nonmetallic weapons and explosives.

Some of the other alternatives discussed in the comments, such as explosives detection canine and behavior detection screening, are not as effective as AIT in screening a large volume of passengers in the least amount of time and require additional costs; however, TSA does use such alternatives whenever available as added layers of security at the airport.

HH. Comparative Analysis Between AIT and Alternatives

Comments: Many submissions addressed the adequacy of TSA's comparative analysis between AIT and the alternatives. Several commenters suggested that TSA did not provide an adequate justification for AIT relative to the alternatives. For example, a commenter stated that AIT is approximately 10 times more expensive than magnetometers, but that the analysis does not evaluate the costs and benefits of AIT against magnetometers. Another commenter recommended that TSA quantitatively compare the benefits of AIT to the baseline condition (*e.g.,* by how much does AIT reduce the probability of a successful terrorist attack). A privacy advocacy group suggested that TSA does not adequately characterize AIT's effectiveness in comparison to the alternatives. The commenter also stated that the analysis does not support TSA's conclusions that AIT is more effective than the alternatives, and does not identify AIT's weaknesses relative to the alternatives. This privacy advocacy group and a non-profit organization both suggested that the analysis does not adequately compare the effectiveness of AIT to Regulatory Alternative 3. As a result, TSA does not acknowledge that WTMD and ETD can be just as effective as AIT, and in terms of shortcomings, ETD and AIT share some of the same disadvantages. An advocacy group suggested that the NPRM describes the proposed alternatives in ''all or nothing'' terms, rather than proposing a layered approach using a variety of the screening methods described in the alternatives.

A few commenters made other recommendations to TSA with regard to alternatives. For example, an individual commenter urged TSA to conduct research on alternative screening technology, provide educational outreach on the security measures to the public, and train flight attendants and inform passengers of what to do in response to suspicious activity. A commenter recommended using AIT as a secondary screening method on a more limited basis. Another individual commenter asked why TSA does not require travelers to go through both AIT and WTMD. The commenter suggested that travelers should be subjected to both technologies.

TSA Response: Chapters 3 in both the NPRM and final rule RIA list the advantages and disadvantages of each alternative and explain the basis for TSA's finding that none of the alternatives was preferable to AIT in addressing the threat of nonmetallic explosives concealed under clothing. For example, WTMDs (Alternative 1) and ETDs (Alternative 3) are not as effective as AIT in detecting non-metallic anomalies. Pat-downs (Alternative 2) may be effective at detecting nonmetallic weapons but would place a greater burden on passengers as they are more physically intrusive and would increase wait times at the checkpoint.

TSA does not use an ''all or nothing'' approach, as alleged in a comment. TSA uses a number of security measures to prevent attacks on commercial air travel. AIT is another security measure included in the multiple layers of security currently deployed. WTMDs, ETDs, and pat-downs are also used for screening. TSA reviewed these alternatives with respect to risk reduction, cost, impact on passengers and operational feasibility and determined that AIT is the best technology currently available to detect metallic and nonmetallic threats concealed under clothing.

II. Other Comments on the Regulatory Impact Analysis

Comments: Many commenters cited existing research on the costs and benefits of AIT, or recommended new research on the costs and benefits of AIT. Individual commenters and an advocacy group recommended that TSA conduct a study of the various impacts of AIT, including privacy impacts. Another commenter referred to an analysis of AIT, which, according to the commenter, found that AIT would need to prevent two or three terrorist attacks comparable to the September 11, 2001, attacks each year in order to be cost effective. An individual commenter cited a cost-benefit analysis conducted by the Journal of Homeland Security and Emergency Management and questioned the cost-effectiveness of AIT. An advocacy group concluded that independent, scholarly risk management and cost-benefit analyses of AIT have been conducted. According to the commenter, these studies have found that AIT scanners do not reduce risk sufficient to justify the costs. Another advocacy group suggested that a cost-benefit analysis of AIT would identify how effective the scanners are at deterring terrorism compared to screening alternatives. Another commenter requested that an independent party analyze the costs compared to other possible investments, such as traffic safety or cancer research.

Several commenters declared that the cost-benefit analysis in the NPRM is insufficient and inadequate and referred to AIT as costly. The commenters suggested that the analysis does not justify the cost relative to the risks or improvement in TSA's ability to detect threats to safe air travel. A privacy advocacy group stated that TSA did not fully evaluate the costs and benefits of AIT as compared to WTMDs and ETDs, as required under Executive Orders (E.O.s) 13563 and 12866. An individual commenter urged TSA to account for all of the risks associated with AIT and include difficult-to-quantify costs in the analysis. A non-profit organization stated that despite their cost, AIT scanners are cost-beneficial in deterring

aviation terrorism when compared to pat-downs.

TSA Response: TSA conducted a comprehensive cost-benefit analysis supported by the best available data. TSA was unable to quantify a dollar value for the perceived loss of privacy. While TSA was unable to produce a quantitative impact of perceived privacy issues, TSA included a discussion of the measures it took to mitigate the privacy concerns of AIT (Chapter 2 in both the NPRM and final rule RIA). In addition, Federal law requires all AIT to be equipped with and deploy ATR software, which does not produce an individual image, but instead displays a generic outline. TSA reviewed other cost-benefit analyses on AIT, including the ones cited by commenters, to inform its own cost-benefit analysis. TSA has included a break-even analysis in this final rule, which answers the question, ''How small could the value of the non-quantified benefits be (or how large would the value of the non-quantified costs need to be) before the rule would yield zero net benefits?'' and provides a qualitative assessment of the benefits of AIT. Low probability, high consequence events such as terrorist attacks are difficult to measure with any level of certainty. TSA analyzed threats to the aviation sector and found that the use of AIT reduces the risk of metallic and nonmetallic threats as described in the RIA. The RIA also qualitatively described some of the indirect impacts from a successful attack on commercial air travel (Chapter 2, page 98 in the NPRM RIA and Chapter 4 in the final rule RIA). TSA included a full RIA in the docket folder.

JJ. Initial Regulatory Flexibility Analysis

Comments: Individual commenters and an advocacy group commented on TSA's Initial Regulatory Flexibility Analysis (IRFA). A couple of commenters recommended that the analysis estimate the costs incurred by small business entities, such as sole proprietors. The commenters stated that the impacts on small entities would include time lost as well as lost revenue from tourists (*e.g.,* fewer air travelers, both foreign and domestic). An advocacy group urged TSA to withdraw the NPRM, prepare an RFA analysis that accounts for the impacts on small entities, and provide another opportunity for comment. The commenter suggested that the NPRM erroneously excludes individuals from the definition of ''small entities.'' The commenter stated that many individual travelers are self-employed individuals and sole proprietors that qualify as small entities. The commenter estimated that the impact on ''small entities'' is at least $2.8 billion per year.

TSA Response: Individuals are not considered ''small entities'' based on the definitions in the Regulatory Flexibility Act (5 U.S.C. 601) and therefore were not considered in our IRFA. The definition of ''small entities'' in the RFA comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The RFA does not state the definition of ''small entities'' extends to ''individuals.'' TSA does agree as a general matter that a sole proprietor could be a small business if the individual is acting as a business, potentially generating revenues and incurring business costs. Nevertheless, TSA considered individuals in Chapter 6 of the RIA and determined that the main impact on a person traveling would be the extended wait time if that person opts out of AIT screening and undergoes a pat-down. As stated in both the NPRM and final rule RIA, AIT does not increase wait time for the general traveling public. TSA measured the ratio of individuals who opt-out of AIT to be approximately one percent of the total volume of passengers screened. Additionally, the pat-down for individuals who opt-out is estimated to be 150 additional seconds per screening and would not reflect a significant opportunity cost impact ($1.88 per screening).

KK. Other Regulatory Analyses

Comments: A few individual commenters suggested that TSA should have performed an Unfunded Mandates Reform Act (UMRA) analysis. A commenter stated that the proposed rule would affect State, local, and tribal governments because of the increased road traffic caused by the rule (*i.e.,* travelers substituting motor vehicle travel for air travel). The commenter explained that TSA failed to account for costs associated with State, local, and tribal governments responding to additional motor vehicle accidents and providing additional road maintenance. Another commenter stated that the costs of the rule would be passed onto passengers in the form of the September 11th Security Fee, which would be a burden triggering an analysis under the Unfunded Mandates Reform Act.

A non-profit organization and an individual commenter suggested that the proposed rule would have a substantial direct effect on States under E.O. 13132, Federalism. Both commenters discussed the experience of Texas, which attempted to pass an anti-groping law that would have affected TSA's screening process. According to the commenters, news reports stated that TSA sent the Texas legislature a letter threatening to close all Texas airports if the bill passed. The commenters suggested that TSA's interference with a State legislature's activity demonstrates the substantial direct effect AIT would have on States. A commenter also explained that States are responsible for inspecting radiological devices and licensing unit operators. As a result, the commenter suggested that the rule would require State governments to inspect the AIT units and license operators of AIT units, which would have a direct effect on States.

Two individual commenters stated that TSA must prepare an environmental impact statement in accordance with National Environmental Protection Act (NEPA). One of the commenters urged TSA to assess the human health impacts associated with AIT. The other commenter explained that the environmental impact statement would need to assess the impact of increased motor vehicle travel (*e.g.,* air pollution, traffic, and car accidents) on the environment.

TSA Response: TSA disagrees with comments regarding the UMRA. TSA determined that an UMRA analysis is not needed for the AIT NPRM as such an analysis is required if a proposed rulemaking ''results in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year.'' As described in the RIA, 98 percent of the cost of AIT falls on the Federal Government. The remaining costs fall on airports who do not receive reimbursement for their utilities. These entities have an estimated utilities cost of $1.63 million (Chapter 2, of the final rule RIA). In addition, the Passenger Civil Aviation Security Service fee is set in statute and in TSA's regulations. *See* 49 U.S.C. 44940 and 49 CFR 1510.5. TSA did not propose to increase the fee in the NPRM.

TSA disagrees with comments claiming that deployment of AIT has a federalism impact. Federal law requires that screening be carried out by a Federal Government employee. 49 U.S.C. 44901(a). Prior to the creation of TSA, passenger screening was the responsibility of air carriers pursuant to regulations issued by FAA. Passenger screening is not conducted by State employees, and the final rule does not have a substantial direct effect on the

states, the relationship between the Federal Government and the states, or on the distribution of power among the various levels of government. As to the proposed state legislation referred to by some commenters, note that Congress by statute made TSA responsible for passenger screening. 49 U.S.C. 114 and 44901. This AIT rulemaking does not alter that relationship.

Finally, an environmental impact statement under NEPA is not required. There is no evidence that use of AIT to screen passengers will have a non-negligible impact on motor vehicle travel. In addition, independent studies have confirmed that the exposure to non-ionizing electromagnetic waves from the millimeter wave AIT machines is below the limits allowed under relevant national health and safety standards and cause no known adverse health effects.

LL. Comments on the Risk Analysis

Comments: Many commenters addressed the issue of risk, risk management, and risk-reduction analysis. Some commenters suggested that the risks AIT is meant to mitigate do not justify the costs associated with AIT. One commenter stated that over the past 12 years, AIT scanners would not have prevented enough attacks to justify the costs (*i.e.,* only two bombings in the past 12 years and a cost of $3.6 billion). A non-profit commenter, an advocacy group, and an individual commenter all referenced a recent study to explain that the existing risk of a terrorist attack on an airliner does not justify the costs of AIT.

Another set of commenters urged TSA to provide a detailed risk reduction analysis to support the rulemaking, such as the classified version that TSA cited in the NPRM. The commenters suggested that TSA at least release a redacted version or a summary of its risk-reduction analysis of AIT. A non-profit organization stated that TSA is obligated to disclose whether AIT would be cost-effective in reducing this risk. The commenter cited another risk-reduction analysis that was published by academic researchers in a peer-reviewed journal to indicate that these analyses can be published without revealing technical details or threat information that may legitimately be kept confidential.

An individual commenter recommended that TSA design the AIT rule so that the agency would be able to conduct a ''look back'' analysis after the rule is implemented. The commenter explained that TSA would be able to collect empirical data on impacts such as AIT's effectiveness of detecting various security threats, and the amount of time added to the security screening process. Another individual commenter referenced the report and suggested that TSA analyze the cost and benefits of AIT in the areas of personal privacy, freedom, and convenience.

TSA Response: TSA uses internal information on screening capability, effectiveness, feasibility of airport screening, and costs to determine the implementation of security technology and procedures. Because of the sensitive nature of information on screening standard operating procedures, this information and any corresponding policy decisions remain classified and unavailable to the public. TSA included a break-even analysis in the final rule RIA that answers the question, ''How small could the value of the non-quantified benefits be (or how large would the value of the non-quantified costs need to be) before the rule would yield zero net benefits?'' This methodology is used in peer-reviewed journals and recommended by OMB Circular A–4 when benefits are difficult to quantify. In addition, given that TSA piloted and deployed AIT in 2007 and 2008, TSA has already conducted ''look-back'' analysis and has implemented program changes based on optimal risk-reduction.

MM. Other Comments on the NPRM

Comments: Some individual commenters made statements that because air travel is not as dangerous as other modes of transportation, resources should be directed to other transportation safety and high-profile events. Individual commenters suggested that the use of AIT might become common in other venues where security searches occur including courthouses, schools, stadiums, political rallies, and other places. An individual commenter stated that since TSA staff does not follow the ''liquid policy,'' it should be eliminated for travelers. According to the same commenter, the ''shoe policy'' could also be eliminated because shoes can be screened with WTMDs. A community organization provided a list of goals for airport security.

Some individual commenters stated that TSA staff is not trained in screening techniques or on how to behave professionally. A few individual commenters suggested that TSA create a process to hold TSA employees accountable for their actions. Individual commenters recommended that employees wear badges with contact information, such as their full name and badge number. A commenter also recommended that TSA place employees on probation for receiving three or more customer service reports within 6 months. Another individual commenter suggested that TSA publicize any existing processes for anonymous reporting. A few individual commenters expressed concern and provided information regarding the reported off-duty criminal activities of TSA screeners. Several commenters stated generally that the security at airports has not increased the safety of air travel.

TSA Response: The information TSA receives from intelligence-gathering agencies confirms that civil aviation remains a favored target for extremists and terror organizations. However, TSA has authority over all modes of transportation. With respect to maritime and surface transportation, TSA has always applied a risk-based approach to safeguard the movement of people and commerce. Such an approach provides flexibility to adjust to changing travel patterns and the ever-shifting threat environment. TSA conducts Visible Intermodal Prevention and Response operations across the country to prevent or disrupt potential terrorist planning activities. In addition, TSA often works with other Federal, State, and local government agencies to enhance security during special events, such as the Super Bowl and presidential inaugurations.

TSA is continually updating and enhancing the training of its TSOs to improve effectiveness and to reinforce that screening be conducted in a professional and courteous manner. TSA investigates all allegations of misconduct and takes appropriate action, which can include referral to law enforcement and termination of employment. TSOs wear identification badges. TSA's Web site, at *www.tsa.gov/contact-us,* provides information on various ways to contact TSA to ask questions and provide feedback. The TSA Contact Center is open seven days a week, and individuals may call 1–800–289–9673 or email at *TSA-ContactCenter@dhs.gov.* There is a direct link to an on-line form that travelers may fill out and submit.

TSA believes that its layers of security have vastly improved the security posture of the Nation's transportation systems. A terrorist has to overcome multiple security measures in order to carry out an attack and is more likely to be pre-empted, deterred, or fail during the attempt.

III. Rulemaking Analyses and Notices

A. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is TSA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. TSA determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation.

B. Economic Impact Analyses

1. Regulatory Impact Analysis Summary

Changes to Federal regulations must undergo several economic analyses. First, E.O. 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), as supplemented by E.O. 13563, Improving Regulation and Regulatory Review (76 FR 3821, January 21, 2011), directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation).

In conducting these analyses, TSA has determined:

1. This rule is a significant regulatory action that is economically significant under sec. 3(f)(1) of E.O. 12866. Accordingly, the OMB has reviewed this regulation.

2. A Final Regulatory Flexibility Analysis suggests this rulemaking would not have a significant economic impact on a substantial number of small entities.

3. This rulemaking would not constitute a barrier to international trade.

4. This rulemaking does not impose an unfunded mandate on State, local, or tribal governments, or on the private sector.

These analyses, available in the docket, are summarized below.

2. Executive Orders 12866 and 13563 Assessment

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

When estimating the cost of a rulemaking, agencies typically estimate future expected costs imposed by a regulation over a period of analysis. For this RIA, TSA uses a 10-year period of analysis to align with the 10-year AIT life cycle from deployment to disposal.[126] TSA has revised the NPRM RIA assumption of an 8-year life cycle for AIT units to 10 years based on a recent LCCE report[127] from the OSC, which evaluated the performance metrics, and maintenance data from AIT units at airports. AIT deployment began in 2008, and TSA, therefore, includes costs that have already been borne by TSA, the traveling public, industry, and airports. Consequently, the RIA takes into account costs that have already occurred—in years 2008–2014—in addition to the projected costs in years 2015–2017. By reporting the costs that have already happened and estimating future costs in this manner, TSA accounts for the full life-cycle of AIT machines.

TSA presents AIT costs in tables 2 through 4. Table 2 reports the total costs from 2008–2014 to be $1,439.32 million (undiscounted).

TABLE 2—COST SUMMARY FROM 2008–2014 BY COST COMPONENT

[In $millions, undiscounted]

Year	Passenger opportunity costs	Airport utilities costs	TSA costs				Industry costs backscatter removal	Total
			Personnel	Training	Equipment	Utilities		
2008	$0.01	$0.01	$10.27	$0.00	$34.04	$0.02	$0.00	$44.34
2009	0.02	0.01	12.05	0.57	28.01	0.02	0.00	40.69
2010	0.42	0.13	57.20	33.64	118.66	0.23	0.00	210.28
2011	3.17	0.15	201.83	57.06	76.86	0.26	0.00	339.33
2012	5.28	0.28	219.75	23.31	101.59	0.37	0.00	350.58
2013	4.45	0.25	197.77	14.37	46.70	0.34	1.90	265.79
2014	3.05	0.18	131.22	12.21	41.28	0.37	0.00	188.31
Total	16.40	1.02	830.09	141.16	447.14	1.61	1.90	1,439.32

Note: Totals may not sum exactly due to rounding.

Table 3 reports total costs for projected years 2015–2017 to be $706.99 million (undiscounted), $666.47 million discounted at three percent, and $618.18 million discounted at seven percent.

[126] In the NPRM RIA, the AIT life cycle was estimated to be eight years. Therefore, the period of analysis for the RIA was also eight years.

[127] TSA's Office of Security Capabilities (OSC), ''Life Cycle Cost Estimate for Passenger Screening Program'' March 10, 2014. Lifecycle revisions are based on recent a useful life study for each type of transportation security equipment. These are TSA internal sensitive information reports based on OSC technology assessments.

TABLE 3—COSTS SUMMARY FROM 2015–2017 BY COST COMPONENT
[In $millions]

Year	Passenger opportunity costs	Airport utilities costs	TSA costs				Total
			Personnel	Training	Equipment	Utilities	
2015	$4.12	$0.20	$141.96	$41.25	$49.75	$0.40	$237.68
2016	4.20	0.20	141.96	54.89	25.06	0.40	226.72
2017	4.28	0.20	141.96	69.30	26.45	0.41	242.60
Total	12.59	0.61	425.89	165.45	101.25	1.20	706.99
Total (Discounted at 3%)	11.87	0.57	401.55	155.22	96.12	1.13	666.47
Total (Discounted at 7%)	11.01	0.53	372.55	143.07	89.97	1.05	618.18

Note: Totals may not sum exactly due to rounding.

Table 4 reports total costs for years 2008–2017 to be $2,146.31 million (undiscounted). During 2008–2017, TSA estimates that personnel and equipment life cycle costs are the largest categories of expenditures.

TABLE 4—TOTAL COST SUMMARY FROM 2008–2017 BY COST COMPONENT
[In $millions, undiscounted]

Year	Passenger opportunity costs	Airport utilities costs	TSA costs				Industry costs backscatter removal	Total
			Personnel	Training	Equipment	Utilities		
2008	$0.01	$0.01	$10.27	$0.00	$34.04	$0.02	$0.00	$44.34
2009	0.02	0.01	12.05	0.57	28.01	0.02	0.00	40.69
2010	0.42	0.13	57.20	33.64	118.66	0.23	0.00	210.28
2011	3.17	0.15	201.83	57.06	76.86	0.26	0.00	339.33
2012	5.28	0.28	219.75	23.31	101.59	0.37	0.00	350.58
2013	4.45	0.25	197.77	14.37	46.70	0.34	1.90	265.79
2014	3.05	0.18	131.22	12.21	41.28	0.37	0.00	188.31
2015*	4.12	0.20	141.96	41.25	49.75	0.40	0.00	237.68
2016*	4.20	0.20	141.96	54.89	25.06	0.40	0.00	226.72
2017*	4.28	0.20	141.96	69.30	26.45	0.41	0.00	242.60
Total	28.99	1.63	1,255.98	306.61	548.39	2.81	1.90	2,146.31

Note: Totals may not sum exactly due to rounding.

Implementing AIT into the passenger screening program is beneficial because it enhances commercial aviation security. AIT improves security by assisting TSA in the detection of non-metallic, as well as metallic, explosives concealed under the clothing of passengers. Terrorists continue to test our security measures in an attempt to find and exploit vulnerabilities (see the Background section in this preamble). The threat to aviation security has evolved to include the use of non-metallic explosives, non-metallic explosive devices, and non-metallic weapons. The examples presented below highlight the increased real world threats of non-metallic explosives to commercial aviation:

- On December 22, 2001, on board an airplane bound for the United States, Richard Reid attempted to detonate a non-metallic bomb concealed in his shoe.
- On December 25, 2009, a bombing plot by AQAP culminated in Umar Farouk Abdulmutallab's attempt to blow up an American aircraft over the United States using a non-metallic explosive device hidden in his underwear.
- In October 2010, AQAP attempted to destroy two airplanes in flight using non-metallic explosives hidden in two printer cartridges.
- In May 2012, AQAP developed another non-metallic explosive device that could be hidden in an individual's underwear and detonated while on board an aircraft.

The deployment of AIT generates benefits that come from reducing security risks through AIT, which is capable of detecting both metallic and non-metallic weapons and explosives.[128] Terrorists continue to test our security measures in an attempt to find and exploit vulnerabilities. The threat to aviation security has evolved to include the use of non-metallic explosives. AIT is a proven technology based on laboratory testing and field experience and is an essential component of TSA's security screening because it provides the best opportunity to detect metallic and non-metallic anomalies concealed under clothing without the need to touch the passenger.

TSA uses a break-even analysis to frame the relationship between the potential benefits of the rulemaking and the costs of implementing the rule. When it is not possible to quantify or monetize a majority of the incremental benefits of a regulation, OMB recommends conducting a threshold, or ''break-even'' analysis. According to OMB Circular No. A–4, ''Regulatory Analysis,'' such an analysis answers the question, ''How small could the value of the non-quantified benefits be (or how large would the value of the nonquantified costs need to be) before the rule would yield zero net benefits?'' [129] In the break-even analysis, TSA compared the annualized cost for the deployment of AIT to the major

[128] Metal detectors and AITs are both designed to detect metallic threats on passengers, but go about it in different ways. Metal detectors rely on the inductance that is generated by the metal, while AIT relies on the metal's reflectivity properties to indicate an anomaly. AIT capabilities exceed metal detectors because it can detect metallic/non-metallic weapons, non-metallic bulk explosives and non-metallic liquid explosives.

[129] *http://www.whitehouse.gov/omb/circulars_a004_a-4/.*

direct benefits of preventing several potential terrorist attack scenarios.

TSA used five types of aircrafts to represent five different scenarios where an attacker detonates a body-bomb on a domestic passenger aircraft, the type of attack AIT is meant to mitigate. The five types of aircraft fall into two assigned categories: High-capacity, long range aircraft typically used for international travel; and medium-capacity and long-range aircraft typically used for cross-country travel or popular routes. TSA used the Bureau of Transportation Statistics' T–100 [130] data bank from 2014 to determine the most popular aircraft models for the two categories of aircrafts.[131] [132] TSA also used the T–100 from 2014 to determine the average load factor for each aircraft type.[133] These aircrafts were used in the break-even analysis and are listed below along with their specifications:

High Capacity

- Airbus A380–Airbus' long-range aircraft with a 544 seat capacity [134] and an average crew size of 13 (557 occupancy total) [135] with a market value of $428.0 million.[136]
- Boeing 777–200LR–Boeing's long-range aircraft with 317 seat capacity [137] and an average crew size of 9 (323 occupancy total) [138] and a market value of $305.0 million.[139]

Medium Capacity

- Boeing 737–700–A medium-range aircraft with a seating capacity range between 126 and 149 (median of 138 used to represent passengers and crew) [140] and a market value of $78.3 million.[141]
- Boeing 737–800–A medium-range aircraft with a seating capacity range between 162 and 189 (median of 176 used to represent passengers and crew) [142] and a market value of $93.3 million.[143]
- Airbus A320–100/200–A medium-range aircraft with a 150 seat capacity [144] and crew size of 6 (156 occupancy total) [145] and a market value of $97.0 million.[146]

To conduct the break-even analysis, TSA estimated the major direct costs for these attack scenarios, which can be viewed as the benefits of avoiding an attack. The break-even analysis does not include the macroeconomic impacts that could occur due to a major attack. In addition to the direct impacts of a terrorist attack in terms of lost life and property, there are other more indirect impacts, particularly on aviation based terrorist attacks that are difficult to measure. As noted by Cass Sunstein in the Laws of Fear, ''. . . fear is a real social cost, and it is likely to lead to other social costs. If, for example, people are afraid to fly, the economy will suffer in multiple ways . . . .'' [147] Given the lack of information to quantify these more intangible, but real economic impacts of a terrorist attack, the full benefits of AIT screening are underestimated in this break-even analysis.

TSA assumed all the passengers and crew are killed in each scenario and used the value of statistical life (VSL) of $9.1 million per fatality as adopted by the U.S. Department of Transportation (DOT) [148] to monetize the consequences from fatalities. TSA emphasizes that the VSL is a statistical value used here only for regulatory comparison and does not suggest that the actual value of a life can be stated in dollar terms.

The replacement cost of the aircraft and emergency response costs [149] [150] are added to the loss of life to sum up the total cost of each attack scenario. TSA then calculates the ratio between the estimated cost of a successful attack and the annualized cost of AIT using a seven percent discount rate.[151] By generating a ratio between these costs, TSA estimates how small the value of non-quantified benefits would need to be for the rule to yield zero positive benefits. Table 5 presents the number of attacks averted (expressed as a number of years between attacks) that would be required to break even for all five attack scenarios.

---

[130] U.S. Department of Transportation, Bureau of Transportation Statistics, ''T–100 Data bank.'' *http://www.transtats.bts.gov/DatabaseInfo.asp?DB_ID=111.*

[131] U.S. Department of Transportation, Bureau of Transportation Statistics, ''T–100 Domestic Segment (All carriers) Data bank,'' *http://www.transtats.bts.gov/DL_SelectFields.asp?Table_ID=311&DB_Short_Name=Air.* Selected fields: DepPerformed, Aircraft Type, and Year = 2014, All months.

[132] Boeing 737–700/700LR, Boeing 737–800, and Airbus A320–100/200 are the first-, fourth-, and fifth-most often-used aircrafts in 2014, respectively.

[133] U.S. Department of Transportation, Bureau of Transportation Statistics, ''T–100 Domestic Segment (All carriers) Data bank,'' *http://www.transtats.bts.gov/DL_SelectFields.asp?Table_ID=311&DB_Short_Name=Air.* Selected fields: Seats, Passengers, Aircraft Type, and Year = 2014, All months.

[134] Airbus.com, ''A380 Dimensions & Key Data.'' Accessed Aug. 12, 2015. *http://www.airbus.com/aircraftfamilies/passengeraircraft/a380family/specifications/.*

[135] Estimated thirteen crew members is a TSA assumption. This estimate is based on the crew consisting of a pilot, copilot, flight engineer, and ten flight attendants. The number of flight attendants is based on the minimum requirements from 14 CFR 121.391, which state there must be at least one flight attendant per 50 passenger seats.

[136] Airbus.com, ''New Airbus aircraft list prices for 2015,'' *http://www.airbus.com/newsevents/news-events-single/detail/new-airbus-aircraft-list-prices-for-2015/.*

[137] Boeing.com, ''777–200/–200ER Technical Characteristics.'' Accessed Aug. 12, 2015. *http://www.boeing.com/boeing/commercial/777family/pf/pf_200product.page.*

[138] Estimated nine crew members is a TSA assumption. This estimate is based on the crew consisting of a pilot, copilot, flight engineer, and six flight attendants. The number of flight attendants is based on the minimum requirements from 14 CFR 121.391, which state there must be at least one flight attendant per 50 passenger seats.

[139] Boeing.com, ''Commercial Airplanes Jet Prices, 2014 price,'' *http://www.boeing.com/boeing/commercial/prices/.*

[140] Boeing.com, ''737–700 Technical Characteristics.'' Accessed Aug. 12, 2015. *http://www.boeing.com/boeing/commercial/737family/pf/pf_700tech.page.*

[141] Boeing.com, ''Commercial Airplanes Jet Prices, 2014 price,'' *http://www.boeing.com/boeing/commercial/prices/.*

[142] Boeing.com, ''737–800 Technical Characteristics.'' Accessed Aug. 12, 2015. *http://www.boeing.com/boeing/commercial/737family/pf/pf_800tech.page*?

[143] Boeing.com, ''Commercial Airplanes Jet Prices, in 2014 price,'' *http://www.boeing.com/boeing/commercial/prices/.*

[144] Airbus.com, ''A320 Setting single aisle standards, Dimensions & Key Data.'' Accessed August 12, 2015. *http://www.airbus.com/aircraftfamilies/passengeraircraft/a320family/a320/specifications/.*

[145] Estimated six crew members is a TSA assumption. This estimate is based on the crew consisting of a pilot, copilot, flight engineer, and three flight attendants. The number of flight attendants is based on the minimum requirements from 14 CFR 121.391, which state there must be at least one flight attendant per 50 passenger seats.

[146] Airbus.com, ''New Airbus aircraft list prices for 2015,'' *http://www.airbus.com/newsevents/news-events-single/detail/new-airbus-aircraft-list-prices-for-2015/.*

[147] Cass R. Sunstein, ''Laws of Fear,'' p. 127, 2005.

[148] U.S. Department of Transportation, ''Guidance on Treatment of Economic Value of a Statistical Life in U.S. Department of Transportation Analyses,'' *http://www.dot.gov/sites/dot.dev/files/docs/VSL%20Guidance%202013.pdf.*

[149] TSA uses a proxy estimate of $869,552 (inflated from $800,000 in 2009 dollars) from a lawsuit filed by The County of Erie, New York to recuperate emergency response costs from Colgan Air, Inc., in response to the Colgan Air Flight 3407 crash. *These costs include overtime, removal of human remains, cleanup of the aircraft and chemical substances, counseling for the surviving family members, and acquiring special equipment.*

[150] McGrory, Michael, ''Airlines Not Liable for Colgan Air Crash Clean-Up Costs; SmithAmunden Aerospace Report,'' March 20, 2013, *http://www.salawus.com/insights-alerts-70.html.*

[151] TSA estimates the annualized net cost of AIT deployment to be $204.57 million using a seven percent discount rate.

TABLE 5—FREQUENCY OF ATTACKS AVERTED TO BREAK-EVEN

[In $millions]

Aircrafts	Replacement and emergency response costs a	Total passengers + crew b	Load factor (%) c	Total consequence d = a + (b × c × VSL)	Attacks averted by AIT to break-even: total consequence/$204.57M e = d ÷ $204.57M
High Capacity:					
Airbus A380	$428.9	557	86	$4,811	1 attack per 23.52 yrs.
Boeing 777–200	305.9	326	84	2,791	1 attack per 13.64 yrs.
Medium Capacity:					
Boeing 737–700/700LR	79.2	138	80	1,075	1 attack per 5.25 yrs.
Boeing 737–800	94.2	176	84	1,434	1 attack per 7.01 yrs.
Airbus Industries A320–100/200	97.9	156	85	1,305	1 attack per 6.38 yrs.

In Table 6 and Table 7, TSA presents annualized cost estimates and quantitative benefits of AIT deployment and operation. In Table 6, TSA shows the annualized net cost of AIT from 2015 to 2017. As previously explained, costs incurred from 2008–2014 occurred in the past. However, given that the life cycle of the AIT technology considered in this analysis is 10 years, TSA has also added Table 7 showing the annualized net cost of AIT from 2008–2017.

TABLE 6—OMB A–4 ACCOUNTING STATEMENT FOR 2015–2017

[In $millions]

Category	Primary estimate		Minimum estimate	Maximum estimate	Source citation (final RIA, preamble, etc.)
BENEFITS					
Annualized monetized benefits (discount rate in parentheses)	(7%)	N/A			Final RIA.
	(3%)	N/A			Final RIA.
Unquantified benefits	The operations described in this rule produce benefits by reducing security risks through the deployment of AIT that can detect non-metallic weapons and explosives.				Final RIA
COSTS					
Annualized monetized costs (discount rate in parentheses)	(7%)	$235.56			Final RIA.
	(3%)	$235.62			Final RIA.
Annualized quantified, but unmonetized, costs	0		0	0	Final RIA.
Qualitative costs (unquantified)	N/A				Final RIA.
TRANSFERS					
Annualized monetized transfers: ''on budget''	0		0	0	Final RIA.
From whom to whom?	N/A		N/A	N/A	None.
Annualized monetized transfers: ''off-budget''	0		0	0	Final RIA.
From whom to whom?	N/A		N/A	N/A	None.
Miscellaneous analyses/category	Effects				Source citation (final RIA, preamble, etc.)
Effects on state, local, and/or tribal governments	None				Final RIA.
Effects on small businesses	No significant economic impact. Prepared FRFA.				FRFA.
Effects on wages	None				None.
Effects on growth	None				None.

TABLE 7—OMB A–4 ACCOUNTING STATEMENT FOR 2008–2017

[$millions]

Category	Primary estimate		Minimum estimate	Maximum estimate	Source citation (final RIA, preamble, etc.)
BENEFITS					
Annualized monetized benefits (discount rate in parentheses)	(7%)	N/A	.....	.....	Final RIA.
	(3%)	N/A	.....	.....	Final RIA.
Unquantified benefits	The operations described in this rule produce benefits by reducing security risks through the deployment of AIT that can detect non-metallic weapons and explosives.				Final RIA
COSTS					
Annualized monetized costs (discount rate in parentheses)	(7%)	$204.57	.....	.....	Final RIA.
	(3%)	$210.47	.....	.....	Final RIA.
Annualized quantified, but unmonetized, costs	0		0	0	Final RIA.
Qualitative costs (unquantified)	N/A				Final RIA.
TRANSFERS					
Annualized monetized transfers: ''on budget''	0		0	0	Final RIA.
From whom to whom?	N/A		N/A	N/A	None.
Annualized monetized transfers: ''off-budget''	0		0	0	Final RIA.
From whom to whom?	N/A		N/A	N/A	None.
Miscellaneous analyses/category	Effects				Source citation (final RIA, preamble, etc.)
Effects on state, local, and/or tribal governments	None				Final RIA.
Effects on small businesses	No significant economic impact. Prepared FRFA.				FRFA.
Effects on wages	None				None.
Effects on growth	None				None.

As alternatives to the preferred regulatory proposal presented in the NPRM and final rule, TSA examined three other options. The following table briefly describes these options, which include use of WTMD only (no action), increased use of physical pat-down searches that supplements primary screening with WTMDs, and increased use of ETD screening that supplements primary screening with WTMDs. These alternatives, and the reasons why TSA rejected them in favor of the rule, are discussed in detail in Chapter 3 of the regulatory impact analysis located in this docket and summarized in Table 8.

TABLE 8—ADVANTAGES AND DISADVANTAGES OF REGULATORY ALTERNATIVES

Regulatory alternative	Name	Description	Advantages	Disadvantages
1	WTMDs Only	The passenger screening environment remains unchanged. TSA continues to use WTMDs as the primary passenger screening technology and to resolve alarms with a pat-down.	• No additional cost burden .. • No additional perceived privacy concerns.	• Fails to meet the January 7, 2010 Presidential Memorandum and statutory requirement in 49 USC 44925.[152] • Does not mitigate the non-metallic threat to aviation security.
2	Pat-Down	TSA continues to use WTMDs as the primary passenger screening technology. TSA supplements the WTMD screening by with a pat-down on a randomly selected portion of passengers.	• Thorough physical inspection of metallic and non-metallic items. • Uses currently deployed WTMD technology. • Minimal technology acquisition costs.	• Employs a substantial amount of human resources. • Increase in number of passengers subject to a pat-down. • Increased wait times.

[152] *http://www.whitehouse.gov/the-press-office/presidential-memorandum-regarding-12252009-attempted-terrorist-attack.*

TABLE 8—ADVANTAGES AND DISADVANTAGES OF REGULATORY ALTERNATIVES—Continued

Regulatory alternative	Name	Description	Advantages	Disadvantages
3	ETD Screening	TSA continues to use WTMDs as the primary passenger screening technology. TSA supplements the WTMD screening by conducting ETD screening on a randomly selected portion of passengers after screening by a WTMD.	• Somewhat addresses the threat of non-metallic explosive threats.	• Does not detect non-explosive non-metallic potential threats. • Increased wait times and associated passenger opportunity cost of time. • Increase in ETD consumable costs.
4	AIT as Secondary Screening.	TSA continues to use WTMDs as the primary screening technology. TSA supplements the WTMD screening by conducting AIT screening on a randomly selected portion of passengers after screening by a WTMD.	• Somewhat addresses non-metallic explosive threats.	• Primary screening does not detect non-metallic weapons or explosives. • Incremental cost of acquisition of AIT.
5	AIT	TSA uses AIT as a passenger screening technology. Alarms resolved through a pat-down.	• Addresses the threat of non-metallic explosives hidden on the body by safely screening passengers for metallic and non-metallic threats. • Maintains lower personnel cost and higher throughput rates than the other alternatives. • Adds deterrence value—the effect of would be attackers becoming discouraged as a result of AIT.	• Incremental cost of acquisition to TSA. • Incremental personnel cost to TSA. • Incremental training cost to TSA.

3. Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act (RFA) of 1980 requires agencies to consider the impacts of their rules on small entities. Under the RFA, the term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Individuals and States are not considered ''small entities'' based on the definitions in the RFA (5 U.S.C. 601).

This final rule codifies the use of AIT to screen passengers boarding commercial aircraft for weapons, explosives, and other prohibited items concealed on the body. The only additional direct cost small entities incur due to this rule is for utilities, because of increased power consumption from AIT operation. TSA identified 106 small entities (105 small governmental jurisdictions and one small privately-owned airport) based on the Small Business Administration size standards that potentially incur additional utilities costs due to AIT. Of the 106 small entities, seven currently have AITs deployed and are not reimbursed by TSA for the payment of utilities. Consequently, AIT causes seven small entities, or 1.5 percent (7/460) of all airports, to incur additional direct costs during the period of analysis.

These entities incur an incremental cost for utilities from an increased consumption of electricity from AIT operation. To estimate these costs, TSA uses the average kilowatts (kW) consumed per AIT unit on an annual basis. Depending on the size of the airport, TSA estimates the average additional utilities costs to range from $290 to $921 per year while the average annual revenue for these small entities ranges from $8.4 million to $213.3 million per year.[153] TSA estimates that the cost impact of AIT to affected small entities is less than one percent of their annual revenue. Therefore, TSA's Final Regulatory Flexibility Analysis suggests that this rule would not have a significant economic impact on a substantial number of small entities under section 605(b) of the RFA.

4. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this rulemaking and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

5. Unfunded Mandates Assessment

The UMRA is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rulemaking does not contain such a mandate. The requirements of Title II of the UMRA, therefore, do not apply and TSA has not prepared a statement.

[153] TSA has changed the way that utilities costs were calculated from the NPRM in order to match the operating time of an AIT with its associated cost for additional utilities consumption. The change in the revenue range for small entities from the NPRM is due to the population of airports which has been adjusted to include all airports that are regulated under 49 CFR part 1542 since publication of the NPRM.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501. *et seq.*) requires that TSA consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA sec. 3507(d), obtain approval from the OMB for each collection of information it conducts, sponsors, or requires through regulations. The PRA defines a ''collection of information'' to be ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinion by or for an agency, regardless of form or format . . . imposed on ten or more persons.'' 44 U.S.C. 3502(3)(A). TSA did not receive any comments regarding the PRA. TSA has determined that there are no current or new information collection requirements associated with this rule. TSA's use of AIT to screen passengers does not constitute activity that would result in the collection of information as defined in the PRA.

As protection provided by the PRA, as amended, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

D. Executive Order 13132, Federalism

TSA has analyzed this rulemaking under the principles and criteria of E.O. 13132, Federalism. TSA determined that this action will not have a substantial direct effect on the States, or the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have federalism implications.

E. Environmental Analysis

TSA has reviewed this rulemaking for purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) and has determined that this action will not have a significant effect on the human environment. This action is covered by categorical exclusion (CATEX) number A3(b) and (d) in DHS Management Directive 023–01 (formerly Management Directive 5100.1), Environmental Planning Program, which guides TSA compliance with NEPA.

F. Energy Impact Analysis

The energy impact of this rulemaking has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362). TSA has determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 49 CFR Part 1540

Air carriers, Aircraft, Airports, Civil Aviation Security, Law enforcement officers, Reporting and recordkeeping requirements, Screening, Security measures.

The Amendment

For the reasons set forth in the preamble, the Transportation Security Administration amends Chapter XII of Title 49, Code of Federal Regulations, as follows:

PART 1540—CIVIL AVIATION SECURITY: GENERAL RULES

■ 1. Revise the authority citation for part 1540 to read as follows:

Authority: 49 U.S.C. 114, 5103, 40113, 44901–44907, 44913–44914, 44916–44918, 44925, 44935–44936, 44942, 46105.

■ 2. In § 1540.107, add paragraph (d) to read as follows:

§ 1540.107 Submission to screening and inspection.

* * * * *

(d) The screening and inspection described in paragraph (a) of this section may include the use of advanced imaging technology. Advanced imaging technology used for the screening of passengers under this section must be equipped with and employ automatic target recognition software and any other requirement TSA deems necessary to address privacy considerations.

(1) For purposes of this section, advanced imaging technology–

(i) Means a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

(ii) May include devices using backscatter x-rays or millimeter waves and devices referred to as whole body imaging technology or body scanning machines.

(2) For purposes of this section, automatic target recognition software means software installed on an advanced imaging technology device that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

Dated: February 23, 2016.

Peter V. Neffenger,

Administrator.

[FR Doc. 2016–04374 Filed 3–2–16; 8:45 am]

BILLING CODE 4910–52–P

Reader Aids

Federal Register

Vol. 81, No. 42

Thursday, March 3, 2016

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, MARCH

10433–10754 1
10755–11090 2
11091–11406 3

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9399 11091
9400 11093
9401 11095
9402 11097
Executive Orders:
13720 11089

7 CFR

25 11000
65 10755
246 10433
905 10451
1703 11000
1709 11000
1710 11000
1717 11000
1720 11000
1721 11000
1724 11000
1726 11000
1737 11000
1738 11000
1739 11000
1740 11000
1753 11000
1774 11000
1775 11000
1779 ..... 10456, 11000
1780 ..... 10456, 11000
1781 11000
1782 11000
1784 11000
1794 11000
1924 11000
1940 11000
1942 ..... 10456, 11000
1944 11000
1948 11000
1951 11000
1955 11000
1962 11000
1970 11000
1980 11000
3550 11000
3555 11000
3560 11000
3565 11000
3570 ..... 10456, 11000
3575 ..... 10456, 11000
4274 11000
4279 ..... 10456, 11000
4280 ..... 10456, 11000
4284 11000
4287 11000
4288 11000
4290 11000
Proposed Rules:
800 10530
1214 10530

10 CFR

Proposed Rules:
50 10780

12 CFR

1026 11099
Proposed Rules:
380 10798

14 CFR

25 10761
39 ..... 10457, 10460, 10465, 10468
71 ..... 11102, 11103
Proposed Rules:
39 ..... 10533, 10535, 10537, 10540, 10544, 10545, 10549, 11132, 11134
71 ..... 10551, 11136, 11139

15 CFR

701 10472

17 CFR

Proposed Rules:
302 10798

18 CFR

11 10475

21 CFR

Proposed Rules:
864 10553
878 ..... 11140, 11151

25 CFR

20 10475
151 10477

26 CFR

1 11104
301 10479
Proposed Rules:
1 11160

27 CFR

9 ..... 11110, 11103

29 CFR

1910 10490

32 CFR

104 10491
706 11116

33 CFR

117 11118
165 ..... 10498, 10499, 10501, 10762
Proposed Rules:
100 10557

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 2, 2016

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.