

- (vi) ZIP Code (9 digit);
- (vii) Posting Cycle Week;
- (viii) Posting Cycle Year; and
- (ix) Document Code.

\* \* \* \* \*

(e) *Effective/applicability date.*

Paragraphs (b)(1)(xviii) through (xx) and (b)(7) of this section apply to disclosures to the Bureau of the Census made on or after July 15, 2014. For rules that apply to disclosures to the Bureau of the Census before that date, see 26 CFR 301.6103(j)(1)–1 (revised as of April 1, 2014).

**§ 301.6103(j)(1)–1T [Removed]**

■ **Par. 3.** Section 301.6103(j)(1)–1T is removed.

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

Approved: January 22, 2016.

**Mark J. Mazur,**

*Assistant Secretary of the Treasury.*

[FR Doc. 2016–04310 Filed 2–24–16; 4:15 pm]

**BILLING CODE 4830–01–P**

## OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

### 32 CFR Part 1704

#### Mandatory Declassification Review Program

**AGENCY:** Office of the Director of National Intelligence.

**ACTION:** Direct final rule with request for comments.

**SUMMARY:** The Office of the Director of National Intelligence (ODNI) is publishing this direct final rule pursuant to Executive Order 13526, relating to classified national security information. It provides procedures for members of the public to request from ODNI a Mandatory Declassification Review (MDR) of information classified under the provisions of Executive Order 13526 or predecessor orders such that the agency may retrieve it with reasonable effort. This rule also informs requesters where to send requests for an MDR.

**DATES:** This rule is effective April 26, 2016 without further action, unless adverse comment is received by March 28, 2016. If adverse comment is received, ODNI will publish a timely withdrawal of the rule in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Jennifer L. Hudson, 703–874–8085.

**SUPPLEMENTARY INFORMATION:** It is the policy of the ODNI to act in matters

relating to national security information in accordance with Executive Order 13526 and directives issued thereunder by the Information Security Oversight Office (ISOO). The purpose of this rule is to assist in implementing specific sections of Executive Order 13526 concerning the Mandatory Declassification Review (MDR). This is being issued as a direct final rule without prior notice of proposed rulemaking as allowed by the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A) for rules of agency procedure and interpretation.

#### Regulatory Impact

This rule is not a significant regulatory action for the purposes of Executive Order 12866. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities because it applies only to Federal agencies.

#### List of Subjects in 32 CFR Part 1704

Declassification, Information, Intelligence, National security information.

■ For the reasons set forth in the preamble, ODNI adds 32 CFR part 1704 to read as follows:

#### PART 1704—MANDATORY DECLASSIFICATION REVIEW PROGRAM

Sec.

- 1704.1 Authority and purpose.
- 1704.2 Definitions.
- 1704.3 Contact information.
- 1704.4 Suggestions or comments.
- 1704.5 Guidance.
- 1704.6 Exceptions.
- 1704.7 Requirements.
- 1704.8 Fees.
- 1704.9 Determination by originator or interested party.
- 1704.10 Appeals.

**Authority:** 50 U.S.C. 3001; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp, p. 298.

##### § 1704.1 Authority and purpose.

(a) *Authority.* This part is issued under the authority of 32 CFR 2001.33; Section 3.5 of Executive Order 13526 (or successor Orders); the National Security Act of 1947, as amended (50 U.S.C. 3001 *et seq.*).

(b) *Purpose.* This part prescribes procedures, subject to limitations set forth below, for requesters to request a mandatory declassification review of information classified under Executive Order 13526 or predecessor or successor orders. Section 3.5 of Executive Order

13526 and these regulations are not intended to and do not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or agents, or any other person.

##### § 1704.2 Definitions.

For purposes of this part:

*Control* means the authority of the agency that originates information, or its successor in function, to regulate access to the information. (32 CFR 2001.92)

*Day* means U.S. Federal Government working day, which excludes Saturdays, Sundays, and federal holidays. Three (3) days may be added to any time limit imposed on a requester by this part if responding by U.S. domestic mail; ten (10) days may be added if responding by international mail.

*D/IMD* means the Director of the Information Management Division and the leader of any successor organization, who serves as the ODNI's manager of the information review and release program.

*Federal Agency* means any *Executive Agency*, as defined in 5 U.S.C. 105; any *Military department*, as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.

*Information* means any knowledge that can be communicated or documentary material, regardless of its physical form that is owned by, produced by or for, or under the control of the U.S. Government; it does not include information originated by the incumbent President, White House Staff, appointed committees, commissions or boards, or any entities within the Executive Office that solely advise and assist the incumbent President.

*Interested party* means any official in the executive, military, congressional, or judicial branches of government, or U.S. Government contractor who, in the sole discretion of the ODNI, has a subject matter or other interest in the documents or information at issue.

*NARA* means the National Archives and Records Administration.

*ODNI* means the Office of the Director of National Intelligence.

*Order* means Executive Order 13526, “Classified National Security Information” (December 29, 2009) or successor Orders.

*Originating element* means the element that created the information at issue.

*Presidential libraries* means the libraries or collection authorities established under the Presidential Libraries Act (44 U.S.C. 2112) and

similar institutions or authorities as may be established in the future.

*Referral* means coordination with or transfer of action to an interested party.

*Requester* means any person or organization submitting an MDR request.

#### **§ 1704.3 Contact information.**

For general information on the regulation in this part or to submit a request for a Mandatory Declassification Review (MDR), please direct your communication by mail to the Office of the Director of National Intelligence, Director of the Information Management Division, Washington, DC 20511; by facsimile to (703) 874-8910; or by email to [DNI-FOIA@dni.gov](mailto:DNI-FOIA@dni.gov). For general information on the ODNI MDR program or status information on pending MDR cases, call (703) 874-8500.

#### **§ 1704.4 Suggestions or comments.**

The ODNI welcomes suggestions for improving the administration of our MDR program in accordance with Executive Order 13526. Suggestions should identify the specific purpose and the items for consideration. The ODNI will respond to all communications and take such actions as determined feasible and appropriate.

#### **§ 1704.5 Guidance.**

Address all communications to the point of contact as specified in § 1704.3. Clearly describe, list, or label said communication as an MDR Request.

#### **§ 1704.6 Exceptions.**

MDR requests will not be accepted from a foreign government entity or any representative thereof. MDR requests will not be accepted for documents required to be submitted for pre-publication review or other administrative process pursuant to an approved nondisclosure agreement; for information that is the subject of pending litigation; nor for any document or material containing information contained within an operational file exempted from search and review, publication, and disclosure under the FOIA. If the ODNI has reviewed the requested information for declassification within the past two years, the ODNI will not conduct another review, but the D/IMD will notify the requester of this fact and the prior review decision. Requests will not be accepted from requesters who have outstanding fees for MDR or Freedom of Information Act (FOIA) requests with the ODNI or another federal agency.

#### **§ 1704.7 Requirements.**

An MDR request shall describe the document or material containing the

information with sufficient specificity to enable the ODNI to locate it with a reasonable amount of effort.

#### **§ 1704.8 Fees.**

(a) Requesters making requests directly to the ODNI shall be responsible for paying all fees under this regulation.

(b) Requesters making requests directly to the ODNI shall be responsible for reproduction costs as follows: Fifty cents per photocopied page and \$10.00 per CD.

(c) Applicable fees will be due even if the search locates no responsive information or some or all of the responsive information must be withheld under applicable authority.

(1) *Computer searching.* (i) Clerical/Technical—\$20.00 per hour (or fraction thereof).

(ii) Professional/Supervisory—\$40.00 per hour (or fraction thereof).

(iii) Manager/Senior Professional—\$72.00 per hour (or fraction thereof).

(2) *Manual searching.* (i) Clerical/Technical—\$20.00 per hour (or fraction thereof).

(ii) Professional/Supervisory—\$40.00 per hour (or fraction thereof).

(iii) Manager/Senior Professional—\$72.00 per hour (or fraction thereof).

(3) *Document review.* (i) Professional/Supervisory—\$40.00 per hour (or fraction thereof).

(ii) Manager/Senior Professional—\$72.00 (or fraction thereof).

(iii) ODNI will not charge review fees for time spent resolving general legal or policy issues regarding the responsive information.

(iv) Fees may be paid by a check or money order made payable to the Treasurer of the United States.

#### **§ 1704.9 Determination by originator or interested party.**

(a) *In general.* The originating element(s) of the classified information (document) is always an interested party to any mandatory declassification review; other interested parties may become involved through a referral by the D/IMD when it is determined that some or all of the information is also within their official cognizance.

(b) *Required determinations:* These parties shall respond in writing to the D/IMD with a finding as to the classified status of the information, including the category of protected information as set forth in section 1.4 of the Order, and if older than ten years, the basis for the extension of classification time under sections 1.5 and 3.3 of the Order. These parties shall also indicate whether withholding is otherwise authorized and warranted in accordance with sections 3.5(c) and 6.2(d) of the Order.

(c) *Time.* Responses to the requester shall be provided on a first-in/first-out basis, taking into account the business requirements of the originating element(s) and other interested parties, and, in accordance with Executive Order 13526, ODNI will respond to requesters within one year of receipt of requests.

(d) The IMD FOIA Branch Chief, in consultation with the D/IMD and the Classification Management Branch Chief, will ordinarily be the deciding official on initial reviews of MDR requests to the ODNI.

#### **§ 1704.10 Appeals.**

(a) *Administrative.* Appeals of initial decisions must be received in writing by the D/IMD within 60 days of the date of mailing of the ODNI's decision. The appeal must identify with specificity the documents or information to be considered on appeal and it may but need not provide a factual or legal basis for the appeal.

(1) *Exceptions.* No appeal shall be accepted from a foreign government entity or any representative thereof. Appeals will not be accepted for documents required to be submitted for pre-publication review or other administrative process pursuant to an approved nondisclosure agreement; for information that is the subject of pending litigation; nor for any document or material containing information contained within an operational file exempted from search and review, publication, and disclosure under the FOIA. No appeals shall be accepted if the requester has outstanding fees for information services at ODNI or another federal agency. In addition, no appeal shall be accepted if the information in question has been the subject of a declassification review within the previous two years.

(2) *Receipt, recording, and tasking.* The D/IMD will record each appeal received under this part and acknowledge receipt to the requester.

(3) *Appellate authority.* The ODNI Chief Management Officer (CMO), after consultation with all interested parties or ODNI component organization as well as with the Office of General Counsel, will make a final determination on the appeal within 60 days.

(b) *Final appeal.* The D/IMD will prepare and communicate the ODNI administrative appeal decision to the requester, NARA, Presidential Library and referring agency, as appropriate. Correspondence will include a notice, if applicable, that a further appeal of ODNI's final decision may be made to the Interagency Security Classification

Appeals Panel (ISCAP) established pursuant to section 5.3 of Executive Order 13526. Action by that Panel will be the subject of rules to be promulgated by the Information Security Oversight Office.

Dated: February 11, 2016.

**Mark W. Ewing,**  
Chief Management Officer.

[FR Doc. 2016-04172 Filed 2-25-16; 8:45 am]

**BILLING CODE 9500-01-P-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2016-0123]

#### Drawbridge Operation Regulation; Jamaica Bay and Connecting Waterways, Queens, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Marine Parkway Bridge across the Jamaica Bay, mile 3.0, at Queens, New York. This deviation is necessary to allow the bridge owner to replace the auxiliary clutch shafts at the bridge.

**DATES:** This deviation is effective from 7 a.m. on March 14, 2016 to 5 p.m. on March 25, 2016.

**ADDRESSES:** The docket for this deviation, [USCG-2016-0123] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514-4330, email [judy.k.leung-yee@uscg.mil](mailto:judy.k.leung-yee@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Marine Parkway Bridge, mile 3.0, across the Jamaica Bay, has a vertical clearance in the closed position of 55 feet at mean high water and 59 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.795(a).

The waterway is transited by commercial oil barge traffic of various sizes.

The bridge owner, MTA Bridges and Tunnels, requested a temporary deviation from the normal operating

schedule to facilitate auxiliary clutch shafts replacement at the bridge.

Under this temporary deviation, the Marine Parkway Bridge shall remain in the closed position from 7 a.m. on March 14, 2016 to 5 p.m. March 25, 2016.

Vessels able to pass under the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 22, 2016.

**C.J. Bisignano,**  
Supervisory Bridge Management Specialist,  
First Coast Guard District.

[FR Doc. 2016-04125 Filed 2-25-16; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2015-0582; FRL-9942-79-Region 7]

#### Approval of Iowa's Air Quality Implementation Plans; Iowa Plan for the 2008 Lead Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve Iowa's attainment demonstration State Implementation Plan (SIP) for the lead National Ambient Air Quality Standard (NAAQS) nonattainment area of Council Bluffs, Pottawattamie County, Iowa, received by EPA on February 9, 2015. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008. EPA believes that the SIP submitted by the state satisfies the applicable requirements of the Clean Air Act (CAA), and will bring the designated portions of Council Bluffs, Iowa into attainment of the 0.15

microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) lead NAAQS.

**DATES:** This final rule is effective on March 28, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2015-0582. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically at [www.regulations.gov](http://www.regulations.gov) and at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. Please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. For additional information and general guidance, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Doolan, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7719, or by email at [doolan.stephanie@epa.gov](mailto:doolan.stephanie@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," or "our" refer to EPA.

#### Table of Contents

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. EPA's Response to Comments
- IV. What action is EPA taking?

#### I. What is being addressed in this document?

In this document, EPA is granting final approval of Iowa's attainment demonstration SIP for the lead NAAQS nonattainment area in portions of Council Bluffs, Pottawattamie County, Iowa. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008. EPA believes that the SIP submitted by the state satisfies the applicable requirements of the CAA identified in EPA's Final Rule (73 FR 66964, October 15, 2008), and will bring the area into attainment of the 0.15 microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) lead NAAQS. EPA's proposal containing the background information for this action can be found at 80 FR 59695 (October 2, 2015).