

Proposed Rules

Federal Register

Vol. 81, No. 61

Wednesday, March 30, 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 73

[Docket No. FAA-2016-4282; Airspace Docket No. 16-AWP-3]

RIN 2120-AA66

Proposed Establishment of Temporary Restricted Areas R-2509E, R-2509W, and R-2509N; Twentynine Palms, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish temporary restricted areas R-2509E, R-2509W, and R-2509N, Twentynine Palms, CA, to support a Marine Expeditionary Brigade level Large Scale Exercise (LSE) planned for existing and newly acquired training lands at Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms from August 1 to August 18, 2016.

DATES: Comments must be received on or before May 16, 2016.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; telephone: (202) 366-9826. You must identify FAA Docket No. FAA-2016-4282 and Airspace Docket No. 16-AWP-3, at the beginning of your comments. You may also submit comments through the Internet at 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.

Comments on environmental and land use aspects should be directed to: Mr.

Chris Proudfoot, Proposed 29 Palms Land Acquisition/Airspace Establishment Project MAGTFTC, MCAGCC, Bldg. 1554, Box 788104 Twentynine Palms, CA 92278-8104; phone: (760) 830-7926.

FOR FURTHER INFORMATION CONTACT:

Jason Stahl, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

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 the 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 the temporary restricted area airspace at Twentynine Palms, CA, to enhance aviation safety and accommodate essential United States Marine Corps training requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking 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-2016-4282 and Airspace Docket No. 16-AWP-3) 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 www.regulations.gov.

Commenters 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 FAA Docket No. FAA-2016-4282 and Airspace Docket No. 16-AWP-3." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. 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 through the Internet at www.regulations.gov.

You may review the public docket containing the proposal, any comments received and any final disposition in person at the Dockets Office (see **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 during normal business hours at the office of the Operations Support Group, Western Service Center, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Marine Corps combat readiness depends on the continued availability of ranges and training areas that provide realistic, mission-oriented training and exercises. Marine Corps training proceeds on a continuum, from entry-level training of individual Marines in basic military skills to large-scale exercises involving a Marine Air Ground Task Force (MAGTF). Currently, the Marine Corps does not have

sufficient range space to conduct a Marine Expeditionary Brigade (MEB) level live fire exercise. Through careful analysis and a series of studies, MCAGCC Twentynine Palms was identified as the only Marine Corps installation capable of expansion to the dimensions required to support this level of exercise. Acquisition of new lands without the requisite special use airspace (SUA) would not allow for the training events required to successfully execute this essential exercise. Consequently, a new restricted area, military operations areas (MOA) and air traffic control-assigned airspace are being developed as a critical element of the required expansion to support large scale MEB level exercises and those supporting building block training events. A prior proposal for permanent SUA received a non-concurrence from LA Center and will not be available to support the first Large Scale Exercise on new Twentynine Palms lands planned for August 1 to August 18, 2016. The establishment of temporary restricted area R-2509E, W, and N, will substantially enhance both the capability and capacity of the MCAGCC Twentynine Palms Range and Training Areas (RTA) to conduct required training for a MEB large scale exercise.

The Proposal

This proposal would establish new temporary restricted areas R-2509E, R-2509W, and R-2509N for the period from August 1 to August 18, 2016, to accommodate live fire from pistols, rifles, machine guns, anti-tank weapons, mortars, artillery, Unmanned Aircraft Systems, fixed wing, and rotary wing training activities including close air support and live ordnance delivery. This proposed temporary restricted area is required to effectively deconflict Department of Defense and civilian air traffic from hazards associated with live fire training.

Maximum altitudes within the R-2509E would be Flight Level (FL) 400, however, impacts mitigation were coordinated with Los Angeles Air Route Traffic Control Center and will be implemented to include limiting higher airspace activations above FL220 to only 2 hours for 2 days of the exercise. R-2509W would have a ceiling of 8,000 feet MSL and R-2509N would have a ceiling of 16,000 feet MSL. Supersonic flight will not be conducted as part of the above aviation training activities.

The times of use would be by NOTAM, and activations of R-2509E above FL220 would have the NOTAM issued 48 hours in advance. Expected usage would be 12 hours per day for 10

days up to 16,000 feet and 16 hours per day for 6 days up to FL220.

The lateral boundaries of the proposed areas would be as follows:

Temporary R-2509E—Beginning at lat. 34°40'30" N., long. 116°29'43" W.; to lat. 34°39'24" N., long. 116°29'19" W.; to lat. 34°36'00" N., long. 116°28'03" W.; to lat. 34°31'30" N., long. 116°26'48" W.; to lat. 34°30'00" N., long. 116°26'23" W.; to lat. 34°21'35" N., long. 116°21'38" W.; to lat. 34°19'30" N., long. 116°20'29" W.; to lat. 34°17'38" N., long. 116°19'19" W.; to lat. 34°22'25" N., long. 116°31'10" W.; to lat. 34°34'17" N., long. 116°35'52" W.; to the point of beginning.

Temporary R-2509W—Beginning at lat. 34°35'03" N., long. 116°36'10" W.; to lat. 34°34'17" N., long. 116°35'52" W.; to lat. 34°22'25" N., long. 116°31'10" W.; to lat. 34°26'57" N., long. 116°42'51" W.; to lat. 34°29'44" N., long. 116°42'51" W.; to the point of beginning.

Temporary R-2509N—Beginning at lat. 34°35'03" N., long. 116°36'10" W.; to lat. 34°40'30" N., long. 116°29'43" W.; to lat. 34°34'17" N., long. 116°35'52" W.; to the point of beginning.

These temporary restricted areas would automatically expire on August 18, 2016.

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 Department of Transportation (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 will be subjected to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.25 California (Amended)

■ 2. § 73.25 is amended as follows:

* * * * *

R-2509E Twentynine Palms, CA [New]

Boundaries. Beginning at lat. 34°40'30" N; long. 116°29'43" W; to lat. 34°39'24" N; long. 116°29'19" W; to lat. 34°36'00" N; long. 116°28'03" W; to lat. 34°31'30" N; long. 116°26'48" W; to lat. 34°30'00" N; long. 116°26'23" W; to lat. 34°21'35" N; long. 116°21'38" W; to lat. 34°19'30" N; long. 116°20'29" W; to lat. 34°17'38" N; long. 116°19'19" W; to lat. 34°22'25" N; long. 116°31'10" W; to lat. 34°34'17" N; long. 116°35'52" W; to the point of beginning.

Designated altitudes. Surface to FL 400.

Time of designation. Intermittent by NOTAM during the period from August 1 to August 18, 2016.

Controlling agency. FAA, Los Angeles Air Route Traffic Control Center (ARTCC).

Using agency. Commanding General, Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, CA.

R-2509W Twentynine Palms, CA [New]

Boundaries. Beginning at lat. 34°35'03" N., long. 116°36'10" W.; to lat. 34°34'17" N., long. 116°35'52" W.; to lat. 34°22'25" N., long. 116°31'10" W.; to lat. 34°26'57" N., long. 116°42'51" W.; to lat. 34°29'44" N., long. 116°42'51" W.; to the point of beginning.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. Intermittent by NOTAM during the period from August 1 to August 18, 2016.

Controlling agency. FAA, Los Angeles Air Route Traffic Control Center (ARTCC).

Using agency. Commanding General, Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, CA.

R-2509N Twentynine Palms, CA [New]

Boundaries. Beginning at lat. 34°35'03" N., long. 116°36'10" W.; to lat. 34°40'30" N., long. 116°29'43" W.; to lat. 34°34'17" N., long. 116°35'52" W.; to the point of beginning.

Designated altitudes. Surface to 16,000 feet MSL.

Time of designation. Intermittent by NOTAM during the period from August 1 to August 18, 2016.

Controlling agency. FAA, Los Angeles Air Route Traffic Control Center (ARTCC).

Using agency. Commanding General, Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, CA.

Issued in Washington, DC, on March 24, 2016.

Gemechu Gelgelu,

Acting Manager, Airspace Policy Group.

[FR Doc. 2016-07166 Filed 3-29-16; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 842

[Docket ID: USAF-2015-0003]

RIN 0701-AA79

Administrative Claims

AGENCY: Department of the Air Force, DoD.

ACTION: Proposed rule.

SUMMARY: This rule contains amendments for policy changes and clarification and deletions for the Air Force guidance on Administrative claims and Personnel and Carrier Recovery Claims. The rule relates to the Air Force processes for claims filed for and against the Air Force as well as Air Force processes for filing personnel and carrier recovery claims.

DATES: Comments must be received by May 31, 2016.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301-9010.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Lemieux (AFLOA/JACC), 1500 West Perimeter Rd, Ste 1700, Joint Base Andrews, MD 20762, (240) 612-4646, daniel.g.lemieux.civ@mail.mil.

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Purpose of This Regulatory Action

The purpose of this rule is to provide the public with information necessary to file a claim against the United States Air Force for money damages and to notify the public of the procedures used to collect money from the public for damages to property under the control of the United States Air Force. Additionally, it is to provide the public with information about proposed changes and deletions concerning the settlement and payment of claims under the Military Personnel and Civilian Employee's Claims Act for incident to service loss and damage to personal property.

II. Summary of the Major Provisions of This Regulatory Action

This part describes the process and procedures by which claims against the Air Force will be addressed, including who are proper claimants, how, where and when to file a claim, what claims are payable, how the Air Force will adjudicate claims and how to appeal unfavorable decisions. It also describes the process the Air Force will use for asserting claims against persons who damage Air Force property.

Changes: This part has been substantially revised and should be reviewed in its entirety to determine the changes made.

Deletions: This part has been substantially revised and should be reviewed in its entirety to determine the deletions made.

III. Costs and Benefits

The regulations contained herein require the public who wish to file a claim against the Air Force to substantiate their loss, which may result in minor or incidental costs to the claimant. Revised regulations pertaining to how the Air Force asserts claims for damage to Air Force property may result in increased costs to those who cause said damage. The benefits of these regulations include increased safeguards to ensure public funds are not expended for fraudulent claims and to ensure the U.S. government receives adequate compensation for damages to its property wrongfully caused by others.

Retrospective Review

This rule is part of DoD's retrospective plan, completed in August 2011, under Executive Order 13563, "Improving Regulation and Regulatory Review," DoD's full plan and updates can be accessed at: [http://www.regulations.gov/#!docketDetail;dc=](http://www.regulations.gov/#!docketDetail;dc=FR+PR+N+O+SR;rtpp=10;po=0;D=DOD-2011-OS-0036)

FR+PR+N+O+SR;rtpp=10;po=0;D=DOD-2011-OS-0036.

Administrative Procedure Act: The Air Force has determined that the Administrative Procedure Act, 5 U.S.C. 553, requires notice of proposed rulemaking and an opportunity for public participation in connection with these correction amendments and deletions. In this regard, the Air Force notes that such notice and opportunity for comment is necessary because these correction amendments and deletions are not related solely to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, nor is there good cause to find that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

Regulatory Procedures

Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

Executive Orders 13563 and 12866 direct agencies to assess all 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, distribute 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. The Department of Air Force has assessed this rule and determined this rule to be a "non-significant regulatory action."

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4) requires agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2014, that threshold is approximately \$141 million. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended,