

transparent to the general public. Many Coast Guard regulations provide the opportunity to propose alternatives or equivalent methods of compliance for the Coast Guard's approval; for examples see 46 CFR 62.15-1, 114.540, and 110.20-1, among others. Allowing alternatives provides the flexibility to use new technology, including improved safety and pollution prevention equipment. In addition, the Coast Guard consistently explains in its policy letters and other guidance that it will consider alternate methods of compliance with the binding statutory and regulatory requirements. Coast Guard determinations on alternate or equivalent methods of compliance generally are not publicly available because they do not create rights or obligations for anyone other than the requester, and they could contain proprietary information about the alternative requested or approved.

The same group of 140 organizations and entities submitted another comment,<sup>2</sup> stating that the proposed policy letter would result in uncertain or unknown effects or risks to various aspects of the environment and public health. The commenters also thought the proposed policy would result in negative impacts to areas that have unique historical, cultural, and ecological characteristics. The Coast Guard notes the concerns raised in these comments and will carefully consider the environmental impacts of each request to ship SGEWW by barge on a case-by-case basis under existing regulations.

Another submission<sup>3</sup> was made on behalf of 46 organizations in Ohio, Pennsylvania, Michigan, Kentucky, Illinois, New York, and West Virginia. This comment (and comments submitted by others) has similarly stated that the Coast Guard should require chemical analyses of SGEWW barge loads to be submitted to the agency, not merely held by industry. Under the proposed policy, vessel owners would have retained records of the chemical analyses and surveys, but the Coast Guard would have examined those records prior to allowing workers or Coast Guard personnel to enter a barge's tank. Also, by cumulating data from the chemical analyses records we could determine whether hazardous materials had built up within the barge's tank.

Various commenters, including some commenters employing a form template, also said that the Coast Guard's use of a categorical exclusion to preclude more thorough environmental analysis of the

proposed policy letter's impact was improper under the National Environmental Policy Act of 1969<sup>4</sup> (NEPA), and that more environmental analysis of the effects of the proposed policy letter is necessary to assess the likelihood of a spill. The Coast Guard intends to evaluate the environmental impacts under NEPA for each request to ship SGEWW by barge, on a case-by-case basis under existing regulations. This information may be used, as appropriate, to inform any future rulemaking or guidance on this issue.

Finally, the commenters believe the Coast Guard gave inadequate consideration to worker safety hazards and mitigation measures. As described above, however, the Coast Guard would have used the analyses and surveys described in the proposed policy to evaluate the safety of the barge tanks before allowing personnel to enter. In addition, once the chemical components of each individual load of SGEWW were identified, the Coast Guard could have used the regulatory process for unlisted cargoes to prescribe other protocols to mitigate safety risks to workers.

The Coast Guard also received many comments from individuals raising additional varied concerns. Some comments requested an extension of the public comment period, which is unnecessary in light of this withdrawal. Other comments stated that the proposed policy letter unfairly transfers industry costs and risks to society in general; we disagree that Coast Guard decisions on safe transport of SGEWW in bulk by water necessarily transfer costs and risks away from industry, especially as the proposed policy does not affect the creation or disposal of SGEWW, or its transport by truck or rail. We also received comments saying that the Coast Guard provided inadequate information about SGEWW's ultimate destination and the methods for its ultimate disposal; the ultimate destination and disposal of SGEWW was outside the scope of our proposed policy on safely transporting SGEWW. Also, commenters thought that the Coast Guard provided inadequate information about cleanup plans in the event of an SGEWW spill, but environmental liability and cleanup requirements were outside the scope and purpose of the proposed policy. The Coast Guard intends to evaluate requests to ship SGEWW by barge on a case-by-case basis under existing regulations. Any other statutes or regulations found to be applicable under this case-by-case review would be included when developing carriage requirements.

Of the comments received, 21 comments thought the proposed policy letter should be finalized. These commenters suggested that the risk of transporting SGEWW by vessel was lower relative to transport by rail or truck, or that SGEWW is less hazardous than other vessel-borne cargoes such as oil and gasoline. The Coast Guard notes these comments in support of the proposed policy letter.

The Coast Guard appreciates all the comments received. It will continue to study this issue in light of the comments received before taking any further action on this matter. In particular, the Coast Guard will assess whether current regulations are adequate to handle requests for transport of SGEWW in bulk and environmental impacts that may be associated with SGEWW transport by barge.

Dated: February 17, 2016.

**J.G. Lantz,**

*Director of Commercial Regulations and Standards, U.S. Coast Guard.*

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## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2016-0011]

### Meeting: Homeland Security Advisory Council

**AGENCY:** The Office of Public Engagement, DHS.

**ACTION:** Notice of open teleconference Federal Advisory Committee meeting.

**SUMMARY:** The Homeland Security Advisory Council ("Council") will meet via teleconference on March 15, 2016. The meeting will be open to the public.

**DATES:** The Council conference call will take place from 2:00 p.m. to 4:15 p.m. EST on March 15, 2016. Please note that the meeting may end early if the Council has completed its business.

**ADDRESSES:** The Council meeting will be held via teleconference. Members of the public interested in participating may do so by following the process outlined below (see "Public Participation"). Written comments must be submitted and received by Wednesday, March 9, 2016. Comments must be identified by Docket No. DHS-2016-0011 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions on submitting comments.
- *Email:* [HSAC@hq.dhs.gov](mailto:HSAC@hq.dhs.gov). Include Docket No. DHS-2016-0011 in the subject line of the message.

<sup>2</sup> Docketed as USCG-2013-0915-1036.

<sup>3</sup> Docketed as USCG-2013-0915-0855.

<sup>4</sup> Codified as 42 U.S.C. 4321 *et seq.*

- *Fax:* (202) 282–9207.
- *Mail:* Homeland Security Advisory Council, Department of Homeland Security, Mailstop 0445, 245 Murray Lane SW., Washington, DC 20528.

*Instructions:* All Submissions received must include the words “Department of Homeland Security” and DHS–2016–0011, the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read comments received by the DHS Homeland Security Advisory Council, go to <http://www.regulations.gov>, search “DHS–2016–0011,” “Open Docket Folder” and provide your comments.

**FOR FURTHER INFORMATION CONTACT:** Jay Visconti at [HSAC@hq.dhs.gov](mailto:HSAC@hq.dhs.gov) or at (202) 447–3135.

**SUPPLEMENTAL INFORMATION:** Notice of this meeting is given under sec. 10(a) of the Federal Advisory Committee Act (FACA), Public Law 92–463 (5 U.S.C. App.) requiring each FACA committee meeting to be open to the public.

The Council provides organizationally independent, strategic, timely, specific, and actionable advice and recommendations for the consideration of the Secretary of the Department of Homeland Security (DHS) on matters related to homeland security. The Council is comprised of leaders of local law enforcement, first responders, state, local, and tribal government, the private sector, and academia.

The Council will review and deliberate on the U.S. Customs and Border Protection (CBP) Integrity Advisory Panel and DHS Grant Review Task Force final recommendations. The Council will also vote on the issuance of a letter to Secretary Johnson about countering violent extremism.

*Public Participation:* Members of the public will be in listen-only mode. The public may register to participate in this Council teleconference via the following procedures. Each individual must provide his or her full legal name and email address no later than 5:00 p.m. EST on Wednesday, March 9, 2016 to a staff member of the Council via email to [HSAC@hq.dhs.gov](mailto:HSAC@hq.dhs.gov) or via phone (202) 447–3135. The conference call details, the CBP Integrity Advisory Panel report and the DHS Grant Review Task Force report will be provided to interested members of the public after the closing of the public registration period and prior to the start of the meeting.

*Information on Services for Individuals with Disabilities:* For information on facilities or services for

individuals with disabilities, or to request special assistance during the teleconference contact Jay Visconti (202) 447–3135.

Dated: February 16, 2016.

**Sarah E. Morgenthau,**  
*Executive Director, Homeland Security Advisory Council, DHS.*

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**BILLING CODE 9110–9M–P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS–2016–0014]

### Privacy Act of 1974; Department of Homeland Security, U.S. Customs and Border Protection–009 Electronic System for Travel Authorization System of Records

**AGENCY:** Privacy Office, Department of Homeland Security.

**ACTION:** Notice of Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to update and reissue the DHS system of records titled, “DHS/U.S. Customs and Border Protection (CBP)-009 Electronic System for Travel Authorization (ESTA) System of Records.” This system of records allows DHS/CBP to collect and maintain records on nonimmigrant aliens seeking to travel to the United States under the Visa Waiver Program and other persons, including U.S. citizens and lawful permanent residents, whose names are provided to DHS as part of a nonimmigrant alien’s ESTA application. The system is used to determine whether an applicant is eligible to travel to and enter the United States under the Visa Waiver Program (VWP) by vetting his or her ESTA application information against selected security and law enforcement databases at DHS, including but not limited to TECS (not an acronym) and the Automated Targeting System (ATS). In addition, ATS retains a copy of ESTA application data to identify ESTA applicants who may pose a security risk to the United States. ATS maintains copies of key elements of certain databases in order to minimize the impact of processing searches on the operational systems and to act as a backup for certain operational systems. DHS may also vet ESTA application information against security and law enforcement databases at other federal agencies to enhance DHS’s ability to determine whether the applicant poses

a security risk to the United States and is eligible to travel to and enter the United States under the VWP. The results of this vetting may inform DHS’s assessment of whether the applicant’s travel poses a law enforcement or security risk and whether the application should be approved.

DHS/CBP is updating this system of records notice, last published on November 4, 2014 (79 FR 65414), to modify the categories of records in the system to include responses to new questions and additional data elements to assist DHS/CBP in determining eligibility to travel under the VWP. DHS is also modifying the categories of records to remove several data elements that are no longer collected, including date of anticipated crossing, carrier information (carrier name and flight or vessel number), city of embarkation, and any change of address while in the United States. In 2014, DHS/CBP determined that these fields were unnecessary for mission operations. DHS/CBP is also revising the ESTA application to reflect the current quarantinable, communicable diseases specified by any Presidential E.O. under sec. 361(b) of the Public Health Service Act (PHS Act). Lastly, DHS/CBP is making non-substantive, clarifying edits to Routine Use N.

DHS/CBP issued a Final Rule to exempt this system of records from certain provisions of the Privacy Act on August 31, 2009 (74 FR 45070). These regulations remain in effect.

**DATES:** This updated system will be effective upon the public display of this notice. Although this system is effective upon publication, DHS will accept and consider comments from the public and evaluate the need for any revisions to this notice.

**ADDRESSES:** You may submit comments, identified by docket number DHS–2016–0014 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–343–4010.

- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**DOCKET:** For access to the docket to read background documents or comments