

TVA accepted comments submitted through an electronic comment form on the EIS Web site, by post and email. During the comment period, TVA held 10 public meetings to discuss the Draft EIS and proposed site-specific closures with interested members of the public and to accept comments on it. TVA published notices of the public meetings in local and/or regional newspapers as well as provided information on TVA's Web site.

Additionally, TVA briefed customers, business leaders and local, state and federal officials on the EIS in one-on-one meetings, a webinar and conference calls. TVA created a five minute video that was shown at meetings and posted on the web.

TVA received approximately 70 comment submissions which included letters, emails, petition-style submissions, comment forms, and submissions through the project Web site. The comment submissions were signed by more than 650 individuals.

Approximately 583 individuals and groups submitted comments as part of organized campaigns. These comments were received as part of emails, form letters and submissions consisting of the text and a list of names and addresses of those who supported the comments. TVA provided responses to these comments.

Two organized commenting campaigns were submitted by:

- Sierra Club (411 individuals signed a form letter)
- Southern Alliance for Clean Energy (164 individuals signed a petition)

In addition, the Southern Environmental Law Center (SELC) and nine other environmental advocacy groups submitted an 89-page letter with hundreds of pages of attachments commenting on the Draft EIS. This letter was also carefully reviewed and responded to by TVA.

The most frequently mentioned topics included the public involvement process, the action purpose and need, range of closure alternatives, identification of the preferred alternative, need to comply with other federal and state requirements, need for full public disclosure, beneficial use of CCR and a range of environmental resource issues such as, potential impacts on groundwater, surface water, transportation, wildlife, floodplains, wetlands, air quality, socioeconomics and environmental justice, land use, safety and waste management.

TVA also provided information about the Draft EIS and its preliminary conclusions to a formal session of its Regional Energy Resource Council on

January 20–21, 2016. This council is chartered under the Federal Advisory Committee Act and provides advice to TVA on energy resource activities. Council members represent a diverse group of stakeholders, including TVA customers, state governments, environmental advocacy groups and educational institutions. After discussion of the Draft EIS and TVA's analyses, the only additional action that the Council recommended that TVA take was to conduct a robust monitoring program at its CCR facilities.

The NOA for the Final EIS was published in the **Federal Register** on June 10, 2016. Although not required, TVA solicited comments on the Final EIS during the mandatory 30-day waiting period after a final EIS is released.

Only 11 commenters responded. Most of the comments consisted of brief statements. Four commenters had concerns about impacts from CCRs. TVA responded to similar concerns from commenters on the draft EIS. One commenter simply informed us that it was permitted to construct a municipal solid waste landfill in Tennessee near a rail line that would be able to accept coal ash, but construction had not yet commenced. Another commenter endorsed Closure-in-Place. The Commonwealth of Kentucky and the U.S. Army Corps of Engineers observed that their approvals may be needed for some closure activities in the future. The Department of the Interior supports TVA's plans to transition to dry ash storage and concluded that TVA had responded to all of its comments in the final EIS.

The two remaining commenters were the SELC with a coalition of other environmental advocacy groups and the EPA. SELC's comments largely repeated its earlier comments. They continue to argue that TVA needs to conduct additional studies before making closure decisions. Notably, no other federal, state, or local agency or government criticized the FEIS or objected to the identification of Closure-in-Place as TVA's preferred approach to closing the 10 CCR facilities that are evaluated in part II of the FEIS. As discussed above, EPA rated the FEIS "LO" and concurred with TVA's identification of Closure-in-Place as its preferred alternative in the site-specific reviews in part II.

#### Mitigation Measures

The reduction of environmental impacts was an important goal in TVA's process for identifying CCR impoundment closure methods. Mitigation measures, actions taken to

reduce adverse impacts associated with proposed actions, include:

- Implementation of fugitive dust control systems;
- Erosion and sediment best management practices (BMPs) (e.g., silt fences and/or truck washes) to reduce the risk of impacts to surface waters from construction impacts;
- Other construction BMPs to minimize and restore areas disturbed during construction such as revegetation with native species;
- Implementation of supplemental groundwater mitigative measures that could include monitoring, assessment, or corrective action programs as required by the CCR Rule and state requirements.

Additional measures identified in Part II, the Site Specific NEPA review include:

- Evaluate the use of a temporary traffic signal to minimize traffic impacts during the transport of borrow material to the Bull Run Fossil Plant.

Dated: July 28, 2016.

**Robert M. Deacy, Sr.,**

*Senior Vice President, Generation Construction, Projects & Services, Tennessee Valley Authority.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Passenger Facility Charge (PFC) Program; Draft FAA Order 5500.1B

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces a request for comments on the draft FAA Order 5500.1B, Passenger Facility Charge. When finalized, this Order will replace Order 5500.1, Passenger Facility Charge, issued on August 9, 2001. This revised Order clarifies and updates statutory and regulatory requirements, including those affected by changes to the PFC statute from multiple FAA reauthorizations.

**DATES:** Comments must be received on or before September 30, 2016.

**ADDRESSES:** An electronic copy of draft FAA Order 5500.1B, and comment form, is available after August 4, 2016, through the Internet at the FAA Airports Web site at <http://www.faa.gov/airports/>. You may submit comments using the Draft PFC Order 5500.1B Comment Form available at the same

web address, using any of the following methods:

- *Email:* 9-faa-arp-pfc-order-55001b@faa.gov.

- *Facsimile:* (202) 267-5302.
- *Mail:* FAA Office of Airports, Office of Airport Planning and Programming, Financial Analysis and PFC Branch (APP-510), Room 619E, 800 Independence Avenue SW., Washington, DC 20591.

For more information on the notice and comment process, see the **SUPPLEMENTARY INFORMATION** section of this document. Privacy:

**FOR FURTHER INFORMATION CONTACT:** Joe Hebert, Manager, Financial Analysis and Passenger Facility Charge Branch, APP-510, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-8375; facsimile (202) 267-5302, email [joe.hebert@faa.gov](mailto:joe.hebert@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

You can get an electronic copy of this notice and the Draft PFC Order 5500.1B by visiting the FAA's Airports Web page at <http://www.faa.gov/airports/> after August 1, 2016.

##### **Background**

The Passenger Facility Charge Program (PFC) is an airport capital funding program, established by the Airport Safety and Capacity Expansion Act of 1990 as amended, 49 U.S.C. 40117 *et seq.* Order 5500.1, Passenger Facility Charge, issued August 9, 2001, provides instructions and sets forth policy and procedures used in the administration of PFC Program. The PFC Program allows the collection and use of fees up to \$4.50 per enplaned passenger at commercial airports controlled by public agencies.

The primary audience for this order is all FAA employees with Passenger Facility Charge (PFC) responsibilities. The secondary audience includes Public Agencies and Air Carriers involved with collecting, using, and reporting PFC revenues. This Order, once finalized, is intended to replace the above referenced 2001 PFC Order with updated information that reflects current legislation, regulation, and policy. The Office of Airports reorganized and revised this Order to clarify what is required by law and policy and to incorporate PFC Updates 35-02 (dated October 5, 2001) though 69-12 (dated September 14, 2012).

Since 2001, there have been substantial changes to the laws, regulation, and policies relating to PFCs.

To incorporate these changes and provide the most useful and current program guidance to agency employees, the Office of Airport Planning and Programming, Financial Assistance Division has drafted an updated version to revise the Order to maximize its clarity. This update is a fundamental rewrite of FAA Order 5500.1, the current version of the PFC Order. The update clarifies the different responsibilities of the FAA Office of Airports staff and those of public agencies applying to collect and use PFCs. The update also clarifies the responsibilities of air carriers collecting, handling, and remitting PFCs to public agencies. This updated version of the Order includes the requirements for all PFC funded projects and can be used as a ready-reference for project-specific requirements.

##### **Invitation for Public Comment**

While the FAA generally does not request public comment on internal orders, the agency is offering this opportunity for public comment in recognition of the interest of multiple stakeholders of the aviation industry in PFCs. The agency will consider all comments received by the closing date of the comment period in finalizing this Order. Comments received after that date may be considered if consideration will not delay agency action on the Order.

Comments should be submitted on the Draft PFC Order 5500.1B Comment Form, which is available for downloading at <http://www.faa.gov/airports/>. Comments that are not submitted on the Draft PFC Order 5500.1B Comment Form may be considered only if consideration will not delay agency action on the Order.

Issued in Washington, DC, on July 29, 2016.

**Elliott Black,**

*Director, Office of Airport Planning and Programming.*

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## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **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 8770, Certain Transfers of Stock or Securities by U.S. Persons to Foreign Corporations and Related Reporting Requirements; and TD 8662, Stock Transfer Rules.

**DATES:** Written comments should be received on or before October 4, 2016 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Title:* TD 8770, Certain Transfers of Stock or Securities by U.S. Persons to Foreign Corporations and Related Reporting Requirements; and TD 8862, Stock Transfer Rules.

*OMB Number:* 1545-1271.

*Regulation Project Number:* TD 8770 and TD 8662.

*Abstract:* A United States entity must generally file a gain recognition agreement with the IRS in order to defer gain on a Code section 367(a) transfer of stock to a foreign corporation, and must file a notice with the IRS if it realizes any income in a Code section 367(b) exchange. These regulations provide guidance and reporting requirements related to these transactions to ensure compliance with the respective Code sections.

*Current Actions:* There are no changes to these existing regulations.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 580.

*Estimated Time per Respondent:* 4 hours, 7 minutes.

*Estimated Total Annual Burden Hours:* 2,390.

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