

tactics would be dangerous or ineffective.

(g) Notwithstanding § 632.7(b), an LESD will not be used:

(1) When it is known that the subject has come into contact with flammable liquids or is in a flammable environment; or

(2) When the subject is in a position where falling may cause significant injury or death; or

(3) As a punitive measure to coerce an uncooperative subject; or

(4) To awaken an unconscious subject (e.g., due to intoxication).

(h) Notwithstanding § 632.7(b), an LESD should not be used in the following circumstances unless absolutely necessary:

(1) On a subject operating a motor vehicle; or

(2) On a subject gripping a firearm; or

(3) On women known or suspected to be pregnant; or

(4) On persons perceived to be 60 years of age or older, or disabled; or

(5) On persons perceived to be children 14 years of age or younger.

(i) *Post-employment responsibilities.*

(1) Law enforcement, correctional or security personnel must seek medical treatment or clearance from medical personnel prior to further law enforcement processing after employing an LESD on a non-compliant subject.

(2) If requested by the subject, law enforcement, correctional or security personnel must ensure that medical treatment is provided after an LESD has been employed, regardless of the subject's apparent medical condition.

(3) If an LESD probes are lodged in the soft tissue areas near the eye, throat, ear, groin, or genitals, law enforcement, correctional or security personnel will summon medical personnel to the scene, or will transport the subject to the nearest medical facility to have the probes removed by medical personnel.

(4) During processing, the apprehending law enforcement personnel will inform the detention personnel that they employed an LESD against the subject. Law enforcement personnel will not transfer a subject to a detention center after employment of an LESD if the probes have not been removed, or if the subject has not received, requested or required medical care.

#### **§ 632.8 Oleoresin capsicum (OC) spray.**

(a) The Army M39 Individual Riot Control Agent Dispenser (IRCAD) contains OC and is intended for law enforcement use in self-defense and for controlling rioters, prisoners, and/or non-compliant subjects. It is designed to provide a safe and effective way to

subdue a subject without causing permanent injury. The M39 IRCAD contains enough OC or "pepper spray" for 15 one-second bursts. It has an operational range of 10 to 30 feet. ST 19-LESM, task 191-376-5108 and task 191-389-0037, outlines performance measures to subdue a subject with OC spray while in performance of law enforcement duties. Soldier Training Publication (STP) 19-31E1-SM, task 191-31E-0042 and 191-31E-1369, outline performance measures for use of OC spray while in a correctional facility.

(b) *Medical considerations.* (1) Once the subject has been taken into custody, begin the decontamination process.

(2) During transport, reassure the subject and monitor them for medical distress, coherence, and respiration.

(3) Seek immediate medical assistance upon any sign of medical distress.

(4) Seek medical assistance if the direct effects of the OC spray does not dissipate within an hour.

#### **§ 632.9 Expandable or straight baton.**

(a) The baton is used for law enforcement self-defense and for keeping rioters and/or non-compliant subjects out of arms reach. The baton may be employed in situations where the use of a firearm is not authorized or necessary, and when law enforcement, correctional or security personnel reasonably believe that a lower level of force will be ineffective or jeopardize the safety of the law enforcement personnel.

(b) *Authorized use.* The baton may be used as a defensive impact instrument to block or strike an assailant. The subjects' actions and levels of resistance will determine how the baton is employed. STP 19-LESM, task 191-376-5210, outlines performance measures (e.g. appropriate and inappropriate strike areas) to subdue a subject with a straight baton while in performance of law enforcement duties. STP 19-31E-SM, task 191-376-4140, outlines performance measures when using a riot baton as a member of a riot control formation.

(c) *Location of use.* Consideration must be used when employing the baton on vital areas of the body such as the head, neck or spine. Baton blows to the head can cripple or kill. Batons will not be used to apply pressure to the head, neck or throat.

#### **§ 632.10 Jurisdiction and authority.**

(a) The DES, Correctional Facility Commander or PM for each installation, in coordination with the senior/garrison commander and the staff judge advocate (SJA), may place further limitations on the use of an LESD, OC, and/or baton

beyond what is provided in this part. The servicing SJA is critical in analyzing the particular installation's jurisdictional arrangement, and determining whether state law (for U.S. installations) or host nation law (for non-U.S. installations) impacts the use of LESD, OC and/or baton on the installation.

(b) After consultation with the servicing judge advocate or legal advisor, conduct the appropriate level of inquiry in accordance with AR 15-6 for all incidents involving law enforcement personnel's application of physical force in the line of duty. The completed inquiry will be filed as an enclosure within the Law Enforcement Report.

[FR Doc. 2015-31194 Filed 12-10-15; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA-R05-OAR-2015-0563; FRL-9939-79-Region 5]

### **Air Plan Approval; Minnesota; Transportation Conformity Procedures**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision submitted by the State of Minnesota on July 16, 2015. The purpose of this revision is to establish transportation conformity criteria and procedures related to interagency consultation, and enforceability of certain transportation related control and mitigation measures.

**DATES:** Comments must be received on or before January 11, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2015-0563, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email:* [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov).

3. *Fax:* (312) 692-2450.

4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only

accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6680, [leslie.michael@epa.gov](mailto:leslie.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Rules section of this **Federal Register**, EPA is approving Minnesota's state implementation plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: November 23, 2015.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2015-31063 Filed 12-10-15; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

**[EPA-R02-OAR-2015-0755, FRL-9940-00-Region 2]**

**Approval and Promulgation of State Plans for Designated Facilities; Commonwealth of Puerto Rico**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the State plan submitted by the Commonwealth of Puerto Rico to implement and enforce the Emission Guidelines (EG) for existing sewage sludge incineration (SSI) units. Puerto Rico's plan is consistent with the EG promulgated by the EPA on March 21, 2011. Puerto Rico's plan establishes emission limits and other requirements for the purpose of reducing toxic air emissions and other air pollutants from existing SSI units throughout the Commonwealth. At the request of Puerto Rico, the EPA is proposing not to take action on a provision of its SSI plan allowing for affirmative defenses of Clean Air Act violations in the case of malfunctions. Puerto Rico submitted its plan to fulfill the requirements of sections 111(d) and 129 of the Clean Air Act.

**DATES:** Written comments must be received on or before January 11, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R02-OAR-2015-0755 by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.
- Email: [Ruvo.Richard@epa.gov](mailto:Ruvo.Richard@epa.gov).
- Mail: EPA-R02-OAR-2015-0755, Richard Ruvo, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.
- *Hand Delivery:* Richard Ruvo, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:00 p.m. excluding federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R02-OAR-2015-0755. The EPA's policy is that all comments received will be included in

the public docket without change, and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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, will be publicly available only in hard copy form. Publicly available docket materials are available at [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866. The EPA requests, if at all possible, that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:00 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

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Environmental Protection Agency,  
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