

government vehicles for transporting employees between their domiciles and places of employment is prohibited except when authorized by the Secretary pursuant to 31 U.S.C. 1344 or other statute.

**§ 0.213 Government issued charge cards.**

(a) Employees shall not make improper purchases with government contractor-issued charge cards.

(b) Employees shall timely pay undisputed amounts owed on government contractor-issued travel charge cards.

**§ 0.214 Conduct while on government property.**

(a) Employees must adhere to the regulations that govern the conduct of individuals who are in the buildings or space occupied by, or on grounds of, particular government property.

(b) Employees shall not solicit, make collections, canvass for the sale of any article, or distribute literature or advertising on Department property without appropriate authorization.

**§ 0.215 Recording government business.**

An employee shall not electronically transmit, or create audio or video recordings of, conversations, meetings, or conferences in the workplace or while conducting business on behalf of the Department, except where doing so is part of the employee's official duties.

**§ 0.216 Influencing legislation or petitioning Congress.**

Except for the official handling, through the proper channels, of matters relating to legislation in which the Department has an interest, employees shall not use government time, money, or property to petition a Member of Congress to favor or oppose any legislation or proposed legislation, or to encourage others to do so.

**§ 0.217 Nondiscrimination.**

(a) Employees shall not discriminate against or harass any other employee, applicant for employment, contractor, or person dealing with the Department on official business on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, political affiliation, marital status, parental status, veterans status, or genetic information.

(b) Supervisors shall not retaliate against an employee for complaining about suspected unlawful discrimination or harassment, seeking accommodation for a disability, or otherwise exercising their right to be free from unlawful discrimination.

(c) An employee who engages in discriminatory or retaliatory conduct

may be disciplined under these regulations, as well as other applicable laws. However, this section does not create any enforceable legal rights in any person.

**§ 0.218 General conduct prejudicial to the government.**

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government.

Dated: February 12, 2016.

**Brodi Fontenot,**

*Assistant Secretary for Management.*

[FR Doc. 2016-03410 Filed 2-18-16; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R03-OAR-2015-0750; FRL-9942-58-Region 3]**

**Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Pollution Transport Requirements for the 2010 Nitrogen Dioxide Standards**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia (the District). This revision pertains to the infrastructure requirement of interstate transport pollution with respect to the 2010 nitrogen dioxide (NO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on March 21, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2015-0750. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (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 through [www.regulations.gov](http://www.regulations.gov)

or may be viewed during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

Copies of the State submittal are available at the District of Columbia Department of Energy and Environment, Air Quality Division, 1200 1st Street NE., 5th floor, Washington, DC 20002.

**FOR FURTHER INFORMATION CONTACT:** Emlyn Vélez-Rosa, (215) 814-2038, or by email at [velez-rosa.emlyn@epa.gov](mailto:velez-rosa.emlyn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Whenever new or revised NAAQS are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements and are specified in section 110(a)(2) of the CAA. Particularly, section 110(a)(2)(D)(i)(I) of the CAA requires state SIPs to address any emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in any downwind state. EPA sometimes refers to these requirements as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance), or conjointly as the "good neighbor" provision of the CAA.

On December 4, 2015 (80 FR 75845), EPA published a notice of proposed rulemaking (NPR) for the District. In the NPR, EPA proposed approval of a SIP revision by the District addressing section 110(a)(2)(D)(i)(I) with respect to the 2010 NO<sub>2</sub> NAAQS. The formal SIP revision was submitted by the District on June 6, 2014.

**II. Summary of SIP Revision**

The District submitted on June 6, 2014 a SIP revision to satisfy the infrastructure requirements of section 110(a)(2) of the CAA for the 2010 NO<sub>2</sub> NAAQS, including section 110(a)(2)(D)(i)(I) that pertains to interstate transport. This rulemaking action is addressing the portions of the District's June 6, 2014 infrastructure submittal for the 2010 NO<sub>2</sub> NAAQS that pertain to transport requirements.<sup>1</sup>

<sup>1</sup> EPA has previously taken rulemaking action on the June 6, 2014 SIP revision to address all other applicable infrastructure requirements for the 2010

The District's June 6, 2014 transport submittal concludes that the District does not have sources that can contribute to nonattainment in, or interfere with maintenance by, any other state with respect to the 2010 NO<sub>2</sub> NAAQS. A detailed summary of EPA's review and rationale for proposing approval of this SIP revision as meeting section 110(a)(2)(D)(i)(I) of the CAA for the 2010 NO<sub>2</sub> NAAQS may be found in the NPR and the Technical Support Document (TSD) for this rulemaking action and will not be restated here. Both the NPR and TSD are available online at [www.regulations.gov](http://www.regulations.gov), Docket number EPA-R03-OAR-2015-0750. No public adverse comments were received on the NPR.

### III. Final Action

EPA is approving the portions of the District's June 6, 2014 SIP revision submittal addressing interstate transport for the 2010 NO<sub>2</sub> NAAQS as a revision to the District SIP for purposes of meeting section 110(a)(2)(D)(i)(I) requirements with respect to this NAAQS.

### IV. Statutory and Executive Order Reviews

#### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

NO<sub>2</sub> NAAQS, with the exception of the transport elements in 110(a)(2)(D)(i)(I). See 80 FR 19538 (April 13, 2015).

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Publ. L. 104-4);

- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

#### B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

#### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 19, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, addressing the District's interstate transport requirements under the CAA for the 2010 NO<sub>2</sub> NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide.

Dated: February 4, 2016.

**Shawn M. Garvin,**

*Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart J—District of Columbia

- 2. In § 52.470, the table in paragraph (e) is amended by adding an entry for "Interstate Pollution Transport Requirements for the 2010 NO<sub>2</sub> NAAQS" to the end of the table to read as follows:

#### § 52.470 Identification of plan.

\* \* \* \* \*  
(e) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Interstate Pollution Transport Requirements for the 2010 NO <sub>2</sub> NAAQS.	Statewide .....	6/6/14	2/19/16 [Insert <b>Federal Register citation</b> ].	This action addresses the infrastructure element of CAA section 110(a)(2)(D)(i)(I), or the good neighbor provision, for the 2010 NO <sub>2</sub> NAAQS.

[FR Doc. 2016-03394 Filed 2-18-16; 8:45 am]  
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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket No. FWS-R8-ES-2013-0092; 4500030113]

RIN 1018-AY77

**Endangered and Threatened Wildlife and Plants; Reclassifying *Hesperocyparis abramsiana* (=Cupressus abramsiana) as Threatened**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine threatened species status under the Endangered Species Act of 1973 (Act), as amended, for *Hesperocyparis abramsiana* (=Cupressus abramsiana) (Santa Cruz cypress), a plant species found in Santa Cruz and San Mateo Counties in west-central California. We also finalize the correction to the scientific name of Santa Cruz cypress on the List of Endangered and Threatened Plants. The effect of this regulation will be to change the listing status of Santa Cruz cypress from an endangered species to a threatened species on the List of Endangered and Threatened Plants.

**DATES:** This rule becomes effective March 21, 2016.

**ADDRESSES:** This final rule is available on the internet at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2013-0092 and at <http://www.fws.gov/ventura/>. Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at <http://www.regulations.gov>. All of the comments, materials, and documentation that we considered in this rulemaking are available by

appointment, during normal business hours at: U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003; telephone 805-644-1766; facsimile 805-644-3958.

**FOR FURTHER INFORMATION CONTACT:** Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone 805-644-1766; facsimile 805-644-3958. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Previous Federal Action**

On September 3, 2013, we proposed to reclassify the Santa Cruz cypress from an endangered species to a threatened species (78 FR 54221) on the List of Endangered and Threatened Plants in part 17 of title 50 of the Code of Federal Regulations (CFR). Please refer to the proposed reclassification rule for the Santa Cruz cypress (78 FR 54221; September 3, 2013) for a detailed description of the previous Federal actions concerning this species. This final rule constitutes our final action regarding the petition to reclassify the Santa Cruz cypress from endangered to threatened (Pacific Legal Foundation 2011, pp. 1-11).

**Background**

For a detailed discussion of Santa Cruz cypress's description, taxonomy, life history, habitat, soils, distribution, abundance, age and size distribution, and role of fire in regeneration, please see the Santa Cruz Cypress *Hesperocyparis [Cupressus] abramsiana* Species Report (Service 2015, pp. 1-57) (Species Report), which is available for review under Docket No. FWS-R8-ES-2013-0092 at <http://www.regulations.gov>. Please refer to the proposed reclassification rule for the Santa Cruz cypress (78 FR 54221; September 3, 2013) (Service 2013b) for a summary of information about the species and the proposed change in taxonomy: In this final rule, we replace

the entry for *Cupressus abramsiana* from 50 CFR 17.12(h) with an entry for *Hesperocyparis abramsiana*.

**Summary of Biological Status and Factors Affecting the Species**

This section introduces and summarizes the biological status and factors affecting Santa Cruz cypress identified at each period of the species' review history. We have described the level of threats using a scale of low, moderate, and high (as discussed in Appendix 1 of the Species Report). A low-level threat indicates a threat that has the potential to occur at any time, although the possibility is unlikely that this threat will affect the species across its range or interrupt the species' persistence into the future. A moderate-level threat indicates a threat that is currently affecting the long-term persistence of the species in a particular population or across its range, but does not pose an imminent threat to the persistence of the species. A high-level threat indicates a well-documented, imminent threat to a large number of individuals that has the potential to disrupt the long-term persistence of the species in a particular population or across its range.

At the time of listing, the primary threats to Santa Cruz cypress were residential development, agricultural conversion, logging, oil and gas drilling, genetic introgression, and alteration of the natural frequency of fires that threatened to destroy portions of each population (52 FR 675; January 8, 1987). Other (secondary) threats in 1987 included vandalism, disease, and inadequate regulatory mechanisms (52 FR 675). Of the primary threats in 1987, residential development, agricultural conversion, and logging threatened individual Santa Cruz cypress trees and stands with imminent destruction. Other threats identified in the Recovery Plan for the Santa Cruz Cypress (Service 1998) also included oil and gas development, reproductive isolation, introgression, and competition from nonnative species.